



# City Council Regular Meeting

Monday, August 29, 2022

5:15 PM

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

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*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 ext. 1604 or e-mail [rbruce@dallasga.gov](mailto:rbruce@dallasga.gov) to allow the city to make reasonable accommodations for those persons.*

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## AGENDA

### CALL TO ORDER

### INVOCATION AND PLEDGE

### RECOGNITION OF VISITORS AND COMMENTS

Chris Clark, Recognition of 20 Years of Service.

### MINUTES APPROVAL

1. August 1, 2022, Regular Meeting Minutes

### CONSENT AGENDA

### OLD BUSINESS

2. Second Read: Amendment to Criminal Trespass Ordinance OA-2022-03.
3. Resolution 2022-13 Group Home Moratorium Extension.
4. Resolution 2022-14 Used Car & Scrap Tire Storage Moratorium Extension.
5. Resolution 2022-15 R3 Zoning Moratorium Extension.

### NEW BUSINESS

6. Consideration of the date change of the October 3, 2022, 4:00pm Work Session and 5:15pm Regular Meeting to October 10, 2022, same times.
7. First Read: ORD 2022-02 Begging and Soliciting Alms and Urban Camping Ordinance.
8. Consideration of the 2022-2023 Sewer Lift Stations – Generator Maintenance Agreement.
9. Request Council Approval to purchase of wastewater treatment screening equipment. Total purchase “Not to Exceed” \$250,000.00. This will be purchased with ARPA funding.

- [10.](#) Consideration of Dallas Markets Special Events Permit which includes Outside Consumption Request.

**ADDITIONAL/COMMENTS**

**ADJOURNMENT**



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5:15 PM

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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

### INVOCATION AND PLEDGE

Councilmember Cason led the Invocation and Pledge.

### RECOGNITION OF VISITORS AND COMMENTS

Mayor Kelly recognized the following:

Tina Clark – University of Georgia Carl Vinson Institute of Government Human Resources Manager Certification

Amber Whisner - 2022 William J. Green, Jr. Award for Water Conservation

Leah Alls- Georgia Municipal Association & Carl Vinson Institute of Government Certificate of Recognition through the Harold Holtz Municipal Training Institute.

### MINUTES APPROVAL

1. Motion to approve the Regular Meeting Minutes July 11, 2022.

Motion made by Councilmember Cason, Seconded by Councilmember Arnold.

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

2. Motion to approve the Special Called Meeting Minutes July 13, 2022 - 8 AM.

Motion made by Councilmember Henson, Seconded by Councilmember Arnold.

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

3. Motion to approve the Special Called Meeting Minutes July 13, 2022 - 5:30 PM.

Motion made by Councilmember Cochran, Seconded by Councilmember Cason.

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

4. Motion to approve the Special Called Meeting Minutes July 25, 2022.

Motion made by Councilmember Arnold, Seconded by Councilmember Aalls.

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

## CONSENT AGENDA

None

## OLD BUSINESS

None

## NEW BUSINESS

5. Motion to adopt the Proclamation 2022-04 Safe Digging/Dallas 811 Day.

Motion made by Councilmember Aalls, Seconded by Councilmember Carter.

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

6. Motion to approve appointment of the Dallas Housing Authority Commissioner Appointment for Shirley Smith.

Motion made by Councilmember Carter, Seconded by Councilmember Cason.

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

7. Motion to approve the land exchange on Orphan Brigade Dr and West Paulding Blvd. Council acknowledged per appraisals the land the city is receiving is of equal or excessive value from the land the city is exchanging.

Motion made by Councilmember Henson, Seconded by Councilmember Arnold.

Voting Yea: Councilmember Aalls, Councilmember Arnold, Councilmember Carter, Councilmember

Cason, Councilmember Henson, Councilmember Cochran

8. Motion to approve the 2023 Events Schedule.

Motion made by Councilmember Cason, Seconded by Councilmember Alls.

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

9. First Read- Ordinance Amendment – OA-2022-03 - Criminal Trespass

10. Motion to approve Battlefield Trail Phase II – Construction Material Testing Proposal (ECS Southeast, LLP) in the amount of \$50,245.00.

Motion made by Councilmember Cochran, Seconded by Councilmember Alls.

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

11. Motion to approve Evoqua Water Technologies – Filter Panel Replacement in the amount of \$144,335.25.

Motion made by Councilmember Cason, Seconded by Councilmember Cochran.

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

#### **ADDITIONAL/COMMENTS**

None

#### **ADJOURNMENT**

Motion to adjourn.

Motion made by Councilmember Alls, Seconded by Councilmember Henson.

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

**ORDINANCE AMENDMENT  
OA-2022-03**

**CHAPTER 24 – OFFENSES AND MUNICIPAL COURT**

**Article I. In General**

**Sec. 24-11 – Criminal Trespass**

**WHEREAS,** The Charter of the City of Dallas, Georgia does allow the Mayor and Council to adopt Ordinances to provide for Offenses and Municipal Court 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 Mayor and Council of the City of Dallas, Georgia have determined that it is in the best interest of the City's residences for their safety, health and welfare including disorderly conduct within the City of Dallas, Georgia, that Chapter 24 – Offenses and Municipal Court, Article I. In General, Sec. 24-11 – Criminal Trespass (c)(2) and (3) be amended.

**THEREFORE,** be it ordained by the Mayor and Council of the City of Dallas, Georgia that the Code of Ordinances of the City of Dallas, Georgia be amended as follows:

**Chapter 24 – Offenses and Municipal Court, Article I. In General, Sec. 24-11 Criminal Trespass (c)(2) and (3) shall be amended to read as follows:**

**Sec. 24-11**

**(c) A person commits the offense of criminal trespass when he knowingly and without authority:**

- (2) Enters upon the land or premises of another person or into any part of any vehicle, railroad car, aircraft, or watercraft of another person after receiving, prior to such entry, notice from the owner, rightful occupant, or upon proper identification an authorized representative of the owner or rightful occupant or law enforcement that such entry is forbidden; or
- (3) Remains upon the land or premises of another person or within the vehicle, railroad car, aircraft, or watercraft of another person after receiving notice from the owner, rightful occupant, or, upon proper identification, an authorized representative of the owner or rightful occupant or law enforcement to depart.

All other existing Sections of Chapter 24 – Offenses and Municipal Court shall remain in full force and effect as originally ordained and this Amendment is to change the wording only Sec. 24-11 (c)(2) and (3) which shall not effect Sec. 24-11 (c)(1) or any other Sections of this Chapter.

SO SHALL IT BE ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DALLAS, GOERGIA, THIS THE \_\_\_\_ DAY OF \_\_\_\_\_, 2022.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
COUNCILMEMBER

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COUNCILMEMBER

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COUNCILMEMBER

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COUNCILMEMBER

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COUNCILMEMBER

ATTEST:

\_\_\_\_\_  
CLERK

**RESOLUTION 2022-13**  
**A Resolution Creating a Moratorium on**  
**Applications for Group Homes in the City of Dallas, Georgia**

**WHEREAS,** The Mayor and Council of the City of Dallas, Georgia recognize the term “group/personal care home” has come to the commonly refer to group residential living environments for people with disabilities; mental or physical; AND

**WHEREAS,** The Mayor and City Counsel of the City of Dallas, Georgia recognize group/personal care homes can allow people with similar disabilities to live together in a residential setting with a family-like structure; which may prove beneficial for integrating into society as well as being economically necessary; AND

**WHEREAS,** The Mayor and Council of the City of Dallas, Georgia also recognize group/personal care homes can cause an impact on public safety and first response personnel, on property values and on the character of the surrounding community; AND

**WHEREAS,** the Mayor and City Council of the City of Dallas, Georgia realizes the need to create an Ordinance to define group/personal care homes and to establish an informational process supplemental to state licensing and regulatory procedures to inform the citizens of residential neighborhoods in the City of Dallas, Georgia when group/personal care homes are established and operated within their boundaries to better meet the common good, as well as safety, for the citizens of the Dallas, Georgia; AND

**WHEREAS,** it is in the best interest of the City of Dallas, Georgia to seek counsel and a study to creating an Ordinance for the licensing and/or permitting of group/personal care homes; AND

**WHEREAS,** the City of Dallas, Georgia is seeking information from the Georgia Municipal Association as to how other Cities are drafting Ordinances in order to comply with the application of the Federal Fair Housing Act and to avoid any discriminating policies or procedures contained in any such Ordinances; **NOW**

**THEREFORE,** be it resolved by the Mayor and City Council of the City of Dallas, Georgia, that the Federal Fair Housing Act requires reasonable accommodation to Group Homes for persons with disabilities on a case by case basis and that the Federal Fair Housing Act does not protect an individual whose tenancy would constitute a “direct threat” to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others unless the treat or risk to property can be eliminated or significantly reduced by reasonable accommodation. Further, the city is seeking to draft Ordinances concerning the permitted number for a family to be allowed to locate in single family zoned neighborhoods and to draft a neutral Ordinance which may also provide for exceptions or waivers. Further, the City is conducting an investigation concerning criminal activity, insurance fraud, medicaid fraud, neglect or abuse of residents, or other illegal conduct incurring at group homes including reporting, complaints to appropriate State or Federal Regulatory Agencies within the City of Dallas and/or in Paulding County, Georgia or other Counties within the State of Georgia. Further, the City of Dallas, Georgia recognizes that the Federal Fair Housing Act does not require a local government to adopt formal procedures for processing, request for reasonable accommodations as to local land use or zoning codes, however, the City of Dallas, Georgia is considering adopting such formal procedures after a reasonable study of such formal procedures as may be required by other Cities or Counties within the State of Georgia. Further, the City of Dallas, Georgia recognizes that the Federal Fair Housing Act does not prohibit a local government for enforcing its zoning code against a Group

Home that has violated the local zoning code so long as that Code is not discriminatory or enforced in discriminatory manner and that there may be instances where no reasonable accommodation has been requested pursuant to the Federal Fair Housing Act;

**THEREFORE**, the City of Dallas, Georgia is presently making a determination as to health, safety and building code violations which are required in order to draft a Group Homes Ordinance. This study is presently being done by the Building Officials, Police Department, City Marshal and Public Works Department to determine the necessary requirements for such health, safety and code requirements. It is necessary to extend this Moratorium due to the unavailability of certain City Officials and/or Staff necessary to discuss the requirements necessary for such Ordinance and this Moratorium needs to be extended to allow such.

**NOW**

**BE IT RESOLVED** that the Mayor and Council of the City of Dallas, Georgia establishes a Moratorium on applications for group/personal care homes to allow time for such a study and counsel until **November 7, 2022** unless sooner terminated by resolution of the Mayor and Council of the City of Dallas, Georgia; whereby no applications for group/personal care homes will be accepted for review by the City of Dallas, Georgia

**APPROVED, PASSED AND ADOPTED THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022. MAYOR AND COUNCIL OF THE CITY OF DALLAS, GEORGIA**

\_\_\_\_\_  
L. James Kelly, Mayor

\_\_\_\_\_  
James R. Henson, Councilmember

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Michael G. Cason, Councilmember

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Cooper Cochran, Councilmember

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Nancy R. Arnold, Councilmember

\_\_\_\_\_  
Christopher B. Carter, Councilmember

\_\_\_\_\_  
Leah Alls, Councilmember

**ATTEST:**

I, hereby certify that the forgoing resolution was regularly introduced, passed and adopted at a regular meeting of the City Council of the City of Dallas this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Tina Clark, City Clerk of the City of Dallas

\_\_\_\_\_  
Date

# RESOLUTION 2022-14

## **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, Processing, or Recycling Facilities, 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 retailer, businesses, and used/scrap tire storage, processing and recycling facilities; 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 retailer, and used/scrap tire storage, processing and recycling facilities; 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 retailer, and used/scrap tire storage, processing and recycling facilities in the city; and
- WHEREAS,** regulation and enforcement of those businesses operating as used car sales lots, tire retailer, and used/scrap tire storage, processing and recycling facilities, 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 retailer, and used/scrap tire storage, processing and recycling facilities, 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 retailer, and used/scrap tire storage, processing, and recycling facilities, 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,** There are issues concerning the current regulatory scheme pertaining to Used Car Sales Lots, Tire Retailers and used/scrap tire storage, processing and recycling facilities, which require electric officials, members of the Staff, the Police Department, the City Marshal and Public Works Department to discuss these issues prior to the enactment of any Ordinance who will not be available until the November 7, 2022 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 retailer, and used/scrap tire storage, processing or recycling facilities. 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 7, 2022** 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 \_\_\_\_\_, 2022. MAYOR AND COUNCIL OF THE CITY OF DALLAS, GEORGIA**

\_\_\_\_\_  
L. James Kelly, Mayor

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James R. Henson, Councilmember

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Michael G. Cason, Councilmember

\_\_\_\_\_  
Cooper Cochran, Councilmember

\_\_\_\_\_  
Nancy R. Arnold, Councilmember

\_\_\_\_\_  
Christopher B. Carter, Councilmember

\_\_\_\_\_  
Leah Alls, Councilmember

ATTEST:

I, hereby certify that the forgoing resolution was regularly introduced, passed and adopted at a regular meeting of the City Council of the City of Dallas this \_\_\_\_\_day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Tina Clark, City Clerk of the City of Dallas

\_\_\_\_\_  
Date

## RESOLUTION NO. 2022-15

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF DALLAS, GEORGIA ESTABLISHING A MORATORIUM OF NINETY (90) DAYS ON APPLICATIONS FOR AND ISSUANCE OF REZONING IN THE R-3 RESIDENTIAL DISTRICT, high-density CHAPTER 44 ZONING ARTICLE III. DISTRICT REGULATIONS Division 2. Residential District SEC. 44-140. R-3 RESIDENTIAL DISTRICT, high-density. AND IN THE R-3 SINGLE-FAMILY ATTACHED RESIDENTIAL DISTRICT high-density (fee simple title). CHAPTER 44 ZONING ARTICLE III. DISTRICT REGULATIONS DIVISION 2. RESIDENTIAL DISTRICT. SEC. 44-141. R-3 SINGLE FAMILY ATTACHED RESIDENTIAL DISTRICT high-density (fee simple title). IN THE CITY OF DALLAS, GEORGIA IN ORDER TO ALLOW FOR THE CONSIDERATION, REVIEW, AND ADOPTION OF REVISIONS TO SAID PROVISIONS OF THE ZONING ORDINANCES OF THE CITY OF DALLAS, GEORGIA**

**WHEREAS,** the Mayor and Council of the City of Dallas, Georgia are charged with preserving the health, safety and welfare of the citizens of the City of Dallas, Georgia; and

**WHEREAS,** the City of Dallas, Georgia has an adopted Zoning Ordinances that provide for, among others, obtaining re-zoning of land, including a change in conditions that constitute a zoning decision by the Mayor and Council of the City of Dallas, Georgia; and

**WHEREAS,** the City of Dallas, Georgia is currently undertaking the rewriting of provisions of the City of Dallas, Georgia Zoning Ordinances, including the rezoning of R-3 Residential Districts as defined in the Zoning Ordinances of the City of Dallas, Georgia which could potentially include different substantive and procedural provisions in such Zoning Ordinances of the City of Dallas, Georgia; and

**WHEREAS,** the Mayor and Council of the City of Dallas, Georgia, in order to provide for a future re-zoning, desire to review potential changes and revisions of the City of Dallas, Georgia Zoning Ordinances in accordance with the Future Land Use Map, Comprehensive Plan, and Character Map, prior to any modification, implementation and/or adoption as may be determined by the Mayor and Council of the City of Dallas, Georgia; and

**WHEREAS,** a reasonable amount of time is necessary in order to accomplish these aforesaid decisions and/or actions; and

**WHEREAS,** the City of Dallas, Georgia Mayor and Council find it necessary to place a moratorium on applications pertaining to R-3 Residential District, high-density Chapter 44 Zoning Article III. District Regulations Division 2. Residential District SEC. 44-140. R-3 Residential District, high-density. and in the R-3 Single-Family Attached Residential District high-density (fee simple title). CHAPTER 44 Zoning Article III. District Regulations Division 2. Residential District. SEC. 44-141. R-3 Singly Family Attached Residential District high-density (fee simple title). for any and all re-zoning within these Districts until the Mayor and Council can review and/or adopt any revisions of these Districts; and

**WHEREAS,** the Mayor and Council have previously passed a Moratorium concerning this matter by Resolution on August 30, 2021 and the Mayor and Council find that it will take additional time to review the Zoning Ordinances of the City of Dallas, Georgia to determine any modifications, implementations or adoptions which the Mayor and Council fee may be necessary concerning these Ordinances, the Future Land Use Map, Comprehensive Plan and Character Map; and

**WHEREAS,** the Mayor and Council find that an additional period of time is necessary to conduct a review of the above stated Zoning Districts and to determine whether any modification of the above stated Zoning Districts may be necessary and the Mayor and Council find that an additional time will require a Moratorium to be adopted by Resolution in order to provide this additional time; and

**WHEREAS,** The City of Dallas, Georgia has obtained outside Counsel to assist the City of Dallas, Georgia in drafting new Zoning Ordinances for the City of Dallas, Georgia and it will require additional time for the review and drafting of new Zoning Ordinances for the City of Dallas, Georgia; further, there are City Officials including the City Attorney and other Staff that will not be available to discuss and review these proposed new Zoning Ordinances for at least an additional ninety day period.

**NOW, THEREFORE, BE IT RESOLVED,** by the Mayor and City Council of the City of Dallas, Georgia hereby adopts Resolution 2022-15, to establish a moratorium of an additional time period which will allow the Mayor and City Council of the City of Dallas, Georgia reasonable time to review and to determine whether there is any necessity for amendment or modification to the Ordinances of the City of Dallas, Georgia R-3 Residential District, high-density Chapter 44 Zoning Article III. District Regulations Division 2. Residential District SEC. 44-140. R-3 Residential District, high-density. and in the R-3 Single-Family Attached Residential District high-density (fee simple title). CHAPTER 44 Zoning Article III. District Regulations Division 2. Residential District. SEC. 44-141. R-3 Singly Family Attached Residential District high-density (fee simple title).

During this period of this moratorium no applications for zoning, re-zoning or any other zoning decisions, withe above stated Zoning Districts of R-3 Residential shall be submitted or accepted by the City of Dallas and no such applications for zoning, rezoning or any other zoning decisions that have not been already filed at the time of the effective date of this Resolution adoption shall be considered, accepted, reviewed, discussed or adopted by the Mayor and Council of the City of Dallas, Georgia. The within moratorium shall begin upon the date of the adoption of this Resolution by the Mayor and City Council of the City of Dallas, Georgia and will be set until **November 7, 2022** unless sooner terminated by resolution of the Mayor and Council of the City of Dallas, Georgia.

**APPROVED, PASSED AND ADOPTED THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022. 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:

I, hereby certify that the forgoing resolution was regularly introduced, passed and adopted at a regular meeting of the City Council of the City of Dallas this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Tina Clark, City Clerk

\_\_\_\_\_  
Date

**ORDINANCE 2022-02****CITY OF DALLAS, GEORGIA  
CHAPTER 24, OFFENSES AND MUNICIPAL COURT  
ARTICLE I. IN GENERAL****SECTION 24-14 BEGGING AND SOLICITING ALMS BY ACCOSTING  
OR FORCING ONESELF UPON THE COMPANY OF ANOTHER AND  
SECTION 24-15 URBAN CAMPING AND IMPROPER USE OF PUBLIC PLACES**

**WHEREAS** The charter of the City of Dallas, Georgia does allow the Mayor and Council to adopt ordinances and/or to amend existing ordinances:

**AND**

**WHEREAS,** The Mayor and Council has the responsibility to provide for the public health, safety and welfare by the control and efficient adoption of Ordinances within the City of Dallas, Georgia which includes the responsibility to provide for a Ordinance concerning begging and soliciting, alms by accosting or forcing oneself on others in public places and urban camping and improper use of public places within the City of Dallas, Georgia;

**AND**

**WHEREAS,** The Mayor and Council of the City of Dallas, Georgia desire to adopt and enact the following to Chapter 24, Offenses and Municipal Court, Article I. In General Section 24-14 Begging and Soliciting Alms by Accosting or Forcing Oneself Upon the Company of Another and Section 24-15 Urban Camping and Improper Use of Public Places

**AND**

**NOW**

**THEREFORE,** BE IT ORDAINED by the Mayor and Council of the City of Dallas, Georgia that Chapter 24, Offenses and Municipal Court, Article I. In General, Section 24-14 Begging and Soliciting Alms by Accosting or Forcing Oneself Upon the Company of Another and Section 24-15 Urban Camping and Improper Use of Public Places as the Ordinances of the City of Dallas, Georgia is hereby is hereby adopted as follows:

**Sec. 24-14. Begging and soliciting alms by accosting or forcing oneself upon the company of another.**

- (a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Accosting* means approaching or speaking to someone in such a manner as would cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon his/her person, or upon property in his/her immediate possession.

*Ask, beg or solicit* means and includes, without limitation, the spoken, written or printed word or such other acts conducted in furtherance of the purpose of obtaining alms.

*Forcing oneself upon the company of another* means continuing to request, beg or solicit alms from a person after that person has made a negative response, blocking the passage of the individual addressed or otherwise engaging in conduct which could reasonably be construed as intended to compel or force a person to accede to demands.

- (b) *Exceptions.* Except when performed in the manner in subsections (d)(1) or (2) of this section, or in any of the locations set forth in subsections (c)(1)—(8) of this section, it shall not be unlawful to ask, beg, or solicit money or other things of value.
- (c) *Location.* It shall be unlawful for any person to solicit money or other things of value:
- (1) On private property if the owner, tenant, or lawful occupant has asked the person not to solicit on the property, or has posted a sign clearly indicating that solicitations are not welcome on the property;
  - (2) Within 15 feet of the entrance to or exit from any public toilet facility;
  - (3) Within 15 feet of an automatic teller machine, provided that when an automated teller machine is located within an automated teller machine facility, such distance shall be measured from the entrance or exit of the automated teller machine facility;
  - (4) Within 15 feet of any pay telephone, provided that when a pay telephone is located within a telephone booth or other facility, such distance shall be measured from the entrance or exit of the telephone booth or facility;
  - (5) In any public transportation vehicle, or in any bus station, or within 15 feet of any bus stop or taxi stand;
  - (6) From any operator of motor vehicle that is in traffic on a public street; provided however that this paragraph shall not apply to services rendered in connection with emergency repairs requested by the owner or passengers of such vehicle;
  - (7) From any person (s) who are waiting in line for entry to any building, public or private, including, but not limited to, any residence, business, or athletic facility; or
  - (8) Within 15 feet of the entrance or exit from a building, public or private, including, but not limited to, any residence, business, or athletic facility.
- (d) *Manner.* It shall be unlawful for any person to solicit money or other things of value:
- (1) By accosting another; or
  - (2) By forcing oneself upon the company of another.
- (e) *Persons who may press charges* under this Code section shall include not only the victim of the prohibited solicitation, but also any person who witness such conduct, including but not limited to police officers, and bystanders. Evidence to support conviction for violation of this Code section may include, but is not limited to testimony of such witness, videotape evidence of the violation, and/or other admissible evidence.

## Sec. 24-15. Urban camping and improper use of public places.

- (a) *Definitions.* The following words, terms and phrases, when used in this section 24-15, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

"*Bridge*" means a structure, including the approaches thereto, erected in order to afford passage over any obstruction in any public road, railroad, or other right-of-way; or to afford passage under or over existing public roads, railroads, or other rights-of-way. As used in this section the definition of "Bridge" shall include a controlled access highway overpass as defined herein.

"*Camp*" or "*camping*" means the use of a street, sidewalk, other right-of-way, and/or any area underneath a bridge, within the City of Dallas, Paulding County, Georgia for living accommodation purposes such as sleeping activities, or making preparations to sleep (including the laying down of bedding for the purpose of sleeping), or storing personal belongings, or making a fire, or carrying on cooking activities, or using a tent or other structure for habitation. These activities constitute camping if, in light of all the circumstances, it reasonably appears that in conducting one or more of these activities, the participant is in fact using the area as a living accommodation, regardless of the intent of the participant or the nature of any other activities in which s/he may also be engaging. For purposes of this section 24-15, the terms "camp" and "camping" do not include activity that occurs solely within city-owned parks.

"*City*" means the City of Dallas, Georgia.

"*Controlled access highway overpass*" means a crossing of two controlled access highways or of a controlled access highway and other public road, pedestrian path, railroad or public right-of-way at different levels where clearance to traffic on the lower level is obtained by elevating the higher level.

"*Interference* (or "*interfere*") with ingress and egress" means standing, sitting, lying down, using personal property, or performing any other activity on public property and/or in a park, where such activity: a) materially interferes with the ingress into and egress from buildings, driveways, streets, alleys, or any other real property that has a limited number of entrances/exits, regardless of whether the property is owned by the city, a private owner or another public entity; b) reasonably appears, in light of all of the circumstances, to have the purpose of blocking ingress and egress; and c) occurs without the express written permission of the owner of the property at issue. Where written permission has been granted, the individuals interfering with ingress and egress must have possession of the permission at the time of the activity in question.

"*Park*" or "*parks*" means any city-owned park.

"*Public property*" means any street, sidewalk, and/or other right-of-way, within the City of Dallas, Georgia.

"*Storing* (or "*store*") personal property" means leaving one's personal effects unattended on public property, in any area underneath a bridge, and/or in a park, such as but not limited to clothing, bedrolls, cookware, sleeping bags, luggage, knapsacks, or backpacks. This term does not include parking a bicycle or other mode of transportation.

- (b) It shall be unlawful for any person to camp.
- (c) It shall be unlawful for any person to store personal property.
- (d) It shall be unlawful for any person to interfere with ingress and egress.
- (e) No person may be arrested for violating this code section until s/he has received an oral or written warning from the City of Dallas Police Department to cease the prohibited conduct. If the violator fails to comply with the warning issued, s/he may be arrested for violation of this section.
- (f) Where personal property is stored in violation of subsection (c) above, the City of Dallas Police Department may deem the property to be abandoned and may confiscate it. No warning is required prior to the confiscation. The department shall retain the property in a manner consistent with the handling of other confiscated property.

- (g) The prohibitions set forth in subsections (b) and (c) above shall not apply during a permitted outdoor event (as may be defined in any of the City of Dallas, Georgia Code of Ordinances) on property where the outdoor event is located, as set forth in a city-issued outdoor event permit, unless the permit explicitly prohibits the activity.
- (h) The prohibitions set forth in subsections (c) and (d) above shall not apply to activity permitted pursuant to Any other Article of City of Dallas, Georgia Code of Ordinances.
- (i) The prohibitions set forth in this section 24-15 shall not apply to city, state, or county officials or employees acting in their official capacity, performing the activities as part of their official city duties.
- (j) The prohibitions set forth in this section 24-15 shall not apply to city, state, or county contractors or subcontractors where said activities are associated and performed in conjunction with the scope of work set forth in the city contract.

SO SHALL IT BE ADOPTED AND ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DALLAS, GEORGIA, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_. 20\_\_.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
COUNCILMEMBER

\_\_\_\_\_  
COUNCILMEMBER

\_\_\_\_\_  
COUNCILMEMBER

\_\_\_\_\_  
COUNCILMEMBER

\_\_\_\_\_  
COUNCILMEMBER

\_\_\_\_\_  
COUNCILMEMBER

ATTEST:

\_\_\_\_\_  
CITY CLERK



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## STAFF ACTION ITEM

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**MEETING DATE:**08/29/2022

**TITLE:** 2022-2023 Sewer Lift Stations – Generator Maintenance Agreement

**PRESENTED BY:** Brandon Rakestraw – Public Works Director

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**AGENDA ITEM DESCRIPTION (Agenda Content):**

2022-2023 Sewer Lift Stations – Generator Maintenance Agreement

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**HISTORY/PAST ACTION:**

N/A

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**FINANCIAL IMPACT:**

Not to exceed \$65,000.00

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**INFORMATION:**

Request Council Approval – Award Yancey Power System the 2022-2023 Generator Maintenance Agreement. Total contract award “Not to Exceed” \$65,000.00

This is annual renewal of yearly contract



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## STAFF ACTION ITEM

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**MEETING DATE:**08/29/2022

**TITLE:** Two (2) RotoSieve 24 Drum Screens with 1.5mm perforations  
Two (2) SCP-220 Shaftless Screw Compactors  
One (1) NEMA 4x Control Panel

**PRESENTED BY:** Brandon Rakestraw – Public Works Director

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**AGENDA ITEM DESCRIPTION (Agenda Content):**

Two (2) RotoSieve 24 Drum Screens with 1.5mm perforations

Two (2) SCP-220 Shaftless Screw Compactors

One (1) NEMA 4x Control Panel

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**HISTORY/PAST ACTION:**

N/A

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**FINANCIAL IMPACT:**

Not to exceed \$250,000.00

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**INFORMATION:**

Request Council Approval – Purchase above listed wastewater treatment screening equipment. Total purchase “Not to Exceed” \$250,000.00

This will be purchased with ARPA funding.



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## STAFF ACTION ITEM

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**MEETING DATE:** 08/29/2022

**TITLE:** Res- Dallas Markets Special Events- Outside Consumption Request

**PRESENTED BY:** Amber Whisner, Business Development

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**AGENDA ITEM DESCRIPTION (Agenda Content):**

Res- Dallas Markets Special Events- Outside Consumption Request

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**HISTORY/PAST ACTION:**

None

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**FINANCIAL IMPACT:**

None.

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**INFORMATION:**

See attached Special Event Permit form Andrew Rodriguez requesting approval of special event permit. For food truck Fridays that include Outdoor Consumption at 398 W. Memorial Dr.

## PRIVATE PROPERTY

Within City Limits  
Impeding City Resources

Item 10.



Special Events  
Permit Application

200 Main Street  
Dallas, Ga. 30132

Individuals or groups wishing to hold events within the city limits of the City of Dallas, Georgia, on public or private property must obtain a Special Event Permit from the City of Dallas. This application is for Private Property Events.

Special Event Permits are subject to the review of city departments and require approval of the Mayor and Council of the City of Dallas.

Complete & return to [awhisner@dallas-ga.gov](mailto:awhisner@dallas-ga.gov)

If more details are required and further review is needed, the city's Chief Marshal will contact you.

**Applications should be submitted at least 60 days prior to the proposed event.**

A *Special Event* is any activity that occurs upon public or private property that affects the ordinary use of parks, public streets, rights-of-way or sidewalks, or causes an increase of more than 100% in average daily trips on any public street within the City.

*Special Events* may include, but are not limited to, activities such as arts festivals, fairs, tours, concerts, holiday celebrations, grand opening celebrations, certain business promotional events out of doors, block parties, bicycle races, runs, processions and motorcades. Granting permission for use does not entitle exclusive use.

Activities that do not require a Special Event Permit may include funeral processions; garage or lawn sales (or any similar casual sale of tangible personal property); and private social gatherings of up to **20** participants that make no use of city streets other than for lawful parking.

A request for a Special Event Permit may be denied if judged that the event will disrupt traffic within the city beyond practical solution; the event will interfere with access to fire hydrants; the event will cause undue hardship to adjacent businesses or residents; the event will require the diversion of so many public employees that allowing the event would unreasonably deny service to the remainder of the city; the event might otherwise interfere with the public welfare, peace, safety, health, good order and convenience of the general public; the application contains incomplete or false information; the applicant fails to comply with all requirements of the City of Dallas including failure to remit all fees and deposits and Hold Harmless Agreement to the city.

### Special Events Permit Application Part I

Special Events Permit Application

Page 1 of 7

Revised  
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**Please initial acknowledgment in each item's box ☐.**

A.T.R. ☒ **Checks should be payable to The City of Dallas.**

A.T.R. ☒ **Rain Policy:** Events take place as scheduled; no allowances made for inclement weather.

A.T.R. ☒ **Fees: The application fee is non-refundable and should be included with the application.**

Fee Structure \*

Application Processing Fee (non-refundable): \$100.00\*\*

Per Police Staff: \$ 50.00 per hour (Minimum - 2 officers/4-hours)

*\*Fees may also be assessed for additional city services including, but not limited to, clean-up, maintenance, streets, Police and traffic control, electricity, etc.*

A.T.R. ☒ **Police Requirements:** Only certified off-duty police officers are allowed to work special events. Officers may be required depending on the size of event (the number required will be determined by the Dallas Police Department). If a police escort is needed, contact the Dallas Police Department at 770.443.8110 x 1003.

A.T.R. ☒ **Signs:** Permits are required for temporary signs or advertising devices. Approval may be obtained through the City's Community Development at 678.363.6175. No signs may be affixed to trees, buildings, street fixtures or in the street right-of-way. (Sec. 28-1 thru Sec. 28-23)

A.T.R. ☒ **Fireworks Permit:** For details on permitting, contact the Paulding County Probate at 770.443.7541 before you submit your application. (Fireworks are not permitted without county's prior approval.)

A.T.R. ☒ **Hours:** Special Event activities are prohibited after 10:00 pm and before 7:00am Sunday through Thursday. On Fridays and Saturdays, events must end by 11:00pm and may not resume before 8:00am unless otherwise approved by the Mayor and Council of the City of Dallas.

A.T.R. ☒ **Length of Use:** There is a maximum use of four (4) days for each event. (This time frame does not include set up and take down; there will be a seven (7) days maximum period for set up and take down.) A permit will not be issued to a subsequent group or individual for the purpose of continuing a previously permitted event or display.

A.T.R. ☒ **Alcohol:** Refer to code of City of Dallas, Georgia, Alcoholic Beverage Catering, Sec. 4-100 for permitting of alcoholic beverage catering/sales.

A.T.R. ☒ **Trash:** It is the event organizer's responsibility.

A.T.R. ☒ **Restroom Facilities:** The city may require event sponsors to provide temporary toilet facilities. In cooperation with the Americans with Disabilities Act, at least one portable toilet is to be handicap accessible. It is the event organizer's responsibility to make all arrangements (drop-off & pick-up) and pay any fees for temporary toilet facilities. The event organizer will need to coordinate the appropriate locations with Public Works Manager. Daily cleanup is required returning event location to its pre-event condition. If the applicant fails to clean up such refuse, cleanup will be arranged by the city and the costs charged to the applicant.

A.T.R. ☒ **Sound System:** Not provided. Any intended use of a sound system during the event needs to be addressed in writing. The City maintains a noise ordinance. (Sec. 24-1)

A.T.R. ☒ **Traffic & Parking:** Parking is permitted in designated areas. Absolutely no parking is allowed on brickwork or sidewalks. The Paulding County Fire Department requires that all entries, exits and fire lanes be maintained.

A.T.R. ☒ **First Aid and Medical:** The City recommends that you have emergency medical personnel on site for your event.

A.T.R. ☒ **Enforcement:** City of Dallas Police or Marshal Personnel may eject any citizen or event participant for violation of rules and regulations. Fines may be applicable.

A.T.R. ☒ **Performance Bond:** Event groups must take adequate measures to protect public and/or private property, wildlife and water from damage or injury. A Performance Bond in the amount of 150% of the total estimated cost of the special event to the city, may be required before the special event permit can be issued.

A.T.R.

✓ **Complete Application:** Applicants must provide a complete application. This includes, but is not limited to, a *Site Plan or Parade Route* which addresses:

- (a) the location of the event on the property, or the beginning/end of route;
- (b) features and attractions;
- (c) circulation;
- (d) proposed parking including how you will handle overflow parking;
- (e) any proposed road closures;
- (f) location of waste disposal facilities;
- (g) restrooms;
- (h) access for disabled.

**Please Continue to Part II**

# Special Event Permit Application Part II

## APPLICANT INFORMATION

FOR CITY USE ONLY:  
PERMIT APPROVED:

**Company / Organization** The Dallas Markets

**Street Address** 398 W MEMORIAL DRIVE

**City, State, Zip** DALLAS, GA 30132

The City requires an individual named as a 24-hour contact for the event and a 24-hour phone number for the individual.  
One Alternate Contact is also requested.

**Primary Contact** ANDREW RODRIGUEZ **Phone** 678-571-0247

**Address** 339 COACH BOBBY DODD RD **Email** ANDREWR@THEDALLASMARKETS.COM

**Alternate Contact** ANGELICA RODRIGUEZ **Phone** 954-305-0099

**Address** 339 COACH BOBBY DODD RD **Email** ANGELICA@THEDALLASMARKETS.COM

## Event Information

**Event Title** FRIDAY NIGHT MUSIC FEST

**Dates Requested: Start:** 2PM **Time** am/pm **End** 10PM **Time** am/pm

**Set-up date & time** \_\_\_\_\_ **Break-down date & time** \_\_\_\_\_

**Event Type:** ☐ Festival/Wedding ☒ Concert/Performance ☐ Exhibit/Special Attraction  
☐ Fundraiser ☐ Parade/Processional ☐ Bike/Walk/Run  
☐ Other: \_\_\_\_\_

**Does your property touch:** ☐ Downtown/Main Street ☐ Gazebo at Dallas Trailhead  
☐ Sara Babb Park ☐ McKoon Park ☐ Dogwoods at Coleman Camp Park  
☐ Other City Property: WEST MEMORIAL DRIVE  
☒ or City Streets: \_\_\_\_\_

**Mark All That Apply:** ☒ Alcohol ☒ Signage/Banners ☒ Amplified Sound/Music  
☒ Tents/ Canopies ☐ Carnival Rides ☐ Fireworks/lasers ☒ Portable Restrooms  
☒ Trash ☐ Road Closing ☐ Shuttles ☒ Generators/Electricity  
☒ Inflatables ☒ Vendors/Concessions ☐ Animals ☒ Parking/Shuttles

Special Events Permit Application

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**Event Description:** *Describe type of your event, purpose of your event, projected attendance (including approximate number of persons and vehicles attending):*

FRIDAY NIGHT FOOD TRUCKS, PORTABLE STAGE WITH LIGHTING, SOUND AND LIVE LOCAL ARTISTS. POSSIBILITY OF BOUNCE HOUSES ON SITE AND MINITURE PONY RESCUE

ESTIMATED MAX ATTENDANCE 500 at any given time

DATES: 9/9/22 9/16/2022 9/23/22 10/7/22 10/21/22  
11/4/22

11/18/22 12/2/22 12/16/22

**Will you require road(s) closure? If yes, describe:**

NO

**Please describe your plan for clean-up and removal of waste, recycling and garbage during and after the event:**

GARBAGE CANS LOCATED ON PROPERTY, GROUP CLEANUP AFTERWARDS

**How do you plan to publicize this event?**

FACEBOOK, TICKTOK

**Schedule of the day's events (*tentative is acceptable*):**

2PM SETUP, 6PM START OF ACTIVITIES, 10PM CLOSE

**Attach and include a clear and clean copy of the Site Plan or Travel Route.**

*Applicant should consider:*

- Assembly area   ● Sound Equipment   ● Lighting   ● Signage   ● Parking   ● Restrooms
- Tents/Canopies   ● Route to Travel   ● Vendor Area   ● Stage   ● Detour Plan   ● Water supply
- Communication Facilities   ● Generators/Electric Supply   ● Event Vehicles   ● Medical Treatment Facility
- Adjacent Streets   ● Trash Receptacles   ● Barricades/crowd control barriers   ● Disability Access
- Other Event Components

### Applicant's Affidavit


**I, applicant or authorized representative, have read and understand the contents of this application. The information contained herein and attached is complete and true, current and correct to the best of my knowledge.**

**I understand providing false information shall void the application and cancel the event.**

**I understand the permit may be cancelled by the Chief Marshal or Chief of Police for the City of Dallas, Georgia at any time with or without cause.**

**Organization/Group:** AAR VENTURES

**Applicant/Representative Name:** ANDREW RODRIGUEZ

**Signature:**  **Date:** 6/17/2022

### Release and Hold Harmless Agreement

In consideration for being granted a Special Event Permit from the City of Dallas, Georgia, I, applicant or authorized representative, hereby release and hold harmless the City of Dallas, Georgia itself and its' employees from any liabilities and claims arising during or after this event. I agree that I will never prosecute or in any way aid in the prosecuting of any demand, claim or suit against the City of Dallas, Georgia or its' agents, officers, volunteer staff, or any employee acting officially or otherwise, for any loss, damage, or injury to my person or property that may occur during or after this event held in the City of Dallas, Georgia.

My signature constitutes my agreement and the agreement of my organization (as listed below), including all participants from my organization present at this event. The person or persons signing this document hereby represent to the City of Dallas, Georgia that they have the specific authority on behalf of the organization to execute this Hold Harmless Agreement.

Organization/Group: AAR VENTURES

Individual Representative: ANDREW RODRIGUEZ

Signature:  Date: 6/17/2022

**Appointments for review of completed applications and any attachments may be scheduled with the Chief Marshal by phone or email at:**

**770.443.8110 x 1003**

**[mhester@dallas-ga.gov](mailto:mhester@dallas-ga.gov)**

**STOP**

#### FOR CITY USE ONLY

Initial after complete review (any comments/requirements/exclusions should be noted):

Marshal \_\_\_\_\_ Police \_\_\_\_\_ Theater \_\_\_\_\_ Public Works \_\_\_\_\_

Community Dev \_\_\_\_\_ Sanitation \_\_\_\_\_ Parks/Rec \_\_\_\_\_

Additional department review(s) needed: \_\_\_\_\_

Comments/Requirements/Exclusions/Changes: \_\_\_\_\_

Officers required (number): \_\_\_\_\_ at rate of \$ \_\_\_\_\_ per \_\_\_\_\_

Additional trash receptacles required (number): \_\_\_\_\_ at rate of \$25/each per day

Temporary toilets required (number): \_\_\_\_\_

Permits (sign or devices) required: \_\_\_\_\_

Alcoholic Beverage Catering License required: \_\_\_\_\_

Special Events Permit Application

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