



City Council Regular Meeting

Monday, February 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 ext. 1604 or e-mail rbruce@dallasga.gov to allow the city to make reasonable accommodations for those persons.

AGENDA

CALL TO ORDER

INVOCATION AND PLEDGE

RECOGNITION OF VISITORS AND COMMENTS

MINUTES APPROVAL

- [1.](#) January 9, 2023, Regular Meeting Minutes

CONSENT AGENDA

OLD BUSINESS

- [2.](#) Resolution 2023-02; 90 Day Moratorium on R3 Rezoning Applications.
- [3.](#) Resolution 2023-03; 90 Day Moratorium on Group/Personal Care Home Applications.

NEW BUSINESS

- [4.](#) Resolution 2023-04; 90 Day Moratorium for R2 zoning.
- [5.](#) Consideration for approval to enter into a one (1) year contract/agreement with Paulding County for the 2023 Paulding County-Wide Shoulder Maintenance Contract – City Limits; Mowing and Litter Pickup in the amount of \$9,401.00.
- [6.](#) Consideration for approval to award the Briarwood Water System Upgrade Project, and the Old Acworth Road / Veterans Drive Culvert Replacement Project – Easement / Right-of-Way Acquisition contract to Primacq Group in the amount of \$33,000.00.
- [7.](#) Consideration for approval to award Surface Master, Inc., the Ivy Terrace Drive Paving Project contract for a total amount of \$76,255.00.

ADDITIONAL/COMMENTS

ADJOURNMENT



City Council Regular Meeting

Monday, January 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 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

None

MINUTES APPROVAL

1. Motion to adopt the December 5, 2022, Regular Meeting Minutes.

Motion made by Councilmember Alls, Seconded by Councilmember Cochran.

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

2. Motion to adopt the minutes of the December 19, 2022, Special Called Meeting.

Motion made by Councilmember Cason, Seconded by Councilmember Henson.

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

CONSENT AGENDA

None

OLD BUSINESS

None

NEW BUSINESS

3. Motion to adopt Resolution 2023-01 Used Car Sales, Tire Retailer & Used Scrap Tire Storage.

Motion made by Councilmember Cason, Seconded by Councilmember Arnold.

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

4. Motion to approve the award for Unity Construction Company, Inc., Griffin Creek Sewer at S.R. 6 Business - Construction Contract in the amount of \$575,217.15.

Motion made by Councilmember Henson, Seconded by Councilmember Cochran.

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

5. Motion to appoint Jake Hammitt to the Dallas Housing Authority for a term to expire May 4, 2025, and Scott Halter for a term to expire May 4, 2024.

Motion made by Councilmember Alls, Seconded by Councilmember Carter.

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

6. Motion to appoint Alex Davis to the Main Street Advisory Board to fill a term that will expire 12/31/2024.

Motion made by Councilmember Henson, Seconded by Councilmember Arnold.

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

Voting Abstaining: Councilmember Alls

7. Motion to approve the award for Excellere Construction, LLC, the Battlefield Trail Phase II - Trail Connector Contract in the amount of \$508,350.00.

Motion made by Councilmember Cason, Seconded by Councilmember Henson.

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

8. Motion to approve the award for Keck and Wood Engineering the Downtown Water System Project – Phase I - Engineering and Design Contract in the amount of \$119,900.00.

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

Mayor, L. James Kelly

Date

City Clerk, Tina Clark

Date

RESOLUTION NO. 2023-02

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 a ninety (90) day period of time is reasonable to conduct 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

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of Dallas, Georgia hereby adopts Resolution 2022-22, to establish another moratorium to allow 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 additional 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 **May 01, 2023** unless sooner terminated by resolution of the Mayor and Council of 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:

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 _____, 2023.

Tina Clark, City Clerk

Date

RESOLUTION 2023-03
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 continuing to make determinations 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 **May 01, 2023** 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 _____, 2023. MAYOR AND COUNCIL OF THE CITY OF DALLAS, GEORGIA

L. James Kelly, Mayor

James R. Henson, Councilmember

Michael G. Cason, Councilmember

Cooper Cochran

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 _____, 2023.

Tina Clark, City Clerk of the City of Dallas

Date

RESOLUTION NO. 2023-04

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DALLAS, GEORGIA ESTABLISHING A MORATORIUM OF NINETY (90) DAYS ON CHAPTER 44 – ZONING, ARTICLE III. DISTRICT REGULATIONS, DIVISION 2. RESIDENTIAL DISTRICT, SEC. 44-139. R-2 RESIDENTIAL DISTRICT
IN THE CITY OF DALLAS, GEORGIA IN ORDER TO ALLOW FOR THE CONSIDERATION, REVIEW, AND ADOPTION OF REVISIONS TO SAID PROVISIONS OF THE ZONING ORDINANCE**

WHEREAS, the City of Dallas, Georgia is 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 Ordinance that provides process for, among others, obtaining re-zoning of land, including a change in conditions that constitutes a zoning decision of the Mayor and Council; and

WHEREAS, the City of Dallas, Georgia is currently undertaking the process of rewriting provisions of the Zoning Ordinance, including provisions for the rezoning of R-2 Residential which would potentially include different substantive and procedural provisions for acquisitions of the same; and

WHEREAS, the Mayor and Council, in order to provide for a future re-zoning, desire to review potential changes and revise same in accordance with the Future Land Use Map, Comprehensive Plan, and Character Map, prior to their implementation and adoption as anticipated; and

WHEREAS, a reasonable amount of time is necessary in order to accomplish the aforesaid actions; and

WHEREAS, the City of Dallas, Georgia Mayor and Council find it necessary to place a moratorium on applications pertaining to R-2 Residential for and issuance of re-zoning or annexations requesting re-zoning until the Mayor and Council can review and adopt the revised provisions; and

WHEREAS, the failure to allow for such review and orderly adoption would create confusion between the currently existing district and the proposed revised district depending on when such application is submitted into the process; and

WHEREAS, the Mayor and Council find that a ninety (90) day period of time to conduct review of said provisions and adoption of the necessary revisions is a reasonable period of time.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of Dallas, Georgia hereby adopts Resolution _____, to establish a moratorium of ninety (90) days which will allow time for proposed revisions to the City of Dallas, Georgia R-2 Zoning district. During the period of the within moratorium no applications for a re-zoning of R-2 Residential shall be submitted or accepted by the City of Dallas and no such applications for rezoning that were not already filed at the time of this Resolution's adoption shall be reviewed, discussed or adopted by the Mayor and Council. The within moratorium shall begin upon adoption of the Resolution by the Mayor and City Council of the City of Dallas, Georgia and shall end upon ninety (90) days' expiration therefrom, unless sooner terminated by resolution of the Mayor and Council.

**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:

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 _____, 2023

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

Date



STAFF ACTION ITEM

MEETING DATE: 02/06/2023

TITLE: 2023 Paulding - Countywide Shoulder Maintenance Contract – City Limits; Mowing and Litter Pickup

PRESENTED BY: Brandon Rakestraw – Public Works Director

AGENDA ITEM DESCRIPTION (Agenda Content):

2023 Paulding - Countywide Shoulder Maintenance Contract – City Limits; Mowing and Litter Pickup

HISTORY/PAST ACTION:

Re-new yearly contract

FINANCIAL IMPACT:

\$9,401.00

INFORMATION:

Request Council Approval – Enter into One (1) year contract/agreement with Paulding County.

2023 Paulding - Countywide Shoulder Maintenance Contract – City Limits; Mowing and Litter Pickup

2023 BID SCHEDULE OF ITEMS - SUMMARIZED PROJECT					
Line No.	Item Description	Approx. Quantity	Unit	Unit Cost	Amount
03 STATE DIVIDED HIGHWAYS - GRASS MEDIAN					

140	DALLAS CITY LIMITS - Mowing Complete				
	Cycle 1 - Mowing Complete	5.95	CLM	\$350.00	\$2,082.50
	Cycle 2 - Mowing Complete	5.95	CLM	\$350.00	\$2,082.50
	Cycle 3 - Mowing Complete	5.95	CLM	\$350.00	\$2,082.50
	Cycle 4 - Mowing Complete	5.95	CLM	#350.	\$2,082.50
	Subtotal Cycles 1-3	17.85	CLM	\$350.00	\$8,330.00
170	Off-Season Litter Pickup (per cycle)				
	Dallas City Limits - Cycle 1	5.95	CLM	\$60.00	\$357.00
	Dallas City Limits - Cycle 2	5.95	CLM	\$60.00	\$357.00
	Dallas City Limits - Cycle 3	5.95	CLM	\$60.00	\$357.00
	Subtotal Cycles 1-3	17.85	CLM	\$60.00	\$1,071.00
Total:					\$9,401.00



STAFF ACTION ITEM

MEETING DATE: 02/06/2023

TITLE: Briarwood Water System Upgrade Project & Old Acworth Road / Veterans Drive Culvert Replacement Project – Easement Acquisition

PRESENTED BY: Brandon Rakestraw – Public Works Director

AGENDA ITEM DESCRIPTION (Agenda Content):

Briarwood Water System Upgrade Project & Old Acworth Road / Veterans Drive Culvert Replacement Project – Easement Acquisition

HISTORY/PAST ACTION:

N/A

FINANCIAL IMPACT:

\$33,000.00

INFORMATION:

Request Council Approval – Award Primacq Group ; Briarwood Water System Upgrade Project & Old Acworth Road / Veterans Drive Culvert Replacement Project – Easement / Right of Way Acquisition Contract; Total contract amount: \$33,000.00



STAFF ACTION ITEM

MEETING DATE: 02/06/2023
TITLE: Ivy Terrace Drive – Paving Project
PRESENTED BY: Brandon Rakestraw – Public Works Director

AGENDA ITEM DESCRIPTION (Agenda Content):

Ivy Terrace Drive - Paving Project

HISTORY/PAST ACTION:

N/A

FINANCIAL IMPACT:

\$76,255.00

INFORMATION:

Request Council Approval – Award Surface Master, Inc.; Ivy Terrace Drive – Paving Project Contract;
Total contract amount: \$76,255.00