



City Council Special Called Meeting (Zoom)

Thursday, October 13, 2022

4:00 PM

**City of Dallas is inviting you to a scheduled Zoom meeting.
Join Zoom Meeting <https://us02web.zoom.us/j/7704438110>
Meeting ID: 770 443 8110**

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

NEW BUSINESS

1. Second Read: ORD 2022-02 Begging and Soliciting Alms
2. This Ordinance is being considered on an emergency basis due to possible conflicts as to the existing Sections of the Ordinances being amended and to allow the Mayor and Council due to the requirements of the Mayor and Council to approve the Sections as being considered for amendment and due to the requirements of the Mayor and Council necessary for the regulation of the sales, consumption and furnishing of alcoholic beverages.

Second Read: Ordinance Amendment OA-2022-04 Alcoholic Beverages

3. RES 2022-18 Special Event Permit - Dallas Markets
4. RES 2022-19 2022 Joint Comprehensive Plan

ADDITIONAL/COMMENTS

ADJOURNMENT

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

**ORDINANCE AMENDMENT
OA-2022-04**

CHAPTER 4 – ALCOHOLIC BEVERAGES

Article VII. Consumption on Premises of Alcoholic Beverages

Sec. 4-89 – Open area and patio sales

WHEREAS, The Charter of the City of Dallas, Georgia does allow the Mayor and Council to adopt Ordinances to provide for regulation of the sale of alcoholic beverages 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 which includes the Amendment to Ordinances for the sale of alcoholic beverages in the City of Dallas, Georgia, and that Chapter 4 – Alcoholic Beverages, Article VII. Consumption on Premises of Alcoholic Beverages, Sec. 4-89 – Open area and patio sales (b)(1) and (3) and 4-89(d) 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 4 – Alcoholic Beverages, Article VII. Consumption on Premises of Alcoholic Beverages, Sec. 4-89 Open area and patio sales (b)(1) and (3) and 4-89(d) shall be amended to read as follows:

Sec. 4-89

(b) The requirements for approval are:

(1) Unless pre-approved by the City of Dallas Council, through a Resolution as permitted by Chapter 4, Alcoholic Beverages, Article VII. Consumption on Premises of Alcoholic Beverages, Sec. 4-87. No outside consumption (e)(2), the patio/open area must be enclosed by some structure providing for public ingress/egress only through the main licensed premises. The

only exception to this would be a fire exist as required by building and fire codes. Such fire exist would not be for general public use unless an emergency exists and would be of the type which sounds an alarm so that the establishment would be alerted of unauthorized use if no emergency exists. The height of such structure shall be a minimum of three and one-half feet above the patio floor. The structure is not required to be solid nor does it have to restrict visibility into or out of the patio/open area. The patio/open area shall meet all setback requirements as set forth in the Unified Land Development Code.

(3) Unless pre-approved by the City of Dallas Council, through a Resolution as permitted by Chapter 4, Alcoholic Beverages, Article VII. Consumption on Premises of Alcoholic Beverages, Sec. 4-87. No outside consumption (e)(2), the patio/open area shall be used merely as an extension of the interior seating area. Service in the patio/open area shall be only by waiter or waitress or by customer self-service at an interior selling location; i.e. no outside bar or service window.

(d) Unless pre-approved by the City of Dallas Council, through a Resolution as permitted by Chapter 4, Alcoholic Beverages, Article VII. Consumption on Premises of Alcoholic Beverages, Sec. 4-87. No outside consumption (e)(2), patio/open area plans must be reviewed and approved on an individual basis by the City of Dallas, Georgia Marshal. Patio/open areas must be permitted and approved by the City of Dallas, Georgia's building inspection and fire departments as required by their governing regulations or codes.

All other existing Sections of Chapter 4 – Alcoholic Beverages shall remain in full force and effect as originally ordained and this Amendment is to change the wording only Sec. 4-89(b)(1) and (3) and Sec. 4-89(d) which shall not affect any other Sections of this Chapter.

This Ordinance is being passed on an emergency basis which is necessary due to possible conflicts in the provisions of the Sections as being amended above and to provide for the ability of the Mayor and Council to approve the requirements of the Sections as being amended above and due to the requirements of the Mayor and Council necessary for the regulation of the sales, consumption and furnishing of alcoholic beverages.

SO SHALL IT BE ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DALLAS, GEORGIA, THIS THE ____ DAY OF _____, 2022.

MAYOR

COUNCILMEMBER

COUNCILMEMBER

COUNCILMEMBER

COUNCILMEMBER

COUNCILMEMBER

COUNCILMEMBER

ATTEST:

CLERK

RESOLUTION 2022-18

A Resolution for Approval of Special Event Permit Application For AAR Ventures d/b/a The Dallas Markets

WHEREAS, the City of Dallas, Georgia allows for the approval by the Mayor and Council of outside consumption of alcoholic beverages pursuant to Ordinance Sec. 4-87 (c)(2) and Ordinance Sec. 4-89(d) which approval will be issued through Special Event Permits; and

WHEREAS, AAR Ventures d/b/a The Dallas Markets has applied for a Special Event Permit on June 17, 2022 which requires certain permits, inspections, approvals, and Resolutions for such Special Event Permits Applications when alcoholic beverages are to be consumed in outside areas; and

WHEREAS, The Mayor and Council of the City of Dallas, Georgia is agreeable to grant its approval under certain conditions of this Special Event Permits Application by AAR Ventures d/b/a The Dallas Markets provided that all approvals as required by Ordinance Sec. 4-89 and the Mayor and City Attorney approve any and all conditions contained on each permit for the issuance of these permits for five (5) events to take place on October 21, 2022, November 4, 2022, November 18, 2022, December 2, 2022 and December 16, 2022 only, which permits shall be issued separately for each separate event and shall be issued subject to the ability of the Chief Marshal or the Chief of Police for the City of Dallas, Georgia to cancel any such permits at any time with or without cause. Such permits will allow additional service for outside/patio/open area, sales, consumption and furnishing of alcoholic beverages to any customer within the designated barricaded areas since the applicant already has the ability by license to serve, furnish or allow consumption of alcoholic beverages within the buildings presently located on the property. Service, consumption, or purchase of alcoholic beverages can be sold, consumed, furnished and purchased within the barricaded areas hereinafter defined and within the existing buildings located on the premises.

WHEREAS. The City of Dallas, Georgia has approved prior events for AAR Ventures, d/b/a The Dallas Markets which were approved to have occurred on September 9, 2022, September 16, 2022, September 23, 2022 and October 7, 2022. The events have occurred and there was no objection as to how these events were conducted by the City. The City has no objection to amending and extending the ability of AAR Ventures d/b/a The Dallas Markets to conduct certain limited events under the conditions herein.

WHEREAS, The City of Dallas, Georgia, through its Mayor and Council is required to monitor, inspect, and approve certain applications for the consumption of alcoholic beverages and outside locations on premises of licensed establishments by resolutions; 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.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Council of the City of Dallas, Georgia hereby approve the issuance of five (5) separate

permits for October 21, 2022, November 4, 2022, November 18, 2022, December 2, 2022 and December 16, 2022 which each shall contain conditions established prior to the issuance of these permits by the Mayor and the City Attorney of the City of Dallas, Georgia for events to take place at 398 West Memorial Drive, Dallas, Paulding County, Georgia 30132 by AAR Ventures d/b/a The Dallas Markets. All alcoholic beverages must be obtained, consumed, sold and furnished within the barricaded areas outside the premises and within the present buildings located on the premises. The Chief Marshal or the Chief of Police of the City of Dallas, Georgia shall be able to cancel any permit so issued, at any time, with or without cause. All of such permits shall provide for the use of Police Officers of the City of Dallas, Georgia to monitor the compliance with these permits by one Officer per 100 people at all times. There shall be maximum of 500 attendees, any outside consumption shall be between the hours of 6:00 p.m. and 10:00 p.m. on these specific dates. There shall be aluminum signage Seven inches by Ten inches (7x10) in place notifying "No Alcohol Beyond this Point" at all points of entrance to outside consumption. The areas for outside consumption shall be in designated barricaded areas only. All alcoholic beverages must be consumed, sold, furnished and obtained from within the designated barricaded areas and within the buildings located on the premises. All alcoholic beverages may be consumed, furnished, sold or obtained within any of the buildings presently located on the premises and within the barricaded areas only.

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: _____
Tina Clark, City Clerk

RESOLUTION NO: 2022-19

A RESOLUTION OF THE CITY OF DALLAS, GEORGIA TO ADOPT THE 2022 UPDATE TO THE JOINT COMPREHENSIVE PLAN FOR PAULDING COUNTY

STATE OF GEORGIA

COUNTY OF PAULDING

Whereas, the Georgia Planning Act of 1989 requires local governments to develop and maintain a comprehensive plan to retain their Qualified Local Government status and eligibility for State permits, grants, and loans; and

Whereas, the **Paulding County, Georgia 2022 Joint Comprehensive Plan** is now complete; and

Whereas, such **Paulding County, Georgia 2022 Joint Comprehensive Plan** is approved by the Georgia Department of Community Affairs as meeting Georgia’s Minimum Planning Standards and Procedures (effective October 1, 2018); and

Whereas, the public hearing on the draft plan was held on Tuesday, July 26, 2022 at the Watson Government Complex, 240 Constitution Boulevard, Dallas, Georgia.

Now Therefore Be It Resolved, that the City of Dallas, Georgia hereby officially adopts the *Paulding County, Georgia 2022 Joint Comprehensive Plan*.

SO RESOLVED THIS _____ DAY OF _____, 2022.

VOTE ON RESOLUTION

	<u>Yes</u>	<u>No</u>	<u>Abstain/Absent</u>
Mayor, L. James Kelly	_____	_____	_____
Councilmember, Michael Cason	_____	_____	_____
Councilmember, Nancy Arnold	_____	_____	_____
Councilmember, James Henson	_____	_____	_____
Councilmember, Christopher Carter	_____	_____	_____
Councilmember, Leah Alls	_____	_____	_____
Councilmember, Cooper Cochran	_____	_____	_____

ATTEST:

Tina Clark, City Clerk