

THE CITY OF DALTON  
MAYOR AND COUNCIL MINUTES  
JANUARY 6, 2020

The Mayor and Council held a meeting this evening at 6:00 p.m. in the Council Chambers of City Hall. Present were Mayor Dennis Mock, Council members Denise Wood, Annalee Harlan, Tyree Goodlett and Gary Crews, City Administrator Jason Parker, City Attorney Gandhi Vaughn and several department heads.

PLEDGE OF ALLEGIANCE

Mayor Dennis Mock led the audience in the Pledge of Allegiance.

OATH OF OFFICE – DAVID PENNINGTON

City Attorney Gandhi Vaughn administered the Oath of Office to newly elected Mayor David Pennington. Mayor Pennington took his seat on the dais.

OATH OF OFFICE – DEREK WAUGH

City Attorney Gandhi Vaughn administered the Oath of Office to newly elected Ward One Council member Derek Waugh. Council member Waugh took his seat on the dais.

The 2020 Mayor and Council were seated.

Mayor Pennington thanked both former Mayor Dennis Mock and Council member Denise Wood for their service.

APPROVAL OF AGENDA

Mayor Pennington addressed the audience stating that item #4 has been removed for consideration from the agenda.

- (1) On the motion of Council member Harlan, second Council member Goodlett, Ordinance 20-02 was removed from the agenda. The vote was unanimous in favor.

Ordinance 20-02

The request of Anish Govan to rezone from Estate Residential (R-1) to General Commercial (C-2) a tract of land totaling 1.7 acres located at 108 Kinnier Court, Dalton.

- (2) On the motion of Council member Harlan, second Council member Crews, item #5 was tabled from the agenda.

Intergovernmental Agreement with Whitfield County for 2020 SPLOST

The vote was unanimous in favor.

APPROVAL OF AGENDA

The Mayor and Council reviewed the agenda, on the motion of Council member Harlan, second Council member Crews, the agenda was approved with the amendment to remove item #4 and item #5. The vote was unanimous in favor.

PUBLIC COMMENTARY

Several citizens spoke in opposition of the rezoning request of Anish Govan in Dickson Acres to rezone from Estate Residential (R-1) to General Commercial (C-2) a tract of land totaling 1.7 acres located at 108 Kinnier Court, Dalton.

Sanders ?

Mr. Sanders asked for an explanation stating if the rezoning request has been removed from the agenda, what happens next?

Mayor Pennington stated the applicant requested that the request be removed from the agenda at this time. Pennington also stated that the City is in the process of obtaining a Planning and Engineer firm to evaluate all of West Walnut and Market Street and to create a Comprehensive Plan for the entire area. Pennington further stated that it will benefit the City of Dalton and the entire community as a whole and will allow for a lot of opportunities in the future.

Inaudible comments – not on the microphone

City Attorney Gandhi Vaughn stated the land owner filed the application and can withdraw it

Carol Lumpkin requested the Mayor and Council draw a line to restrict any commercial property around Dixon acres.

Dan Little asked for a show of hands in opposition to the rezoning request from the audience present. Little stated let the record show there are no persons in the audience in favor of the request.

Mike Wilson asked does the requestor have to wait for 12 months?

Katherine Sellers stated to the Mayor and Council that another option for Dickson acres is that they are eligible to be designated as a Historic District

Jean O'Neal stated she is not in favor of rezoning and feels like there are having to defend their rights.

Craig Tidwell stated to the Mayor and Council “they have an opportunity to vote on the agenda today”.

Inaudible comments – not on the microphone

Council member Harlan asked is there a limit on how many times someone can submit a rezoning request?



City Attorney's summarized response

City Attorney Gandhi Vaughn answered several questions stating that the Mayor and Council agenda is a proposed agenda and is not official until it's voted on. Vaughn stated after the petitioner withdrew his application, the Council removed it from the agenda and cannot vote on it.

Vaughn also responded to the question can the petitioner refile, Vaughn stated yes the petitioner can refile because it was removed from the agenda and it was not approved or denied. And the each petitioner is afforded due process to refile. Vaughn stated the current Council can make a policy regarding the amount of time one could file a rezoning application but it would not bind future Councils.

Vaughn responded to the question is there a limit on how many times someone can submit a rezoning request, Vaughn stated the Council must review each rezoning application.

Brian Spence came before the Mayor and Council asking for clarification of the vote of his previous rezoning application that the Mayor and Council voted on with regard to Lance and Richardson Street. Council member Harlan stated that the motion died for a lack of a second. City Attorney Gandhi Vaughn stated that is decision is a denial of the request and could not apply for rezoning of this location for a period of 12 months.

*A copy of this audio is a part of these minutes.*

MINUTES

The Mayor and Council reviewed the Mayor and Council Work Session and Regular Meeting Minutes of December 16, 2019. On the motion of Council member Harlan, second Council member Crews, the minutes were approved. The vote was unanimous in favor.

ORDINANCE 20-01 – UNIFIED ZONING

The Mayor and Council reviewed Ordinance 20-01 regarding Unified Zoning this Ordinance Of The City Of Dalton will Repeal The "Unified Zoning Ordinance of Whitfield County, Georgia" As Adopted By The City On July 20, 2015, As Amended, In Its Entirety And To Substitute In lieu Thereof The "Unified Zoning Ordinance Of Whitfield County, Georgia" As Adopted By the County On April 23, 2019; To Provide An Effective Date; To Repeal All Ordinances Conflicting Therewith; To Provide For Severability; And For Other Purposes. WHEREAS, the Unified Zoning Ordinance of Whitfield County, Georgia. City Attorney Gandhi Vaughn stated that the ordinance is to update the Unified Zoning Ordinance and to adopt all changes made. On the motion of Council member Harlan, second Council member Goodlett, the ordinance was adopted. The vote was unanimous in favor.



INTERGOVERNMENTAL SERVICES CONTRACT WITH DOWNTOWN DALTON  
DEVELOPMENT AUTHORITY

The Mayor and Council reviewed the intergovernmental agreement between the City of Dalton and the Dalton Development Authority to better set out the parties' responsibilities and to better define the relationship of staff, management of programming, and financial obligations with respect to the City and the DDDA. On the motion of Council member Harlan, second Council member Goodlett, the Mayor and Council approved the Service Contract. The vote was unanimous in favor.

BANKING RESOLUTIONS

The Mayor and Council reviewed the following Resolutions:

Resolution 20-01 Bank of Ozarks

Resolution 20-02 First Bank of Dalton

Resolution 20-03 Office of Treasury & Fiscal Services

Resolution 20-04 FirstBank

Resolution 20-05 BB&T

Chief Operating Officer Cindy Jackson stated the Resolutions are to add newly elected Mayor David Pennington signature on the bank accounts. On the motion of Council member Crews, second Council member Harlan, the Mayor and Council approved the Resolutions. The vote was unanimous in favor.

RESOLUTION 20-06 REGARDING SUPPORT OF AMENDMENT TO GEORGIA  
REVENUE BOND LAW

The Mayor and Council reviewed Resolution 20-06 regarding support of an Amendment to Georgia Bond Law. Council member Gary Crews stated that this Resolution is in support of an amendment that will go before the Georgia House and Senate. Crews stated that if approved Dalton Utilities can then issue revenue bonds.

Council member Waugh asked CEO Tom Bundros for quick review.

Bundros stated City of Dalton/Dalton Utilities is the only municipality that requires a voter referendum to issue revenue bonds if the proceeds are to purchase or used to acquire electric generation, transmission or distribution assets. Bundros stated that if the State Legislation amend the Revenue Bond Law, Dalton Utilities' would then be allow to issue Revenue bonds without a referendum and it would have no encumbrance to tax payers or mortgaging of any property to reimburse the utilities. Bundros stated that if the bond law is changed, and the Mayor and Council approves this resolution, the Utilities would have to make a presentation to the WLSF commission, a presentation to the Mayor and Council and then a Superior court judge would have to validate it's a bonified debt issue.

#### BOARD APPOINTMENTS

On the motion of Council member Harlan, second Council member Crews, the Mayor and Council tabled the following appointments:

Expired Appointments  
Mayoral Appointments  
Miscellaneous Appointments

The vote was unanimous in favor.

#### TOURISM PRESENTATION – MARGARET THIGPEN

CVB Director Margaret Thigpen presented to the Mayor and Council the 2018 Historic High Country Domestic Travel statistics. A copy of this report is a part of these minutes.

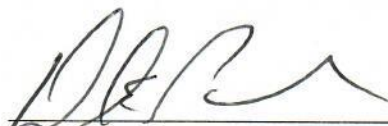
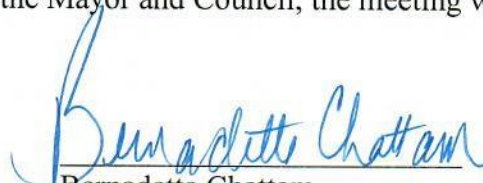
#### ANNOUNCEMENTS

City Government Offices will be closed Monday, January 20, 2020 in observance of the Martin Luther King, Jr. holiday. The next Mayor and Council Meeting will be held on Tuesday, January 21, 2020.

Mayor David Pennington invited the public to attend the Forced Mediation between the City of Dalton and Whitfield County at the Trade Center, January 7<sup>th</sup> at 9:30 a.m.

#### ADJOURNMENT

There being no further business to come before the Mayor and Council, the meeting was Adjourned at 6:39 p.m.

  
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David Pennington, Mayor  
\_\_\_\_\_  
Bernadette Chattam  
City Clerk

Recorded

Approved: 1-21-20

Posted: 1-22-20

\*Note\* There was no Work Session