

**MAYOR AND COUNCIL MEETING
MONDAY, JANUARY 04, 2021
6:00 PM
DALTON CITY HALL**

AGENDA

Call to Order

Pledge of Allegiance

Approval of Agenda

Public Commentary: *(Must Complete Public Commentary Card Prior to Speaking)*

Minutes:

- [1.](#) Mayor and Council Minutes of December 21, 2020
- [2.](#) Special Called Mayor and Council Minutes of December 28, 2020

New Business:

- [3.](#) Ratification of Rental Agreement with RNC for Dalton Airport
- [4.](#) Ordinance 20-21 The request of Eric Azua to annex .172 acres located at 1230 Frazier Drive, Dalton, Georgia as Medium Density Single Family Residential into the City of Dalton. Parcel (12-179-02-058)
- [5.](#) First Reading - Ordinance 20-22 To Amend Chapter 96 "Stormwater Management" of the Revised Code of Ordinances
- [6.](#) Appointments - Boards, Commissions, Authorities

Supplemental Business

Announcements:

7. City Offices will be closed Monday, January 18, 2021 in observance of the MLK, Jr. holiday. The next City Council Meeting will be held Tuesday, January 19, 2021.

Adjournment

THE CITY OF DALTON
MAYOR AND COUNCIL MINUTES
DECEMBER 21, 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 David Pennington, Council members Annalee Harlan, Derek Waugh, Tyree Goodlett, and Gary Crews, City Administrator Jason Parker and City Attorney Gandhi Vaughn.

PUBLIC HEARING - ANNEXATION

The Mayor and Council held an Annexation Public Hearing at 6:00 p.m. to provide public notice and hear public comments for or against for the following items:

- Ordinance 20-19 Request of POAL Partners, LLC and Mauer Dalton, LLC to annex 8.66 acres into the City of Dalton as Mixed Use. Located at 1001 Market Street. Parcel 12-261-14-000
- Ordinance 20-20 Request of Venture Partners of Dalton, LLC to annex .53 acres into the City of Dalton as Mixed Use. Parcel 12-261-33-000

City Administrator Jason Parker stated the Public Hearing is in lieu of the Planning Commission Meeting due to time constraints. Parker stated the annexations will change the jurisdictions for the properties from the unincorporated Whitfield County to the City of Dalton. Parker further stated that the current zoning will remain the same and there will be no impact to either County or City School systems since the zoning is commercial. Parker also stated that there is no adverse impact to surrounding properties, no adverse impact to city department services and the properties complies with the comprehensive and land use plan. Parker noted the Public Hearing was advertised more than 15 days prior to this meeting.

Mayor Pennington asked for comments on these Annexations. No public comments were made. On the motion of Council member Harlan, second Council member Waugh, the Public Hearing concluded at 6:09 p.m.

CALLED TO ORDER

The Mayor Called the Regular meeting of the Mayor and Council to order.

PLEDGE OF ALLEGIANCE

The audience was led in the Pledge of Allegiance.

APPROVAL OF AGENDA

On the motion of Council member Waugh, second Council member Goodlett, the Mayor and Council approved the December 21, 2020 agenda. The vote was unanimous in favor.

PUBLIC COMMENTARY

There were no public comments.

SPECIAL RECOGNITIONS

Margaret Thigpen, Director of Tourism presented the following:

Plaque Presentation Designating City of Dalton Heritage Point Park as the Independent Sports Association's 2020 Southern Region Complex of the Year

Ridge Hooks Memorial Foundation Donation to the City of Dalton Public Safety Scholarship Endowment Fund at Dalton State College

MINUTES

The Mayor and Council reviewed the Regular Meeting Minutes of December 7, 2020. On the motion of Council member Harlan, second Council member Goodlett, the minutes were approved. The vote was unanimous in favor.

SECOND READING - ORDINANCE 20-17 CITY OF DALTON PENSION PLAN TO PROVIDE CLARIFICATION

Human Resources Director Greg Batts presented the Second Reading of Ordinance 20-17, an Ordinance Of The City Of Dalton To Approve The Recommendation Of The City Pension Board For The Amendment Of The City Of Dalton Pension Plan; To Amend The City Of Dalton Pension Plan To Provide Clarification Of Death Benefits, Survivor Benefits, And Benefits Of Terminated Participants; To Provide For The Payment To The Estate Of A Deceased Beneficiary; To Provide For Continuing Education Of Members Of The Pension Board; To Provide An Effective Date; And For Other Purposes. On the motion of Council member Waugh, second Council member Harlan, the Mayor and Council adopted the Ordinance. The vote was unanimous in favor.

ORDINANCE 20-19 REQUEST OF POAL PARTNERS, LLC AND MAUER DALTON, LLC ANNEXATION

City Administrator Jason Parker presented Ordinance 20-19 Request of POAL Partners, LLC and Mauer Dalton, LLC to annex 8.66 acres into the City of Dalton as Mixed Use, located at 1001 Market Street. *Parcel 12-261-14-000*. On the motion of Council member Crews, second Council member Harlan, the Annexation was approved. The vote was unanimous in favor. Note: This annexation was discussed at the 6:00 p.m. Public Hearing held.

ORDINANCE 20-20 REQUEST OF VENTURE PARTNERS OF DALTON, LLC ANNEXATION

City Administrator Jason Parker presented Ordinance 20-20 Request of Venture Partners of Dalton, LLC to annex .53 acres into the City of Dalton as Mixed Use. *Parcel 12-261-33-000*. On the motion of Council member Harlan, second Council member Goodlett, the Annexation was approved. Note: This annexation was discussed at the 6:00 p.m. Public Hearing held.

RESOLUTION 20-31 AUTHORIZING THE CREATION OF TAD 4 – NORTH BYPASS (HAMMOND CREEK)

City Administrator Jason Parker presented Resolution 20-31 authorizing the Creation of TAD 4 – North Bypass (Hammond Creek). Parker stated the length of the TAD is for 30 years and there is no tax pledge from the City. Parker additionally stated the estimated Tax Allocation Increment Base is approximately \$3,665,180.00. On the motion of Council member Waugh, second Council member Goodlett, the Resolution was approved. The terms of the tax allocation district will become effective December 31, 2020. The vote was unanimous in favor.

RESOLUTION 20-32 AUTHORIZING THE CREATION OF TAD 5 – (WEST WALNUT AVENUE)

City Administrator Jason Parker presented Resolution 20-32 authorizing the Creation of TAD 5 (West Walnut Avenue). Parker stated the length of the TAD is for 30 years and there is no tax pledge from the City. Parker additionally stated the estimated Tax Allocation Increment Base is approximately \$87,127,874.00. On the motion of Council member Crews, second Council member Goodlett, the Resolution was approved. The terms of the tax allocation district will become effective December 31, 2020. The vote was unanimous in favor.

RESOLUTION 20-33 AUTHORIZING TEMPORARY CONSTRUCTION EASEMENT WITH BARBARA BARNWELL

Public Works Director Andrew Parker presented Resolution 20-33 authorizing a temporary construction easement with Barbara Barnwell. A. Parker stated the resolution authorizes a construction easement that would allow the Public Works Department to address some longstanding erosion issues on the mountainous track owned by Mrs. Barnwell adjacent to Shugart Road. On the motion of Council member Goodlett, second Council member Harlan, the Resolution was adopted. The vote was unanimous in favor.

RESOLUTION 20-34 AUTHORIZING STORMWATER EASEMENT WITH JERSON ESCOBAR AND MISTY ESCOBAR LOCATED AT WINTON DRIVE

Public Works Director Andrew Parker presented Resolution 20-34 authorizing the execution of a storm water easement with subject property owners to facilitate construction of the Covie Ridge regional detention pond project. On the motion of Council member Crews, second Council member Harlan, the Resolution was adopted. The vote was unanimous in favor.

RESOLUTION 20-35 AUTHORIZING STORMWATER EASEMENT WITH HAMILTON MEDICAL CENTER, INC. LOCATED AT WINTON DRIVE

Public Works Director Andrew Parker presented Resolution 20-35 authorizing execution of a storm water easement with the subject property owner to facilitate construction of the Covie Ridge regional detention pond project. A. Parker stated the project will involve construction of an outlet drainage system on the subject property to connect to the existing drainage infrastructure on Winton Drive. On the motion of Council member Crews, second Council member Goodlett, the Resolution was adopted. The vote was unanimous in favor.

PROFESSIONAL SERVICES AGREEMENT WITH LEWIS & ASSOCIATES FOR SURVEY OF HERITAGE POINT MULTI-USE FIELD EXPANSION AREA

Public Works Director Andrew Parker presented the Professional Services Agreement with Lewis & Associates for survey of Heritage Point multi-use field expansion area. A. Parker stated the survey will provide a detailed topographical survey that will facilitate the design of two (2) multipurpose fields to be constructed east of Park Creek Elementary. A. Parker stated the cost is \$10,240.00 to be paid for with 2020 SPLOST. On the motion of Council member Waugh, second Council member Harlan, the Agreement was approved. The vote was unanimous in favor.

2021 MAYORAL & MISCELLANEOUS APPOINTMENTS

The Mayor and Council reviewed the 2021 Mayoral & Miscellaneous Appointments. A copy of these appointments are a part of these minutes.

PUBLIC HEARING - 2021 PROPOSED BUDGETS

The Mayor and Council held a hearing on the FY2021 City of Dalton Budget at 6:21 p.m.

CFO Cindy Jackson presented the FY 2021 City of Dalton Budget for the General Fund, Debt Service Fund, Capital Projects Fund, and Special Revenue Funds.

Mayor Pennington asked for comments on the budget. No public comments were made. The Public Hearing concluded at 6:28 p.m.

ANNOUNCEMENTS

City of Dalton offices will be closed December 24-25, 2020 in observance of the Christmas holidays.

The Mayor and Council will hold a Special Called Meeting on Monday, December 28, 2020 at 6PM to adopt the 2021 General Operating Budget.

ADJOURNMENT

There being no further business to come before the Mayor and Council, the meeting was Adjourned at 6:29 p.m.

Bernadette Chattam
City Clerk

David Pennington, Mayor

Recorded
Approved: _____
Posted: _____

THE CITY OF DALTON
MAYOR AND COUNCIL MINUTES
DECEMBER 28, 2020

The Mayor and Council held a Special Called meeting this evening at 6:00 p.m. in the Council Chambers of City Hall. Present were Mayor David Pennington, Council members Annalee Harlan, Derek Waugh, and Gary Crews, City Administrator Jason Parker and City Attorney Gandhi Vaughn. Council member Tyree Goodlett was absent.

PLEDGE OF ALLEGIANCE

The audience was led in the Pledge of Allegiance.

APPROVAL OF AGENDA

On the motion of Council member Crews, second Council member Harlan, the Mayor and Council approved the December 28, 2020 agenda. The vote was unanimous in favor.

PUBLIC COMMENTARY

There were no public comments.

FY-2020 BUDGET AMENDMENT #7

The Mayor and Council reviewed FY-2020 Budget Amendment #7. CFO Cindy Jackson outlined the amendment regarding establishing the 2020 SPLOST multi-year fund as per the SPLOST Resolution in the amount of \$19,099,000. On the motion of Council member Harlan, second Council member Crews, budget amendment #7 was approved. The vote was unanimous in favor.

FY2021 CITY OF DALTON BUDGET

CFO Cindy Jackson presented the FY2021 budgets for General Fund, Debt Service Fund, Capital Projects Fund and Special Revenue Funds. On the motion of Council member Harlan, second Council member Crews, the FY2021 Budget was approved. The vote was unanimous in favor. A complete copy of these budgets are a part of these minutes.

ADJOURNMENT

There being no further business to come before the Mayor and Council, the meeting was Adjourned at 6:06 p.m.

Bernadette Chattam
City Clerk

David Pennington, Mayor

Recorded
Approved: _____
Posted: _____



CITY COUNCIL AGENDA REQUEST

Meeting Type: Mayor & Council Meeting

Meeting Date: 1-4-21

Agenda Item: Ratification of Rental Agreement with RNC for Dalton Airport

Department: Airport

Requested By: Andrew Wiersma

Reviewed/Approved by City Attorney? Yes

Cost: NA

Funding Source if Not in Budget NA

Please Provide A Summary of Your Request, Including Background Information to Explain the Request:

Rental Agreement between City of Dalton and Republican National Committee for use of hangar. City will be paid \$7500 (3 days 2 \$2500; January 2-4, 2020)

VENUE RENTAL AGREEMENT

This Venue Use Agreement (“Agreement”) is made by and between The City of Dalton (“Owner”) and the Republican National Committee (“RNC”) and execute as of the date signed by both parties.

WHEREAS, Owner is willing to rent to RNC and RNC desires to rent from Owner, the Owner’s facilities and grounds, as approved by Owner, located at 4483 Airport Road, Dalton, GA 30721 (“Premises”) for the purpose of RNC holding a campaign event (“Event”), on the terms and conditions set forth herein.

The Agreement is made subject to the following terms and conditions:

RENTAL

Owner shall make Premises exclusively available to RNC from 9:00 AM on January 2, 2021, to 10:00 PM on January 4, 2021 (“Rental Period”). RNC shall have access to and use of Premises during Rental Period. During Rental Period, Premises shall be used for set-up and build-out, press load-in, security sweep, guest “doors open” time, Event, and break-down. Owner recognizes that Event will be held on January 4, 2021, during which press, invitees and other members of the public will attend Event in Premises. RNC’s production team is responsible for setting up non-pre-existing staging, lighting, seating, tables, etc. as needed for Event at RNC’s expense.

RENT

RNC agrees to pay Owner the sum of Seven Thousand Five Hundred Dollars (**\$7,500**) (“Rental Fee”) to rent Premises for the Rental Period. *Owner represents that such sum constitutes fair market value* of the use of exclusive space and shall include access to the basic utilities of the Premises, costs associated with moving incidentals within the Premises to prepare areas for the Event, and all costs associated with operating the Premises during the Rental Period. The Rental Fee shall be paid by RNC to Owner, due on or before Dec 31, 2021. The facility and grounds must be returned to the condition as it was prior to the rental period to include clean up and removal of all outside equipment (porta-potties, seating, vehicles, and other equipment.) There will be a daily charge of \$2500 after January 4 for any equipment remaining on the premises.

INSURANCE

RNC agrees to keep in full force and effect a comprehensive general liability insurance policy, including public liability and property damage, covering its activities hereunder, in an amount not less than One Million Dollars (\$1,000,000.00). RNC shall provide a certificate of insurance evidencing such coverage to Owner prior to rental period and add Owner as additional insureds on such certificate, each upon request from Owner.

LIABILITY

RNC assumes all risk and liability for personal injury, bodily injury, and property damage incurred as a direct or indirect result of the negligence of RNC, its employees and agents. Owner assumes all risk and liability for personal injury, bodily injury, including but not limited to sickness or injury related to the consumption of food provided by Owner, and property damage incurred as a direct or indirect result of the negligence of Owner, Owner’s employees and agents.

EVENT SECURITY

Owner acknowledges and agrees that the Event may feature the President of the United States, Vice President of the United States and/or others under the protection of U.S. Secret Service, and that Secret Service may operate in connection with the Event and have sole and direct responsibility for independently coordinating any law enforcement services necessary for the Event. Owner further recognizes that Secret Service is a federal government law enforcement agency and RNC, a private campaign committee, has no affiliation with or control over Secret Service's actions in connection with the Event. As such, no law enforcement or related costs in connection with the Event will be the responsibility of RNC or Owner, and no such costs will be coordinated or incurred by Owner, charged through Owner to RNC, or otherwise be reimbursable expenses in connection with this Agreement. Notwithstanding the foregoing, RNC may, as necessary, separately provide private security contractors at RNC's own expense to operate in conjunction with the Event. Owner agrees to cooperate with the Secret Service and RNC's private security contractors, as the case may be. During the Event, access credentials will be issued only by the RNC at RNC's sole discretion.

MERCHANDISE

RNC shall have the right to sell novelties and souvenirs related to the Event in the Premises.

CONFIDENTIALITY/NON-DISCLOSURE

Owner understands that Owner may come into the possession of confidential information that pertains to RNC's business, including but not limited to, records, papers, reports, descriptive and pictorial material, printed or written technical information, drawings, reproductions, samples, models, lists, strategies and procedures. Owner acknowledges that any and all of the foregoing, along with any and all other information provided to, generated by, or otherwise becoming known to Owner in connection with or incident to this Contract, is privileged and confidential information in any form, and Owner further agrees not to retain, duplicate, distribute, or otherwise use any such information, in any manner, or for any purpose. Owner agrees that confidential information will not be willfully or negligently divulged or made accessible to any third party. Confidential information as described above is the exclusive property of RNC and will be immediately returned to RNC upon RNC's request or upon termination of this Contract or at the conclusion of the Rental Period.

RNC and Owner agree not to disclose the negotiations, terms, or existence of the Agreement to any third-party, through any medium, until such time as RNC has formally announced the scheduling of the Event on RNC's website, <https://gop.com/> or <https://trumpvictory.com.>, except as may be required by the Georgia Open Records Act.

ASSIGNMENT

This Agreement may be assigned by the RNC, at its sole and absolute discretion, at any time after the execution hereof. The RNC shall give written notice to the Owner of any such assignment of the Agreement as contemplated herein. Owner shall not assign this Agreement, nor any of Owner's rights or obligations hereunder, to any third party without the prior written consent of the RNC (which consent may be granted or withheld in the sole discretion of the RNC).

CANCELLATION/ATTRITION

In the event of cancellation or attrition by RNC, Owner agrees to undertake reasonable sales efforts to resell the cancelled function space. If Owner resells all or part of the cancelled function space, the amount owed by RNC pursuant to this Paragraph shall be reduced in an amount equal to the revenue received by Owner from such resale, including revenues from the sale of food and beverages.

Notwithstanding the foregoing, Owner acknowledges that the Event may involve the President of the United States of America, and that RNC therefore may be forced to cancel or postpone the Event at any time, upon prompt notice to Owner, due to obligations in relation to a pending or occurred national emergency or other crisis (including natural disasters) beyond the control of RNC. In such case, RNC's cancellation will not be deemed a breach of this Agreement, and no obligation, performance, or payment contemplated under this agreement, will be owed by either party and any payments shall be reimbursed to RNC. RNC, however, shall reimburse Owner for any costs incurred by Owner in connection with the Event as of the cancellation date.

FAIR MARKET VALUE

Owner represents the amount paid by RNC to Owner pursuant to the terms of the Contract constitutes fair market value of the goods and/or services provided. Additionally, Owner represents and warrants: (1) Owner customarily makes the space available to civic and community groups; (2) Owner makes the space available to other candidates upon request; and (3) Owner makes the space available to candidates on the same terms given to other groups/organizations.

REQUEST FOR TAXPAYER IDENTIFICATION NUMBER AND CERTIFICATION

Owner represents and warrants that the information provided to RNC on the Form W-9 ("Request for Taxpayer Identification Number and Certification") is true and accurate.

LIMITATION OF LIABILITY

Owner will look only to the assets of the RNC, an unincorporated association, for payment of any obligation that may become due from the RNC. No member, officer, employee, or agent of the RNC or of any committee thereof shall be liable for any such obligation.

FORCE MAJEURE

Neither party shall be liable to the other party for any delay or failure in the performance of such party's obligations under this Contract or otherwise if such delay or failure arises from any cause or causes beyond the control of such party including, without limitation, labor shortages or disputes, strikes, other labor or industrial disturbances, delays in transportation, acts of God, floods, lightning, fire, epidemic, shortages of materials, rationing, utility or communication failures, earthquakes, casualty, war, acts of the public enemy, explosives, riots, regulations or orders by the government, or subdivision thereof.

NOTICES

Notice addresses for Owner and RNC are as follows:

The City of Dalton
PO Box 1205
Dalton, GA 30722
awiersma@daltonga.gov

Republican National Committee
c/o Private Jet Services Group
5 Batchelder Road
Seabrook, NH 03874

mike.klemm@pjsgroup.com

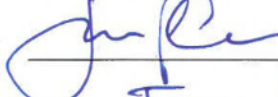
ENTIRE AGREEMENT

This Agreement represents the entire agreement between the parties, and shall not be amended except in writing signed by both parties.

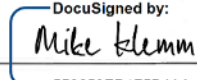
* * *

Authorized representatives of the parties have caused this Agreement to be executed by signing below.

For Owner: Dalton Municipal Airport

By: 
Printed Name: Jason Parker
Title: City Administrator
Date: 12-14-20

For Republican National Committee:

By: 
Printed Name: Mike Klemm
Title: As agent for RNC
Date: 12/28/2020



CITY COUNCIL AGENDA REQUEST

Meeting Type: Mayor & Council Meeting

Meeting Date: 1/4/2020

Agenda Item: The request of Eric Azua to annex .172 acres located at 1230 Frazier Drive, Dalton, Georgia as Medium Density Single Family Residential into the City of Dalton. Parcel (12-179-02-058)

Department: Planning and Zoning

Requested By: Ethan Calhoun

Reviewed/Approved by City Attorney? Sent for Review

Cost: N/A

Funding Source if Not in Budget N/A

Please Provide A Summary of Your Request, Including Background Information to Explain the Request:

See the attached staff analysis.

CITY OF DALTON
ORDINANCE
Ordinance No. 20-21

An Ordinance Of The City Of Dalton To Annex Property Into The City Of Dalton Pursuant To Chapter 36, Title 36 Of The Official Code Of Georgia Annotated; To Maintain The Medium Density Single Family Residential (R-3) Zoning Classification; To Provide An Effective Date; And For Other Purposes

WHEREAS, Eric Azua and Margarita Azua have made written application to the City of Dalton for annexation of unincorporated lands contiguous to the existing corporate limits of the City of Dalton located on 1230 Frazier Drive and identified as Parcel No. 12-179-02-058;

WHEREAS, the written application for annexation appears to be in proper form and to be made by all of the owners of all of the lands sought to be annexed;

WHEREAS, the annexation request is pursuant to the 100% method authorized by O.C.G.A. §36-36-20 et seq.;

WHEREAS, the Property is currently zoned Medium Density Single Family Residential (R-3);

WHEREAS, the Owner is requesting the Property be maintained as Medium Density Single Family Residential (R-3);

WHEREAS, the annexation and zoning is in conformity with the City of Dalton Joint Comprehensive Plan;

WHEREAS, the Dalton-Whitfield Planning Commission considered the proposed annexation and zoning of the Property at a duly noticed public hearing held on December 28, 2020 and subsequently forwarded its favorable recommendation to the Mayor and Council without conditions;

BE IT ORDAINED by the Mayor and Council of the City of Dalton and by authority of the same it is hereby ORDAINED as follows:

Section 1.

The recitals contained herein above are incorporated herein by reference and are adopted as findings and determinations of the Mayor and Council.

Section 2.

Based upon all of the considerations applicable to annexation and zoning decisions of the City of Dalton and upon review of the recommendation of the Dalton-Whitfield County Planning Commission and its professional land-use staff's analysis, the Mayor and Council find the requested zoning classification to be proper and the land is hereby annexed and zoned as requested subject to all the provisions and requirements of that zoning classification.

Section 3.

The lands hereinafter described are hereby annexed into the corporate limits of the City of Dalton:

Tax Parcel No.: 12-179-02-058:

All that tract or parcel of land lying and being in Land Lot No. 179 in the 12th District and 3rd Section of Whitfield County, Georgia, containing .172 acres, and being more particularly described as Lot 22 of Spence Subdivision, Phase 2, more particularly described according to a plat of survey prepared for Brian Spence by Mitchell Lowery, Georgia Registered Land Surveyor No. 3109, dated March 26, 2018 and recorded in Plat Cabinet E, Slide 1095 in the Office of the Clerk of the Superior Court of Whitfield County, Georgia, which plat is incorporated herein by reference for a complete description.

Section 4.

The Property shall remain Medium Density Single Family Residential (R-3) zoning classification subject to all the provisions and requirements of that zoning classification.

Section 5.

The acreage of the Property is approximately .172 acres. No streets or roads are affected by this annexation.

Section 6.

The City Clerk of the City of Dalton, Georgia is instructed to send an annexation report that includes certified copies of this Ordinance, the name of the county in which the property being annexed is located and a letter from the City stating the intent to add the annexed area to Census maps during the next survey and stating that the survey map will be completed and returned to the United States Census Bureau, to the Georgia Department of Community Affairs, and to the governing authority of Whitfield County, Georgia, within thirty (30) days after the effective date of the annexation as set forth herein above.

Section 7.

The Unified Zoning Map of the City of Dalton shall be amended to conform to and reflect the annexation and zoning of the Property as approved herein. City Staff is authorized and directed to take all actions necessary to effectuate the annexation and zoning of the Property as approved herein.

Section 8.

Should any section or provision of this Ordinance be declared by a Court of competent jurisdiction to be unconstitutional, invalid or unlawful, such declaration shall not affect the validity of the remaining portions of the ordinance not so declared to be unconstitutional, invalid, or unlawful.

Section 9.

All resolutions and ordinances of the City of Dalton or parts thereof in conflict herewith are hereby repealed.

Section 11.

This Ordinance shall become effective for ad valorem tax purposes on December 31 of the year during which such annexation occurred and for all other purposes shall become effective on the first day of the month following the month during which the requirements of Article 2, 3, or 4 of Chapter 36, Title 36 of the Official Code of Georgia Annotated, whichever is applicable, have been met.

ADOPTED AND APPROVED on the ___ day of _____, 20__, at the regular meeting of the Mayor and Council of the City of Dalton.

The foregoing Ordinance received its first reading on _____ and a second reading on _____. Upon second reading a motion for passage of the ordinance was made by Councilmember _____, second by Councilmember _____ and upon the question the vote is _____ ayes, _____ nays and the Ordinance is adopted.

MAYOR

Attest:

CITY CLERK

A true copy of the foregoing Ordinance has been published in two public places within the City of Dalton for five (5) consecutive days following passage of the above-referenced Ordinance as of the ____ day of _____, 20__.

CITY CLERK
CITY OF DALTON

**DALTON-VARNELL-WHITFIELD COUNTY PLANNING COMMISSION
503 WEST WAUGH STREET
DALTON, GA 30720**

MEMORANDUM

TO: City of Dalton Mayor and Council
Jason Parker
Gandi Vaughn
Jean Garland

FROM: Jim Lidderdale
Chairman

DATE: December 29, 2020

SUBJECT: The request of Eric Azua to annex .172 acres located at 1230 Frazier Drive, Dalton, Georgia as Medium Density Single Family Residential into the City of Dalton. Parcel (12-179-02-058) (City)

The most recent meeting of the Dalton-Varnell-Whitfield County Planning Commission was held on December 28, 2020 at 6:00 p.m. via publicly advertised video conference. A portion of the agenda included a public hearing concerning the above matter. A quorum of four members of the Planning Commission was present via video conference. All legal requirements for advertising and posting the public hearing were met. The petition was represented by Eric Azua.

Public Hearing Summary:

Mr. Calhoun summarized the staff analysis, which was in favor of the annexation into the City of Dalton. Commissioner Brooker confirmed with Calhoun that no issues were identified in regard to the City's school system in the planning staff's outreach to City officials. There were no further questions for Calhoun.

With no other comments heard for or against, this hearing closed at approximately 6:44pm.

Recommendation:

Chairman Lidderdale sought a motion on the requested annexation into the City of Dalton. **Mr. Thomas then made a motion to recommend the annexation into the City of Dalton based on his agreement with the content of the staff analysis. Mr. Barr then seconded the motion and a unanimous recommendation to approve the annexation into the City of Dalton followed, 3-0.**

STAFF ANALYSIS
REZONING REQUEST
Unified Zoning Ordinance

ANNEXATION CASE: Eric Mark Azua is seeking annexation of parcel 12-179-02-058 of 1230 Frazier Drive into the City boundaries of Dalton Georgia. The parcel is zoned Medium Density Single Family Residential (R-3) and is 0.172 acres. The tract of land is open containing a single-family residential dwelling. Most of the surrounding parcels are also zoned as Medium Density Single Family Residential (R-3). The lot of interest is located on the eastside of Frazier Drive, on the southside of Bowen Drive, and to the west of J and J Drive. Most parcels in the general vicinity are that of residential, but there is some Manufacturing along J and J Drive. Mr. Azua's property is a part of a group of 35 isolated residential lots that are within the unincorporated boundaries of Whitfield County; however, all other lots in the general vicinity are a part of the City of Dalton's jurisdiction which means that the subject property is within an unincorporated island inside the City of Dalton.

CONSIDERING FACTORS FOR A REZONING/ANNEXATION ANALYSIS

(A) Whether the proposed annexation would allow a use that is generally suitable for the site compared to other possible uses and whether the proposed change is consistent with the established land use pattern and zoning of adjacent and nearby property.

The parcel of request land use, single family residential, is consistent with that of other nearby private property that is within the jurisdictional boundaries of the City of Dalton. Not only is the property constant in land use type but also that of allowable zoning density. Since both Whitfield County and the City of Dalton share the Unified Zoning Ordinance, there would be no change in the subject property's R-3 zoning if this request is approved. This request would simply reduce the size of an existing unincorporated island within the City of Dalton.

(B) Whether the proposed annexation would adversely affect the economic value of adjacent and nearby property.

There are no expected adverse effects to nearby surrounding property due to the annexation of parcel 12-179-02-058 into the City of Dalton's Jurisdiction. The annexation will be consistent to that of the majority of lots within the vicinity and are within the Bounds of the City of Dalton.

(C) Whether the subject property has a reasonable economic use as currently zoned, considering the suitability of the subject property of the proposed zoning change.

Non-applicable since annexation will not influence zoned land use.

(D) Whether there is relative gain to the health, safety, morals, or general welfare to the public as compared to any hardship imposed upon the individual owner under the existing zoning.

N/A

(E) Whether the proposed annexation, if adopted or approved, would result in a use which would or could cause an excessive or burdensome use of existing streets, schools, sewers, water resources, police and fire protection, or other utilities, as contrasted with the impact under the existing zoning.

The proposed change is not expected to have a significant impact on local sewer and water infrastructure. Impact on other utilities is expected to be minimal, as annexation is for a 7,492 square foot parcel unable to be subdivided further as currently zoned; however, the annexation of the parcel of interest may cause other landowners of the nearby 34 isolated parcels that are a part of the jurisdictional boundaries of Whitfield County confusion as to why the subject property receives municipal services when they do not.

Further annexation of other nearby property will not be excessive nor burdensome to local infrastructure. There are benefits for both the parcel of interest and other nearby parcels to be annexed into the City. Upon approval of annexation, if approval is granted, the Public Works Department of the City of Dalton will begin providing regular sanitation services (i.e. household garbage collection, curbside recycling, and yard trimmings/refuse pickup). The cost of these services is approximately \$185.00 per household. It is also worth noting that services such as garbage and refuse pickup could create confusion amongst public works employees if the other Frazier Dr. properties begin to annex into the City with no consistent pattern.

There are five (5) parcels facing Hale Bowen Drive where access to each is given by a common private driveway that does not meet the City's street standard; these residents would be required to bring garbage carts/recycling bins to the curb along Frazier Drive to receive proper services. Additionally, it is not recommended that school buses or heavy emergency services vehicles to travel on this private driveway frequently.

An additional benefit for the annexation of the parcel of interest and those others nearby is access for children to enroll at the local City of Dalton's public-school system. Currently, any children of K-12 age living within this unincorporated island must travel outside of the City to attend Whitfield County's public-schools.

(F) Whether the property sought to be rezoned (or annexed) conforms with the policy and intent of the adopted joint comprehensive plan or equivalent. If not, has the plan already been amended, officially or unofficially, by the development of uses that are contrary to the plan recommendation, and if the plan has been amended, does this reasoning or annexation request allow uses which are compatible with the existing uses in the vicinity.

The Whitfield County Comprehensive Plan's Future Development Map demonstrates that the surrounding area's future development will be Town Neighborhood

Revitalization by character, which allows for single-family residential housing and is more consistent to that of the development pattern seen within the City of Dalton. A review of the Whitfield County Joint Comprehensive Plan 2018-2022 Future Development map reveals that a vast majority of property identified as Town Neighborhood is within the City of Dalton's jurisdiction boundaries.

(G) Whether any other conditions or transitional patterns are affecting the use and development of the property to be rezoned or annexed, which give grounds for approval or disapproval of the proposed zoning proposal. Whether the proposed zoning change constitutes an "entering wedge" and is a deterrent to the use, improvement, or development of adjacent property within the surrounding zone districts or would create an isolated, unrelated district (spot zoning) as interpreted by current Georgia law.

Annexation of parcel 12-179-02-058 will have no impact on land use since both the City of Dalton and Whitfield County share the Unified Zoning Ordinance. The parcel of annexation request is quite limited in size and already contains a single dwelling, so no change in zoning nor increase in lot density is expected.

(H) Whether the subject property, as currently zoned, is vacant and undeveloped for a long period of time, considered in the context of land development in the vicinity or whether there are environmental or cultural factors, like steep slopes, flood plain, stormwater, or historical issues that influence the development of the subject property under any zoning designation.

N/A

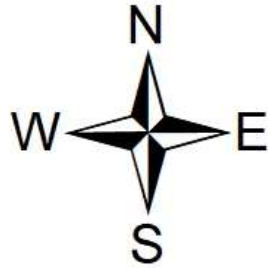
Conclusion:

The staff recommends approval annexation of parcel 112-179-02-058 into the City of Dalton. The factors supporting approval recommendation are as follows:

1. The subject property is part of a small unincorporated island of Whitfield County that is entirely surrounded by the City of Dalton's incorporated boundaries.
2. Annexation may motivate other landowners to annex their property, which will improve the City of Dalton Public Works ability to provide services more consistently in the way of household garbage collection, curbside recycling, and curbside yard trimmings/refuse pickup.
3. Annexation of the parcel of request will allow any children age K-12 living at this location to attend the City of Dalton's public schools nearby.
4. It is also the recommendation of staff that the City of Dalton actively pursue the annexation of the remaining properties along Frazier and Hale Bowen Dr. in order to eliminate the unincorporated island and create more consistency of the City's boundaries.

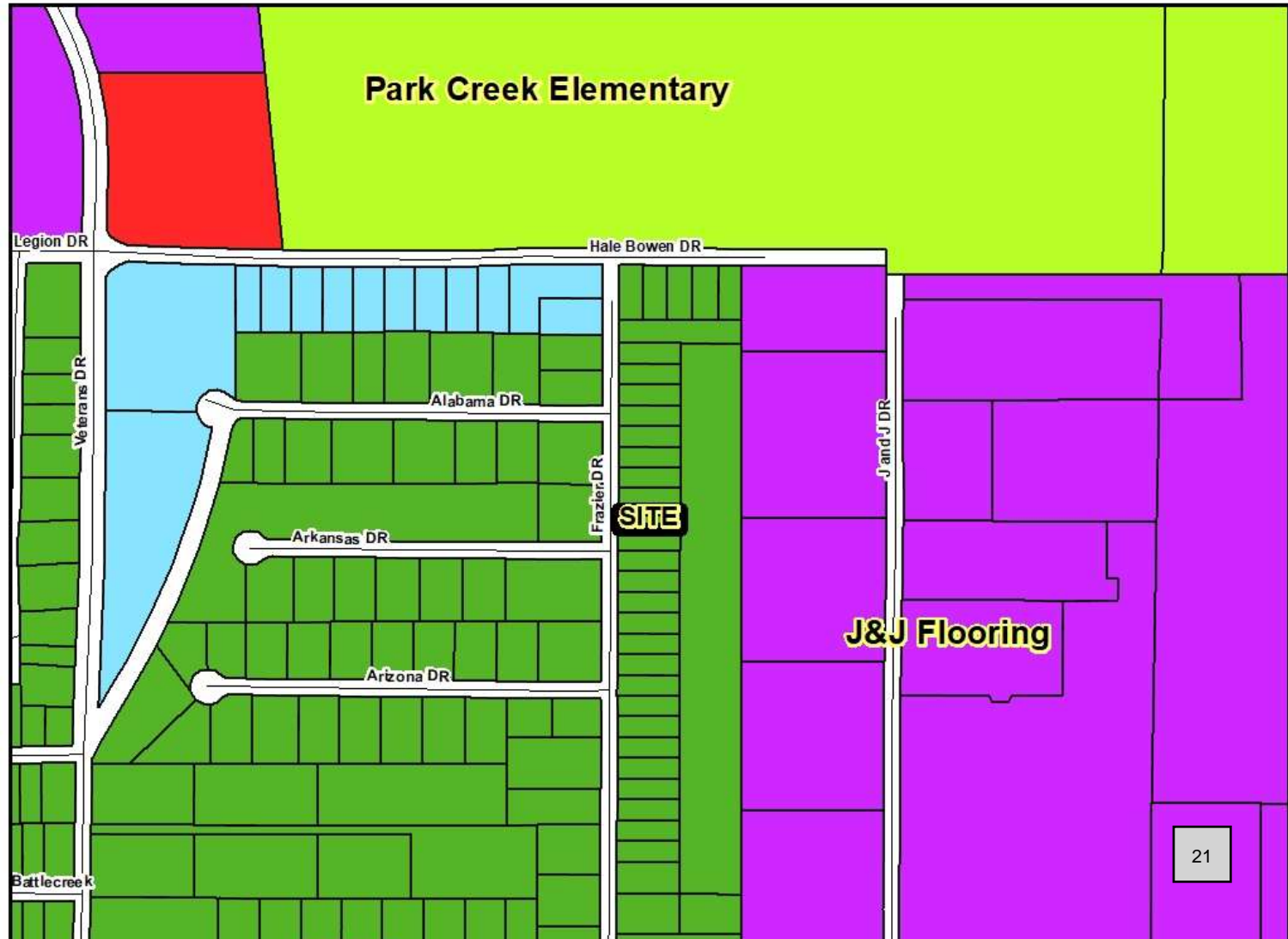
Azua Annexation Request

Zoning will remain R-3, Medium Density Residential



ZONING

-  Low Density Single Family Residential (R-2)
-  Medium Density Single Family Residential (R-3)
-  Transitional Residential (R-6)
-  General Commercial (C-2)
-  Heavy Manufacturing (M-2)



Azua Annexation Request

Zoning will remain R-3, Medium Density Residential



Feet
600



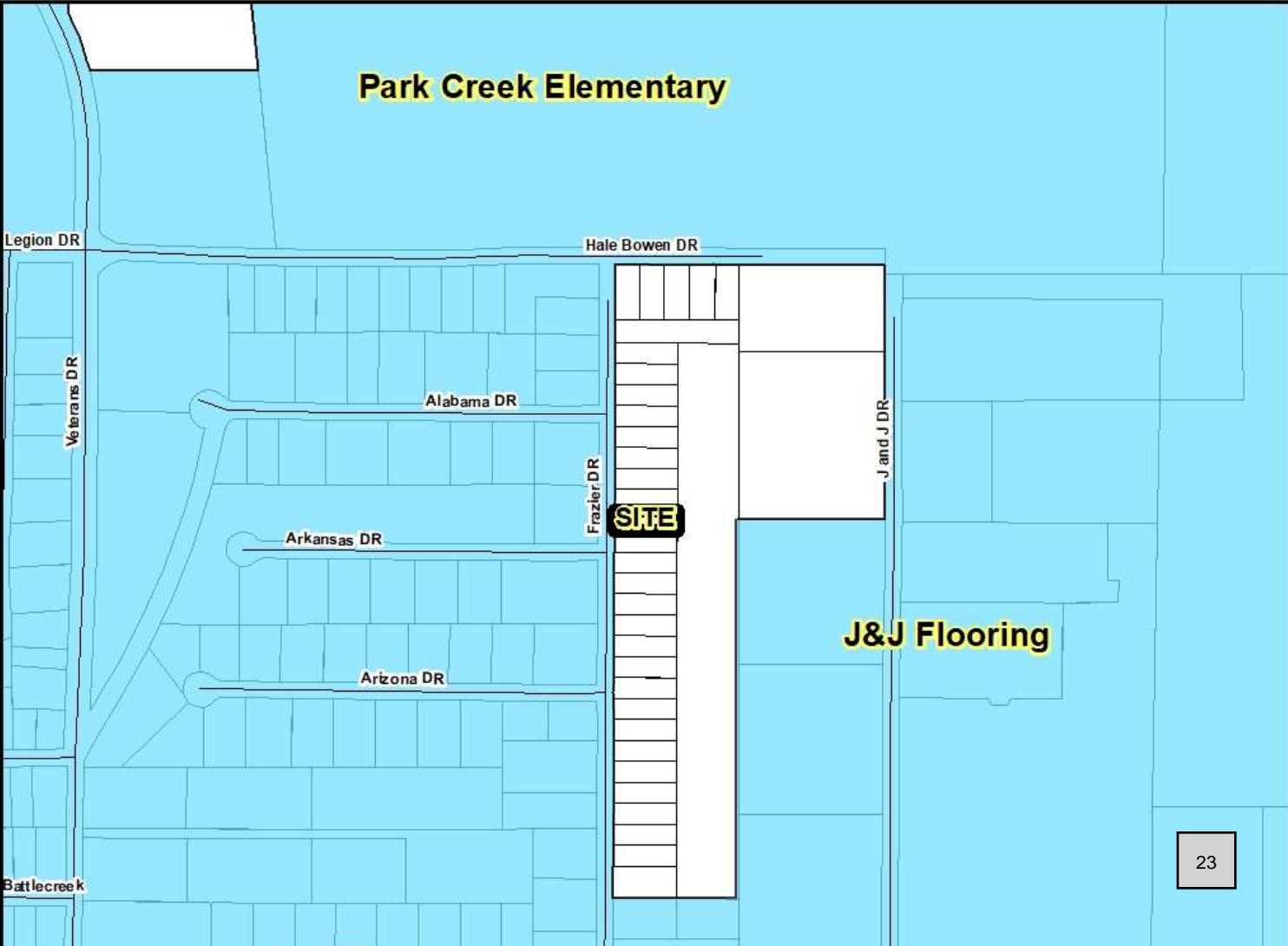
Azua Annexation Request

Zoning will remain R-3, Medium Density Residential



DALTON CITY LIMITS

 Town_Boundaries



PUBLIC WORKS DEPARTMENT
P. ANDREW PARKER, P.E., DIRECTOR
aparker@daltonga.gov

535 N. Elm Street
P.O. Box 1205
Dalton, GA 30722-1205
Office: (706) 278-7077
FAX: (706) 278-1847



DAVID PENNINGTON, MAYOR

CITY COUNCIL MEMBERS
GARY CREWS
TYREE GOODLETT
ANNALEE HARLAN
DEREK WAUGH

M E M O R A N D U M

TO: David Pennington III, Mayor
Attn: Bernadette Chattam, City Clerk

FROM: P. Andrew Parker, P.E.
Public Works Director

RE: Annexation Request
Eric Mark Azua
1230 Frazier Drive
0.172 Acres
Parcel Number: 12-179-02-058
Zoning Classification: R-3

DATE: November 20, 2020

Regarding the subject request, please be advised that the Public Works Department has no direct objections to the annexation of the above referenced tract but notes the following items of potential importance for consideration as part of the request:

- ***Adjacent single family residences within the subdivision also in Whitfield County*** – The original development of the subject parcel was part of a larger development of approximately 30 tracts. All other tracts within the development remain in unincorporated Whitfield County, and approval of the subject annexation will likely spur additional annexation requests from the remaining single family residences currently located within unincorporated County.
- ***Delivery of Public Works Services*** – Upon approval of annexation for the subject single family residence, Public Works will begin providing regular sanitation services (i.e. household garbage collection, curbside recycling, and curbside yard trimmings/refuse pickup). The cost to provide these services is approximately \$185.00 per household. At this time, no additional resources would be required from the Department to administer these services. However, to avoid confusion with service delivery (with the potential of some of the homes being annexed into the

City and some remaining in the County), consideration should be given to the City to proactively contacting all owners within this development to offer the opportunity for annexation.

If the scenario presented above comes to fruition, it should be noted that the five (5) homes on the north end of the development (facing Hale Bowen Drive) are accessed through a common private driveway that was **not** constructed to City street standards. In order to provide sanitation services to those five (5) homes, residents would be required to bring garbage carts/recycling bins to the curb along Frazier Drive to receive proper service. Additionally, it would not be recommended for school buses or heavy emergency service vehicles to travel on this private driveway frequently.



ANNEXATION APPLICATION

I HEREBY REQUEST THE MAYOR AND COUNCIL OF THE CITY OF DALTON ANNEX THE PROPERTY DESCRIBED BELOW IN THIS APPLICATION.

PLEASE LIST THE APPLICANT NAME REQUESTING ANNEXATION


APPLICANT NAME:	Eric Mark Azua
APPLICANT ADDRESS:	1230 Frazier Dr
CITY, STATE & ZIP:	Dalton, GA 30721
TELEPHONE NUMBER:	706-280-9971

PROPOSED PROPERTY TO BE ANNEXED

(1) STREET ADDRESS OF PROPERTY TO BE ANNEXED:	1230 Frazier Dr.
(2) SUBDIVISION OF THE PROPERTY TO BE ANNEXED:	New MLK
(3) LOT(S) NUMBER OF THE PROPERTY TO BE ANNEXED:	Lot 22 on Survey
(4) FUTURE INTENDED USE OF THE PROPERTY TO BE ANNEXED:	Residential R-3

- PROPOSED ZONING CLASSIFICATION Residential
- PROPOSED AMOUNT OF ACREAGE TO BE ANNEXED .172
- TAX MAP NUMBER/PARCEL NUMBER 12-179-02-058
- HOUSING UNITS 1

- (1) IF RESIDENTIAL PROPERTY AT THE TIME OF THIS CONTRACT, LIST THE NUMBER OF REGISTERED VOTERS
- (2) IF RESIDENTIAL PROPERTY AT THE TIME OF THIS CONTRACT, LIST THE NUMBER OF ADULTS OF VOTING AGE, IF DIFFERENT NUMBER THAN SHOWN IN NUMBER (1)
- (3) IF RESIDENTIAL PROPERTY AT THE TIME OF THIS CONTRACT, LIST THE NUMBER OF ADULTS IN THE HOUSEHOLD.
- (4) IF RESIDENTIAL PROPERTY AT THE TIME OF THIS CONTRACT, LIST THE NUMBER OF CHILDREN IN THE HOUSEHOLD.
- (5) IF RESIDENTIAL PROPERTY AT THE TIME OF THIS CONTRACT, LIST THE NUMBER OF HOUSING UNITS.
- (6) IF RESIDENTIAL PROPERTY AT THE TIME OF THIS CONTRACT, PLACE NUMBER OF RESIDENTS IN APPLICABLE BOX.
- | | |
|---|---|
| <input checked="" type="checkbox" value="2"/> CAUCASIAN | <input type="checkbox" value="1"/> LATINO |
| <input type="checkbox"/> AFRICAN AMERICAN | <input type="checkbox"/> OTHER |
- (7) IF RESIDENTIAL PROPERTY AT THE TIME OF THIS CONTRACT, LIST THE NUMBER OF PERSONS WHOSE PRIMARY LANGUAGE IS OTHER THAN ENGLISH.


 SIGNATURE OF APPLICANT(S) Eric & Margarita Azua

11-3-20
 DATE

OWNERSHIP VERIFICATION

The undersigned is the / an owner of an interest in the lands described in the attached Annexation Contract, which proposes to amend the Official Zoning Map of Dalton, Georgia, and concurs in the application. The undersigned's interest in the lands described in the application is as follows:

12-179-02-058

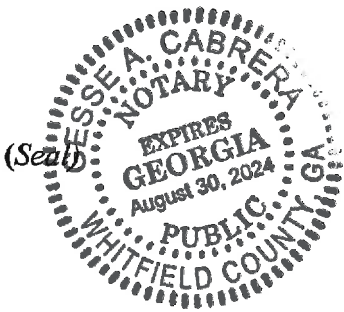
Describe parcel or parcels and nature of interest and percentage of interest

I hereby appoint N/A my attorney in fact with full authority, my name, place, and stead, to apply for the zoning amendment as set forth in the attached annexation contract.

[Signature]
(Owner's Name)
Eric
M. Azua
Margasita

Sworn to and subscribed
Before me, this 3rd day
of November, 2024

[Signature]
Notary Public



Deed Doc: WD
Recorded 04/30/2019 02:06PM
Georgia Transfer Tax Paid : \$0.00
MELICA KENDRICK
Clerk Superior Court, WHITFIELD County, Ga.
Bk 06705 Pg 0315-0316
Pne1001112

AFTER RECORDING, RETURN TO:
SUSAN W. BISSON
SPONCLER & THARPE, LLC
P. O. BOX 398
DALTON, GA 30722-0398
File No. 2019030278

STATE OF GEORGIA,
WHITFIELD COUNTY.

WARRANTY DEED WITH RIGHT OF SURVIVORSHIP

THIS INDENTURE, made the 30 day of April, 2019, between ERIC AZUA (hereinafter, whether singly or more than one, the "Grantor"), and ERIC AZUA and MARGARITA AZUA (hereinafter "Grantees").

WITNESSETH: That the Grantor for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt and sufficiency whereof being hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does hereby grant, bargain, sell, alien, convey and confirm unto the said Grantees as joint tenants with the right of survivorship, and not as tenants in common, for and during their joint lives, and upon the death of either of them, then to the survivor of them, in fee simple, together with every contingent remainder and right of reversion, and to the heirs and assigns of said survivor, the following described property, to-wit:

All that tract or parcel of land lying and being in Land Lot No. 179 in the 12th District and 3rd Section of Whitfield County, Georgia, and being Lot No. 22 of Spence Subdivision, Phase 2, more particularly described according to a plat of survey of said subdivision prepared for Brian Spence by Mitchell Lowery, Georgia Registered Land Surveyor No. 3109, dated March 26, 2018 and recorded in Plat Cabinet E, Slide 1095, in the office of the Clerk of the Superior Court of Whitfield County, Georgia, which plat is incorporated herein by reference for a complete description, and subject to a drainage easement fifteen feet in width, the centerline of which is the north line of said Lot 22.

TOGETHER WITH all and singular the hereinabove described premises together with all tenements, hereditaments, and appurtenances thereto belonging or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantees, as joint tenants with the right of

survivorship, and not as tenants in common, for and during their joint lives, and upon the death of either of them, then to the survivor of them in fee simple, together with every contingent remainder and right of reversion, and to the heirs and assigns of said survivor.

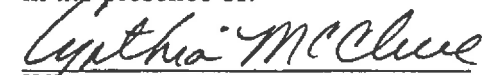
AND THE SAID GRANTOR, and the legal representatives, successors and assigns of the Grantor will WARRANT and DEFEND all right, title and interest in and to the said premises and the quiet and peaceable possession thereof, unto the said Grantees, as hereinabove provided, against all acts and deeds of the said Grantor, against all acts and deeds of the Grantor, and of every person lawfully claiming thereunder.


SUBJECT, HOWEVER, to all easements, rights-of-way, covenants and restrictions which may lawfully affect the above-described property.

IN WITNESS WHEREOF, the Grantor has signed, sealed and delivered this Deed on the day and year first above written.

 (SEAL)
Eric Azua

Signed, sealed and delivered
in the presence of:


Witness


Notary Public



Deed Doc: WD
Recorded 04/23/2019 02:37PM
Georgia Transfer Tax Paid : \$131.00
MELICA KENDRICK
Clerk Superior Court, WHITFIELD County, Ga.
Bk 06704 Pg 0293-0294

Pr11001036

This space above this line is for recording purposes.

After recording, please return to:
Susan W. Bisson
Sponcler & Tharpe, LLC
P. O. Box 398
Dalton, Georgia 30722-0398
File No. 2019030278

STATE OF GEORGIA,

WHITFIELD COUNTY.

LIMITED WARRANTY DEED

THIS INDENTURE, made the 23rd day of April, 2019, between **RONALD J. JOHNS, LLC**, a Georgia Limited Liability Company (hereinafter, whether singly or more than one, the "Grantor"), and **ERIC AZUA** (hereinafter, whether singly or more than one, the "Grantee"):

WITNESSETH

That in consideration of Ten Dollars (\$10.00), and other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, Grantor by these presents does hereby grant, bargain, sell, and convey unto the said Grantee the following described real property, together with the appurtenances thereto belonging, to-wit:

All that tract or parcel of land lying and being in Land Lot No. 179 in the 12th District and 3rd Section of Whitfield County, Georgia, and being Lot No. 22 of Spence Subdivision, Phase 2, more particularly described according to a plat of survey of said subdivision prepared for Brian Spence by Mitchell Lowery, Georgia Registered Land Surveyor No. 3109, dated March 26, 2018 and recorded in Plat Cabinet E, Slide 1095, in the office of the Clerk of the Superior Court of Whitfield County, Georgia, which plat is incorporated herein by reference for a complete description, and subject to a drainage easement fifteen feet in width, the centerline of which is the north line of said Lot 22.

TO HAVE AND TO HOLD, all and singular the above described premises, unto the said Grantee, and to the heirs, legal representatives, successors and assigns of the said Grantee forever, in fee simple.

Deed Doc. WD
Recorded 04/23/2019 02:57 PM

AND THE SAID GRANTOR, and the heirs, legal representatives, successors and assigns of the Grantor will **WARRANT** and **DEFEND** all right, title and interest in and to the said premises and the quiet and peaceable possession thereof, unto the said Grantee, and to the heirs, legal representatives, successors and assigns of the Grantee, against all acts and deeds of the said Grantor.

SUBJECT, HOWEVER, to all easements, rights-of-way, covenants and restrictions which may lawfully affect the above-described property.

IN WITNESS WHEREOF, the Grantor has signed, sealed and delivered this Deed on the day and year first above written.

Signed, sealed and delivered
in the presence of:

Rori M. Mitchell
Unofficial Witness

[Signature]
Notary Public

RONALD J. JOHNS, LLC

BY: [Signature]
RONALD J. JOHNS, MANAGER

My Commission Expires: _____

[Notary Seal]



EXHIBIT "B"

4-1-5

Medium density single family residential (R-3.) This district is established to protect single-family detached dwellings, typically within a more urban atmosphere, including residential subdivisions, on smaller lots of not less than 7,500 square feet and which are served by public sewer or an approved central on-site sewage management system. All dwellings in this district shall contain not less than 1,000 square feet of heated floor area. There shall be no manufactured or mobile homes within this district, in order to maintain the traditional residential character of such districts. Only one dwelling unit per lot shall be allowed in this district.

Whitfield County Tax Parcel Information

Owner and Parcel Information

Parcel Number 12-179-02-058
 Realkey 44519
 GIS Map Map
 Owner Name AZUA ERIC & MARGARITA
 Owner Address 1230 FRAZIER
 Owner Address 2
 Owner Address 3
 Owner City DALTON
 Owner State GA
 Owner Zip 30721
 Latitude
 Longitude

Parcel Address

Parcel House Number 0
 Parcel Street Extension
 Parcel Street Direction
 Parcel Street Name FRAZIER
 Parcel Street Units
 Parcel Street Type AVE

Current Fair Market Value Information

Previous 0
 Current 129070
 Land 30000
 Residential Improvement 99070
 Commercial Improvement
 Accessory Improvement
 Conservation Use Value

Property Information

Class Agricultural
 Strata Lot
 Tax District County
 Neighborhood NMLK
 Legal Description 0.17A LL179-12 (LT22 E-1095)
 Total Acres 0.17
 Zoning See GIS Map
 GMD\Map Number 081
 Subdivision
 Subdivision Phase
 Subdivision Section 0004
 Subdivision Block
 Subdivision Lot
 Comments:

Historical Fair Market Value Information

2018 0
 0 0
 0 0

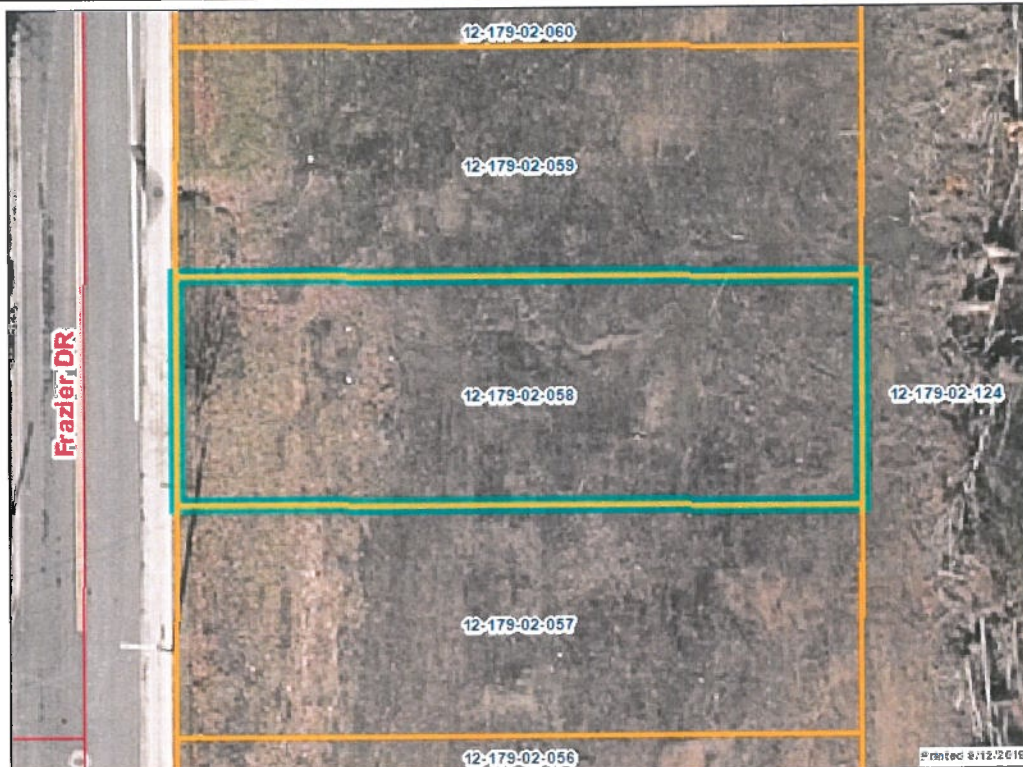
Exemption Information

Homestead 50
 Preferential Year
 Conservation Use Year
 Historical Year
 Historical Val 0
 EZ year
 EZ Val 0

Appeals Information

This parcel does not have any appeals

GIS Quickmap



For the current GIS map of this parcel, click on the Quickmap to launch the interactive map viewer

Tax Commissioner Information

Before making payment verify the amount due with the Tax Commissioner's office at 706-275-7510

Tax Bill Recipient	AZUA ERIC & MARGARITA	Legal Description	0.17A LL179-12 (LT22 E-1095)
Year	2020	Sale Date	4/30/2019

William C Cason III
Chief of Police
ccason@daltonga.gov
www.daltonpd.com
www.cityofdalton-ga.gov/police



Public Safety Commission
Bill Weaver
Terry Mathis
Anthony Walker
Dr. Luis M. Viamonte
Truman Whitfield

DALTON POLICE DEPARTMENT
301 Jones Street, Dalton, Georgia 30720
Phone: 706-278-9085 • Fax: 706-272-7905

Date: November 19, 2020

To: Chief Cliff Cason

From: Captain Jamie Johnson

RE: 1230 Frazier Dr. Parcel 12-179-02-058

Chief Cason:

I have reviewed the annexation request for 1230 Frazier Dr. Parcel Numbers 12-179-02-058. This property will have no bearing on the Dalton Police Department's law enforcement services in this area.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jamie Johnson", is written over the typed name.

Captain Jamie Johnson

DALTON FIRE DEPARTMENT

TODD PANGLE
Fire Chief
Telephone 706-278-7363
Fax 706-272-7107
tpangle@daltonga.gov

404 School Street
Dalton, GA 30720



PUBLIC SAFETY COMMISSION

Bill Weaver
Dr. Luis Viamonte
Terry Mathis
Truman Whitfield
Anthony Walker

November 18, 2020

David Pennington, III
Mayor, City of Dalton

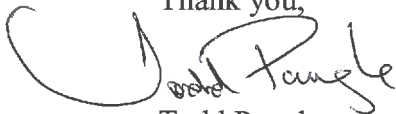
Re: Annexation proposal for parcel #12-179-02-058
1230 Frazier Dr.

Greetings,

A review of the proposed annexation listed above has been completed and we do not perceive a negative impact to the fire protection in the area as a result of such annexation approval.

There is sufficient water available in the area as well as meeting the proximity requirement of our ordinance to recommend acceptance of the proposal relative to fire protection at this time.

Thank you,



Todd Pangle
Fire Chief
Dalton Fire Department



November 17, 2020

Mr. David Pennington, III
Mayor, City of Dalton
Post Office Box 1205
Dalton, Georgia 30722-1205

RE: Annexation Request for Eric Mark Azua – 1230 Frazier Drive (.172 acres)

Dear Mayor Pennington:

As requested in your November 10, 2020, memorandum, Dalton Utilities has reviewed the annexation request of Eric Mark Azua for 0.172 acres +/- located at 1230 Frazier Drive. This property is further described as parcel number 12-179-02-058 by the Whitfield County Tax Assessor's Office.

Dalton Utilities can provide water, wastewater, natural gas, telecommunications and electricity to this site from nearby existing utility infrastructure.

Please do not hesitate to contact me at (706) 529-1011 or mbuckner@dutil.com should any questions arise or if we may be of assistance.

Sincerely,

A handwritten signature in blue ink that reads "Mark Buckner". The signature is fluid and cursive, with a long horizontal stroke at the end.

Mark Buckner, P.E.

MITCHELL & MITCHELL, P.C.

ATTORNEYS AT LAW
ESTABLISHED 1924

TERRY L. MILLER
G. GARGANDI VAUGHN
WILLIAM J. KIMSEY
W. CODY NEWSOME

108 S. THORNTON AVE.
POST OFFICE BOX 668
DALTON, GEORGIA 30722-0668
TELEPHONE: (706) 278-2040
FACSIMILE: (706) 278-3040
www.mmfirmllaw.com

D. WRIGHT MITCHELL
(1895 – 1970)
DOUGLAS W. MITCHELL, JR.
(1923 – 1984)
NEIL WESTER
(1944 – 2006)

November 12, 2020

Bernadette Chattam
City Clerk

RE: Annexation application of: Eric Mark Azua
Property address: 1230 Frazier Drive
Tax parcel No.: 12-179-02-058

Dear Clerk:

The Office of the City Attorney has reviewed the above-referenced application.

The application is hereby:

Approved

Approved with stipulation

1.) Subject to co-owner Margarita Azua signing consent form/application.

Rejected

Notice by the City to Whitfield County pursuant to O.C.G.A. §36-36-6 is required.

Should you need any additional information or clarification of the stipulations please feel free to contact my office.

Sincerely,

MITCHELL & MITCHELL, P.C.



G. Gargandi Vaughn
City Attorney
City of Dalton



CITY COUNCIL AGENDA REQUEST

Meeting Type: Mayor & Council Meeting

Meeting Date: 01/04/2021

Agenda Item: First Reading of Ordinance No. 20-22 To Amend Chapter 96 "Stormwater Management" of the Revised Code of Ordinances

Department: Public Works

Requested By: Andrew Parker

Reviewed/Approved by City Attorney? Yes

Cost: N/A

Funding Source if Not in Budget N/A

Please Provide A Summary of Your Request, Including Background Information to Explain the Request:

The City is required to update its Stormwater Management ordinance (Chapter 96) to comply with current EPD regulations. GAEPD is requiring Phase II MS4 permittees to update their post construction stormwater ordinances for development. The update requires new development and redevelopment projects to apply the runoff reduction standard, when feasible, to take the place of the current water quality standard (removing 80% of the calculated average annual post-development total suspended solids load). The runoff reduction standard requires sites to retain the first 1 (one) inch of rainfall on-site to the maximum extent practical. Runoff reduction methods mimic the natural process of allowing precipitation to infiltrate thus helping mitigate the increase in runoff created by development. The determination that it is infeasible to apply the stormwater runoff reduction standard on part or all of a project must be documented in the plan review process. When runoff reduction is infeasible on part or all of a site, then the default water quality standard (removing 80% of the calculated average annual post-development total suspended solids load) must still be met.

The updated ordinance also removes the post construction exemption for two-lane road construction as required by the latest applicable MS4 permit. Additionally, the revised ordinance makes provisions for the City to accept easements for public dedication of private drainage systems under certain circumstances as outlined in the revised ordinance Sec. 96-1.

CITY OF DALTON
ORDINANCE
Ordinance No. 20-22

An Ordinance Of The City Of Dalton To Amend Chapter 96 “Stormwater Management” Of The Revised Code Of Ordinances Of 2001 Of The City Of Dalton; To Amend Article I “In General” By Deleting Section 96-1 “Scope Of Responsibility For The City Drainage System” In Its Entirety And To Substitute Section 96-1 “Scope Of Responsibility For The City Drainage System”; To Amend Article I “In General” By Adding The Definition Of “Runoff Reduction Practices” In Section 96-3 “Definitions”; To Amend Article II “Post Construction Stormwater Management” To Provide Clarification Of Section 96-10 “Stormwater Local Design Manual; To Amend Section 96-11 “Exemptions From Requirements” By Deleting Paragraph (5); To Amend Section 96-13 “Permit Procedures And Requirements” By Deleting Paragraph (b) In Its Entirety And To Substitute Paragraph (B) “Stormwater Concept Plan And Consultation Meeting” In Lieu Thereof; To Amend Section 96-14 “Post-Development Stormwater Performance Criteria” By Deleting Paragraphs (a) And (a-1) In Its Entirety And To Substitute Paragraphs (a) and (a-1) In Lieu Thereof; To Provide An Effective Date; To Repeal All Ordinances Conflicting Therewith; To Provide For Severability; And For Other Purposes.

WHEREAS, Article I “In General” and Article II “Post Construction Stormwater Maintenance” of Chapter 96 “Stormwater Management” Of The Revised Code Of Ordinances Of 2001 Of The City Of Dalton has been amended from time to time;

WHEREAS, the City desires to revise and amend Article I “In General” and Article II “Post Construction Stormwater Maintenance” of Chapter 96 “Stormwater Management” to provide for the protection of the health, welfare, and safety of the public and so as to continue compliance with Federal and State stormwater management practices;

BE IT ORDAINED by the Mayor and Council of the City of Dalton in regular meeting assembled and by authority of the same it is hereby ordained as follows:

-1-

The recitals contained herein above are incorporated herein by reference and are adopted as findings and determinations of the Mayor and Council.

-2-

Section 96-1 “Scope Of Responsibility For The City Drainage System” of Article II “Post Construction Stormwater” of Chapter 96 “Stormwater Management” of the Revised Code Of Ordinances Of 2001 of the City of Dalton, as amended, is hereby amended by deleting Section 96-1 in its entirety and inserting in lieu thereof the following:

Sec. 96-1. - Scope of responsibility for the city drainage system.

The city drainage system consists of all streams, creeks, branches, lakes, reservoirs, ponds, drainage ways, channels, ditches, swales, storm sewers, culverts, inlets, catch basins, pipes, head walls and other structures, natural or man-made, within the political boundaries of the City of Dalton which control and/or convey stormwater through which the city intentionally diverts surface waters from it public streets and properties. The city owns or has legal access for purposes of operation, maintenance, and improvements to those segments of this system which (1) are located within public streets, rights-of-way, and easements; (2) are subject to easements, rights-of-entry, rights-of-access, rights-of-use, or other permanent provisions for adequate access for operations, maintenance, and/or improvement of systems and facilities; or (3) are located on public lands to which the city has adequate access for operations, maintenance, and/or improvement of systems and facilities. Operation and maintenance of stormwater systems and facilities which are located on private property or public property not owned by the City of Dalton and for which there has been no public dedication of such systems and facilities for operations, maintenance, and/or improvement of the systems and facilities shall be and remain the legal responsibility of the property owner, except as that responsibility may be otherwise affected by the laws of the State of Georgia and the United States of America.

(a) The City of Dalton may accept temporary or permanent easements for public dedication of such drainage systems and facilities for operations, maintenance, and/or improvement if one or more of the following criteria are met:

(1) The drainage system is connected directly to the city’s existing public drainage system and conveys stormwater runoff from a city property or city right-of-way.

- (2) A significant amount of stormwater runoff conveyed by the drainage system is generated by city owned property or city right-of-way.
 - (3) Failure of the drainage system will result in a significant threat to the public and/or adjacent property.
- (b) The City of Dalton may accept drainage systems for operations, maintenance, and/or improvement determined to meet the eligibility criteria listed in (a) if:
- (1) The drainage system has not been damaged due to negligence or neglect of the property owner.
 - (2) Easements with adequate access for operations, maintenance, and/or improvement of systems and facilities are provided by the property owner to the city.
- (c) The City of Dalton will not accept drainage systems for the purposes of operations, maintenance, and/or improvement of systems and facilities if one or more of the following criteria are met:
- (1) The drainage system is located on a non-residential property such as but not limited to commercial, industrial, institutional or multi-family properties (such as commercial apartment complexes). However, the city may accept an easement for such drainage systems if the existing condition of the system or facility poses a significant and real threat to human health and safety of the general public (including city infrastructure) and meets the criteria outlined in (a) and (b) above.
 - (2) The drainage system is located under an existing building(s).
- (d) Prior to acceptance of a drainage easement for an existing drainage system or facility, the Public Works Director will prepare and provide to the City Council a corrective action plan to address known deficiencies with the drainage system or facility. Following acceptance of the easement, the corrective action plan will be included in the city's list of known capital improvement and maintenance projects. The acceptance of the drainage system or facility shall not create a special duty on the city to prioritize the corrective action plan above other

known capital improvement and maintenance projects.

-3-

Section 96-3 “Definitions” of Article I “In General” of Chapter 96 “Stormwater Management” of the Revised Code Of Ordinances Of 2001 of the City of Dalton, as amended, is hereby amended by adding, in alphabetical order therein, the definition of “Runoff Reduction Practices” such that the new definition shall read as follows:

Runoff Reduction Practices are stormwater management practices that are used to disconnect impervious and disturbed pervious surfaces from the storm drain system, thereby reducing post-construction stormwater runoff rates, volumes, and pollutant loads.

-4-

Section 96-10 “Stormwater Local Design Manual” of Article II “Post Construction Stormwater” of Chapter 96 “Stormwater Management” of the Revised Code Of Ordinances Of 2001 of the City of Dalton, as amended, is hereby amended by deleting Section 96-10 in its entirety and inserting in lieu thereof the following:

Sec. 96-10. - Stormwater local design manual.

The engineer will utilize the policy, criteria and information including technical specifications and standards in the latest edition of the GSMM and the City of Dalton Stormwater LDM, for the proper implementation of the requirements of this article. The LDM may be updated and expanded periodically by the Public Works Director, based on improvements in science, engineering, monitoring and local maintenance experience. The Public Works Director shall maintain the current version of the LDM at the Public Works Department and make the same available for inspection by and distribution to the public.

-5-

Section 96-11 “Exemptions From Requirements” of Article II “Post Construction

Stormwater” of Chapter 96 “Stormwater Management” of the Revised Code Of Ordinances Of 2001 of the City of Dalton, as amended, is hereby amended by deleting paragraph (5) of Section 96-11 in its entirety.

-6-

Section 96-13 “Permit Procedures And Requirements” of Article II “Post Construction Stormwater” of Chapter 96 “Stormwater Management” of the Revised Code Of Ordinances Of 2001 of the City of Dalton, as amended, is hereby amended by deleting paragraph (b) of Section 96-13 in its entirety and inserting in lieu thereof the following:

- b. *Stormwater concept plan and consultation meeting.* Projects that are complex in nature may require a stormwater concept plan and consultation prior to submittal of design plans for review by the engineer. The stormwater concept plan shall meet the requirements outlined in the LDM. Stormwater concept plans and consultation meetings are encouraged for all projects prior to submittal of engineering plans for review. For the purposes of this section, any proposed development activity that meets any of the following criteria shall be required to perform a stormwater concept plan and consultation meeting prior to submittal of engineering plans for review.
 1. Any residential subdivision with greater than 50 lots, unless such development contains two-acre or greater lots.
 2. Any non-residential development with a disturbed area of ten acres or greater.
 3. Any non-residential development regardless of size which has an impervious surface coverage that covers 50 percent or more of the property excluding those lands contained within undisturbed buffers including but not limited to floodplains, stream buffers and undisturbed buffers between dissimilar zonings.
 4. Any no-residential development regardless of size which is defined as a hot spot land use.

-7-

Section 96-14 “Post-Development Stormwater Performance Criteria” of Article II “Post Construction Stormwater” of Chapter 96 “Stormwater Management” of the Revised Code Of Ordinances Of 2001 of the City of Dalton, as amended, is hereby amended by deleting paragraphs (a) and (a-1) of Section 96-14 in its entirety and inserting in lieu thereof the following:

(a) *Stormwater Runoff Quality / Reduction.* Stormwater runoff generated from a site shall be adequately treated before discharge. It will be presumed that a stormwater management system complies with this requirement if:

(1) The system is designed to retain the first 1.0 inch of rainfall on site to the maximum extent practicable. The determination by the Engineer that it is infeasible to apply the stormwater runoff quality/reduction standard, on part or all of a project, must be documented with the site plan review documents. If the first 1.0 inch of rainfall can be retained onsite using runoff reduction methods, then no additional water quality treatment is required. If the 1.0 inch cannot be retained onsite, the remaining runoff from a 1.2 inch rainfall event must be treated to remove at least 80% of the calculated average annual post-development total suspended solids (TSS) load or equivalent as defined in the LDM and GSMM;

-8-

Should any section or provision of this Ordinance be declared by a Court of competent jurisdiction to be unconstitutional, invalid or unlawful, such declaration shall not affect the validity of the remaining portions of the ordinance not so declared to be unconstitutional, invalid, or unlawful.

-9-

All resolutions and ordinances of the City of Dalton or parts thereof in conflict herewith are hereby repealed.

-10-

This Ordinance shall take effect and be in force following its adoption and publication in two public places within the City of Dalton for five (5) consecutive days, the public welfare of the City of

Dalton requiring it.

ADOPTED AND APPROVED on the ___ day of _____, 20___, at the regular meeting of the Mayor and Council of the City of Dalton.

The foregoing Ordinance received its first reading on _____ and a second reading on _____. Upon second reading a motion for passage of the ordinance was made by Council member _____, second by Council member _____ and upon the question the vote is _____ ayes, _____ nays and the Ordinance is adopted.

CITY OF DALTON, GEORGIA

Attest:

MAYOR

CITY CLERK

A true copy of the foregoing Ordinance has been published in two public places within the City of Dalton for five (5) consecutive days following passage of the above-referenced Ordinance as of the _____ day of _____, 20___.

CITY CLERK
CITY OF DALTON



CITY COUNCIL AGENDA REQUEST

Meeting Type: Mayor & Council Meeting

Meeting Date: 1-4-21

Agenda Item: Appointments - Boards, Commissions, Authorities

Department: Administration

Requested By: Jason Parker

Reviewed/Approved by City Attorney? NA

Cost: NA

Funding Source if Not in Budget NA

Please Provide A Summary of Your Request, Including Background Information to Explain the Request:

Updates the Appointments

Type	Appointment	Appointee	Term	Expiration
Airport	Authority	Clark, Chester	5 Year	12/21/2025
Historic Preservation	Commission	Lewis, Joanne	3 Year	12/31/2023
Historic Preservation	Commission	Roan, Carolyn	3 Year	12/31/2023
Historic Preservation	Commission	Snyder, Cathy	3 Year	12/31/2023
Historic Preservation	Commission - Vice-Chairman	Hutchenson, John	3 Year	12/31/2023
Housing	Authority-Resident Member	Land, Barbara	1 Year	12/31/2021
Joint Development	Authority	Kinard, Bob	2 Year	12/31/2022
Joint Development	Authority	Ramirez, Juan Carlos	3 Year	12/31/2023
Joint Development	Authority	Robertson, Frank	1 Year	12/31/2021
Public Safety	Commission	Viamonte, Luis	5 Year	12/31/2025
Recreation	Commission	Steve Card	5 Year	12/31/2025
Regional Development	Commission-Liaison	Gowin, Kenny	1-Year	12/31/2021
Tree	Board	Atkins, Dianne	3 Year	12/31/2023
Tree	Board	Hawkins, Nancy	3 Year	12/31/2023
Tree	Board	Ester, Will	3 Year	12/31/2023
WL&SF	Commission	Boggs, Tommy	5 Year	12/31/2025