



**MAYOR AND COUNCIL MEETING
MONDAY, JUNE 03, 2024
6:00 PM
DALTON CITY HALL - COUNCIL CHAMBERS**

A G E N D A

WORK SESSION - 5:00 P.M. - COUNCIL CHAMBERS:

1. Report on DEO Clinic Activities - Heather Donahue, Executive Director
2. City Administrator Report - Andrew Parker

REGULAR MEETING – 6:00 P.M. – COUNCIL CHAMBERS

Call to Order

Pledge of Allegiance

Approval of Agenda

Public Commentary: *(Please Complete Public Commentary Contact Card Prior to Speaking - Limit of 3 Minutes Per Person)*

Presentations:

1. Department Head Reports

Proclamations:

- [2.](#) Municipal Court Clerks Week - June 10-14, 2024 - Jason James and Misty Wimpey

Minutes:

- [3.](#) Mayor & Council Minutes of May 20, 2024

Unfinished Business:

- [4.](#) Second Reading Ordinance 24-14 To Amend Chapter 2 Of The 2001 Revised Code of The City of Dalton, Georgia Captioned "Administration"; To Provide for An Effective Date; To Provide for The Repeal of Conflicting Ordinances; To Provide for Severability; And for Other Purposes.

New Business:

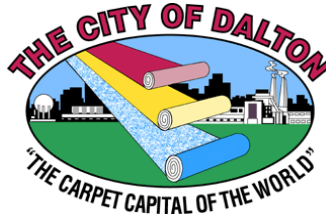
- [5.](#) Memorandum of Understanding Between Limestone Valley Resource Conservation & Development Council for the Urban Garden Project
- [6.](#) Arcadis Professional Services Task Order #12 for West Hill Columbarium Site Design & Expansion Master Plan
- [7.](#) First Reading Ordinance 24-15 The request of Maria Amaya to rezone from Medium Density Single Family Residential (R-3) to Neighborhood Commercial (C-1) a tract of land totaling 0.17 acres located at 900 Riverbend Road, Dalton, Georgia.
- [8.](#) First Reading Ordinance 24-16 The request of Jason Goldberg to rezone from Heavy Manufacturing (M-2) to Rural Residential (R-5) a tract of land totaling 0.15 acres located at 1127 Riverbend Drive, Dalton, Georgia.

Supplemental Business

Announcements

Adjournment

PROCLAMATION



MUNICIPAL COURT CLERKS WEEK

WHEREAS, Municipal Court Clerks play a significant role in ensuring that municipal courts preserve public safety and promote quality of life in the City of Dalton and local municipalities across the state; and

WHEREAS, the procedures for the Dalton Municipal Court operations are set forth by the Uniform Rules of Municipal Court and other laws of the State of Georgia; and

WHEREAS, more people come in contact with Municipal Court Clerks than all other city services combined and public impression of the Georgia judicial system is largely dependent upon the public's experience in municipal court; and

WHEREAS, Municipal Court Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all; and

WHEREAS, the Dalton Municipal Court is committed to the notion that our legal system is based on the principle that an independent, fair, and competent judiciary will interpret and apply the laws that govern us; Municipal Court Clerks act in a manner that promotes public confidence in the integrity and impartiality of the judiciary; and

WHEREAS, it is most appropriate that we recognize the accomplishments and significant role the Municipal Court Clerks play in preserving the public confidence, integrity and impartiality of the judiciary.

NOW, THEREFORE BE IT RESOLVED, I, Annalee Sams, Mayor of the City of Dalton, do hereby proclaim the week of June 10-14, 2024, as “**Municipal Court Clerks Week**” and further extend appreciation to Misty Wimpey, our Chief Clerk, and all Municipal Court Clerks for the vital services they perform and their exemplary dedication to the communities they represent and serve.

*In witness whereof, I have hereunto set my hand
and caused the seal of this city to be affixed.*

Mayor _____

Date _____ June 3, 2024 _____

THE CITY OF DALTON
MAYOR AND COUNCIL MINUTES
MAY 20, 2024

The Mayor and Council held a meeting this evening at 6:00 p.m. at City Hall. Present were Mayor Annalee Sams, Council members Dennis Mock, Nicky Lama, Tyree Goodlett and Steve Farrow, City Administrator Andrew Parker and City Attorney Jonathan Bledsoe.

CALL TO ORDER

Mayor Sams called the meeting of the Mayor and Council to order.

PLEDGE OF ALLEGIANCE

Councilmember Lama led the audience in the Pledge of Allegiance.

APPROVAL OF AGENDA

On the motion of Councilmember Farrow, second Council member Goodlett, the Mayor and Council approved the agenda. The vote was unanimous in favor.

PUBLIC COMMENTARY

Andrew Moore inquired about the scope and timeline of construction of John Davis Recreation Center.

City Administrator Andrew briefed Mr. Moore on the project.

MINUTES

The Mayor and Council reviewed the Regular meeting minutes of May 6, 2024. On the motion of Council member Mock, second Council member Lama, the minutes were approved. The vote was unanimous in favor.

FY-2024 BUDGET AMENDMENT #2

CFO Cindy Jackson presented FY-2024 Budget Amendment #2 as follows:

General Fund

- (1) To Adjust for TAVT and sales tax over budget
- (2) To Adjust for interest income in excess of budget
- (3) To adjust to amounts provided by Dalton Utilities
- (4) To cover increase in commercial insurance
- (5) Transfer to Dalton Housing Authority for support of low-income development
- (6) To budget for infrastructure at South Hamilton Development
- (7) To purchase ADFA equipment for Emery Center
- (8) For discretionary spending
- (9) To move all legal fees into a non-departmental budget
- (10) To fund Pentz – Cuyler streetscape project (25% grant funded) and turf infields at HP Complex (67% grant funded) improving Neighborhood Outcomes Grant
- (11) Local Match of 16% for resurfacing of airport runway with state and federal funding of \$5,033,000 and total project cost of \$6m
- (12) Reclaim transfer due to paving bids coming in under budget
- (13) Reclaim transfer due to receipt of SPLOST funds not moved to sinking fund

2021 Bonded Capital Project Fund

- (1) Reallocation of funds transferred from general fund in 2023 for bonded projects to the grant fund for HP Park fields and streetscape

Grant Fund - ARPA

- (1) Additional funding needed to cover actual cost as opposed to estimated cost Street scrape total cost = \$8.5m Heritage Point Park total cost = \$3.3m

FY-2024 Budget Amendment #2

Continued

Grant Fund - Airport

- (1) Local Match of 16% for resurfacing of airport runway with state and federal funding of \$5,033,000 and total project cost of \$6m

2020 SPLOST Fund

- (1) Reallocate funding sources for John Davis Recreation and Street Paving

On the motion of Council member Goodlett, second Council member Farrow, the Amendment was approved. The vote was unanimous in favor. A copy of this complete amendment is a part of these minutes.

GUARANTEED MAXIMUM PRICE AMENDMENT WITH FELKER CONSTRUCTION FOR RENOVATIONS AND ADDITIONS TO THE JOHN DAVIS RECREATION CENTER

City Administrator Andrew Parker presented the Guaranteed Maximum Price Amendment with Felker Construction for Renovations and Additions to the John Davis Recreation Center. Parker stated the GMP is \$11,643,333.00 with the funding source coming from the 2020 SPLOST, Bond Fund, and General Fund. Parker further stated the construction timeline with substantial completion is August 31, 2025. On the motion of Council member Mock, second Council member Lama, the Amendment was approved. The vote was unanimous in favor.

GEO-HYDRO ENGINEERS PROFESSIONAL SERVICES AGREEMENT - JOHN DAVIS RECREATION CENTER

City Administrator Andrew Parker Geo-Hydro Engineers Professional Services Agreement for Construction Testing Services at John Davis Recreation Center. Parker stated this service is critical to ensure aspects of the project are constructed to the required specifications. Parker stated the cost is \$56,661.20 with the funding source coming from the 2020 SPLOST. On the motion of Council member Mock, second Council member Lama, the Agreement was approved. The vote was unanimous in favor.

CONTRACT WITH SPORTS FIELDS, INC. - HERITAGE POINT REGIONAL PARK

Recreation Director Caitlin Sharpe presented the Contract with Sports Fields, Inc., for Baseball and Softball Turf In-Fields for Heritage Point Regional Park. Sharpe stated of the proposals received, Sports Field received the highest of responses. Sharpe continued stating the funding source is the OPB Grant and Bond Fund for Matching Funds at a cost of \$3,068,890.00 with a substantial completion date of no later than 02/28/2025. On the motion of Council member Mock, second Council member Lama, the Contract was approved. The vote was unanimous in favor.

CONTRACT WITH DALTON CONVENTION CENTER FOR HUMAN TRAFFICKING TRAINING

City Administrator Andrew Parker presented a Contract with Dalton Convention Center for Human Trafficking Training. Parker stated the City is coordinating with Hamilton Medical Center staff to host the conference at the Dalton Convention Center July 30-August 1, 2024 at a cost of \$22,356.54 to be paid from the Opioid Settlement Funds. On the motion of Council member Mock, second Council member Lama, the Contract was approved. The vote was unanimous in favor.

FIRST READING – ORDINANCE 24-14 TO AMEND CHAPTER 2 OF THE 2001 REVISED CODE OF THE CITY OF DALTON, GEORGIA CAPTIONED

City Attorney Jonathan Bledsoe presented the First Reading – Ordinance 24-14 to amend Chapter 2 of the 2001 revised code of the City of Dalton, Georgia captioned "Administration"; to provide for an effective date; to provide for the repeal of conflicting ordinances; to provide for severability; and for other purposes. Bledsoe outlined the following changes to Chapter 2 entitled "Administration":

- Proposed revision to Chapter 2 of City Code (Administration) to conform to the new City Charter
- Revisions include:
 - Deleted all references because some are outdated, and all are unnecessary
 - Deleted the items that are covered in the new charter
 - Updated language such as alderman to councilmembers, chairmen to chairpersons, etc.
 - Made the public works and finance committees match current practices
 - Added section 2-61 of oaths of members of commissions, authorities, and boards as the new charter indicates an ordinance would be enacted for this.
 - Added the Public Safety Commission in 2-63 with requested changes (5 total members including 1 member of M&C and 1 former public safety employee).
 - Affirmed the Recreation Commission, which was actually created by a resolution in 1956.
 - Deleted section banning smoking on city property as this is now covered by state law.
 - Made edits to Match current HR practices regarding setting salaries
 - Updated numbering

Ordinance 24-14 is a first reading. No action needed.

EXECUTIVE SESSION - POTENTIAL LITIGATION, REAL ESTATE AND PERSONNEL MATTERS

On the motion of Council member Goodlett, second Council member Farrow, the Council adjourned in to Executive Session at 6:28 p.m. for potential litigation and personnel matters. The vote was unanimous in favor. This concluded the regular meeting.

Bernadette Chattam
City Clerk

Annalee Sams, Mayor

Recorded
Approved: _____
Post: _____



CITY COUNCIL AGENDA REQUEST

Meeting Type: Mayor & Council Meeting

Meeting Date: 06-03-24

Agenda Item: Second Reading - Ordinance 24-14 Chapter 2

Department: Administration

Requested By: Andrew Parker

Reviewed/Approved by City Attorney? Yes

Cost:

Funding Source if Not in Budget

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

Second Reading - Ordinance 24-14 To Amend Chapter 2 Of The 2001 Revised Code of The City of Dalton, Georgia Captioned "Administration"; To Provide for An Effective Date; To Provide for The Repeal of Conflicting Ordinances; To Provide for Severability; And for Other Purposes.

ORDINANCE 24-14

To Amend Chapter 2 Of The 2001 Revised Code Of The City Of Dalton, Georgia Captioned "Administration"; To Provide For An Effective Date; To Provide For The Repeal Of Conflicting Ordinances; To Provide For Severability; And For Other Purposes.

BE IT ORDAINED by the Mayor and Council of the City of Dalton and by the authority of the same, **IT IS HEREBY ORDAINED** as follows:

Section 1.

Chapter 2 of the 2001 Revised Code of the City of Dalton, Georgia, captioned "Administration" is hereby amended by striking the by striking, repealing and deleting Chapter 2 in its entirety and substituting in lieu thereof a new Chapter 2 which shall read as follows:

Chapter 2 ADMINISTRATION

Secs. 2-1—2-25. Reserved.

ARTICLE II. MAYOR AND COUNCIL

DIVISION 1. GENERALLY

Sec. 2-26. Annual appointment of officers and agents.

At the beginning of each year, the mayor and council shall appoint such officers and agents as, in its judgment, shall be necessary and expedient for the proper carrying on of the city's business.

Sec. 2-27. Salaries of appointed officers, employees or agents.

The salaries of all appointed city officers, employees or agents shall be affixed by the city administrator or his or her designee, subject to approval of mayor and council, which shall review the same on at least a yearly basis.

Sec. 2-28. Contempt toward mayor and council.

Contemptuous or disorderly conduct toward the mayor and council or any committee thereof or in their presence is prohibited.

Sec. 2-29. Agenda protocol and procedure.

- (a) For each regular meeting of the mayor and council, the city administrator shall prepare an agenda as provided in this section of all matters which he or she knows may be considered at the meeting and

described in sufficient detail to explain the nature of the item and the name of the person placing it on the agenda. A copy of this final agenda shall be delivered to each member of the mayor and council not later than 5:00 p.m. on the Friday preceding the particular meeting in compliance with open meetings law (O.C.G.A. § 15-14-1 et seq.).

- (b) No matter shall be placed on the agenda unless the following procedure has been followed:
 - (1) Only the mayor, councilmembers, the heads of city departments and other agencies, boards and commissions of the city may place items on the agenda.
 - (2) Any request for an item to be placed on the agenda must be received in writing by the city administrator prior to 12:00 noon on Thursday preceding the next regular meeting of the mayor and council. Such request shall include a brief affirmative statement of the subject matter of the item, together with a statement of what action the mayor and council is being requested to take, and may refer only to one item.

Sec. 2-30. Meetings.

The mayor and council shall hold regularly scheduled meetings on the first and third Mondays of each month at a time set annually by the mayor and council. The mayor and council shall have the authority to set a different meeting date or call a special meeting in its discretion and upon due notice as required by law. The mayor and council shall have the authority to cancel a regularly scheduled meeting if there is no business to conduct.

Sec. 2-31. Liaisons.

At the beginning of each calendar year, the mayor shall appoint members of the council or employees of the city to serve as liaisons between the mayor and council and the various departments, boards and commissions of the city. A liaison shall serve for balance of the calendar year, but may be reappointed for additional one-year terms at the discretion of the mayor. If a liaison position becomes vacant during a calendar year, the mayor shall appoint a new liaison to serve for the balance of that year. Liaisons shall keep the mayor and council current on matters concerning their respective departments, boards and commissions. Liaisons shall communicate concerns of the mayor and council to the departments, boards and commissions. Liaisons shall be invited to attend, and to participate in, all regular, special and executive meetings of the department, board or commission with which they liaise, but shall not have a vote on matters coming before the meeting of such department, board or commission except for liaisons to the Building Authority, Pension Board, Public Safety Commission, Public Works Committee, Downtown Dalton Development Authority, and Northwest Georgia Trade & Convention Center Authority, which shall be entitled to vote. In the event a liaison is unable to attend a meeting, the mayor is authorized to appoint another member of the council as a substitute liaison to attend such meeting.

Secs. 2-32—2-58. Reserved.

DIVISION 2. COMMITTEES, BOARDS, AND COMMISSIONS

Sec. 2-59. Finance and administration committee.

- (a) The finance and administration committee shall have supervision over the finances and budgeting of the city, ordinance review and recommendation, insurance policies, community development, building codes enforcement, purchasing, personnel administration and public input and involvement.
- (b) The finance and administration committee shall be comprised of all members of the mayor and council.

Sec. 2-60. Public works and facilities committee.

- (a) The public works and facilities committee shall have general supervision over city cemeteries, , railroads, streets, public works projects and all other public property and facilities within the city. The public works committee shall provide direction to, and have oversight of, infrastructure projects and the public works department of the City of Dalton.
- (b) The public works committee shall be comprised of the city administrator and two (2) members of the mayor and council appointed by the mayor and serving at the pleasure of the mayor.

Sec. 2-61. Oaths.

Upon their appointment and prior to taking office, all commission members, board members, authority members, police officers, and firefighters, shall take the following oath:

“I do solemnly (swear)(affirm) that I will faithfully perform the duties of (title of office) of this city and that I will support and defend the charter thereof as well as the constitution and laws of the State of Georgia and of the United States of America. I am not the holder of any unaccounted for public money due this state or any political subdivision or authority thereof. I am not the holder of any office of trust under the government of the United States, any other state, or any foreign state which I by the laws of the State of Georgia am prohibited from holding. I am otherwise qualified to hold said office according to the Constitution and laws of Georgia. I will perform the duties of my office in the best interest of the City of Dalton to the best of my ability without fear, favor, affection, reward, or expectation thereof.” The oath shall be administered by the city attorney or any judicial officer authorized to administer oaths.

Sec. 2-62. Chairpersons.

Each board, commission, or authority of the city shall elect one of its members to serve as chair, for a term of one (1) year. Said election shall occur at the first meeting in the calendar year of the board, commission, or authority. A chair may serve an indefinite number of terms.

Sec. 2-63 Public Safety Commission.

Appointment, Term, Compensation of Public Safety Commission.

A public safety commission, which shall be an advisory commission consisting of five (5) members to be appointed by the mayor and council of said city as is hereinafter provided, may from time to time make such rules and regulations as they may think proper for the proper conduct of the affairs of such commission. The Public Safety Commission's purpose is to be an advisory authority to the public safety departments. The public safety commission shall consist of five commissioners appointed by the mayor and council and each such member shall serve a five-year term. At least one such member shall be a councilmember and at least one such member shall have had experience as a public safety employee. The terms of the commissioners shall be staggered. Any vacancy in a term of a member shall be filled for the expiration of that term by appointment of the mayor and council. Upon the expiration of the term of service of any member so appointed, the mayor and council shall appoint a member for a full term.

Sec. 2-64

Services of City Attorney to Public Safety Commission.

The city attorney of the City of Dalton shall render such services as are required by said public safety commission.

Sec. 2-65 Recreation Commission.

The recreation commission of the City of Dalton was established by resolution of the mayor and council in 1956 and is hereby reaffirmed. Said commission provides direction to, and advises, the City of Dalton parks and recreation department.

Secs. 2-66—2-86. Reserved.

ARTICLE III. OFFICERS AND EMPLOYEES

DIVISION 1. GENERALLY

Sec. 2-87. Liability protection.

- (a) This section shall be known as the municipal liability protection ordinance and may be referred to as such in any document or pleading.
- (b) The mayor and council find as follows:
 - (1) The city's elected and appointed officers, supervisors, administrators and employees have increasingly been the target of liability lawsuits for actions arising out of the performance of their duties or in any way connected therewith;
 - (2) The general assembly has empowered municipalities to purchase liability insurance or contracts of indemnity insuring or indemnifying the members of governing bodies and supervisors, administrators, employees or other elected or appointed officers of municipalities against personal liability for damages arising out of the performance of their duties or in any way connected therewith, whether based upon negligence, violation of contract rights or violation of civil, constitutional, common law or other statutory rights, whether state, federal or local;
 - (3) The city has purchased liability insurance covering certain acts of the mayor and council, supervisors, administrators, employees and other elected or appointed public officers on a continuous basis since 1982;
 - (4) Liability insurance is not always available to cover all necessary areas of potential liability of the mayor and council, supervisors, administrators, employees and other elected or appointed public officers of the city;
 - (5) The city needs to retain the services of capable and experienced supervisors, administrators, employees and other public officers as well as to encourage capable and experienced members of the general public to seek and hold elective office of the city, and the prospect of personal liability unmet by available insurance is a deterring factor to the city's meeting such goal;
 - (6) The state general assembly has provided that a municipality may adopt a policy establishing the terms and conditions under which it will pay part or all of any claim or civil judgment rendered against the mayor or any councilmember, supervisor, administrator, employee or other elected or appointed official of the city whom it is authorized to defend pursuant to a written public policy;

- (7) It is in the best interest of the city and the good order and administration of the government of the city and its people that the city establish, in addition to any liability insurance or contract of indemnity and secondary thereto, only a policy under which the city will undertake to defend all or specified civil, criminal or quasicriminal actions brought or maintained against the mayor and any councilmember or against any supervisors, administrators, employees or other elected or appointed city officers arising out of the performance of their duties or in any way connected therewith, based upon negligence, violation of contract rights or violation of civil, constitutional, common law or statutory rights and to pay part or all of any claim or civil judgment rendered against any person whose defense the city so undertakes; and
- (8) These should be limitations on such duty to provide a legal defense and obligation to pay part or all of any claim or civil judgment rendered against the mayor or any councilmember, supervisor, administrator, employee or other elected or appointed officer of the city such that the city is not defending or paying claims or judgments with respect to criminal offenses involving theft, embezzlement or other like crimes with respect to the property or money of or in which the city has an interest.
- (c) In addition to any contract to defend provided under any liability insurance or contract of indemnity insuring or indemnifying the mayor or councilmembers, supervisors, administrators, employees or other elected or appointed officers of the city against personal liability for damages arising out of the performance of their duties or in any way connected therewith and secondary thereto only, it shall be the city's policy to provide as a part of the compensation in terms of employment of the mayor and councilmembers, all supervisors, administrators, employees and other elected or appointed officers of the city a defense for all civil, criminal or quasicriminal actions brought or maintained against such mayor, councilmembers, supervisors, administrators, employees and other elected or appointed officials, arising out of the performance of their duties or in any way connected therewith, whether based upon negligence, violation of contract rights or violation of civil, constitutional, common law or statutory rights. However, the city shall not be authorized to furnish a defense to any person charged with a criminal offense involving theft, embezzlement or other like crime with respect to the property or money of or in which the city has an interest.
- (1) The city may expend public funds for such purposes, including, but not limited to attorney's fees, court costs, deposition costs, witness fees and compensation and all other like costs, expenses and fees.
- (2) The city shall designate in its sole discretion appropriate legal counsel to fulfill its policy of providing legal defense under subsection (c)(1) of this section. As a condition of receipt of such legal defense, the mayor, councilmembers, supervisors, administrators, employees and other elected or appointed officials of the city shall have the duty to cooperate with such legal counsel designated by the city in the defense of the claim or suit.
- (d) In addition to any liability insurance or contract of indemnity covering the mayor, councilmembers, supervisors, administrators, employees or other elected or appointed officials of the city, and secondary thereto only, the city shall pay part or all of any claim or civil judgment rendered against any person as provided in this section whose defense the city is authorized to undertake under subsection (c) of this section. As a condition to such payment of any part or all of any claim or civil judgment, such person shall be obligated to cooperate with the attorneys appointed or designated by the city to defend such person in the action. Failure of such employee to cooperate in the defense of the action shall void any obligation of the city to pay part or all of any claim or civil judgment rendered against such person.
- (e) This section is intended to set forth a written policy for the city as authorized and provided in O.C.G.A. §§ 45-9-21 and 45-9-22. Nothing in this section shall be construed as waiving any immunity or privilege of any kind enjoyed by the city or other public body, department, board, commission or agency of the city or by the mayor and any councilmember or by any supervisor, administrator, employee or other elected or appointed officer of the city or any public body, board, department, agency or political subdivision of the city.

Secs. 2-88—2-113. Reserved.

DIVISION 2. CITY CLERK

Sec. 2-114. General duties.

The City Clerk shall issue licenses, summons, processes, subpoenas and executions; shall have the custody of all records, papers and books and seals belonging to the council; and shall pay all moneys received by him or her to the city depository at least once a week.

Sec. 2-115. Books to be kept.

The city clerk shall keep a book of neat and accurate minutes, cards for recording all licenses, a book for ordinances and a book of the annual tax digest.

Sec. 2-116. Appointment as superintendent of elections.

Pursuant to the power vested in the mayor and council pursuant to O.C.G.A. § 21-2-45(c)(2), the county is appointed to perform, until further act of the mayor and council, all duties as superintendent of elections as specified in O.C.G.A. § 21-2-1 et seq., with the exception of the qualification of candidates for municipal office, which duty shall be performed by the city clerk.

Secs. 2-117—2-141. Reserved.

DIVISION 3. OPEN RECORDS OFFICER

Sec. 2-142. Open records officer.

There is hereby created the office of open records officer. The city administrator is hereby designated as the city's open records officer; the open records officer may designate, in writing, assistant open records officer(s) as required to perform the duties of his or her office. The open records officer shall serve at the pleasure of the mayor and council.

Sec. 2-143. Duties.

It shall be the duty of the open records officer and his or her duly designated assistant open records officer(s) to accept written requests to inspect and copy public records, pursuant to O.C.G.A. § 50-18-70, et seq., and to produce to the requester all records responsive to a request within a reasonable amount of time not to exceed three business days of receipt of a request, unless the time for response is extended in accordance with law. No request shall be deemed filed until served upon the open records officer, either by hand delivery or statutory overnight delivery to the open records officer at City Hall, 300 W. Waugh Street, Dalton, Georgia, 30720; by certified United States mail, return receipt requested to the open records officer at P.O. Box 1205, Dalton, Georgia,

30722; by email to openrecords@cityofdaltonga.gov; or by facsimile transmission to open records officer at 706-529-2491. Requests, whether oral or in writing, served upon any other officer or employee of the city shall not be deemed filed, until the requester has filed his or her request, in writing, with the open records officer. In the absence or unavailability of the open records officer, an assistant open records officer shall perform the duties of the open records officer. The absence or unavailability of a designated open records officer shall not delay the city's response to a properly served request.

Sec. 2-144. Request response.

Upon receipt of a request, it shall be the duty of the open records officer to promptly ascertain the availability of all public records responsive to the request and to produce to the requester those records that can be located and produced within a reasonable time, not to exceed three business days of receipt of a request. For purposes of computing the time within which a response must be made, the open records officer shall not count the business day on which a request is received, nor any intervening Saturday, Sunday, or designated holiday on which city offices are closed for general business. Upon intake of a request, the open records officer shall stamp the request with the date and time of receipt, and initial the request. In any instance where records are unavailable within three business days of the request, it shall be the duty of the open records officer to provide the requester with a written description of such records and a timeline for when the records will be available for inspection or copying and to provide the responsive records to the requester as soon thereafter as practicable. Such response shall also contain a good faith estimate of the cost to the requester for the search, retrieval, redaction, and production and copying of records. The open records officer shall confer with every officer or department head of the city, as necessary, to ascertain the existence of public records responsive to a request (including electronically-stored information), and it shall be the duty of every city officer and department head to confer with and provide records, or true and correct copies of the originals thereof, to the open records officer promptly, time being of the essence. Upon receipt of a public record responsive to a request, the open records officer shall determine, in consultation with the city attorney, if the record is exempt from disclosure by order of a court of this state or by law; if the record is exempt from disclosure, the written response by the open records officer shall set forth the specific legal authority under which withholding of inspection of the record is claimed. The open records officer shall maintain a log or other documentation of his or her due diligence to comply with a proper request.

Sec. 2-145. Fees.

The open records officer shall further have the duty to collect from a requester a reasonable charge for the search, retrieval, redaction, and production/copying of records, utilizing the most economical means available to identify and produce nonexcluded records. The charge for the search, retrieval, or redaction of records shall not exceed the prorated hourly salary of the lowest paid full-time employee who, in the reasonable discretion of the open records officer, has the necessary skill and training to perform the request; provided, however, no charge shall be made for the first quarter hour. In addition thereto, where certified copies of specific records are sought, the fees for certified copies prescribed by law shall apply; otherwise, a fee for the copying of records shall not exceed ten cents per page for letter or legal size documents or, in the case of other documents and electronic records, the actual cost of reproducing the document or media on which the records or media are produced. It shall be the right of the requester, at the time of inspection, to make photographic copies or other electronic reproductions of records, at his or her own expense, using suitable portable devices brought to the place of inspection. Whenever any person has requested to inspect and copy public records and received a written response estimating the cost of the search, retrieval, redaction, and production/copying of the records responsive to the request, and the city has actually incurred such costs but the requester fails to inspect or accept copies of the records, the open records officer shall be authorized to collect such charges in any manner authorized by law. In any instance in which the open records officer has estimated costs in excess of \$25.00 for responding to a request, the open records officer may defer the search, retrieval, redaction, and production/copying of the records until the requester has stated, in writing, his or her willingness to pay an amount equal to the estimate of costs. In any instance in which the estimated costs exceed \$500.00, the open records officer shall insist, in writing, upon

prepayment of the estimated costs prior to beginning search, retrieval, redaction, production or copying of the records. In any instance in which a requester has outstanding costs owing to the city for a previous records request, the open records officer shall insist upon prepayment of the outstanding costs and estimated costs prior to beginning search and retrieval.

Sec. 2-146. Litigation.

Requests by civil litigants, or their counsel of record, in any ongoing civil action or administrative proceeding shall be made in writing and shall include the style of the action or proceeding, the names and addresses of all parties and, if a party is represented by counsel, the name, address, and telephone number of the party's attorney; a copy of the request shall be served by the requester upon all parties or their counsel of record in the action or proceeding contemporaneous to filing the written request with the open records officer. The open records officer shall make duplicate set(s) of records provided in response to the request available to all parties or their counsel for the cost of copies only, unless a party or its counsel elects not to receive the records and pay the copying charge. If the city is a party to the action or proceeding, a set of responses shall be provided to counsel for the city at no charge.

Secs. 2-147—2-172. Reserved.

ARTICLE V. FINANCE

Sec. 2-173. Designation of tax commissioner to prepare tax digest, assess and collect taxes.

Pursuant to applicable state law, the mayor and council may by contract, designate the county tax commissioner to prepare the tax digest for the city; to assess and to collect municipal taxes in the same manner as county taxes; and, for the purpose of collecting such municipal taxes, to invoke any remedy permitted for collection of municipal taxes.

Secs. 2-174—2-199. Reserved.

ARTICLE VI. RESERVED

Secs. 2-200—2-231. Reserved.

ARTICLE VII. RECORDS RETENTION

Sec. 2-232. Retention schedules for local government records.

"Retention Schedules for Local Government Paper and Electronic Records", as promulgated by the Archives, Records and Information Management Section, Georgia Secretary of State, revised May 2007, as from time to time amended, are hereby adopted and incorporated by reference as the minimum retention schedules for public records of the city. For purposes of this section, the definition of "records" found at O.C.G.A. § 50-18-91(5) is hereby incorporated by reference. Municipal court records shall be maintained in accordance with those standards

promulgated, from time to time, by the Georgia Administrative Office of Courts. Records pertaining to investigations of the police or fire departments shall be maintained in accordance with the policies of those departments.

Notwithstanding an applicable records retention schedule to the contrary, records relevant to an actual or potential investigation not initiated by the city police or fire departments, administrative proceeding, or lawsuit, shall be preserved until the city attorney or other legal representative of the city determines the records are no longer needed. This exception supersedes any previously or subsequently established retention schedule for those records.

Sec. 2-233. Compliance.

The city administrator and each department head under the city administrator will be responsible for overseeing implementation, maintenance, security and compliance with record retention requirements. The responsibility imposed by this section includes training and education of employees in the creation, storage, indexing or archiving of public records, records management and retention, compliance with open records laws, and the production and disclosure of records in litigation.

Sec. 2-234. Records management officer.

The city clerk is hereby appointed and designated as the records management officer for the city. It shall be the duty of the records management officer to promulgate policies and procedures governing public records management. Such policies and procedures shall include electronically stored information in addition to records created or maintained in tangible format. The records management officer may designate, in writing, such assistant or deputy officers as required to perform the duties of the office.

Sec. 2-235. Title vested in city.

Title to any public record created or required to be filed or recorded with the city or any department or agency thereof shall be vested in the city and no individual officer or employee shall acquire any property rights therein. Any records designated as "confidential" or "privileged" by law shall be so treated in their creation, maintenance, storage, dissemination, and disposal. Access to such records shall be restricted in the manner provided by law and disclosure thereof shall be made available only to authorized individuals.

Sec. 2-236. Destruction of records.

The destruction of public records shall occur only through the application of the appropriate retention schedule and after satisfying any administrative approvals necessary to authorize destruction. Alienation, alteration, theft or unauthorized destruction of public records of the city by any person or persons in a manner not authorized by an applicable records management program or retention schedule is prohibited, and may result in such person's criminal prosecution and/or removal from public office or dismissal from public employment.

Secs. 2-237—2-262. Reserved.

ARTICLE VIII. ETHICS

Sec. 2-263. Findings of fact.

The mayor and council make the following findings of fact:

- (a) It necessary to the proper operation of democratic government that public officials be, and appear to be, independent, impartial, and responsible to the people; that governmental decisions and policies be made in the proper manner and structure; and that public office not be used for personal gain; and
- (b) Affirmative measures to this end are necessary to provide the public with confidence in the integrity of its government,
- (c) It is the policy of the city that its officials, employees, appointees, and volunteers conducting official city business be governed by the principles set forth in Resolution 09-07, and be further governed by the specific provisions of this article.

Sec. 2-264. Purpose.

The purpose of this code of ethics is to:

- (a) Encourage high ethical standards in official conduct by city officials;
- (b) Establish guidelines for ethical standards of conduct for all such officials by setting forth those acts or actions that are incompatible with the interest of the city;
- (c) Require disclosure by such officials of private financial or other interest in matters affecting the city; and
- (d) Serve as a basis for disciplining those who refuse to abide by its terms.

Sec. 2-265. Scope.

The provisions of this code of ethics shall be applicable to all elected or appointed city officials. Notwithstanding anything herein to the contrary, state law and the charter of the city shall be controlling in the event of an actual conflict with the provisions of this code of ethics. This article shall be interpreted to supplement, and not replace, said provisions of state law and the charter.

Sec. 2-266. Definitions.

Solely for the purpose of this code of ethics:

City official or official, unless otherwise expressly defined does not include city employees but does mean the mayor, members of the city council, municipal court judges (including substitute judges), city manager, city clerk, city attorney, and all other persons holding positions designated by the city charter, as amended as well as all head of all departments of the government of the city. The term "city official" also includes all individuals, including city employees, appointed by the mayor and/or city council as appropriate to city authorities, commissions, committees, boards, task forces, or other bodies which can or may vote or take formal action or make official recommendations to the mayor and/or city council.

Decision means any ordinance, resolution, contract, franchise, formal action or other matter voted on by the city council or other city board or commission, as well as the discussions or deliberations of the council, board, or commission which can or may lead to a vote or formal action by that body.

Employee means any person who is a full-time or parttime employee of the city.

Immediate family means the spouse, mother, father, grandparent, brother, sister, son or daughter related by blood, adoption or marriage and shall include in-laws, steps, and halves of the relationships listed.

Incidental interest means an interest in a person, entity or property which is not a substantial interest as defined herein and which has insignificant value.

Remote interest means an interest of a person or entity, including a city official, which would be affected in the same way as the general public. For example, the interest of an official in the property tax rate, general city fees, city utility charges or a comprehensive zoning ordinance or similar matters is deemed remote to the extent that the official would be affected in common with the general public.

Substantial interest means an interest, either directly or through a member of the immediate family, in another person or entity, where:

- (1) The interest is ownership of five percent or more of the voting stock, shares or equity of the entity or ownership of \$5,000.00 or more of the equity or market value of the entity; or
- (2) The funds received by the person from the other person or entity during the previous 12 months either equal or exceed:
 - a. \$5,000.00 in salary, bonuses, commissions or professional fees, or \$5,000.00 in payment for goods, products or services; or
 - b. Ten percent of the recipient's gross income during that period, whichever is less;
- (3) The person serves as a corporate officer or member of the board of directors or other governing board of a for-profit entity other than a corporate entity owned or created by the city council; or
- (4) The person is a creditor, debtor, or guarantor of the other person or entity in an amount of \$5,000.00 or more.

Sec. 2-267. Prohibitions.

- (a) No city official shall use such position to secure special privileges or exemptions for himself or herself or others, or to secure confidential information for any purpose other than official duties on behalf of the city.
- (b) No city official, in any matter before the council or other city body, relating to a person or entity in which the official has a substantial interest, shall fail to disclose for the record such interest prior to any discussion or vote or fail to recuse himself/herself from such discussion or vote as applicable.
- (c) No city official shall act as an agent or attorney for another in any matter before the city council or other city body.
- (d) No city official shall directly or indirectly receive, or agree to receive, any compensation, gift, reward, or gratuity in any matter or proceeding connected with, or related to, the duties of his office except as may be provided by law.
- (e) No city official shall enter into any contract with, or have any interest in, either directly or indirectly, the city, except as authorized by state law.
 - (1) This prohibition shall not be applicable to the professional activities of the city attorney in his or her work as an independent contractor and legal advisor on behalf of the city.
 - (2) This prohibition shall not be applicable to an otherwise valid employment contract between the city and a city official who is not elected (such as, by way of example, a city manager, city administrator or chief of police).
 - (3) Any official who has a proprietary interest in an agency doing business with the city shall make that interest known in writing to the city council and the city clerk.
- (f) All public funds shall be used for the general welfare of the people and not for personal economic gain.
- (g) Public property shall be disposed of in accordance with state law.

- (h) No city official shall solicit or accept other employment to be performed, or compensation to be received, while still a city official if the employment or compensation could reasonably be expected to impair such official's judgment or performance of city duties.
- (i) If a city official accepts or is soliciting a promise of future employment from any person or entity who has a substantial interest in a person, entity or property which would be affected by any decision upon which the official might reasonably be expected to act, investigate, advise, or make a recommendation, the official shall disclose the fact to the city council and shall recuse himself/herself and take no further action on matters regarding the potential future employer.
- (j) No city official shall use city facilities, personnel, equipment or supplies for private purposes, except to the extent such are lawfully available to the public.
- (k) No city official shall grant or make available to any person any consideration, treatment, advantage or favor beyond that which it is the general practice to grant or make available to the public at large.
- (l) A city official shall not directly or indirectly make use of, or permit others to make use of, official information not made available to the general public for the purpose of furthering a private interest.
- (m) A city official shall not use his or her position in any way to coerce, or give the appearance of coercing, another person to provide any financial benefit to such official or persons within the official's immediate family, or those with whom the official has business or financial ties amounting to a substantial interest.
- (n) A city official shall not order any goods and services for the city without prior official authorization for such an expenditure. No city official shall attempt to obligate the city or give the impression of obligating the city without proper prior authorization.
- (o) No city official shall draw travel funds or per diem from the city for attendance at meetings, seminars, training or other educational events and fail to attend such events without promptly reimbursing the city therefor.
- (p) No city official shall attempt to unduly influence the outcome of a case before the municipal court nor shall any city official other than the municipal court clerk engage in ex parte communication with a municipal court judge on any matter pending before the municipal court.

Sec. 2-268. Conflict of interest.

- (a) A city official may not participate in a vote or decision on a matter affecting an immediate family member or any person, entity, or property in which the official has a substantial interest.
- (b) A city official who serves as a corporate officer or member of the board of directors of a nonprofit entity must disclose their interest in said entity to the mayor and council prior to participating in a vote or decision regarding funding of the entity by or through the city.
- (c) Where the interest of a city official in the subject matter of a vote or decision is remote or incidental, the city official may participate in the vote or decision and need not disclose the interest.

Sec. 2-269. Board of ethics.

- (a) A board of ethics is hereby established to act as provided below with respect to complaints that allege a violation of this article by city official.
- (b) The board of ethics shall consist of three residents of the city, one appointed by the mayor, one appointed by the council, and the third appointed by the two named board members and approved by a majority of the city council. The third member of the board of ethics shall be a member in good standing of the State Bar of Georgia.

- (c) All members of the board of ethics shall be residents of the city for at least one year immediately preceding the date of taking office and shall remain a resident while serving on the board.
- (d) All members of the board of ethics shall serve a five-year term.
- (e) No person shall serve as a member of the board of ethics if the person has, or has had within the preceding one-year period, any interest in any contract or contracting opportunity with the city or has been employed by the city.
- (f) Members of the board of ethics with any permit or rezoning application pending before the city, or any pending or potential litigation against the city or any city official charged in the complaint shall be disqualified from serving on the board of ethics for that complaint. An alternate member of the board of ethics shall be selected in the same manner as the disqualified individual.
- (g) The members of the board of ethics shall serve without compensation. The city council shall provide meeting space for the board of ethics and, subject to budgetary procedures and requirements of the city, such supplies and equipment as may be reasonably necessary for the board to perform its duties and responsibilities.
- (h) No person shall serve on the board of ethics who has been convicted of a felony involving moral turpitude in this state or any other state, unless such person's civil rights have been restored and at least ten years have elapsed from the date of the completion of the sentence without a subsequent conviction of another felony involving moral turpitude.
- (i) No person shall serve on the board of ethics who is less than 18 years of age, who holds a public elective office, who is physically or mentally unable to discharge the duties of a member of the board of ethics, or who is not qualified to be a registered voter in the city.
- (j) Upon appointment, members of the board of ethics shall sign an affidavit attesting to their qualification to serve as a member of the board of ethics.
- (k) Members of the board of ethics may be removed by majority vote of the mayor and council.

Sec. 2-270. Receipt of complaints.

- (a) All complaints against city officials shall be filed with the board of ethics, who may require that oral complaints and complaints illegibly or informally drawn, be reduced to a memorandum of complaint in such form, as may be prescribed, by the city council or the board of ethics. Upon receipt of a complaint in proper form, the chair of the board of ethics shall forward a copy of the complaint to the city official or officials charged in the complaint within and no more than seven calendar days.
- (b) All complaints shall be submitted and signed under oath, shall be legibly drawn and shall clearly address matters within the scope of this article.
- (c) Upon receipt of a complaint in proper form, the board shall review it to determine whether the complaint is unjustified, frivolous, patently unfounded or fails to state facts sufficient to invoke the disciplinary jurisdiction of the mayor and council. The board of ethics is empowered to dismiss in writing complaints that it determines are unjustified, frivolous, patently unfounded or fail to state facts sufficient to invoke the disciplinary jurisdiction of the mayor and council; provided, however, that a rejection of such complaint by the board of ethics shall not deprive the complaining party of any action such party might otherwise have at law or in equity against the city official. For complaints that are not dismissed, the board of ethics is empowered to collect evidence and information concerning any complaint and add the findings and results of its investigation to the file containing such complaint.
- (d) Upon completion of its investigation of a complaint, the board of ethics is empowered to dismiss in writing those complaints which it determines are unjustified, frivolous, patently unfounded or which fail to

state facts sufficient to invoke the disciplinary jurisdiction of the mayor and council; provided, however, that a rejection of such complaint by the board of ethics shall not deprive the complaining party of any action such party might otherwise have at law or in equity against the city official.

- (e) The board of ethics is empowered to conduct investigations, to take evidence, and to hold hearings to address the subject matter of a complaint.
- (f) The board of ethics is empowered to adopt forms for formal complaints, notices, and any other necessary or desirable documents within its jurisdiction where the city council has not prescribed such forms.
- (g) Findings of the board of ethics shall be submitted to the mayor and council for action.
- (h) To discourage the filing of ethics complaints solely for political purposes, complaints will not be accepted against a person seeking election as a city official, whether currently serving as a city official or not, from the date qualifying opens for the elected office at issue through the date the election results for that office are certified. The time for filing complaints will not run during this period. Properly filed complaints will be accepted and processed after the election results have been certified.

Sec. 2-271. Service of complaint.

The city clerk, on behalf of the board of ethics, shall cause the complaint to be served on the city official charged as soon as practicable but in no event no later than seven calendar days after receipt of a proper, verified complaint. Service may be by personal service, by certified mail, return receipt requested, or by statutory overnight delivery. A hearing shall be held within 60 calendar days after filing of the complaint. The board of ethics shall conduct hearings in accordance with the procedures and regulations it establishes, but, in all circumstances, at least one hearing shall include the taking of testimony and the cross-examination of available witnesses. The decision of the board of ethics shall be rendered to mayor and council within seven calendar days after completion of the final hearing. At any hearing held by the board of ethics, the city official, who is the subject of inquiry, shall have the right to written notice of the hearing and the allegations at least seven calendar days before the first hearing, to be represented by counsel, to hear and examine the evidence and witnesses and, to oppose or try to mitigate the allegations. The city official, subject to the inquiry, shall have also have the right, but not the obligation, of submitting evidence and calling witnesses. Failure to comply with any of the time deadlines in this section shall not invalidate any otherwise valid complaint, or in any way affect the power or jurisdiction of the board of ethics or the city council to act upon any complaint.

Sec. 2-272. Right to appeal.

- (a) Any city official or complainant adversely affected by the findings or recommendations of the board of ethics may obtain judicial review of such decision as provided in this article.
- (b) An action for judicial review may be commenced by filing an application for a petition for review, in the county superior court within 30 days after the decision of the board of ethics. The filing of such application shall act as supersedeas.

Sec. 2-273. Penalty.

Any person violating any provision of this article is subject to:

- (1) Public reprimand, censure, or removal if permitted by law by the mayor and council; or
- (2) Request for resignation by the mayor and council.

Section 2.

This Ordinance shall be effective upon the posting of this Ordinance in two (2) public places in the City of Dalton for five (5) consecutive days following its enactment by the Mayor and Council, the public health, safety, and welfare requiring it.

Section 3.

All ordinances and parts of ordinances in conflict with this ordinance are repealed.

Section 4.

It is hereby declared to be the intention of the Mayor and Council of the City of Dalton that the section, paragraphs, sentences, clauses and phrases of this Ordinance are severable and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional or otherwise invalid by a court of competent jurisdiction such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance.

SO ORDAINED this ____ day of _____, 2024.

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/MAYOR PRO TEM

ATTEST:

CITY CLERK



CITY COUNCIL AGENDA REQUEST

Meeting Type: Mayor & Council Meeting

Meeting Date: June 3, 2024

Agenda Item: MOU with Limestone Valley Resource Conservation and Development Council and The City of Dalton

Department: Recreation

Requested By: Caitlin Sharpe

Reviewed/Approved by City Attorney? Yes

Cost: 13.25% of the Grant Award

Funding Source if Not in Budget Grant Funded

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

Limestone Valley Resource Conservation and Development Council will provide technical assistance and administration of the grant funded Urban Garden Project.

**Memorandum of Understanding Between
Limestone Valley Resource Conservation & Development Council
and The City of Dalton, Georgia**

The purpose of this Memorandum of Understanding (MOU) is to outline goals and expectations between Limestone Valley Resource Conservation & Development Council (Limestone) and The City of Dalton, Georgia (the City) for technical assistance and administration in regards to federal funding (Assistance Listing 10.902) obtained for the Urban Garden Project.

Duties

Limestone will provide technical assistance and administration and agrees to the following:

- A. Assist in the preparation of the revised SF-424, budget, and scope of service;
- B. Provide guidance on allowable direct and indirect costs;
- C. Prepare all required financial and programmatic reports, including final report, required by the funding agency with Dalton's assistance and final approval;
- D. Prepare request to funding agency for disbursement of funds;
- E. Participate in any audit requests from the City's independent auditors or federal funding agency.

Term

This MOU will commence once approved and signed by authorized officials from Dalton and continue until the project is completed and the grant is closed out with the funding agency.

Compensation

Compensation is contingent upon awarding of federal funding for the Urban Garden Project. Limestone will receive 13.25% of the grant award and payment will be made within fifteen (15) days of receiving invoice.

Cancellation

This agreement may be terminated if any of the following events occur:

- A. Limestone fails to perform or observe any other covenant of this agreement, and this failure remains unremedied fifteen (15) days after notice in writing;
- B. Upon fifteen (15) days written notice by either party of its intent to terminate the agreement.

Points of contact responsible for administration:

City of Dalton:

Fiscal Contact

Cindy Jackson
Chief Financial Officer
300 W Waugh St
Dalton, GA 30720
cjackson@daltonga.gov
(706) 529-2460

Programmatic Contact

Caitlin Sharpe
Director of Recreation
P O Box 1205
Dalton, GA 30722
csharpe@daltonga.gov>
(706) 278-5404

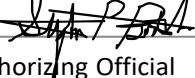
Limestone Valley Conservation:

Stephen Bontekoe
Executive Director
71 Case Avenue
Trenton, GA 30752
(423) 421-2543
Limestonevalley.org
stevenbontekoe@gmail.com

IN WITNESS WHEREOF, Limestone Valley Resource Conservation & Development Council and the City of Dalton, Georgia through duly authorized representatives, entered into this Memorandum of Understanding. The parties having read and understood the foregoing terms of this Memorandum of Understanding do by their respective signatures dated below hereby agree to the terms thereof.

Limestone Valley Resource Conservation & Development Council

By:



Authorizing Official

Stephen Bontekoe, Executive Director

5/20/2024

Date

The City of Dalton, Georgia

By:

Annalee Harlan Sams, Mayor

Date

Attest:

Bernadette Chattam, City Clerk

Date



CITY COUNCIL AGENDA REQUEST

Meeting Type: Mayor & Council Meeting

Meeting Date: 06/03/2024

Agenda Item: West Hill Cemetery Columbarium Site Design & Expansion Master Plan

Department: Public Works

Requested By: Chad Townsend

Reviewed/Approved by City Attorney? No

Cost: \$163,771.00

Funding Source if Not in Budget N/A

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

The following agenda request is for consideration of execution of the Columbarium Site Design & Cemetery Master Plan Professional Services Agreement with the engineering consultant Arcadis.

This proposal provides engineering and design support for the West Hill Cemetery Columbarium design and Master Plan. The Columbarium design will provide a complete construction plan set, and the Master Plan shall encompass engineering and architectural services to illustrate the expansion of the cemetery's current road network and plot layout.

Should this proposal be awarded, the total cost is \$163,771.00, and work shall be completed within 160 calendar days from Notice to Proceed to the consultant.

Please refer to the attached Professional Services Agreement for more information.

PROFESSIONAL SERVICES TASK ORDER

Task Order Number: 012
Task Order Date: May 9, 2024

Subject to the Master Services Agreement between *the City of Dalton, Georgia* [Client] and *Arcadis U.S., Inc.* [Arcadis], dated March 1st, 2020, Client hereby authorizes Arcadis to perform services as specified in this Task Order and in accordance with the above-mentioned Agreement.

1. Project Description: A description of Client's Project for which work is requested is provided in Attachment 1, incorporated into this Task Order.

Client's Project Number: _____

Project Name: Columbarium Site Design & Cemetery Master Plan
 Client's Representative: Chad Townsend

2. Scope of Work: Arcadis shall perform its services as described in Attachment 1, incorporated into this Task Order.

Arcadis's Job Number: _____

Arcadis's Representative: Richard Greuel, P.E.

3. Time Schedule: Arcadis shall use reasonable efforts to complete its work by: 160 days from Notice to Proceed

4. Compensation: Arcadis's Compensation authorized under this Task Order, which shall not be exceeded without prior written authorization of Client, is:

\$ 163,771 This Task Order's Method of Payment is incorporated and attached as Attachment 2.

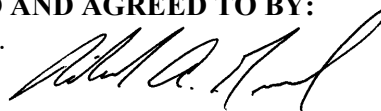
5. Special Conditions: This Task Order is subject to the special provisions as described in Attachment 3, attached, and incorporated into this Task Order:

6. Amendment: ☐ This Task Order amends a previously executed Task Order:

Previous Task Order Number: _____ Previous Task Order Date: _____

ISSUED AND AUTHORIZED BY:
 Client

ACCEPTED AND AGREED TO BY:
 Arcadis, INC.



By: _____

By: Richard A. Greuel, PE

Title: _____

Title: Principal Engineer

PROFESSIONAL SERVICES TASK ORDER

Task Order Number: 012

Attachment 1

Description of Project & Scope of Work

Introduction

The City of Dalton has requested that Arcadis prepare this proposal to provide engineering and design support for the West Hill Cemetery Columbarium design and Master Plan. The Columbarium design will be performed to provide a complete construction drawing package. It is Arcadis's understanding that the cemetery expansion work includes Master Plan level work to illustrate the expansion of the cemetery's current road network and plot layout. The Master Plan will include conceptual grading of the future cemetery expansion area.

Task 1 – Boundary Survey

Arcadis will subcontract Southeastern Engineering, Inc. (SEI) to conduct a survey of the Columbarium site area. Lidar information will be utilized for the Cemetery Master planning and the Columbarium Design.

SEI will perform a boundary survey prepared in accordance with the State of Georgia requirements for land surveys as shown in Attachment 4 Project Map Area referenced property. Only the Northern and Westerly edges of the property will be surveyed per the Client request. Boundary resolution pricing is based on a reasonable amount of research and field work in accordance with industry standards. Should the reconstruction of the subject property involve more than what is deemed reasonable, and the need arises for additional tracts to be surveyed (e.g. subject property does not have suitable monumentation or is not properly recorded), Arcadis will notify the client immediately of any additional charges needed to complete the survey. Additionally, Arcadis will provide proof satisfactory to the client that additional work/fees are required prior to proceeding.

Deliverables:

- Boundary Survey Digital File (AutoCAD)

Assumptions:

- The City will coordinate all on-site access for private property.

Task 2 – Geotechnical Investigation

Arcadis will subcontract Terracon to conduct a geotechnical investigation of the Columbarium site within the West Hill Cemetery property.

Field Exploration (Exhibit E)

The field exploration program is expected to be completed with 1 day of on-site activities and includes subsurface borings as described below:

Number of Borings	Planned Boring Depth (feet) ¹	Planned Location ²
4	25-feet	Proposed Columbarium Location
2	10-feet	Parking/Driveway Area

1. Although not anticipated based on the geology in the vicinity of the project site, borings would be terminated at shallower depths if refusal is encountered.
2. Locations of borings to be determined once a site plan is approved by the City.

Boring Layout and Elevations

Handheld GPS equipment to locate borings with an estimated horizontal accuracy of +/-20 feet. Field measurements from existing site features may be utilized. If available, approximate elevations will be obtained by interpolation from a

site specific, surveyed topographic map. Terracon can alternatively coordinate with your Project Surveyor to include locations and surface elevations in project information if so requested.

Subsurface Exploration Procedures

Borings with a truck-mounted drill rig using continuous flight augers (solid stem and/or hollow stem, as necessary, depending on soil conditions) and/or rotary wash boring techniques. Four samples will be obtained in the upper 10 feet of each boring and at intervals of 5 feet thereafter. Soil sampling is typically performed using thin-wall tube and/or split-barrel sampling procedures. The split-barrel samplers are driven in accordance with the standard penetration test (SPT). The samples will be placed in appropriate containers, taken to our soil laboratory for testing, and classified by a Geotechnical Engineer. In addition, Terracon will observe and record groundwater levels during drilling and sampling. Terracon exploration team will prepare field boring logs as part of standard drilling operations including sampling depths, penetration distances, and other relevant sampling information. Field logs include visual classifications of materials observed during drilling and our interpretation of subsurface conditions between samples. Final boring logs, prepared from field logs, represent the Geotechnical Engineer's interpretation and include modifications based on observations and laboratory tests.

Property Disturbance

Terracon will take reasonable efforts to reduce damage to the property. However, it should be understood that in the normal course of our work some disturbance could occur including rutting of the ground surface and damage to landscaping. They will backfill borings with auger cuttings upon completion. Pavements will be patched with cold-mix asphalt and/or ready-mixed concrete, as appropriate. Services do not include repair of the site beyond backfilling our boreholes and patching existing pavements. Excess auger cuttings will be dispersed in the general vicinity of the borehole. Because backfill material often settles below the surface after a period, we recommend boreholes to be periodically checked and backfilled, if necessary. They can provide this service or grout the boreholes for additional fees at your request.

Safety

Terracon is not aware of environmental concerns at this project site that would create health or safety hazards associated with our exploration program; thus, our Scope considers standard OSHA Level D Personal Protection Equipment (PPE) appropriate. Scope of Services does not include environmental site assessment services, but identification of unusual or unnatural materials observed while drilling will be noted on our logs. Exploration efforts require borings into the subsurface, therefore Terracon will comply with local regulations to request a utility location service Georgia 811. They will consult with the landowner/client regarding potential utilities or other unmarked underground hazards. Based upon the results of this consultation, they will consider the need for alternative subsurface exploration methods as the safety of our field crew is a priority. Private utilities should be marked by the owner/client prior to commencement of field exploration. Terracon will not be responsible for damage to private utilities not disclosed to them.

Site Access

Terracon must be granted access to the site by the property owner. Without information to the contrary, they consider acceptance of this proposal as authorization to access the property for conducting field exploration in accordance with the Scope of Services. The proposed fees do not include time to negotiate and coordinate access with landowners or tenants. Terracon will conduct field services during normal business hours (Monday through Friday between 7:00am and 5:00pm). If their exploration must take place over a weekend or at night, please contact us so they can adjust our schedule and fee.

Laboratory Testing

The project engineer will review field data and assign laboratory tests to understand the engineering properties of various soil strata. Exact types and number of tests cannot be defined until completion of fieldwork, but they anticipate the following laboratory testing may be performed:

- Water content

- Atterberg limits
- Grain size analysis

The laboratory testing program often includes examination of soil samples by an engineer. Based on the results of our field and laboratory programs, Terracon will describe and classify soil samples in accordance with the Unified Soil Classification System (USCS).

Geotechnical Report

The results of Terracon's field and laboratory programs will be evaluated, and a geotechnical engineering report will be prepared under the supervision of a licensed professional engineer. The geotechnical engineering report will provide the following:

- Boring logs with field and laboratory data
- Stratification based on visual soil classification
- Groundwater levels observed during and after the completion of drilling
- Site Location and Exploration Plans
- Subsurface exploration procedures
- Description of subsurface conditions
- Recommended foundation options and engineering design parameters
- Estimated settlement of foundations
- Recommendations for design and construction of interior floor slabs
- Seismic site classification
- Earthwork recommendations including site/subgrade preparation
- Lateral earth pressure recommendations
- Recommended pavement options and design parameter

Deliverables:

- Geotechnical Engineering Report, including the professional engineer's seal and signature

Assumptions:

- The City will coordinate all on-site access for private property.
- Clearing will not be required by Terracon to perform the borings. If clearing is required, an additional fee will be required.

Task 3 - Columbarium Concept Design

Arcadis will prepare a design submittal of the Columbarium and Columbarium Plaza within the Cemetery Expansion Master Plan.

30% Plans

The purpose of the 30% plans are to provide an engineering design that identifies all constraints to the design and provide "proof of concept". The Columbarium site plan concept will be within the expansion Master Plan.

The 30-percent design drawings and deliverables will include:

- 30% Submittal Construction Plan Sheets
 - Title Sheet
 - Site Plan
 - Vehicular pulloff / drop-off,
 - Vehicle Parking
 - Landscape Plan
 - Location and layout of each niche

- Paved plaza space adjacent to each niche
- Proposed planting areas
- Proposed seatwalls
- Site furnishings

Deliverables:

- 30% Construction Plans (PDF Format)

Assumptions:

- No more than 2 Design Iterations for Final Concept.
- Arcadis will address one round of review comments for the 30-percent design.
- The City will provide one set of consolidated review comments for the 30% Design Plan submittal.
- The scale of plan drawings will be 1-inch equals 20-feet.
- This project will be exempt from water quality, channel protection, and detention requirements of the City's Land Development Ordinance.
- GDOT standard details and specifications will be sufficient for the project for drainage elements.
- The civil site grading design will provide approximate top and bottom of retaining wall elevations for the pond wall. Final wall elevations will be determined by the retaining wall designer. (If required).
- Once the concept plan is approved, Arcadis will generate photo-illustrative renderings to illustrate the proposed improvements.

Task 4 - Columbarium Design and Construction Plans

60% Plans

Arcadis will prepare a design submittal at the 60-percent design stage and submit to the city for review. The 60-percent design drawings and deliverables will include:

- 60% Submittal Construction Plan Sheets
 - Title Sheet
 - General Notes
 - Existing Conditions Plan
 - Demolition Plan
 - Tree Protection Plan (if required)
 - Site Plan
 - Grading and Drainage Plan
 - Pipe Profiles
 - Landscape Plan
 - Landscape Details
 - Columbarium Sections
 - Columbarium reinforced foundation plans and details
 - Elevations drawings;
 - Erosion & Sedimentation Plans
 - Erosion & Sedimentation Details
 - Standard Civil Details
 - Structural Foundation Plan
 - Structural Foundation Details

Deliverables:

- 60% Construction Plans (PDF Format and 1 hardcopy)
- (1) photo-illustrative rendering

Assumptions:

- Arcadis will address one round of review comments for the 60-percent design.
- The City will provide one set of consolidated review comments for the 60% Design Plan submittal prior to the plan review meeting.
- The scale of plan drawings will be 1-inch equals 20-feet
- The civil site grading design will provide approximate top and bottom of retaining wall elevations for the pond wall. Final wall elevations will be determined by the retaining wall designer. (If required).

90% Plans

Arcadis will prepare a design submittal at the 90-percent design stage and submit to the city for review. The 90-percent design drawings and deliverables will include:

- 90% Submittal Construction Plan Sheets
 - Title Sheet
 - General Notes
 - Existing Conditions Plan
 - Demolition Plan
 - Tree Protection Plan (if required)
 - Site Plan
 - Grading and Drainage Plan
 - Pipe Profiles
 - Landscape Plan
 - Landscape Details
 - Columbarium Sections
 - Columbarium reinforced foundation plans and details
 - Elevations drawings;
 - Erosion & Sedimentation Plans
 - Erosion & Sedimentation Details
 - Standard Civil Details
 - Structural Foundation Plan
 - Structural Foundation Details

Deliverables:

- 90% Construction Plans (PDF Format and 1 hardcopy)
- (1) photo-illustrative rendering

Assumptions:

- Arcadis will address one round of review comments for the 90-percent design.
- The City will provide one set of consolidated review comments for the 90% Design Plan submittal prior to the plan review meeting.
- The scale of plan drawings will be 1-inch equals 20-feet
- The civil site grading design will provide approximate top and bottom of retaining wall elevations for the pond wall. Final wall elevations will be determined by the retaining wall designer. (If required).

Permitting

Based upon the anticipated site size for the Columbarium to disturb more than 1 acre, as such, NPDES Construction permit will likely be required for this project. Following completion of the plans, it is assumed that the City Public Works staff will submit the plans to the appropriate agency for issuance of a Land Disturbance permit. Arcadis will provide support for the permitting effort of the land disturbance permit only. This will include plan revisions and answers to questions submitted by the plan reviewers. Following completion of the effort, Arcadis will provide a 100% set of

construction plans marked “For Construction” signed and sealed by a Georgia Registered Engineer with a Level II Design certification by the Georgia Soil and Water Conservation Commission.

Task 5 – Cemetery Master Planning

Arcadis will prepare a Cemetery Expansion Master Plan illustrating the extension of the existing grid pattern of cemetery roads northward into the adjacent city property. The Master Plan will include the Columbarium site plan and area of Columbarium extension. Arcadis will submit one draft concept to the City for their review. The Master Plan shall include the following:

- Master Plan:
 - Overall Site Plan showing road extensions;
 - Burial plots layout;
 - Limits of disturbance;
 - Conceptual grading.
 - The plan will include the Columbarium site including area for Columbarium expansion.

Deliverables:

- (1) draft concept for review of the Cemetery Master Plan (PDF Format)
- (1) final Cemetery Master Plan (PDF Format)
- (1) Site Plan Rendering

Assumptions:

- No more than 2 Design Iterations for Final Concept.
- Arcadis will address one round of review comments for the Cemetery Master Plan.

Task 6 - Modeling and Rendering

Arcadis will produce an illustrative renderings as part of this project’s efforts for the Columbarium. Please note, (1) Site Plan Rendering of the Cemetery Expansion Master Plan is included in Task 4.

The following will be provided:

- Columbarium digital model
- Columbarium ground-level perspectives (2)

Each illustrative will be a photo realist digitally generated image suitable for the City’s use for public announcements, advertisements, and display.

Task 7 – Public Meetings

It is our understanding that the City will likely schedule one public meeting to present the status of the project to city officials and general public. Arcadis will prepare a Power Point presentation outlining the project status and present at City Hall.

Deliverables:

- Power Point Presentation

Assumptions:

- Arcadis will present at up to one Public Meeting.
- All coordination for time, location, and notifications to the public will be handled by the City.

PROFESSIONAL SERVICES TASK ORDER**Task Order Number: 012****Attachment 2****Task Order Payment Terms**

All work will be completed on a time and materials basis for a fee not to exceed the amount listed in this Task Order based on the 2024 rate table below. The task budgets below are an estimate of the level of effort for each phase of the scope of work.

Task 1 – Survey	\$15,420
Task 2 – Geotechnical Investigation	\$9,650
Task 3 – Columbarium Concept Design	\$22,815
Task 4 – Columbarium Design and Construction Plans	\$79,685
Task 5 – Cemetery Master Planning	\$20,125
Task 6 – Modeling and Rendering	\$10,400
Task 7 – Public Meeting	<u>\$5,676</u>
	\$163,771

2024 Rate Schedule

Title	Rate \$/hr
Project Administrative Assistant	\$70
Project Assistant	\$90
Sr Project Assistant	\$120
Project Manager	\$215
Engineering Technician I	\$90
Engineering Technician II	\$110
Staff Engineer/Scientist/Architect I	\$90
Staff Engineer/Scientist/Architect II	\$100
Staff Engineer/Scientist/Architect III	\$110
Project Engineer/Scientist/Architect I	\$120
Project Engineer/Scientist/Architect II	\$135
Project Engineer/Scientist/Architect III	\$150
Senior Engineer/Scientist/Architect I	\$165
Senior Engineer/Scientist/Architect II	\$180
Senior Engineer/Scientist/Architect III	\$195
Principal Engineer/Scientist/Architect I	\$240
Principal Engineer/Scientist/Architect II	\$265
Principal Engineer/Scientist/ Architect III	\$290
Registered Land Surveyor	\$150
2-man Survey Crew	\$150
3-man Survey Crew	\$225

* A rate schedule will be provided with each Task Order proposal based on the specific services that will be provided and the rates effective at that time.

*All direct expenses will be billed at cost plus 10%

*Mileage will be billed at the current federal mileage rate

* Additional Services requested by the City beyond those in Scope of Work will be billed on an hourly basis in accordance with this rate schedule

PROFESSIONAL SERVICES TASK ORDER
Task Order Number: 012

Attachment 3
Special Conditions

None.

PROFESSIONAL SERVICES TASK ORDER
Task Order Number: 012

Attachment 4
Project Area Map





CITY COUNCIL AGENDA REQUEST

Meeting Type: Mayor & Council Meeting

Meeting Date: 6/3/2024

Agenda Item: **The request of Maria Amaya to rezone from Medium Density Single Family Residential (R-3) to Neighborhood Commercial (C-1) a tract of land totaling 0.17 acres located at 900 Riverbend Road, Dalton, Georgia. Parcel (12-255-02-024)**

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 attached staff analysis and recommendation

ORDINANCE NO. 24-15

To rezone property of Maria Amaya from a Medium-Density Single-Family Residential (R-3) Classification to a Neighborhood Commercial (C-1) Classification; to provide for an effective date; to provide for the repeal of conflicting ordinances; to provide for severability; and for other purposes.

WHEREAS, Maria Amaya has petitioned for rezoning of certain real property she owns from R-3 classification to C-1 classification;

WHEREAS, the application for rezoning appears to be in proper form and made by all owners of the Property sought to be rezoned;

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

WHEREAS, all other procedures as required by Georgia law have been followed.

NOW, THEREFORE, BE IT HEREBY ORDAINED, by the Mayor and Council of the City of Dalton, Georgia, as follows:

Section 1.

The real property as described in Exhibit “A” (the “Property”), which is attached to and incorporated herein as a part of this Ordinance, is hereby rezoned from R-3 classification to C-1 classification.

Section 2.

This Ordinance shall be effective as of the date of approval of this Ordinance.

Section 3.

The City Clerk is instructed to send a copy of this Ordinance to the Dalton-Whitfield Zoning Administrator with a request to record this rezoning on the Official Zoning Map of Whitfield County, Georgia.

Section 4.

All ordinances and parts of ordinances in conflict with this Ordinance are repealed.

Section 5.

It is hereby declared to be the intention of the Mayor and Council of the City of Dalton that the section, paragraphs, sentences, clauses and phrases of this Ordinance are severable and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional or otherwise invalid by a court of competent jurisdiction such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance.

SO ORDAINED this _____ day of _____, 2024.

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 _____, seconded by Councilmember _____, and upon the question the vote is _____ ayes, _____ nays, and the Ordinance is adopted.

ATTEST:

CITY CLERK

MAYOR/MAYOR PRO TEM

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 _____.

CITY CLERK, CITY OF DALTON

EXHIBIT "A"

Tax Parcel ID # 12-255-02-024

All that tract or parcel of land lying and being in Land Lot No. 255 in the 12th District and 3rd Section of Whitfield County, Georgia, and being part of Lots Nos. 101, 102, and 103 of the W. L. Brown Subdivision, as shown by plat of record in Plat Book I, Page 63 (Plat Cabinet A, Slide 15), in the Office of the Clerk of the Superior Court of Whitfield County, Georgia, and described as follows: BEGINNING at the southwest corner of the intersection of Riverbend Road and Doris Street; thence south 21 degrees 26 minutes east along the westerly side of Riverbend Road 66 feet to an iron pin; thence south 85 degrees 21 minutes west 121.62 feet to an iron pin; thence north 2 degrees 14 minutes west 69.5 feet to a mark on a brick on the southerly side of Doris Street; thence north 88 degrees 56 minutes east along the southerly side of Doris Street 99.83 feet to the point of beginning.

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

MEMORANDUM

TO: City of Dalton Mayor and Council
Andrew Parker
Jonathan Bledsoe
Jean Price-Garland

FROM: Jim Lidderdale
Chairman

DATE: May 29, 2024

SUBJECT: The request of Maria Amaya to rezone from Medium Density Single Family Residential (R-3) to Neighborhood Commercial (C-1) a tract of land totaling 0.17 acres located at 900 Riverbend Road, Dalton, Georgia. Parcel (12-255-02-024)

The most recent meeting of the Dalton-Varnell-Whitfield County Planning Commission was held on May 28, 2024, at 6:00 p.m. at the Whitfield County Courthouse meeting room. A portion of the agenda included a public hearing concerning the above matter. A quorum of six members of the Planning Commission was present. All legal requirements for advertising and posting the public hearing were met. The petition was represented by Maria Amaya.

Public Hearing Summary:

Mr. Calhoun summarized the staff analysis which recommended the C-1 rezoning be approved. There were no further questions for Calhoun.

Maria Amaya stated that her restaurant had been successful and needed additional room for parking and storage. With no other comments heard for or against, this hearing closed at approximately 6:52 pm.

Recommendation:

Chairman Lidderdale sought a motion on the requested C-1 rezoning. **Jody McClurg then made a motion to recommend the C-1 rezoning be approved. Octavio Perez then seconded the motion and a unanimous recommendation to approve the C-1 rezoning followed, 5-0.**

**STAFF ANALYSIS
REZONING REQUEST
*Unified Zoning Ordinance***

ZONING CASE: Maria Amaya is seeking to rezone from Medium-Density Single-Family Residential (R-3) to Neighborhood Commercial (C-1) a tract of land (parcel 12-3255-02-024) containing a total of 0.17 acres located at 900 Riverbend Road. The subject property currently contains a single-family detached dwelling: The petitioner's request to rezone was made in order to expand their adjacent restaurant operation.

The surrounding uses and zoning are as follows: All adjacent tracts of land to the north and west are zoned R-3. The subject property is adjacent to two C-2 and M-2 zone districts to the south as well as a C-1 tract adjacent to the south. The subject property lies at the convergence of multiple zone districts.

The subject property is within the jurisdiction of the City of Dalton Mayor and Council.

CONSIDERING FACTORS FOR A REZONING/ANNEXATION ANALYSIS

(A) Whether the proposed amendment 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 properties.

The subject property is near the convergence of the R-3, C-1, C-2, and M-2 zone districts. This area can be described as a mix of zone districts and land use from single-family detached dwellings to heavy manufacturing. The existing development of this area is that of a commercial character near Walnut Avenue that transitions to manufacturing to the south with pockets of aging residential properties.

(B) Whether the proposed amendment would adversely affect the economic value or the uses of adjacent and nearby properties.

This area has long been in a transitional state with the growth associated with Walnut Avenue. The subject property, while residential, has been adjacent to multiple commercial and manufacturing zones and businesses for a number of years. The proposed development would improve the consistency of this area in terms of zoning and development with no expectation of an adverse impact on the values of the adjacent properties.

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

The subject property, as stated previously, borders multiple manufacturing and commercial properties. The subject property is suitable for commercial redevelopment given the established character of the area. The limited area of the petitioner's adjacent restaurant raises the need for expansion, and the subject property would be suitable to accommodate additional parking and space for the adjacent business.

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

N/A

(E) Whether the proposed (C-1) amendment, if adopted or approved, would result in a use which would or could cause 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 subject property is limited in size, but its purpose would be to serve as an expansion for an adjacent business with a limited site area. Increasing the site area of the adjacent restaurant would help improve off-street parking and service access. The limited size and intensity of the subject property do not raise a concern in regard to utility or public infrastructure burden.

(F) Whether the property sought to be rezoned (or annexed) is in conformity 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 which are contrary to the plan recommendation, and if the plan has been amended, does this rezoning or annexation request allow uses which are compatible to the existing uses in the vicinity.

The comprehensive plan's future development map shows this property to be within the Town Neighborhood Revitalization character area. The Town Neighborhood Revitalization character area is intended to represent areas of the city that are aging and in need of investment and redevelopment. The proposed rezoning would create the opportunity for a limited expansion of a small business already in operation. The majority of adjacent properties are already zoned and developed for higher-intensity commercial and manufacturing land use. The neighborhood commercial zone district is intended to provide limited commercial retail and dining options for adjacent and nearby neighborhoods. The C-1 zone district at this location would serve as a transition between the residential and commercial/manufacturing zone districts and the pocket neighborhood to the west.

(G) Whether there are any other conditions or transitional patterns 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 zone) as interpreted by current Georgia law.

The proposed C-1 rezoning would simply enlarge the existing C-1 zone district and shrink the R-3 zone district. The proposed rezoning would help to create a smooth transitional transition between the commercial and manufacturing districts and the adjacent pocket neighborhood.

(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, storm water, or historical issues that influence the development of the subject property under any zoning designation.

N/A

CONCLUSION:

The staff can provide a recommendation to approve the requested C-1 rezoning of the subject property based on the following factors:

1. The requested C-1 zone district would allow for the use of the subject property in a manner that would not conflict with the established pattern of development in this area.
2. There is no expectation that the proposed rezoning and development would harm the values of adjacent or nearby properties given the established commercial zoning and development pattern of this area.
3. The requested C-1 zone district would allow for the expansion of the adjacent restaurant without encroaching on the adjacent pocket residential neighborhood. The C-1 zone district is a good fit based on the Town Neighborhood Revitalization character area in the Comprehensive Plan.

Amaya Rezoning Request

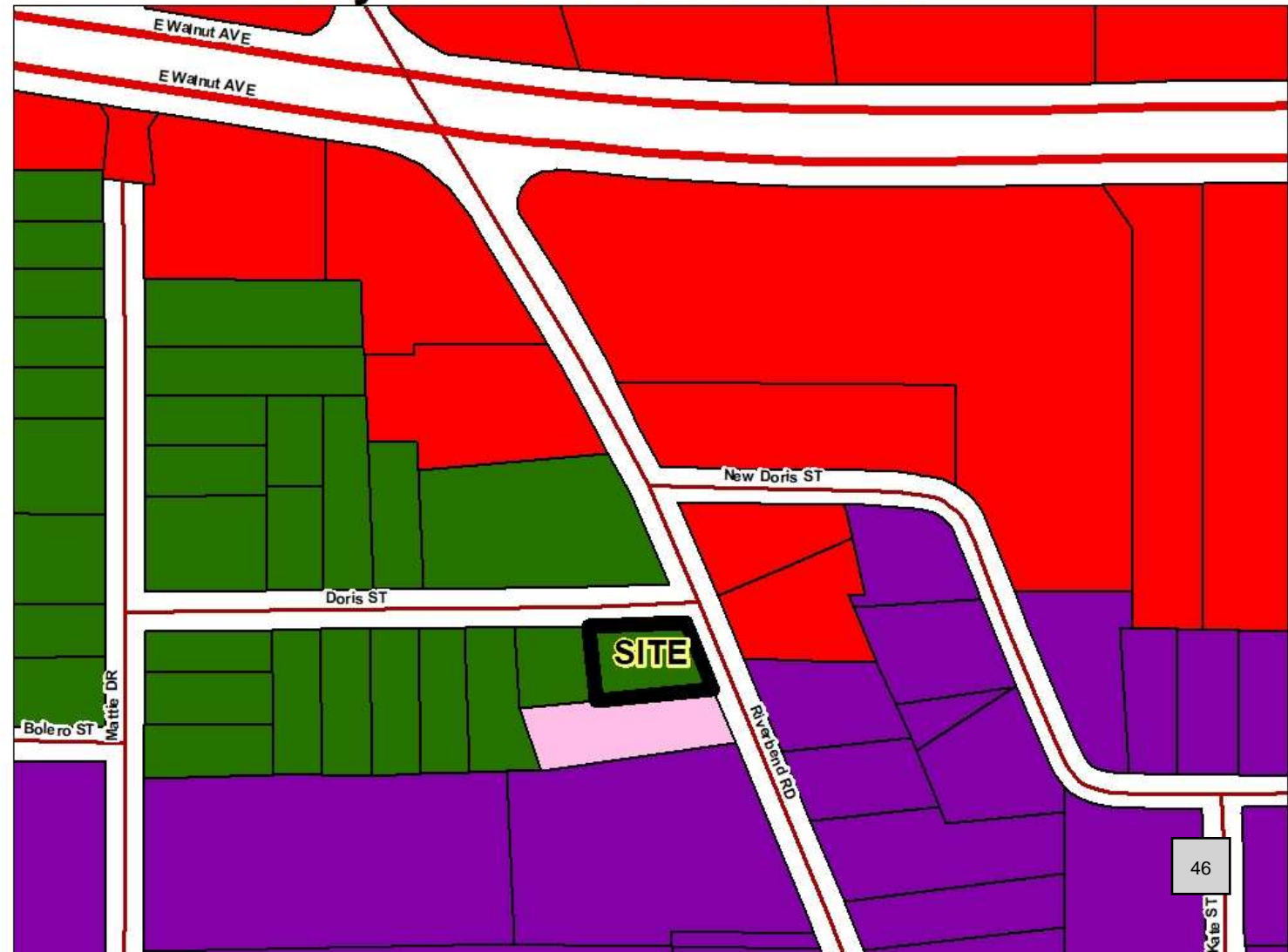
R-3, Medium Density Single Family Residential to C-1, Neighborhood Commercial City of Dalton Jurisdiction



ZONING

-  Medium Density Single Family Residential (R-3)
-  Neighborhood Commercial (C-1)
-  General Commercial (C-2)
-  Heavy Manufacturing (M-2)

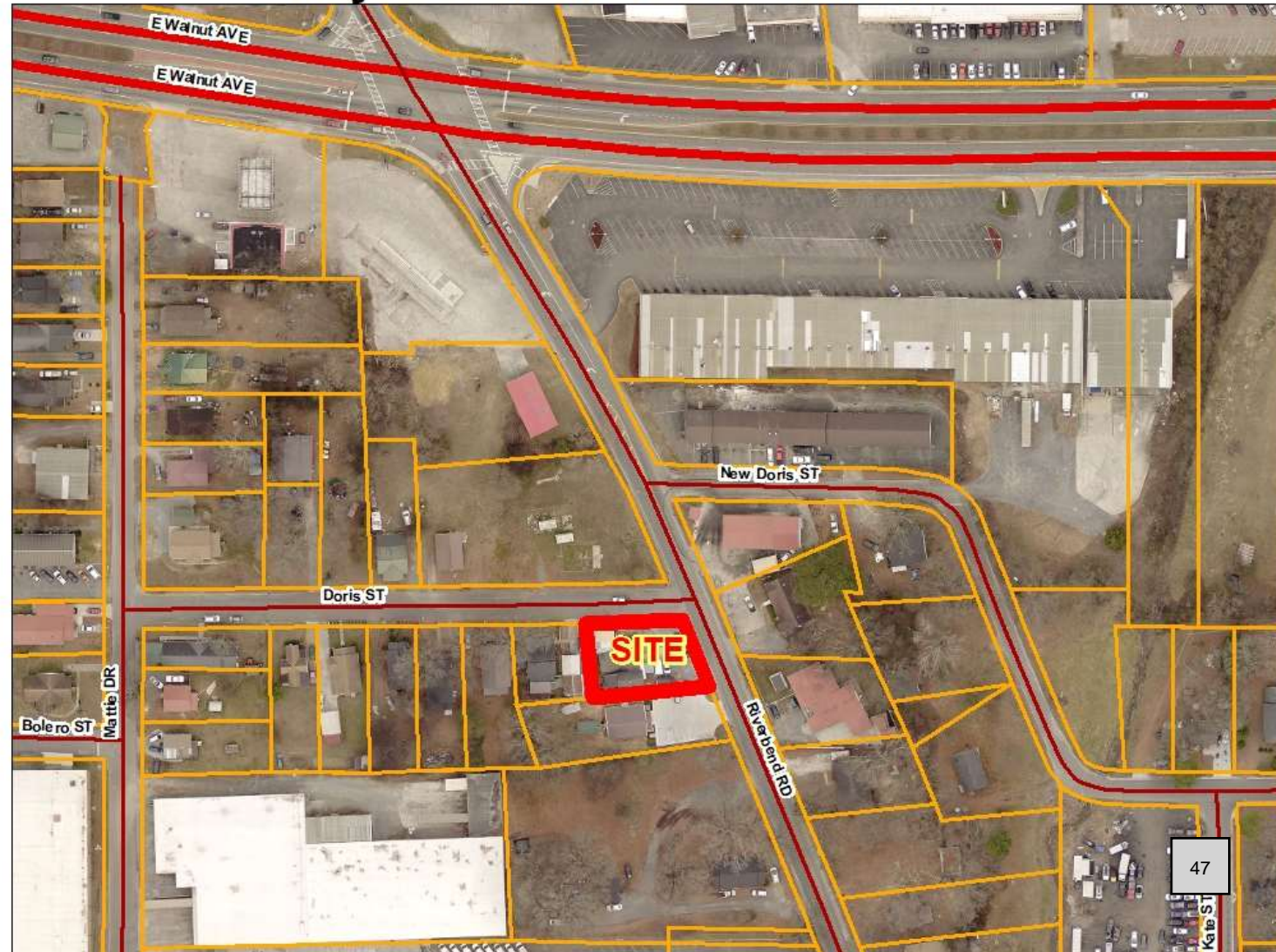
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**Amaya Rezoning Request
R-3, Medium Density Single Family Residential
to
C-1, Neighborhood Commercial
City of Dalton Jurisdiction**



**FEET
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**Amaya Rezoning Request
R-3, Medium Density Single Family Residential
to
C-1, Neighborhood Commercial
City of Dalton Jurisdiction**



**FEET
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Amaya Rezoning Request

R-3, Medium Density Single Family Residential

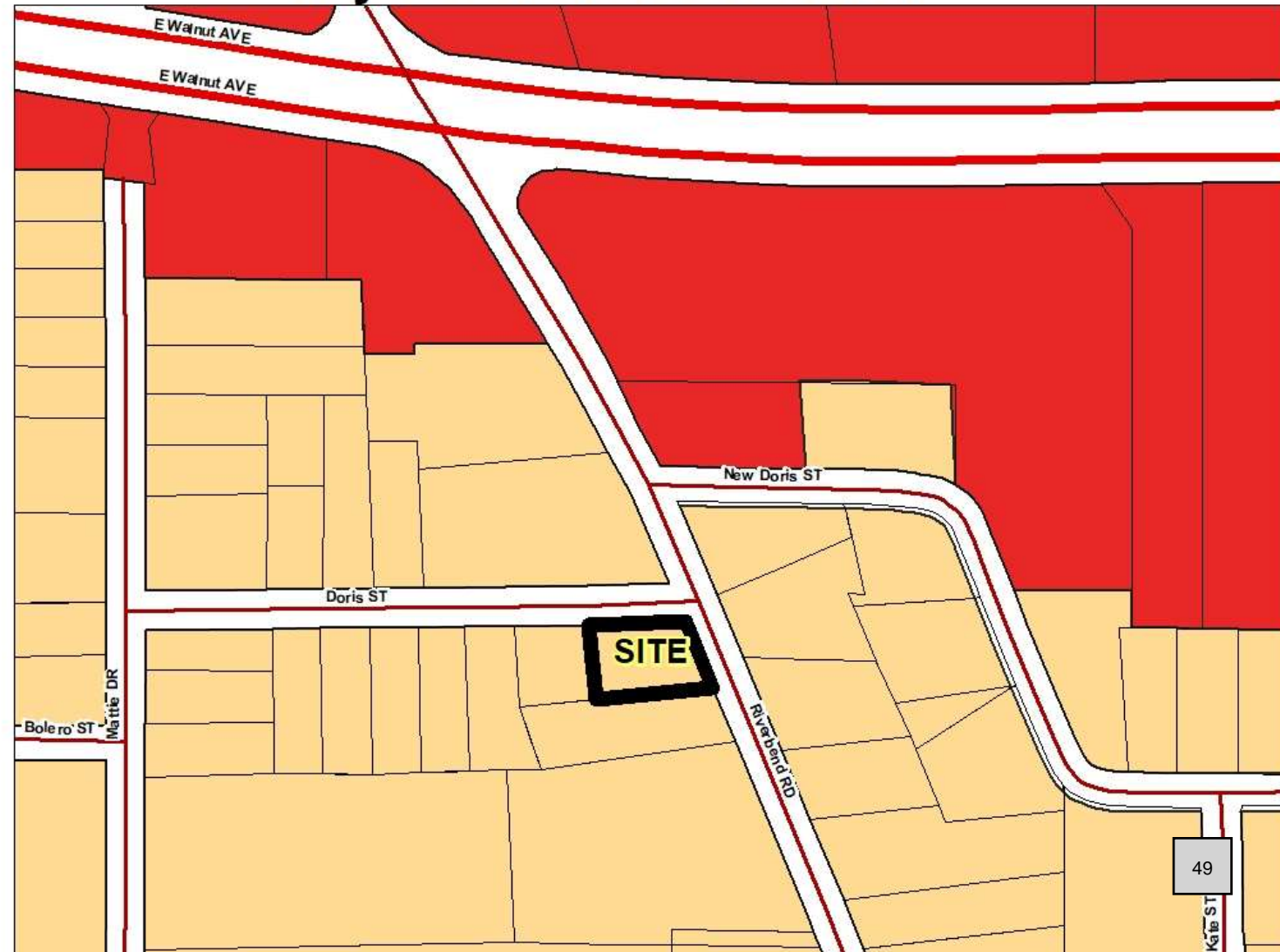
to

C-1, Neighborhood Commercial

City of Dalton Jurisdiction



FEET
100





CITY COUNCIL AGENDA REQUEST

Meeting Type: Mayor & Council Meeting

Meeting Date: 6/3/2024

Agenda Item: **The request of Jason Goldberg to rezone from Heavy Manufacturing (M-2) to Rural Residential (R-5) a tract of land totaling 0.15 acres located at 1127 Riverbend Drive, Dalton, Georgia. Parcel (12-255-10-016)**

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 attached staff analysis and recommendation

ORDINANCE NO. 24-16

To rezone property of Preferred Tufters, Inc. from a Heavy Manufacturing (M-2) Classification to a Rural Residential (R-5) Classification; to provide for an effective date; to provide for the repeal of conflicting ordinances; to provide for severability; and for other purposes.

WHEREAS, Preferred Tufters, Inc., by and through its president and authorized representative, Jason Goldberg, has petitioned for rezoning of certain real property it owns from M-2 classification to R-5 classification;

WHEREAS, the application for rezoning appears to be in proper form and made by all owners of the Property sought to be rezoned;

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

WHEREAS, all other procedures as required by Georgia law have been followed.

NOW, THEREFORE, BE IT HEREBY ORDAINED, by the Mayor and Council of the City of Dalton, Georgia, as follows:

Section 1.

The real property as described in Exhibit “A” (the “Property”), which is attached to and incorporated herein as a part of this Ordinance, is hereby rezoned from M-2 classification to R-5 classification.

Section 2.

This Ordinance shall be effective as of the date of approval of this Ordinance.

Section 3.

The City Clerk is instructed to send a copy of this Ordinance to the Dalton-Whitfield Zoning Administrator with a request to record this rezoning on the Official Zoning Map of Whitfield County, Georgia.

Section 4.

All ordinances and parts of ordinances in conflict with this Ordinance are repealed.

Section 5.

It is hereby declared to be the intention of the Mayor and Council of the City of Dalton that the section, paragraphs, sentences, clauses and phrases of this Ordinance are severable and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional or otherwise invalid by a court of competent jurisdiction such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance.

SO ORDAINED this _____ day of _____, 2024.

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 _____, seconded by Councilmember _____, and upon the question the vote is _____ ayes, _____ nays, and the Ordinance is adopted.

ATTEST:

CITY CLERK

MAYOR/MAYOR PRO TEM

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 _____.

CITY CLERK, CITY OF DALTON

EXHIBIT "A"

Tax Parcel ID # 12-255-10-016

A certain tract or parcel of land lying and being in Land Lot 255 in the 12th District and 3rd Section of Whitfield County, Georgia, and being located in the City of Dalton, said State and County, being that identical tract as shown on plat of survey prepared by Peter L. Bakkum for Ronald Headrick, dated May 4, 1982, being more particularly described as follows:

BEGINNING at an iron pin located at the northeast corner of the dead end of Riverbend Drive; thence south 89 degrees 36 minutes west, following the north side of said Riverbend Drive, 110 feet to an iron pin at the east line of Fifth Avenue Subdivision; thence north, along the east side of said Fifth Avenue Subdivision, 61.7 feet to an iron pin; thence north 89 degrees 36 minutes east 110 feet to an iron pin; thence south 61.7 feet to the point of beginning.

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

MEMORANDUM

TO: City of Dalton Mayor and Council
Andrew Parker
Jonathan Bledsoe
Jean Price-Garland

FROM: Jim Lidderdale
Chairman

DATE: May 29, 2024

SUBJECT: The request of Jason Goldberg to rezone from Heavy Manufacturing (M-2) to Rural Residential (R-5) a tract of land totaling 0.15 acres located at 1127 Riverbend Drive, Dalton, Georgia. Parcel (12-255-10-016)

The most recent meeting of the Dalton-Varnell-Whitfield County Planning Commission was held on May 28, 2024, at 6:00 p.m. at the Whitfield County Courthouse meeting room. A portion of the agenda included a public hearing concerning the above matter. A quorum of six members of the Planning Commission was present. All legal requirements for advertising and posting the public hearing were met. The petition was represented by Jason Goldberg.

Public Hearing Summary:

Mr. Calhoun summarized the staff analysis which recommended the R-5 rezoning be approved. There were no further questions for Calhoun.

Jason Goldberg stated that the subject property was part of the eastern adjacent manufacturing operation that he also owns. Goldberg stated that the subject property is not usable in relation to the adjacent manufacturing operation, and the proposed rezoning would allow for an affordable home to be constructed on the subject property rather than it remaining undeveloped. Chairman Lidderdale confirmed that Goldberg would oversee the development of the subject property if the rezoning is approved.

With no other comments heard for or against, this hearing closed at approximately 6:56 pm.

Recommendation:

Chairman Lidderdale sought a motion on the requested R-5 rezoning. **Chris Shiflett then made a motion to recommend the R-5 rezoning be approved. Jody McClurg then seconded the motion and a unanimous recommendation to approve the R-5 rezoning followed, 5-0.**

**STAFF ANALYSIS
REZONING REQUEST
*Unified Zoning Ordinance***

ZONING CASE: Jason Goldberg is seeking to rezone from Heavy Manufacturing (M-2) to Rural Residential (R-5) a tract of land (parcel 12-255-10-016) containing a total of 0.15 acres located at 1127 Riverbend Dr. The subject property is undeveloped: The petitioner's request was made to develop the subject property for residential use.

The surrounding uses and zoning are as follows: Adjacent tracts of land are developed with single-family detached dwellings to the north, south, and west. The eastern adjacent tract of land contains an aging manufacturing building. All adjacent tracts of land are zoned M-2. Riverbend Drive can be described as a mixed-density pocket neighborhood within an industrial area of the city.

The subject property is within the jurisdiction of the City of Dalton Mayor and Council.

CONSIDERING FACTORS FOR A REZONING/ANNEXATION ANALYSIS

(A) Whether the proposed amendment 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 properties.

The City's former pyramid-style zoning ordinance would have permitted residential uses in the M-2 zone district, which may explain the existence of the M-2 zone at this location despite the long-standing residential development pattern surrounding most of the subject property. This area is host to a number of varying developments from single-family detached, multi-family residential, and industrial with the subject property appearing to be within a small "pocket neighborhood."

(B) Whether the proposed amendment would adversely affect the economic value or the uses of adjacent and nearby properties.

The proposed rezoning would likely have no negative impacts on any of the surrounding adjacent properties based on the existing zoning and development of this area.

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

The M-2 zone district of the UZO is intended solely for high-intensity industrial and manufacturing developments. The subject property's limited size makes it a poor candidate for manufacturing and industrial development. The existing amount of residential development in this area suggest that residential development of the subject property is within reason.

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

N/A

(E) Whether the proposed (R-5) amendment, if adopted or approved, would result in a use which would or could cause 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.

This is an area with an abundance of public utility capacity for both water and sewer, so there would be no expectation for a burden in regard to public infrastructure if this rezoning is approved. The limited size of the subject property does not create concern regarding vehicle trip generation.

(F) Whether the property sought to be rezoned (or annexed) is in conformity 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 which are contrary to the plan recommendation, and if the plan has been amended, does this rezoning or annexation request allow uses which are compatible to the existing uses in the vicinity.

The comprehensive plan's future development map shows this property to be within the Town Neighborhood Revitalization character area. This character area is intended to promote reinvestment in aging residential neighborhoods where blight and high vacancy rates are notable. The proposed rezoning is an excellent fit based on the intent of the Comprehensive Plan and Town Neighborhood Revitalization character area.

(G) Whether there are any other conditions or transitional patterns 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 zone) as interpreted by current Georgia law.

No issues were identified here. The proposed rezoning would establish an island of R-5 zoning entirely surrounded by the M-2 zone district, but the majority of adjacent properties are developed for single-family detached use rather than manufacturing. There are islands of R-5 zoning in this area. Rezoning the residential properties in this area will help to incentivize residential reinvestment and revitalization of the aging neighborhood.

(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, storm water, or historical issues that influence the development of the subject property under any zoning designation.

N/A

CONCLUSION:

The staff can provide a recommendation to approve the requested R-5 rezoning of the subject property based on the following factors:

1. The requested R-5 zone district would allow for the use of the subject property in

a manner that would not conflict with the established pattern of development in this area.

2. There is no expectation that the proposed rezoning and development would harm the values of adjacent or nearby properties given the reduction in proposed land use intensity.
3. The requested R-5 zone district would allow for the development of the subject property that would not conflict with the intent of the Town Neighborhood Revitalization character area based on the established development pattern and zoning of this area.

Goldberg Rezoning Request

M-2, Heavy Manufacturing

to

R-5, Rural Residential

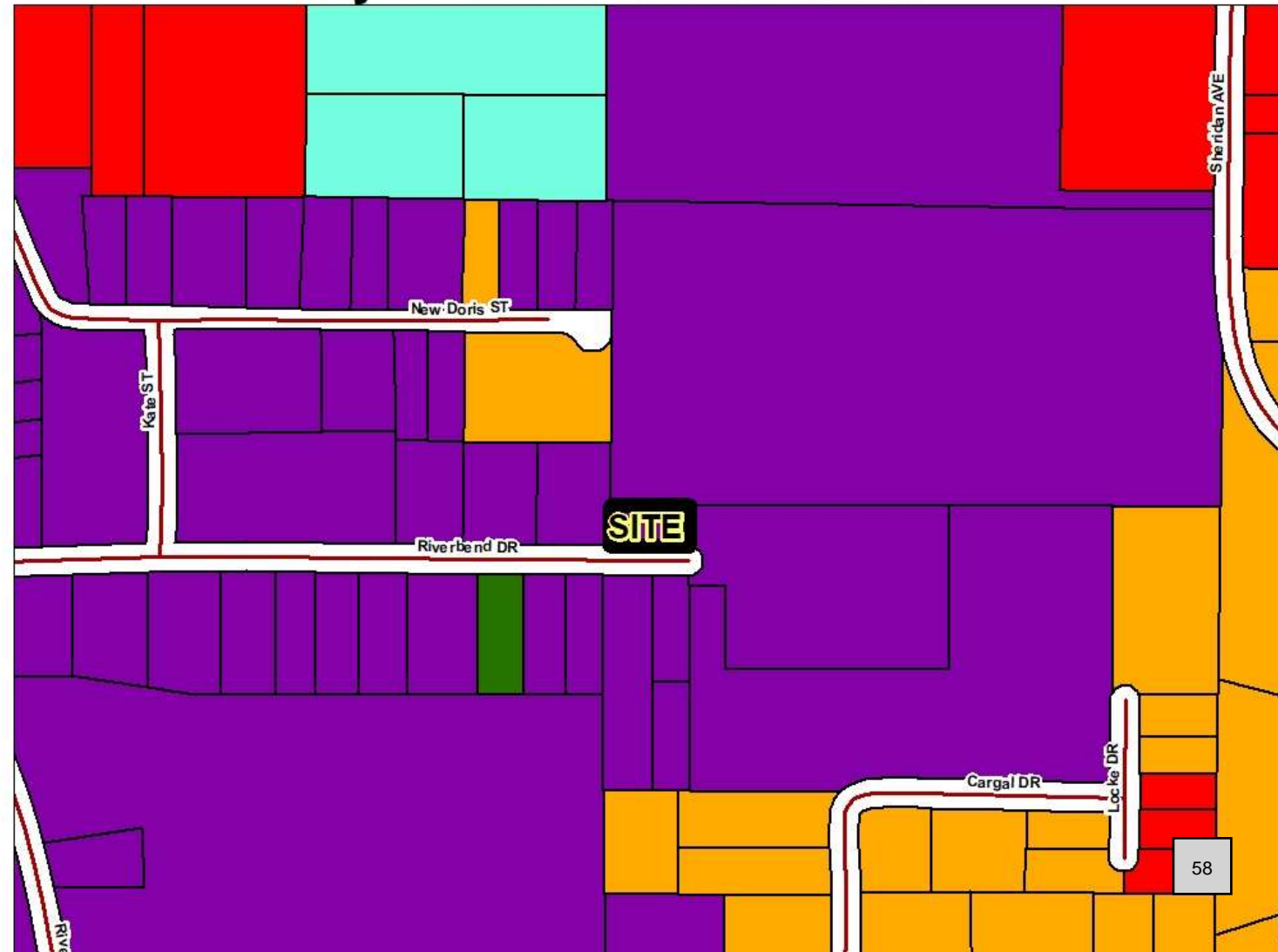
City of Dalton Jurisdiction



ZONING

-  Medium Density Single Family Residential (R-3)
-  Rural Residential (R-5)
-  Mixed Use (MU)
-  General Commercial (C-2)
-  Heavy Manufacturing (M-2)

FEET
200



Goldberg Rezoning Request M-2, Heavy Manufacturing to R-5, Rural Residential City of Dalton Jurisdiction

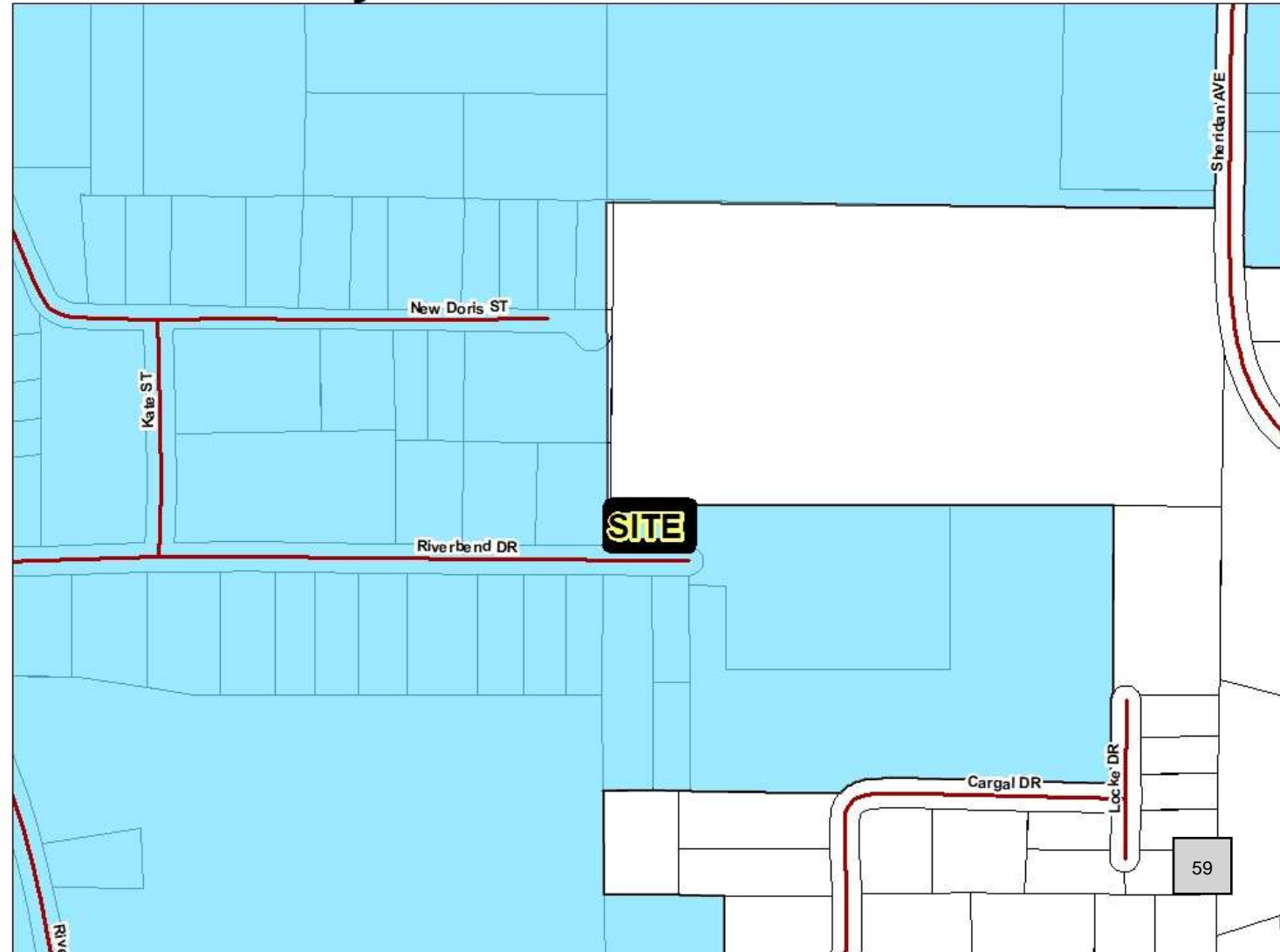


DALTON CITY LIMITS



Town_Boundaries

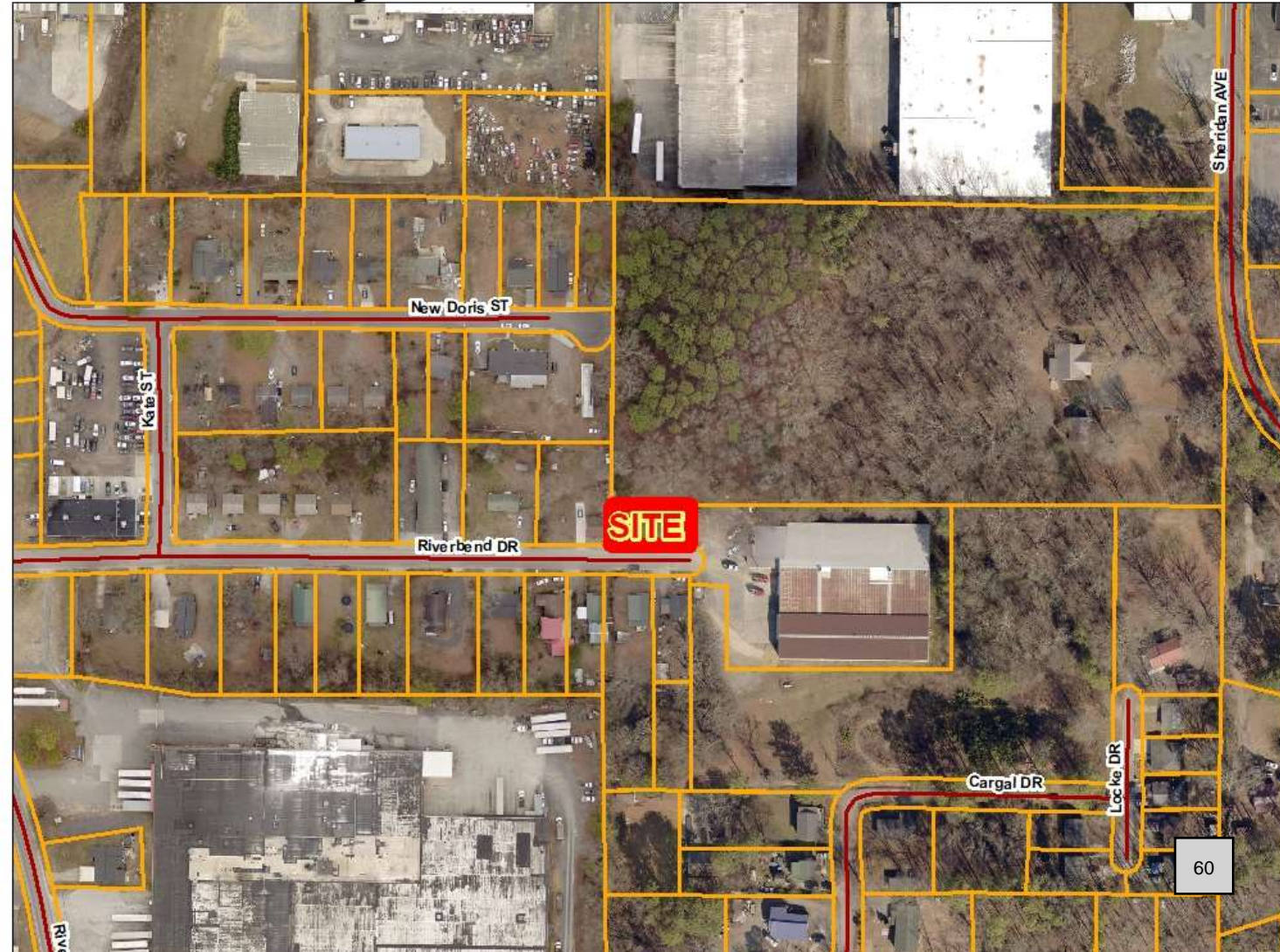
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Goldberg Rezoning Request M-2, Heavy Manufacturing to R-5, Rural Residential City of Dalton Jurisdiction



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Goldberg Rezoning Request M-2, Heavy Manufacturing to R-5, Rural Residential City of Dalton Jurisdiction



**FEET
100**



Goldberg Rezoning Request M-2, Heavy Manufacturing to R-5, Rural Residential City of Dalton Jurisdiction



FUTURE DEVELOPMENT MAP

-  Commercial Corridor
-  Town Neighborhood Revitalization

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