



Regular Meeting 7:00 PM

- 1. Call to Order**
- 2. Invocation and Pledge**
- 3. Recognition of Visitors and Comments**
- 4. Minutes Approval**
 - A. Monday, May 02, 2016 Regular Meeting
 - B. Monday, May 16, 2016 Special Called Meeting
- 5. Consent Agenda**
- 6. Old Business**
 - A. Second Read OA-2016-04 Amend Chapter 22 Nuisances
 - B. Second Read Charter Amendment - Ord 2016-05
- 7. New Business**
 - A. First Read: Ord Amd OA-2016-03 Chapt 32 St/Sidewalks/Other Public Places
 - B. Proclamation 2016-09 General Aviation Appreciation
- 8. Additional Items/Comments**
- 9. Adjournment**

MINUTES
Monday, May 2, 2016
Dallas City Hall



Dallas City Council

129 East Memorial Drive
Dallas, GA 30132
<http://www.cityofdallasga.com>

Tina Clark
770-443-8110 x.1209

Regular Meeting 7:00 PM

1. Call to Order

Attendee Name	Title	Status	Arrived
Boyd Austin Jr.	Mayor	Present	
James Kelly	Mayor Pro-Tem	Present	
Griffin White	Councilmember	Present	
Nancy Arnold	Councilmember	Present	
Mike Cason	Councilmember	Present	
James R Henson	Councilmember	Present	
Christopher B. Carter	Councilmember	Present	

B. Motion to Staff Members Present

City Manager- Kendall Smith; City Clerk- Tina Clark; City Attorney- Glen Stinson; Police Chief- Scott Halter, Marshal- Michael Hester, Assistant City Clerk- Lori Meienburg.

2. Invocation and Pledge

Councilman Kelly led the Invocation & Pledge.

3. Recognition of Visitors and Comments

Tom Gehl, from GMA presented State Representative Howard Maxwell - "2016 Friend of Cities" award. Mayor Austin recognized Mr. Maxwell, stating he is a very knowledgeable resource for Ga Cities. He also thanked him for helping with our state inmate detail last year and all the things he does in our community.

4. Minutes Approval

A. Motion to approve Minutes of Mar 28, 2016 7:00 PM.

Minutes Acceptance: Minutes of May 2, 2016 7:00 PM (Minutes Approval)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	James R Henson, Councilmember
SECONDER:	Christopher B. Carter, Councilmember
AYES:	Kelly, White, Arnold, Cason, Henson, Carter

5. Consent Agenda

- 1.) Surplus List for WWTP- 2000 F450- VIN#1FDSF46F5YED41226, 2003 F150- VIN#1FTRF17233NA30630, 2008 Ranger- VIN#1FTYR14408PA52341, Generator, Model 30KW/CTMGSA- Serial#30-890080
 - 2.) TE Project 709 Bat Study - Echo Tech Quote, not to exceed \$10,700.
 - 3.) Main Street Paver Repair - DL Masonry LLC, in the amount of \$29,800 paid from SPLOST.
 - 4.) Fuel Pump Replacement at Public Works- United Pump & Controls, Inc., in the amount of \$21,844.21.
 - 5.) Payment Request - P.F. Moon, in the amount of \$216,000.95 paid from Emergency funds.
 - 6) Georgia Trend magazine 1/2 page color ad.
- Mayor Austin placed the items above on the consent agenda.

A. Motion to approve consent agenda.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Griffin White, Councilmember
SECONDER:	James Kelly, Mayor Pro-Tem
AYES:	Kelly, White, Arnold, Cason, Henson, Carter

6. Old Business

None

7. New Business

A. Proclamations

1. Motion to adopt Proclamation 2016-06 - the Nelons' Day and Proclamation 2016-07 Municipal Clerks Week

RESULT: ADOPTED [UNANIMOUS]
MOVER: Nancy Arnold, Councilmember
SECONDER: Mike Cason, Councilmember
AYES: Kelly, White, Arnold, Cason, Henson, Carter

B. Ordinances

1. First Read Charter Amendment - Ord 2016-05

RESULT: FIRST READ; NO VOTE **Next: 6/6/2016 7:00 PM**

2. Motion to approve Ord Amd OA-2016-02 Chapter 30 - Solid Waste

RESULT: ADOPTED [UNANIMOUS]
MOVER: James R Henson, Councilmember
SECONDER: Christopher B. Carter, Councilmember
AYES: Kelly, White, Arnold, Cason, Henson, Carter

C. First Read on Ord Amd OA-2016-04 Nuisance Ordinance adding Attorney Fees (added by city attorney during the meeting)

D. Motion to approve moratorium on upcoming thrift stores for 90 days for assessment of economic impact.

RESULT: ADOPTED [UNANIMOUS]
MOVER: James Kelly, Mayor Pro-Tem
SECONDER: Mike Cason, Councilmember
AYES: Kelly, White, Arnold, Cason, Henson, Carter

8. Additional Items/Comments

Mayor Austin stated that no action was taken in Executive Session.

9. Adjournment

1. Motion to Minutes Signature

RESULT: ADOPTED [UNANIMOUS]
MOVER: Christopher B. Carter, Councilmember
SECONDER: Nancy Arnold, Councilmember
AYES: Kelly, White, Arnold, Cason, Henson, Carter

Minutes Acceptance: Minutes of May 2, 2016 7:00 PM (Minutes Approval)

Mayor- Boyd L. Austin

Date

City Clerk - Tina Clark

Date

Minutes Acceptance: Minutes of May 2, 2016 7:00 PM (Minutes Approval)

MINUTES
Monday, May 16, 2016
Dallas City Hall



Dallas City Council

129 East Memorial Drive
Dallas, GA 30132
<http://www.cityofdallasga.com>

Tina Clark
770-443-8110 x.1209

Special Called Meeting 5:00 PM

1. Call to Order

5:00 PM Meeting called to order on May 16, 2016 at Dallas City Hall, 129 East Memorial Drive, Dallas, GA.

Attendee Name	Title	Status	Arrived
Boyd Austin Jr.	Mayor	Present	
James Kelly	Mayor Pro-Tem	Present	
Griffin White	Councilmember	Present	
Nancy Arnold	Councilmember	Present	
Mike Cason	Councilmember	Present	
James R Henson	Councilmember	Present	
Christopher B. Carter	Councilmember	Present	

B. Motion to Staff Members Present

City Manager- Kendall Smith; City Clerk- Tina Clark; City Attorney- Glen Stinson; Police Chief- Scott Halter

2. Recognition of Visitors and Comments

Corkey Welch, previously Stevenson & Palmer Engineering - assignment of contract with Goodwyn, Mills & Cawood.

3. Agenda Items

A. Motion to approve Rehabilitation of Wells #A1 & #A2 on an emergency basis.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Griffin White, Councilmember
SECONDER: Nancy Arnold, Councilmember
AYES: Kelly, White, Arnold, Cason, Henson, Carter

Minutes Acceptance: Minutes of May 16, 2016 5:00 PM (Minutes Approval)

Contractor: Hydsource, Rehabilitation amount- \$24,400 per well and pumping test \$ 2,200 per well.

- B. Motion to adopt Resolution 2016-10 -Intergovernmental agreement with Paulding County Industrial Building Authority in regards to refinancing Revenue Bonds.

RESULT: ADOPTED [UNANIMOUS]
MOVER: James Kelly, Mayor Pro-Tem
SECONDER: Mike Cason, Councilmember
AYES: Kelly, White, Arnold, Cason, Henson, Carter

4. Additional Items

None

5. Adjournment

- 1. Motion to adjourn.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Griffin White, Councilmember
SECONDER: James Kelly, Mayor Pro-Tem
AYES: Kelly, White, Arnold, Cason, Henson, Carter

 Mayor- Boyd L. Austin

 Date

 City Clerk - Tina Clark

 Date

Minutes Acceptance: Minutes of May 16, 2016 5:00 PM (Minutes Approval)

Ordinance/Ordinance Amend (ID # 1685)

DRAFT

Amendment

Second Read OA-2016-04 Amend Chapter 22 Nuisances

Amend Nuisance Chapter 22 to allow collection of fees associated.

ORDINANCE NO. _____

**AMENDMENT TO
DALLAS, GEORGIA, CODE OF ORDINANCES – CHAPTER 22
NUISANCES**

WHEREAS, City of Dallas, Georgia desires to enact an Amendment to the existing Ordinance concerning Nuisances caused by the existence or occupancy of certain dwellings or other buildings or structures which are unsafe or inimical to safe human habitation and caused by the existence of junk cars and/or junk vehicles within the City of Dallas, Georgia, and

WHEREAS, the Mayor and City Council of the City of Dallas, Georgia deems and finds there is an existence or occupancy of dwellings or other buildings or structures which are unfit for human habitation or for commercial, industrial, or business occupancy or use and not in compliance with the applicable state minimum standard codes as adopted by ordinance or operation of law or any optional building, fire, life safety, or other codes relative to the safe use of real property and real property improvements adopted by ordinance in the jurisdiction where property is located within the city limits of the City of Dallas, Georgia; or general nuisance law and which constitute a hazard to the health, safety, and welfare of the people of this state, including, but not limited to the residents of Dallas, Georgia; and that a public necessity exists for the repair, closing, or demolition of such dwellings, buildings, or structures; for the protection of the public health, safety and welfare of the residents of the City of Dallas, Georgia, and

WHEREAS, It is found and declared that within the City of Dallas, Georgia, there is in existence a condition or use of real estate which renders adjacent real estate unsafe or inimical to safe human habitation;

WHEREAS, It is found that there exists within the City of Dallas, Georgia, dwellings, buildings, or structures which are unfit for human habitation or for commercial, industrial, or business uses due to dilapidation and not in compliance with applicable codes; which have defects increasing the hazards of fire, accidents, or other calamities; which lack adequate ventilation, light, or sanitary facilities; or where other conditions exist rendering such dwellings, buildings, or structures unsafe or unsanitary, or dangerous or detrimental to the health, safety, or welfare, or otherwise inimical to the welfare of the residents of the City of Dallas, Georgia, or vacant dilapidated dwellings, buildings, or structures in which drug crimes are being committed, power is conferred upon the City of Dallas, Georgia to exercise its police power to repair, close, or demolish the aforesaid dwellings, buildings, or structures;

WHEREAS, it is found by the Mayor and Council of the City of Dallas, Georgia that there exist within the City of Dallas, Georgia, junk cars and/or junk motor vehicles, which constitute a hazard to the health, safety, and welfare of the residents of the City of Dallas, Georgia; and

WHEREAS, the Mayor and City Council of the City of Dallas, Georgia deems it to be in the best interests of the citizens to adopt measures to establish and Amend the existing Ordinance concerning Nuisances and Abatement Procedures to allow the Court under Sections 22-21 and Sections 22-57 to award as judgment to the City of Dallas, Georgia for the prosecution and enforcement of this Ordinance the cost and expenses of litigation, including but not limited to reasonable attorney’s fees against the owner or person in control or possession of the real or personal property and to award judgment to the City of Dallas, Georgia against the Owner or the person who is in control or possession of the junk car or junk motor vehicles and/or the Owner of the premises or real property, where such junk car or junk motor vehicle is located as determined by the Court to constitute a Nuisance or Nuisances.

NOW THEREFORE BE IT ORDAINED AND IT HEREBY IS ORDAINED, by virtue of the authority vested in the Mayor and City Council of the City of Dallas, Georgia by law that the “City of Dallas Nuisances Ordinance” is amended, restated and adopted as follows:

DALLAS, GEORGIA CODE OF ORDINANCES Chapter 22 - NUISANCES ARTICLES II AND III, SEC. 22-21 AND 22-57

ARTICLE II. – SEC. 22-21 SHALL BE AMENDED TO ADD THE FOLLOWING:

Sec. 22-21(g)

(3) The Court, after determining at such hearing or any other subsequent hearing, that the dwelling, building or structure in question, is unfit for human habitation or is unfit for its current commercial, industrial, or business use and not in compliance with applicable codes; is vacant and being used in connection with the commission of drug crimes; or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions, or the Court determines that the owner fails to comply with the Orders of the Court which shall be a misdemeanor, the Court shall have the authority and ability in the addition to or as part of any fine, to award judgment to the City of Dallas, Georgia against the owner for the cost and expenses of litigation incurred by the City of Dallas, Georgia in the enforcement or prosecution of this Ordinance which shall include the ability and authority of the Judge of the Court to award the City of Dallas, Georgia its reasonable attorney’s fees as part of the City of Dallas, Georgia’s cost and expenses of litigation.

Any cost and expenses of litigation, including but not limited to reasonable attorney’s fees awarded pursuant to this paragraph, shall also be included as other cost necessarily associated with the abatement action in any lien allowed or provided for in this Article which shall attach to the real property as allowed and authorized in Sec. 22-21(j)

Attachment: OA- 2016-04 NUISANCE ABATEMENT AMENDMENT (1685 : OA-2016-04 Amend Chapter 22 Nuisances)

ARTICLE III – SEC. 22-57 SHALL BE AMENDED TO ADD THE FOLLOWING:

Sec. 22-57

(c) In the event the Judge of the City Court, determines that a Nuisance exists and abatement for removal thereof is ordered, or that there has been a failure by the Owner or the person who is in control or possession, of the junk car or junk motor vehicle and/or the owner of the premises or real property, where such junk car or junk motor vehicle is located, to comply with the subsequent Orders of the Court which shall be a misdemeanor, the Court shall have the authority and ability in addition to or as part of any fine, to award to the City of Dallas, Georgia judgment against the Owner or the person who is in control or possession, of the junk car or junk motor vehicle and/or the owner of the premises or real property, the cost and expenses of litigation incurred by the City of Dallas, Georgia in the enforcement or prosecution of this Ordinance which shall include the ability and authority of the Judge of the Court to award the City of Dallas, Georgia its reasonable attorney’s fees as part of the City of Dallas, Georgia’s cost and expenses of litigation.

All provisions of Chapter 22 – Nuisances – Articles I, II, and III or any other provisions of Chapter 22, which are not specifically amended by this Ordinance Amendment, shall remain in full force and effect and as Ordained.

This Ordinance shall become effective immediately upon its adoption.

SO SHALL IT BE ORDAINED BY THE MAYOR AND THE COUNCIL OF THE CITY OF DALLAS, GEORGIA THIS DAY, THE _____ OF _____, 2016.

BOYD AUSTIN, Mayor

Councilmember

Councilmember

Councilmember

Councilmember

Councilmember

Councilmember

ATTEST:

CITY CLERK

Attachment: OA- 2016-04 NUISANCE ABATEMENT AMENDMENT (1685 : OA-2016-04 Amend Chapter 22 Nuisances)

Ordinance/Ordinance Amend 2016-1

DRAFT

Amendment

Second Read Charter Amendment - Ord 2016-05

Amend Sec. 3-10. Administrative Responsibility; Powers, to revise monetary thresholds in order to keep pace with inflation and operate in best interest of city

CHARTER AMENDMENT ORDINANCE NO. 2016-05

AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF DALLAS, GEORGIA, PART I, ARTICLE III. ADMINISTRATIVE AFFAIRS, SEC. 3.10. ADMINISTRATIVE RESPONSIBILITY; POWERS, BY REVISING MONETARY THRESHOLDS IN ORDER TO KEEP PACE WITH INFLATION AND OPERATE IN THE BEST INTEREST OF THE CITY

- WHEREAS,** The Municipal Charter of The City of Dallas, Georgia sets forth rules and guidelines and practices for the City Manager and for Mayor and Council for purchasing on behalf of The City of Dallas, Georgia; **AND**
- WHEREAS,** The Mayor and Council of The City of Dallas, Georgia recognize the existing Charter provisions for purchasing do not reflect current economic realities for purchasing practices and also recognize the imminent need to revise the current monetary thresholds; **AND**
- WHEREAS,** The Mayor and Council have concluded that it is appropriate for them to amend Article III, Sec. 3.10 of the Charter to provide The City of Dallas to keep pace with inflation or modern purchasing powers and to operate in the best interests and benefit The City of Dallas and its citizens; **AND**
- WHEREAS,** Article IX, Section II, Paragraph II of the Constitution of the State of Georgia, entitled Home Rule for Municipalities, allows the General Assembly of the State of Georgia to provide by law for the self-government of municipalities, which the General Assembly has done with The Municipal Home Rule Act of 1965, O.C.G.A. §36-35-1 et seq.; **AND**
- WHEREAS,** O.C.G.A. §36-35-3 allows municipal charters to be amended by ordinances duly adopted at two regular consecutive meetings of the municipal governing authority, not less than seven nor more than 60 days apart; **AND**
- WHEREAS,** As set forth above and pursuant to O.C.G.A. §36-35-3, the required notice has been published in the Dallas New Era once a week for three weeks prior to its final adoption and within the statutory

STATE OF GEORGIA
COUNTY OF PAULDING

period of 60 days immediately preceding the final adoption of this Ordinance, AND

WHEREAS, A copy of the proposed amendment has been on file in the Office of the City Clerk of the City of Dallas, Georgia and in the Office of the Clerk of the Superior Court of Paulding County, Georgia;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Dallas, Georgia, in accordance with O.C.G.A. §36-35-3 and pursuant to their authority, that PART I CITY OF DALLAS CHARTER, ARTICLE III. ADMINISTRATIVE AFFAIRS, SEC. 3.10. ADMINISTRATIVE RESPONSIBILITY; POWERS, of the Municipal Charter of the City of Dallas, Georgia code of ordinances, is hereby deleted and replaced as follows:

PART I – CHARTER

ARTICLE III. ADMINISTRATIVE AFFAIRS

Sec. 3.10. - Administrative responsibility; powers.

- (a) Except as otherwise provided in this Charter, all administrative functions shall be vested in the City Manager. The Mayor and City Council shall deal solely through the City Manager with the administrative services, and the departments, agencies, and functions committed to him or her by this Charter, and no orders shall be given by the Mayor or City Council members to any subordinates of the City Manager either publicly or privately or directly or indirectly.
- (b) The City Manager is authorized and empowered to make and execute contracts within the scope of his/her duties as defined by this Charter; provided, however, that any such contract, other than a contract of employment, must be approved by the Mayor and City Council when the consideration is over \$10,000.00 ~~500.00~~ with the following exceptions:
 - (1) If the contract is an employment contract for non-council appointed employees;
 - (2) If the contract is for repairs and/or maintenance of equipment and/or buildings with a monetary value of less than Five Thousand Dollars (\$5,000) ~~Two Thousand Five Hundred Dollars (\$2,500.00).~~
- (c) All disbursements of the city will require dual signatures by the City Manager, Mayor or City Clerk.

SO ORDAINED, this ____ day of ____, 2016.

Signatures on following page.

Attachment: DRAFT ORD 2016-05 Charter Amendment (ORD-2016-1 : Charter Amendment Ord 2016-05)

STATE OF GEORGIA
COUNTY OF PAULDING

Boyd L. Austin, Jr., Mayor

James R. Henson, Council Member

Michael G. Cason, Council Member

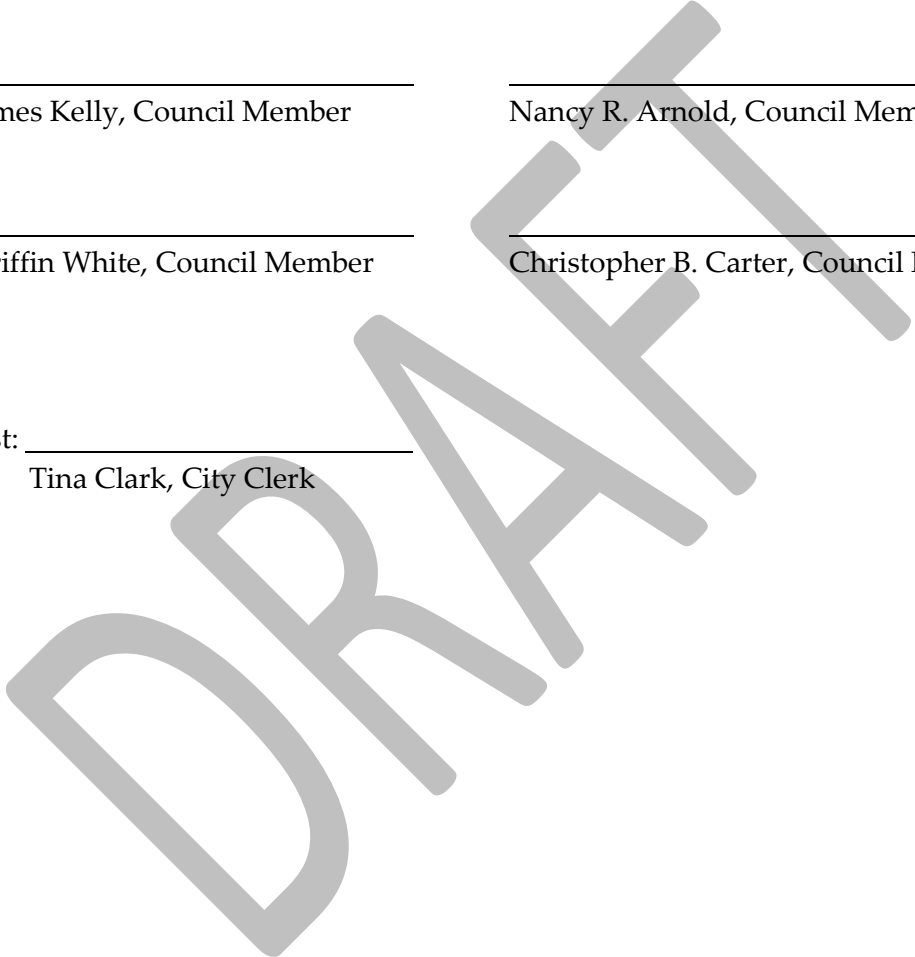
L. James Kelly, Council Member

Nancy R. Arnold, Council Member

R. Griffin White, Council Member

Christopher B. Carter, Council Member

Attest: _____
Tina Clark, City Clerk



Attachment: DRAFT ORD 2016-05 Charter Amendment (ORD-2016-1 : Charter Amendment Ord 2016-05)

Ordinance/Ordinance Amend (ID # 1679)

DRAFT

Amendment

**First Read: Ord Amd OA-2016-03 Chapt 32
St/Sidewalks/Other Public Places**

Addition of right-of-way regulation section.

AN ORDINANCE TO AMEND
THE CODE OF THE CITY OF DALLAS, GEORGIA

CHAPTER 32

STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

NO. OA-2016-03

- Whereas** The charter of the City of Dallas, Georgia does allow the Mayor and Council to adopt ordinances and/or to amend existing ordinances; and,
- Whereas,** The Mayor and Council has the responsibility to provide for the public health, safety and welfare by the control and efficient adoption of Ordinances within the City of Dallas, Georgia which includes the responsibility to provide for use and control of Right of Ways or other public property within the City of Dallas, Georgia; and,
- Whereas,** The Mayor and Council of the City of Dallas, Georgia desire to adopt the following:
- Whereas,** Pursuant to Section 1.14 of the Charter of the City of Dallas (“City”), the City is empowered to regulate roadside areas, including rights-of-way; and,
- Whereas,** Pursuant to O.C.G.A. 36-76-1 et seq. known as the “Consumer Choice for Television Act” of 2007 the City retains regulatory powers over certain activity of cable and video providers with respect to public rights-of-way within or belonging to the City; and,
- Whereas,** Pursuant to O.C.G.A. 46-5-1 et seq. telephone companies shall comply with all applicable local laws and regulations, including municipal ordinances and regulations, regarding the placement and maintenance of facilities in the public rights of way that are reasonable, nondiscriminatory, and applicable to all users of the public rights of way within or belonging to the City; and,
- Whereas,** The City desires to establish reasonable nondiscriminatory regulations for the installation, construction, maintenance, renewal, removal and relocations of Utility Facilities that are not more restrictive than equivalent regulations promulgated by the Georgia Department of Transportation with respect to Utilities on the state highway system under authority of O.C.G.A. 32-4-70; now
- Therefore,** BE IT ORDAINED AND ESTABLISHED by the Mayor and Council of the City of Dallas, Georgia as follows:

SECTION 1

The Code of Ordinances of the City of Dallas, Georgia is hereby amended by adding a new Chapter 32, Articles 1-9, entitled “Streets, Sidewalks and Other Public Places”, as follows:

ARTICLE 1. DECLARATION OF FINDINGS AND PURPOSE, SCOPE, DEFINITIONS

Section 1.1 Intent and Purpose.

The City of Dallas, Georgia (the "City") is vitally concerned with the use, construction within, and occupancy of all Rights of Way in the City as such Rights of Way are a valuable and limited resource which must be utilized to promote the public health, safety, welfare, economic development of the City and to protect public work infrastructure. Therefore, the City, under the authority of the Laws and Constitution of the State of Georgia, including but not limited to Article 9, Section 1, paragraphs 2 and 3 of the Georgia Constitution, O.C.G.A. 36-1-20 and O.C.G.A. 32-4-42(6), has adopted this ordinance for the purpose of regulating public and private entities which use the City Rights of Way.

Section 1.2 Scope.

The provisions of this Chapter shall apply to all Utilities and Facilities occupying the Rights of Way as provided herein.

Section 1.3 Definitions.

For the purposes of this Chapter, the following terms, phrases, words, and their derivations have the meanings set forth herein. The words "shall" and "will" are mandatory and "may" is permissive. Words not defined shall be given their common and ordinary meaning. References hereafter to "Sections" are, unless otherwise specified, references to Sections in this Chapter. Defined terms remain defined terms whether or not capitalized.

1. **City** means the City of Dallas, Georgia;
City Council means the Mayor and City Council of the City of Dallas, Georgia;
City Clerk means the Clerk of the City of Dallas, Georgia
2. **Code of Ordinances/Codified Ordinances** means the Codified Ordinances of the City of Dallas, Georgia;
3. **Construct** means, but shall not be limited to, dig, bore, tunnel, trench, excavate, obstruct, install or remove signs, or Facilities, other than landscaping or ornamental plantings, in, on, above, within, over, below, under, or through any part of the Rights of Way. Construct shall also include the act of opening and/or cutting into the surface of any paved or improved surface that is any part of the Right of Way;
4. **Construction** means, but shall not be limited to, the act or process of digging, boring, tunneling, trenching, excavating, obstructing, installing or removing signs or Facilities, other than landscaping or ornamental plantings, in, on, above, within, over, below, under, or through any part of the Rights of Way. Construction shall also include the act of opening, boring and/or cutting into the surface of any part of the Right of Way;
5. **Director** means the City Manager of the City of Dallas, Georgia, or his or her designee;
6. **Emergency** means a condition that poses a clear and immediate danger to life, health, or safety of a person, or of significant damage or loss of real or personal property;
7. **Facility or Facilities** means any tangible thing, including but not limited to pipes, mains, conduits, cables, wires, poles, towers, traffic and other signals, and other equipment, appurtenances, appliances and future technology of any Utility in, on, along, over, or under any part of the Rights of Way within the City;
8. **Facilities Representative(s)** means the specifically identified agent(s)/employee(s) of a Utility who are authorized to direct field activities of that Utility and serve as official notice agent(s) for Facilities related information. Utility shall be required to make sure at least one (1) of its Facilities Representatives available at all times to receive notice of, and immediately direct response to, Facilities related emergencies or situations;
9. **FCC** means the Federal Communications Commission or any successor thereto;
10. **Permit** (i.e. construction permit/utility permit) means an authorization which grants permission to conduct specific regulated activities on, in, over, under or within any public right-of-way, and which may be subject to conditions specified in a written agreement with the City or in a related provision of this Code of Ordinances;

11. ***Right(s) of Way*** means the surface and space in, on, above, within, over, below, under or through any real property in which the City has an interest in law or equity, whether held in fee, or other estate or interest, or as a trustee for the public, including, but not limited to any public street, boulevard, road, highway, freeway, lane, alley, court, sidewalk, parkway, or any other place, area, or real property owned by or under the legal or equitable control of the City, now or hereafter, that consistent with the purposes for which it was dedicated, may be used for the purposes of constructing, operating, repairing or replacing Facilities;
12. ***Service(s)*** means the offering of any service by a Utility for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, or alternatively, the provision of any service by a Utility between two or more points for a proprietary purpose to a class of users other than the general public;
13. ***Service Agreement*** means a valid license agreement, service agreement, franchise agreement, or operating agreement issued by the City or state pursuant to Law and accepted by a Utility or entered into by and between the City and a Utility, which allows such Utility to operate or provide service within the geographic limits of the City;
14. ***Street or Streets*** means the surface of, as well as the spaces above and below, any and all the streets, alleys, avenues, roads, bridges, tunnels and public places of the City within the corporate limits of the City, as the same now exist or may be hereafter extended or altered, and any location thereon, thereover or thereunder, and any portion thereof;
15. ***Transfer*** means the disposal by the Utility, directly or indirectly, by gift, assignment, sale, merger, consolidation, or otherwise, of more than fifty percent (50%) at one time of the ownership or controlling interest in the Facilities, or of more than fifty percent (50%) cumulatively over the term of a written approval of Registration of such interests to a corporation, partnership, limited partnership, trust, or association, or person or group of persons acting in concert;
16. ***Unused Facilities*** means Facilities located in the Rights of Way which have remained unused for twelve (12) months and for which the Utility is unable to provide the City with a plan detailing the procedure by which the Utility intends to begin actively using such Facilities within the next twelve (12) months, or that it has a potential purchaser or user of the Facilities who will be actively using the Facilities within the next twelve (12) months, or, that the availability of such Facilities is required by the Utility to adequately and efficiently operate its Facilities;
17. ***Utility or Utilities*** means All privately, publicly, or cooperatively owned systems for producing, transmitting, or distributing communication, data, information, telecommunication, cable television, video services, power, electricity, light, heat, gas, oil, crude products, water/sewer, steam, fire and police signals, traffic control devices, and street lighting systems, and housing or conduit for any of the foregoing, which directly or indirectly serve the public or any part thereof. The term "utility" may also be used to refer to the owner, operator, Utility, service, contractor or subcontractor, or any agent thereof, of any above-described utility or utility facility.

ARTICLE 2. UTILITY REGISTRATION

Section 2.1 Registration Required.

Each Utility who occupies, uses or has Facilities in the Rights of Way at the time of passage of this Ordinance, including by lease, sublease or assignment, to operate Facilities located in the Rights of Way, unless specifically exempted by state or federal law or this Code, shall file a Registration Statement with the Clerk of the City of Dallas, Georgia within ninety (90) days of the effective date of this Ordinance.

Section 2.2 Registration Procedure.

The Registration information provided to the City shall be on a form approved by the City and include, but not be limited to:

1. The name, legal status (i.e. partnership, corporation, etc.), street address, email address, and telephone and facsimile numbers of the Utility filing the Registration Statement (the "Registrant"). If the Registrant is not the owner of the Facility in the Right of Way, the Registration shall include the name, street address, email address if applicable, and telephone and facsimile numbers of the owner;
2. The name, street address, email address if applicable and telephone and facsimile numbers of one (1) or more Facilities Representative(s). Current information regarding how to contact the Facilities Representative(s) in an Emergency shall be provided at the time of filing a Registration and shall be updated as necessary to assure accurate contact information is available to the City at all times;
3. A copy, if requested, of the Utility's certificate of authority (or other acceptable evidence of authority to operate) from the Georgia Public Service Commission and/or the FCC and any other similar approvals, permits, or agreements.
4. A copy, if requested, of the Service Agreement, if applicable or other legal instrument that authorizes the Utility to use or occupy the Right of Way for the purpose described in the Registration.

Section 2.3 Incomplete Registration.

If a Registration is incomplete, the Director shall notify the Registrant and shall provide a reasonable period of time in which to complete the Registration. If a Registration is complete, the Director shall so notify the Utility in writing.

Section 2.4 Acceptance of the Registration shall not convey title in the Rights of Way.

Acceptance of the Registration is only the nonexclusive, limited right to occupy Rights of Way in the City for the limited purposes stated in the Acceptance. Acceptance of the Registration does not excuse a Utility from obtaining Permits required by City ordinances nor from obtaining appropriate access or pole attachment agreements before using the Facilities of others, including the City. Acceptance of the Registration does not excuse a Utility from notifying the City of Construction as required herein.

Section 2.5 Facilities in Place without Registration.

Beginning one year after the effective date of this Chapter, any Facilities or part of a Facility found in a Right of Way for which registration is required but has not been obtained unless specifically exempted by law, and for which no valid Service Agreement exists with the City, may be deemed to be a nuisance and an unauthorized use of the Rights of Way. The City may exercise any remedies or rights it has at law or in equity, including, but not limited to abating the nuisance; taking possession of the Facilities, evicting the Utility from the Right of Way; prosecuting the violator; and/or any other remedy provided by City ordinance or otherwise allowed in law or in equity.

ARTICLE 3. CONSTRUCTION PERMITS/UTILITY PERMITS

Section 3.1 Permit Required.

It shall be unlawful for any Utility to excavate or to construct, install, maintain, renew, remove or relocate Facilities in, on, along, over or under the public roads of the City without a Utility Permit from the City of Dallas, Georgia in accordance with the terms of this Chapter.

Section 3.2 Permit Procedure.

Utility Permits shall be obtained from the Director (or such other person as the City Manager may designate) upon application made on forms prescribed by the City of Dallas, Georgia. The written application shall include the following:

1. The name and address of the Utility;
2. The nature, extent, and location of any work proposed to be done, along with satisfactory plans as attachments showing in detail the location of the proposed Facility or operations as described in the Permit application. The plans shall show the size or capacity of Facilities to be installed; their relationship to Street features such as right-of-way lines, pavement edge, structures, etc., horizontal and vertical clearance to critical elements of the roadway and any other information necessary to evaluate the impact on the Street and its operation;
3. The name and address of the person or firm who is to do such work;
4. The name, street address, email address if applicable and telephone and facsimile numbers of one (1) or more Facilities Representative(s).
5. The projected dates for the work to be started and finished;
6. An indemnity bond, cash bond or other acceptable security which type of bond or security shall be selected by the City and in an amount to be set by the City to pay any damages to any part of the City road system or other City property or to any city employee or member of the public caused by activity or work of the Utility performed under authority of the permit issued;
7. A copy, if requested, of the Registrant's certificate of authority (or other acceptable evidence of authority to operate) from the Georgia Public Service Commission and/or the FCC and any other similar approvals, permits, or agreements; and
8. A copy, if requested, of the service agreement, if applicable or other legal instrument that authorizes the Utility to use or occupy the Right of Way for the purpose described in the application.

Section 3.3 Permit Fees.

Fees for construction permits/utility permits shall be determined by the Director, subject to the approval by resolution of the City Council of the City of Dallas, Georgia. A fee schedule shall be available at the offices of the Director and the City Clerk and open for public inspection.

Section 3.4 Issuance of Permit.

If the Director determines the Applicant has satisfied the following requirements, the Director may issue a construction permit/utility permit.

1. Whether issuing of the approval will be consistent with this Chapter; and
2. Whether Applicant has submitted a complete Application and has secured all certificates and other authorizations required by law, if applicable, in order to construct Facilities in the manner proposed by the Applicant; and
3. The impact on safety, visual quality of the streets, traffic flow, and other users of the right of way and the difficulty and length of time of the Project, construction or maintenance.

Section 3.5 Emergency Situations.

1. Each Utility shall, as soon as reasonably practicable, notify the Director of any event regarding its Facilities which it considers to be an Emergency. The Utility may proceed to take whatever actions are necessary in order to respond to the Emergency. A Utility who engages in an emergency excavation shall take all reasonable precautions to avoid or minimize damage to any existing facilities.
2. In the event that the City becomes aware of an Emergency regarding Utility Facilities, the City may attempt to contact the affected Utility or Facilities Representative. The City may take whatever action it deems necessary in order to respond to the Emergency, including cut or move any of the wires, cables, amplifiers, appliances, or other parts of the Facilities. The City shall not incur any liability to the Utility, for such emergency actions, and the cost of such shall be paid by each Utility affected by the Emergency

Section 3.6 Effective Period of Permit.

1. Each construction permit/utility permit shall have a set commencement and expiration date based on information provided in the applicant's permit application.
2. The Permit shall remain in place until Construction is completed or until its expiration date unless the Utility is in default. The Director may give written notice of default to a Utility if it is determined that a Utility has
 - a. Violated any provision or requirement of the issuance or acceptance of a Permit application or any law of the City, state, or federal government;
 - b. Attempted to evade any provision or requirement of this Chapter;
 - c. Practiced any fraud or deceit upon the City; or
 - d. Made a material misrepresentation or omission of fact in its Permit application.

Section 3.7 Cancellation for Cause.

If a Utility fails to cure any default under this Ordinance within twenty (20) Working Days after written notice is provided to the Utility by the City at the address of the Utility shown on application for permit, then such default shall be a material breach and City may exercise any remedies or rights it has at law or in equity to terminate the Permit. If the Director decides there is cause or reason to terminate, the following procedure shall be followed:

1. City shall serve a Utility with a written notice of the reason or cause for proposed termination and shall allow a Utility a minimum of fifteen (15) calendar days to cure its breach.
2. If the Utility fails to cure within fifteen (15) calendar days, the City may declare the Permit terminated as an administrative decision allowed by Section 8.3 of this Ordinance.

Section 3.8 Expiration of Permit.

If work is not begun within six (6) months from the date the permit is issued, the permit will automatically expire.

ARTICLE 4. REQUIRED MINIMUM STANDARDS

Section 4.1 Utility Accommodation Manual Adopted.

The 2009 Utility Accommodation Policy and Standards manual, including all references contained therein to codes, rules, regulations, schedules, forms and appendix items, except Appendix B (Permit Forms and supporting Documents), promulgated by the State of Georgia Department of Transportation, as may be amended from time to time is hereby adopted by reference and incorporated in the article as if fully set forth herein, subject to the amendments and modification contained in this Chapter. A copy of the manual shall be maintained at the offices of the Director or his designee and open for public inspection. Any conflicts between the provisions of this ordinance and the manual shall be resolved in favor of the manual. References to State personnel, agencies, and fees shall be interpreted, where required, as meaning the City of Dallas municipal equivalents.

Section 4.2 Protection of Traffic and Roadway.

Unless specifically in the Permit, no Utility may occupy the City Rights of Way unless sufficient space is available so that the free flow and safety of traffic and other capacity considerations are not unduly impaired and the installation does not prevent the Department from reasonably maintaining the streets, structures, traffic control devices and other appurtenant facilities, and further provided that maintenance and operations of the Facilities do not jeopardize the traffic, street structure, other users of the right of way or the right of way itself.

Section 4.3 Grading.

If the grades or lines of any street within the City Right of Way are changed at any time by the City during the term of the permit and this change involves an area in which the Utility's Facilities are located, then the Utility shall, at its own cost and expense and upon the request of the City upon at least 10 business days notice, protect or promptly alter or relocate the Facilities, or any part thereof, so as to conform with such new grades or lines. In the event the Utility refuses or neglects to so protect, alter, or relocate all or part of the Facilities, the City shall have the right to break through, remove, alter, or relocate all or any part of the Facilities without any liability to the Utility and the Utility shall pay to the City the costs incurred in connection with such breaking through, removal, alteration, or relocation.

Section 4.4 Installation of Poles and Other Wireholding Structures and Relocation.

Unless otherwise provided in a valid service agreement, no placement of any pole or wireholding structure of the Utility is to be considered a vested interest in the Right of Way, and such poles or structures are to be removed, relocated underground, or modified by the Utility at its own expense whenever the City determines that the public convenience would be enhanced thereby. The Facilities shall be so located and installed as to cause minimum interference with the rights and convenience of property owners.

Section 4.5

As provided in O.C.G.A § 25-9-6 (the Georgia Utility Facility Protection Act) and other applicable state law currently in place or as amended, no Utility shall commence, perform, or engage in blasting or in excavating with mechanized excavating facilities unless and until the Utility planning the blasting or excavating has given 48 hours' notice by submitting a locate request to the Utility Protection Center, beginning the next Working Day after such notice is provided, excluding hours during days other than Working Days.

ARTICLE 5. RESTORATION OF PROPERTY

Section 5.1

Each Utility shall be responsible for the cost of repairing any Facilities in the Rights of Way and adjoining property or other Facilities which it or its Facilities damage.

Section 5.2.

A Utility shall be liable, at its own cost and expense, to replace, restore or repair, any Street, Facilities or property or structure thereon, thereunder, thereover or adjacent thereto that may become disturbed or damaged as a result of the Construction or installation, operation, upgrade, repair or removal of Facilities to a condition as good as or better than its condition before the work performed by the Utility that caused such disturbance or damage. If the Utility does not commence such replacement or repair after twenty (20) Working Days following written notice from the City, the City or the owner of the affected structure or property may make such replacement or repair and the Utility shall pay the reasonable and actual cost of the same.

ARTICLE 6. INSPECTION

Section 6.1

The Utility shall make the Construction site available to the Director and to all others as authorized by Law for inspection at all reasonable times during the execution and upon completion of the Construction.

Section 6.2

At any time, including the time of inspection, the Director may order the immediate cessation of any work which poses a serious threat to the health, safety, or welfare of the public, violates any law, or which violates the terms and conditions of the Permit and/or this Chapter or issue an order to correct work which does not conform to the Permit and/or applicable standards, conditions or codes.

Section 6.3

When the Construction under any Permit is completed, the Utility shall notify the Department.

ARTICLE 7. OTHER APPROVALS, PERMITS AND AGREEMENTS

Section 7.1 Additional Permits Required.

The Utility shall obtain all construction, building or other permits or approvals as according to this Ordinance or any other City ordinance, state or federal law. In addition, the Utility obtaining any permit pursuant to this Ordinance shall comply with all requirements of laws, shall complete work in a way as to not cause any unnecessary or unauthorized obstructions of sidewalks, streets, waterways or railways, and is responsible for all work done in the Rights of Way regardless of who performs the work. No Rights of Way obstruction or excavation may be performed when seasonally prohibited or when conditions are unreasonable for such work, except in the case of an Emergency as outlined in Article II, Section 7 (B).

ARTICLE 8. PENALTIES

Section 8.1.

Every Utility convicted by the Municipal Court/City Court of the City of Dallas, Georgia of a violation of any provision of this chapter/ordinance shall be punished by a fine not exceeding one thousand dollars (\$1,000.00) per violation. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisances, injunctive relief and revocation of the license, licenses, permit, or permits issued by the City pursuant to this Ordinance.

Citations for any violations for which fines are imposed or sought by the City under this Ordinance shall be issued by the Marshals Bureau of the City of Dallas, Georgia.

Section 8.2.

Any fines for violations of the provision of this Chapter/Ordinance, shall be determined and adjudicated by the Municipal Court/City Court of the City of Dallas, Georgia.

Section 8.3.

Any administrative decisions required by this Ordinance shall be made in an open meeting by the Mayor and City Council of the City of Dallas, Georgia.

The Mayor and City Council of the City of Dallas, Georgia shall provide written notice of the hearing for any administrative decision to the Utility holding any license or permit under this Ordinance at least seven (7) days prior to the date of any hearing of any administrative decision. The Mayor and Council of the City of Dallas, Georgia shall render any administrative decision under this Ordinance within seven (7) days from the date of any such administrative hearing.

ARTICLE 9. OTHER PROVISIONS

Section 9.1 Severability.

If any section, subsection, sentence, clause, phrase, or portion of this Chapter is for any reason held invalid or unconstitutional by any court or administrative agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 9.2 Reservation of Regulatory and Police Powers.

The City by issuing a written approval of Registration under this Chapter, does not surrender or to any extent lose, waive, impair, or lessen the lawful powers and rights, which it has now or may be hereafter vested in the City under the Constitution and Laws of the United States, State of Georgia and the City Charter, and under the provisions of the City's Codified Ordinances to regulate the use of the Rights of Way. The Utility by applying for and being issued a written Permit, is deemed to acknowledge that all lawful powers and rights, regulatory power, or police power, or otherwise as are or the same may be from time to time vested in or reserved to the City, shall be in full force and effect and subject to the exercise thereof by the City at any time. A Utility is deemed to acknowledge that its interests are subject to the regulatory and police powers of the City to adopt and enforce general ordinances necessary to the safety and welfare of the public and is deemed to agree to comply with all applicable general laws enacted by the City pursuant to such powers. In particular, all Utilities shall comply with City zoning and other land use requirements pertaining to the placement and specifications of Facilities.

Section 9.3 Compliance.

No Person shall be relieved of its obligation to comply with any of the provisions of this Chapter by reason of any failure of City to enforce compliance.

Section 9.4 Appeals.

All appeals of any administrative decision by the Mayor and Council of the City of Dallas, Georgia or any decision or adjudication by the City Court/Municipal Court of the City of Dallas, Georgia shall be made in writing to the Superior Court of Paulding County, Georgia within thirty (30) days from the date of any administrative decision or other decision/adjudication by the City/Municipal Court. Any person or entity appealing any decision or adjudication pursuant to this Ordinance or any fine or administrative decision pursuant to this Ordinance shall also furnish to the Clerk of the City of Dallas, Georgia written notice of any appeal via certified mail.

Section 9.5 Chapter Headings.

Chapter headings are for convenience only and shall not be used to interpret any portion of this Chapter

SECTION 2

Except as provided otherwise herein, all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 3

This ordinance shall be codified in a manner consistent with the laws of the State of Georgia

SECTION 4

This ordinance shall become effective immediately upon its adoption by the Mayor and Council of the City of Dallas, Georgia.

SO SHALL IT BE ADOPTED AND ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DALLAS, GEORGIA, THIS _____ DAY OF _____, 2016.

Mayor Boyd L. Austin, Jr.

Michael G Cason, Councilmember

James R. Henson, Councilmember

L. James Kelly, Councilmember

Nancy R. Arnold, Councilmember

R. Griffin White, Councilmember

Christopher B. Carter, Councilmember

ATTEST:

Tina Clark, City Clerk

Attachment: OA-2016-03 ROW amendment Chapter 32 (1679 : Ord Amd OA-2016-03 Chapter 32 Str/Sidewalks/Other Pub Places)

**Dallas City Council**

129 East Memorial Drive
Dallas, GA 30132

SCHEDULED**PROCLAMATION (ID # 1682)**

Meeting: 06/06/16 07:00 PM

Department: City Hall

Category: Proclamation

Prepared By: Lori Meienburg

Initiator: Kendall Smith

Sponsors:

DOC ID: 1682

Proclamation 2016-09 General Aviation Appreciation

Proclamation recognizing July as General Aviation Appreciation month.

PROCLAMATION 2016-09

General Aviation Appreciation Month 2016

WHEREAS, the City of Dallas in the state of Georgia has a significant interest in the continued vitality of general aviation, aircraft manufacturing, aviation educational institutions, aviation organizations and community airports; and

WHEREAS, general aviation and the Paulding Northwest Atlanta Airport are important to the economic development of the City of Dallas; and

WHEREAS, Georgia is home to 98 public-use general aviation airports, which serve 18,325 pilots and 5,228 active general aviation aircraft; and

WHEREAS, Georgia is home to 97 fixed-base operators, 128 repair stations, 469 heliports, 11 FAA-approved pilot schools, 3,008 flight students and 3,184 flight instructors; and

WHEREAS, general aviation in Georgia contributes over \$1.2 billion annually to the state's economy; and

WHEREAS, general aviation not only supports Georgia's economy, it improves overall quality of life by supporting emergency medical and healthcare services, law enforcement, firefighting and disaster relief, and by transporting business travelers to their destinations quickly and safely; and

WHEREAS, the nation's aviation infrastructure represents an important public benefit, and Congressional oversight should be in place to ensure stable funding of this system;

NOW THEREFORE, I, Boyd L. Austin Jr., Mayor of the City of Dallas, do hereby proclaim general aviation a vital strategic resource to the City of Dallas and declare July 2016 as

GENERAL AVIATION APPRECIATION MONTH

Dated this 6th day of June, 2016.

Boyd L. Austin, Jr., Mayor

Attest

Tina Clark, City Clerk