



Dallas City Council
129 East Memorial Drive
Dallas, GA 30132
<http://www.cityofdallasga.com>
770-443-8110 x.1209

Regular Meeting 7:00 PM

- 1. Call to Order**
- 2. Invocation and Pledge**
- 3. Recognition of Visitors and Comments**
- 4. Minutes Approval**
 - A. Monday, March 07, 2016 Regular Meeting
- 5. Consent Agenda**
- 6. Old Business**
- 7. New Business**
 - A. Ordinances
 1. First Read Ord Amd OA-2016-02 - Chapter 30 Solid Waste
- 8. Additional Items/Comments**
- 9. Adjournment**

MINUTES
Monday, March 7, 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

Staff present: Kendall Smith- City Manager, Tina Clark- City Clerk, Scott Halter- Police Chief, Jim Boshell- Assistant Police Chief, Michael Hester- Chief Marshal, Lori Meienburg- Asst City Clerk, Glen Stinson- City Attorney

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

2. Invocation and Pledge

Councilman Kelly led the invocation and pledge.

3. Recognition of Visitors and Comments

None

4. Minutes Approval

A. Motion to approve Minutes of Feb 1, 2016 7:00 PM

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

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

5. Consent Agenda

- 1.) GDOT Resolution for removal of turn lane and narrow the drive lanes on Confederate Ave.
- 2.) Donation of Smith & Wesson MP45, Serial#DTB8640 from the Haralson-Paulding Drug Task Force.
- 3.) Purchase of computer equipment for Police Dept CAD implementation and SSI server replacement, in the amount of \$18,950 from Drug and SPLOST funds.
- 4.) Purchase of Panasonic Toughbooks for the Police Dept, in the amount of \$20,138.28.
- 5.) Surplus of a Jimenez .380, Serial#265598.
- 6.) Asbestos removal at 108 E. Griffin St., in the amount of \$6,422 to Bruce Environmental.
- 7.) Un-collected tax write-off from years prior to 2005.
- 8.) Keck & Wood proposal for Orphan Brigade Phase 2 preliminary surveying & engineering, in the amount of \$75K.
- 9.) P.F. Moon payment request #18, in the amount of \$789,899.83.
- 10.) St Vincent de Paul annual Crosswalk on March 25, 2016 at 4pm.
- 11.) Shepard's Rest Street Festival on June 11, 2016.

A. Motion to approve Consent Agenda.

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

6. Old Business

A. Motion to approve Dallas Walks Subdivision- Condemnation of property.

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

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

7. Executive Session

1. Motion to open Executive Session.

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

2. Motion to close Executive Session.

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

8. New Business

A. Motion to approve payment of claim #17-01, in the amount of \$638.65 with a signed full and final release.

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

Regarding vehicle damage from manhole lid.

- B. Motion to adopt Resolution 2016-04 Contract for Funding with GDOT, allows Mayor Austin to sign contract for Orphan Brigade Phase 2 project.

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

- C. Motion to adopt Resolution 2016-03 Moratorium on Group Homes- renewal through August 2016.

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

- D. Motion to approve Ord Amd OA-2016-01 to Amend Chapter 2 Division 6- Increase purchasing amounts.

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

Increase of Finance Committee to \$29,999.99, City Manager to \$10,000 & Single Source purchases to \$5,000. Passage on emergency basis.

9. Additional Items/Comments

Visitor: Andrew Rutherford, 1485 Seals Rd, Dallas ask questions regarding meeting procedures and all was in order.

Mayor Austin reminded everyone that the April Meeting will be March 28, 2016.

10. Adjournment

1. Motion to adjourn.

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

Mayor Boyd L. Austin

Date

City Clerk, Tina Clark

Date

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

Ordinance/Ordinance Amend (ID # 1660)

DRAFT

Amendment

First Read Ord Amd OA-2016-02 - Chapter 30 Solid Waste

Please refer to attachment.

Chapter 30 - SOLID WASTE⁽¹⁾

Footnotes:

--- (1) ---

State Law reference— Garbage and solid waste collection and disposal are authorized as a home rule power of local governments in, Ga. Const. art. IX, § II, ¶ III(a)(2); the Georgia Comprehensive Solid Waste Management Act permits local regulations not in conflict and local actions with respect to nuisances, O.C.G.A. § 12-8-30.9.

Sec. 30-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Commercial solid waste means all types of solid waste generated by stores, offices, restaurants, warehouses and other nonmanufacturing activities, excluding residential and industrial waste.

Composting means the controlled biological decomposition of organic matter in a stable, odor free humus.

Leachate collection system means a system at a landfill for collection of the leachate which may percolate through the waste and into the soils surrounding the landfill.

Municipal solid waste.

- (1) The term "municipal solid waste" means any solid waste derived from households, including garbage, trash and sanitary waste in septic tanks and includes solid waste from single-family and multifamily residences, hotels and motels, bunkhouses, campgrounds, picnic grounds, and day use recreation areas. The term "municipal solid waste" includes yard trimmings and commercial solid waste.
- (2) The term "municipal solid waste" does not include solid waste from mining, agricultural or silvicultural operations or industrial processes or operations.

Municipal solid waste disposal facility means any facility or location where the final deposition of any amount of municipal solid waste occurs, whether or not mixed with or including any commercial or industrial solid waste including, but not limited to, municipal solid waste landfills.

Municipal solid waste landfill means a disposal facility where any amount of municipal solid waste, whether or not mixed with or including commercial waste, industrial waste, nonhazardous sludges or small quantity generator hazardous waste, is disposed of by means of placing an approved cover thereon.

Refuse.

- (1) The term "refuse" means and includes garbage, rubbish, trash, and other refuse as those terms are generally defined.
- (2) The term "refuse" does not mean dead animals and fowl, body wastes, hot ashes, rocks, concrete, bricks, and similar materials; those things are expressly excluded therefrom.

Yard trimmings means leaves, brush, grass clippings, shrub and tree pruning, discarded Christmas trees, nursery and greenhouse vegetative residuals, and vegetative matter resulting from landscaping development and maintenance, other than mining, agricultural and silvicultural operations.

(Comp. Ords. 2005, § 4-101; Ord. No. 96-22, 10-7-1996)

Sec. 30-2. - Throwing refuse on streets.

It shall be unlawful for any person to place or throw garbage, trash, or other refuse on any street, sidewalk, public alley or other public areas of the city.

(Comp. Ords. 2005, § 4-102)

Sec. 30-3. - Refuse not acceptable for collection by city—Enumerated.

The following shall be refuse deemed not acceptable for collection by the city:

- (1) Dangerous materials or substances such as poisons, acids, caustics, infected materials and explosives.
- (2) Building or construction refuse including lumber, brick, concrete, rock, plaster, mortar, roofing materials and dirt.
- (3) Ashes containing hot embers.
- (4) Solid wastes resulting from industrial processes.
- (5) It shall be unlawful to place or mix yard trimmings with municipal solid waste within the city and yard trimmings shall not be disposed at any municipal solid waste disposal facility having a liner and leachate collections system or requiring vertical expansion located within the city.
- (6) Any other materials which have not been prepared for collection in accordance with this chapter.
- (7) Amounts of refuse more than an equivalent of eight 30-gallon containers per week.

(Comp. Ords. 2005, § 4-104; Ord. No. 96-22, 10-7-1996)

Sec. 30-4. - Same—Disposal.

All refuse not acceptable for collection by the city shall be disposed of by the owner at his own expense at a place specifically designed for disposal of refuse such as a landfill.

(Comp. Ords. 2005, § 4-105)

Sec. 30-5. - Garbage fees are mandatory unless exempted.

- (a) Each resident or each business shall be billed garbage collection fees as a part of the water and/or sewer utility billing, subject to the billing procedures and penalties as stated in sections 40-19, 40-20, 40-24(e) and 40-27, with the following exceptions:
 - (1) In a single-owner multifamily or multibusiness location where a dumpster of adequate capacity, and at least two cubic-yard capacity is provided by a private collection service licensed by the city; or
 - (2) If an amount of \$120.00, per each residence, or per each family in a multifamily situation, or per each business in a multibusiness situation that desires to be exempted from the city's garbage collection service, is deposited with the city to ensure that refuse, garbage, and/or trash is not allowed to accumulate; create a nuisance; or be in violation of this chapter. Said deposit shall be used to pay the cost of removing the refuse, garbage and/or trash from that person's or the business's premises if not removed after ten days after written notice (certified mail) from the

city. If the city must use said deposit to pay for the removal of the refuse, garbage and/or trash, then the balance, if any, of the deposit shall be returned to the person or business from whom it was secured and that person or business shall be subject to the garbage fees being a mandatory part of their water bill. If the cost of removing said refuse, garbage and/or trash is more than the deposit, then the resident, business or property owner, as the case may be, shall be responsible for the additional cost.

- (b) The only purpose of the mandatory fees is to ensure that collections are made on a regular basis to prevent the unhealthy and unsightly accumulation and scattering of refuse, garbage and trash.

(Comp. Ords. 2005, § 4-107)

Sec. 30-6. - Permits.

- (a) It shall be unlawful for a person who does not possess a valid and unrevoked permit issued by the city to engage in the business of refuse collection or refuse disposal for compensation within the city. Such permits shall be limited to persons having vehicles for collecting and disposing of refuse which comply with section 30-10.
- (b) Every person desiring to engage in the collection or disposal of refuse for compensation shall make written application to the city. The application shall set forth the name of the applicant, his residence address, his business address and a description of the equipment to be used in the collection or disposal of refuse. Upon approval of the application, the city clerk shall issue a permit to the applicant. A permit fee of \$50.00 shall be paid to the city upon the issuance of the permit.
- (c) Such permits shall expire on the last day of the calendar year and shall be renewed annually, in the same manner and upon payment of the same annual fee as provided above.
- (d) It shall be unlawful to transfer permits from one person to another for the purpose of operating a refuse collection or disposal operation.
- (e) Any person whose application for a permit has been denied may appeal to the mayor and council, which shall rule on such appeal.

(Comp. Ords. 2005, § 4-109)

Sec. 30-7. - Refuse for collection by city—Enumerated; schedule.

- (a) The city shall cause to be collected all refuse which is properly stored for collection as provided in section 30-9 and which is properly placed for collection as directed by the director of utilities and public works.
- (b) The city shall not cause to be collected any refuse from any person or business within the city unless such person or business has paid his refuse collection charge in accordance with section 30-12, but the property owner shall still maintain his property free of refuse for health purposes.
- (c) Collection shall be made regularly in accordance with an announced schedule.

(Comp. Ords. 2005, § 4-110)

Sec. 30-8. - Same—Placement.

All refuse acceptable to be collected by the city shall be placed as directed by the director of utilities and public works.

(Comp. Ords. 2005, § 4-108)

Sec. 30-9. - Same—Storage.

- (a) Bulky rubbish such as cardboard boxes shall be bundled so as not to exceed four feet in length or 40 pounds in weight.
- (b) All other refuse shall be stored in durable, watertight, rodentproof, insectproof and easily washable containers. Such containers shall have close fitting lids and adequate handles to facilitate collection. Such containers shall each have a capacity of not less than 20 gallons or more than 32 gallons. This maximum capacity shall not apply to larger containers which the city, or a private contractor, may now or hereafter handle mechanically. No refuse shall be placed in a refuse container until such container has been drained free of all liquids. It shall be unlawful to permit refuse to accumulate on any premises except in the manner hereinbefore described.

(Comp. Ords. 2005, § 4-106; Ord. No. 96-22, 10-7-1996)

Sec. 30-10. - Garbage collection vehicles.

Refuse shall be collected with vehicles which have beds constructed of impervious materials which are easily cleanable and so constructed that there will be no leakage of liquids draining from the refuse onto city streets.

(Comp. Ords. 2005, § 4-111)

Sec. 30-11. - Disturbing containers.

It shall be unlawful for any person to uncover, pilfer, dig into, turn over or in any manner disturb any refuse container belonging to another. This section shall not be construed to prohibit the use of public refuse containers for their intended purpose.

(Comp. Ords. 2005, § 4-112)

Sec. 30-12. - Refuse collection tiers of service; rate schedule maintained by clerk.

- (a) The rate of charge for the collection and disposal of refuse shall be determined utilizing different tiers of service, as follows:
 - (1) Single-family residences.
 - (2) Multifamily dwellings and apartment houses.
 - (3) Institutions, businesses, and industrial establishments.
- (b) Refuse collection rates are not printed herein, but are maintained by the clerk in a separate rate schedule.

(Comp. Ords. 2005, § 4-113)

Sec. 30-13. - Refuse collection outside the city.

It shall be unlawful to use any city refuse collection vehicles or equipment to collect or dispose of refuse not within the corporate limits of the city.

(Comp. Ords. 2005, § 4-114)

Sec. 30-14. - Yard trimmings.

In accordance with O.C.G.A. § 12-8-21(g), the following hierarchy is recommended for handling yard trimmings and yard waste:

- (1) Naturalized, low-maintenance landscaping requiring little or no cutting;
- (2) Grass cycling by mowing it high and letting it lie;
- (3) Stacking branches into brush piles for use as wildlife habitats and for gradual decomposition into the soil;
- (4) Composting on the site where the material was grown, followed by incorporation of the finish material into the soil at the site;
- (5) Chipping woody material on the site where such material was generated;
- (6) Collecting yard trimmings and transporting them to another site to be chipped or composted for later use; and
- (7) Chipping woody material for later use as a fiber fuel.

(Comp. Ords. 2005, § 4-115; Ord. No. 96-22, 10-7-1996)

Sec. 30-15. - Franchises.

- (a) Authority. The mayor and council of the City of Dallas, Georgia, shall have the authority to grant the right, privilege and franchise to remove and dispose of solid waste within all zoning districts within the City of Dallas, Georgia. The franchise, authority or permit granted shall extend for a period not to exceed ten calendar years.
- (b) Fees. The grantee of a franchise to remove and dispose of solid waste shall pay to the city a fee in the amount of five percent of the total monthly billing collected. This fee shall be paid on or before the fifteenth day of each month for the collection of solid waste the preceding month. If the franchise fee shall be in arrears in whole or in part for 15 or more days, the mayor and council of the City of Dallas, Georgia shall have the option to cancel the franchise. This franchise fee is subject to an annual increase by the mayor and council of the City of Dallas, Georgia effective July 1 of every year.
- (c) Records. All books and records of a grantee concerning its operations within the City of Dallas, Georgia, and the collection of bills shall be made available for inspection and audit by the administrative officer or his designee within 30 days after any request for such inspection or audit.
- (d) Additional contract and operational requirements.
 - (1) The City of Dallas, Georgia shall grant to companies a nonexclusive franchise contract to use the public streets, alleys, roads and thoroughfares within the City of Dallas, Georgia for the purpose of operating and engaging in the business of collecting and disposing of solid waste; including, but not limited to, contracting with customers and providing service pursuant to the contract, placing and servicing containers, operating trucks, vehicles and trailers, and such other operations and activity as are customary and/or incidental to the business of solid waste collection and disposal. It shall be illegal and a misdemeanor for any company to operate outside the terms of this section.
 - (2) The company may collect and deliver for disposal all solid waste accumulated within the corporate limits of the City of Dallas, Georgia, by the company's customers. The company will furnish the personnel and equipment to provide the services described herein and as contracted with its customers, in an efficient and businesslike manner.
 - (3) Any company that operates in the City of Dallas, Georgia, providing solid waste collection and disposal services shall meet the following minimum requirements.

- a. Obtain a solid waste handling permit from the director of the environmental protection division of the state department of natural resources, pursuant to O.C.G.A. § 12-8-24.
- b. Use only vehicles and containers which comply with state EPD rules. Waste collection vehicles must be compactor-type trucks, covered or enclosed vehicles, constructed to be substantially leak proof, constructed of durable metal, easily cleanable and designed to prevent litter from escaping during transport. Recycling vehicles shall not be the same ones used for waste collection. Vehicles shall also meet all safety, size and weight requirements of the state department of transportation.
- c. Within 30 days following the end of each calendar quarter, submit reports containing the following information to the city manager's office for distribution to the public works director and the finance director; the identity and location of all commercial customers service; the size of all dumpsters and frequency of service; the amount of refuse collected by weight; and the dollar amount of franchisee's gross receipts for all commercial solid waste collected within the City of Dallas, Georgia.

(Ord. No. OA-2014-09, 6-16-2014)