

CITY OF DACULA
442 Harbins Rd
P. O. Box 400
Dacula, GA, 30019

COUNCIL MEETING
MINUTES
December 7, 2023

I. CALL TO ORDER AND ROLL CALL OF MEMBERS:

Mayor King called the December 7, 2023 meeting to order at 7:01 p.m. and a roll call of the members was taken. A quorum was present.

City Council Present:

Mayor Trey King
Councilmember Sean Williams
Councilmember Daniel Spain
Councilmember Ann Mitchell
Councilmember Denis W. Haynes, Jr.

City Staff Present

Brittini Nix, City Administrator
Jack Wilson, City Attorney
Amy Morris, Director of Human Resources & Business Services
Dana Stump, Administrative Assistant for Planning & Zoning
Hayes Taylor, City Planner
Stephen Mayer, Director of Finance
Amy White, City Marshal
Greg Chapel, Chief Marshal
Jennifer Turner, Accounts Payable Clerk
Renee Cooke, Front Desk Clerk
Alethia Hyman, Tax Clerk

II. INVOCATION:

Pastor Mark Chandler gave invocation.

III. PLEDGE OF ALLEGIANCE:

Mayor King led the Pledge of Allegiance.

IV. CONSENT AGENDA:

1. Approval of Minutes from the Regular Council Meeting on November 2, 2023
2. Adoption of the FY-2024 Proposal and Revised FY- 2023 Budget Adjustment
3. Certify 2023 General Election Results
4. A Resolution to Honor Greg Chapel & His Retirement
5. Amend the Personnel Management System to adopt Educational Assistance and Tuition Reimbursement

Councilmember Spain motioned to approve the consent agenda items. Councilmember Mitchell seconded. Motion passed unanimously.

Mayor King thanked Marshal Greg Chapel for his service with the city. Mayor King presented Marshal Chapel with his retirement badge and a plaque for his years of service.

Marshal Chapel thanked the city for all they have done for the marshal's department. He then thanked Marshal Amy White and the rest of the employees in the office for assisting him.

V. OLD BUSINESS:

None

VI. NEW BUSINESS:

- 6. PUBLIC HEARING: 2023-CD-RZ-03;** Applicant: Archon Homes, Owner: Dacula Real Estate requests rezoning from MH Mobile Home Park District to R-TH Single Family Residence Townhouse District. The property is located in Land Lot 275 of the 5th District and contains 4.04 acres more or less.

Councilmember Williams motion to open public hearing. Councilmember Spain seconded. Motion passed unanimously.

City Planner, Hayes Taylor presented the staff case report for the rezoning application. The applicant has requested rezoning from Mobile Home Park District to Single Family Residence Townhouse District for a 16-unit townhouse subdivision. Mr. Taylor stated staff recommended approval with the following twenty-one (21) conditions.

1. The property shall be developed in accordance with the conceptual site plan prepared by Archon Homes dated August 23, 2023 and with the provided zoning conditions. Any substantial deviation from the approved conceptual plan and/or remaining conditions of zoning shall be resubmitted to the City Council for consideration. The City Administrator shall

determine what constitutes substantial deviation.

2. The open space shall not be subdivided and shall be owned and maintained by a mandatory homeowners' association. The deed to the mandatory homeowners' association shall require that the open space be perpetually maintained.
3. The maximum number of dwelling units shall not exceed 4 buildings consisting of 16 units total.
4. The minimum heated floor area per dwelling unit shall be 1,800 square feet.
5. The front and side façades of all dwelling units shall consist of architectural treatments of brick, stone, or stucco with fiber cement siding for the remainder of the elevation. The remainder of the structures shall be constructed of brick, stone, stucco, concrete fiber, or similar material.
6. The proposed elevation, building materials, and colors shall be approved by the City prior to building permit issuance.
7. Delineated street parking outside of travel lanes along the internal road must be provided by the developer.
8. Collection of solid waste, recycling, and recovered materials from the townhome development shall be arranged by an agreement with a franchised contractor.
9. The development shall include an amenity area with a park benches, and picnic tables. The benches and tables will be included in a walking trail, gathering space, or central green as approved by the City.
10. The development shall include a cabana, pavilion or shade provision alternative in the designated mail kiosk space as approved by the City.
11. All non-amenity grassed areas shall be sodded.
12. The amenity and stormwater maintenance areas may include lower maintenance grass alternatives such as Blue Star Creeper, Corsican Mint, Microclover, or Fescue as approved by the City Administrator.
13. 5-foot-wide sidewalks shall be constructed on both sides of the internal private drive.
14. 5-foot-wide sidewalks shall be constructed along the property frontage of Stanley Road, Shane Lane, and Jody Avenue.
15. The developer shall provide street trees along the external sidewalk, internal sidewalk and internal walkways at 25-foot increments on center. All trees should be 6 to 8 feet tall at the time of installation with a minimum DBH of 2.5 inches. Subject to review and approval by the City Administrator or their designee.

Street and walkway trees shall be of one or a combination of the following species:

- a. Sweet Bay Magnolia
- b. Blood Good Japanese Maple
- c. Eastern Redbud
- d. Willow Oak
- e. Carolina Silverbell
- f. Nuttal Oak
- g. Shumard Oak
- h. White Oak
- i. Japanese Zelkova
- j. Red Maple
- k. North Red Oak

- 16. The developer will provide crosswalks at the stop signs of the internal private drive.
- 17. The developer shall submit the Final Plat to the City of Dacula prior to the issuance of any building permits.
- 18. Each townhome building shall have landscape features to include, but not necessarily limited to flowerbeds, landscape trees, evergreen understory plantings and the like. Subject to review and approval by the City Administrator or their designee.
- 19. Underground utilities shall be provided throughout the development.
- 20. Street light service feeds and maintenance are the responsibility of the homeowner's association. Street light fixtures must be reviewed and approved by the City.
- 21. Ownership and maintenance of internal drives, roads, sidewalks and/or parking area found on the subject site shall be the responsibility of the developer and/or private property owner.

John Slappey, 2160 Morning Side Drive, Suite 250, Buford, GA 300518 wants to table this for 30 days. The applicant has additional feasibilities and due diligence to complete.

Councilmember Mitchell asked if the developer had any idea of a way to help current residents transition into the new housing.

Mr. Slappey stated that they will give them 60-day notice before they start. He also said they would gladly provide any assistance they could for the current residents.

Councilmember Mitchell asked Ms. Nix if this would be the first subdivision of its kind where we asked for third party sanitation.

Ms. Nix stated that our current sanitation ordinance requires that certain types of developments including townhome developments obtain a third party to provide sanitation services.

Comments in favor

None

Comments in opposition

None

Councilmember Spain motioned to close public hearing. Councilmember Mitchell seconded. Motion passed unanimously.

7. **Rezoning Application: 2023-CD-RZ-03**; Applicant: Archon Homes, Owner: Dacula Real Estate requests rezoning from MH Mobile Home Park District to R-TH Single Family Residence Townhouse District. The property is located in Land Lot 275 of the 5th District and contains 4.04 acres more or less.

Councilmember Williams motioned to table until the January 4, 2024 Meeting. Councilmember Haynes, Jr. seconded. Motion passed unanimously.

8. **PUBLIC HEARING: 2023-CD-COC-02**, Applicant: J&R, LLC, Owner: James Roy Greeson requests changes to 2022-CD-AA-01 and 2022-CD-RZ-02 condition(s). The property is located in Land Lot 277 of the 5th District and contains 4.52 acres more or less.

On November 14, 2023 the Planning and Development Department received a request to withdrawn the change of conditions application.

Comments in favor

None

Comments in opposition

None

9. **Change of Conditions Application: 2023-CD-COC-02**, Applicant: J&R, LLC, Owner: James Roy Greeson requests changes to 2022-CD-AA-01 and 2022-CD-RZ-02 condition(s). The property is located in Land Lot 277 of the 5th District and contains 4.52 acres more or less.

No votes were taken

10. **PUBLIC HEARING: 2023-CD-VAR-03**, Applicant: Bruno Franco, Owner: Bruno Franco requests a variance to reduce the minimum lot size requirement. The property is located in Land Lot 209 of the 5th District and contains 1.29 acres more or less.

Councilmember Haynes, Jr. motioned to open public hearing. Councilmember Mitchell seconded. Motion passed unanimously.

City Planner, Hayes Taylor presented staff case reports on the variance application. The applicant would like to subdivide the property and build an additional home on the property. Mr. Taylor stated because the lot size would be smaller than the recommended 30,000 square feet, this requires a council variance. Mr. Taylor also stated that building a home would be contingent upon a permit from Gwinnett Environmental Health. Staff recommends approval with five (5) conditions.

Comments in favor

None

Comments in opposition

None

Councilmember Mitchell motion to close public hearing. Councilmember Williams seconded. Motion passed unanimously.

- 11. Variance Application 2023-CD-VAR-03**, Applicant: Bruno Franco, Owner: Bruno Franco requests a variance to reduce the minimum lot size requirement. The property is located in Land Lot 209 of the 5th District and contains 1.29 acres more or less.

Councilmember Mitchell motioned to approve the application with the following five (5) conditions. Councilmember Haynes, Jr. seconded. Motion passed unanimously.

1. The proposed elevation, building materials, and colors shall be approved by the City prior to building permit issuance. The façades of the dwelling unit shall resemble the surrounding dwellings with the front façade constructed of brick, stone, or stucco with accents of fiber shake, board and batten, or fiber cement siding. The sides and rear shall be constructed of brick, stone, stucco, concrete fiber, or similar material.
2. The minimum heated floor area shall be 1,600 square feet for a one-story unit and 1,800 square feet for a two-story unit.
3. All yards (front, side, rear) shall be sodded.
4. A Gwinnett County Environmental Health septic permit shall be required prior to building permit issuance.
5. The residential dwelling shall not exceed the maximum number of bedrooms permitted by the Gwinnett County Environmental Health septic permit.

- 12. PUBLIC HEARING: 2023-CD-VAR-04**, Applicant: Ryan Carey, Owner: Aminadab Cruz requests a variance to reduce the minimum lot size requirement. The property is located in Land Lot 301, Parcel 001 of the 5th District and contains 1.0 acres more or less.

Councilmember Haynes, Jr. motioned to open the public hearing. Councilmember Williams seconded. Motion passed unanimously.

City Planner, Hayes Taylor stated the applicant wants to subdivide the lot to add an additional home. The proposed subdivided lot would be consistent with the surrounding lots. Staff recommends approval with five (5) conditions.

Ryan Carey, 2187 Cowart Rd, Dawsonville, GA, on behalf of the applicant spoke on the design of the home and how he would divide the lot.

Speak in favor

None

Speak in opposition

None

Councilmember Spain motioned to close the public hearing. Councilmember Mitchell seconded. Motion passed unanimously.

- 13. Variance Application 2023-CD-VAR-04**, Applicant: Ryan Carey, Owner: Aminadab Cruz requests a variance to reduce the minimum lot size requirement. The property is located in Land Lot 301, Parcel 001 of the 5th District and contains 1.0 acres more or less.

Councilmember Haynes, Jr. motioned to approve with the following five (5) conditions. Councilmember Williams seconded. Motion passes unanimously.

1. The proposed elevation, building materials, and colors shall be approved by the City prior to building permit issuance. The façades of the dwelling unit shall resemble the surrounding dwellings on McMillan Rd with the front façade constructed of brick, stone, or stucco with accents of fiber shake, board and batten, or fiber cement siding. The sides and rear shall be constructed of brick, stone, stucco, concrete fiber, or similar material.
2. The minimum heated floor area shall be 1,600 square feet for a one-story unit and 1,800 square feet for a two-story unit.
3. All yards (front, side, rear) shall be sodded.
4. The residential dwelling shall not exceed the maximum number of bedrooms permitted by the Gwinnett County Environmental Health septic permit.
5. A Gwinnett County Environmental Health septic permit shall be required prior to building permit issuance.

14. PUBLIC HEARING: Ordinance to amend Article III of the Zoning Resolution

Councilmember Mitchell motioned to open the public hearing. Councilmember Williams seconded. Motion passed unanimously.

City Planner, Hayes Taylor presented amendments to Article III of the Zoning Resolution to add three (3) definitions: meeting, parking deck and special events.

Speak in favor

None

Speak in opposition

James & Arlene Clinkscales, 491 Harbins Rd, Dacula, GA 30019, request to table for one month. Mr. Clinkscales stated that there is a line in the codification would impact their business. They are just seeing this and need some time to understand the protentional impact on their business.

Councilmember Haynes, Jr. motioned to close the public hearing. Councilmember Mitchell seconded. Motion passed unanimously.

15. Ordinance to amend Article III of the Zoning Resolution

Councilmember Haynes, Jr. motioned to table until the January 4, 2024 Meeting. Councilmember Williams seconded. Motion passed unanimously.

VII. STAFF COMMENTS:

None

VIII. MAYOR AND COUNCIL COMMENT(S):

Councilmember Williams thanked everyone at the city for doing a great job. Mr. Williams also thanked Marshal Chapel for his service and stated that the city would miss him.

Councilmember Spain stated the city will miss Marshal Chapel.

Councilmember Mitchell thanked the citizens of Dacula for electing her for another term. Ms. Mitchell also stated that it was her honor to serve Dacula and hopes that her second term can be even better than the first.

Councilmember Haynes, Jr. thanked Marshal Chapel for his service and that he serves the citizens well. Mr. Haynes also wished him well with his retirement.

Mayor Trey King thanked Marshal Chapel for his service to the City. Mr. King also stated that our Marshals Department is the model for all other Marshal's Department.

IX. PUPLIC COMMENTS):

Erica Pope, 2171 Village Trail Court, Dacula, GA 30019, wants the council to consider live streaming or having a zoom meeting for the council meetings.

X. EXECUTIVE SESSION: Personnel and real property matters

Councilmember Haynes, Jr. motioned to exit regular session and enter into executive session. Councilmember Spain seconded. Motion passed unanimously. Regular session adjourned and executive session began for the proposes of real property matters and personnel matters at 7:46 pm.

Councilmember Spain. motioned to exit executive session and reconvene regular session. Councilmember Haynes, Jr. seconded. Motion passed unanimously. Regular session reconvened at 8:58 pm.

City Attorney, Jack Wilson, reported no votes were taken in executive session. The Council met to discuss real property matters and personnel matters as allowed by the Open Meetings Act. Mr. Wilson stated the agenda needed to be amended to add the following items

1. Hire a new Marshal
2. Appointing an Interim Chief Marshal
3. Engaging Bond Counsel
4. Approving the Agreement for Purchase of Property at 107 Broad Street.

Mayor King called for a motion to amend the agenda as stated by Mr. Wilson.

Councilmember Haynes, Jr. motioned to amend the agenda. Councilmember Mitchell seconded. Motion passed unanimously.

1. Hire a new Marshal

City Administrator, Brittini Nix, recommends hiring James Ross as City Marshal at an annual salary of \$62,000 with benefits with a start date of December 26, 2023 according to the terms of the city's contingent offer letter.

Mayor King called for a motion to hire James Ross. Councilmember Haynes, Jr. motioned to hire Mr. Ross. Councilmember Spain seconded. Motion passed unanimously.

2. Appointing an Interim Chief Marshal

City Administrator, Brittini Nix, recommends appointing Amy White as interim Chief Marshal subject to the terms of the Marshal's Office Policy and Procedures effective December 30, 2023.

Mayor King called for a motion to appoint Amy White as the interim Chief Marshal subject to the terms of the Marshal's Office Policy and Procedures effective December 30, 2023.

Councilmember Williams motioned to appoint Amy White as interim Chief Marshal. Councilmember Mitchell seconded. Motion passed unanimously.

3. Engaging Bond Counsel

City Attorney, Jack Wilson, reported that as a part of the city’s comprehensive plan for improvements, a couple of months ago the city hire financial advisers and the next step in that process was to hire an attorney to deal with those issues. Staff recommends hiring Kenneth Pollock and authorize the Mayor to sign the engagement letter.

Mayor King called for a motion to hire Kenneth Pollock and Butler Snow as bond counsel and authorize the Mayor to sign the agreement.

Councilmember Mitchell motioned to hire Kenneth Pollock and Butler Snow as bond counsel and authorize the Mayor to sign their agreement. Councilmember Haynes, Jr. seconded. Motion passed unanimously.

4. Approving the Agreement for purchase of 107 Broad Street

City Attorney, Jack Wilson, reported that purchasing the vacant property on Broad Street would give the city ownership of almost a complete city block. The property owners have agreed to sell the property to the city for \$350,000.

Mayor King called for a motion to approve purchase of property at 107 Broad Street and authorize the Mayor to sign the purchase agreement.

Councilmember Mitchell motioned to approve purchase of property at 107 Broad Street and authorize the Mayor to sign the purchase agreement. Councilmeber Williams seconded. Motion passed unanimously.

XI. ADJOURNMENT:

Councilmember Hayes, Jr. motioned to adjourn. Councilmember Spain seconded. Motion passed unanimously. Meeting adjourned at 9:05 p.m.

Minutes approved

_____ *Date*

_____ *Signature*