

CITY OF DACULA

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

COUNCIL MEETING

MINUTES

April 1, 2021

I. CALL TO ORDER AND ROLL CALL OF THE MEMBERS:

Mayor King, called the April 1, 2021 Council Meeting to order at 7:08 P.M. and roll call of the members was taken. A quorum was present. He welcomed everyone to the meeting.

Council Members Present:

Trey King, Mayor
Daniel Spain, Council
Ann Mitchell, Council
Sean Williams, Council

City Staff Present:

Joey Murphy, City Administrator
Heather Coggins, Finance Director
Brittini Nix, Director of Planning & Economic Development
Amy White, City Marshal
Chris Parks, Public Works Director

I. INVOCATION:

Mayor King gave invocation.

II. PLEDGE OF ALLEGIANCE:

Mayor King led the Pledge of Allegiance.

III. MINUTES:

1. Approval of the Minutes from the Regular Council Meeting of March 4, 2021

Mayor King called for a motion to approve the minutes of the Council Meeting of March 4, 2021.

Councilwoman Mitchell motioned to approve. Councilman Spain seconded. Motion passed unanimously.

IV. OLD BUSINESS:

1. None

V. NEW BUSINESS:

1. Social media plan and contract for communication services

Mayor King called for a motion to approve the social media plan and contract for communication services with Nikki Perry.

Councilman Spain motioned to approve. Councilman Williams seconded. Motion passed unanimously.

2. Bid package for Robin Ridge Drive, Joey Court, and Tecca Court

Mayor King called for a motion to approve the bid package for Robin Ridge Drive, Joey Court and Tecca Court and authorize the City Administrator to solicit for public bids.

Councilman Williams motioned to approve. Councilwoman Mitchell seconded. Motion passed unanimously.

3. Proposal for William Street storm drainage project

Mayor King called for a motion to approve the proposal from McFarland-Dyer & Associates to design Williams Street storm drainage project in the amount not to exceed \$30,140.

Councilman Spain motioned to approve. Councilman Williams seconded. Motion passed unanimously.

4. Bid approval for Dacula City Hall ADA Upgrades

Mayor King called for a motion to award the Dacula City Hall ADA upgrade bid to the Macallan Group in the amount of \$122,392 and authorize the Mayor and City Administrator to execute all necessary documents to move forward with the project.

Councilman Spain motioned to approve. Councilwoman Mitchell seconded. Motion passed unanimously.

5. PUBLIC HEARING: 2021-CD-RZ-02 and 2021-CD-VAR-02, Applicant: Carter Acquisitions, LLC c/o Mahaffey Pickens Tucker, LLC, Owners: Walton Georgia, LLC et al. and Raul & Rose Mary Velasquez request a rezoning from PMUD Planned Mixed-Use District to M-1 Light Manufacturing District and a variance to increase the maximum building height. The property is located in Land Lots 270 and 271 of the 5th District and contains 43.81 acres more or less.

Councilwoman Mitchell motioned to open the meeting for public comment. Councilman Spain seconded. Motion passed unanimously.

Director of Planning & Economic Development, Brittnei Nix, presented the staff report for the application for rezoning from PMUD to M-1 zoning. The applicant has also requested a variance to increase the maximum building height. Ms. Nix stated staff recommended approval of these requests with conditions.

Mr. Scott Taylor, President and CEO of Carter, stated Carter was the owner and operator of this project. This facility is currently called "project dispatch" until further development of this site. Mr. Taylor added

this development would create good paying jobs for the area and be a benefit to Dacula's residents. Traffic for this facility would not be of much concern, as it will mostly take place during night hours. Mr. Taylor's request for a variance is for the maximum height of the building and required for the size of the building.

Reid Irwin, civil engineer, spoke regarding the alignment on Stanley Road. He added the plan was primarily developed based on the DOT's recommendations for future development of SR316.

No public comment.

Councilman Spain motioned to close the meeting for public comment. Councilman Williams seconded. Motion passed unanimously.

- 6. Rezoning and Variance Application: 2021-CD-RZ-02 and 2021-CD-VAR-02,** Applicant: Carter Acquisitions, LLC c/o Mahaffey Pickens Tucker, LLC, Owners: Walton Georgia, LLC et al. and Raul & Rose Mary Velasquez request a rezoning from PMUD Planned Mixed-Use District to M-1 Light Manufacturing District and a variance to increase the maximum building height. The property is located in Land Lots 270 and 271 of the 5th District and contains 43.81 acres more or less.

Ms. Nix read the conditions of zoning into record.

Transportation / Infrastructure

- 1.A. All new utility lines shall be located underground. The developer shall be responsible for the relocation of public or private utilities and stormwater infrastructure.
- 1.B. Sidewalks shall be required adjacent to Winder Highway right-of-way. The sidewalk location shall be reviewed and approved by the City of Dacula and Georgia Department of Transportation. Sidewalks shall be required adjacent to both sides of the full length of the relocated Stanley Road improvements. The location of sidewalks shall be reviewed and approved by the Gwinnett County D.O.T. and City of Dacula.
- 1.C. Sidewalks shall be constructed with an additional 2-foot by 8-foot pad approximately every 300 linear feet to accommodate future pedestrian amenities such as benches, planters, and trash containers adjacent to the Winder Highway right-of-way. All such required amenities shall be decorative, commercial-quality fixtures. Sidewalk design and placement of any of these amenities shall be reviewed and approved by the City of Dacula, Gwinnett County D.O.T. or Georgia Department of Transportation depending on who owns the subject right-of-way.
- 1.D. Provide decorative light poles / fixtures along Winder Highway right-of-way. Streets lights shall be staggered, 150 feet on-center. All street lighting shall be subject to review and approval of the City of Dacula, Gwinnett County D.O.T or Georgia Department of Transportation depending on who owns the subject right-of-way. Where applicable, streetlights shall be placed adjacent to required pedestrian amenity sidewalk pads. The property owner shall be responsible for street light maintenance and lighting fees. Light fixtures, which are utilized, shall be as follows:
 - Fixture Head Pole Type (Streetlight)
 - Max. Pole Height = Cobra Head Fluted (Black) 40 ft. or Cobra Head Smooth (Black) 40 ft.

- 1.E. A sign prohibiting truck access beyond the southeastern corner of the site shall be required adjacent to the Stanley Road right-of-way / dedicated easement at the end of the proposed Stanley Road improvements.
- 1.F. Access onto Winder Highway must meet Georgia Department of Transportation standards. The Stanley Road relocation and improvements must meet current Gwinnett County D.O.T. standards under the Gwinnett County Unified Development Ordinance (UDO) and be dedicated to Gwinnett County as right-of-way. Proposed access on Stanley Road must meet the minimum spacing requirements of the Gwinnett County UDO. The property owner / developer must coordinate with the Winder Highway & SR 316 interchange Project Manager(s) to ensure the relocation of Stanley Road does not interfere with the interchange.
- 1.G. A Traffic Impact Study shall be provided prior to the issuance of a development permit. Prior to the issuance of the first certificate of occupancy, the applicant shall make any improvements recommended by the traffic impact study, provided the improvements are approved by the City of Dacula, Gwinnett County D.O.T. and Georgia Department of Transportation respectively. All design and construction will be subject to Gwinnett County D.O.T. and Georgia Department of Transportation review and approval.

Landscaping Requirements

- 2.A. Provide landscaped islands throughout all surface-parking areas as required by the Dacula Buffer, Landscape, and Tree Ordinance.
- 2.B. Provide a minimum ten-foot wide landscaped strip adjacent to the Winder Highway right-of-way and the full length of the relocated Stanley Road improvements on both sides. At least 50% of plantings shall consist of trees 3-inches in caliper (dbh) or greater. Type and size of plantings shall be in compliance with the Dacula Buffer, Landscape, and Tree Ordinance.
- 2.C. Provide non-ornamental shade trees spaced 50-feet on-center or grouped at 120-feet on-center along the Winder Highway right of way. All street trees shall be a minimum 4-inch caliper (dbh) at the time of planting. Street trees shall be planted six-feet from back-of-curb subject to review and approval of the City of Dacula, Georgia, or Gwinnett Department of Transportation depending on who owns the subject right-of-way.

Street trees shall be of one or a combination of the following species:
 1. Willow Oak
 2. Overcup Oak
 3. Nuttal Oak
 4. Pin Oak
 5. Shumard Oak
 6. Lacebark Elm
 7. Japanese Zelkova
- 2.D. All trash dumpsters shall be screened by an enclosure using the same exterior building material as the adjacent occupied buildings. Pickup shall be limited to the hours of 7:00 a.m. to 9:00 p.m. Monday through Saturday. Dumpster enclosures shall remain closed, locked, and in good repair at

all times.

2.E. Natural vegetation shall remain on the property until issuance of a development permit.

Parking / Yard, Height & Setback

3.A. A parking lot landscape plan shall be submitted to the City for approval. At a minimum, the landscape plan shall include the monument sign location and should insure that each parking island / strip will have a minimum of two (2) ornamental shade trees. All parking area trees shall be a minimum of 3-inch dbh caliper.

3.B. Parking lot and security lighting shall be directed in towards the property so as to minimize the adverse impact on neighboring properties.

Signage, Temporary Uses, & Peddling

4.A. Oversized signs or billboards shall not be permitted.

4.B. One ground sign shall be permitted. The ground sign shall be monument type only with indirect lighting. Ground sign shall be limited to a single monument-type sign with brick, stone, stucco, wood or metal consistent with the architecture and exterior treatment of the building at least 2 feet in height. Neon or self-illuminating ground signs shall be prohibited.

4.C. Blinking, exposed neon, portable, inflatable and temporary signage shall be prohibited.

4.D. Peddlers shall be prohibited.

4.E. Live human advertisement shall be prohibited within the subject area. To include, but not necessarily be limited to, sign spinners, twirlers, dancers, clowns, and / or other similar temporary advertising methods commonly provided by costumed or animated humans.

4.F. No tents, canopies, temporary banners, streamers or roping decorated with flags, tinsel, or other similar material shall be displayed, hung, or strung on the site without appropriate permit(s). No decorative balloons or hot-air balloons shall be displayed on the site.

Architectural Design

5.A. Architectural design should comply with the following performance guidelines:

- (1) Building facades shall be of architectural treatments of glass and / or brick, stone, stucco, or tilt-up concrete subject to review and approval of the City of Dacula.
- (2) Contrasting accent colors of any wall, awning or other feature (other than dark green or brick red) shall be limited to no more than 15% of the total area for any single facade.
- (3) Buildings shall incorporate live plant material growing immediately in front of or on the building.

- (4) All mechanical, HVAC and like systems shall be screened from street level view (within 300 feet) on all sides by an opaque wall or fence of brick, stucco, split-faced block or wood.
- (5) Any accessories provided such as railings, benches, trash receptacles and / or bicycle racks shall complement the building design and style.
- (6) Walls visible from roadways or parking areas shall incorporate changes in building material / color.

General

6.A. The property shall be developed in accordance with the conceptual site plan prepared by Kimley Horn entitled Industrial Rezoning Site Plan, received on March 22, 2021. 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.

6.B. A building height variance is granted to allow the principle building on-site a maximum height of 50 feet.

Mayor King called for a motion to approve or deny, with conditions, the rezoning and variance application 2021-CD-RZ-02 and 2021-CD-VAR-02, Applicant: Carter Acquisitions, LLC c/o Mahaffey Pickens Tucker, LLC, Owners: Walton Georgia, LLC et al. and Raul & Rose Mary Velasquez request a rezoning from PMUD Planned Mixed-Use District to M-1 Light Manufacturing District and a variance to increase the maximum building height. The property is located in Land Lots 270 and 271 of the 5th District and contains 43.81 acres more or less.

Councilman Spain motioned to approve the rezoning and variance application with the six sections of conditions as listed above. Councilman Williams seconded. Motion passed unanimously.

7. **PUBLIC HEARING: 2021-CD-DEAX-01**, Applicant: Manor Restorations, LLC c/o Mahaffey Pickens Tucker, LLP, Owners: The Labri Group, LP & Randall Keith Powell request deannexation of 13.61 acres from the Dacula City Limits. The property is located in Land Lot 236, Parcel 001, of the 5th District and contains 13.61 acres more or less.

Councilman Spain motioned to open the meeting for public comment. Councilwoman Mitchell seconded. Motion passed unanimously.

Ms. Nix reported this development is on a heavily wooded area of Alcovy Road. This development when completed will be 148 single-family residential subdivision. Ms. Nix explained that a portion of this subdivision is located in the City's limits. Due to the issue of confusion for residents and continuity of services, staff recommends approval.

Brian T. Easley, Mahaffey Pickens Tucker, LLP, 1550 North Brown Road, Suite 125, Lawrenceville, Georgia 30043, stated the development of this project required the addition of this portion of property due to topography and continuity of services.

No public comment.

Councilman Williams motioned to close the meeting for public comment. Councilwoman Mitchell seconded. Motion passed unanimously.

- 8. Deannexation Application: 2021-CD-DEAX-01**, Applicant: Manor Restorations, LLC c/o Mahaffey Pickens Tucker, LLP, Owners: The Labri Group, LP & Randall Keith Powell request deannexation of 13.61 acres from the Dacula City Limits. The property is located in Land Lot 236, Parcel 001, of the 5th District and contains 13.61 acres more or less.

Mayor King called for a motion to approve or deny, the deannexation application: 2021-CD-DEAX-01, Applicant: Manor Restorations, LLC c/o Mahaffey Pickens Tucker, LLP, Owners: The Labri Group, LP & Randall Keith Powell request deannexation of 13.61 acres from the Dacula City Limits. The property is located in Land Lot 236, Parcel 001, of the 5th District and contains 13.61 acres more or less.

Councilwoman Mitchell motioned to approve the deannexation application. Councilman Williams seconded. Motion passed unanimously.

9. PUBLIC HEARING: Ordinance to amend the Conservation Subdivision Overlay District

Councilman Williams motioned to open the meeting for public comment. Councilwoman Mitchell seconded. Motion passed unanimously.

Ms. Nix presented the four amendments to the Conservation Subdivision Overlay District. Staff recommended approval of the amendments effective immediately. The approval of the amendment would lift the current moratorium as staff has concluded the review of the ordinances.

No public comment.

Councilman Spain motioned to close the meeting for public comment. Councilman Williams seconded. Motion passed unanimously.

10. Ordinance to amend the Conservation Subdivision Overlay District

Mayor King called for a motion to approve the Ordinance to amend the Conservation Subdivision Overlay District effective immediately.

Councilwoman Mitchell motioned to approve. Councilman Spain seconded. Motion passed unanimously.

11. Ordinance to transfer unencumbered appropriations

Mayor King called for a motion to approve the Ordinance to transfer unencumbered appropriations.

Councilman Spain motioned to approve. Councilwoman Mitchell seconded. Motion passed unanimously.

12. Agreement for ad valorem tax and sanitation fee billing and collection

Mayor King requested a motion to authorize the Mayor to continue to negotiate with the Tax Commissioner and County and sign an agreement for ad valorem tax and sanitation fee billing and collection.

Councilman Williams motioned to authorize. Councilman Spain seconded. Motion passed unanimously.

13. Staff comments

None

14. Mayor and Council comment(s)

Mayor King thanked staff for all their work on the revised Ordinance to amend the Conservation Subdivision Overlay District.

Mayor King then read a letter from Peter Thakkar inquiring about the steps necessary to add another liquor store in the City of Dacula.

VI. PUBLIC COMMENTS:

Tricia Myers, 2300 Liam Avenue, Suite 209, Dacula, GA 30019, stated she is the proprietor of Touch of Class Eventz. This is a new special event venue as well as providing other event options. Ms. Myers wanted to add catered food with beer and wine. As this is not currently permitted in Dacula, Ms. Myers requested these ordinances be reviewed to add this as a possibility.

VII. EXECUTIVE SESSION: Personnel, real property, and legal matters

Councilman Spain motioned to exit regular session. Councilman Williams seconded. Motion passed unanimously. Regular session adjourned and executive session began for the purposes of personnel, real property and legal matters at 7:53 p.m.

Councilman Spain motioned to exit executive session and reconvene to regular session. Councilwoman Mitchell seconded. Motion passed unanimously. Regular session reconvened at 8:37 p.m.

City Attorney, Jack Wilson, reported there were no votes taken in executive session. The Council met to discuss personnel, potential litigation and real property issues as allowed by the Open Meetings Act.

Mr. Wilson stated there was one matter that required a vote in the open meeting. The City collects certain franchise fees from telecommunication and fiber companies with their improvements in the City's rights-of-way. Mr. Wilson added that one company, Zayo Group Holdings, Inc., currently owes the City of Dacula \$17,248.20 for FY2020. His recommendation was to file an action to recover those sums. Mr. Wilson then presented the Council with a Resolution authorizing such action.

Mayor King then called for a motion to approve the Resolution to authorize filing an action to collect this sum of money due to the City.

Councilman Williams motioned to approve. Councilman Spain seconded. Motion passed unanimously.

VIII. ADJOURNMENT:

Councilman Spain motioned to adjourn. Councilwoman Mitchell seconded. Motion passed unanimously. Meeting adjourned at 8:39 p.m.

Minutes approved

May 6th, 2021
Date

Heather Coggin
Signature