

# CITY OF DACULA

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

## COUNCIL MEETING

### MINUTES

August 4, 2021

#### **I. CALL TO ORDER AND ROLL CALL OF MEMBERS:**

Mayor King called the August 4, 2021 Council Meeting to order at 7:00 p.m. and a roll call of the members was taken. A quorum was present. He welcomed everyone to the meeting.

#### **Council Members Present:**

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

*Denis W. Haynes, Jr., Council – Absent*

#### **City Staff Present:**

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

#### **II. INVOCATION:**

Mayor King gave invocation.

#### **III. PLEDGE OF ALLEGIANCE:**

Mayor King led the Pledge of Allegiance.

#### **IV. MINUTES:**

- 1. Approval of the Minutes from the Third Millage Rate Public Hearing on July 1, 2021 at 6:30 p.m.**

Mayor King called for a motion to approve the minutes of the Third Millage Rate Public Hearing on July 1, 2021.

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

**2. Approval of the Minutes from the Regular Council Meeting on July 1, 2021.**

Mayor King called for a motion to approve the minutes of the regular Council meeting on July 1, 2021.

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

**V. OLD BUSINESS:**

*None.*

**VI. NEW BUSINESS:**

- 3. PUBLIC HEARING: 2021-CD-VAR-05**, Applicant: Benjamin Grigorgan, Owner: Benjamin Grigorgan request variance to reduce the minimum lot size requirement for a residential structure on a septic system. The property is located in Land Lot 309 of the 5th District and contains 0.51 acres more or less.

Mayor King called for a motion to open the public hearing.

Councilman Williams motioned to open the public hearing. Councilman Spain seconded. Motion passed unanimously.

Director of Planning & Economic Development, Brittni Nix, presented the staff report for the application for a variance to reduce the minimum lot size requirement for a new residential structure on a septic system. The applicant has requested to construct a three-bedroom home on this property and Gwinnett County Environmental Health has approved the plan. As such, the City staff recommended approval with four conditions.

*Comment in Favor:*

Ayyad Mansur, Mansur Engineering, Inc., 1810 Peachtree Industrial Blvd, Suite 140, Duluth, Georgia 30097, stated the home was designed to accommodate the lot. He added it will be a nice building on this property.

Councilman Spain motioned to close the public hearing. Councilman Williams seconded. Motion passed unanimously.

- 4. Variance Application: 2021-CD-VAR-05**, Applicant: Benjamin Grigorgan, Owner: Benjamin Grigorgan request variance to reduce the minimum lot size requirement for a residential structure on a septic system. The property is located in Land Lot 309 of the 5th District and contains 0.51 acres more or less.

Mayor King called for a motion to approve or deny the application with the recommended conditions [listed below].

Councilman Williams motioned to approve with recommended conditions. Councilman Spain 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 within the Tanner Estates subdivision 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 1,800 square feet for a one-story unit and 2,000 square feet for a two-story unit.
3. All yards (front, side, rear) shall be sodded.
4. A maximum of three (3) bedrooms shall be permitted per Gwinnett County Environmental Health approval dated May 26, 2021.
5. **PUBLIC HEARING: 2021-CD-VAR-06**, Applicant: Daniel Birsan, Owner: Daniel Birsan request variance to reduce the minimum lot size requirement for a residential structure on a septic system. The property is located in Land Lot 309 of the 5<sup>th</sup> District and contains 0.46 acres more or less.

Mayor King called for a motion to open the public hearing.

Councilwoman Mitchell motioned to open the public hearing. Councilman Spain seconded. Motion passed unanimously.

Director of Planning & Economic Development, Brittini Nix, presented the staff report for the application for a variance to reduce the minimum lot size requirement for a new residential structure on a septic system. The applicant has requested to construct a two-bedroom home on this property and Gwinnett County Environmental Health has approved this plan. As such, the City staff recommended approval with four conditions.

*Comment in Favor:*

Ayyad Mansur, Mansur Engineering, Inc., 1810 Peachtree Industrial Blvd, Suite 140, Duluth, Georgia 30097, stated the home was designed to accommodate the lot. He added this is a very nice lot in the City.

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

- 6. Variance Application: 2021-CD-VAR-06,** Applicant: Daniel Birsan, Owner: Daniel Birsan request variance to reduce the minimum lot size requirement for a residential structure on a septic system. The property is located in Land Lot 309 of the 5th District and contains 0.46 acres more or less.

Mayor King called for a motion to approve or deny the application with the recommended conditions [listed below].

Councilwoman Mitchell motioned to approve with recommended conditions. Councilman Williams 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 within the Tanner Estates subdivision 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 maximum of two (2) bedrooms shall be permitted per Gwinnett County Environmental Health approval dated June 9, 2021.

**7. Proposed road abandonment (Inland Pass)**

Mayor King called for a motion to approve the proposed road abandonment and authorize the Mayor and City Administrator to sign and deliver a Quit Claim Deed.

Councilman Williams motioned to approve the motion as stated. Councilman Spain seconded. Motion passed unanimously.

**8. Adoption of the Marshal Department's Standard Operating Procedure**

Mayor King called for a motion to adopt the Marshal's Department Standard Operating Procedure effective immediately.

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

**9. Authorization to purchase equipment for Marshal's Department**

Mayor King called for a motion to authorize the Marshal's Department to purchase requested equipment for the new Marshal's vehicle for a total of \$3,721.18.

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

**10. Proposal for Hebron Church Road asphalt paving improvements**

Mayor King called for a motion to approve the proposal from McFarland-Dyer to design the Hebron Church Road asphalt paving improvements project for a sum of \$10,500.

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

**VII. STAFF COMMENTS:**

None

**VIII. MAYOR AND COUNCIL COMMENT(S):**

None

**IX. PUBLIC COMMENTS:**

Colleen Ruff, 5319 2<sup>nd</sup> Avenue, Dacula, GA 30019, spoke regarding the improvements on 2<sup>nd</sup> Avenue. She wanted to ensure the paving and striping were replaced when the project was finalized.

**X. EXECUTIVE SESSION: Legal matters and potential property acquisition**

Councilman Spain motioned to exit regular session. Councilman Williams seconded. Motion passed unanimously. Regular session adjourned and executive session began for the purposes of potential legal matters and real property at 7:20 p.m.

Councilman Spain motioned to exit executive session and reconvene to regular session. Councilwoman Mitchell seconded. Motion passed unanimously. Regular session reconvened at 7:57 p.m.

City Attorney, Jack Wilson, reported there were no votes taken in executive session. The Council met to discuss potential litigation and real property issues as allowed by the Open Meetings Act. Mr. Wilson stated the real property acquisition issue warranted amending the agenda for further discussion and possible action.

Mayor King called for a motion to amend the agenda to include real property acquisition for property located at 431 Harbins Road.

Councilman Spain motioned to amend the agenda. Councilman Williams seconded. Motion passed unanimously.

**XI. REAL PROPERTY ACQUISITION – 431 HARBINS ROAD**

Mr. Wilson stated the Ashworth family approached the City as the owners of approximately 11 acres located across from Dacula City Hall. They offered the property to the City for a purchase price of \$2,000,000. Mr. Wilson stated this proposal is in the form of an agreement. He added there are a couple of contingencies included with the purchase of this property. The first, the City would require a favorable phase one environmental assessment. The second, the Ashworth family has requested a memorial be placed on the property dedicated to their parents, Leroy and Mae Jo Ashworth. Mr. Wilson then detailed the purchase of this property would require a motion by the Council.

Mayor King called for a motion to approve the purchase of 11.397 acres more or less located at 431 Harbins Road from the Ashworth heirs for a price of \$2,000,000, to authorize the Mayor to execute the contract and to authorize City staff to close the purchase in accordance with the terms of the contract.

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

**XII. ADJOURNMENT:**

Councilman Spain motioned to adjourn. Councilwoman Mitchell seconded. Motion passed unanimously. Meeting adjourned at 8:02 p.m.

*Minutes approved*

September 2, 2021  
Date  
Heather Coggin  
Signature