

CITY OF DACULA

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

COUNCIL MEETING

MINUTES

June 3, 2021

I. CALL TO ORDER AND ROLL CALL OF MEMBERS:

Mayor King, called the June 3, 2021 Council Meeting to order at 7:03 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
Daniel Spain, Council
Ann Mitchell, Council
Sean Williams, Council

Denis W. Haynes Jr., Council – Absent

City Staff Present:

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

II. INVOCATION:

Pastor Mark Chandler gave invocation.

III. PLEDGE OF ALLEGIANCE:

Mayor King led the Pledge of Allegiance.

Amended Agenda

Add Item 16

Mayor King called for a motion to amend the agenda to add item 16 regarding participation in the County Community Development Block Grant Program.

Councilman Spain motioned to amend agenda to add item 16. Councilman Williams seconded. Motion passed unanimously.

Amend agenda to table items 2, 3, 6 and 7 to July 1, 2021

Mayor King called for a motion to table Items 2 and 3, 2020-CD-RZ-03 and Items 6 and 7, 2021-CD-RZ-03 to the July 1, 2021 meeting.

Councilman Williams motioned to table said items to the July 1, 2021 meeting. Councilwoman Mitchell seconded. Motion passed unanimously.

IV. MINUTES:

1. Approval of the Minutes from the Regular Council Meeting of May 6, 2021

Mayor King called for a motion to approve the minutes of the May 6, 2021 Council Meeting.

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

V. OLD BUSINESS:

None

VI. NEW BUSINESS:

- 2. PUBLIC HEARING: 2020-CD-RZ-03**, Applicant: WWP Acquisition, LLC c/o Andersen, Tate & Carr, P.C., Owner: IMCC Harbins, LLC c/o Inland Mortgage Capital, LLC request rezoning from C-3 Central Business District and Heavy Commercial District and M-1 Light Manufacturing District to PMUD Planned Mixed-Use District. The property is located in Land Lots 299 and 300 of the 5th District and contains 73.8 acres more or less.

Tabled to July 1, 2021

- 3. Rezoning Application: 2020-CD-RZ-03**, Applicant: WWP Acquisition, LLC c/o Andersen, Tate & Carr, P.C., Owner: IMCC Harbins, LLC c/o Inland Mortgage Capital, LLC request rezoning from C-3 Central Business District and Heavy Commercial District and M-1 Light Manufacturing District to PMUD Planned Mixed-Use District. The property is located in Land Lots 299 and 300 of the 5th District and contains 73.8 acres more or less.

Tabled to July 1, 2021

- 4. PUBLIC HEARING: 2021-CD-COC-01**, Applicant: Matthew Kriser, Owner: William H Mobley estate request changes to the 2020-CD-AA-01, 2020-CD-RZ-02, and 2020-CD-VAR-03 zoning conditions. The property is located in Land Lots 309 and 310 of the 5th District and contains 46.3 acres more or less.

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

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

Director of Planning & Economic Development, Brittini Nix, presented the staff report of the applications for change of conditions. The applicant has requested modifications to the earthen berm requirements. Ms. Nix stated staff recommended denial of these requests due to adverse impacts onto the neighboring and/or adjacent properties.

Public comment:

Matt Kriser, 3033 County Road 9, Newton, Alabama. Mr. Kriser submitted a request for a change of conditions to the earthen berm requirements for The Porches at Mobley Lakes subdivision. Mr. Kriser felt the size of this berm would cause water runoff on adjoining properties.

Tony Lankford, 2841 Mobley Drive, stated he needed further explanation about the berm. Mr. Lankford felt that if there was a berm put behind his property that it would stop the flow of rainwater causing more flooding in his backyard.

Bernard Tkacik, 2890 Mobley Drive, requested suggestions for how to improve the drainage issues along Mobley Drive and Tanner Road that backs up to the new subdivision project.

No further public comment

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

5. **Change of Conditions Application: 2021-CD-COC-01**, Applicant: Matthew Kriser, Owner: William H Mobley estate request changes to the 2020-CD-AA-01, 2020-CD-RZ-02, and 2020-CD-VAR-03 zoning conditions. The property is located in Land Lots 309 and 310 of the 5th District and contains 46.3 acres more or less.

Councilman Spain motioned to table Application 2021-CD-COC-01 until the July 1, 2021 Council Meeting. Councilman Williams seconded. Motion passed unanimously.

6. **PUBLIC HEARING: 2021-CD-RZ-03**, Applicant: Cliff Hill, Owner: Cliff Hill requests rezoning from AG Agricultural District to R-1400 Single-Family Residential District. The property is located in Land Lot 273 of the 5th District and contains 6.70 acres more or less.

Tabled to July 1, 2021

7. **Rezoning Application: 2021-CD-RZ-03**, Applicant: Cliff Hill, Owner: Cliff Hill requests rezoning from AG Agricultural District to R-1400 Single-Family Residential District. The property is located in Land Lot 273 of the 5th District and contains 6.70 acres more or less.

Tabled until July 1, 2021

8. **PUBLIC HEARING: 2021-CD-VAR-03**, Applicant: Francisco Garcia, Owner: Francisco Garcia requests a variance to eliminate zoning buffers. The property is located in Land Lot 302 of the 5th District and contains 0.83 acres more or less.

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

Director of Planning & Economic Development, Brittini Nix, presented the staff report for the application for a variance of the zoning buffers. The applicant requests a variance to eliminate the zoning buffers along the south and west property line. Ms. Nix stated staff recommends approval of the requested variance with conditions.

Comment in favor:

Francisco Garcia, 2528 Pharr Avenue, Dacula, Georgia. Mr. Garcia requests a variance to eliminate the 50 ft. zoning buffer along the southern and western property lines. The property already has fencing around that portion of the property and he felt would be a sufficient buffer to the existing neighbors.

Lanita Cornell, 309 Church Street, was not sure what the application was for and requested further explanation. Mayor King suggested that she speak further with the applicant after the meeting to ensure she had full knowledge of the existing structure located on the property. Ms. Cornell agreed.

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

9. **Variance Application: 2021-CD-VAR-03**, Applicant: Francisco Garcia, Owner: Francisco Garcia requests a variance to eliminate zoning buffers. The property is located in Land Lot 302 of the 5th District and contains 0.83 acres more or less.

Mayor King called for a motion to approve or deny, with staff recommended conditions [listed below], the variance application 2021-CD-VAR-03.

Councilman Spain motioned to approve application 2021-CD-VAR-03 with conditions. Councilman Williams seconded. Motion passed unanimously.

1. The property shall be developed in accordance with the conceptual site plan prepared by Grant Shepard & Associates, Inc. dated April 28, 2021 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. All building exteriors shall be constructed of brick, stone, glass or stucco. All buildings shall have flat roofs with architectural treatments to include canopies and parapets. Mechanical, HVAC and like systems shall be screened from street level on all sides by an opaque wall of brick, stucco, or split faced block. Final architectural plans and color palate shall be submitted to the City for approval.
3. No outdoor storage shall be permitted.
4. 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 a brick or stacked stone base of at least 2 feet in height. Neon or self-illuminating ground signs shall be prohibited.
5. Parking lot and security lighting shall be directed in towards the property so as to minimize the adverse impact on neighboring properties.
6. 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.
7. The developer shall be responsible for the relocation of public or private utilities and stormwater infrastructure.
8. 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.
9. Human sign spinners and/or twirlers shall be prohibited.
10. The required 50-foot undisturbed buffer on the south and west property lines shall be eliminated as requested. The existing fence shall be maintained by the property owner and be in good repair at all times.

10. Proposed ordinance amendment - speed zones

Mayor King called for a motion to approve the Resolution to amend the Speed Zone Ordinance effective immediately.

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

11. Proposed ordinance amendment – alcohol

Mayor King called for a motion to approve the Resolution to create Section 4-294 of the Alcoholic Beverage Ordinance effective immediately.

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

12. Bid approval for Robin Ridge Drive, Joey Court, and Tecca Court

Mayor King called for a motion to award the Robin Ridge Drive, Joey Court, and Tecca Court bid to The Dickerson Group LLC in the amount of \$493,500 and authorize the Mayor and City Administrator to execute all necessary documents.

Councilman Spain motioned to award bid and execute documents. Councilman Williams seconded. Motion passed unanimously.

13. A Resolution to Regulate and Provide for the Calling of a General Municipal Election on Tuesday, November 2, 2021

Mayor King called for a motion to approve the Resolution to Regulate and Provide for the Calling of a General Municipal Election on Tuesday, November 2, 2021.

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

14. 5-Year History of Levy and 2021 proposed Millage Rate advertisement

Mayor King called for a motion to approve the 5-year History of Levy and the 2021 proposed Millage Rate advertisement.

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

15. Appointment to Planning Commission

None

16. A Resolution for participation in Gwinnett County Community Development Block Grant Program

Mayor King called for a motion to approve the Resolution for participation in the Gwinnett County Community Development Block Grant Program, authorizing staff and the Mayor to sign a cooperation agreement and to submit all documents necessary to indicate the City's participation.

Councilwoman Mitchell motioned to approve the Resolution and to authorize the signature of all necessary documents. Councilman Williams seconded. Motion passed unanimously.

17. Staff Comments

None

18. Mayor and Council comment(s):

None

VII. PUBLIC COMMENTS:

None

VIII. EXECUTIVE SESSION: Personnel, Legal and Real property 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, potential legal matters and real property at 7:48 p.m.

Councilman Spain motioned to exit executive session and reconvene to regular session. Councilman Williams seconded. Motion passed unanimously. Regular session reconvened at 8:39 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.

IX. APPROVAL TO HIRE NEW EMPLOYEE

Mayor King requested a motion to hire Renee Cooke as the Front Desk Clerk at the rate of \$18 per hour with benefits effective Friday, June 4, 2021.

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

X. ADJOURNMENT:

Councilman Spain motioned to adjourn. Councilman Williams seconded. Motion passed unanimously. Meeting adjourned at 8:40 p.m.

Minutes approved

June 22, 2021
Date
Heather Coggins
Signature