



Mayor and City Council Regular Meeting

Thursday, September 04, 2025 at 7:00 PM
Dacula City Hall, Council Chambers
442 Harbins Rd. | P.O. Box 400 | Dacula, Georgia 30019 | (770) 963-7451

Agenda

CALL TO ORDER AND ROLL CALL OF MEMBERS:

INVOCATION:

PLEDGE OF ALLEGIANCE:

CONSENT AGENDA:

- [1.](#) Approval of the Minutes from the Worksession on August 7, 2025
- [2.](#) Approval of the Minutes from the Third Millage Rate Public Hearing Meeting on August 7, 2025 at 6:30 p.m.
- [3.](#) Approval of the Minutes from the Regular Meeting on August 7, 2025
- [4.](#) City Core Project: Change Order #003
- [5.](#) Water meter fees
- [6.](#) Proposal for Dacula City Core building inspection services
- [7.](#) Proposal for roof consulting services
- [8.](#) A resolution authorizing the exercise of the City of Dacula, Georgia's power of eminent domain in the acquisition of certain interests in property situated in Gwinnett County, Georgia, for construction of a City drainage easement and related public purposes at parcel R5301 128
- [9.](#) A resolution authorizing the exercise of the City of Dacula, Georgia's power of eminent domain in the acquisition of certain interests in property situated in Gwinnett County, Georgia, for construction of a City drainage easement and related public purposes at parcel R5301 084
- [10.](#) Marshal vehicle replacement
- [11.](#) Ordinance to amend the City of Dacula Personnel Management System
- [12.](#) Ordinance to amend Chapter 12, Section 12-31

OLD BUSINESS:

NEW BUSINESS:

- [13.](#) **PUBLIC HEARING: 2025-CD-RZ-02 & 2025-CD-SUP-02**, Applicant: Fanie Wehmanen, Owner: Fanie Wehmanen requests rezoning from R-1400 Single-Family Residential District to

OI Office Institutional District and requests a special use permit for group personal care home use. The property is located in Land Lot 298 of the 5th District and contains 1.53 acres more or less.

14. **Rezoning & Special Use Permit Applications: 2025-CD-RZ-02 & 2025-CD-SUP-02,**
Applicant: Fanie Wehmanen, Owner: Fanie Wehmanen requests rezoning from R-1400 Single-Family Residential District to OI Office Institutional District and requests a special use permit for group personal care home use. The property is located in Land Lot 298 of the 5th District and contains 1.53 acres more or less.

STAFF COMMENTS:

MAYOR AND COUNCIL COMMENT(S):

PUBLIC COMMENTS:

EXECUTIVE SESSION: Personnel, real property, and legal matters

ADJOURNMENT:



Mayor and City Council Worksession

Thursday, August 07, 2025 at 6:00 PM

Dacula City Hall, Council Chambers

442 Harbins Rd. | P.O. Box 400 | Dacula, Georgia 30019 | (770) 963-7451

Minutes

I. CALL TO ORDER AND ROLL CALL OF MEMBERS:

Meeting started at 6:00 p.m.

Councilmembers Present:

Mayor Trey King
 Councilmember Sean Williams
 Councilmember Jason Shelton
 Councilmember Ann Mitchell
 Councilmember Denis W. Haynes, Jr.

City staff Present:

Brittni Nix, City Administrator
 Courtney Mahady, Administrative Clerk
 Stephen Mayer, Director of Finance
 Hayes Taylor, City Planner
 Dana Stump, Administrative Assistant for Planning & Zoning
 Alethia Hyman, Tax Clerk
 Amy White, Chief Marshal
 James Ross, City Marshal

II. OLD BUSINESS:

None

III. NEW BUSINESS:

1. Intergovernmental agreement for elections equipment

Administrative Clerk, Courtney Mahady, discussed the intergovernmental agreement for elections equipment.

2. Authorization to write off and discharge unpaid ad valorem tax bills under \$5.00

Director of Finance, Stephen Mayer, discussed the authorization to write off and discharge unpaid ad valorem tax bills under \$5.00.

IV. MARSHAL UPDATE:

Amy White provided the marshal update.

V. CITY ADMINISTRATOR UPDATE:

Brittini Nix provided the city administrator update.

VI. MEMBER COMMENT(S) / QUESTION(S):

None

VII. ADJOURNMENT:

Meeting adjourned at 6:11 p.m.

Minutes approved _____
Date

Signature



Mayor and City Council 3rd Millage Rate

Thursday, August 07, 2025 at 6:30 PM

Dacula City Hall, Council Chambers

442 Harbins Rd. | P.O. Box 400 | Dacula, Georgia 30019 | (770) 963-7451

Minutes

I. CALL TO ORDER AND ROLL CALL OF MEMBERS:

Mayor King called the third public hearing of the 2025 proposed millage rate to order on August 7, 2025 at 6:30 p.m. A roll call of the members was taken. A quorum was present. Mayor King welcomed everyone to the meeting.

Councilmembers Present:

Mayor Trey King
Councilmember Sean Williams
Councilmember Jason Shelton
Councilmember Ann Mitchell
Councilmember Denis W. Haynes, Jr.

City staff Present:

Brittni Nix, City Administrator
Courtney Mahady, Administrative Clerk
Stephen Mayer, Director of Finance
Hayes Taylor, City Planner
Dana Stump, Administrative Assistant for Planning & Zoning
Alethia Hyman, Tax Clerk
Amy White, Chief Marshal
James Ross, City Marshal

II. NEW BUSINESS:

1. Presentation of the Proposed 2025 Millage Rate

Director of Finance, Stephen Mayer, presented a PowerPoint to the Mayor and Council regarding the current year digest, various exemptions for Dacula residents, and how city tax dollars are used throughout the city.

2. Public Hearing on Proposed 2025 Millage Rate

Motion to open the public hearing made by Councilmember Shelton, Seconded by Councilmember Mitchell.

Voting Yea: Councilmember Williams, Councilmember Shelton, Councilmember Mitchell, Councilmember Haynes, Jr.

No public comments

Motion to close the public hearing made by Councilmember Williams, Seconded by Councilmember Haynes, Jr..

Voting Yea: Councilmember Williams, Councilmember Shelton, Councilmember Mitchell, Councilmember Haynes, Jr.

III. ADJOURNMENT:

Motion to adjourn made by Councilmember Haynes, Jr., Seconded by Councilmember Shelton.

Voting Yea: Councilmember Williams, Councilmember Shelton, Councilmember Mitchell, Councilmember Haynes, Jr.

Meeting adjourned at 6:40 p.m.

Minutes approved _____
Date

Signature



Mayor and City Council Regular Meeting
Thursday, August 07, 2025 at 7:00 PM
Dacula City Hall, Council Chambers
442 Harbins Rd. | P.O. Box 400 | Dacula, Georgia 30019 | (770) 963-7451

Minutes

I. CALL TO ORDER AND ROLL CALL OF MEMBERS:

Mayor King called the August 7, 2025 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.

Councilmembers Present:

Mayor Trey King
 Councilmember Sean Williams
 Councilmember Jason Shelton
 Councilmember Ann Mitchell
 Councilmember Denis W. Haynes, Jr.

City staff Present:

Brittini Nix, City Administrator
 Courtney Mahady, Administrative Clerk
 Stephen Mayer, Director of Finance
 Hayes Taylor, City Planner
 Dana Stump, Administrative Assistant for Planning & Zoning
 Alethia Hyman, Tax Clerk
 Amy White, Chief Marshal
 James Ross, City Marshal

II. INVOCATION:

Pastor Jeff Rogers gave the invocation.

III. PLEDGE OF ALLEGIANCE:

Mayor King led the Pledge of Allegiance.

IV. CONSENT AGENDA:

1. Approval of the Minutes from the Worksession on July 3, 2025
2. Approval of the Minutes from the Regular Meeting on July 3, 2025
3. Approval of the Minutes from the First Millage Rate Public Hearing on July 29, 2025 at 10:00 AM
4. Approval of the Minutes from the Special Called Meeting on July 29, 2025 at 11:00 AM
5. Approval of the Minutes from the Second Millage Rate Public Hearing on July 29, 2025 at 5:00 PM

6. Intergovernmental agreement for elections equipment
7. Authorization to write off and discharge unpaid ad valorem tax bills under \$5.00

Motion to approve the consent agenda items as listed made by Councilmember Haynes, Jr., Seconded by Councilmember Shelton.

Voting Yea: Councilmember Williams, Councilmember Shelton, Councilmember Mitchell, Councilmember Haynes, Jr.

V. OLD BUSINESS:

None

VI. NEW BUSINESS:

8. Adoption of the 2025 Millage Rate

Motion to adopt the 2025 Millage Rate at 4.475 Mills made by Councilmember Shelton, Seconded by Councilmember Mitchell.

Voting Yea: Councilmember Williams, Councilmember Shelton, Councilmember Mitchell, Councilmember Haynes, Jr.

VII. STAFF COMMENTS:

None

VIII. MAYOR AND COUNCIL COMMENT(S):

Councilmember Shelton expressed appreciation for everyone who attended the meeting.

Mayor King announced that Dacula will host its first-ever "Not Dracula" Day blood drive, organized by the American Red Cross, on Saturday, October 4, 2025, from 10:00 AM to 3:00 PM. He noted that space is limited and encouraged residents to contact the Red Cross to reserve a spot. Mayor King also shared that the City of Dacula was recently ranked the 5th safest suburb to live in across the United States according to SmartAsset.

IX. PUBLIC COMMENTS:

Karla Price, of 415 McMillan Road, Dacula, Georgia 30019, asked whether meeting times could be displayed on the reader board in front of City Hall to help increase public attendance. She also presented several suggestions for the City Core project, including planting privacy trees along Sanjo Street, providing an updated site plan indicating tree placement, installing removable posts at the McMillan Road entrance, and ensuring that the clock on the new municipal complex is non-illuminated to minimize light pollution for nearby homes.

Christina Hordge, of 3241 Canyon Glen Way, Dacula, Georgia 30019, asked about the potential expansion of Dacula Road and Harbins Road as a solution to ongoing traffic concerns.

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

Motion to exit regular session and enter executive session made by Councilmember Mitchell, Seconded by Councilmember Williams for the purposes of real property matters at 7:15 p.m.

Voting Yea: Councilmember Williams, Councilmember Shelton, Councilmember Mitchell, Councilmember Haynes, Jr.

Motion to exit executive session and reconvene regular session made by Councilmember Williams, Seconded by Councilmember Haynes, Jr. at 7:42 p.m.

Voting Yea: Councilmember Williams, Councilmember Shelton, Councilmember Mitchell, Councilmember Haynes, Jr.

City Administrator, Brittini Nix, reported no votes were taken in executive session. The Council met to discuss real property acquisition matters as allowed by the Open Meetings Act. Ms. Nix stated that there was a need to amend the agenda to add real property acquisition.

Mayor King called for a motion to amend the agenda to add the agreement to purchase property at 381 Harbins Road.

Motion to amend the agenda made by Councilmember Haynes, Jr., Seconded by Councilmember Shelton.

Voting Yea: Councilmembers Williams, Councilmember Shelton, Councilmember Mitchell, Councilmember Haynes, Jr.

City Administrator, Brittini Nix, discussed that the City has been in negotiations with Dean Collins regarding the potential sale of his property at 381 Harbins Road in conjunction with the Sanjo Street Widening project. Ms. Nix stated the negotiations have gone well and Mr. Collins has agreed to sell the lot to the city for the price of \$575,000. A motion could be made for the Mayor to sign the purchase property.

Mayor King called for a motion to approve the purchase of property at 381 Harbins Road and authorize the Mayor to sign the purchase agreement.

Motion to approve the purchase of property at 381 Harbins Road made by Councilmember Williams, Seconded by Councilmember Haynes, Jr..

Voting Yea: Councilmembers Williams, Councilmember Shelton, Councilmember Mitchell, Councilmember Haynes, Jr.

XI. ADJOURNMENT:

Motion to adjourn made by Councilmember Shelton, Seconded by Councilmember Mitchell.

Voting Yea: Councilmember Williams, Councilmember Shelton, Councilmember Mitchell, Councilmember Haynes, Jr.

Meeting adjourned at 7:44 p.m.

Minutes approved _____
Date

Signature



MEMO

TO: Mayor and City Council of the City of Dacula
FROM: Brittni Nix, City Administrator
DATE: August 29, 2025
SUBJECT: City Core Project: Change Order #003

Bowen & Watson Construction submitted a change order request for asbestos abatement of the primary residential structure at 426 McMillan Road based on the Report of Pre-Demolition: Asbestos Survey and Lead Paint Screen completed by GeoHydro Engineers. Bowen & Watson Construction contacted three subcontractors to obtain quotes for these services. They recommend utilizing Trinity Industrial Services based on pricing and quality of work. The total service charge is \$20,908.29. The change order request does not include demolition services as demolition was included within the original contract.

Staff recommends approving Change Order #003 and requests authorizing the City Administrator to execute all necessary documents.



Bowen & Watson Inc
2802 HIGHWAY 17 ALT
Toccoa, Georgia 30577-7440
Phone: 7068863197

Project: 561 - Dacula City Core
2506 Sanjo Street
Dacula, Georgia 30019

Prime Contract Potential Change Order #003: CE #CE - 003 - Asbestos #2

TO:	City of Dacula	FROM:	Bowen & Watson Inc 2802 HIGHWAY 17 ALT Toccoa, Georgia 30577-7440
PCO NUMBER/REVISION:	003 / 0	CONTRACT:	561 - Dacula City Core
REQUEST RECEIVED FROM:		CREATED BY:	Matthew Poole (Bowen & Watson Inc)
STATUS:	Pending - In Review	CREATED DATE:	8/20/2025
REFERENCE:		PRIME CONTRACT CHANGE ORDER:	None
FIELD CHANGE:	No		
LOCATION:		ACCOUNTING METHOD:	Amount Based
SCHEDULE IMPACT:	0 days	PAID IN FULL:	No
EXECUTED:	No	SIGNED CHANGE ORDER RECEIVED DATE:	
		TOTAL AMOUNT:	\$20,908.29

POTENTIAL CHANGE ORDER TITLE: CE #CE - 003 - Asbestos #2

CHANGE REASON: Client Request

POTENTIAL CHANGE ORDER DESCRIPTION: *(The Contract Is Changed As Follows)*

CE #CE - 003 - Asbestos #2

The following is the cost for the last existing home that are to be demo'd, that have been tested for Asbestos materials by GeoHydro.

ATTACHMENTS:

#	Budget Code	Description	Amount
1	17-002.S ASBESTOS ABATEMENT.Subcontract	426 McMillian Rd Abatement	\$19,257.00
Subtotal:			\$19,257.00
		Sales Tax (6.00%):	\$0.00
		Labor Burden (45.00%):	\$0.00
		Fee (B&W Work) (20.00%):	\$0.00
		Fee (Sub Work) (7.50%):	\$1,444.28
		P&P Bond (1.00%):	\$207.01
		Grand Total:	\$20,908.29

Margaret Beaty (Lindsay Pope Brayfield & Assoc)

City of Dacula

Bowen & Watson Inc

2802 HIGHWAY 17 ALT
Toccoa, Georgia 30577-7440



8-20-2025

SIGNATURE DATE

SIGNATURE DATE

SIGNATURE DATE



Dacula City Core Abatement & Demolition

Dacula, GA 30019

Bowen & Watson, Inc

Scope of Work

- TIS to abate all ACM per GEO-Hydro surveys.
 - TIS to demolish all structures, slab and foundations.
 - TIS to remove all driveways, sidewalks & site features.
 - All LBP to be TCLP tested and demolished in place. No LBP Abatement included in this proposal.
-

OWNER / GC RESPONSIBILITY:

Owner/GC shall be responsible for the following (to the extent necessary): adequate source of power, water, permits, street closures and barricades, utilities being disconnected or "safed off" prior to TIS's mobilization on site, reasonable estimate/survey of any materials sought to be abated and/or removed, including but not limited to: asbestos, hazardous or toxic materials ("Toxic Materials").

CLARIFICATIONS / EXCLUSIONS:

Unless expressly set forth above in the scope of work, the following items shall apply to this proposal:

- 1) Proposal is based upon free and clear access to the work prior to new construction. TIS shall be entitled to an equitable adjustment of time and sum if (a) all utilities have not been disconnected or "safed off" prior to the start of demolition; i.e., turned off or otherwise no longer available for use, (b) access is restricted or impeded by way of new construction, (c) areas have not been properly identified for demolition; i.e., areas required to remain not identified, or (d) underground/subsurface conditions are discovered that impact work.
- 2) TIS shall have full discretion to choose the trucking company and landfill for disposal of Project waste.
- 3) While demolition activities are ongoing, no other trades will be allowed in the demolition work area without prior written agreement.
- 4) Stabilization or temporary support of existing or created conditions is not included in services. Any professional engineering services required to address stabilizing any areas during demolition shall be an added service.
- 5) Excluded from scope of work: Patching and repair, relocation or other demolition to run conduit, pvc or other utilities; site work or earth movement; lay-out, lead abatement; protection, grinding, concrete cutting or other work associated with concrete floors; disposal of toxic materials; demolition or disposal of non-construction waste; erosion control; furniture removal; and building fall protection.
- 6) TIS shall have complete control over its means and methods for its Scope of Work; any desired change shall require a mutually agreeable change order.
- 7) TIS is entitled to rely upon existing estimates, surveys and other measurements of Toxic Materials contained



within the Contract Documents or otherwise provided by the Owner or GC. If Toxic Material removal onsite exceeds 10% of the existing estimate/measurement, Subcontractor shall receive an equitable adjustment for amounts in excess of such 10%.

8) TIS shall be permitted, at its sole discretion, to salvage and/or sell all materials present at the time of the start of the project and retain all proceeds from any such sale.

9) All work to be performed in accordance with a mutually agreeable Subcontract, which shall include a mutually developed and agreed upon schedule for TIS's work.

10) Bond is not included in this proposal. If bond is needed there will be 3.5% added to contract.

11) Any dispute resolution procedures shall be in Georgia and/or the County where the Project is located.

12) TIS has not priced underground USTs, Grease Traps, Unsuitable/Hazardous Soils removal.

13) No Freon removal in this proposal.

14) No traffic control in this proposal.

15) All footers are priced as standard 2'x3' down to 4'

16) Compaction/proctor testing for backfill to be performed by others

PROCEDURES:

Contractor is a certified asbestos abatement and demolition contractor in Georgia, License ASBRN-668. All local, state and federal EPA and OSHA codes regarding removal and disposal of asbestos materials shall be strictly adhered to. Prior to commencement of work, the Owner/GC and TIS shall mutually agree upon project procedures and desired phasing, set-up and scheduling.

DISPOSAL:

All demolition debris will be handled, transported and disposed of at an approved landfill (chosen by TIS) in accordance with federal, state and local regulations. TIS will assist in manifest preparation but is not liable for any errors or inaccuracies.

SCHEDULING:

TIS proposes completion of the listed scope of work within 20 unimpeded working days TIS would like the options of working 5 eight-hour shifts per week with Saturdays as make up days if the schedule is impacted. Contractor and Owner to mutually agree upon scheduling.

PRICING:

All pricing is based on **1 mobilization** and uninterrupted access to the building for the purposes of Demolition as to expedite the project for TIS. Subcontractor's pricing is based on current market pricing. In the case of multi-year phasing, subcontractor's pricing is subject to change in conjunction with any market pricing changes. If Subcontractor's original scope of work is pushed out or otherwise delayed, Subcontractor shall be entitled to an equitable adjustment based on current market pricing. Payment terms **10%** mobilization paid day of arrival; Progress payments made every 2 weeks until complete. Retainage to be fully released 90 days after our scope of work has been fully executed.

Cost of 426 McMillain House: **\$ 19,257.00**



MEMO

TO: Mayor and City Council of the City of Dacula
FROM: Brittni Nix, City Administrator
DATE: August 29, 2025
SUBJECT: Water meter fees

Gwinnett County Department of Water Resources requires upfront payment to obtain the required water meters for Dacula City Core totaling \$265,922. Staff verified that the water meter fees cannot be waived for government projects. Additionally, the architects and DWR staff have independently confirmed that these are the correct sized water meters.

Staff recommends authorizing the Finance Department to pay Gwinnett County Department of Water Resources the necessary water meter fees for Dacula City Core.



GWINNETT COUNTY DEPARTMENT OF WATER RESOURCES AUTHORIZATION FORM

Rates Effective January 1, 2025

PROJECT NO. <u>COMDEV</u> <u>2024-</u> <u>00244</u>					
BILLING ACCT NAME 				PROJECT NAME <u>DACULA CITY HALL BUILDING</u>	
BILLING ADDRESS 				OFFICE PHONE 	
JOB SITE CONTACT 				JOB SITE PHONE 	
LOCATION ADDRESS <u>2500 SANJO ST DACULA, GA. 30019</u>				<u>5</u> LAND LOT <u>301</u> PARCEL <u>9</u>	
METER SIZE <u>2"</u>	TYPE	<u>COM</u>	SUB-TYPE	<u>WATER AND SEWER</u>	LOT/BLOCK
METER SIZE <u>1-1/2"</u>	TYPE	<u>COM</u>	SUB-TYPE	<u>IRRIGATION</u>	
FIRE LINE	<u>NO</u>	METER STATUS	<u>HOLD</u>	<u>PUBLIC SCHOOL</u>	COMMENTS
REPLACEMENT METER					<u>EPN2025-00179</u>
TV FEE \$45.00 + \$	<u>0</u>	BASED ON	<u>LF</u>	MISC FEE	
SW TV FEE \$45.00 + \$	<u>0</u>	BASED ON	<u>LF</u>		

NEW METERS

SEPTIC TO SEWER

	METER 1	METER 2	SEWER ONLY
METER PRICE	\$3,639.00	\$3,381.00	\$0.00
WATER SYSTEM DEVELOPMENT CHARGE	\$15,679.00	\$8,573.00	\$0.00
COMMERCIAL WATER DEPOSIT	\$75.00	\$75.00	\$0.00
WASTEWATER SYSTEM DEVELOPMENT CHARGE	\$57,643.00	\$0.00	\$0.00
COMMERCIAL SEWER DEPOSIT	\$75.00	\$0.00	\$0.00
ADMINISTRATIVE SETUP FEE	\$50.00	\$25.00	\$0.00
ACTIVATION FEE	\$25.00	\$25.00	\$0.00
T.V. FEE - SANITARY SEWER	\$0.00		\$0.00
T.V.FEE - STORMWATER	\$0.00		
MISCELLANEOUS FEES	\$0.00		\$0.00
TOTAL	\$77,186.00	\$12,079.00	\$0.00

METERS 3/4" TO 2" INSTALLED BY GCDWR
CALL 678-376-7061 FOR INSTALLATION QUESTIONS

AUTHORIZED BY <u>SHAWNA DOBSON</u>	TOTAL DUE	\$89,265.00
PURCHASER 	DATE	<u>8/13/2025</u>
PRINTED NAME	SIGNATURE	PHONE

I fully understand that my meter(s) will not be installed until I call Jason Reese at 678-376-7061 or Victoria Carlisle at 678-376-7099 or email dwrnewmeterinstalls@gwinnettcountry.com and request my meter to be installed.

GWINNETT COUNTY DEPARTMENT OF WATER RESOURCES AUTHORIZATION FORM

Rates Effective January 1, 2025

BILLING ACCT NAME BILLING ADDRESS JOB SITE CONTACT LOCATION ADDRESS <u>2500 SANJO ST DACULA, GA. 30019</u> METER SIZE <u>2"</u> TYPE <u>COM</u> SUB-TYPE <u>WATER AND SEWER</u> LOT/BLOCK _____ METER SIZE <u>1-1/2"</u> TYPE <u>COM</u> SUB-TYPE <u>IRRIGATION</u> _____ <b style="color: red;">FIRE LINE <u>NO</u> METER STATUS <u>HOLD</u> PUBLIC SCHOOL _____ REPLACEMENT METER _____ TV FEE \$45.00 + \$ <u>0</u> BASED ON _____ LF _____ MISC FEE _____ SW TV FEE \$45.00 + \$ <u>0</u> BASED ON _____ LF _____	PROJECT NO. <u>COMDEV</u> <u>2024-</u> <u>00244</u> PROJECT NAME <u>DACULA CITY CORE - PARKING DECL</u> OFFICE PHONE JOB SITE PHONE <u>5</u> LAND LOT <u>301</u> PARCEL <u>9</u> COMMENTS <u>EPN2025-00408</u>
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NEW METERS

SEPTIC TO SEWER

	<u>METER 1</u>	<u>METER 2</u>	<u>SEWER ONLY</u>
METER PRICE	\$3,639.00	\$3,381.00	\$0.00
WATER SYSTEM DEVELOPMENT CHARGE	\$15,679.00	\$8,573.00	\$0.00
COMMERCIAL WATER DEPOSIT	\$75.00	\$75.00	\$0.00
WASTEWATER SYSTEM DEVELOPMENT CHARGE	\$57,643.00	\$0.00	\$0.00
COMMERCIAL SEWER DEPOSIT	\$75.00	\$0.00	\$0.00
ADMINISTRATIVE SETUP FEE	\$50.00	\$25.00	\$0.00
ACTIVATION FEE	\$25.00	\$25.00	\$0.00
T.V. FEE - SANITARY SEWER	\$0.00		\$0.00
T.V.FEE - STORMWATER	\$0.00		
MISCELLANEOUS FEES	\$0.00		\$0.00
TOTAL	\$77,186.00	\$12,079.00	\$0.00

***METERS 3/4" TO 2" INSTALLED BY GCDWR
CALL 678-376-7061 FOR INSTALLATION QUESTIONS***

AUTHORIZED BY <u>SHAWNA DOBSON</u>	TOTAL DUE \$89,265.00
PURCHASER 	DATE <u>8/13/2025</u>
PRINTED NAME 	SIGNATURE
PHONE 	

I fully understand that my meter(s) will not be installed until I call Jason Reese at 678-376-7061 or Victoria Carlisle at 678-376-7099 or email dwrnewmeterinstalls@gwinnettcountry.com and request my meter to be installed.



MEMO

TO: Mayor and City Council of the City of Dacula
FROM: Brittni Nix, City Administrator
DATE: August 29, 2025
SUBJECT: Proposal for Dacula City Core building inspection services

Precision Planning, Inc. (PPI) provided a proposal for the Mayor and City Council's consideration to perform building inspections pertaining to Dacula City Core at an hourly rate of \$125/hour. The structures that they would inspect include the municipal building, parking deck, bridge connector, amphitheater, restroom building, and retaining walls. PPI currently performs the City's building inspections as our third-party inspector for building permitted projects.

Staff recommends approving PPI's Proposal for Dacula City Core Building Inspection Services.



August 19, 2025

Ms. Brittni Nix, AICP, City Administrator
City of Dacula
442 Harbins Road, PO Box 400
Dacula, GA 30019
brittni.nix@daculaga.gov

RE: Proposal for Dacula City Core Building Inspection Services

Dear Ms. Nix:

Precision Planning, Inc. (PPI) is prepared to assist the City of Dacula (*Client*) in providing building inspection services as follows:

Project Understanding

It is our understanding that the Client is developing and building the “Dacula City Core” project located at 2500 Sanjo Street on 14.17 acres across from the existing City Hall. It is our understanding that the Client is in the process of issuing building permits on the new City Hall, Bridge to Parking Deck, Parking Deck, Amphitheater, and Restrooms Building.

Building Inspection Services**Hourly Rates per Attached Exhibit A**

1. PPI will provide the Client with Building Inspections for these buildings.
2. These inspections will include subsequent site inspections for the immediate work area related to the Building Permit. (Site Development Inspections will be handled by the Client.)
3. The Building Inspections include:
 - a. Building – slab, footing, foundation, framing, & final
 - b. Plumbing – slab, rough, concealed gas line, sewer tap, water service, & final
 - c. HVAC – slab, rough, gas line, ventilation hood, & final
 - d. Electrical – slab, rough, temporary final, temporary pole, & final
4. PPI will accept inspection calls from the building permit applicant between the hours of 8:00 a.m. and 4:00 p.m., and a 24-hour advance notice is required from the applicant before the inspection is performed.
5. If a re-inspection is warranted, PPI will provide this service on an hourly basis.
6. The Building Inspector has the ability to initiate Stop Work Orders, if necessary, and approves Certificates of Occupancy prior to City issuance.
7. PPI shall provide these services to the Client through the issuance of a Certificate of Occupancy for each of the aforementioned buildings for this project.

Exclusions

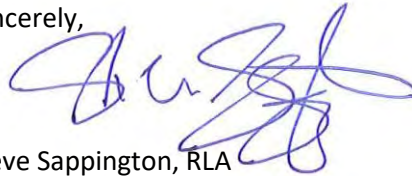
1. Environmental engineering, i.e., wetlands, Phase I audits, stream buffer variances
2. Geotechnical, special inspections, or materials testing
3. Flood studies

Compensation

PPI agrees to perform the services outlined above on an hourly basis, invoicing the Client on the actual man-hours spent in accordance with the attached Civil Standard Hourly Rate Schedule. PPI will invoice the Client on a monthly basis throughout the duration of this contract.

We appreciate the opportunity to expand our services to the City of Dacula. If you find the scope, terms, and fee acceptable, please sign in the space provided, initial each page, and return one original copy for our files. Should you have any questions or comments regarding this proposal, please do not hesitate to call us at 770-338-8000.

Sincerely,



Steve Sappington, RLA
Senior Project Manager & Senior Associate

SS

G:\DOCUMENT\25\P25-000\Dacula City Core Project Inspections\Dacula City Core Inspections Services Proposal.doc

Attachments: Exhibit A – Civil Standard Hourly Rate Schedule
Exhibit B – Standard General Conditions

Authorization given this _____ day of
_____, 2025

By: _____

Title: _____

CIVIL STANDARD HOURLY RATE SCHEDULE

Senior Principal Engineer	\$210.00/Hour
Principal Engineer	\$190.00/Hour
Senior Project Manager	\$170.00/Hour
Project Manager	\$150.00/Hour
Project Engineer III	\$140.00/Hour
Project Engineer II	\$125.00/Hour
Project Engineer I	\$110.00/Hour
Senior Landscape Architect	\$150.00/Hour
Landscape Architect	\$90.00/Hour
Senior Project Architect	\$160.00/Hour
Project Architect	\$140.00/Hour
Principal Planner	\$130.00/Hour
Senior Engineering Technician	\$100.00/Hour
Engineering Technician	\$85.00/Hour
CADD Designer	\$65.00/Hour
Project Administrator	\$95.00/Hour
Senior Project Assistant	\$85.00/Hour
Project Assistant	\$70.00/Hour
Construction Observer	\$125.00/Hour
Registered Land Surveyor (RLS)	\$165.00/Hour
Survey Manager	\$135.00/Hour
Survey Coordinator	\$120.00/Hour
Survey Technician	\$95.00/Hour
Surveying Crew	\$205.00/Hour
Senior Electrical Engineer	\$160.00/Hour

STANDARD GENERAL CONDITIONS

- A. In accepting and utilizing any drawings, reports and data on any form of electronic media generated and furnished by Precision Planning, Inc., the Owner/Client agrees that all such electronic files are instruments of service of Precision Planning, Inc., who shall be deemed the author, and shall retain all common law, statutory law and other rights, without limitation, including copyrights.

Intelligent data, including but not limited to Building Information Modeling (BIM) and 3D Grading/Surface Modeling, are instruments of service. When transmitted, this data shall be for the sole purpose of visualization of design ideas by the Owner/Client and shall not constitute or supplement the contract documents. Differences may exist between these models and the corresponding hard copy contract documents, and Precision Planning, Inc. makes no representation about their accuracy or completeness.

The Owner/Client agrees not to reuse these electronic files, in whole or in part, for any purpose other than for the Project. The Owner/Client agrees not to transfer these electronic files to others without the prior written consent of Precision Planning, Inc. The Owner/Client further agrees that Precision Planning, Inc. shall have no responsibility or liability to Owner/Client or others for any changes made by anyone other than Precision Planning, Inc. or for any reuse of the electronic files without the prior written consent of Precision Planning, Inc.

In addition, the Owner/Client agrees, to the fullest extent permitted by law, to indemnify and hold harmless Precision Planning, Inc., its officers, directors, employees and subconsultants (collectively, Consultant) against all damages, liabilities or costs, including reasonable attorneys' fees and defense costs, arising from any changes made by anyone other than Precision Planning, Inc. or from any use or reuse of the electronic files without the prior written consent of Precision Planning, Inc..

Under no circumstances shall delivery of electronic files for use by the Owner/Client be deemed a sale by Precision Planning, Inc., and Precision Planning, Inc. makes no warranties, either express or implied, of merchantability and fitness for any particular purpose. In no event shall Precision Planning, Inc. be liable for indirect or consequential damages as a result of the Owner/Client's unauthorized use or reuse of the electronic files.

- B. There shall be no assignments of any portion of the work as described within the above proposal or during any phase of the work without the written consent by Precision Planning, Inc. There shall be no disclosures of the scope of services and/or fees, as outlined within this proposal, to any third parties without the written consent of Precision Planning, Inc. There shall not be any re-use or reproduction of this proposal or design documents without the written consent of Precision Planning, Inc.
- C. Our professional services shall be performed, our findings obtained, and our recommendations prepared in accordance with generally accepted planning, engineering, land surveying, architectural and landscape architectural practices. This warranty is in lieu of all other warranties either implied or expressed. Precision Planning, Inc. assumes no responsibility for interpretation made by others based upon the work or recommendations made by Precision Planning, Inc.

- D. In recognition of the relative risks and benefits of the Project to both the Owner/Client and Precision Planning, Inc., the risks have been allocated such that the Owner/Client agrees, to the fullest extent permitted by law, to limit the liability of Precision Planning, Inc. and its officers, directors, employees, shareholders, owners and subconsultants for any and all claims, losses, costs, damages of any nature whatsoever or claims expenses from any cause or causes, including attorney's fees and costs and expert-witness fees and costs, so that the total aggregate liability of Precision Planning, Inc. and its officers, directors, employees, shareholders, owners and subconsultants shall not exceed \$50,000 or the amount of Precision Planning, Inc.'s total fee for services rendered on this Project, whichever is greater. It is intended that this limitation apply to any and all liability or cause of action, including without limitation active and passive negligence, however alleged or arising, unless otherwise prohibited by law. In no event shall the Consultant's liability exceed the amount of available insurance proceeds.

If Owner/Client prefers to have higher limits of professional liability, the limits can be increased to a maximum of one million (\$1,000,000.00) dollars upon Owner/Client's written request at the time of acceptance of this proposal provided that the Owner/Client agrees to pay an additional consideration of ten percent (10%) of the total fee or \$1,000.00, whichever is greater. The additional charge for the higher liability limits is because of the greater risk assumed and is not a charge for additional professional liability insurance.

- E. Precision Planning, Inc. agrees, to the fullest extent permitted by law, to indemnify and hold harmless the Owner/Client, its officers, directors and employees (collectively, Owner/Client) against all damages and liabilities, to the extent caused by Precision Planning, Inc.'s negligent performance of professional services under this Agreement and that of its subconsultants or anyone for whom Precision Planning, Inc. is legally liable.

The Owner/Client agrees, to the fullest extent permitted by law, to indemnify and hold harmless Precision Planning, Inc., its officers, directors and employees and subconsultants (collectively, Precision Planning, Inc.) against all damages and liabilities, to the extent caused by the Owner/Client's negligent acts in connection with the Project and the acts of its contractors, subcontractors or consultants or anyone for whom the Owner/Client is legally liable.

Neither the Owner/Client nor Precision Planning, Inc. shall be obligated to indemnify the other party in any manner whatsoever for the other party's own negligence or for the negligence of others.

- F. In the event the Owner/Client makes a claim against Precision Planning, Inc. at law or otherwise, for an alleged error, omission or other act arising out of the performance of our professional services, and the Owner/Client fails to prove such claim, then the Owner/Client shall bear all cost incurred by Precision Planning, Inc. in defending itself against such claim(s). The reciprocal of this clause (i.e., a claim made by Precision Planning, Inc. against the Owner/Client where failure of proof of claim is established, financial responsibility for Owner/Client's defense shall rest upon Precision Planning, Inc.) is hereby made a part of this agreement.
- G. It is understood and agreed that Precision Planning, Inc. shall not be held responsible for any inaccuracies in any materials, data or records of any other person, firm or agency which are provided to it and/or may be utilized by it in the performance of specific services.

- H. Reimbursable expenses including mileage, photographic enlargements, reductions and reproduction, blueprinting, and courier services shall be billed at a rate of actual cost times 1.1. When overnight stay is required, it shall be billed as actual subsistence cost times 1.1.

NOTE: No back-up data or copies of bills will be provided for reimbursable expenses invoiced under this agreement. Should back-up data be requested, it will be provided for an administrative fee of \$100.00 per monthly invoice requiring verification, plus \$1.00 per copy of back-up data provided.

- I. In the event additional services beyond the scope of work listed above are required by Owner/Client, Precision Planning, Inc. shall perform these services for an amount equal to normal hourly charges on work actually performed upon receipt of an approved Change Order signed by both parties. Precision Planning, Inc. shall submit monthly invoices for services outlined in this agreement. Payment is due upon receipt of invoice. Finance charges of one and one-half percent (1.5%) will be added to any unpaid balance at the end of thirty (30) days (APR 18%).
- J. The Owner/Client or Precision Planning, Inc. may terminate this Agreement without penalty upon giving the other party ten (10) calendar days' notice in writing. In the event either party terminates for convenience, the Owner/Client shall pay Precision Planning, Inc. within seven (7) calendar days of receipt of Precision Planning, Inc.'s invoices for all services rendered and all reimbursable costs up to the date of termination. In addition, the Owner/Client shall pay Precision Planning, Inc. for all expenses reasonably incurred by Precision Planning, Inc. in connection with the orderly termination of this Agreement, including but not limited to associated overhead costs and all other expenses directly resulting from the termination. In the event government regulations are amended or changed in any way, or if the services outlined in this proposal have not been authorized within thirty (30) days of the date of this proposal, fees quoted are subject to renegotiation.
- K. Services required by unexpected events which are outside Precision Planning, Inc.'s reasonable control including, but not limited to, services resulting from extended schedules shall be compensated as additional services.



MEMO

TO: Mayor and City Council of the City of Dacula
FROM: Brittni Nix, City Administrator
DATE: August 29, 2025
SUBJECT: Proposal for roof consulting services

Reeves Consulting, Inc. provided a proposal for roof consulting services for the Mayor and City Council's consideration. Under advisement from the architect, LPB, a roof consultant is prudent for certain types of roofs such as the steam metal roof, pedestal pavers and thermoplastic polyolefin (TPO) membrane system designed for the municipal building. The waterproofing system for the roof terraces with pedestal pavers is an area where specialized inspections during construction are crucial.

Staff recommends approving the proposal from Reeves Consulting, Inc. for roof consulting services and authorizing the Mayor to sign the subject proposal.



August 13, 2025

Ms. Brittini Nix

City of Dacula

442 Harbins Road, PO Box 400

Dacula, Georgia 30019

RE: Proposal Roof Consulting Services

Dacula City Hall, Amphitheater and Restrooms

2506 Sanjo Street

Dacula, Georgia 30019

Ms. Nix:

Reeves Consulting Inc. (RCI) is pleased to present this proposal to provide roof consulting services for the referenced Project.

We propose to provide the following services:

- Review AOR project plans and specifications.
- Review Roofing Submittals.
- Monitor the installation of the roof systems.
- Develop a Roof Punch List after all rooftop work is completed.
- Conduct a final inspection to verify completion of the Roof Punch List.

Fees for our services are as follows:

Construction Document/Roofing Submittal review - \$1,000

Construction Observation – Up to \$750 per 8-hour workday for the project duration

Punch List and Final Inspection - \$1,250

Please contact us should you have questions or comments.

Sincerely,

Reeves Consulting, Inc.

A handwritten signature in blue ink, appearing to read 'Jerry Reeves, Jr.', is written over the printed name.

Jerry Reeves, Jr., CDT, RRC,
Vice-President

**A RESOLUTION AUTHORIZING THE EXERCISE OF THE CITY OF DACULA,
GEORGIA'S POWER OF EMINENT DOMAIN IN THE ACQUISITION OF CERTAIN
INTERESTS IN PROPERTY SITUATED IN GWINNETT COUNTY, GEORGIA, FOR
CONSTRUCTION OF A CITY DRAINAGE EASEMENT AND RELATED PUBLIC
PURPOSES.**

WHEREAS, pursuant to Article 9, Section 2, Paragraph 5 of the Georgia Constitution, municipalities may acquire property in fee simple or in any lesser interest by eminent domain for public purposes; and

WHEREAS, the governing authority of the City of Dacula, Georgia, a municipal corporation of the State of Georgia, has determined that the circumstances of this matter are such that there is a necessity for exercising its powers of eminent domain pursuant to O.C.G.A. § 32-3-1, *et seq.* in the acquisition of certain interests in property for a City Drainage Easement and related public purposes.

NOW THEREFORE, BE IT AND IT IS HEREBY RESOLVED that the City Attorney, or his designee, is ordered and directed to institute proceedings *in rem* pursuant to O.C.G.A. § 32-3-1, *et seq.* and 22-3-140 in the Superior Court Of Gwinnett County in order to condemn that certain property and interests therein more particularly described in Exhibit "A" which is attached hereto and made a part hereof by reference as though fully set forth at this point, all to the use of the City of Dacula, said property now or formerly vested in Aaron Ballard, his successors or assigns. It is further resolved that payment of just and adequate compensation in the amount of Eight Thousand Six Hundred Dollars (\$8,600.00) be made to the person or persons entitled to such payment. The Mayor may sign any documents and/or pleadings required for proper filing under the aforementioned Code sections including a Declaration of Taking and Order of the Mayor and City Council of the City of Dacula, Georgia

SO RESOLVED by the Mayor and City Council of the City of Dacula, Georgia, this ____ day of September, 2025.

ATTEST:

**MAYOR AND CITY COUNCIL,
CITY OF DACULA, GEORGIA**

By: _____
Brittni Nix, City Administrator

Hugh D. King, III, Mayor

EXHIBIT "A"**LEGAL DESCRIPTION OF DRAINAGE EASEMENT**

PIN R5301 128
Easement Tract 1

ALL THAT TRACT OR PARCEL OF land lying and being in Land Lot 301, 5th District, Gwinnett County, Georgia, being more particularly described as follows:
TO FIND THE POINT OF BEGINNING commence at the southeastern intersection of the right of way of McMillan Road (right of way varies) and the right of way of Sanjo Street (30 feet right of way), Thence, 313.96 feet along the northerly right of way of Sanjo Street to a point on the adjoining property line between the parcels now or formerly owned by Osorio Sanchez and Janeth Carmen with Aaron Ballard, and being the **POINT OF BEGINNING**; Thence, along said line N 32° 04' 16" W for a distance of 150.68 feet to a point on the adjoining property line with a parcel now or formerly owned by AMH 2015-1 Borrower LP. Thence N 57° 03' 27" E a distance of 10.00 feet to a point; Thence, S 32° 04' 17" E for a distance of 150.73 feet to a point on the northerly right of way of Sanjo Street. Thence along said right of way, S 57° 22' 32" W for a distance of 10.00 feet to a point on a line, being the **POINT OF BEGINNING**. Said tract contains 0.03 Acres (1,507 sq ft).

LEGAL DESCRIPTION OF TEMPORARY CONSTRUCTION EASEMENT

Tract 1

ALL THAT TRACT OR PARCEL OF land lying and being in Land Lot 301, 5th District, City of Dacula, Gwinnett County, Georgia, being more particularly described as follows:

TO FIND THE POINT OF BEGINNING commence at the northwestern intersection of the right of Sanjo Street (30 feet right of way) and the right of way of Maxey Street (30 feet of way varies); thence along the northwesterly right of way of Sanjo Street a distance of 150.23 feet, that is the **POINT OF BEGINNING**; thence continuing along said right of way South 57°22'32" West, a distance of 103.06 feet to a point; thence leaving said right of way North 32°04'16" West, a distance of 10.00 feet to a point; thence North 57°22'32" East, a distance of 102.82 feet to a point; thence South 33°25'17" East, a distance of 10.00 feet to a point, being the **POINT OF BEGINNING**. Said tract contains 1029.39 Square Feet or 0.024 Acres.

**ORDER OF THE MAYOR AND CITY COUNCIL OF THE CITY OF DACULA, GEORGIA
TO CONDEMN PROPERTY FOR PURPOSES OF CONSTRUCTING AND IMPROVING
A DRAINAGE EASEMENT PROJECT**

WHEREAS, the Mayor and City Council of the City of Dacula, Georgia has laid out and determined to construct a City Drainage Easement facility for the City at that certain parcel identified for tax purposes as parcel identification number R5301 128 by the Gwinnett County Board of Tax Assessors; the same being more fully described and shown in the description and attached as Appendix B to the Declaration of Taking (Exhibit “A” to the Petition for Condemnation).

WHEREAS, the tract of property and other rights as herein described and as listed below shown of record as owned by the persons named herein, all as described and shown in Appendix B to the Declaration of Taking (Exhibit “A” to the Petition for Condemnation) incorporated herein by reference and made a part of this Order are essential for the construction of said project:

Property/Rights:	Permanent Drainage Easement of 0.03 Acres and Temporary construction easement of 0.024 acres
Owner:	Aaron Ballard
Potentially Interested Parties:	Person(s) in possession of the property.

NOW THEREFORE, in accordance with O.C.G.A. § 32-3-6(b)(6) and (c), it is hereby found by the Mayor and City Council of the City of Dacula, Georgia that the circumstances are such that it is necessary that the property as described in Appendix B to Exhibit “A” of the Declaration of Taking be acquired by condemnation under the provisions of O.C.G.A. § 32-3-1 *et seq.* and O.C.G.A. § 22-3-140 for public storm water drainage system improvements, transportation improvements and related purposes.

IT IS ORDERED that the City of Dacula proceed to acquire the title, estate or interest in the lands hereinafter described in Appendix B of the Declaration of Taking (Exhibit “A” to the Petition for Condemnation) by condemnation under the provisions of said Code, and the City Attorney or his designees are authorized and directed to file condemnation proceedings, including a Declaration of Taking, to acquire said title, estate, or interest in said lands and to deposit in the Court the sum estimated as just compensation all in accordance with the provisions of said law.

SO ORDERED by the City of Dacula, Georgia Mayor and City Council, this _____ day of
September, 2025.

ATTEST:

**MAYOR AND CITY COUNCIL,
CITY OF DACULA, GEORGIA**

By: _____
Brittini Nix, City Administrator

Hugh D. King, III, Mayor

DECLARATION OF TAKING

WHEREAS, the City of Dacula, Georgia, has made and passed a Resolution finding that the circumstances in connection with acquiring certain interests in property and for public right-of-way or other public storm water and transportation system improvement purposes are such that it is necessary to acquire title, estate, or interest in the lands fully described in said order to condemn contained in the Resolution, a certified copy/duplicate original of which is attached to this Declaration as Appendix A to Exhibit "A," and made a part hereof, under O.C.G.A. § 32-3-1, *et seq.*; and

WHEREAS, said interests in property are for public purposes upon, across, and over the tract of land in the City of Dacula, Gwinnett County, Georgia, as fully described in the attachment hereto identified as Appendix B to Exhibit "A," and made a part hereof; and

WHEREAS, the City of Dacula, Georgia, has caused an investigation and report to be made by a competent land appraiser upon which to estimate the sum of money to be deposited in the Court as just and adequate compensation for the right-of-way above-referred to, a copy of the appraiser's sworn statement being attached hereto identified as Appendix C to Exhibit "A," and made a part hereof; and

WHEREAS, in consequence of the sworn statement, Appendix C to Exhibit "A," the City of Dacula, Georgia estimates of Eight Thousand Six Hundred Dollars (\$8,600.00) as just and adequate compensation to be paid for said right-of-way, as fully described in Appendix B to Exhibit "A" which is attached hereto and made a part hereof and will deposit said sum in the Court to the use of the persons entitled thereto.

NOW THEREFORE, the premises considered, the City of Dacula, Georgia, under authority of O.C.G.A. § 32-3-1, *et seq.* and O.C.G.A. § 22-3-140 hereby declares that the property and interests as described in Appendix B to Exhibit "A," which is attached hereto and made a part hereof of this Declaration, is taken for purposes of locating, constructing, maintaining, repairing, replacing, extending, expanding, and/or installing infrastructure for said Drainage Easement.

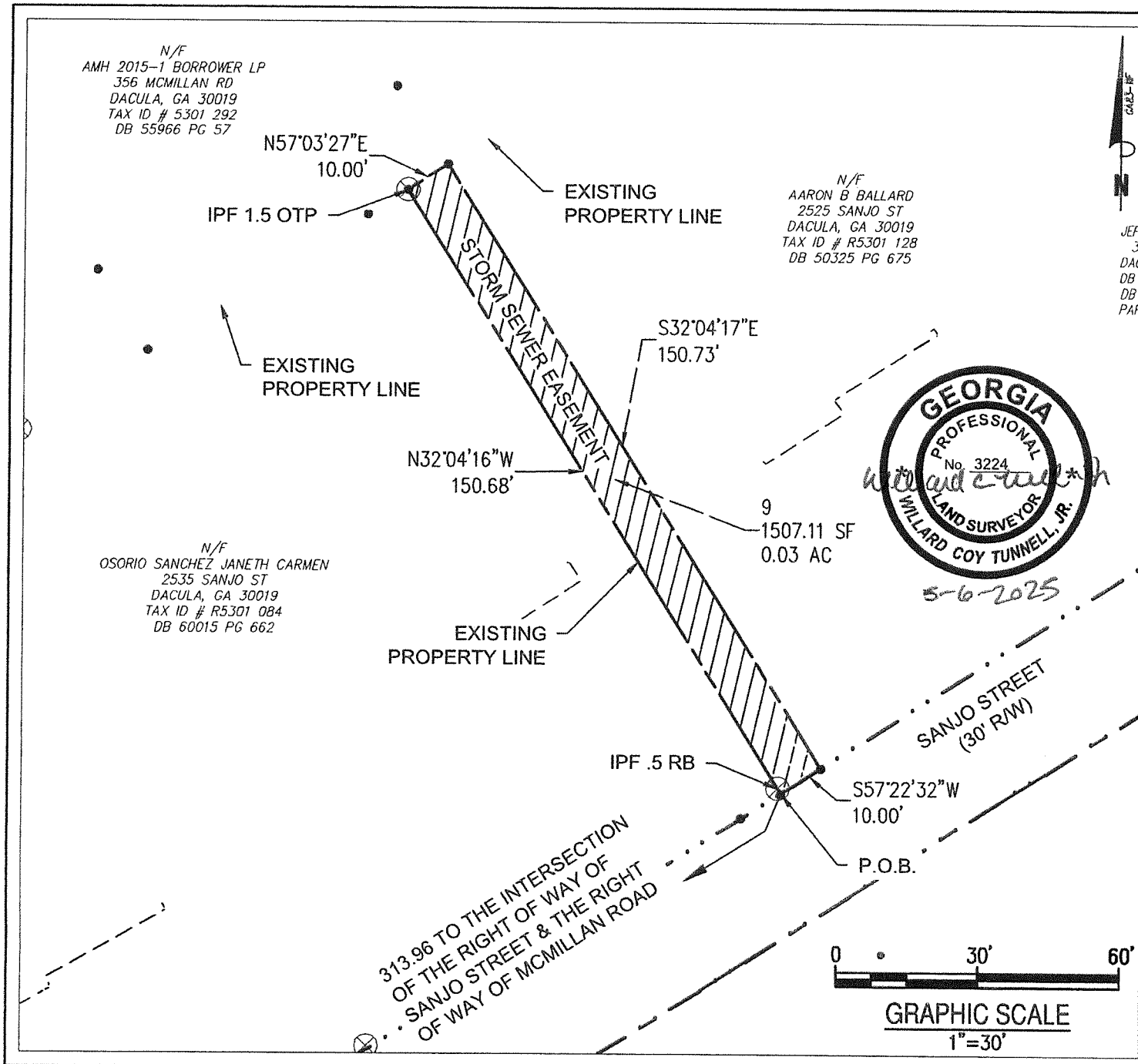
This _____ day of September, 2025.

ATTEST:

**MAYOR AND CITY COUNCIL,
CITY OF DACULA, GEORGIA**

By: _____
Brittni Nix, City Clerk

Hugh D. King, III, Mayor



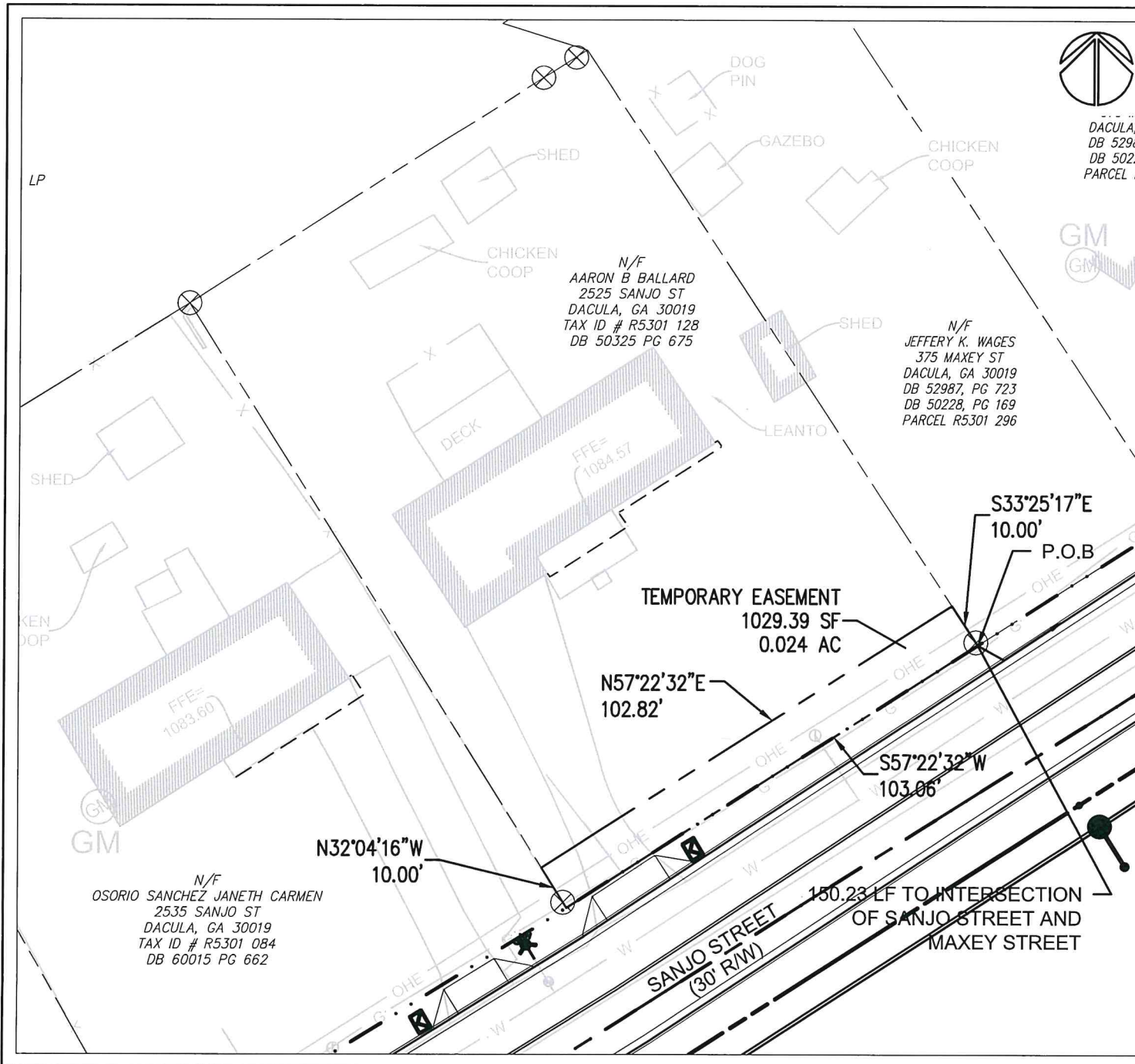
BOWMAN

4174 SILVER PEAK PARKWAY
SUWANEE, GEORGIA 30024
PHONE (770) 932-6550
FAX (770) 932-6551
WWW.BOWMAN.COM

JOB NO: 200523-01-001
DRAWN BY: RWH
CHECKED BY: KDW
SCALE: 1"= 30'
DATE: 05/02/2025
LL/DIST 301 / 5th
CITY OF DACULA

SANJO STREET

**R5301 128
EXHIBIT A
TRACT 1**



BOWMAN

4174 SILVER PEAK PARKWAY
SUWANEE, GEORGIA 30024
PHONE (770) 932-6550
FAX (770) 932-6551
WWW.BOWMAN.COM

JOB NO: 200523-01-001
DRAWN BY: RWH
CHECKED BY: KDW
SCALE: 1"= 30'
DATE: 08/28/2024
LL 301/5th DISTRICT
CITY OF DACULA
GWINNETT COUNTY

**SANJO
STREET**

**EXHIBIT A
TEMPORARY EASEMENT**

Appendix B

LEGAL DESCRIPTION OF DRAINAGE EASEMENT

PIN R5301 128
Easement Tract 1

ALL THAT TRACT OR PARCEL OF land lying and being in Land Lot 301, 5th District, Gwinnett County, Georgia, being more particularly described as follows:
TO FIND THE POINT OF BEGINNING commence at the southeastern intersection of the right of way of McMillan Road (right of way varies) and the right of way of Sanjo Street (30 feet right of way), Thence, 313.96 feet along the northerly right of way of Sanjo Street to a point on the adjoining property line between the parcels now or formerly owned by Osorio Sanchez and Janeth Carmen with Aaron Ballard, and being the **POINT OF BEGINNING**; Thence, along said line N 32° 04' 16" W for a distance of 150.68 feet to a point on the adjoining property line with a parcel now or formerly owned by AMH 2015-1 Borrower LP. Thence N 57° 03' 27" E a distance of 10.00 feet to a point; Thence, S 32° 04' 17" E for a distance of 150.73 feet to a point on the northerly right of way of Sanjo Street. Thence along said right of way, S 57° 22' 32" W for a distance of 10.00 feet to a point on a line, being the **POINT OF BEGINNING**. Said tract contains 0.03 Acres (1,507 sq ft).

LEGAL DESCRIPTION OF TEMPORARY CONSTRUCTION EASEMENT

T.C.E. Tract 1

ALL THAT TRACT OR PARCEL OF land lying and being in Land Lot 301, 5th District, City of Dacula, Gwinnett County, Georgia, being more particularly described as follows:

TO FIND THE POINT OF BEGINNING commence at the northwestern intersection of the right of Sanjo Street (30 feet right of way) and the right of way of Maxey Street (30 feet of way varies); thence along the northwesterly right of way of Sanjo Street a distance of 150.23 feet, that is the **POINT OF BEGINNING**; thence continuing along said right of way South 57°22'32" West, a distance of 103.06 feet to a point; thence leaving said right of way North 32°04'16" West, a distance of 10.00 feet to a point; thence North 57°22'32" East, a distance of 102.82 feet to a point; thence South 33°25'17" East, a distance of 10.00 feet to a point, being the **POINT OF BEGINNING**. Said tract contains 1029.39 Square Feet or 0.024 Acres.

Appendix C

APPRAISER'S CERTIFICATION

GEORGIA, GWINNETT COUNTY

Personally comes, Matthew Retter whose address is 246 North Perry Street, Lawrenceville, Georgia 30046 and deposes and testifies as follows:

1. Affiant was employed by the City of Dacula, Georgia to appraise the property needed for the Drainage Line Project and rights required for construction of the Project in Gwinnett County, Georgia for the City and makes this sworn statement to be used in connection with condemnation proceedings under the Official Code of Georgia Annotated Sections 32-3-4 through 32-3-19, for the acquisition of said parcel.
2. Affiant is familiar with real estate values in said county and in the vicinity where said parcel is located. Affiant has personally inspected the property or right condemned and in appraising said parcel affiant took into consideration the Fair Market Value of said parcel, as well as any consequential damages to remaining property of the condemnees by reason of the taking and use of said parcel and other rights for the construction of said project, and any consequential benefits which may result to such remaining property by reason of such taking and use (consequential benefits not, however, considered except as offsetting consequential damages). After said investigation and research, affiant has thus estimated that the just and adequate compensation for said parcel and any consequential damages or benefits considered, is in the amount of Eight Thousand Six Hundred Dollars (\$8,600.00)

Matthew Retter

Sworn to and subscribed before me,
this ____ day of _____, 2025.

NOTARY PUBLIC
My Commission Expires:

**A RESOLUTION AUTHORIZING THE EXERCISE OF THE CITY OF DACULA,
GEORGIA'S POWER OF EMINENT DOMAIN IN THE ACQUISITION OF CERTAIN
INTERESTS IN PROPERTY SITUATED IN GWINNETT COUNTY, GEORGIA, FOR
CONSTRUCTION OF A CITY DRAINAGE EASEMENT AND RELATED PUBLIC
PURPOSES.**

WHEREAS, pursuant to Article 9, Section 2, Paragraph 5 of the Georgia Constitution, municipalities may acquire property in fee simple or in any lesser interest by eminent domain for public purposes; and

WHEREAS, the governing authority of the City of Dacula, Georgia, a municipal corporation of the State of Georgia, has determined that the circumstances of this matter are such that there is a necessity for exercising its powers of eminent domain pursuant to O.C.G.A. § 32-3-1, *et seq.* in the acquisition of certain interests in property for a City Drainage Easement and related public purposes.

NOW THEREFORE, BE IT AND IT IS HEREBY RESOLVED that the City Attorney, or his designee, is ordered and directed to institute proceedings *in rem* pursuant to O.C.G.A. § 32-3-1, *et seq.* and 22-3-140 in the Superior Court Of Gwinnett County in order to condemn that certain property and interests therein more particularly described in Exhibit "A" which is attached hereto and made a part hereof by reference as though fully set forth at this point, all to the use of the City of Dacula, said property now or formerly vested in Osorio Sanchez and Janeth Carmen, their successors or assigns. It is further resolved that payment of just and adequate compensation in the amount of Eleven Thousand Five Hundred Dollars (\$11,500.00) be made to the person or persons entitled to such payment. The Mayor may sign any documents and/or pleadings required for proper filing under the aforementioned Code sections including a Declaration of Taking and Order of the Mayor and City Council of the City of Dacula, Georgia

SO RESOLVED by the Mayor and City Council of the City of Dacula, Georgia, this ____ day of September, 2025.

ATTEST:

**MAYOR AND CITY COUNCIL,
CITY OF DACULA, GEORGIA**

By: _____
Brittni Nix, City Administrator

Hugh D. King, III, Mayor

EXHIBIT "A"
LEGAL DESCRIPTION OF DRAINAGE EASEMENT

PIN R5301 084
 Tract 2

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 301, 5th District, City of Dacula, Gwinnett County, Georgia, being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING commence at the northeastern mitered intersection of the right-of-way of McMillan Road (right-of-way varies) and the right-of-way of Sanjo Street (30-foot right-of-way); thence northeasterly along the right-of-way of Sanjo Street 266.07 feet to a point, being the **POINT OF BEGINNING**; thence leaving said right-of-way North 20°11'50" East a distance of 58.37 feet to a point; thence North 32°04'16" West a distance of 114.76 feet to a point; thence North 57°55'44" East a distance of 10.00 feet to a 1-½ open top pipe; thence South 32°04'16" East a distance of 132.31 feet to a point; thence South 20°11'50" West a distance of 29.88 feet to a point located on the northwesterly right-of-way of Sanjo Street; thence along said right-of-way South 58°08'04" West a distance of 32.53 feet to a point; being the **POINT OF BEGINNING**. Said tract contains 0.05 Acres or (2,117.78 sq. ft.).

LEGAL DESCRIPTION OF TEMPORARY CONSTRUCTION EASEMENT
 Tract 2

ALL THAT TRACT OR PARCEL OF land lying and being in Land Lot 301, 5th District, City of Dacula, Gwinnett County, Georgia, being more particularly described as follows:

TO FIND THE POINT OF BEGINNING commence at the northeastern intersection of the right of way of McMillan Road (right of way varies) and the right of way Sanjo Street (30 feet right of way); thence along the northwesterly right of way of Sanjo Street a distance of 211.08 feet, that is the **POINT OF BEGINNING**; thence leaving said right of way North 29°38'35" West, a distance of 10.00 feet to a point; thence North 58°08'04" East, a distance of 91.65 feet to a point; thence North 20°11'50" East, a distance of 13.61 feet to a point; thence South 32°04'16" East, a distance of 18.37 feet to a point located on the northwesterly right of way of Sanjo Street; thence along said right of way South 58°08'04" West, a distance of 102.84 feet to a point, being the **POINT OF BEGINNING**. Said tract contains 1071.36 Square Feet or 0.025 Acres.

**ORDER OF THE MAYOR AND CITY COUNCIL OF THE CITY OF DACULA, GEORGIA
TO CONDEMN PROPERTY FOR PURPOSES OF CONSTRUCTING AND IMPROVING
A DRAINAGE EASEMENT PROJECT**

WHEREAS, the Mayor and City Council of the City of Dacula, Georgia has laid out and determined to construct a City Drainage Easement facility for the City at that certain parcel identified for tax purposes as parcel identification number R5301 084 by the Gwinnett County Board of Tax Assessors; the same being more fully described and shown in the description and attached as Appendix B to the Declaration of Taking (Exhibit “A” to the Petition for Condemnation).

WHEREAS, the tract of property and other rights as herein described and as listed below shown of record as owned by the persons named herein, all as described and shown in Appendix B to the Declaration of Taking (Exhibit “A” to the Petition for Condemnation) incorporated herein by reference and made a part of this Order are essential for the construction of said project:

Property/Rights:	Permanent Drainage Easement of 0.05 Acres and Temporary construction easement of 0.025 acres
Owner:	Osorio Sanchez and Janeth Carmen
Potentially Interested Parties:	Person(s) in possession of the property.

NOW THEREFORE, in accordance with O.C.G.A. § 32-3-6(b)(6) and (c), it is hereby found by the Mayor and City Council of the City of Dacula, Georgia that the circumstances are such that it is necessary that the property as described in Appendix B to Exhibit “A” of the Declaration of Taking be acquired by condemnation under the provisions of O.C.G.A. § 32-3-1 *et seq.* and O.C.G.A. § 22-3-140 for public storm water and transportation system improvements or other purposes.

IT IS ORDERED that the City of Dacula proceed to acquire the title, estate or interest in the lands hereinafter described in Appendix B of the Declaration of Taking (Exhibit “A” to the Petition for Condemnation) by condemnation under the provisions of said Code, and the City Attorney or his designees are authorized and directed to file condemnation proceedings, including a Declaration of Taking, to acquire said title, estate, or interest in said lands and to deposit in the Court the sum estimated as just compensation all in accordance with the provisions of said law.

SO ORDERED by the City of Dacula, Georgia Mayor and City Council, this _____ day of
September, 2025.

ATTEST:

**MAYOR AND CITY COUNCIL,
CITY OF DACULA, GEORGIA**

By: _____
Brittini Nix, City Administrator

Hugh D. King, III, Mayor

DECLARATION OF TAKING

WHEREAS, the City of Dacula, Georgia, has made and passed a Resolution finding that the circumstances in connection with acquiring certain interests in property and for public right-of-way or other public storm water and transportation system improvement purposes are such that it is necessary to acquire title, estate, or interest in the lands fully described in said order to condemn contained in the Resolution, a certified copy/duplicate original of which is attached to this Declaration as Appendix A to Exhibit "A," and made a part hereof, under O.C.G.A. § 32-3-1, *et seq.*; and

WHEREAS, said interests in property are for public purposes upon, across, and over the tract of land in the City of Dacula, Gwinnett County, Georgia, as fully described in the attachment hereto identified as Appendix B to Exhibit "A," and made a part hereof; and

WHEREAS, the City of Dacula, Georgia, has caused an investigation and report to be made by a competent land appraiser upon which to estimate the sum of money to be deposited in the Court as just and adequate compensation for the right-of-way above-referred to, a copy of the appraiser's sworn statement being attached hereto identified as Appendix C to Exhibit "A," and made a part hereof; and

WHEREAS, in consequence of the sworn statement, Appendix C to Exhibit "A," the City of Dacula, Georgia estimates of Eleven Thousand Five Hundred Dollars (\$11,500.00) as just and adequate compensation to be paid for said right-of-way, as fully described in Appendix B to Exhibit "A" which is attached hereto and made a part hereof and will deposit said sum in the Court to the use of the persons entitled thereto.

NOW THEREFORE, the premises considered, the City of Dacula, Georgia, under authority of O.C.G.A. § 32-3-1, *et seq.* and O.C.G.A. § 22-3-140 hereby declares that the property and interests as described in Appendix B to Exhibit "A," which is attached hereto and made a part hereof of this Declaration, is taken for purposes of locating, constructing, maintaining, repairing, replacing, extending, expanding, and/or installing infrastructure for said Drainage Easement.

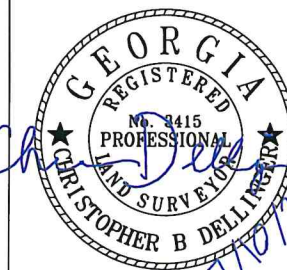
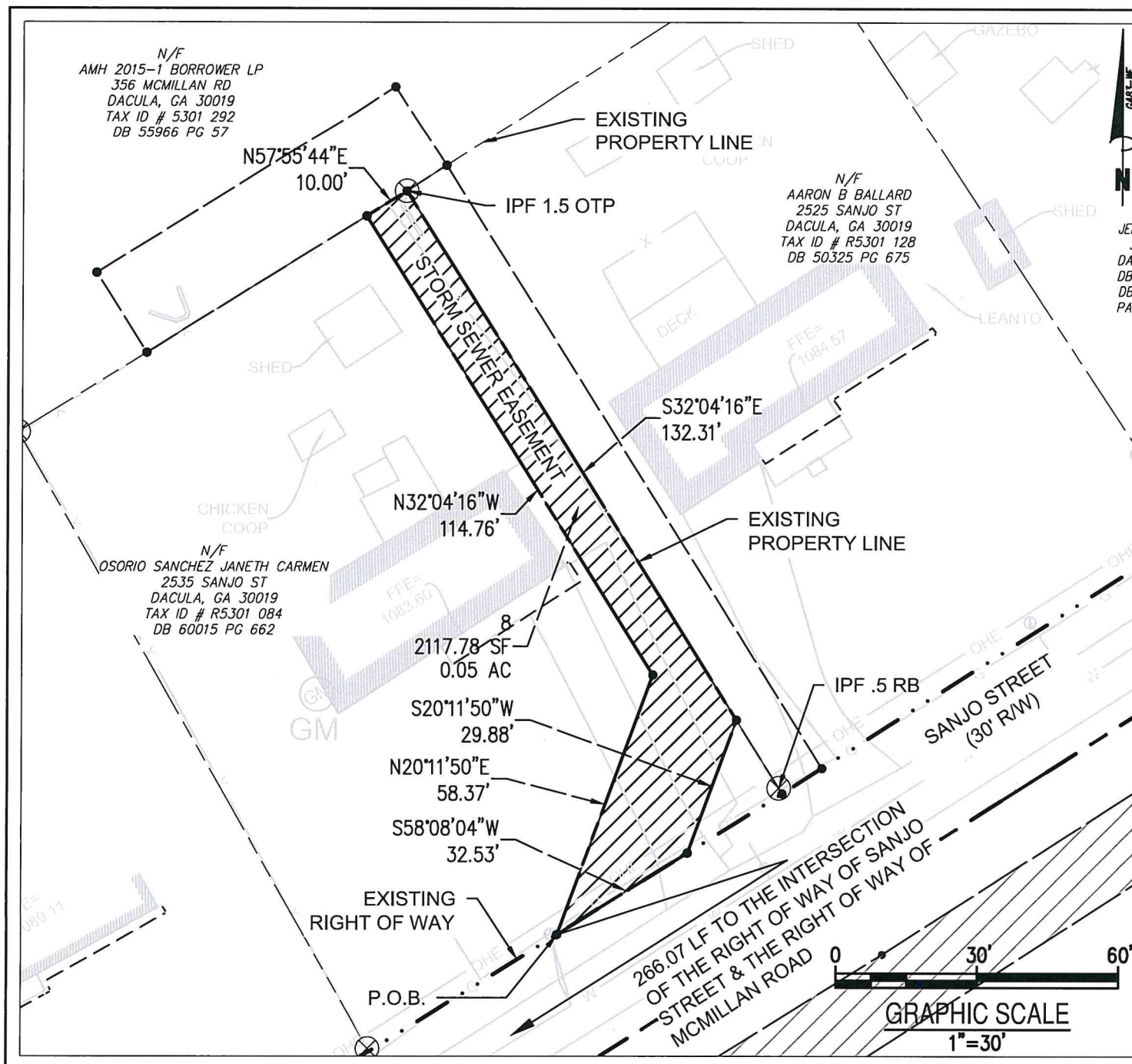
This _____ day of September, 2025.

ATTEST:

**MAYOR AND CITY COUNCIL,
CITY OF DACULA, GEORGIA**

By: _____
Brittni Nix, City Clerk

Hugh D. King, III, Mayor



BOWMAN

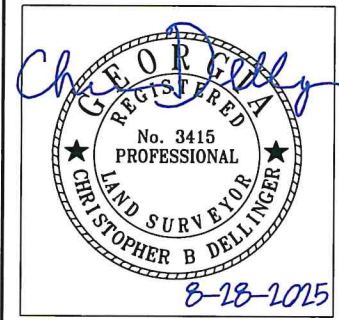
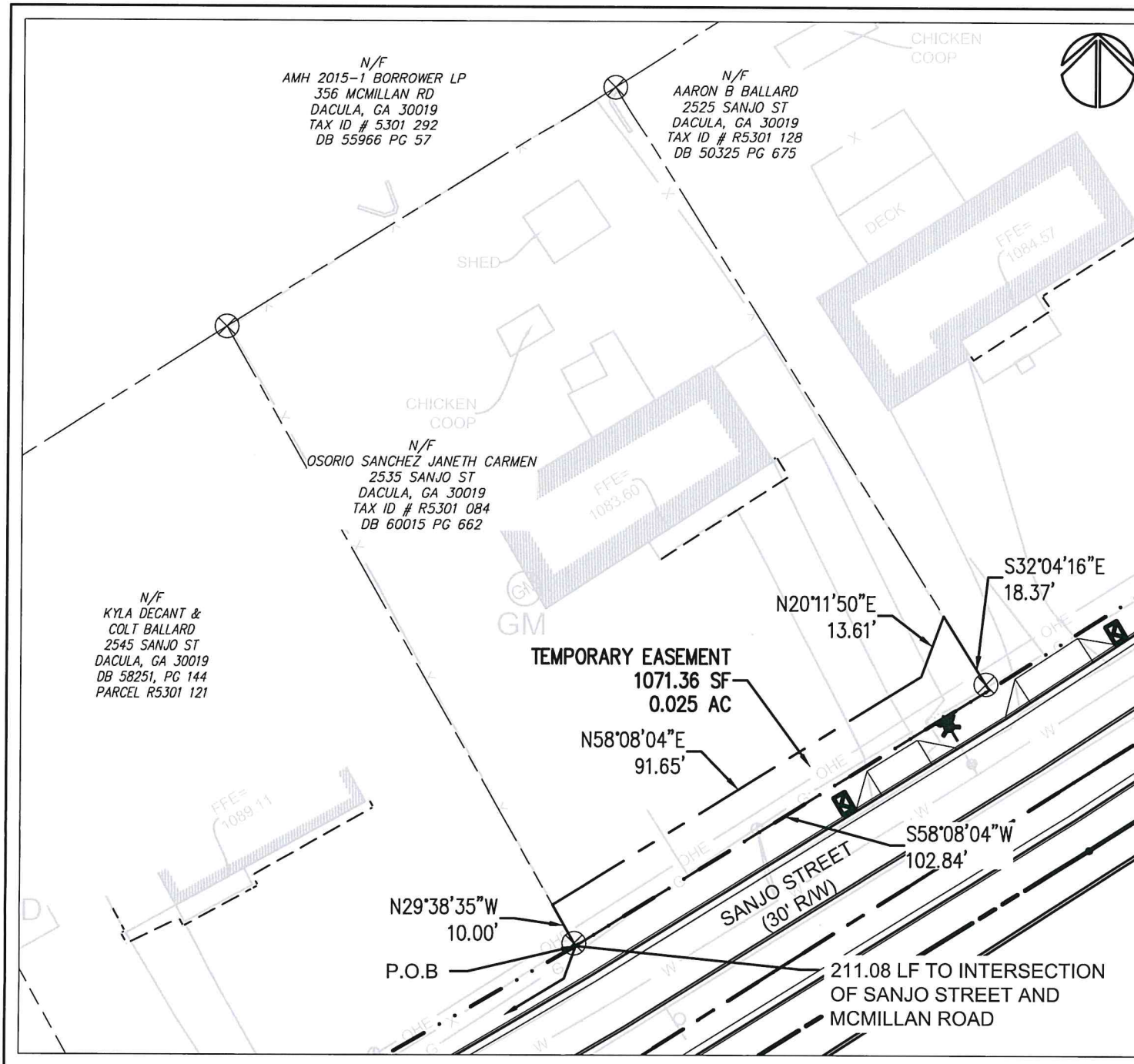
4174 SILVER PEAK PARKWAY
SUWANEE, GEORGIA 30024
PHONE (770) 932-6550
FAX (770) 932-6551

WWW.BOWMAN.COM

JOB NO: 200523-01-001
DRAWN BY: RWH
CHECKED BY: KDW
SCALE: 1"= 30'
DATE: 05/02/2025
LL/DIST 301 / 5th
CITY PF DACULA

SANJO
STREET

R5301 084
EXHIBIT A
TRACT 2



BOWMAN

4174 SILVER PEAK PARKWAY
SUWANEE, GEORGIA 30024
PHONE (770) 932-6550
FAX (770) 932-6551
WWW.BOWMAN.COM

JOB NO: 200523-01-001
DRAWN BY: RWH
CHECKED BY: KDW
SCALE: 1"= 30'
DATE: 08/28/2024
LL 301/5th DISTRICT
CITY OF DACULA
GWINNETT COUNTY

SANJO STREET

EXHIBIT A
TEMPORARY EASEMENT

Appendix B

LEGAL DESCRIPTION OF DRAINAGE EASEMENT

PIN R5301 084
Easement Tract 2

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 301, 5th District, City of Dacula, Gwinnett County, Georgia, being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING commence at the northeastern mitered intersection of the right-of-way of McMillan Road (right-of-way varies) and the right-of-way of Sanjo Street (30-foot right-of-way); thence northeasterly along the right-of-way of Sanjo Street 266.07 feet to a point, being the **POINT OF BEGINNING**; thence leaving said right-of-way North 20°11'50" East a distance of 58.37 feet to a point; thence North 32°04'16" West a distance of 114.76 feet to a point; thence North 57°55'44" East a distance of 10.00 feet to a 1-½ open top pipe; thence South 32°04'16" East a distance of 132.31 feet to a point; thence South 20°11'50" West a distance of 29.88 feet to a point located on the northwesterly right-of-way of Sanjo Street; thence along said right-of-way South 58°08'04" West a distance of 32.53 feet to a point; being the **POINT OF BEGINNING**. Said tract contains 0.05 Acres or (2,117.78 sq. ft.).

LEGAL DESCRIPTION OF TEMPORARY CONSTRUCTION EASEMENT

Tract 2

ALL THAT TRACT OR PARCEL OF land lying and being in Land Lot 301, 5th District, City of Dacula, Gwinnett County, Georgia, being more particularly described as follows:

TO FIND THE POINT OF BEGINNING commence at the northeastern intersection of the right of way of McMillan Road (right of way varies) and the right of way Sanjo Street (30 feet right of way); thence along the northwesterly right of way of Sanjo Street a distance of 211.08 feet, that is the **POINT OF BEGINNING**; thence leaving said right of way North 29°38'35" West, a distance of 10.00 feet to a point; thence North 58°08'04" East, a distance of 91.65 feet to a point; thence North 20°11'50" East, a distance of 13.61 feet to a point; thence South 32°04'16" East, a distance of 18.37 feet to a point located on the northwesterly right of way of Sanjo Street; thence along said right of way South 58°08'04" West, a distance of 102.84 feet to a point, being the **POINT OF BEGINNING**. Said tract contains 1071.36 Square Feet or 0.025 Acres.

Appendix C

APPRAISER'S CERTIFICATION

GEORGIA, GWINNETT COUNTY

Personally comes, Matthew Retter whose address is 246 North Perry Street, Lawrenceville, Georgia 30046 and deposes and testifies as follows:

1. Affiant was employed by the City of Dacula, Georgia to appraise the property needed for the Drainage Line Project and rights required for construction of the Project in Gwinnett County, Georgia for the City and makes this sworn statement to be used in connection with condemnation proceedings under the Official Code of Georgia Annotated Sections 32-3-4 through 32-3-19, for the acquisition of said parcel.
2. Affiant is familiar with real estate values in said county and in the vicinity where said parcel is located. Affiant has personally inspected the property or right condemned and in appraising said parcel affiant took into consideration the Fair Market Value of said parcel, as well as any consequential damages to remaining property of the condemnees by reason of the taking and use of said parcel and other rights for the construction of said project, and any consequential benefits which may result to such remaining property by reason of such taking and use (consequential benefits not, however, considered except as offsetting consequential damages). After said investigation and research, affiant has thus estimated that the just and adequate compensation for said parcel and any consequential damages or benefits considered, is in the amount of Eleven Thousand Five Hundred Dollars (\$11,500.00)

Matthew Retter

Sworn to and subscribed before me,
this ____ day of September, 2025.

NOTARY PUBLIC
My Commission Expires:



MARSHAL'S OFFICE

TO: Mayor and City Council of the City of Dacula
 FROM: Amy White, Chief Marshal
 DATE: August 28, 2025
 SUBJECT: Marshal Vehicle Replacement

The City of Dacula Marshal's Office currently operates three patrol vehicles.

2015 Ford Police Interceptor Utility (Explorer):

81,106 miles, 6,116 engine hours and 3,189 idle hours.

2018 Ford Police Interceptor Utility (Explorer):

67,705 miles, 5,433 engine hours and 2,829 idle hours

2021 Dodge Ram 1500 SSV (Truck):

43,788 miles, 1,985 engine hours and 1,873 idle hours

The 2015 Explorer has been serving as a spare unit and an additional presence during events. It currently needs extensive repairs at an approximate cost of \$5,110- \$10,100 depending on new or rebuilt parts.

Staff recommends purchasing a 2025 Ford F-150 Police Responder Pickup and declaring the 2015 Explorer as excess inventory per O.C.G.A. §36-37-6. The vehicle purchase would be funded by the SPLOST Public Safety Fund not to exceed \$72,000. The 2018 Explorer would then be used as a spare unit should the need arise for repairs or service to the other units.

2025 Ford F-150 Police Responder Pickup:

Vehicle: \$49,508 - Akins Ford Winder, GA

Equipment: \$21,500 - Dana Safety Supply Sugar Hill, GA / Motorola Solutions

Graphics: \$600 - AKO Signs Athens, GA

TOTAL: \$71,608





BUYER'S ORDER / INVOICE / BILL OF

Item 10.

P.O. Box 280 • Winder, GA 30680 • 770-867-9136 • 800-282-7872 • www.akinsford.com • sales @ akinsford.net

CUSTOMER INFORMATION FOR TITLE PURPOSES										SALESPERSON Josh C		PROSPECT #				
NAME(S) FIRST, MIDDLE, LAST OR BUSINESS City of Dacula										STOCK NUMBER Ordered		DATE 08/27/25				
										TYPE - R.F.W.T.L.		FLEET#				
STREET ADDRESS				CITY			COUNTY		STATE		ZIP CODE					
MAILING ADDRESS				CITY			COUNTY		STATE		ZIP CODE					
HOME PHONE			CELL OR PAGER #			OFFICE OR WORK PHONE			E-MAIL ADDRESS							
PRIMARY PURCHASER INFORMATION										BASE PRICE		\$49,508.00				
SOCIAL SECURITY			DRIVER'S LICENSE #			DATE OF BIRTH			NAD #							
VEHICLE PURCHASED																
TYPE NEW		YEAR 2025		MAKE FORD		MODEL F-150		BODY CREW-CAB								
CYLINDERS 6		TRANSMISSION AUTO		FUEL GAS		COLOR GREY		TRIM PPV		VIN		ORDERABLE				
KEY CODE		OTHER 2 MONTHS TURNAROUND ROUGHLY						ODOMETER								
TRADE-IN #1										TOTAL PRICE INCLUDING DEALER OPTIONS		\$49,508.00				
YEAR		MAKE			VIN					ADJUSTED PRICE INCL DISCOUNT(S)		\$49,508.00				
MODEL		STOCK NUMBER			ODOMETER			TRADE ALLOWANCE \$								
PAYOFF AMOUNT		GOOD UNTIL			ACCOUNT NUMBER					GROSS TRADE-IN ALLOWANCE		\$0.00				
PAYOFF OWED TO		PHONE NUMBER			QUOTED BY					TRADE DIFFERENCE		\$49,508.00				
ADDRESS		CITY			STATE		ZIP CODE					SERVICE & DOCUMENTATION FEE		\$0.00		
TRADE-IN #2										TAXABLE AMOUNT		\$49,508.00				
YEAR		MAKE			VIN					SALES TAX 0%		\$0.00				
MODEL		STOCK NUMBER			ODOMETER			TRADE ALLOWANCE \$					TAG & TITLE FEE		\$0.00	
PAYOFF AMOUNT		GOOD UNTIL			ACCOUNT NUMBER					GA WARRANTY RIGHTS FEE (NEW ONLY)		\$0.00				
PAYOFF OWED TO		PHONE NUMBER			QUOTED BY					PRICE INCLUDING TAX & FEES		\$49,508.00				
ADDRESS		CITY			STATE		ZIP CODE					BALANCE OWED ON TRADE(S)		\$0.00		
LIEN HOLDER										TOTAL PURCHASE PRICE W/TRADES		\$49,508.00				
PURCHASED VEHICLE LIEN HOLDER					LIEN HOLDER CODE					REBATE(S) ASSIGNED TO DEALER		\$0.00				
ADDRESS		CITY			STATE		ZIP CODE					DEPOSIT RECEIPT #		\$0.00		
INSURANCE										CASH DOWN RECEIPT \$		\$0.00				
COMPANY					POLICY NUMBER					SERVICE CONTRACT		\$0.00				
AGENT					PHONE					GAP						
ADDRESS		CITY			STATE		ZIP CODE					UNPAID BALANCE				
Purchaser agrees that this Order, including all the terms on BOTH THE FACE AND REVERSE SIDE HEREOF, and any retail installment sales contract reflecting the above transaction cancel and supercede any prior agreement or contract and compromise the complete and exclusive statement of the terms. Purchaser agrees that THIS ORDER SHALL NOT BECOME BINDING UNTIL ACCEPTED BY DEALER OR HIS AUTHORIZED REPRESENTATIVE, AND FURTHERMORE IN THE EVENT OF A TIME SALE, THIS ORDER SHALL NOT BE BINDING UNTIL THE RETAIL INSTALLMENT SALES CONTRACT IS SIGNED BY PURCHASER AND HAS BEEN APPROVED BY A BANK OR FINANCE COMPANY WILLING TO PURCHASE SAID CONTRACT ON SUCH TERMS. This agreement cannot be modified except by express agreement of the parties. Purchaser by his executing of the Agreement acknowledges that he has read the terms and conditions and has received a true copy of the agreement.										NET DUE UPON DEL CASH/CHECK CONTRACT		\$49,546.00				
										PURCHASER'S SIGNATURE _____		DATE _____		ACCEPTED BY: _____		DEALER OR HIS AUTHORIZED REPRESENTATIVE
CO-PURCHASER'S SIGNATURE _____		DATE _____														



MEMO

TO: Mayor and City Council of the City of Dacula
FROM: Brittini Nix, City Administrator
DATE: August 29, 2025
SUBJECT: Ordinance to amend the City of Dacula Personnel Management System

Staff reviewed the City of Dacula Personnel Management System and recommends adding Section 2.12: State of Georgia Statutory Oath. The statutory oath complies with and is in accordance with O.C.G.A. Sec. 45-3-11, which requires employees to state that they will support the Constitution of the United States and the Constitution of Georgia. Additional amendments are requested to codify existing practices and provide clarification. All amendments are shown in red.

2.12 STATE OF GEORGIA STATUTORY OATH

By accepting and continuing employment with the City, each Employee agrees to the following statutory oath according to O.C.G.A. Sec 45-3-11: “Being a citizen of the United States of America and being an employee of the City of Dacula and the recipient of public funds for services rendered as such employee, do hereby solemnly swear or affirm that I will support the Constitution of the United States and the Constitution of Georgia.”

Staff recommends approving the Ordinance to amend the Personnel Management System effective immediately.



AN ORDINANCE

AN ORDINANCE TO AMEND THE CITY OF DACULA PERSONNEL MANAGEMENT SYSTEM, TO CONFIRM CERTAIN DUTIES FOR A DESIGNATED EMPLOYEE TO ASSIST THE CITY ADMINISTRATOR, TO CONFIRM THE STATE OF GEORGIA OATH FOR EMPLOYEES; AND FOR OTHER PURPOSES.

WHEREAS, the City has reviewed its policies and procedures for employees related to its Personnel Management System; and

WHEREAS, it is in the best interest of the health, safety and welfare of the citizens of the City of Dacula to amend the Personnel Manual to clarify certain functions for an employee designated by the City Administrator and to confirm and codify an oath for employees consistent with State law;

SECTION 1.

NOW THEREFORE, THE MAYOR AND COUNCIL OF THE CITY OF DACULA HEREBY ORDAINS that the City Personnel Management System Sections 2.12, 6.3 and 6.9 be amended as marked on the updated Personnel Management System attached hereto as Exhibit "A" and incorporated herein by reference.

SECTION 2.

In the event any Court of competent jurisdiction determines that any portion of the foregoing amendment is invalid, unconstitutional or otherwise illegal, such rulings shall not impair the validity of the rest and remainder of this amendment.

SECTION 3.

All laws and parts of laws in conflict with this Ordinance are hereby repealed.

SECTION 4.

The City Administrator, and administrative staff are further authorized to correct typographical errors in the text of the existing Personnel Management System and to produce and publish a final codified version of the Personnel Management System with the amendments and revisions outlined herein.

SECTION 5.

This Ordinance shall take effect immediately upon its adoption by the Mayor and City Council.

SO ORDAINED by the governing authority of the City of Dacula, this _____ day of September, 2025.

AYES: ____

NAYES: ____

HUGH D. KING, III
MAYOR, CITY OF DACULA

ATTEST:

BRITTNI NIX
CITY ADMINISTRATOR

PERSONNEL MANAGEMENT SYSTEM

CITY OF DACULA, GEORGIA

(Adopted by Mayor and Council on December 7, 2023)

CHAPTER ONE / INTRODUCTION

1.1 STATEMENT OF POLICY

The purpose of this Manual is to provide general information regarding the personnel guidelines of the City of Dacula. This Manual does not constitute an employment agreement or contract between any employee and the City of Dacula. The guidelines set out in this Manual may not apply to every employee or in every situation. The City of Dacula may rescind, modify, delete, or deviate from these or other guidelines, policies, practices, or procedures relating to employment matters from time to time as it considers necessary in its sole discretion, either in individual or City-wide situations, with or without notice.

The information contained in this Manual is designed to be an advisory guide to assist the City of Dacula and its department heads with the effective management of personnel. The provisions and guidelines contained in this Manual apply to all employees of the City except those identified in section 1.5, who shall nevertheless be expected to comply with all state and federal laws regarding equal employment opportunity, sexual harassment and public records.

It is the policy of the City that all employees comply with all personnel policies, state and federal laws, and local ordinances. Any employee violating any of these personnel policies may be subject to disciplinary action, including termination, in addition to any penalty that may be imposed for the same violation.

1.2 EFFECTIVE DATE OF POLICIES

These policies shall become effective upon adoption by the City Council. This Manual supersedes and replaces all prior published or unpublished policies, manuals, or other publications or representations relating to personnel matters.

1.3 ADMINISTRATION

The responsibility and authority for the administration and enforcement of these policies are assigned to the City Administrator, City Council, or other designated representative.

1.4 DEPARTMENT POLICIES

Departmental operating policies and procedures shall supplement and conform to these policies. In the event of a conflict in any section, these personnel policies shall prevail.

1.5 EMPLOYMENT EXCEPTED FROM THIS POLICY

A. This Employee Personnel Manual shall apply to all employees serving in continuing positions in the City of Dacula, Georgia, now existing or hereafter established, except the following:

1. Members of the City Council and other elected offices;
2. Members of appointed boards or commissions, judges, the City Attorney, and the City Accountant;
3. Persons employed to conduct a temporary or special inquiry, investigation, or examination on behalf of the City Council or a committee thereof;
4. Volunteer personnel who receive no regular compensation from the City of Dacula, Georgia;
5. Temporary positions scheduled for less than one year's duration unless specially covered by the action of the Mayor and the City Council;
6. Persons performing work under contract for the City of Dacula, Georgia, who are not carried on the payroll as employees;
7. Marshals, whose employment is addressed by Article II, Chapter 2 of the Dacula Municipal Code and memorandum of understanding or contract; and
8. City Administrator.

B. Nothing herein shall be construed as precluding the City Council from filling any excepted position in the manner in which positions that are not excepted are filled.

CHAPTER TWO / EMPLOYMENT PRACTICES

2.1 EQUAL EMPLOYMENT OPPORTUNITY

The City of Dacula is committed to maintaining a work environment that is free of unlawful conduct. In keeping with this commitment the City will not tolerate harassment, discrimination, or the unlawful treatment of employees by anyone, including any supervisor, coworker, vendors, client, or customer of the City. The City provides equal

employment opportunities for every employee and applicant without regard to race, religion, creed, color, sex, age, national origin, disability, or any other legally protected status.

Violations of this policy are prohibited and may result in discipline up to and including termination. A complaint of unlawful discrimination may be filed by an employee if that employee believes that they have been discriminated against in their employment with the City. A complaint may be filed, in writing, directly with the City of Dacula, City Council, or the appointed authority designated by City Council to handle and investigate complaints involving unlawful discrimination.

2.2 UNLAWFUL HARASSMENT

The City of Dacula, as part of its commitment to equal employment opportunities, prohibits any acts of harassment on the basis of race, gender, sexual orientation, color, religion, age, national origin, disability, or veteran status. The City will not permit conduct, whether intentional or unintentional, between employees or between an employee and a client, customer or other non-employee that creates an intimidating, hostile, or offensive working environment for others.

Prohibited behavior includes, but is not limited to, the following:

1. Conduct or language derogatory to race, color, religion, national origin, gender, sexual orientation, age, disability, or veteran status, including jokes, pranks or epithets.
2. Written or graphic material that denigrates or shows hostility or aversion toward an individual or group because of race, color, religion, national origin, gender, sexual orientation, age, disability, or veteran status which is graphically displaced and/or circulated in the workplace.
3. Verbal or physical conduct of a sexual nature in which submission or rejection of such conduct is used as the basis for any employment decision with regard to the harassed individual.
4. Unwelcome sexual advances or touching requests for sexual favors attempts to coerce an unwilling person into a sexual relationship subjecting a person to unwanted or unwelcome sexual attention sexual jokes, comments or innuendoes or other conduct of a sexual nature (including matter involving persons of the same gender) which a reasonable person might find offensive. This includes but is not limited to, conduct such as: hazing, horseplay, or practical jokes based on an individual's gender, and displaying visual material such as posters, cartoons,

calendars, or pictures of a sexual nature or depicting partially clad or nude individuals.

All employees are required to act in accordance with this policy and to bring violations to the City's attention. Any employee who violates this policy will be subject to disciplinary action, up to and including termination.

All levels of management are accountable for ensuring compliance with this policy in their respective areas of operation. Any supervisor or manager who observes, has knowledge of, or receives any complaint concerning harassment, however insignificant it may seem, shall immediately contact the City Administrator.

If an employee is a witness to, or subjected to, unlawful workplace harassment, that employee should immediately notify his/her supervisor. An employee who feels uncomfortable discussing the issue with the supervisor should notify an appropriate member of management (such as the City Administrator).

Any employee who feels that a member of supervision is harassing him need not bring the matter directly to the attention of that supervisor, but should immediately bring the matter directly to the attention of those in higher management such as the City Administrator.

The City will take appropriate action to investigate and resolve, where possible, all allegations or complaints of harassment. This will ensure that the confidentiality and privacy of individuals who report or are accused of harassment will be respected to the extent reasonably possible. Each employee is expected to cooperate fully and honestly with investigation of possible violations of this policy. Deliberately furnishing inaccurate information to investigators will be grounds for disciplinary action, up to and including termination.

The City prohibits intimidation, harassment, and/or retaliation against anyone covered under this policy due to filing a complaint, assisting or participating in an investigation, opposing any lawful act or practice, or exercising any other right protected by law. Nevertheless, filing false or entirely frivolous complaints will not be tolerated and will be grounds for disciplinary action.

2.3 AMERICANS WITH DISABILITIES ACT

The City of Dacula makes every effort to make employment decisions based on the facts applicable to individual applicants or employees and not on the basis of presumptions as to what an individual with a disability can or cannot do. It is City of Dacula's policy not to discriminate against individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training, or other terms, conditions, and

privileges of employment. The City of Dacula will provide reasonable accommodations to both employees (and members of the public), if so requested. The City will ensure that every effort is taken to comply with the regulations issued under the Americans with Disabilities Act (ADA) during an individual's pre-employment and employment with the City.

The City will strive for prompt resolution of complaints or allegations that any action prohibited under the ADA rules, which govern non-discrimination on the basis of a covered disability, has taken place. All complaints for ADA noncompliance should be filed with the City Administrator or the representative appointed by the City Council to handle and investigate ADA complaints.

2.3.5 COMPLAINTS

Complaint Procedure & Investigation

If an employee feels that this policy as set forth in Paragraph 2.1 through 2.3 has been violated, regardless of whether it is by a fellow worker, a supervisor, or a member of the general public, the employee should ask the offender to immediately stop the behavior. The employee will then report the incident(s) immediately to their department head and the City Administrator. If the City Administrator is involved in the behavior, the report should be made to the City Attorney. Any supervisor who receives a complaint related to harassing or offensive behavior or who has reason to believe that such behavior is occurring shall report these concerns to the City Administrator or designee. At any point, the employee who feels they have been harassed, may go outside the chain of command and/or their department and go directly to the City Administrator or his/her designee.

All reports of harassing or offensive behavior will be investigated promptly, fairly and discreetly. Investigatory procedures may vary from case to case depending upon the circumstances. The investigation will be conducted as confidentially as possible. All employees have a responsibility to cooperate fully with the investigation and to keep the matter confidential whether the employee is the accused person, the complainant, or merely a potential witness. Persons who are interviewed are prohibited from discussing the matter outside the course of the investigation with co-workers, friends or management. The City will keep the information it gathers as confidential as possible, consistent with state and federal laws and the needs of the investigation.

Corrective Action

If management concludes that a complaint of harassment has merit, appropriate action will be taken. Resolutions can include, but may not necessarily be limited to, an apology, a

transfer, direction to stop the offensive behavior, counseling, training, verbal or written warning, suspension with or without pay, and/or termination. In the event that harassment or offensive behavior reoccurs, it should be immediately reported to the City Administrator or designee. Any employee found to be acting in a harassing manner will be subject to disciplinary action up to and including termination. Non-employees may be reported to the appropriate law enforcement agency and/or barred from the premises.

2.4 RECRUITMENT

The City of Dacula provides equal employment opportunities for employees and applicants without regard to race, religion, creed, color, sex, age, national origin, disability, or any other legally protected status.

Vacancies

All announcements for open vacancies will be publicized through the posting of announcements in City Hall for at least three (3) days and by the use of any other means which the City Council, City Administrator, department head, or supervisor deems appropriate. The Mayor and Council shall review the information and determine when the vacancy should be filled.

All announcements will include information as to the rate of pay at which the appointment is expected to be made, essential duties to be performed, minimum qualifications required, other conditions of competition, final date applications will be accepted, and a statement that the City is an Equal Opportunity Employer.

Applicants for vacant positions with the City, as determined by the supervisor and City Administrator and authorized by the City Council, shall be recruited by a promotional competition from existing City employees, or by open competition from current City employees and the community at large.

Whenever possible, vacancies should be filled through the promotion of qualified employees. To be considered for promotional appointment, City employees must meet the minimum qualifications as stated in the job vacancy announcement.

Evaluation of Applicants

The City Administrator or Department Head shall determine the process for evaluating applications for all open and promotional vacancies.

An applicant's work history and education record may be investigated for the purpose of verifying the statements contained in the application. The City may also ask the applicant to

supply professional and/or personal references regarding their qualifications for the job. The results of these findings shall be used to evaluate the applicant.

For any of the following reasons, the City Administrator or department head may disqualify an applicant as part of the application review:

1. It is found that the applicant does not meet the minimum qualifications required for the job;
2. The applicant has made a false statement of material fact in the application;
3. The applicant has used or attempted to use political pressure or bribery to secure an advantage in the recruitment and selection process;
4. The applicant has failed to submit the application correctly or within the prescribed time limit;
5. The applicant has previously been separated from the City for cause; or
6. The applicant has been convicted of a felony or a crime involving moral turpitude.

Testing and Physical Examination

In addition to the application review, applicants shall complete an interview and/or test as part of the evaluation process.

Pre-employment drug testing shall be required, as well as post-offer (conditional employment) physical examinations, in accordance with the Americans with Disabilities Act of 1990. Medical examinations are administered only after a conditional offer of employment has been extended, when all entering employees in a particular job classification are subjected to such exams, regardless of disability, and to potential employees only when justified by job related necessity. If physical examinations are required, all finalists for vacancies within the respective occupational group will be required to undergo a physical examination after a conditional offer of employment has been extended. A qualified physician (selected by the City and at the City's expense) who shall certify whether the employee is able to perform the essential duties of the job for which they have applied, shall perform such examination.

Applicants who are not able to perform the essential duties for the respective jobs determined by the attending physician, shall be disqualified from the respective position.

2.5 PROBATIONARY PERIODS

Initial employment

A new employee appointed to a position in the City shall not begin their first day of employment on a designated official holiday. The first day of employment shall be on a day that coincides with the City's regular work schedule.

New and Reappointment Employees

The first twelve (12) months of service in a position to which a new employee has been hired shall constitute a probationary period. The probationary period shall be an essential part of the evaluation process and shall be utilized for the most effective adjustment of a new employee. A department head shall have the right to extend a probationary period as deemed necessary or to terminate a newly hired or appointed employee for any reason. In either case, the department head will notify the employee (in writing) and will put a letter in the employee's file. An employee performance review shall be completed each 90 days by the employee's supervisor, in writing, and a copy provided to the employee.

An existing employee who is promoted, transferred, or demoted to another position shall be required to begin a new probationary period. The employee's status as a regular full-time employee in their former position shall remain in effect during this probationary period.

If an employee fails to perform satisfactorily during the probationary period, the employee shall be eligible for appointment to a position that is comparable to the previous position held prior to the promotion, if such a position is available.

2.6 EMPLOYMENT STATUS

Regular Full - Time Appointment

A regular full - time appointment is normally a position with a standard workweek of forty (40) hours.

Regular full-time employees are hired based upon the recommendations of the supervisor, department head, City Administrator, and with approval from the City Council.

Part - Time or Internship Appointment

A supervisor and/or department head may request that the City Administrator approve a part-time regular or internship position. Internship appointment shall be for a limited duration of time, normally not to exceed one year. A supervisor and/or department head may be granted the authority to appoint part-time or internship employees by the City

council, provided that the part-time and temporary positions have been budgeted for and authorized by the City Council.

The acceptance or refusal of a part-time or internship employee shall not affect an applicant's eligibility for regular full-time appointment. A person hired for a part-time or internship position does not qualify for the benefits conferred through these personnel policies.

Reappointment

Former City employees (with at least one year of previous regular full-time continuous service with the City) who are reappointed to regular full-time employment with the City shall retain their previous tenure with the City for the purpose of calculating retirement benefits in the City's retirement plan. Only years of service since 1985 will be credited to a former regular employee's vested retirement benefits.

Former City employees reappointed to regular employment with the City shall be required to serve a twelve-month probationary period.

2.7 PROMOTIONS

A promotion is the advancement of a regular full-time employee to a vacant position with a higher salary. Salary adjustments for employees who are promoted shall be determined by the City Council.

Promotion vacancies are filled through a promotional competitive process and are available to existing regular full-time employees with the City.

2.8 TRANSFERS

A transfer is the lateral movement of a regular full-time employee or new employee on probation to another position with the same salary of the employee's former position. The status and pay of the employee shall remain the same as previously existed. The transfer of an employee to a different department shall have the written approval of both department supervisors. All transfers shall be approved by City Council.

2.9 DEMOTIONS

A demotion is the movement of a regular full-time employee or a new employee on probation to a position with a lower salary.

An employee may be demoted to a position on a voluntary basis or on an involuntary basis. An individual's status as a regular full-time employee shall not change with the demotion,

although their rate of pay will be reduced as determined by the City Administrator.

2.10 NEPOTISM

It shall be the policy of the City of Dacula not to employ an immediate family member of any employee or elected official where it establishes a supervisor/subordinate relationship.

Immediate family members include: spouse, parent, son, daughter, brother, sister, grandparent, parents-in-law, and sister/brother-in-law.

2.11 PHYSICAL EXAMINATION

Mandatory physical examination of an employee may be requested by the City Administrator (at the City's expense), if an employee's record for absences due to illness is excessive or if the employee's performance is being negatively affected. The physical examination would evaluate the ability of the employee to perform essential functions of his/her job. Such an examination shall be required only when requirements are job related and represent a business necessity.

The City Administrator, pending the examination, may suspend the employee until a decision is made on whether the employee should be placed on leave of absence, continued in employment, terminated, or subject to other disciplinary action.

If the employee refuses to submit to such physical examination, disciplinary action may be taken up to and including termination in accordance with the City's disciplinary action policies and procedures.

2.12 STATE OF GEORGIA STATUTORY OATH

By accepting and continuing employment with the City, each Employee agrees to the following statutory oath according to O.C.G.A. Sec 45-3-11: "Being a citizen of the United States of America and being an employee of the City of Dacula and the recipient of public funds for services rendered as such employee, do hereby solemnly swear or affirm that I will support the Constitution of the United States and the Constitution of Georgia."

CHAPTER THREE / HAZARDOUS WEATHER WORK POLICY

The Mayor of the City of Dacula is hereby authorized to declare a City work day as a "Hazardous Work Day." The Mayor may declare any such day as a Hazardous Work Day based on inclement weather prevailing in or near the City of Dacula. The Mayor shall use his best judgement in declaring such day a Hazardous Work Day and such declaration shall

be made at his discretion.

On any day declared to be a Hazardous Work Day, employees of the City of Dacula shall not be required to appear for work during their regular scheduled hours and the employee will not receive any deduction in pay or benefits.

On any day declared to be a Hazardous Work Day, employees of the City of Dacula are encouraged to appear for work during their regular scheduled hours, if they can do so safely. Non-Exempt Employees who appear for work on a Hazardous Work Day during their regular scheduled hours shall receive additional pay as directed by the Mayor.

CHAPTER FOUR / COMPENSATION

4.1. ESTABLISHMENT OF COMPENSATION PLAN

The City Council shall establish the compensation for all employees of the City.

4.2 PAY PERIODS

Employees are paid on a bi-weekly basis, on alternating Fridays. If a regularly scheduled payday falls on a City observed holiday, employees will be paid on the last workday that precedes the holiday.

4.3 OVERTIME

Non-exempt employees of the City shall be authorized to work overtime hours at the discretion of his/her supervisor. Supervisors shall schedule the work of their employees so as to accomplish the required work within the standard workweek. If it shall prove necessary for an employee to work beyond the hours established for the standard work week, the City Administrator shall authorize overtime in accordance with the department budget. Exempt employees are required to perform the job duties assigned them, notwithstanding they may be required to work beyond normal work hours.

4.4 RESERVED

4.5 WITHHOLDINGS

Procedures for the withholding or garnishment of wages for support obligations such as child support, and for other debts such as federal and state taxes, shall follow federal and state laws.

4.6 INDEBTEDNESS

Each employee of the City should promptly pay their debts and manage their personal

finances in a way that will not affect their job performance or embarrass the City.

4.7 PAYROLL DEDUCTIONS

Payroll deductions, including federal and state taxes, FICA, etc., shall be made by the City as required by federal and state laws.

4.8 TERMINAL PAY

Prior to receiving final monies due, all items of City property in the employee's custody shall be returned to the department. Certification to this effect must be submitted by the employee to the department head prior to separation and/or receipt of separation pay. All unused vacation and sick leave shall be handled in accordance with the policies outlined in Chapter 6 of this manual. Deductions for the loss or abuse of City property, or other financial obligations that are due to the City, will be deducted from the employee's final paycheck; provided however, non-exempt employees shall still receive minimum wage.

4.9 SUSPENSIONS

During the investigation, hearing, or trial of an employee on any criminal charge, or during the course of a civil action involving an employee which reflects unfavorably on the City, and when suspension would be in the best interest of the City, the Mayor and Council may suspend the employee without pay for the duration of the proceedings as a non-disciplinary measure.

Ordinarily, back pay shall not be recoverable under these circumstances.

Based on the outcome of an investigation, hearing, trial, or civil action involving a City employee, the City Administrator may decide to take disciplinary action as described in Chapter Seven.

4.10 PERFORMANCE REVIEW

1. Each employee shall have an annual review at the anniversary date of appointment or promotion.
2. If an employee disagrees with the evaluation of their performance, the employee may write a letter of explanation stating their concerns with the evaluation. Any submittals from an employee regarding their performance evaluation will be included in their file. Evaluations may not be appealed.

CHAPTER FIVE / ATTENDANCE LEAVE AND CONDUCT

5.1 HOURS OF WORK

The hours of operation for each department shall be established by the supervisor with the approval of the Mayor.

There shall be no compensatory time off.

5.2 HOLIDAYS

1. All full-time employees receive the following paid holidays.

New Year's Day (January 1)
Martin Luther King Jr. Day (Third Monday in January)
President's Day (February)
Good Friday (Friday before Easter Holiday)
National Memorial Day (Last Monday in May)
Juneteenth (June 19)
Independence Day (July 4)
Labor Day (First Monday in September)
National Veterans Day (November 11)
Thanksgiving (Fourth Thursday and Friday in November)
Christmas (December 24 and 25)

2. Exceptions to above:
 - (a) When a designated holiday falls on a Saturday, the Friday preceding shall be observed as the holiday. When a holiday falls on a Sunday, the Monday following shall be observed as the holiday.
 - (b) Other work days may be declared holidays by the Mayor and Council at their discretion. Holidays which occur during annual leave shall not be charged against annual leave.
3. Part-time employees shall not be paid for observed holidays which are not worked.

5.3 ABSENTEEISM AND TARDINESS POLICY

The City of Dacula employees are expected to act in a professional manner and in such are required to adhere to a strict absenteeism and tardiness policy set by the Mayor and Council.

1. In a sixty-day calendar period, if an employee has four tardies or two unexcused absences, or some combination of these incidents, the employee shall receive a formal verbal warning.
2. In the following thirty-day calendar period, if that same employee has two tardies or one unexcused absence, or some combination of these incidents, the employees shall receive a written warning.
3. In the thirty day calendar period immediately following (i.e. between 90 and 120 days from the original incident), if that same employee has two tardies or one unexcused absence, or some combination of these incidents, the employee shall receive a three-day suspension **without pay (see Section 7.5).**
4. If that employee continues to have an attendance problem and has two tardies or one unexcused absence, or some combination of these incidents, within the following thirty days (now between 120 and 150 days from the original incident) the employee shall be terminated from their employment with the City.

***In other words, if an employee develops a history of tardiness and/or unexcused absences within a 150 calendar day period (five months) and has ten tardies, five unexcused absences, or some combination thereof, his/her employment relationship with the City of Dacula will be terminated.

The City of Dacula's Absenteeism and Tardiness Policy is subject to neither negotiation nor selective enforcement. It is understood by all employees and Department Heads if an employee has ten tardies within five months, they will cease to work for the City of Dacula. It is the responsibility of all Department Heads to ensure that all employees understand the policy and are required to enforce the policy with all of their employees.

5.4 DRESS CODE

In keeping with the City of Dacula's image and appearance to the public, employees are required to dress appropriately in accordance with professional standards. Such standards include, but are not limited to, the following:

1. Hair must be neat and clean.

2. Dresses, skirts, dress blouses, sweaters and dress pants only.
3. No jeans or sneakers, except on authorized occasions or casual Friday.
4. No sweat or stretch pants.
5. Walking shorts no shorter than 3" above the knee with the dress top only.
6. No sundresses, midriff tops, or crop tops.

Although the City of Dacula's image is standard throughout the City's employees, certain dress codes are enforced within particular departments (mainly safety employees, and include, but are not limited to, the following:

1. All employees wearing uniforms are expected to keep uniforms clean and neat.
2. In departments where an employee is required to wear a uniform, the cost and cleaning of the uniform is charged to the City.

5.5 USE OF CITY VEHICLES AND EQUIPMENT

The City's vehicles, equipment, and supplies shall be used only for official City business and not for personal purposes. All equipment, tools, supplies, vehicles, and other property shall be returned in good condition to the City prior to termination. There shall be no smoking in City vehicles.

City officials and all employees operating City vehicles shall comply with the following guidelines at all times:

1. Possess and maintain a valid Georgia driver's license.
2. Abide by the Georgia Safety Belt Law.
3. Understand that all traffic violations received while operating a City vehicle are the responsibility of the driver and not the City.
4. Understand that City vehicles are to be used for official City business only; personal errands are not allowed while operating a City vehicle.
5. Lock the vehicle at all times when it is not in use.
6. Ensure records of maintenance and service are properly completed and maintained.
7. Notify the City Administrator as soon as possible if a City vehicle is involved in an accident either on a public street or on private property.

8. Keep the vehicle well maintained, including upkeep such as inspections, tags, and mechanical maintenance.
9. Ensure that only authorized personnel operate and/or ride in such vehicles.

In addition to, and not in lieu of those guidelines, the following sets forth the City's policy regarding vehicle use and accident reporting.

5.6 SAFETY & ACCIDENT REPORTING

Policy Statement

The City of Dacula is committed to providing a safe workplace. In accordance with this, employees are expected to take an active role in promoting workplace safety by reporting unsafe working conditions and by noting where fire extinguishers, first-aid kits, and emergency exits are located. Additionally, employees are required to participate in identifying and correcting, where possible, the underlying causes of accidents and unsafe conditions.

General Provisions

A. Employee Responsibility

Employees are responsible for exercising care and good judgment in preventing accidents and for observing safety rules and procedures when performing their duties. Employees are required to:

1. Report all accidents to their supervisor immediately;
2. Report any unsafe work conditions, equipment, or practices to their supervisor as soon as possible;
3. Attend scheduled safety meetings and activities; and
4. In the event of an injury resulting in lost work time, continued contact with the supervisor is required for the purpose of keeping records on the expected return to work status.

B. Equipment Repair

Employees have a responsibility to report the need for repairs of any City owned or leased property issued to the employee. No employee shall alter, repair, or in any way change, add to, or remove any parts or accessories of any City owned or leased property without the permission of the Department Head.

Personal Protective Equipment

The City will provide directly, or through an allowance approved in the annual budget each year, items for personal protection. Supervisors will direct use of personal protective items when warranted and employees are expected to comply with such direction.

Operation of Vehicles

A. Vehicle Operator Qualifications

In order to operate a city-owned vehicle in the course of business, an employee must:

1. Be at least 18 years of age;
2. Have a valid Georgia Driver's License for the class of vehicle to be driven or a valid Driver's License from the state in which the employee resides which allows employee to legally operate a city vehicle on Georgia roads;
3. Have a record of no more than two moving citations or one moving citation and one chargeable accident within a twenty-four (24) month period;
 - a. The City Administrator or ~~their~~ **his/her** designee will make the sole determination of whether the accident was chargeable in nature.
 - b. Employees whose primary duty is to drive a city vehicle and do not have an acceptable driving history must be relieved of such duties and assigned to non-driving positions or non-driving duties until their 24-month record reflects an acceptable driving history. If a non-driving position is not available, the employee may be terminated.

4. Be otherwise qualified under federal and state regulations to drive the vehicle in question; and
5. Be trained and authorized to operate the vehicle.

B. Annual License Review

To ensure the maintenance and validity of employee driver's licenses, the driving records of employees who operate city vehicles will be examined on an annual basis or as needed as determined by the City Administrator. The City will check motor vehicle records (MVR) of all applicants prior to making offers of employment. As part of the hiring process, applicants will be required to sign a written consent form allowing the City to check their motor vehicle records at any time prior to or during their employment. The Department Head will be responsible for collection of license copies each year and for the submittal of licenses to the City Administrator who will have the employee's license run by an authorized agency through GCIC for review.

C. Notification Procedures

Employees who operate vehicles in the course and scope of their employment must notify their supervisor:

1. When their driver's license becomes invalid or suspended for any reason. Such employees will immediately be prohibited from operating vehicles on City business.
2. Immediately during work hours or by the next working day if after hours, upon the receipt of any ticket or citation for any violation of state law or a local ordinance relating to motor vehicle traffic operation, except this shall not apply to parking violations received in a personal vehicle. In addition, employees must notify their supervisor when at fault in a motor vehicle crash, whether cited by the police or not, and whether on duty or off.
3. An employee who receives a citation for any violation while operating a City vehicle will be responsible for paying any fine or penalty incurred and will be subject to disciplinary action, up to and including termination.
4. Failure to report a citation received, whether off or on duty, may be grounds for disciplinary action, up to and including termination.

D. Operation of Vehicles

Employees shall operate any vehicle used for City business in a careful and prudent manner and shall obey the laws, policies, regulations, and procedures of the city and state pertaining to such operation. Tobacco use in City owned or leased vehicles is prohibited.

E. Duty Restrictions

A physical, mental, or driving skill impairment that cannot be reasonably accommodated that affects an employee's ability to safely operate a motor vehicle, or failure to comply with the driver qualifications outlined in this Chapter, precludes that employee from operating any City owned or leased vehicle for city business. If the operation of a vehicle is an essential job duty, an attempt will be made to place the employee in a non-driving position. If such a position is not available, the employee will be immediately relieved of said duty. If the vehicle prohibition is due to suspected physical or mental impairment, the employee will be subject to a health fitness evaluation as outlined in this handbook.

F. Passenger Restraint Systems

All drivers and passengers in City vehicles are required to wear their seatbelt whether or not it is required law. The only exception will be for detainees being transported in the rear of the police vehicle if the detainee presents a risk to the Marshal in fastening the seat belt. The driver of the vehicle is responsible for compliance.

Accident Involvement

A. Report Required

All of the following, collectively referred to throughout this Section as an "Accident," shall be reported to the immediate supervisor by the employee involved in the event and any City employees who witness the event:

1. All injuries to an employee or other person occurring during the course of business;
2. All accidents involving City owned or issued vehicles or equipment, whether or not occurring during the course of business;
3. All accidents involving personal vehicles or equipment used during the course of business; and
4. All property damage occurring during the course of business.

B. Employee Responsibilities

Unless transported from the accident scene for medical treatment, the employee involved in a job related accident involving a vehicle or equipment will:

5. Render aid to other parties if possible and necessary;
6. Report the accident and any injuries immediately to local law enforcement in the event of a vehicular accident;
7. Immediately notify their supervisor or designee, as soon as possible if the supervisor is not available;
8. Record the name, address, and phone number of any witnesses, and note the specifics of the accident circumstances, if possible;
9. Be courteous, but not make or sign any statement for anyone other than the police officer responding to the scene;
10. Remain at the scene until excused by law enforcement personnel;
11. Not discuss or reveal information or provide statements to non-City personnel subsequent to the accident. This does not prohibit cooperation with law enforcement investigations outside the City's jurisdiction; and
12. Submit to all requested post-accident testing as directed by the supervisor or other City Management representative.

C. Administrative Accident Investigation

The City Administrator or designee will conduct an administrative investigation into the circumstances of the accident and prepare a written report that includes a statement of the facts and analysis as to cause. The report will also include recommendations of any corrective action necessary to prevent recurrence of such accidents. The City Attorney will facilitate claim/litigation management with the City's insurance carrier.

D. Examinations and/or Tests

An employee who is involved in a reportable accident may be required to undergo examinations and/or tests as specified in the Performance of Duty Standards and Substance Abuse Testing chapters of this handbook.

5.7 TRAVEL EXPENSE REIMBURSEMENT POLICY

A. AUTHORIZATION FOR TRAVEL AND PAYMENT

The City Administrator will approve all travel prior to expending City funds. If an emergency occurs, travel expenses will be reimbursed after approval by the Mayor and Council.

1. Travel will be made using the most economical method commensurate with the official's needs. Receipts of expenses incurred must be submitted to the City. Travel expenses will be reimbursed in the following manner:

Automobile travel: Whenever possible, the official will utilize a City vehicle, thus limiting the expense to the City. When an official must use a private car, the City will reimburse the official at the per mile rate authorized by the Internal Revenue Service.

Advance of funds: No advance of funds will be made for City Officials. City Administrator may authorize advances for City employees. Hotel rooms will be paid at the Conference Rate and any upgrade will be at the Official's expense.

Airline travel: Purchase of airline tickets will be made through the City Administrator's office. The official may request a City check for direct advanced payment to the ticket vendor.

Ground travel: Taxi, bus, and other for hire travel expenses will be reimbursed at the actual cost incurred by the official.

B. REIMBURSEMENT FOR ACTUAL EXPENSES INCURRED

City Officials must retain the actual receipts for all expenditures and submit to the City Administrator a Travel Expense Log within two (2) weeks of completion of his/her travel unless the Mayor and Council approve an extension. The City Administrator will approve all employees' Travel Expenses. If an expense log is not submitted within two (2) weeks after travel is completed, the City Administrator will determine appropriate administrative action, i.e. non-payment, suspension of City charge card privileges etc., until the Travel Log is submitted and approved.

5.8 SOCIAL NETWORKING

Purpose

Given the multitude of concerns (legal, political, and ethical) raised by social networking (Facebook, Twitter, etc.) this policy establishes prudent and acceptable practices regarding usage of social networking by City of Dacula officials and employees.

While the City of Dacula encourages its personnel to enjoy and make good use of their off-duty time, certain activities on the part of its personnel may become a problem if they have the effect of impairing the work of any official or employee; harassing, demeaning, or creating a hostile working environment; disrupting the smooth and orderly flow of work; or harming the goodwill and reputation of the City among its citizens or in the community. For these reasons, the City reminds its personnel that the following guidelines apply in their use of social media, both on and off duty.

Under this policy, the City disavows and is not responsible for any sites, posts, opinions, or content not coordinated through and approved by the City Administrator or designee. If City personnel post data purporting to be on behalf of the City while using a social media site without the approval of the City Administrator or designee, the City is not responsible for that content; such content is not to be construed as reflecting the views or opinions of the Mayor, City Council or other City management, and the City is not responsible for archiving such content in accordance with applicable records retention schedules, or providing copies in accordance with the Georgia Open Records Act. Furthermore, the absence of explicit reference to a particular site does not limit the extent of the application of this policy. If you are uncertain as to the propriety of a post, opinion or other content, consult your department head before proceeding.

General Guidelines

1. While on duty, the use of City equipment or internet service by personnel must be limited to work related tasks. Social media activities should never interfere with work commitments.
2. No personnel may post online content as a representative of the City, or on the City's behalf, without the City Administrator's approval.
3. If discussing City related issues, but not posting online content as an approved representative of the City or on the City's behalf, all personnel must make it clear that they are speaking for themselves and not on behalf of the City by displaying a disclaimer that states: "This is my own opinion and not

necessarily an opinion or position held by the City of Dacula, the Mayor or the City Council.”

4. Employees who choose to maintain or participate in social media or social networking platforms while off-duty shall conduct themselves with professionalism and in such a manner that will not reflect negatively upon the City, its employees, or themselves.

Guidelines for Official City Social Media Sites and Content

All City-sanctioned social media sites shall be maintained by the City Administrator or his/her designee. Any content to be posted on City-sanctioned social media sites must meet the approval of the City Administrator or designee before it is posted.

All personnel that engage in social media activities on the City’s behalf and all City-sanctioned social media sites shall adhere to applicable federal, state and local laws, regulations and policies, including the Georgia Open Records Act and the records retention schedules issued by the Georgia Archives. All content must be managed, stored, and retrieved to comply with these laws.

All online content posted as representative of the City, or on the City’s behalf shall clearly indicate that it is subject to the records retention schedules issued by the Georgia Archives and public disclosure pursuant to the Georgia Open Records Act. All City-sanctioned social media sites shall clearly indicate that any articles and any other content posted or submitted for posting are subject to the aforementioned records retention schedules and public disclosure. Note, for purposes of this Policy each individual posting does not need the aforementioned disclaimer when such disclaimer is clearly posted on a social network site that contains the disclaimer in a readily accessible area of the site.

Any content posted as representative of the City, or content posted to a City-sanctioned social media site containing any of the following, shall not be allowed:

1. Comments not topically related to the particular site or blog article being commented upon;
2. Profane language or content;
3. Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability, or sexual orientation;
4. Sexual content or links to sexual content;
5. Conduct or encouragement of illegal activity;

6. Information that may tend to compromise the safety or security of the public or public systems;
7. Content that violates a legal ownership interest of any other party; or
8. Content submitted for posting on a City-sanctioned social media site that is deemed unsuitable for posting by the City Administrator because it violates criteria in the preceding item (Item 4, above) of this Policy, shall be retained pursuant to the applicable records retention schedules along with a description of the reason the specific content is deemed unsuitable for posting. Where hyperlinks are used on a City-sanctioned social media site, the site shall include a disclaimer which states: “The City does not guarantee the authenticity, accuracy, appropriateness or security of the link, website, or content linked hereto”.

5.9 Workplace Violence Policy

Statement of Policy

The City is concerned about the well-being and personal safety of its employees and anyone doing business with the City. The City consequently strictly prohibits workplace violence. Acts of violence and/or threats of violence, whether expressed or implied toward individuals in the City workplace, are prohibited and will not be tolerated. All reports of incidents will be taken seriously and will be addressed appropriately. This policy defines prohibited conduct, as well as general procedures and potential responsive steps in the unfortunate event that workplace violence occurs despite these preventive measures. In addition, except as set forth herein, unauthorized, non-city issued firearms, weapons, ammunition, or explosives on city property is strictly prohibited.

Scope

This prohibition against threats and acts of violence (including domestic violence) applies to all persons involved in the operation of the City, including but not limited to, the City personnel, contract and temporary workers, and anyone else on City property.

Definition of Workplace Violence

Workplace violence is any conduct that is severe, offensive or intimidating enough to make an individual reasonably fear for his/her personal safety or the safety of family, friends or property. Examples of workplace violence include, but are not limited to, threats or acts of violence or behavior that causes a reasonable fear or intimidation response that occurs on City premises, no matter what the relationship is between the City and the perpetrator or

victim of the behavior or off City premises, where the perpetrator is someone who is acting as an employee or representative of the City at the time, where the victim is an employee who is exposed to the conduct because of work for the City, or where there is a reasonable basis for believing that violence may occur against the targeted employee or others in the workplace.

Examples of conduct that may be considered threats or acts of violence under this policy include, but are not limited to the following:

1. Threatening physical or aggressive contact directed toward another individual or engaging in behavior that causes a reasonable fear of such contact.
2. Threatening an individual or his/her family, friends, associates or property with physical harm or behavior that causes a reasonable fear of such harm.
3. Intentional destruction or threat of destruction of the City's or another's property.
4. Harassing or threatening physical, verbal, written or electronic communications, including verbal statements, phone calls, emails, letter, faxes, website materials, diagrams or drawings, gestures and any other form of communication that causes a reasonable fear or intimidation response in others.
5. Stalking. Stalking is defined as a pattern of conduct over a period of time, however short, which evidences a continuity of purpose and includes physical presence, telephone calls, emails and any other type of correspondence sent by any means.
6. Veiled threats of physical harm or like intimidation or statements, in any form, that lead to a reasonable fear of harm or an intimidation response.
7. Communicating an endorsement of the inappropriate use of firearms or weapons of any kind.
8. Illegal possession of weapons of any type. Weapons, include, but are not limited to:
 - a. Any weapon which, per applicable law, is illegal to possess;
 - b. Any firearm, loaded or unloaded, assembled or disassembled, including pellet, "BB", and stun guns;
 - c. Knives (and other similar instruments) other than those present in the workplace for approved work purposes or for the specific purpose of food preparation and service;
 - d. Any switchblade knife;

- e. Brass knuckles, metal knuckles, and similar weapons;
- f. Bows, cross-bows and arrows;
- g. Explosives and explosive devices, including fireworks, ammunition and/or incendiary devices;
- h. Throwing stars, nun chucks, clubs, saps, and any other item commonly used as, or primarily intended for use as a weapon;
- i. Self-defense chemical sprays (Mace, pepper spray) in canisters or containers larger than two ounces; or
- j. Any object that has been modified to serve as, or has been employed as, a dangerous weapon.

[Note: Nothing in this policy is intended to prohibit the legal possession of firearms or knives; provided, however, the employee must have all necessary licenses and permits.]

Domestic violence includes activities prohibited by the Family Violence Act of Georgia, O.C.G.A. §§ 19-13-1 et seq. or a pattern of coercive tactics carried out by an abuser against an intimate partner or family member (the victim) with the goal of establishing and maintaining power and control over the victim. Where the abuser's tactics include any of the above-described conduct on City premises, this policy applies. Where such tactics include any of the above-described behaviors off City premises, this policy applies where the abuser is someone who is acting as an employee or representative of the City at the time, where the victim is an employee who is exposed to the conduct because of work for the City, or where there is a reasonable basis for believing that violence may occur against the victim or others in the workplace. The term "intimate partner" or "family member" in this section includes people who are parents, children, legally married to each other, people who were once married to each other, people who have had a child together, people who live together or who have lived together, step or foster relations, and people who have or have had a dating or sexual relationship, including same sex couples.

Reporting Complaints

If you observe the possession of unauthorized non-City issued weapons on City premises, or if you are subjected to or threatened with firearms by a co-worker or member of the public, or if you become aware of another individual who has been subjected to or threatened with violence, you must report this information to your supervisor or the City Administrator immediately. Supervisors must report all potential violations so the City Administrator can handle them appropriately. Do not assume that any violation or threat is not serious. All complaints will be thoroughly investigated and all complaints that are reported to management will be treated with as much confidentiality as possible. Employees who become angry, upset, or concerned with the actions of a co-worker, supervisor, member of the public or the City in general, are encouraged to seek assistance from the City Administrator.

A 9-1-1 call may be appropriate first, in the good judgment of the employees or managers involved. Under this policy, decisions may have to be made quickly to prevent a threat from being carried out, a violent act from occurring, or a life-threatening situation from developing. Nothing in this policy is intended to prevent quick action to stop or reduce the risk of harm to anyone, including requesting immediate assistance from law enforcement or emergency response resources.

Failure to report any threats or acts of violence in violation of this policy is itself a violation of this policy, and may subject any employees involved to discipline up to and including termination.

Retaliation against anyone for reporting an actual or suspected violation of this policy in good faith will not be tolerated and will subject the individual engaging in the retaliation to discipline up to and including termination. Any complaints about retaliation should be reported in the same manner as violations of this policy are to be reported.

What to Expect from the City

All incidents of violence and threats of violence that are reported will be taken seriously and investigated.

City Expectations of Targeted Employees

Stay Away Orders: The City reserves the right to seek orders of protection (also known as restraining orders or stay away orders) against any person who violates the Workplace Violence Policy. Additionally, employees themselves may seek and obtain orders of protection against individuals outside of the workplace. Employees so protected are obligated to immediately notify the City Administrator and their supervisor if (a) an order of protection extends to the workplace; and/or (b) they reasonably believe that their safety (or the safety of others) in the workplace is affected by the order of protection. Employees should provide written notification of:

1. the existence of any such order and provide a copy of the order;
2. any violations or attempted violations of the order;
3. any changes to the order that affect the workplace; and
4. the order being lifted.

Employees who are subject to orders of protection requiring them to stay away from or refrain from contacting other individuals who are or may be in the workplace (including employees, customers, vendors and others) must immediately notify the City Administrator and provide a copy of the order.

Upon being notified of an order of protection, the City Administrator will contact the

reporting party to gather information about the individual and assess the situation. The City will make every effort to maintain confidentiality of such orders with the understanding that it will use the information as necessary to maintain safety in the workplace.

Search Policy

If the City reasonably suspects that an employee either has or may have violated this policy, or that the employee possesses evidence that others pose a threat of workplace violence as defined by this policy, the City may request the individual to submit to a search of his or her person, personal effects, vehicles, and locker. In addition, the City may conduct searches of any City property including work stations and areas, desks, lockers, credenzas, file cabinets, computers and computer-stored information, voicemails, emails, business records, City vehicles, and any other property or equipment owned by the City, at any time, without notice or permission from affected employees for purposes of enforcing the no violence policy. If an individual is asked to submit to a search and refuses, that individual will be considered insubordinate and will be subject to discipline up to and including termination.

Searches will be conducted by the City Marshal with a second witness and may or may not be conducted in the presence of the person whose property is searched. Any weapons or evidence of violations of this policy will be confiscated, and may be turned over to law enforcement, as appropriate. Any illegal activity discovered during an inspection is subject to referral to the appropriate law enforcement authorities.

5.10 DRUG AND ALCOHOL FREE WORKPLACE POLICY

The City of Dacula abides by the practices of the "Drug and Alcohol Free Workplace Act of 1988" that all employees of the City must adhere to. It is the City's intent to provide a working environment as free from the use of non-prescribed drugs and alcohol as reasonably possible.

Policy Statement

The City has a vital interest in maintaining a safe, healthy, and efficient working environment free from the adverse effects of employee drug and alcohol abuse. Employee drug and alcohol abuse poses serious safety and health risks to the user and to those who work or come in contact with the user in the workplace. Accordingly, the City does not and will not tolerate any employee's consumption, possession, sale, distribution or making arrangements to distribute, manufacturing, or presence in the body of illegal drugs or alcoholic beverages on City work time, while on City or customer property (including in personal vehicles while on City property or offsite at customer property during City work time), during lunch or breaks when an employee is scheduled to return to work, while in City vehicles, while offsite during attendance at training or meetings in

connection with an employee's work for the City and/or while using, occupying, performing or engaging in any activity on City property and facilities. The City further expresses its intent, through this policy, to comply with Federal, State and local laws and regulations that relate to maintaining a workplace free of illegal drugs and alcohol. If possession of an illegal substance is necessary in the course of an investigation, the Marshal may grant a waiver to this policy for a finite period of time.

Application

This policy applies to all City employees (whether full-time or part-time), volunteers, interns, and any other individuals performing services on the City's behalf, whether paid or unpaid. For purposes of this policy section, all such persons shall be referred to herein as City employees. Visitors, vendors, and contractors are governed by this policy to the extent they are on City Premises or in City vehicles and will not be permitted to conduct business if found to be in violation of this policy.

Definitions

For purposes of this Drug and Alcohol Free Workplace Policy (the "Policy"), the following definitions apply:

A. Alcohol or Alcoholic Beverages

Any beverage or substance that contains alcohol manufactured for the primary purpose of consumption, including but not limited to, beer, wine, and distilled spirits.

B. City Premises

Includes all property, facilities, land, platforms, buildings, structures, fixtures, installations, parking lots, and vehicles, whether leased or used by the City of Dacula government or its officials, managers, supervisors, employees, or other agents. This definition also includes locations other than city offices, including all other locations of city-sponsored recreational, social, or educational events, and any place where a City of Dacula employee is located while traveling to or from such location in the course and scope of his duties on behalf of the City, including an employee's own vehicle when the employee is using it for City business, or when the vehicle is parked on City property. This definition shall not be interpreted to imply that the City assumes or accepts responsibility for any wrongful, tortious, negligent or criminal acts of any person whom it employs when such person is not acting pursuant to a City supervisor's instruction in furtherance of the City's business, nor shall it constitute a waiver of any immunity which the City of Dacula or its officials or employees might have under federal, state or local laws or ordinances.

C. Illegal Drugs/Controlled Substances

Any drug or substance the law prohibits individuals from manufacturing, dispensing, using, consuming, possessing, distributing, purchasing, selling, or otherwise transferring, including all drugs listed as controlled substances under Title 16 of the Official Code of Georgia Annotated. This definition encompasses any measurable amount of any drugs or controlled substances such as amphetamines, cannabinoids, cocaine, phencyclidine (PCP), methadone, methaqualone, opiates, barbiturates, benzodiazepines, propoxyphene, or other drugs made unlawful under Federal or State laws, or a metabolite of any such substances, “look-alikes” or “designer drugs” having the same or similar psychotropic effects, unauthorized alcoholic beverages, marijuana, hallucinogens (whether natural or synthetic), inhalants, unauthorized prescription drugs, or authorized drugs which are not prescribed for a verifiable medical condition and/or are not used in strict accordance with this policy and with the prescribing physician’s instructions, or any other substances that are mood-altering, mind or consciousness-affecting, or which are likely to have an effect upon a person’s perceptions, sensations, thought processes, self-awareness, emotions, or other mental or physiological or psychological reactions or behavior. It also includes urinaids or other substances, natural or synthetic, of a similar nature or purpose designed or used to alter a urine specimen or to conceal illicit chemical substances or other metabolites in an initial screening test.

D. Impaired

The condition of being weakened, diminished, or damaged, or of functioning poorly, incompetently, uncontrollably, or with less control or ability due to the consumption, use, or abuse of illegal drugs, controlled substances, and/or alcohol, or if the employee’s drug test results indicate the presence of an illegal drug or controlled substance in an amount that constitutes a positive test under accepted scientific standards.

E. Legally Obtained Drug

Includes prescription drugs and over-the-counter medications.

F. Over-The-Counter Medication

Includes any drug or substance that does not require a prescription, but which has the capacity to affect a person physically, mentally, emotionally, or which could otherwise affect a person’s ability to perform.

G. Prescription Drug

Any drug or substance that is attainable only by lawful prescription from a licensed physician.

H. Reasonable Suspicion

A belief based on objective facts sufficient to lead a prudent person to conclude that a particular city employee has used, consumed, is impaired by, or is under the influence of illegal drugs, controlled substances, and/or alcohol. Reasonable suspicion must be directed at a specific person and must be based upon specific and articulable facts and the logical inferences and deductions that can be drawn upon such things as observable phenomena, such as direct observation of the possession or use of an illegal drug, controlled substance, and/or alcoholic beverage, or the direct observation of physical symptoms of being impaired by or under the influence of illegal drugs, controlled substances, and/or alcohol, such as slurred speech, unsteady gait, a pattern of unusual or abnormal conduct or erratic behavior, odor of the employee, information provided by a reliable and credible source, and/or involvement in a work-related accident, and/or deviation from safe working practices.

I. Safety-Sensitive Positions

Positions of employment with the City where a lapse of judgment or impaired physical/mental ability in performing any essential job function could reasonably result in a significant threat of harm to the employee, fellow employees, citizens, inmates, or others. Safety-Sensitive Positions include, but are not limited to, those which, as a part of the essential job functions, (1) require the performance of law enforcement duties as a POST-certified law enforcement officer; (2) require or involve possession of a firearm; (3) require or involve providing emergency medical, rescue, or fire suppression services; (4) require or involve interacting with incarcerated persons; (5) require or involve interacting with persons who are on probation for drug charges; (6) directly involve the enforcement of drug laws; (7) directly involve access to, the handling of or the testing of illegal drugs that have been seized by, confiscated by or taken into custody by law enforcement; (8) require or involve performing duties essential to drug interdiction; (9) primarily require or involve maintenance or operation of a motor vehicle, motorized equipment, heavy machinery or heavy equipment; (10) require the holding of a commercial driver's license; and (11) require or involve performing duties which directly affect public health or safety.

Prohibitions

The City prohibits all City employees from engaging in the following conduct or behavior

while performing City business, while on City property or City premises, while on customer property performing city business, while in use of City property or while operating or riding in a City vehicle and/or conducting City business:

1. The use or consumption of illegal drugs, controlled substances, and/or alcohol;
2. The possession of illegal drugs, controlled substances, and/or alcohol;
3. The abuse of prescription medications and over-the-counter medications;
4. Being impaired by and/or under the influence of illegal drugs, controlled substances, and/or alcohol;
5. The manufacture, sale, purchase, transfer, dispensing of, and/or distribution of illegal drugs, controlled substances, prescription medications, and/or alcohol; and/or
6. The use of City property to store, conceal, or transport illegal drugs, controlled substances, and/or alcohol.

Use of Legally Obtained Drugs

The abuse and/or inappropriate use of legally obtained drugs or alcohol while on the job, performing City business, on City Premises, in operation of a City vehicle, or in operation of any other equipment or vehicle in performance of City business is prohibited and shall constitute grounds for disciplinary action, up to and including termination. The following policies shall apply to the use of use of legally obtained drugs:

1. City employees must not be on the job, on call, on City Premises, operating a City vehicle, or operating any other equipment or vehicle while in performance of City business while impaired due to any drug, legal or illegal, that renders the City employee unfit for duty. An employee is “unfit for duty” if, in the City’s opinion, the employee’s use of legally obtained drugs jeopardizes his or her ability to work safely and efficiently.
2. A City employee who is using legally obtained drugs must notify his or her immediate supervisor of any and all known or experienced symptoms and probable adverse side effects that may render the employee unfit for duty. An employee’s failure to notify the City constitutes grounds for disciplinary action, up to and including termination. A City employee is not expected to notify the City of legally obtained drugs that are unlikely to render him or

her unfit for duty.

3. City employees using legally obtained drugs while on the job shall do so in strict accordance with physician and/or manufacturer's directions. It is the employee's responsibility to notify the prescribing physician of the duties required by the employee's position and to ensure that the physician approves the use of the prescription medication while the employee is performing his or her duties.
4. Any prescription medication brought onto City or customer property or taken aboard City vehicles must be retained in its original container labeled with the names of the employee and the prescribing physician.
5. No City employee may take another person's medication.

When Drug Testing is Required

1. Job Applicants for Safety-Sensitive Positions

All applicants for permanent or temporary full-time and part-time Safety-Sensitive Positions of employment with the City will be tested for drugs after a conditional offer of employment has been extended. No such applicant or new hire shall be permitted to report for duty until the results of the drug test are obtained.

2. Transfers to Safety-Sensitive Positions

City employees who are transferred, reclassified, promoted, or demoted from a non-Safety-Sensitive Position into a Safety-Sensitive Position will be tested for drugs before performing any job duties in the new position.

3. Reasonable Suspicion

All City employees will be subject to immediate testing when there is reasonable suspicion that the employee has used or misused drugs or alcohol in violation of this policy. Any City employee who is required to take a reasonable suspicion test will be immediately placed on administrative leave without pay pending the results of the test and confirmation of the results. Supervisors or directors who suspect that an employee is under the influence of drugs or alcohol shall document all credible evidence on the Reasonable Suspicion Incident Checklist provided by the City Administrator and shall seek confirmation of the observations from the City Administrator or another employee with Reasonable Suspicion training before transporting the employee for testing. A reasonable suspicion test may be required based upon, but not limited to the following:

1. the personal observation of the City employee's job performance, appearance, behavior, speech, or odor by the trained individual creating a reasonable suspicion that the City employee has used drugs or alcohol in violation of this policy;
2. personal observation of the City employee by another individual who has fully disclosed the observation to the City;
3. observation of the City employee by a nurse or physician engaged in the treatment or evaluation of a work-related injury who has disclosed such observations to the City;
4. information from a law enforcement agency received by the City;
5. specific and objective facts indicating that a City employee's drug or alcohol use may have caused or been a contributing factor to an on-duty motor vehicle accident. The following facts, if present, may independently or collectively, depending upon the circumstances, give rise to reasonable suspicion in this instance:
 - a. the appearance, behavior, speech or odor of the City employee immediately prior to or after the accident;
 - b. the City employee left the scene or attempted to leave the accident scene without legal authority or permission to do so;
 - c. the City employee acted contrary to a safety rule, established safety practice or otherwise engaged in demonstrably unsafe behavior for which there is no reasonable explanation;
 - d. the City employee was arrested or received a traffic citation;
 - e. the City employee or any person received medical attention as a result of the accident; and
 - f. the City employee has been involved, in a pattern of repetitive on-duty vehicle accidents whether or not they involved actual or potential injury.
6. specific and objective facts indicating that a City employee's drug or alcohol use may have caused or been a contributing factor to an on-duty

accident involving the use of motorized equipment, heavy machinery or heavy equipment. The following facts, if present, may independently or collectively, depending on the circumstances, give rise to reasonable suspicion in this instance:

- a. the appearance, behavior, speech or odor of the City employee immediately prior to the accident;
- b. the City employee left the accident scene or attempted to leave the accident scene without legal authority or authorization to do so, or failed to report the accident to the appropriate individual or otherwise attempted to keep appropriate persons from learning about the accident or the extent of the accident;
- c. the City employee acted contrary to a safety rule, established safety practices or otherwise engaged in demonstrably unsafe behavior without a reasonable explanation;
- d. the City employee or any other person received medical attention as a result of the accident; and
- e. the City employee has been involved in a pattern of on-duty accidents whether or not they involved actual or potential injury.

Additionally, any untrained supervisor or director may require a reasonable suspicion test(s) for drugs or alcohol when a trained supervisor or director or the City Administrator has reviewed the underlying facts and agrees that reasonable suspicion exists to require a test.

4. Required Testing After Certain Accidents

Drug and alcohol testing must be performed within policy guidelines when any City employee holding a safety-sensitive position, while in operation of a City vehicle, equipment, or heavy machinery, or while in operation of any other vehicle or equipment while in the performance of City business, is the apparent cause of an accident that results in: (1) a fatality; or (2) a citation issued to the City employee; or (3) an injured person requiring immediate medical treatment; or (4) damage to City property; or (5) damage to any other property. Alcohol and drug test(s) required after any of the above accidents shall be completed within eight (8) hours of such an accident. This testing is to be performed in addition to any drug or alcohol test(s) that may be ordered by law enforcement authorities. The involved City employee must report immediately for testing or be subject to disciplinary action, up to and including termination.

5. Random Testing

All City employees holding Safety-Sensitive Positions will be subject to random drug testing, as follows:

1. tests will be ordered on a random, unannounced basis from the pool of identified City employees holding Safety-Sensitive Positions;
2. a random selection method and test rates as adopted by the City Administrator will be used to select City employees, thereby allowing each City employee an equal chance of being tested each month. Random selection test rates are subject to change as determined by the City Administrator. This selection will be facilitated and monitored by the City's occupational medicine provider.
3. a City employee's name will remain in the pool after being selected so that every employee will have an equal chance of being tested each time selections are made. Therefore, it is possible that a City employee holding a Safety Sensitive Position who is randomly selected for testing may be randomly selected again during the same year.
4. the City Administrator will notify the supervisor or director when an employee has been selected through the random process. The employee will report to the testing facility, taking with them the Chain of Custody Form. The supervisor or director is not to inform the associate that he or she has been chosen for the test until immediately prior to the time the employee is given their notice.
5. City employees are allowed to continue working pending the results of the test. If the testing facility notifies the City that the City employee has produced a confirmed positive sample, the City Administrator will contact the appropriate director with the results.
6. all information received by the City of Dacula as a result of any testing procedure is considered confidential but may be entered into evidence or disclosed in any civil action or administrative proceeding, when the information is relevant to the City's defense in any such action or proceeding.

6. After-Care Testing

Persons in Safety-Sensitive Positions returning to work from an approved treatment program for drug or alcohol abuse may be subject to unannounced testing at the discretion of the City Administrator for a period of one (1) year following the City employee's return to work.

7. Return to Duty Testing

All City employees in Safety-Sensitive Positions who are absent from work for more than thirty (30) days, for any reason, or following any workers' compensation leave, medical leave, or short term disability leave shall be tested for drugs immediately upon returning to work and prior to performing any job duties.

Procedures for Testing

1. Alcohol screening will be conducted using a federally approved evidential breath testing device or the use of a swab/saliva test performed by an approved independent medical facility. In the event that it is not reasonable under the circumstances to conduct an alcohol test based on a breath test or a swab/saliva test, the City reserves the right to test for the presence of drugs or alcohol by a blood test analysis.
2. All drug tests shall be administered and accounted for by an approved laboratory and/or medical facility that are operating in compliance with the U.S. Department of Health and Human Services (DHHS). Testing will involve an initial screening test(s) and confirmation of positive tests by gas chromatography/mass spectrometry (GC/MS) analysis, or other test(s) that are approved by the DHHS for screening and confirmation of drugs or alcohol in a person's system. Tests will be certified, to the fullest extent possible under the circumstances, by a laboratory approved by the DHHS.
3. All positive test results for drugs will be interpreted by a physician approved by the City as a medical review officer (MRO) before the results are reported to the City. Prior to notifying the City, the MRO will make reasonable efforts to contact the City employee for the purpose of allowing the City employee to offer an alternative medical explanation for the positive test result. If the MRO is able to contact the applicant or City employee and determine there is a legitimate medical explanation for the positive test, the result will be communicated as negative to the City. The MRO's inability to contact the applicant or City employee before providing test results to the City will not void the test results or make the test results unusable in any

subsequent disciplinary action. An applicant or City employee who fails to respond to an inquiry by the MRO within forty-eight (48) hours of such inquiry shall have waived his or her opportunity to offer an alternative medical explanation for the positive result or to request confirmation testing. Because the City employee is present for interpretation of an alcohol test, the procedure concerning prior notification by the MRO is not applicable. A MRO will not be used when a blood test for alcohol is conducted.

4. Upon notification by the MRO of a confirmed positive result for drugs, the City employee may request, within three (3) calendar days of such notification, that the remaining portion of his/her specimen undergo a second confirmation test at his/her expense at a DHHS laboratory of his/her choice. If the test conducted by the laboratory selected by the City employee is negative for the presence of drugs, a third test may be made at the City's sole expense at a separate DHHS facility of its own choosing. The results of the third facility will be determinative. If the results from the third facility are negative, all prior positive tests will be disregarded and shall not be the basis for any disciplinary or adverse action. This option of a confirmation test is contingent upon there being enough of the specimen remaining to allow for a confirmation test.

Any City employee ordered to be tested based upon reasonable suspicion, shall be immediately removed from duty, escorted to the testing facility, and taken home (unless other suitable arrangements have been made to transport the City employee). Under no circumstances will the City employee be allowed to drive himself or herself home. The City employee shall be suspended without pay, pending the results of the test and any confirmation tests, if applicable. If the positive test is explained or negated by the MRO and/or subsequent confirmation testing, the City employee shall be reinstated with back pay and the suspension without pay will be expunged from the City employee's personnel file.

Investigation of Prohibited Drug and Alcohol Use and Searches

All City-issued, City-owned or City-leased equipment, property, and facilities, including, but not limited to, desks, workstations, file cabinets, lockers, vehicles, computer equipment, or any other property or equipment owned, leased, or provided by the City is subject to inspection at any time and for any reason. No employee shall have any privacy interest whatsoever in any City-issued, City-owned or City-leased equipment, property and facilities. If a search uncovers evidence of City employee wrongdoing, illegal activity, or City employee violations of City rules or policies, the evidence may be used to support disciplinary action, up to and including termination. In cases involving suspected illegal activities, the evidence may be turned over to appropriate legal authorities. The City also

reserves the right to conduct searches on City property of City employees and/or their personal property when, in the City's view, there is reasonable suspicion that a City employee is buying, selling, transporting, or otherwise in possession of illegal drugs or controlled substances on the City's property or during working time. Refusal to submit to or cooperate with a search may result in immediate discipline, including discharge.

A. Consent for Testing

Prior to date of hire, all City employees and job applicants are required to sign a consent form consenting to any and all frequency of drug and/or alcohol test(s) set forth in this policy and permitting the release of test results to the City and/or the MRO. Signed consent forms shall be kept on file by the City Administrator and are enforceable for the duration of employment.

B. Refusals to Undergo Testing

The City has a zero tolerance policy regarding test refusals. As such, any City employee refusing to immediately proceed as directed will be subject to disciplinary action including and up to termination from employment.

Other actions that constitute a test refusal occur when a City employee:

1. fails to appear for any test (excluding pre-employment) within a reasonable time, as determined by the City, after being directed to do so by the City;
2. fails to remain at the testing site until the testing process is complete;
3. fails to provide a urine, breath, saliva or blood specimen for any drug or alcohol test required;
4. fails to permit the observation or monitoring of his/her provision of a specimen, when a directly observed or monitored collection for a drug test is required;
5. fails to provide a sufficient amount of urine or breath when directed, and it has been determined through a required medical evaluation that there was no adequate medical explanation for the failure;
6. fails or declines to take a second test the City or collector has directed the City employee to take;
7. fails to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process;

8. fails to cooperate with any part of the testing process (for example, refuses to empty pockets when so directed by the collector, behaves in a confrontational or obstructive way that disrupts the collection process, refuses to be escorted to the designated collection site when so directed, is physically absent resulting in the inability to conduct testing).
9. City employees who refuse to submit to a test or test positive for alcohol or illegal drugs may be disqualified for unemployment compensation benefits.
10. City employees who refuse to submit to a test, or test positive for alcohol or unlawful drugs following a workplace injury may be disqualified for worker's compensation benefits.

C. Confidentiality

All reports of test results for drugs and alcohol, searches, or any employee referral or participation in an assistance program or treatment program for addictive disorders, will be maintained in strict confidence. Any person authorized to have access to such confidential information who, without authorization, discloses it to another person shall have engaged in gross misconduct and be subject to severe disciplinary action, up to and including termination. The confidentiality of such information shall not apply to any use by or communication to the City's attorneys, or where the information is relevant to the City's defense in an administrative proceeding or civil action. Such information may also be disclosed to the extent required by any federal, state, local law, statute, ordinance or regulation.

D. Discipline for Violations of Policy

1. Immediate Suspension

A City employee who tests positive for drugs or alcohol shall immediately be relieved from duty, placed on suspension without pay, and sent home pending disciplinary action. If the positive test is explained or negated by the MRO and/or subsequent confirmation testing, the City employee shall be reinstated with back pay and the suspension without pay will be expunged from the City employee's personnel file.

2. Disciplinary Action

A City employee who violates any provision of this policy is subject to discipline, up to and including termination. If terminated, the City employee will not be eligible for rehire for a minimum period of two (2) years.

3. Immediate Termination

The following reasons shall be presumed to result in immediate termination of a City employee:

- a. manufacturing, dispensing, using, consuming, possessing, distributing, purchasing, selling, or otherwise transferring an illegal drug(s) or controlled substance(s) while on the job, on call, on City property, while operating City equipment or vehicles, or while operating any other equipment or vehicles on City property;
- b. operating City motorized equipment while unfit for duty due to the use of drugs and/or alcohol;
- c. conviction for violation of any drug law;
- d. refusing to consent to or to take a drug or alcohol test pursuant to this policy;
- e. failure to appear at the designated collection site to take a drug or alcohol test when so directed; or
- f. a confirmed positive test for drugs or alcohol.

5.11 STANDARDS OF ETHICAL CONDUCT

The City of Dacula has a duty to maintain its positive image. Therefore, the City requires that all employees practice proper business ethics.

Gifts and Gratuities

No gifts or gratuities shall be accepted by any City employee or official from any person, agency, or firms with which the City conducts its businesses. Additionally, a City official or employee shall not accept any gift, favor, or thing of value that may tend to influence them in the discharge of their duties, or grant in the discharge of their duties any improper favor, service or thing of value. This policy does not apply to the acceptance of articles having a value of less than \$25.00 in any one year.

Employees may not conduct or promote private business for gain during on duty work hours or on City premises. Employees who may be in a position to influence actions and decisions regarding City administration shall refrain from relationships which may adversely affect the exercise of their independent judgment in dealing with businesses, organizations, and individuals conducting business with the City.

Disclosure of Confidential Information

No official or employee of the City shall disclose confidential information concerning the property, government, or affairs of the City without prior approval of their superior. Nor shall any official or employee use such information to advance the financial or other private interests of anyone under any circumstances.

5.12 OUTSIDE EMPLOYMENT

Employment with the City shall have precedence over other occupational interests of employees. All outside employment for wages or commissions, and all self-employment, must be reported to and approved by the City Administrator or the Mayor and Council. This policy applies to all City employees and conflicting outside employment shall be grounds for termination.

City employees must adhere to the following concerning outside employment:

1. Such employment shall not interfere with the efficient performance of the employee's duties;
2. Such employment shall not involve a conflict of interest or conflict with the employee's duties;
3. Such employment shall not involve the performance of duties that the employee should perform as part of their employment with the City; and
4. Such employment shall not occur during the employee's regular or assigned working hours unless the employee is on either paid vacation leave or leave without pay.

5.13 INTERNET ACCESS POLICY

A. General Provisions

“Electronic Communication Systems” is defined as Internet, electronic mail, telephone, voice mail, facsimiles, pagers, mobile phones, portable radios, computer and computer networks, directories, and files. Employees will not have privacy rights with respect to any activity using these Electronic Communication Systems. All data, including e-mail messages composed, sent, and received are the property of the City of Dacula.

B. Professionalism

At all times, users have the responsibility to use Electronic Communication Systems in a

professional, ethical, and lawful manner. Users should use the same care in drafting e-mail and other electronic documents as they would for any other written communications. Users should always strive to use good grammar and correct punctuation. Anything created or stored on the Electronic Communication Systems may be reviewed by others and the quality of communications is a direct reflection upon the City.

C. Appropriate Use

Personal use of the Electronic Communication Systems is a privilege that may be revoked at any time. Occasional, limited, and appropriate personal use of the Electronic Communication Systems is permitted if the use does not:

1. Interfere with the user's work performance;
2. Interfere with any other user's work performance;
3. Compromise the integrity of the Electronic Communication Systems; or
4. Violate any other provision of this policy or any other policy, guideline, or standard of the City of Dacula

D. Inappropriate Use

Under no circumstances should the Electronic Communication Systems be used for sending, transmitting, intentionally receiving, copying, or storing any communication that is fraudulent, harassing, racially offensive, sexually explicit, profane, obscene, intimidating, defamatory, or in the City's sole opinion otherwise unlawful or inappropriate. Users encountering or receiving this kind of material should immediately report the incident to their supervisor and City Administrator. Exceptions are limited to police investigations into criminal activities, which may require the use of the Internet for information and intelligence gathering. This is permissible with the prior approval of the City Administrator. Other prohibited uses of the Electronic Communication Systems include, but are not limited to:

1. Sending chain letters;
2. Sending copies of documents, messages, software, or other materials in violation of copyright laws;
3. Compromising the integrity of the City and its business in any way; and
4. Use of City computers, Internet connections, or networks to access personal social media accounts, to access games or gaming sites, or any other non-work related computer activities.

E. Misuse of Software

Users who become aware of any misuse of software or violation of copyright law should immediately report the incident to the City Administrator. Files obtained from sources outside the City include files downloaded from the Internet, files attached to e-mail, and files provided by citizens or vendors. These files may contain dangerous computer viruses that can damage the City's computer network. Users should never download files from the Internet, accept e-mail attachments from outsiders, or use disks from non-City sources without first scanning the material with City-approved virus checking software. If a user suspects that a virus has been introduced into the City's network, they should notify the City Administrator immediately. Without prior written authorization from the City Administrator, users may not do any of the following:

1. Copy software for use on their home computers or to other computers;
2. Provide copies of software to any independent contractors of the City or to any third person;
3. Install software on any of the City's workstations or servers;
4. Download any software from the Internet or other online service to any of the City's workstations or servers;
5. Modify, revise, transform, recast, or adapt any software; or
6. Reverse-engineer, disassemble, or decompile any software.

F. Passwords

Authorized users will be given a login name that allows access to the network. The user will have a personalized password, which should be obscure in nature and not divulged to others. However, passwords shall be provided to the City Administrator to aid in facilitating normal business operations and investigations. Any user with knowledge of any password not their own shall report it to their supervisor immediately. No employee shall attempt any unauthorized access to the system.

5.14 LOITERING

Full-time employees of the City of Dacula have been employed to work a full forty-hour workweek for which they are compensated with wages and extensive benefits, including holidays, sick leave, vacation, medical and dental insurance, life insurance, workman's compensation insurance, and other privileges and benefits. In exchange for their compensation and benefits all employees, including managers and supervisors, are expected

and required to make the best possible efforts to provide the City with expeditious and conscientious work performance.

To achieve all of the City's goals, both for employees and for the City of Dacula, employees must refrain from and avoid interruptions in their work performance. Specifically, during the normal work hours of 8:30 a.m. to 5:00 p.m. (or during any scheduled work shift), City employees are not permitted to visit or loiter in local businesses, especially eating establishments, except in the businesslike performance of their job duties.

All employees are permitted two fifteen-minute breaks, one in the morning and one in the afternoon. During these breaks, employees are not to leave the premises unless given permission by their department head.

The cooperation of all employees is mandatory. All department heads are required to understand and enforce this policy. If there are questions regarding this policy, employees should consult their department heads.

5.15 RECORDS AND REPORTS

The City shall maintain payroll and personnel records and make such reports as may be required by applicable federal and state laws and regulations.

The City Administrator shall be the official custodian of all personnel records and shall be responsible for the monitoring and safekeeping of personnel records to ensure compliance with applicable laws concerning access, confidentiality, and retention.

A City employee may submit a written request to the City Administrator to examine his/her personnel records. The City Administrator will honor that request within a reasonable period of time. Review of personnel records shall be done during regular working hours and in the presence of staff assigned to monitor such activity.

Department heads shall have access to personnel records provided that the confidential nature of these records is maintained. Access to medical/worker's compensation records and other personal information not directly job-related shall be made available to department heads and supervisors only on a need-to-know basis.

5.16 POLITICAL ACTIVITY POLICY

City employees shall not engage in any political campaign activities while on duty, while in the workplace, while in uniform or while using a City vehicle. This prohibited activity includes, but is not limited to, distributing information or soliciting contributions or services for any political party, political candidate, or organization while on duty.

Additionally, employees may not use City funds, supplies, or equipment for such purposes.

Nothing contained in these policies shall be construed to restrict the right of employees to hold membership in and support a political party, to vote as they choose, to express personal opinions on all political subjects and candidates, maintain political neutrality, or to attend political meetings during non-working hours.

This policy applies to all City employees. Failure to comply with the provisions of this section shall be grounds for termination.

CHAPTER SIX / EMPLOYEE BENEFITS

6.1 BENEFIT PLANS AND PROGRAMS

The City of Dacula provides a comprehensive benefit package for full-time regular employees. All coverages are subject to terms, conditions, restrictions, and other eligibility requirements as set forth in the plans.

Below is a list of the benefits provided by the City of Dacula. Please see the Defined Benefit Retirement Plan for more details. These benefits are subject to change at any time.

Employer Paid Benefits (for employees):

1. Medical Insurance
2. Dental Insurance
3. Basic Life Insurance
4. Retirement Plan
5. Prescription Drug Card
6. Disability Insurance

6.2 WORKER'S COMPENSATION

Employees are covered under the provisions of the Worker's Compensation Act. If an employee is injured while on the job, the injury must be reported to his/her supervisor immediately. The supervisor should ensure that the injured employee receives any required first aid or emergency medical treatment. The City has a panel of physicians and facilities that must be used for any job-related illness or injury. Any injured employee requiring medical treatment must be accompanied to the treatment facility by the supervisor. After medical treatment is administered, the supervisor must immediately notify the City Administrator's office with all pertinent information so that a claim may

be submitted within 24 hours of the accident or illness.

An employee who becomes temporarily disabled, with a disability covered by Worker's Compensation, will be entitled to whatever medical and income benefits are provided under the Worker's Compensation Program. Employees who are absent from work one (1) or more days should not be permitted to return to work until the employee submits a statement from one of the physicians assigned by the City indicating that the employee is able to resume all essential functions of the job with (or without) reasonable accommodation.

6.3 LEAVE RECORDS

In all cases of leave, the City Administrator **or his / her designee** shall be responsible for ensuring that all accrued leave is posted to each employee's record. The request and use of leave (either with pay or without pay) by an employee shall be accurately and promptly reported by the department head to the City Administrator for proper recording and filing. Leave balances will be maintained and updated on the computerized system by the City Administrator **or his / her designee**.

6.4 LEAVES OF ABSENCE FOR BLOOD DONATIONS

Every officer or employee of the City of Dacula shall be allowed a leave of absence, without loss of pay, of not more than eight hours in each calendar year for the purpose of donating blood.

This absence shall be computed at the rate of two hours per donation, up to four times per year. (Georgia Code 1981, Title 45-20-30 applies)

6.5 SICK LEAVE

1. Sick leave with pay shall be granted to regular full-time employees in the case of actual sickness or disability of the employee or family member resulting from causes beyond the employee's control or medical or dental examinations or treatments for which arrangements cannot be made outside of working hours.
2. The employee shall report to his/her supervisor the reason for his/her use of sick leave prior to his/her scheduled work time if possible. If this is not possible, he/she shall see that his absence is reported within 30 minutes after the time he/she is scheduled to report for work. Failure to do so may be cause for denial of sick leave with pay for that day and for each subsequent day that prior notification has not been given. Special consideration will be given to emergency situations.

3. A medical certificate signed by a licensed physician may be required by the supervisor to substantiate sick leave requests for the following reasons:
 - a. Any period of absence consisting of three or more consecutive work days; or
 - b. A request for sick leave while on annual leave;
 - c. to verify Covid-19 for a determination of benefits pursuant to federal, State or local law.
4. Full-time employees begin to accrue sick leave immediately upon employment at the rate of ten (10) days / eighty (80) hours per year.
5. Unused sick leave may be carried into the next calendar year, with the maximum accumulation restricted to twenty (20) days / one hundred sixty (160) hours (approximately one month).
6. Part-time employees do not receive sick leave.
7. Employees shall not receive pay for unused sick leave unless they retire after completing a minimum of twenty years of continuous service with the City. Except as set forth in section 8 below, the employee shall then be paid for a maximum of one hundred sixty (160) hours of accumulated sick leave. Payment will be made upon retirement and at the normal rate of pay for an eligible employee.
8. After December 31, 2016 no employee may accumulate more than 160 hours. Employees that have in excess of 160 hours on December 31, 2016 will retain the accumulated hours they have, but will accumulate no more. These employees will continue to accrue eighty (80) hours per year, but will accumulate no additional hours unless their accumulated total falls below 160 hours. Employees that have more than 160 hours on December 31, 2016 (and only those employees) will be paid for all hours they retain. The City may determine to compensate those employees for those hours prior to retirement, and may do so based upon such employees' current rate of pay.
9. Employees will not be paid for hours accrued but not taken as sick leave, unless paid upon retirement after twenty (20) years of service. Except as provided in section 8, employees will not be paid for hours accrued that exceed the 160-hour cap.

6.6 TEMPORARY DISABILITY

If an employee becomes temporarily disabled (including disabilities caused by pregnancy), he or she may exhaust all sick and vacation leave accumulations. After all sick and vacation accumulations have been used, an extension of leave either with or without pay may be authorized by the Mayor and Council upon recommendation of the appropriate supervisor.

6.7 LEAVE OF ABSENCE WITHOUT PAY

A leave of absence without pay may be granted by the City Administrator to any regular, full-time employee requesting such a leave for a period not to exceed six (6) consecutive months.

Approval of a leave of absence shall be determined by giving due consideration to the length of the requested leave of absence, the impact of such leave on the organization, and the department's plans to continue the work performed by that employee in their absence.

An employee on leave without pay shall not accrue paid vacation leave or sick leave and shall not receive paid leave on holidays. Upon returning to work, the anniversary date of the employee on leave without pay shall be adjusted such that time away from work shall not be credited as service time.

At the end of the approved leave of absence, the employee shall return to the same position or to an alternate position within the same pay rate held prior to the leave of absence.

6.8 FAMILY AND MEDICAL LEAVE

Under the Family and Medical Leave Act (FMLA), eligible employees are permitted to take up to twelve (12) weeks of unpaid leave during a twelve (12) month period measured from the date the employee's first FMLA leave begins for the following reasons:

1. The birth of a child or placement of a child with the employee for adoption or foster care;
2. The care of a spouse, child, or parent with a serious health condition; or
3. A serious health condition of the employee that renders the employee unable to perform the functions of his/her job.

Leave taken under this policy may be taken intermittently, in separate blocks of time. If an employee's 12 weeks of Family and Medical leave are exhausted within a twelve (12) month

period, any further unpaid leave will be considered as a leave of absence.

Eligibility

In order to be eligible for leave under this policy, employees must have been employed with the City for a least one (1) year of consecutive service.

An employee desiring leave under this policy for foreseeable events (such as expected birth or adoption of a child or for planned medical treatments) must provide the City with at least thirty (30) days advance notice explaining the reasons for such leave, the anticipated duration of the leave and the expected start of the leave. In cases where the need for leave cannot be anticipated thirty (30) days in advance, the employee must give notice of the need for leave as soon as practicable (ordinarily one or two business days) after the employee learns of the need for the leave. The employee must also make reasonable efforts to schedule the leave in a manner that does not unduly disrupt City operations. Failure to comply with the notice requirements for foreseeable leave under this policy may result in denial of leave until thirty (30) days after the employee provides proper notice to the City.

Benefits

During a leave under this policy, an employee's health insurance coverage will be continued at the same level of benefits and under the same terms and conditions as the coverage currently being provided by the City. Employees who have voluntary coverage must continue to make their voluntary insurance contribution payments to the City, at the time such payments would be due as made by payroll deduction, for the duration of the leave. If the payment is more than thirty (30) days late, the City may discontinue additional coverages during the leave period. Sick leave and vacation leave will accrue during any paid leave, but will not accrue during unpaid leave.

Reinstatement

Employees returning from leave under this policy will be reinstated to their former position or an equivalent position with equal benefits, pay and other terms and conditions of employment.

Pay During Leave

Employees who take leave and/or vacation for any reason under this policy must use all unused, accrued sick leave and accrued vacation leave prior to going on unpaid status. The calculation of time used under FMLA begins on the date that the employee begins to take this accrued leave. In all other circumstances, time spent on leave under this policy will be unpaid.

Verification Requirements

Employees who request leave under this policy for the serious health condition of the employee or family member (spouse, child, or parent) must provide the city with a statement of medical certification from a health care provider which explains the condition necessitating the leave, the date the condition commenced, the probable duration of the condition, and the anticipated regimen of treatment to be prescribed. The statement of medical certification should be provided to the City at the time the employee requests leave under this policy or shortly thereafter. In the case of unforeseen leave (such as for a medical emergency) the statement of medical certification should be provided to the City soon as the leave commences. Failure to comply with the medical certification provisions of this policy may result in the denial of leave until the employee provides a statement of medical certification to the City.

If the City has reason to question the validity of a medical certification provided by the employee's health care provider, the City may require the employee to obtain a second opinion, at the City's expense, from a health care provider designated by the City. In the event that the second opinion differs from the first, the City may require that the employee obtain a third and final opinion, at the City's expense and from a health care provider that is approved jointly by the City and the employee.

The City may also require periodic reports during the duration of the leave regarding the medical status of the employee or family member and the employee's intention of returning to work. An employee returning from leave under this policy due to his/her serious health condition must provide the City with a written medical release from a health care provider before initiating work. Failure to provide a release may result in denial of restoration of employment until the employee provides a medical release to the City.

6.9 VACATION LEAVE

1. Full-time employees must have 90 days of continuous service before any vacation leave is allowed. After 90 days of continuous service, full-time employees will be allowed 5 days of vacation leave per calendar year; after 1 year of continuous service, full-time employees will be allowed 10 days of vacation leave per calendar year; after 7 years of continuous service, full-time employees will be allowed 15 days of vacation leave per calendar year; ~~and~~ after 15 years of continuous service, full-time employees will be allowed 20 days of vacation leave per calendar year; **and after 20 years of continuous service full-time employees will be allowed 25 days of vacation leave per calendar year.**

Vacation leave must be used during the year in which it is accrued. No accumulation of vacation leave will be allowed. All accumulated vacation

will be paid at the end of the calendar year.

2. Vacation leave must be scheduled with your department's operations in mind. Your supervisor must arrange vacation schedules to meet the best interests of the department. You can help by letting him/her know your plans well in advance. He/she will then do his/her best to arrange your vacation time to your convenience.
3. Employees shall be paid for all unused accrued vacation leave if he/she has satisfactorily completed one year of service.
4. No employee shall receive pay in lieu of vacation leave unless such payment is recommended by the supervisor and approved by the Mayor.

6.10 COURT LEAVE

Any regular or probationary employee who is subpoenaed by any federal, state, or local court to serve as a juror or witness on a workday shall be entitled to paid leave, without loss or without effect on performance rating during this time.

Part-time and internship employees shall be eligible for a leave of absence without pay for court leave.

Employees attending court for personal litigation or other issues unrelated to work shall not use Court leave. Vacation leave or leave without pay must be used for such circumstances.

6.11 BEREAVEMENT LEAVE

A maximum of three (3) workdays of funeral leave may be taken in the event of a death in a regular or probationary employee's immediate family. The department head may approve a longer absence for extenuating circumstances, but additional time taken must be charged to vacation leave or leave without pay.

Part-time and internship employees shall be eligible for funeral leave without pay.

6.12 MILITARY LEAVE

Ordered Military Duty

Any regular or probationary employee who is a member of the National Guard or other organized military reserve corps of the United States and who may be called/ordered to military duty (active duty for training, summer camp, etc.) will be allowed a leave of absence

(with pay) for up to eighteen (18) workdays in one (1) calendar year or continuous period of absence. An employee must submit a copy of his/her orders to his/her supervisor. Supervisors will then submit a copy of those orders to the City Administrator.

Leave extending beyond this time will be without pay, unless granted by the recommendation of the department head and the approval of the Mayor and Council.

This policy shall not apply to part-time or internship employees.

Declared Emergency

In the event that the Governor declares an emergency, regular or probationary employees called to State active duty as members of the National Guard shall be placed on leave of absence with pay for a period of up to thirty (30) workdays in any one (1) calendar year or continuous period of active duty service. This policy shall not apply to part-time or internship employees.

Reemployment Rights

Regular and probationary employees who leave employment with the City to perform active duty for military services with the United States are entitled to reemployment rights with the City in accordance with federal laws governing reemployment rights. Such employees are entitled to reinstatement if:

1. They reapply for employment within specified time limitations;
2. They satisfactorily completed their military service; and
3. They are able to perform the essential duties of their job.

Upon return, such employees are eligible for appointment to the same position or to a similar position that was held prior to active duty assignment. Further, such employees are protected from discharge, except for cause, for one (1) year after reemployment and are reinstated with the same seniority, status, and pay they would have received if they had not been inducted into military service.

6.13 FLOWER FUND POLICY

Because the City of Dacula believes in showing support and in offering condolences to employees elected and appointed officials of City in times of bereavement, the City of Dacula has enacted a "Flower Fund Policy."

The City of Dacula will, at a cost deemed reasonable by the City Administrator, donate one (1) flower arrangement to an employee or his/her family in the event of a death of an immediate family member. This is to include the employee himself/herself, a spouse, a

parent, a sibling, a child, or a grandparent, including any of those persons of a step, in-law, foster, or adoptive relationship to the employee. Also, flowers may be sent for hospital stays and births by City employees or other significant events such as the illness or death of a dignitary (elected official of another city, etc.).

6.14 RETIREMENT BENEFITS

The City provides a retirement plan for regular full-time employees. The City's retirement plan is with the Georgia Municipal Employees' Benefit System. Employees are fully vested (100%) upon the completion of seven (7) years of service as a regular employee, regardless of whether it was continuous service. No contributions to the plan are made by the City on behalf of a regular employee until the employee completes one (1) year of continuous service with the City.

The City's retirement plan contributions for eligible regular employees working at least thirty (30) or more hours per week on a regular basis with at least one (1) full year of service shall be paid to the Georgia Municipal Association's Retirement System in accordance with regulations established by that Agency. These contributions include retirement funding, and administrative and guaranty fund expenses, to insure appropriate funding of the City's retirement plan and to avoid incurring any debt or loss as a result of the provisions of the plan. Nothing herein shall preclude the City's latitude to amend or terminate the current retirement plan.

The City's retirement plan for regular full-time employees excludes any employee not authorized to be covered under this plan according to applicable state or federal laws or regulations. The City shall also maintain payroll and personnel records and make such reports as may be required by applicable state and federal laws and regulations.

6.15 HEALTH INSURANCE

The City provides group hospitalization insurance to eligible regular full-time employees. The Mayor and Council shall determine employer and employee contributions to the plan. Family plans may also be available to covered employees and officials at rates determined by the Mayor and Council.

6.16 COVID-19 LEAVE, TESTING AND BENEFITS

- a. Background. The purpose of this subsection is to protect the health, safety and welfare of employees who may show symptoms of or contract Covid-19 and the well-being of non-infected City employees. City employees are strongly encouraged to wash their hands frequently and thoroughly, maintain physical distancing, and follow closely the applicable guidelines from the Centers for Disease Control (See <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting->

[sick/prevention.html](#)) to protect themselves, their families, their co-workers and the public.

- b. Initial Procedure. If you have the symptoms of Covid-19 as identified by the Centers for Disease Control, do not report to work. Instead, first contact your health care provider and follow the instructions provided. Then notify your supervisor of your symptoms and the instructions provided by your health care provider regarding your ability to report to work.
- c. Documentation. To be eligible to receive federal leave related to Covid-19, you must complete the Leave Request Form provided by the City.
- d. Application. If you wish to receive sick leave under the FFCRA, complete the forms provided by the Human Resources Director and submit them within ten (10) days of your return to work. If you choose not to apply for FFCRA leave, or if the FFCRA does not apply, you may elect to substitute any available accrued vacation leave, personal leave, or medical or sick leave for your absence.
- e. Determination. The City Administrator will make an initial determination of your eligibility for FFCRA leave. The City Administrator's decision may be appealed in accordance with Section 7.1 of this Manual.
- f. Conflict. Should any provision of this section conflict with applicable federal or state law, the applicable federal or state law shall control.

6.17 FLEX SAVING ACCOUNT AND CAFETERIA PLAN

The City provides certain health, vision, dental, life, accidental death and short-term disability insurance paid by employees through a payroll deduction program. A third party administers employee funded flexible spending accounts. These accounts allow employees to contribute pre-tax dollars as allowed by law. These funds can be used to pay for eligible medical, dental and vision expenses. The employees are responsible for paying administrative or on-boarding fees to initiate the service.

6.18 EDUCATIONAL ASSISTANCE AND TUITION REIMBURSEMENT

The City of Dacula recognizes that the skills and knowledge of its employees are critical to the success of the organization. The City may reimburse an employee up to a maximum amount per calendar year as allowed by the Internal Revenue Service. Reimbursements are for continuing education through an accredited school and/or program recognized by the US Department of Education that either offers growth in an area related to the employee's current position or that may lead to promotional opportunities. To maintain

eligibility, employees must remain in an active pay status and be performing their job satisfactorily through the completion of each course and/or degree or certification program. This education may include college credit courses, continuing education unit courses, seminars and certification tests that are job related.

Tuition Reimbursement is based upon budget allocation appropriated on an annual basis from the City Council. The allocation of funds in one year does not guarantee additional funding in subsequent years. Additionally, the funding of this program is based upon the approval of the City Administrator and may be for an amount up to the federally approved limit, depending on available funds.

There will be no duplicate payments for the same course. The employee is required to first apply for any outside benefits for which he or she may be eligible for including, but not limited to, State or Federal Educational benefits (including V.A.), outside agencies, grants (HOPE Grant), etc. Awards, grants, and scholarships which do not require repayment by the employee are not eligible for reimbursement and must be disclosed. The City will provide reimbursement only for qualified cost(s) which exceed the amount paid by outside sources up to the maximum approved amount.

An employee must secure a minimum passing grade of a “C” or its equivalent or obtain a certification to receive any reimbursement. Expenses must be validated by receipts from the institution attended, and a copy of the final grade or certification received.

All full-time employees who have completed 12-months of employment are eligible.

Procedures

To receive reimbursement for educational expenses, employees should follow the procedures listed here:

- Prior to enrolling in an educational course, the employee must provide his or her department head with a completed Educational Course or Certification Request Form with information about the course or certification he or she would like to receive and to discuss the job-relatedness of the continuing education. If the Department Head approves of the request, it will then be forwarded to the City Administrator for approval. The City Administrator will determine the maximum reimbursable amount for an employee.
- Approved courses may range from obtaining GED certifications to technical courses such as electronics, engineering, computers, finance, business management up through the master’s degree level of studies. Doctoral degrees are not eligible for this benefit.
- Approved courses are to be taken on the employee’s own time unless the City Administrator has approved time on the clock for such courses.

- Qualifying courses must directly relate to duties and responsibilities of the employee's current position or must enhance the employee's potential for advancement to a position with the City to which the individual has a reasonable expectation of advancing.
- Once the course or certification has been successfully completed, the employee will submit a Tuition Reimbursement Request Form, attaching receipts from the school and evidence of a minimum passing grade of a "C" or its equivalent or certification. If employee has received any assistance from outside agencies such as the HOPE Grant or V.A. (G.I. Bill), etc., please attach supporting documentation. There will be no duplicate payments for the same course(s).
- Reimbursements are for actual tuition fees only and do not include fees paid for books or any other miscellaneous fees such as: administrative, graduation, testing and examinations, student services, athletics, technology, parking, food, mileage, lodging, etc.
- The Human Resources Department will coordinate the reimbursement with the Finance Department following the receipt of all necessary documentation. Reimbursements requested more than 60-days after completion of course(s) will not be honored.

The employee shall not be eligible for reimbursement for training or education expenses under the following conditions:

- The employee does not obtain prior written approval of his or her Department Head; or
- The employee does not follow the procedures listed; or
- The employee is terminated voluntarily or involuntarily or resigns before receiving the final grade or certification.

The employee shall be responsible for reimbursing the City for the training or education expenses under the following conditions:

- The employee is terminated voluntarily or involuntarily or resigns within two years after the completing the education or training program. Reimbursement to the City shall be made according to the following schedule:
 - 100% if terminated or resigns within six months of completing the education or training.
 - 75% if terminated or resigns between six months and one year of completing the education or training.
 - 50% if terminated or resigns between one year and eighteen months of completing the education or training.
 - 25% if terminated or resigns between eighteen months and two years of completing the education or training.

If termination or resignation occurs after two years of the education or training, no reimbursement is required.

While educational assistance is expected to enhance employee performance and professional liabilities, the City cannot guarantee that participation in formal education will entitle the employee to automatic advancement, a different job assignment, or pay increases.

CHAPTER SEVEN / EMPLOYEE RELATIONS DISCIPLINE AND SEPARATIONS

7.1 EMPLOYEE RELATIONS - OPEN DOOR POLICY

The policy of the City of Dacula is to resolve employee problems or complaints informally, whenever possible. Immediate supervisors and employees are expected to make every effort to discuss and resolve problems as they arise. When this is not possible, however, the employee who has a legitimate claim may use the City's Open Door Policy, which provides an opportunity to resolve problems at the level of a department head or higher (if necessary).

Procedures

A. Step One:

An employee with a complaint shall present the matter to his/her immediate supervisor within three (3) working days after the employee knew or, in the exercise of due diligence, should have known of the conduct or acts upon which the complaint is based. The complaint must be presented in writing and shall state specifically the action, or failure of action, upon which it is based. The supervisor shall consider the complaint and make a determination as to its validity and whether remedial action is justified. The supervisor shall attempt to adjust the matter and shall give the employee a response, in writing, no later than three (3) working days after the complaint is presented. The supervisor's response shall include a statement of his/her decision and the response shall be reported by the supervisor to his/her immediate superior.

B. Step Two:

If the problem is not resolved by Step One, the employee may present the complaint to the City Administrator within three (3) working days after the department head's decision is rendered or is due, whichever first occurs. The complaint shall be in writing shall specifically state the action or failure of action upon which it is based, the essential facts of the complaint, and the remedy requested by the employee.

The City Administrator shall confer with the employee about the problem within five (5) working days after it is presented to him/her. If the employee is to be represented by legal counsel, he/she shall so notify the City Administrator at least 24 hours before the conference.

The City Administrator shall consider the complaint and the decision of the department head. He/she shall determine whether the department head's decision shall be affirmed, reversed, or modified and whether any remedial action is justified. The City Administrator shall render a written response to the employee within five (5) working days after the conference with the employee.

His/her response shall include a statement of his/her decision and shall specify the reasons for the decision. The City Administrator's decision may be appealed to the Mayor and Council through the appeal process.

Department Heads

A department head that has an employment-related problem may submit his/her concern directly to the City Administrator in accordance with the provisions of step ~~three~~ **two** of the Open Door Policy as described above.

7.2 SEPARATIONS

For the purpose of these policies, separation from employment with the City shall be considered to be one of the following: *resignation, constructive resignation, reduction in force, or termination.*

A resignation is a voluntary separation by an employee from employment with the City. Two weeks shall be the standard period of notification that an employee shall provide the City regarding his/her resignation. The department head shall immediately notify the City Administrator (or designee) of the employee's resignation. The City Administrator may waive the two-week resignation requirement in special circumstances.

In addition, even when an employee gives two (2) weeks notice, the City Administrator may accept the resignation effective the date that the notice is received or at any time within the notice period.

Constructive Resignation

Any employee, without valid reason, who fails to report to work for three (3) consecutive workdays without authorized leave, may be terminated from employment with the City and shall be reported as a constructive resignation.

Reduction in Force

The City Administrator may effectuate a reduction in force due to a budgetary crisis or other material change, such as in the duties or organizational needs of the City. Regular employees who are to be laid off due to reduction in force will be given at least one (1) pay period notice of anticipated layoff.

Termination

A termination is an involuntary separation of an employee from employment with the City. An employee may be terminated for disciplinary reasons including, but not limited to, serious offenses and violations of City policies.

7.3 DISCIPLINARY ACTION

Department heads are responsible for the proper and efficient operation of their departments and for enforcing City policies and regulations. It is the responsibility of employees to observe adopted policies and regulations. Employees who violate adopted policies and regulations will be subject to disciplinary action, up to and including termination.

The department head is authorized to take appropriate disciplinary action against employees who violate established policies and regulations.

Reasons for Disciplinary Action

Employees may be disciplined for the violation of any of the specific actions listed below. Any of these infractions are sufficient grounds for disciplinary action, including termination.

These violations serve as guidelines for employees, although they are not necessarily exclusive. The City retains the right to administer disciplinary actions for offenses not specifically reflected in this policies.

Unprofessional Conduct

Employee actions that may warrant disciplinary action up to, and including termination are:

1. Failure to perform at an acceptable level of competence as determine by the department head (this may include excessive tardiness, lost time, or inefficiency);

2. Disregard for and violations of City ordinances, departmental policies, and regulations including safety rules;
3. Willful misuse, misappropriation, negligence or destruction of any City property, vehicle or equipment, including the use of such items for personal use or gain;
4. Carelessness or negligence with the monies or other property of the City;
5. Tardiness or absence from duty without prior approval;
6. Violation of any reasonable or official order, refusal to carry out lawful and reasonable directions given by a supervisor, or any other acts of insubordination;
7. The consumption of alcoholic beverages on City property, on City time, while in City uniform, or while in a City vehicle;
8. The abuse or misuse of prescription or non-prescription drugs, other forms of medication, or any mind-altering substance;
9. The unlawful manufacture, dispensation, distribution, possession, or use of controlled substances;
10. Any violation of the City's Drug and Alcohol Free Workplace Policy;
11. Willfully giving false information to City officials, City employees, or the general public;
12. Falsification of a job application or other City records;
13. Violation of privileged information or its use for private gain;
14. Any conduct, on or off duty, that reflects unfavorably on the City as an employer;
15. Refusal to be examined by a City-authorized and licensed doctor when so directed in accordance with these policies;
16. Falsification or destruction of official records or documents or use of official position for personal benefits, profit, or advantage, or for other improper reasons;
17. Discourteous behavior to the general public or to other City employees;
18. Conviction of a felony or crime involving moral turpitude;

19. Failure to answer questions before any local, state, or federal judiciary, administrative tribunal, or appeals board;
20. Possession of firearms or other dangerous weapons or articles by non-police personnel while on duty;
21. Harassment of other City employees or the general public;
22. Violation of the City's unlawful harassment policy as prescribed in these policies;
23. Organization and/or participation in prohibited political activity or a work strike against the City;
24. Sleeping while on duty;
25. Allowing one's self to be in a position or circumstance, other than bona fide illness or disability, which inhibits one's ability to properly and professionally perform one's job duties;
26. Unsatisfactory or poor job performance;
27. Any action that is detrimental to the City or its operations; and/or
28. Engaging in horseplay or rough play while on the job or in any City facility. Injuries as a result of horseplay/rough play are not considered within the scope of employment and may not be covered under worker's compensation.
29. Engaging in unnecessary violence or harassment toward any person, except where authorized by law, even in the event of provocation.

Types of Disciplinary Action

Disciplinary action may be taken against an employee in the form of a reprimand and/or adverse action. The three (3) types of adverse action are disciplinary suspension without pay, disciplinary demotion, and termination. These types of disciplinary actions are defined as follows:

- A. **Reprimand:** A means of communicating a warning to an employee that an inappropriate behavior in the workplace has occurred or that a work-related problem exists and needs to be corrected.
 - a. **Oral Reprimand:** The department head shall communicate to the employee

their observations of the problem and state the action(s) necessary to correct the problem. The oral reprimand shall be documented by the department head to show the date and nature of the reprimand and all persons present at the time of the incident and/or reprimand. The employee shall be advised that the reprimand will be documented in their personnel file and that the employee may submit comments for their personnel file relating to the oral reprimand.

b. **Written Reprimand:** A formal means of communicating in writing to an employee a warning that a problem exists and needs to be corrected. The written reprimand shall be prepared by the supervisor or City Administrator and shall include the date the problem occurred, the date of the written reprimand, and a statement of the problem and action(s) necessary to correct the problem. It shall be presented to the employee in a private meeting.

The employee should sign the written reprimand. It shall be included in the employee's personnel file. The employee shall have the opportunity to submit a response in writing for inclusion in their personnel file.

B. Adverse Action: This is disciplinary action taken by a department head, for cause, that results in suspension without pay, a disciplinary demotion, or a termination. The decision regarding the adverse action to be taken shall be based on the nature of the violation committed by the employee and other related issues as determined by the department head. The three (3) types of adverse actions are defined as follows:

a. **Disciplinary Suspension without Pay:** An employee may be suspended without pay for violating these policies. An employee may be suspended without pay for a minimum of one (1) day up to a maximum of ten (10) workdays for any action that does not warrant demotion or termination.

The duration of a suspension shall depend upon the nature of the offense. The procedures outlined in Section 7-4 "adverse action procedures" shall be followed for disciplinary suspension without pay.

b. **Disciplinary Demotion:** An employee may be demoted to a vacant position of a lower salary for disciplinary reasons if the employee is qualified to perform the work of the lower position. This shall entail a reduction in salary as outlined in the "Demotion" section of this manual.

c. **Termination:** An employee may be involuntarily separated from employment with the City for disciplinary reasons. The procedures outlined in Section 7-4 "Adverse action procedures" shall be followed for

termination.

7.4 ADVERSE ACTION PROCEDURE

(Disciplinary Suspension, Disciplinary Demotion, and Termination, Other than During the Probationary Period)

The following procedure will be followed upon the initiation of any action against a regular employee involving disciplinary suspension without pay, demotion, or termination.

A. Step One - Notification:

The Supervisor and City Administrator give the affected employee written notification of the proposed adverse action. The notification will contain the following:

1. The proposed effective date of the adverse action;
2. The specific charges and reasons for the adverse action; and
3. A statement informing the employee of the opportunity for a hearing in person with the City Administrator (or designee) before the adverse action is final.

B. Step Two - Employee Response/Hearing:

The employee is given the opportunity to refute charges and reasons for adverse action in an in-person hearing with the City Administrator or designee. An interpreter may accompany an employee when it is necessary. Every employee who takes advantage of the opportunity to have a hearing has the right to subpoena witnesses and to have an attorney present.

C. Step Three - Final Action:

The City Administrator (or designee) makes a determination as to whether the employee successfully refuted the charges and then notifies the employee of his/her decision within ten (10) working days after the hearing.

The decision of the City Administrator or designee will be the final action of the City, unless the decision to take the adverse action was made by the City Administrator, in which case the employee may request a hearing before the Mayor and City Council.

7.5 EMERGENCY ACTION

The City Administrator (or designee) may take immediate action against any employee under emergency situations. The immediate action will be to suspend the employee with pay until an investigation can be conducted. If discipline is appropriate, the procedure described in the "Adverse Action Procedure" section of this manual will be followed under normal circumstances. If the employee is unable to communicate or respond, the employee will be placed on leave without pay until it is determined that the employee can return to work or until the employee can respond. Examples of emergency situations include: crimes of moral turpitude, commission of a felony, injurious or dangerous behavior, or damage to or destruction of public property.

The City Administrator (or designee) may take immediate action against a probationary employee, a part-time employee, or an internship employee without the necessity of following the procedures outlined in the "Adverse Action Procedure" section of this manual.

CHAPTER EIGHT / GENERAL INFORMATION

8.1 DEFINITIONS

For the purposes of these policies, the following words and phrases shall have respective meanings ascribed to them in this chapter.

Adverse Action: Disciplinary action taken against a probationary or regular employee, for cause, that results in a disciplinary suspension without pay, a disciplinary demotion, or a termination.

Applicant: Any person who has filed an application for employment with the City in accordance with the provisions of these policies.

Catastrophic Illness: A catastrophic illness has been defined as a serious illness or disease that has, or ordinarily has, permanent or detrimental effects on the body and/or leaves a permanent injury. A severe illness has an effect on the general health of continuance of life of the person affected. It does not mean temporary physical disturbance or ailments speedily and entirely recovered from, not interfering materially in pursuit of one's vocation producing no permanent effect.

City Official: The Mayor and members of the City Council are deemed to be "City Officials" for purposes of policies.

City Administrator: City Administrator is designated to performing all duties and responsibilities assigned to a "City Manager" in any ordinance, resolution, policy or other

document.

Complaint: A statement made by an employee alleging that the employee's employment or productivity has been adversely affected by unlawful discrimination.

Demotion: The movement of a regular full-time employee or a new employee on probation to a position with a lower salary than that of the previous position and salary held by the employee.

Designee: The Mayor and Council's officially designated representative responsible for administering the City's Policies, procedures, etc.

Termination: A discharge or removal of an employee from employment with the City.

Exempt Employee: An employee in a position which is not required to receive overtime compensation for hours worked in excess of the standard workweek (according to the Fair Labor Standards Act).

Full-time Employee: An employee in a position with a standard workweek of forty (40) hours under normal circumstances.

Hours of Work: Any normal workday in which a City employee actually works or would work under ordinary circumstances. Saturday or Sunday shall not be considered a workday, unless the employee is scheduled on a regular basis to work Saturday or Sunday.

Immediate Family: An employee's spouse, parent, sibling, child, and grandparent. Also includes any of these persons of a step, in-law, and foster or adoptive relationship to the employee.

Mayor: The chief administrative officer of the City of Dacula, or designated representative.

Open Competitive Vacancy: A City position wherein announcement of a vacancy and acceptance of applications is solicited from current City employees and from the community at large.

Probationary Period: A twelve (12) month period of time in which a new employee or a promoted employee is being evaluated on their work performance in the new position.

Promotion: The advancement of a regular full-time employee to a vacant position with a higher salary than the previous position and salary held by the employee.

Promotional Competitive Vacancy: A City position in which an announcement of a vacancy and acceptance of application is limited to regular full-time employees of the City of Dacula.

Reappointed Employee: A person who has been previously employed by the City in a regular full-time position and who applies for employment with the City and is appointed again to a regular full-time position. Unless otherwise stated, all conditions of employment for reappointed employees shall follow those of new employees.

Regular Employee: Describes the status of an employee who has been hired and given regular status after satisfactorily completing the probationary period (as required for regular full-time employees).

Separation: The resignation, constructive resignation or termination of an employee.

Sick Leave: Paid leave accrued by regular fulltime employees to provide time off from work for a bona fide illness or injury, temporary disability, and/or other medically related necessities for the employee or for the employee's spouse, parent, or child.

Standard Workweek: For City employees not exempt from the Fair Labor Standards Act (FLSA), the standard workweek is forty (40) hours in a seven (7) day, 168-hour work week.

Suspension: means the temporary removal of an employee from the City for a period not to exceed thirty (30) working days in one (1) calendar year.

Internship Employee: An employee in a position for a limited duration of time, usually not to exceed one (1) year.

Transfer: The lateral movement of a regular full-time employee, or new employee, on a probationary status to another position with the same pay rate as that of the employee's former position.

Vacation Leave: Paid leave accrued by regular full-time employees to provide time off from work for vacation purposes or to attend to personal matters.



MEMO

TO: City of Dacula City Council and Mayor
FROM: Brittni Nix, City Administrator
Jack Wilson, City Attorney
DATE: August 25, 2025
SUBJECT: Proposed Ordinance Amendment—Occupation Tax Payment

Staff has consulted with the City's tax collection consultant and the City attorney regarding additional measures to facilitate collection and to encourage payment of unpaid taxes and fees to the City. The amendments to the City Code outlined in the attached ordinance provide City personnel additional tools and flexibility for collecting sums due the City. These collection activities work to ensure that all businesses are treated equally and sums due the City are promptly paid.

Staff recommends approval of this Ordinance amendment. If you have any questions or need anything further, please let us know.

Thank you.



**AN ORDINANCE TO AMEND THE CITY OF DACULA
CITY CODE OF ORDINANCES REGARDING OCCUPATION TAXES
AND PENALTIES FOR NONPAYMENT**

Section 12-31

WHEREAS, the City has adopted a Code or Ordinances including provisions for the payment of certain occupation taxes for businesses inside the City; and

WHEREAS, the existing Ordinance should be amended to provide greater and clarity in the collection of occupation taxes;

WHEREAS, it is in the best interest of the health, safety and welfare of the citizens of the City to amend the City Code as outlined in this Ordinance;

NOW THEREFORE, the Mayor and City Council of the City of Dacula hereby ordains that the existing Section 12-31 is amended as follows:

SECTION 1

Sec. 12-31. - Penalty.

The existing Subsection 12-31 (c) is deleted and the following is substituted in its place:

(c) Any person who shall conduct a business, activity, or occupation without having obtained a license therefor or paid the required occupation tax as required by this chapter, or who shall violate any other provisions of this chapter, shall, upon a finding of violation therefore, be punished by a fine not to exceed \$1,000.00 and cost, or by imprisonment not to exceed sixty (60) days, or both, any and all of such penalties to be imposed in the discretion of the Judge of the Municipal Court. In addition to the foregoing penalties, any person(s) failing to timely obtain such licenses or pay such license fees or occupation taxes shall be subject to the maximum penalties, interest, and civil fines authorized by O.C.G.A. § 48-13-21 and O.C.G.A. § 48-13-26 as now written or as hereinafter amended.

And, the new Subsections 12-31(d) and (e) are adopted as follows:

(d) In addition to all other enforcement measures authorized by State law and City ordinance, the City shall be authorized to utilize tax executions and to seek the entry of nulla bona orders pursuant to O.C.G.A. § 48-13-25 as now written or may be hereinafter amended to collect delinquent fees or taxes.

(e) A penalty is imposed on each business and practitioner of an occupation who fails to apply for and obtain appropriate registration, and to pay any and all regulatory and administrative fees and occupation taxes required by this article prior to April 1 of each year. Such delinquency shall also bear interest at the rate of 1.5 percent for each month or partial month of such delinquency. Penalties provided in this section shall be in addition to any other penalties, civil or criminal, which may be applicable.

SECTION 2

The City Administrator and Assistant City Administrator are further authorized to correct typographical errors in the text of the existing Code of Ordinances and to produce and publish a final codified version of the City Code with the amendments and revisions outlined herein.

SECTION 3

In the event any Court of competent jurisdiction determines that any portion of the foregoing amendment is invalid, unconstitutional or otherwise illegal, such rulings shall not impair the validity of the rest and remainder of this amendment.

SECTION 4

All laws and parts of laws in conflict with this Ordinance are hereby repealed.

SECTION 5

This Ordinance and the amendment outlined herein shall be effective immediately upon adoption by the Mayor and City Council.

SO ORDAINED by the governing authority of the City of Dacula, this ____ day of September, 2025.

AYES: ____

NAYES: ____

ATTEST:

HUGH D. KING, III
MAYOR, CITY OF DACULA

BRITTNI NIX
CITY ADMINISTRATOR



Memorandum

To: City of Dacula Planning Commission /
City of Dacula Mayor and City Council

From: H. Hayes Taylor Jr, City Planner

Date: August 25, 2025

Subject: 2025-CD-RZ-02 & 2025-CD-SUP-02

Proposed Zoning: O-I (Office Institutional District)
Special Use Permit for Group Personal Care Home use.

Existing Zoning: R-1400 (Single-Family Residential District)

Size: 1.54 acres

Proposed Use: Group Personal Care Home

Applicant: Fanie Wehmanen
1312 Harbins Rd
Dacula, GA 30019

Owner(s): Fanie Wehmanen
1312 Harbins Rd
Dacula, GA 30019

Location: LL 298 – 5th District, Parcel 016

Existing Land Use and Zoning:

The subject parcel totals 1.54 acres and is located at 1312 Harbins Road, at the corner of the Brookton Chase Court and Harbins Road intersection. The site contains a split level, 1,739 square foot building, which contains four (4) bedrooms, two (2) bathrooms, and one (1) basement, with an attached 512 square foot wooden deck, a residential driveway, two (2) accessory storage structures, and approximately one (1) acre of sodded open space. The residential driveway is 53 feet long with varying width and provides one (1) point of egress onto Brookton Chase Court. Staff estimates that the driveway could provide space for up to four (4) vehicles.

The property is zoned R-1400 (Single-Family Residential District). Properties to the east, north, and west are zoned R-1400 (Single-Family Residential District, *City*), and are within the Brookton Chase subdivision. The parcel across Harbins Road to the south is zoned RA200 (Agriculture/Residence, *County*).

442 Harbins Road, P.O. Box 400, Dacula, GA 30019
T: 770-963-7451 F: 770-513-2187 Email: daculacityhall@daculaga.gov



The Proposed Development:

The applicant has requested to rezone the 1.54-acre parcel from zoned R-1400 (Single-Family Residential District) to O-I (Office Institutional District) with a special use permit to allow for group personal care home use. The Zoning Ordinance requires that group personal care homes have at minimum an O-I zoning classification and a Special Use Permit (Article IX, Section 904). Staff notes that the property previously contained a legal nonconforming group personal care home.

Application materials state that the requested rezoning and Special Use Permit do not propose redevelopment, or significant improvements to the property. The letter of intent states that the proposed group personal care home seeks to accommodate up to six (6) residents and provide care in a residential setting. The site currently provides approximately 850 square feet of outside parking space, and 426 square feet of garage space. Additional parking may be needed if future residents are active automobile drivers.

Staff notes, the Georgia Department of Health (GDH) is responsible for determining the proposed group personal care home's compliance with state law and GDH requirements. Although the personal care home license is issued by the Georgia Department of Health, the City of Dacula oversees the issuance of the Certificate of Occupancy. Prior to issuance of the Certificate of Occupancy, Gwinnett Environmental Health must certify the capacity of the septic system is permissible. . The application indicates that the proposed personal care home use will continue to use the existing septic system.

Summary:

The site is suited for residential and neighborhood services, such as personal care, given the previous group personal care home use on the subject parcel. The proposed group personal care home use could be considered compatible with the surrounding residences, as long as the parcel is not further developed for more intense institutional uses, and the existing structure retains its residential character. For these reasons, Staff recommends the requested rezoning be approved with conditions.

Comprehensive Plan:

The proposed development falls within the Dacula South Character Area (City of Dacula 2050 Comprehensive Plan pg. 65). The Dacula Downtown character area land use and zoning considerations call for the maintenance of existing residential character and for small neighborhood commercial where appropriate (pg. 65). The Guidance for Rezoning by Character Area table calls for R-1400CSO, R-1400, and TRD in Dacula Southern, and does not call for O-I (pg. 69).

The analysis of the application should be made based upon the "Standards Governing Exercise of the Zoning Power" as stated in Section 1702 of The 2000 Zoning Ordinance of the City of Dacula.

1. *Whether the proposed rezoning, and special use permit will permit a use that is suitable in view of the use and development of an adjacent and nearby property?*

With the proper conditions, the proposed rezoning and special use permit could be considered consistent with the adjacent and nearby residential uses along Harbins Road and within the Brookton Station subdivision. The proposed special use permit and rezoning do not require redevelopment of the property. Maintaining the existing structure and property characteristics would not create additional visual impact.

2. *Whether the proposed rezoning, and special use permit will adversely affect the existing use or usability of adjacent or nearby properties?*

If approved, the recommended conditions would help mitigate any negative future impacts on the surrounding properties.

3. *Whether the property to be affected by the proposed rezoning, and special use permit has a reasonable economic use as currently zoned?*

Yes, the property has reasonable economic use as currently zoned.

4. *Whether the proposed rezoning, and special use permit will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools?*

The proposed use is not expected to increase the burden of use for utilities, existing streets, transportation facilities, or schools.

5. *Whether the proposed rezoning, and special use permit request is in conformity with the policy and intent of the Land Use Plan?*

The subject parcel is within the Dacula South Character Area of the City of Dacula's Future Land Use Map. The principal object of the character area is to "maintain existing character," while allowing for small scale neighborhood "commercial and community amenities" when suitable (Dacula 2050 Comprehensive Plan pg. 65). Furthermore, the subject property has a history of group personal care home use. As such, the proposed development could be considered appropriate at this location (City of Dacula 2050 Comprehensive Plan, pg. 61). Staff notes that the proposed zoning classification, Office-Institutional District (OI), is not included as a recommended zoning code.

6. *Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposed rezoning, and special use permit?*

The property has a history of neighborhood businesses on site. Chateau Flooring Inc. received a home occupation license in 2014. Subsequently, the subject parcel served as a group personal

care home, Harbins Care LLC, from 2015 to 2020. Group personal care home use and other office-institutional uses could be considered compatible with the surrounding neighborhood character, given the half a decade of precedent for home business at the subject address.

Recommendation:

Based upon the applications, the requested rezoning, and special use permit for group personal care home use are recommended for approval with the following conditions:

The Department notes the Planning Commission recommended approval with staff's recommended conditions, which carried, 4-0, for the requested rezoning at the August 25, 2025, Planning Commission Hearing.

Land Use and Concept Plan

1. Any modifications to the existing property improvements (ex: redevelopment, paint, repairs, additions, concrete, asphalt, etc.) shall be reviewed and approved by the Planning & Development Department.
2. The site shall be limited to the following uses:
 - a. Offices, Business or Professional.
 - b. Group Personal Care Home.
3. A letter from Gwinnet County Environmental Health certifying the number of residents supported by the septic system shall be required prior to Certificate of Occupancy issuance for a group personal care home.
4. No outdoor storage shall be permitted on site.
5. No drive-thru or gas station uses shall be permitted.
6. The building must be compliant with the latest ratified International Building Code standards & Americans with Disabilities Act (ADA) accessibility guidelines prior to Certificate of Occupancy issuance.

Sign and Advertisement

7. Oversized signs or billboards shall not be permitted.
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. Live human advertisements shall be prohibited within the subject area. This includes, but is not limited to, sign spinners, twirlers, dancers, clowns, and / or other similar temporary advertising methods commonly provided by costumed or animated humans.

10. Blinking, exposed neon, electronic messaging, scrolling, portable, and inflatable signage shall be prohibited.

Landscape and Parking

11. Any parking expansion shall require a parking plan to be submitted to the Planning & Development Department for review. The parking expansion shall accommodate the number of proposed driving residents, employees, and personal care home vehicles. Article 10, Section 1002 of the Zoning Resolution requires that rooming and boarding facilities have at minimum one (1) parking space per bedroom.
12. Parking lot and security lighting shall be directed towards the property to minimize the adverse impact on neighboring properties.
13. The backyard shall be enclosed by a secure fence with a minimum of six (6) feet in height. The fence should include a security or alarm feature for resident safety. The proposed fence location and materials must be reviewed and approved by the Planning and Development Department prior to permit issuance and construction.
14. The proposed fenced area shall be landscaped to provide adequate shade for residents and staff. The landscape plan is subject to the approval of the Planning & Development Department.



City of Dacula
P. O. Box 400
Dacula, GA 30019
(770) 962-0055 / Fax (770) 513-2187

Item 13.

REZONING/ CHANGE OF CONDITIONS/ SPECIAL USE PERMIT APPLICATION

AN APPLICATION TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF DACULA, GEORGIA.
(Please Type or Print using BLACK INK)

APPLICANT *	PROPERTY OWNER *
NAME <u>Fanie Wehmanen</u>	NAME <u>Fanie Wehmanen</u>
ADDRESS _____	ADDRESS <u>1312 Harbins Rd.</u>
CITY _____	CITY <u>Dacula</u>
STATE _____ ZIP _____	STATE <u>GA</u> ZIP <u>30019</u>
PHONE <u>470 461 3897</u> FAX <u>561 859 4172</u>	PHONE <u>(561) 859-4172</u> FAX _____

APPLICANT IS THE:

- ☐ OWNER'S AGENT
☒ PROPERTY OWNER
☐ CONTRACT PURCHASER

CONTACT PERSON Fanie Wehmanen
COMPANY NAME Gifted Hands Personal Care Home
ADDRESS 1312 Harbins Road
Dacula, GA 30019
PHONE (561) 859-4172 FAX _____
EMAIL Fanienurse@gmail.com

* Include any person having a property interest
and/or a financial interest in any business entity having
property interest (use additional sheets if necessary).

PRESENT ZONING DISTRICT(S) Residential REQUESTED ZONING DISTRICT DL
LAND LOT(S) _____ PARCEL # 5298.016 DISTRICT(S) _____ ACREAGE _____

PROPOSED DEVELOPMENT OR SPECIAL USE REQUESTED

Special use permit for group Personal Care Home

RESIDENTIAL DEVELOPMENT:

NO. OF LOTS/DWELLINGS UNITS _____

DWELLING UNIT SIDE (SQ. FT.) _____

NON-RESIDENTIAL DEVELOPMENT:

NO. OF BUILDINGS/LOTS _____

TOTAL GROSS SQ. FEET _____

LETTER OF INTENT & LEGAL DESCRIPTION OF PROPERTY

*** PLEASE ATTACH A "LETTER OF INTENT" EXPLAINING WHAT IS PROPOSED and
TYPED "LEGAL DESCRIPTION" OF PROPERTY TO BE AMENDED ***

CASE NUMBER

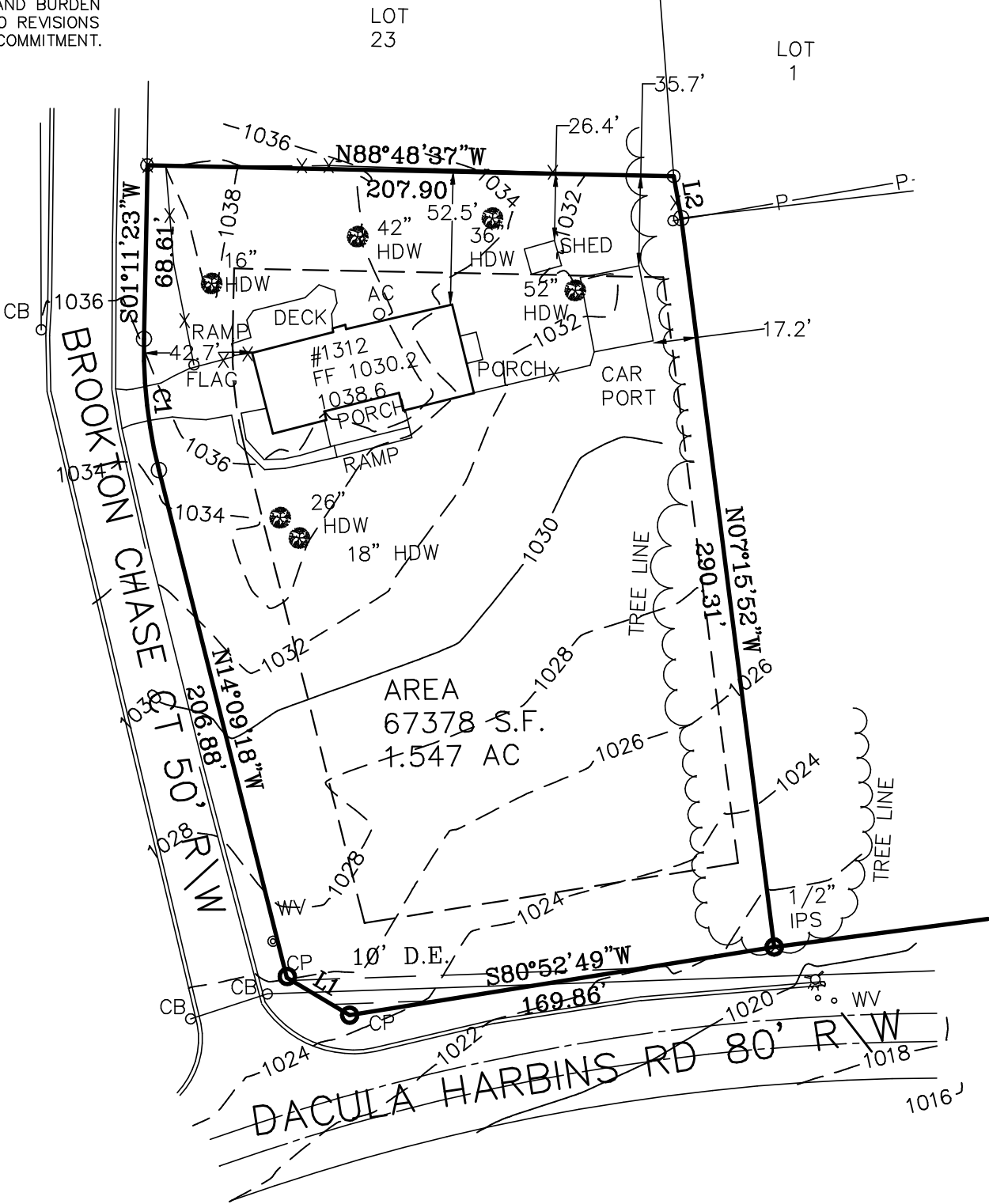
ALL MATTERS OF TITLE ARE EXCEPTED. THIS PLAT IS SUBJECT TO ALL LEGAL EASEMENTS AND RIGHTS-OF-WAY PUBLIC OR PRIVATE.

NOTE: PROPERTY LINES SHOWN ON THIS SURVEY/PLAT REPRESENT PHYSICAL FIELD CONDITIONS BY EVIDENCE OF APPARENT POSSESSION (IRON PINS FOUND, OLD & ESTABLISHED FENCE LINES, OLD WALL LINES, SHRUB & HEDGE LINE, HOUSE LOCATIONS, ETC.) THEY MAY DIFFER AND BE IN CONTENTION FROM EVIDENCE FOUND AT THE APPLICABLE COUNTY COURTHOUSE. THEY MAY ALSO DIFFER FROM OTHER SURVEYOR OPINIONS AND/OR NEIGHBORS SURVEYS/PLATS. A FULL LAND TITLE REPORT OPINION ON ALL PROPERTIES, INCLUDING ADJACENT AND CONTIGUOUS PROPERTIES MAY BE NEEDED TO RESOLVE ALL POSSIBLE PROPERTY LINE DISPUTES OR DISCREPANCIES.

THIS SURVEY WAS MADE WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT. EASEMENTS AND ENCUMBRANCES MAY EXIST WHICH BENEFIT AND BURDEN THIS PROPERTY. THIS SURVEY IS SUBJECT TO REVISIONS AND UPDATE UPON RECEIPT OF SAID TITLE COMMITMENT.

CURVE TABLE				
CURVE	LENGTH	RADIUS	CHORD	DIRECTION
C1	52.29	195.23	52.13	S06°28'57"E

LINE_TABLE		
LINE	LENGTH	BEARING
L1	28.83	N59°10'41"W
L2	16.80	N10°08'18"W

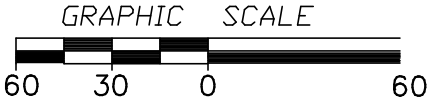


LEGEND

○ IPF=IRON PIN FOUND
○ IPS=IRON PIN SET
R/W=RIGHT OF WAY
MAG= MAGNETIC
P.O.B.=POINT OF BEGINNING
B/L=BUILDING LINE
D.E.=DRAINAGE EASEMENT
N/F=NOW OR FORMERLY
P = PREVIOUS
E = EXISTING
P/P = POWER POLE
PRP = PER REFERENCE PLAT

DECLARATION IS MADE TO ORIGINAL PURCHASER OF THE SURVEY. ANY USE BY THIRD PARTIES IS AT THEIR OWN RISK.
SURVEY IS VALID ONLY IF PRINT HAS ORIGINAL SEAL AND ORIGINAL SIGNATURE OF SURVEYOR.

UTILITIES PROTECTION CENTER
Call FREE
IN METRO ATLANTA
325-5000
THROUGHOUT GEORGIA
1-800-282-7411
THREE WORKING DAYS BEFORE YOU DIG



CLOSURE DATA
FIELD CLOSURE=1'IN 35,000+
ANGLE POINT ERROR=<NA
EQUIPMENT USED=TOTAL STATION GPS
ADJUSTMENT METHOD=NONE STARNET GPS
PLAT CLOSURE=1'IN 100,000+

THIS PROPERTY DOES LIE WITHIN
A 100 YEAR FLOOD PLAIN ACCORDING
TO REFERENCE PLAT.

SET BACKS	
FRONT	35'
SIDE	10'
REAR	40'

CURRENT SETBACKS
SHOULD BE VERIFIED
THRU ZONING DEPT
PRIOR TO DESIGN
OR CONSTRUCTION.

PREPARED FOR:

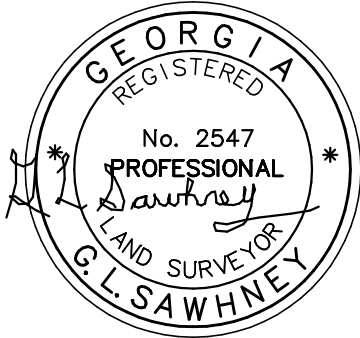
Fanie Wehmanen

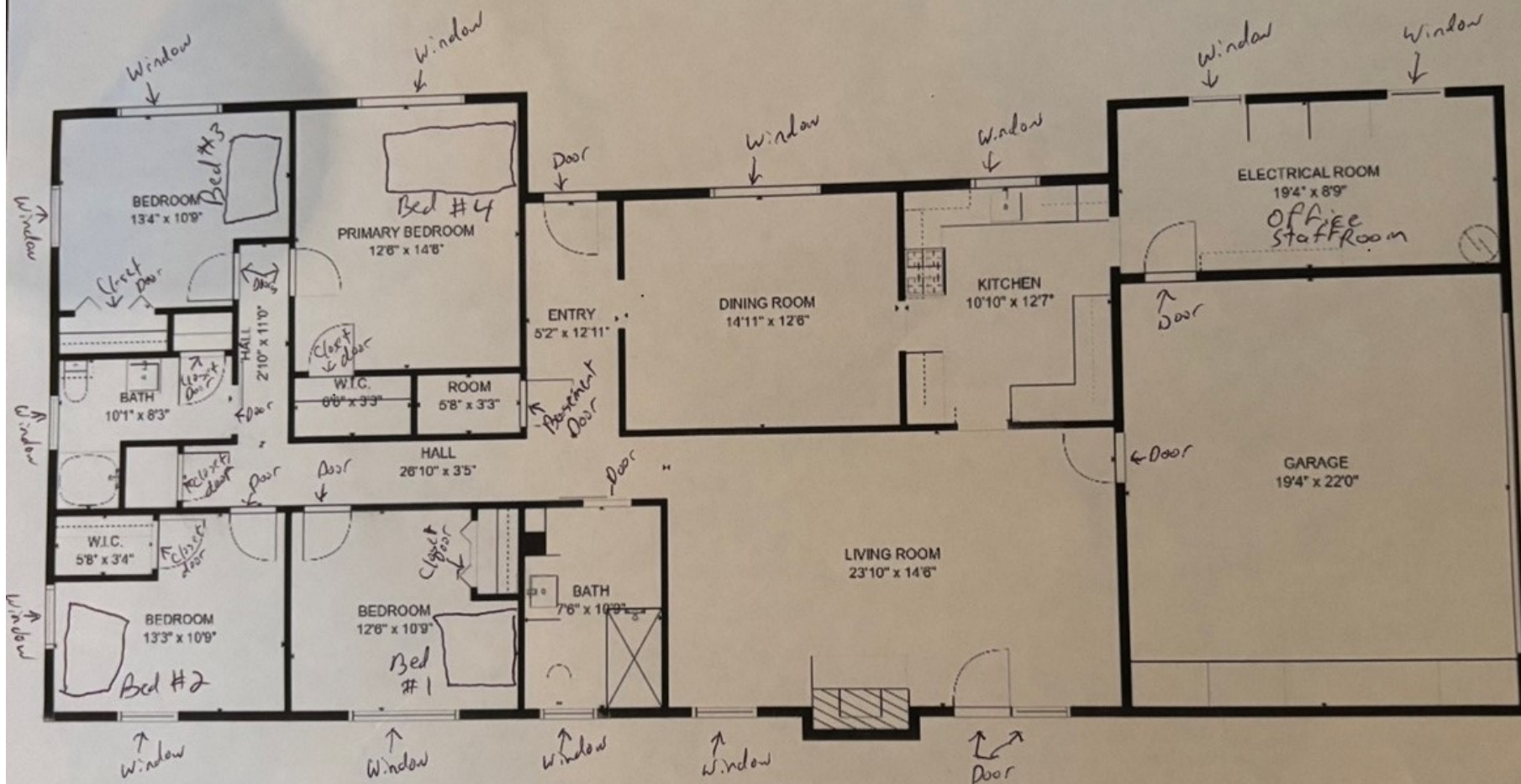
IN MY OPINION THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF LAW.

1312 Harbins Rd., Dacula, GA

LOT: NA	LAND LOT: 298	DATE: 07/23/25
BLOCK:	DISTRICT: 5 TH	
SCALE: 1"=60'	COUNTY: GWINNETT	JOB NO: 1312HARB\25

SAWHNEY & ASSOCIATES
523 HASTINGS WAY JONESBORO GA 30238
PH.# (678)-500-4356





TOTAL: 1739 sq. ft
FLOOR 1: 1739 sq. ft
EXCLUDED AREAS: GARAGE: 426 sq. ft, ELECTRICAL ROOM: 169 sq. ft, FIREPLACE: 7 sq. ft
WALLS: 134 sq. ft

FLOOR PLAN CREATED BY CURICASA APP. MEASUREMENTS DEEMED HIGHLY RELIABLE BUT NOT GUARANTEED.

Letter of Intent for Establishing a Personal Care Home

July 09, 2025

City of Dacula ,

Purpose

The purpose of this LOI is to outline the preliminary intentions is to utilize the Property as a residential Personal Care Home designed to accommodate up to six (6) residents, providing 24-hour care, supervision, meals, and assistance with activities of daily living.

Business Model

The proposed care home will operate as a private pay residential care home, targeting adults aged 65 and older, including elderly individuals and those with physical or cognitive limitations who require more one on one care than a assisted living can provide in a home-like setting.

Licensing

The Operator will comply with all applicable local and state regulations, including obtaining a license from the Georgia Department of Community Health to operate a Personal Care Home for six or fewer residents. We will obtain a CO from our county, State license from DCH, and a county business license and revenue.

Term and Use of Property

Intended Use: Residential Personal Care Home

Proposed Start Date: September 2025

Lease/Purchase Option: Purchased Property .

Modifications: Minor modifications or improvements may be made as necessary to comply with regulations and safety codes. Property owner has approved all modifications.

Confidentiality

Both parties agree to keep the content of this LOI and any related discussions confidential, unless disclosure is required by law or regulatory authorities.

Non-Binding Agreement

This Letter of Intent is non-binding and is intended only as a statement of the current intentions of the parties. A formal agreement outlining all terms and conditions will be executed after further due diligence, negotiation, and consultation with legal counsel.

Next Steps

We are prepared to:

- Submit a formal business proposal and licensing plan
- Conduct an inspection of the property
- Execute all the rules and requirements of the city of Dacula.
- Provide documentation of compliance for all rules and regulations to the city of Dacula

Thank you for your consideration.

Sincerely,

Use Permit Application Responses for Personal Care Home
Property Address: 1312 Harbins Road, Dacula, GA 30019

A. Whether a proposed zoning will permit a use that is suitable in view of the use and development of adjacent and nearby property

Yes, the proposed zoning will permit a use that is suitable in view of the use and development of adjacent and nearby property.

The subject property is well-suited for a Personal Care Home use. The surrounding area consists primarily of residential properties, which aligns with the nature of a Personal Care Home that provides housing and care in a residential-like setting. The home is designed to blend seamlessly with the existing neighborhood, preserving the residential character while offering much-needed support services to elderly or disabled individuals in a safe and compassionate environment.

Furthermore, this proposed use does not involve any industrial, high-traffic commercial, or disruptive activities. It supports the quiet enjoyment of surrounding properties and adds value by addressing a growing need for quality senior care in the community. The use is consistent with nearby low-density residential development and complies with the intent of the zoning district.

B. Whether a proposed rezoning will adversely affect the existing use or stability of adjacent or nearby property

No, the proposed rezoning will not adversely affect the existing use or stability of adjacent or nearby property.

The proposed rezoning is consistent with the residential nature of the surrounding area and is intended to maintain the property's appearance and function as a single-family home. The home will be operated in a manner that respects the character of the neighborhood, with minimal traffic, no signage that detracts from residential aesthetics, and no commercial disruptions.

The Personal Care Home will provide a safe and supportive living environment for a small number of residents, typically no more than 6, which is in line with low-density residential development. This use enhances neighborhood stability by offering a compassionate and regulated care option for aging or disabled individuals without introducing any elements that would negatively impact neighboring properties. Local, state, and fire safety regulations will be strictly followed to ensure safety and compliance.

C. Whether the property to be affected by a proposed rezoning has a reasonable economic use as currently zoned

Yes, the property has a reasonable economic use as currently zoned; however, the proposed rezoning enhances its economic utility by allowing a use that meets an important community need.

The property is currently zoned for residential use and could reasonably be used as a single-family residence. However, rezoning to allow a Personal Care Home increases the property's

Additionally, there is a recognized shift in healthcare policy and consumer preference toward less institutional, more home-like environments for senior care. The proposed Personal Care Home use aligns with these evolving standards, providing a needed service while maintaining the residential integrity of the neighborhood.

There are no environmental constraints or incompatible neighboring land uses that would hinder the successful or harmonious development of the property as a Personal Care Home. The property size, layout, and surrounding infrastructure all support this use, making it a responsible and community-oriented zoning decision.



City of Dacula

P. O. Box 400
Dacula, GA 30019
(770) 962-0055 / Fax (770) 513-2187

IMPACT ANALYSIS STATEMENT

As required by the Zoning Resolution of the City of Dacula, the following standards are relevant in balancing the interest in promoting the public health, safety, morality, or general welfare against the right to the unrestricted use of property and shall govern the exercise of the zoning power. **ALL APPLICATIONS MUST BE COMPLETED WITH THE COMPLETED IMPACT ANALYSIS STATEMENT.**

DATE July 1, 2025 APPLICANT Farie Wehmanen

- A. Whether a proposed rezoning will permit a use that is suitable in view of the use and development of adjacent and nearby property: Yes, the proposed zoning will permit a use that is suitable in view of the use and development of adjacent and nearby property.
- B. Whether a proposed rezoning will adversely affect the existing use or usability of adjacent or nearby property: No, the proposed rezoning will not adversely affect the existing use or usability of adjacent or nearby properties.
- C. Whether the property to be affected by a proposed rezoning has a reasonable economic use as currently zoned: Yes, the property has a reasonable economic use as currently zoned; however, the proposed rezoning enhances its economic utility by allowing a use that meets an important community need.
- D. Whether the proposed rezoning will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. No, the proposed rezoning will not result in a use which will cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools.
- E. Whether the proposed rezoning is in conformity with the policy and intent of the Land Use Plan: Yes, the proposed rezoning is in conformity with the policy and intent of the land use plan.
- F. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposed rezoning: Yes, there are existing and changing conditions that support approval of the proposed rezoning.

Legal Description of Property

1312 Harbins Road, Dacula, Georgia 30019

Gwinnett County, Georgia

All that tract or parcel of land lying and being in Land Lot 298 of the 5th Land District, Gwinnett County, Georgia, and being a tract consisting of 1.535 acres, more or less, located at 1312 Harbins Road, City of Dacula, Georgia, more particularly described on that certain plat of survey prepared by R&V Surveying, Inc., Georgia Registered Land Surveyor, dated October 26, 2001, and being further described as follows:

Commencing at a point located 217.18 feet along the right-of-way of Dacula Harbins Road from the intersection of Brookton Drive and Dacula Harbins Road, and extending along Dacula Harbins Road:

- South 80 degrees 52 minutes 49 seconds West for a distance of 169.86 feet to a point;
- Thence North 59 degrees 70 minutes 41 seconds East for a distance of 28.23 feet to a point;
- Thence North 14 degrees 4 minutes 15 seconds West for a distance of 214.87 feet along the proposed Brookton Chase Court to a point;
- Thence North 6 degrees 7 minutes 13 seconds West for a distance of 44.53 feet to a point;
- Thence North 1 degree 71 minutes 23 seconds East for a distance of 68.61 feet to a point;
- Thence South 88 degrees 48 minutes 37 seconds East for a distance of 207.90 feet to an iron pin;
- Thence South 10 degrees 8 minutes 18 seconds East for a distance of 16.80 feet to an iron pin;
- Thence South 7 degrees 15 minutes 52 seconds East for a distance of 290.31 feet to the Point of Beginning.

Said property is subject to all applicable zoning ordinances, easements, and restrictions of record.



City of Dacula

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Dacula, GA 30019

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DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more the Mayor and/or a member of the City Council or a member of the Dacula Planning Commission.

☐ Yes

☒ No

If the answer is *Yes*, please complete the following section:

Name of Government Official	Contributions (All which aggregate to \$250.00+)	Contribution Date (within last 2 years)
NA		

Have you, within the two years immediately preceding the filing of this application, made gifts having in the aggregate a value of \$250.00 or more to the Mayor and/or a member of the City Council or a member of the Dacula Planning Commission.

☐ Yes

☒ No

If the answer is *Yes*, please complete the following section:

Name of Government Official	Description of Gifts (Valued aggregate \$250.00+)	Date Gift was Given (within last 2 years)
NA		

(Attach additional sheets if necessary to disclose or describe all contributions/gifts)

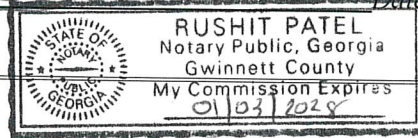
APPLICANT CERTIFICATION

The undersigned is authorized to make this application and is aware that if an application is denied, no application or re-application affecting the same property shall be acted upon within twelve (12) months from the date of last action unless waived by the City.

Signature of Applicant [Signature] Date 7/9/25

Type or Print Name/Title Fannie Welmanen

Notary Public [Signature] Date 07/09/2025

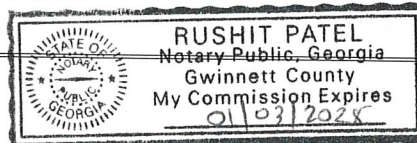
**PROPERTY OWNER CERTIFICATION**

The undersigned, or as attached, is the record owner of the property considered in this application and is aware that if an application is denied, no application or re-application affecting the same land shall be acted upon within twelve (12) months from the date of last action unless waived by the City.

Signature of Property Owner [Signature] Date 7/9/25

Type or Print Name/Title Fannie Welmanen

Notary Public [Signature] Date 07/09/2025

**FOR ADMINISTRATIVE USE ONLY**

DATE RECEIVED _____ RECEIVED BY _____ FEE _____ RECEIPT # _____

LAND LOT _____ DISTRICT _____ PARCEL # _____ HEARING DATE _____

ACTION TAKEN _____

SIGNATURE _____ DATE _____

STIPULATIONS _____



City of Dacula
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DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more the Mayor and/or a member of the City Council or a member of the Dacula Planning Commission.

☐ Yes

☒ No

If the answer is *Yes*, please complete the following section:

Name of Government Official	Contributions (All which aggregate to \$250.00+)	Contribution Date (within last 2 years)
NA		

Have you, within the two years immediately preceding the filing of this application, made gifts having in the aggregate a value of \$250.00 or more to the Mayor and/or a member of the City Council or a member of the Dacula Planning Commission.

☐ Yes

☒ No

If the answer is *Yes*, please complete the following section:

Name of Government Official	Description of Gifts (Valued aggregate \$250.00+)	Date Gift was Given (within last 2 years)
NA		

(Attach additional sheets if necessary to disclose or describe all contributions/gifts)

Property for Use Permit Application: 1312 Harbins Rd. Dacula, GA 30019
Parcel # 5298 016

RE: Address List of Properties Notification was Sent to

Timothy Montgomery
1322 Harbins Rd.
Dacula, GA 30019

1269 Brookton Chase Ct
Dacula, GA 30019

Clackdell LLC
1311 Harbins Rd.
Dacula, GA 30019

Clack Billy J & Sandra C
1285 Harbins Rd.
Dacula, GA 30019

Home SFR Borrower LLC
1295 Brookton Dr.
Dacula, GA 30019

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only	
For delivery information, visit our website at www.usps.com ®.	
Dacula, GA 30019	
Certified Mail Fee \$5.30	0726 04
Extra Services & Fees (check box, add fee as appropriate)	Postmark Here
☐ Return Receipt (hardcopy) \$0.00	
☐ Return Receipt (electronic) \$0.00	
☐ Certified Mail Restricted Delivery \$0.00	
☐ Adult Signature Required \$0.00	
☐ Adult Signature Restricted Delivery \$0.00	
Postage \$0.78	08/15/2025
Total Postage and Fees \$6.08	
Sent To: Property Owner 1285 Harbors Rd. Dacula, GA 30019	
PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions	

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only	
For delivery information, visit our website at www.usps.com ®.	
Dacula, GA 30019	
Certified Mail Fee \$5.30	0726 04
Extra Services & Fees (check box, add fee as appropriate)	Postmark Here
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