



# Mayor and City Council Regular Meeting

Thursday, June 02, 2022 at 7:00 PM

Dacula City Hall, Council Chambers

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

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## Agenda

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

### **INVOCATION:**

### **PLEDGE OF ALLEGIANCE:**

### **CONSENT AGENDA:**

1. Approval of the Minutes from the Regular Council Meeting on May 5, 2022
2. Juneteenth Holiday Request
3. Official Acceptance of Annexation Application: 2022-CD-AA-01
4. Bid results for 2nd Avenue & Broad Street drainage improvements
5. Ordinance to amend the Buffer, Landscape, & Tree Ordinance
6. Purchasing Policy for City of Dacula
7. Ordinance to amend Chapter 20 - Purchasing Ordinance

### **OLD BUSINESS:**

### **NEW BUSINESS:**

### **STAFF COMMENTS:**

### **MAYOR AND COUNCIL COMMENT(S):**

### **PUBLIC COMMENTS:**

### **ADJOURNMENT:**

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

**COUNCIL MEETING**  
**MINUTES**  
**May 5, 2022**

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

Mayor Trey King called the May 5, 2022 Council Meeting to order at 7:03 p.m. and roll call of the members was taken. A quorum was present. He welcomed everyone to the meeting.

**Council Members Present:**

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

**City Staff Present:**

Heather Coggins, Acting City Administrator  
 Jack Wilson, City Attorney  
 Brittini Nix, Director of Planning & Economic Development  
 Courtney Mahady, Administrative Clerk  
 Dana Stump, Administrative Assistant for Planning & Zoning  
 Amy White, City Marshal  
 Renee Cooke, Front Desk Clerk

**II. INVOCATION:**

Invocation was given by Marshal Amy White.

**III. PLEDGE OF ALLEGIANCE:**

Mayor Trey King led the Pledge of Allegiance.

**IV. GEORGIA CITIES WEEK**

**1. Recognition for Community Participation**

Mayor King announced that Georgia Cities Week was April 24-30, 2022 and the City of Dacula participated by having children in the community express their creativity through coloring. The coloring pages were displayed in the Council Chambers.

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**V. CONSENT AGENDA:**

- 2. Approval of the Minutes from the Regular Council Meeting on April 7, 2022**
- 3. 2022 CDBG Subrecipient Agreement (Brookton Station)**

Councilman Spain motioned to approve the Consent Agenda items. Councilman Haynes, Jr. seconded. Motion passed unanimously.

**VI. OLD BUSINESS:**

*None*

**VII. NEW BUSINESS:**

- 4. PUBLIC HEARING: 2021-CD-COC-03**, Applicant: Carter and Associates, Owner: Walton Georgia, LLC requests changes to 2021-CD-RZ-02 and 2021-CD-VAR-02 condition(s). The property is located in Land Lots 270 and 271 of the 5th District and contains 43.81 acres more or less.

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

Director of Planning & Economic Development, Brittini Nix, presented the staff report for the application for change of conditions pertaining to 2021-CD-RZ-02 and 2021-CD-VAR-02 allowing for three industrial buildings instead of one with the use remaining the same. Ms. Nix stated staff recommended approval of the application with conditions.

Councilman Williams inquired who would maintain Stanley Road. Ms. Nix stated that the City of Dacula would maintain the road because it is within the city limits.

*Comment in favor:*

Scott Taylor, 39 Georgia Ave, Suite 200, Atlanta, GA 30312, President and CEO of Carter & Associates stated that with the original user backing out, his company remains committed to moving forward with the project with the conditions being the same. Mr. Taylor added that the intensity of the use would also decrease.

Shane Lanham, 1550 North Brown Rd, Suite 125, Lawrenceville, GA 30043, stated that the original site plan was tailored for a specific end user and the updated site plans will now allow for a wider range of general use. Mr. Lanham stated that the proposed development is compatible with the policies in the comprehensive plan as well as the zoning classifications and land uses of the surrounding area.

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Brady Panis, 39 Georgia Ave, Suite 200, Atlanta, GA 30312, Senior Project Manager with Carter & Associates spoke in regards to the future traffic along Stanley Road. Mr. Panis stated that the vehicle use will be less with the updated site plan.

Councilwoman Mitchell inquired how Gwinnett County determined less traffic density with there being three buildings as opposed to one. Mr. Panis indicated that the nature of business would be different meaning less vehicles coming in and out each day.

Councilman Haynes, Jr. expressed some concern about what type of tenant would use the building. Mr. Taylor stated that the type of user would use the buildings for office space as well as some packaging and logistics, not purely distribution.

Councilman Spain motioned to close the public hearing. Councilman Haynes, Jr. seconded. Motion passed unanimously.

- 5. Change of Conditions Application: 2021-CD-COC-03**, Applicant: Carter and Associates, Owner: Walton Georgia, LLC requests changes to 2021-CD-RZ-02 and 2021-CD-VAR-02 condition(s). The property is located in Land Lots 270 and 271 of the 5th District and contains 43.81 acres more or less.

Councilman Spain motioned to approve with staff recommended conditions [listed below]. Councilwoman Mitchell seconded. Motion passed unanimously.

### **CONDITION SET #1**

Resulting from regional review (DRI) by the Atlanta Regional Commission (ARC) & the Georgia Regional Transportation Authority (GRTA)

#### **Attachment A – General Conditions**

##### **General Conditions of Approval to GRTA Notice of Decision:**

###### *Pedestrian, Bicycle and Transit Facilities*

- Provide pedestrian connectivity between all buildings and uses.
- Provide sidewalks along Stanley Road and Winder Highway in accordance with City of Dacula ordinance and design standards.

##### **Roadway & Site Access Improvement Conditions to GRTA Notice of Decision:**

###### *Winder Highway (SR 8/US 29) at Relocated Stanley Road (Intersection 2B)*

- Construct relocated Stanley Road as a three-lane roadway with one (1) lane in each direction and a center two-way left-turn lane along the property frontage.
- Construct a channelized eastbound right-turn lane along Winder Highway (SR 8/US 29)
- Construct a westbound left-turn lane along Winder Highway (SR 8/US 29)

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- Construct a northbound left-turn lane and a channelized right-turn lane along Stanley Road

*Stanley Road at Driveway B (Intersection 6)*

- Construct a southbound left-turn lane along relocated Stanley Road
- Construct Driveway B to consist of a minimum of one (1) ingress lane and a minimum of one (1) egress lane

*Stanley Road at Driveway C (Intersection 7)*

- Construct a southbound left-turn lane along relocated Stanley Road
- Construct Driveway C to consist of a minimum of one (1) ingress lane and a minimum of one (1) egress lane

**Attachment B – Required Elements of the DRI Plan of Development**

Conditions Related to Altering Site Plan after GRTA Notice of Decision:

The on-site development will be constructed materially (substantially) in accordance with the Site Plan. Changes to the Site Plan will not be considered material or substantial so long as the following conditions are included as part of any changes:

- All “Proposed Conditions of Approval to GRTA Notice of Decision” set forth in Attachment A are provided.

**Attachment C – Required Improvements to Service the DRI**

As defined by the *GRTA DRI Review Procedures*, a “Required Improvement means a land transportation service or access improvement which is necessary in order to provide a safe and efficient level of service to residents, employees and visitors of a proposed DRI.

The Required Improvements in the study network were identified in the Review Package as necessary to bring the level of service up to an applicable standard before the build-out of the proposed project. These requirements are identified in Sections 1 and 2 of this Attachment. Section 1 contains improvements that do not require GRTA approval at this time because they are to be constructed prior to the completion of the DRI Plan of Development. However, GRTA approval shall be required in the event state and/or federal funds are proposed at a later date to be used for any portion of the improvements described in Section 1. Section 2 contains improvements that require GRTA approval prior to the expenditure of state and/or federal funding. Subject to the conditions set forth in Attachment A and Attachment B, GRTA approves the expenditure of state/and or federal funding for the improvements contained in Section 2.

**Section 1:**

General Conditions of Approval to GRTA Notice of Decision:

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*Pedestrian, Bicycle and Transit Facilities*

- Provide pedestrian connectivity between all buildings and uses.
- Provide sidewalks along Stanley Road and Winder Highway in accordance with City of Dacula ordinance and design standards.

Roadway & Site Access Improvement Conditions to GRTA Notice of Decision:

*Winder Highway (SR 8/US 29) at Relocated Stanley Road (Intersection 2B)*

- Construct relocated Stanley Road as a three-lane roadway with one (1) lane in each direction and a center two-way left-turn lane along the property frontage.
- Construct a channelized eastbound right-turn lane along Winder Highway (SR 8/US 29)
- Construct a westbound left-turn lane along Winder Highway (SR 8/US 29)
- Construct a northbound left-turn lane and a channelized right-turn lane along Stanley Road

*Stanley Road at Driveway B (Intersection 6)*

- Construct a southbound left-turn lane along relocated Stanley Road
- Construct Driveway B to consist of a minimum of one (1) ingress lane and a minimum of one (1) egress lane

*Stanley Road at Driveway C (Intersection 7)*

- Construct a southbound left-turn lane along relocated Stanley Road
- Construct Driveway C to consist of a minimum of one (1) ingress lane and a minimum of one (1) egress lane

**Section 2:**

Roadway Improvement Conditions to GRTA Notice of Decision:

*University Parkway (SR 316/US 29)*

- Widen the southbound approach along University Parkway (SR 316/US 29) to add one (1) through lane so that it consists of two (2) left-turn lanes, three (3) through-lanes, and one (1) right-turn lane.

**CONDITION SET #2:**

Conditions of the City of Dacula

Transportation / Infrastructure

- 1.A. All new utility lines shall be located underground. The developer shall be responsible for the relocation of public or private utilities and stormwater infrastructure.

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- 1.B. Sidewalks shall be required adjacent to Winder Highway right-of-way. The sidewalk location shall be reviewed and approved by the City of Dacula and Georgia Department of Transportation. Sidewalks shall be required adjacent to both sides of the full length of the relocated Stanley Road improvements. The location of sidewalks shall be reviewed and approved by the Gwinnett County D.O.T. and City of Dacula.
- 1.C. Sidewalks shall be constructed with an additional 2-foot by 8-foot pad approximately every 300 linear feet to accommodate future pedestrian amenities such as benches, planters, and trash containers adjacent to the Winder Highway right-of-way. All such required amenities shall be decorative, commercial-quality fixtures. Sidewalk design and placement of any of these amenities shall be reviewed and approved by the City of Dacula, Gwinnett County D.O.T. or Georgia Department of Transportation depending on who owns the subject right-of-way.
- 1.D. Provide decorative light poles / fixtures along Winder Highway right-of-way. Streets lights shall be staggered, 150 feet on-center. All street lighting shall be subject to review and approval of the City of Dacula, Gwinnett County D.O.T or Georgia Department of Transportation depending on who owns the subject right-of-way. Where applicable, streetlights shall be placed adjacent to required pedestrian amenity sidewalk pads. The property owner shall be responsible for street light maintenance and lighting fees. Light fixtures which are utilized shall be as follows:
- Fixture Head Pole Type (Streetlight)
  - Max. Pole Height = Cobra Head Fluted (Black) 40 ft. or Cobra Head Smooth (Black) 40 ft.
- 1.E. A sign prohibiting truck access beyond the southeastern corner of the site shall be required adjacent to the Stanley Road right-of-way / dedicated easement at the end of the proposed Stanley Road improvements.
- 1.F. Access onto Winder Highway must meet Georgia Department of Transportation standards. The Stanley Road relocation and improvements must meet current Gwinnett County D.O.T. standards under the Gwinnett County Unified Development Ordinance (UDO) and be dedicated to Gwinnett County as right-of-way. Proposed access on Stanley Road must meet the minimum spacing requirements of the Gwinnett County UDO. The property owner / developer must coordinate with the Winder Highway & SR 316 interchange Project Manager(s) to ensure the relocation of Stanley Road does not interfere with the interchange.
- 1.G. A Traffic Impact Study shall be provided prior to the issuance of a development permit. Prior to the issuance of the first certificate of occupancy, the applicant shall make any improvements recommended by the traffic impact study, provided the improvements are approved by the City of Dacula, Gwinnett County D.O.T. and Georgia Department of Transportation respectively. All design and construction will be subject to Gwinnett County D.O.T. and Georgia Department of Transportation review and approval.

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1.H Applicant/developer shall pay its proportionate share of the costs of a traffic signal at the intersection of Winder Hwy and relocated Stanley Road.

Landscaping Requirements

2.A. Provide landscaped islands throughout all surface parking areas as required by the Dacula Buffer, Landscape, and Tree Ordinance.

2.B. Provide a minimum ten-foot wide landscaped strip adjacent to the Winder Highway right-of-way and the full length of the relocated Stanley Road improvements on both sides. At least 50% of plantings shall consist of trees 3-inches in caliper (dbh) or greater. Type and size of plantings shall be in compliance with the Dacula Buffer, Landscape, and Tree Ordinance.

2.C. Provide non-ornamental shade trees spaced 50-feet on-center or grouped at 120-feet on-center along the Winder Highway right of way. All street trees shall be a minimum 4-inch caliper (dbh) at the time of planting. Street trees shall be planted six-feet from back-of-curb subject to review and approval of the City of Dacula, Georgia, or Gwinnett Department of Transportation depending on who owns the subject right-of-way.

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

1. Willow Oak
2. Overcup Oak
3. Nuttal Oak
4. Pin Oak
5. Shumard Oak
6. Lacebark Elm
7. Japanese Zelkova

2.D. All trash dumpsters shall be screened by an enclosure using the same exterior building material as the adjacent occupied buildings. Pickup shall be limited to the hours of 7:00 a.m. to 9:00 p.m. Monday through Saturday. Dumpster enclosures shall remain closed, locked, and in good repair at all times.

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

Parking / Yard, Height & Setback

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



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

#### Signage, Temporary Uses, & Peddling

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

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

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

4.D. Peddlers shall be prohibited.

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

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

#### Architectural Design

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

- (1) Building facades shall be of architectural treatments of glass and / or brick, stone, stucco, or tilt-up concrete subject to review and approval of the City of Dacula.
- (2) Contrasting accent colors of any wall, awning or other feature (other than dark green or brick red) shall be limited to no more than 15% of the total area for any single facade.
- (3) Buildings shall incorporate live plant material growing immediately in front of or on the building.
- (4) All mechanical, HVAC and like systems shall be screened from street level view (within 300 feet) on all sides by an opaque wall or fence of brick, stucco, split-faced block or wood.

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- (5) Any accessories provided such as railings, benches, trash receptacles and / or bicycle racks shall complement the building design and style.
- (6) Walls visible from roadways or parking areas shall incorporate changes in building material / color.

### General

- 6.A. The property shall be developed in accordance with the conceptual site plan prepared by Kimley Horn entitled Project Whiplash Industrial Development, dated November 12, 2021. Any substantial deviation from the approved conceptual plan and / or remaining conditions of zoning shall be resubmitted to the City Council for consideration. The City Administrator shall determine what constitutes substantial deviation.
- 6.B. A building height variance is granted to allow the principle building on-site a maximum height of 50 feet.

- 6. PUBLIC HEARING: 2022-CD-COC-01**, Applicant: Peter Thakkar, Owner: Jalabapa Investments LLC requests changes to CD-RZ-02-02 condition(s). The property is located in Land Lot 301 of the 5th District and contains 0.78 acres more or less.

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

Director of Planning & Economic Development, Brittini Nix, presented the staff report for the application for change of conditions pertaining to CD-RZ-02-02 conditions to reduce the front landscape strip from 10-feet to 5-feet. Ms. Nix stated staff recommend approval of the application with conditions.

### *Comment in favor:*

Joey Murphy, 475 Dacula Road, Dacula, GA 30019, on behalf of the applicant, presented the change of conditions application. Mr. Murphy stated the applicant is in the process of developing a new BP Station and has encountered some hardships with the acquisitions of right-of-way from Gwinnett County. The applicant would like to reduce the 10-foot front landscape strip to 5-feet to allow for safe delivery of fuel.

Councilman Spain motioned to close the public hearing. Councilman Haynes, Jr. seconded. Motion passed unanimously.

- 7. Change of Conditions Application: 2022-CD-COC-01**, Applicant: Peter Thakkar, Owner: Jalabapa Investments LLC requests changes to CD-RZ-02-02 condition(s). The property is located in Land Lot 301 of the 5th District and contains 0.78 acres more or less.

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Councilman Williams motioned to approve with staff recommended conditions [listed below]. Councilman Haynes, Jr. seconded. Motion passed unanimously.

- A. To restrict the use of the property as follows:
  - 1. Retail, service commercial, office, and accessory uses.
  
- B. To satisfy the following site development considerations:
  - 1. Provide a five-foot wide landscape strip outside the dedicated rights-of-way of Harbins Road. The landscape strip shall include at least two (2) understory plantings / shrubs per 10 linear feet.
  - 2. Dumpsters shall be screened by a 100 percent (100 %) opaque masonry fence or wall matching the buildings, a minimum of six (6) feet in height. Dumpster pickup shall be between the hours of 7:00 AM and 7:00 PM, Monday through Saturday. Dumpster enclosures shall remain closed, locked, and in good repair at all times.
  - 3. Provide five (5) foot wide sidewalks along Harbins Road.
  - 4. Billboards/Outdoor Advertising Signs shall be prohibited.
  - 5. Buildings shall be finished with architectural treatments of glass, and/or stone and/or brick, or other suitable materials submitted and considered by the City Council as appropriate to meet this condition.
  - 6. The development shall be limited to monument type ground signs. Monument signs shall have a base matching the architectural treatment of the buildings.
  - 7. Outdoor lighting shall be contained in cut-off type luminaries which do not reflect into nearby properties or roadways.
  - 8. Provide interparcel access driveways between the commercial parcels where practical.
  - 9. No outdoor speakers or public address system shall be allowed.
  
  - 8. PUBLIC HEARING: 2022-CD-VAR-02**, Applicant: Peter Thakkar, Owner: Jalabapa Investments, LLC requests a variance from the City's Buffer, Landscape, and Tree Ordinance. The property is located in Land Lot 301 of the 5th District and contains 1.47 acres more or less.

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

Director of Planning & Economic Development, Brittini Nix, presented the staff report for the application for a variance from the City's Buffer, Landscape, and Tree Ordinance. Ms. Nix stated staff recommend approval of the application with conditions.

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Councilman Haynes, Jr. inquired about the timeline of the BP Station project. Joey Murphy, the applicant's representative, stated that they expect to start the project late summer and will take between 6-8 months to complete.

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

- 9. Variance Application: 2022-CD-VAR-02**, Applicant: Peter Thakkar, Owner: Jalabapa Investments, LLC requests a variance from the City's Buffer, Landscape, and Tree Ordinance. The property is located in Land Lot 301 of the 5th District and contains 1.47 acres more or less.

Councilman Haynes, Jr. motioned to approve with staff recommended conditions [listed below]. Councilman Spain seconded. Motion passed unanimously.

- A. To restrict the use of the property as follows:
  - 1. Retail, service commercial, office, and accessory uses.
- B. To satisfy the following site development considerations:
  - 1. Provide a five-foot wide landscape strip outside the dedicated rights-of-way of Harbins Road. The landscape strip shall include at least two (2) understory plantings / shrubs per 10 linear feet.
  - 2. Dumpsters shall be screened by a 100 percent (100 %) opaque masonry fence or wall matching the buildings, a minimum of six (6) feet in height. Dumpster pickup shall be between the hours of 7:00 AM and 7:00 PM, Monday through Saturday. Dumpster enclosures shall remain closed, locked, and in good repair at all times.
  - 3. Provide five (5) foot wide sidewalks along Harbins Road.
  - 4. Billboards/Outdoor Advertising Signs shall be prohibited.
  - 5. Buildings shall be finished with architectural treatments of glass, and/or stone and/or brick, or other suitable materials submitted and considered by the City Council as appropriate to meet this condition.
  - 6. The development shall be limited to monument type ground signs. Monument signs shall have a base matching the architectural treatment of the buildings.
  - 7. Outdoor lighting shall be contained in cut-off type luminaries which do not reflect into nearby properties or roadways.
  - 8. Provide interparcel access driveways between the commercial parcels where practical.
  - 9. No outdoor speakers or public address system shall be allowed.

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**VIII. STAFF COMMENTS:**

Acting City Administrator, Heather Coggins, presented an ARPA update stating that the City would be receiving a second trench of funds from the Federal Government; however, the amount will be lower than initially expected. Ms. Coggins stated that she expects we would receive the funds in August 2022, a year from when we received the first funding. Ms. Coggins added that the broadband for the maintenance facility was scheduled to be installed on May 11, 2022 but would not be up and running until our IT Company came in and did some work.

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

Councilwoman Ann Mitchell stated she was looking forward to Georgia Cities Week next year and hopes that some of the council would come and educate students of the local schools about how local government works.

**X. PUBLIC COMMENTS:**

*None*

**XI. EXECUTIVE SESSION: Real Property Matter**

Councilman Spain motioned to exit regular session. Councilman Williams seconded. Motion passed unanimously. Regular session adjourned and executive session began for the purposes of real property matters at 7:46 p.m.

Councilman Spain motioned to exit executive session and reconvene to regular session. Councilwoman Mitchell seconded. Motion passed unanimously. Regular session reconvened at 8:13 p.m.

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

**XII. ADJOURNMENT:**

Councilman Haynes, Jr. motioned to adjourn. Councilman Williams seconded. Motion passed unanimously. Meeting adjourned at 8:14 p.m.

*Minutes approved*

\_\_\_\_\_ *Date*

\_\_\_\_\_ *Signature*

# memo

To: Mayor and City Council of Dacula  
From: Alethia Hyman, Tax Clerk  
Date: May 26, 2022  
Re: Juneteenth Holiday Request

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Juneteenth, observed on June 19th, commemorates the ending of slavery in the United States. Though the Emancipation Proclamation became official on January 1, 1863, it took two and half years for it be enforced. On June 19, 1865 Galveston, Texas received the news that the war was over. The Union had won and had the power to enforce the end of slavery. Word spread throughout Texas and many newly freed persons left the state to seek better opportunities. Over the years, former enslaved persons and their descendants traveled back to Galveston, Texas to recount memories and to celebrate that joyful day in June. Juneteenth (as it is now called) is considered African American Emancipation Day. This day is not only for celebration, but for reflection of achievement, education, and success within the African American community.

The Federal government made Juneteenth a holiday on June 17, 2021. Governor Brian Kemp signed legislation that made Juneteenth a state holiday in April 2022. Gwinnett County also recognized it as a paid holiday for employees in April of this year. A small poll seeking input about the proposed holiday was sent to several cities within Gwinnett. As a result, the cities that have passed Juneteenth as a holiday are: Suwanee, Peachtree Corners, Lawrenceville, Norcross, and Duluth.

If the Mayor and Council are in agreement, we are requesting that the City of Dacula observe Juneteenth as an official holiday. Recent growth of the City has led to an increase in diversity. Recognizing this holiday may foster a strong sense of community and inclusion.

If considered, due to millage rate hearings scheduled for Monday, June, 20th, we kindly ask that this year we observe Juneteenth on the preceding Friday, the 17th. All services provided by the City will be modified as required per the Personnel Manual.

**AN ORDINANCE**

**AN ORDINANCE TO AMEND THE CITY OF DACULA PERSONNEL MANUAL, TO ESTABLISH A HOLIDAY TO RECOGNIZE JUNETEENTH; AND FOR OTHER PURPOSES.**

WHEREAS, the City has reviewed its policies and procedures for employees related to recognized City holidays; 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 add a holiday to recognize Juneteenth commemorating the freedom of enslaved people in the United States;

NOW THEREFORE, THE MAYOR AND COUNCIL OF THE CITY OF DACULA HEREBY ORDAINS that the City Personnel Manual be amended as follows:

**SECTION 1.**

Subsection 5.2(1) is amended to add the following additional holiday:

Juneteenth (June 19)

**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, Assistant City Administrator, and Director of Planning and Economic Development are further authorized to correct typographical errors in the text of the existing Personnel Manual and to produce and publish a final codified version of the Manual 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 June, 2022.

AYES: \_\_\_\_

NAYES: \_\_\_\_

\_\_\_\_\_  
HUGH D. KING, III  
MAYOR, CITY OF DACULA

ATTEST:

\_\_\_\_\_  
HEATHER COGGINS  
ACTING CITY ADMINISTRATOR



**TO:** Mayor and City Council of the City of Dacula  
**FROM:** Brittni Nix, Director of Planning and Economic Development  
**DATE:** May 18, 2022  
**SUBJECT:** Official Acceptance of Annexation Application  
**ANNEXATION:** 2022-CD-AA-01

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The Department of Planning & Development is in receipt of a complete application for property annexation into the City of Dacula. Article 36, Section 36 of the Official Code of Georgia requires that the annexation be officially accepted by the Mayor and City Council before any further action can be taken on said application. City staff recommends that the subject application be accepted.

Public Hearings for the subject application will be held after the Development of Regional Impact (DRI) proceedings have concluded.

Please Note: Only acceptance of the application is being considered. No part of the proposed annexation is/can be approved with the recommended motion.

Best Regards,

Brittni Nix, Director of Planning and Economic Development

## CITY OF DACULA

ANNEXATION INFORMATION

In order for your property to be considered for annexation you must submit the following:

- 1) Annexation Application, Application Fee \$2,250.00
- 2) Annexation Petition
- 3) Owner/Applicant Application
- 4) Annexation Questionnaire
- 5) Legal Description
- 6) One (1) reduced 8 x 11 copy of the plat(s)
- 7) Fifteen (15) copies of the plat
- 8) A map and complete survey prepared by a registered surveyor, which includes:
  - No fewer than 4 surveyed map registration points that relate it to the Georgia Coordinate System of 1985, and
  - the boundaries of the area being annexed and the existing boundaries of the city between the points at which these boundaries close.
  - The surveyed map must meet the requirements of the Rules and Regulations of the State of Georgia, Section 180-7-01 Technical Standards for Property Surveys.
  - The map and survey must also meet the requirements of Code Section 15-6-67 for the filings of maps or plats relating to real estate with the clerk of Superior Court.
- 9) Adjoining Property Owners—applicant notifies all adjoining property owners(s) of annexation request. A copy of letter of notification to adjoining property owner(s) must be attached to the application.
- 10) An Economic and Community Infrastructure Facilities Impact Worksheet must be completed and submitted with applications. Impact Worksheet requirement may be waived at the discretion of the City Administrator.

All forms must be completed and submitted to:

*City Administrator, City of Dacula  
P. O. Box 400  
Dacula, Georgia 30019*

Page 1  
APPLICATION FOR ANNEXATION  
CITY OF DACULA  
P. O. BOX 400  
DACULA, GEORGIA 30019-0007

Ordinance No.: \_\_\_\_\_ Date: \_\_\_\_\_

Final Approval Date: \_\_\_\_\_ Application No.: \_\_\_\_\_

I Hereby Request That The Property Described In This Application Be Annexed Into The Dacula City Limits With a Zoning Classification of PMUD

Address of Property to Be Annexed: 891 and 911 Harbins Road, Dacula, Georgia 30019

Area: 49.690 Acres, or \_\_\_\_\_ Square Feet \_\_\_\_\_ Tax Map Number R5278 002; R5278 002B

**Owner of Property** David E. McMillian

Telephone Number 678-858-5174

Address 891 Harbins Road, Dacula, Georgia 30019

**Applicant** WWP Acquisition, LLC c/o Andersen Tate & Carr, P.C.; Melody A. Glouton, Esq.

Telephone Number 770-339-0474

Address 1960 Satellite Blvd., Suite 4000, Duluth, Georgia 30019

*If the Owner and Applicant Are Not the Same, Please Complete Attachment 1.*

Resident Population 1 Housing Units 1 Other Buildings 6

Race Population 1 White 1 Black 0 Other n/a

A. Reasons For Requesting Annexation: *Give a brief summary of the reasons for requesting annexation:* \_\_\_\_\_

The Applicant is requesting the annexation to develop a planned, mixed-use community consistent with the previously approved PMUD development immediately adjacent to the property already within the City of Dacula. (Case #2020-CD-RZ-03)

B. Site Plan - All site plans shall draw the location of existing buildings and other improvements to the property.

C. Property Description - A written legal description and recent plat of the property to be submitted.

D. Meeting Dates and Processing of Applications - See Attachment 2.

E. Fee - \$2,250.00

F. Authorization To Inspect Premises - I hereby authorize the Dacula City Council to inspect the premises which are the subject of this annexation application.

G. Petition Requesting Annexation - *Attachment 3 must be completed by owners.*

H. Annexation Questionnaire - *Attachment 4 must be completed.*

  
\_\_\_\_\_  
Signature of Applicant

PETITION REQUESTING ANNEXATION  
CITY OF DACULA, GEORGIA

Date: May 12, 2022

TO THE HONORABLE CITY COUNCIL OF THE CITY OF DACULA, GEORGIA

1. The undersigned, as owner of all real property of the territory described herein, respectfully requests that the City Council annex this territory to the City of Dacula, Georgia, and extend the City boundaries to include the same.
2. The territory to be annexed abuts the existing boundary of Dacula, Georgia, and the description of such territory area is as follows:

Address/Location of Property: 891 and 911 Harbins Road, Dacula, Georgia 30019. A copy of the legal  
description for purposes of annexation is attached hereto and included herein. The northern boundary of the  
property runs along Drowning Creek Road.

Tax Map Number R5278 002 and R5278 002B

*See Attached Description.*

3. It is requested that this territory to be annexed shall be zoned PMUD for the following reasons: The Applicant proposes to develop the property as a planned, mixed-use development.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

WHEREFORE, the Petitioners pray that the City Council of the City of Dacula, Georgia, pursuant to the provisions of the Acts of the General Assembly of the State of Georgia, Georgia Laws, do by proper ordinance annex said property to the City Limits of the City of Dacula, Georgia.

Respectfully Submitted,

Owners Address: 891 and 911 Harbins Road, Dacula, Georgia 30019  
\_\_\_\_\_  
\_\_\_\_\_

PROPERTY OWNER AUTHORIZATION

City of Dacula

Application for Annexation

I Swear That I Am The Owner Of The Property Which Is The Subject Matter Of the Attached Application, As Is Shown In The Records Of Gwinnett County, Georgia.

I Authorize The Person Named Below To Act As Applicant In The Pursuit Of An Annexation Request Of This Property.

Name Of Applicant: WWP Acquisition, LLC c/o Andersen Tate & Carr; Melody A. Glouton, Esq.

Address: 1960 Satellite Blvd., Suite 4000

City: Duluth State: GA Zip Code: 30097

Telephone Number: 770-822-0900

  
\_\_\_\_\_  
Signature of Owner

City of Dacula  
Annexation Questionnaire  
Please Type or Print

Property Owner

Name: David E. McMillian

Address: 891 Harbins Road, Dacula, GA 30019

Business Phone: 770-822-0900

Home Phone: n/a

Address of Property to be Annexed: 891 and 911 Harbins Road, Dacula, Georgia 30019

Gwinnett County Zoning RA-200

Property Annexed as RA-200 (Requesting PMUD zoning classification within the City of Dacula)

Description: The property is located on Harbins Road at the intersection of West Drowning Creek Road and consists of approximately 49.690 acres.

District: 5th Land Lot: 277 & 278 Parcel: R5278 002; R5278 002B

Assessed Value: \$1,085,000 Acreage: 49.690

List each adult living on site:

David McMillian

List number of Individuals by race:

(1) Caucasian

Describe any other structure(s) on site:

There is a one-story frame house with a carport, including several accessory structures and a detached garage on the site. There are also two barns located on the property.

Petitioner(s) WWP Acquisition, LLC

MEETING DATES AND PROCESSING OF APPLICATIONS

If your application is found to be valid, the City will notify you. The City will place a legal advertisement in the Official News Organ (Gwinnett Daily Post) advertising the Public Hearing, not less than 15 days not more than 45 days from the time of the validity determination.

The Mayor and City Council meet on the first Thursday of each month at 7:00 P. M.

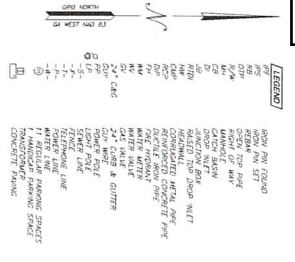
The City will notify you of the date and time of the Public Hearing.

All that tract or parcel of land lying and being in Land Lots 277 and 278 of the 5th District, Gwinnett County, Georgia and being more particularly described as follows:

BEGINNING at an iron pin set at the intersection of the southwesterly Right of Way of Harbins Road (variable R/W) and the southeasterly Right of Way of West Drowning Creek Road (60 foot R/W); thence from the point thus established and running along said Right of Way of Harbins Road the following courses: South 31° 07' 31" East a distance of 109.93 feet to an iron pin set; thence South 30° 15' 12" East a distance of 173.71 feet to an iron pin set; thence South 29° 45' 17" East a distance of 237.47 feet to an iron pin set; thence South 29° 38' 58" East a distance of 315.42 feet to a concrete monument found; thence leaving said Right of Way of Harbins Road and running South 54° 59' 47" West a distance of 431.70 feet to a 1 inch open top pipe found; thence South 39° 24' 02" East a distance of 463.83 feet to a 3 inch flat bar found; thence South 37° 10' 32" West a distance of 269.80 feet to an iron pin set; thence South 37° 43' 00" West a distance of 199.80 feet to a blade found; thence South 38° 45' 05" West a distance of 55.71 feet to an iron pin set; thence South 32° 55' 32" West a distance of 306.30 feet to an iron pin set; thence South 22° 19' 22" West a distance of 384.90 feet to an iron pin set; thence South 22° 21' 45" West a distance of 152.90 feet to a 1 inch open top pipe found; thence South 20° 30' 28" West a distance of 116.88 feet to an iron pin set; thence South 11° 06' 23" West a distance of 27.54 feet to a 1\2 inch open top pipe found; thence South 11° 58' 48" West a distance of 181.68 feet to a point in the centerline of Palm Creek; thence running along the centerline of Palm Creek the following courses: North 53° 46' 26" West a distance of 33.34 feet to a point; thence North 30° 38' 51" West a distance of 101.59 feet to a point; thence North 44° 28' 08" West a distance of 79.80 feet to a point; thence North 15° 39' 03" East a distance of 23.07 feet to a point; thence North 25° 49' 59" West a distance of 70.92 feet to a point; thence North 50° 59' 38" West a distance of 89.43 feet to a point; thence North 35° 24' 00" West a distance of 85.42 feet to a point; thence North 74° 59' 45" West a distance of 28.02 feet to a point; thence North 20° 51' 59" West a distance of 71.75 feet to a point; thence North 87° 10' 54" West a distance of 51.03 feet to a point; thence North 19° 25' 16" West a distance of 32.84 feet to a point; thence North 38° 09' 27" East a distance of 35.22 feet to a point; thence North 13° 37' 54" East a distance of 140.99 feet to a point; thence North 03° 12' 52" West a distance of 96.01 feet to a point; thence North 22° 21' 11" East a distance of 23.70 feet to a point; thence North 19° 08' 27" West a distance of 96.92 feet to a point at the intersection of Palm Creek and an unnamed branch; thence then leaving the centerline of Palm Creek and running along the centerline of said unnamed branch the following courses: North 39° 23' 16" East a distance of 23.54 feet to a point; thence North 05° 44' 13" West a distance of 9.66 feet to a point; thence North 35° 08' 32" East a distance of 37.03 feet to a point; thence North 12° 05' 05" West a distance of 11.16 feet to a point; thence North 21° 19' 07" East a distance of 34.42 feet to a point; thence North 43° 15' 00" East a distance of 48.96 feet to a point; thence North 14° 59' 12" East a distance of 53.14 feet to a point; thence North 49° 32' 52" West a distance of 23.45 feet to a point at a fence crossing; thence North 06° 49' 37" West a distance of 22.04 feet to a point; thence North 19° 02' 17" West a distance of 61.86 feet to a point; thence North 02° 39' 52" East a distance of 68.90 feet to a point; thence North 12° 40' 21" West a distance of 21.58 feet to a point; thence North 23° 54' 04" East a distance of 96.17 feet to a point; thence North 63° 15' 57" East a distance of 44.85 feet to a point; thence North 35° 28' 56" East a distance of 72.54 feet to a point at the intersection of said unnamed branch and a branch leading from a nearby pond; thence continuing along said unnamed branch North 08° 49' 45" East a distance of 72.29 feet to a point; thence North 02° 04' 19"

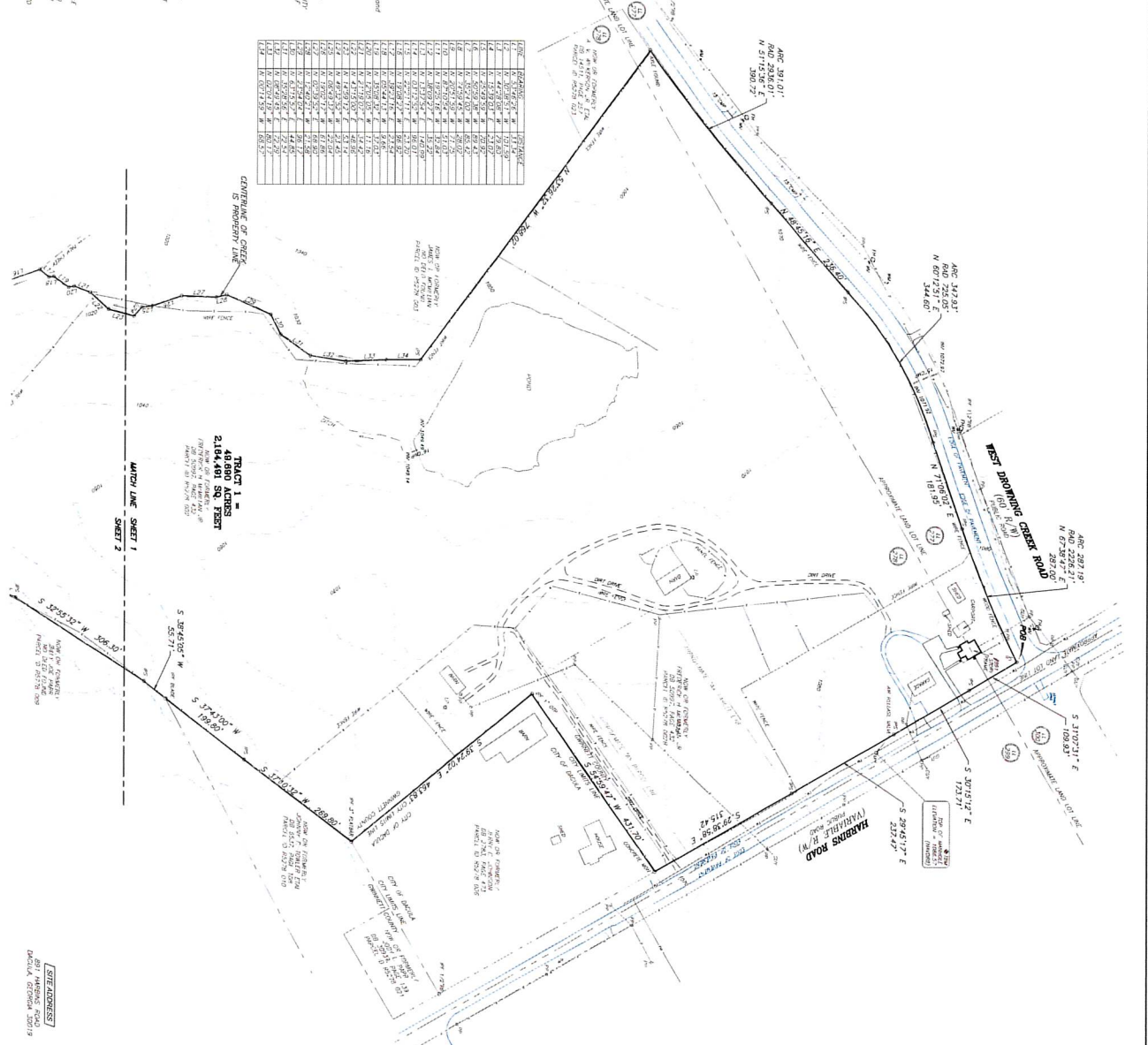


West a distance of 80.17 feet to a point at the end of the branch; thence leaving said branch and running North 00° 14' 59" West a distance of 68.57 feet to an iron pin set; thence North 53° 26' 32" West a distance of 768.02 feet to an axle found on the aforementioned Right of Way of West Drowning Creek Road; thence running along said Right of Way of West Drowning Creek Road and a curve to the left an arc length of 391.01 feet, (said curve having a radius of 2936.01 feet, with a chord bearing of North 51° 15' 36" East, and a chord length of 390.72 feet) to an iron pin set; thence continuing along said Right of Way the following courses: North 48° 45' 16" East a distance of 236.40 feet to an iron pin set; thence running along a curve to the right an arc length of 347.93 feet, (said curve having a radius of 725.05 feet, with a chord bearing of North 60° 12' 51" East, and a chord length of 344.60 feet) to an iron pin set; thence North 71° 06' 02" East a distance of 181.95 feet to an iron pin set; thence running along a curve to the left an arc length of 287.19 feet, (said curve having a radius of 2226.21 feet, with a chord bearing of North 67° 38' 47" East, and a chord length of 287.00 feet) to an iron pin set and the TRUE POINT OF BEGINNING. Said tract contains 49.690 Acres (2,164,491 Square Feet).



**LEGEND**  
 PROPOSED ROAD  
 EXISTING ROAD  
 UTILITY LINES  
 ...

**GRAPHIC SCALE - FEET**  
 0 100 200 300



**LEGAL DESCRIPTION**  
 The subject property is shown as being bounded on the north by the intersection of the southerly right of way of West Bowling Green Road, on the east by the southerly right of way of West Bowling Green Road, on the south by the southerly right of way of West Bowling Green Road, and on the west by the southerly right of way of West Bowling Green Road.

**ANNEXATION PLAT FOR WATKINS REAL ESTATE GROUP**  
 891 HARBINS ROAD  
 LAND LOTS 277 & 278 5th DISTRICT  
 GWINNETT COUNTY, GEORGIA

**1** SHEET 1 OF 2

DATE: 08/11/2011  
 DRAWN BY: J. WATKINS  
 CHECKED BY: J. WATKINS

Field: Dobson 01/2012  
 Plot Date: 01/2012  
 Scale: 1" = 100'

Revision: No  
 Date: No

DATE: 08/11/2011  
 DRAWN BY: J. WATKINS  
 CHECKED BY: J. WATKINS



**PROJECT INFORMATION**

EXISTING ZONING	RA 300 GWINNETT COUNTY
EXISTING ZONING	RA 300 GWINNETT COUNTY
LAND AREA (ACRES)	53.84 AC
LAND AREA (ACRES)	53.84 AC
PRIVATE ACCESS (SQ FT)	3,384 AC
PROVIDED OPEN SPACE (SQ FT)	13,149 AC
PROVIDED OPEN SPACE (SQ FT)	49,477 AC
RESIDENTIAL LAND USE AREA PROPOSED	23.02 AC (54.94%)
PROPOSED RESIDENTIAL DENSITY	1 UNIT PER 1,000 SQ FT OF RESIDENTIAL AREA
PROPOSED RESIDENTIAL UNITS	387 UNITS

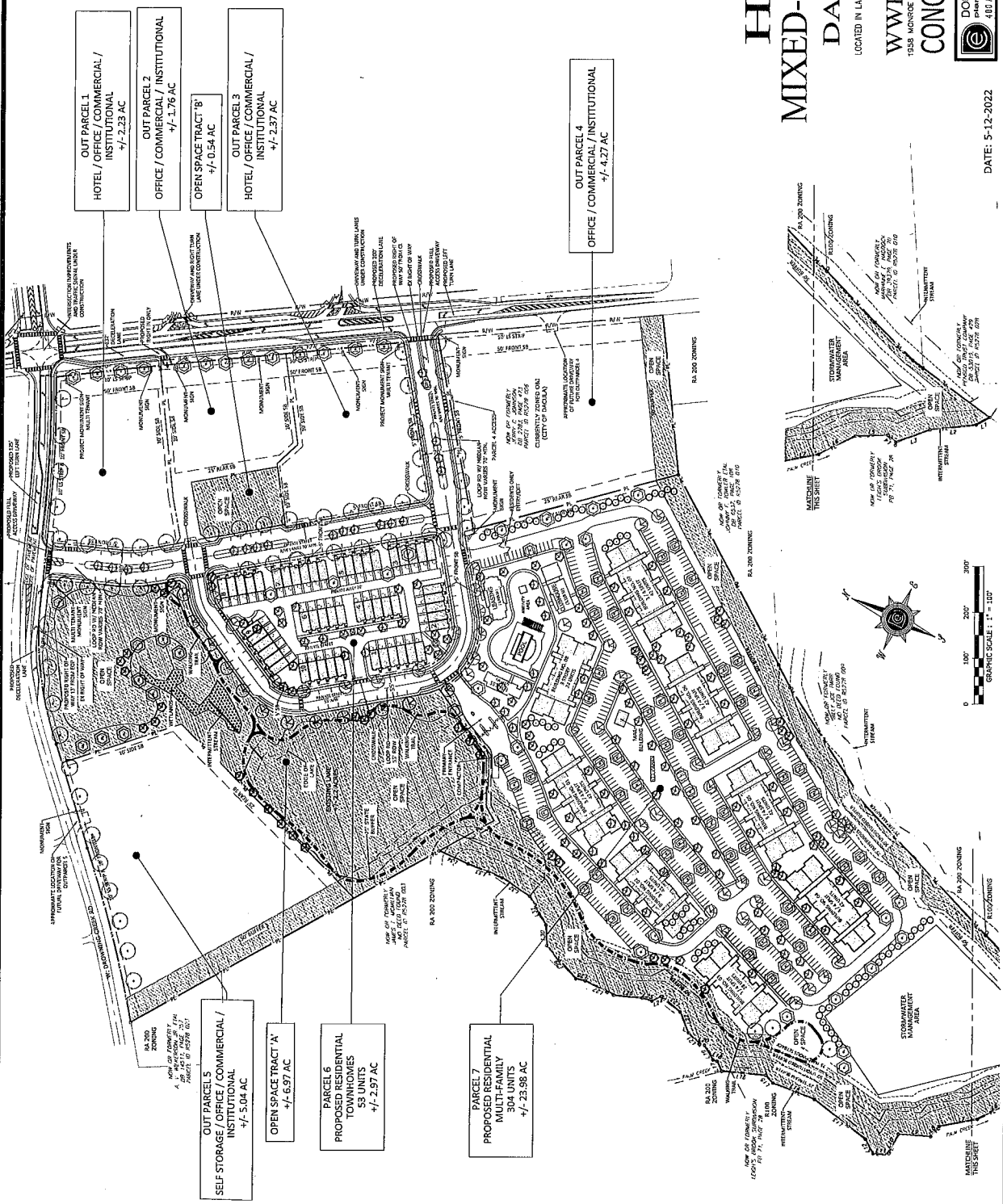
OUT PARCEL 1 SITE AREA	2.23 AC
OPEN SPACE AREA ALLOTMENT	0.00 AC
OUT PARCEL 2 SITE AREA	1.71
OPEN SPACE AREA ALLOTMENT	0.00 AC
OUT PARCEL 3 SITE AREA	2.37 AC
OPEN SPACE AREA ALLOTMENT	0.00 AC
OUT PARCEL 4 SITE AREA	4.27 AC
OPEN SPACE AREA ALLOTMENT	0.41 AC
OUT PARCEL 5 SITE AREA	3.04 AC
OPEN SPACE AREA ALLOTMENT	0.02 AC
PARCEL 6 TOWNHOME TRACT SITE AREA	2.97 AC
NUMBER OF UNITS	53 UNITS
OPEN SPACE AREA ALLOTMENT	0.00 AC
PARKING PROVIDED	159 SPACES
PARCEL 7 APARTMENT TRACT SITE AREA	36.98 AC
RESIDENTIAL LAND USE AREA	36.98 AC
OPEN SPACE AREA ALLOTMENT	4.93 AC
NUMBER OF UNITS	304 UNITS
PARKING PROVIDED	611 SPACES
OPEN SPACE PARCEL 'A'	6.97 AC
TOTAL SITE AREA	53.84 AC
OPEN SPACE PARCEL 'B'	6.97 AC
TOTAL SITE AREA	53.84 AC
PROPOSED STRIPS	50'
FRONT - ARTERIAL OR COLLECTOR ST.	10'
FRONT - LOCAL STREET	10'
SIDE - ARTERIAL STREET	25'
REAR	60'
PROPOSED MAXIMUM HEIGHT	10'
LANDSCAPE STRIPS	50'
ADJACENT TO PUBLIC STREET ROW	50'
BETWEEN SINGLE FAMILY & COMMERCIAL	50'
BETWEEN SINGLE FAMILY & MULTI-FAMILY	50'

# HARBIN 2 MIXED-USE DEVELOPMENT Dacula Georgia

WWP ACQUISITION, LLC  
1938 MONROE DRIVE NE ATLANTA, GEORGIA 30324, PHONE: 404-872-8666  
OWNER AND/OR DEVELOPER

DOU GERAKIS CONSULTING ENGINEERS, INC.  
planning - civil engineering - sanitary engineering  
480 Abbey Court, Alpharetta, Georgia 30004, phone: 770-752-9800

DATE: 5-12-2022



OUT PARCEL 1  
HOTEL / OFFICE / COMMERCIAL /  
INSTITUTIONAL  
+/- 2.23 AC

OUT PARCEL 2  
OFFICE / COMMERCIAL / INSTITUTIONAL  
+/- 1.76 AC

OPEN SPACE TRACT 'B'  
+/- 0.54 AC

OUT PARCEL 3  
HOTEL / OFFICE / COMMERCIAL /  
INSTITUTIONAL  
+/- 2.37 AC

OUT PARCEL 4  
OFFICE / COMMERCIAL / INSTITUTIONAL  
+/- 4.27 AC

OUT PARCEL 5  
SELF STORAGE / OFFICE / COMMERCIAL /  
INSTITUTIONAL  
+/- 5.04 AC

OPEN SPACE TRACT 'A'  
+/- 6.97 AC

PARCEL 6  
PROPOSED RESIDENTIAL  
TOWNHOMES  
53 UNITS  
+/- 2.97 AC

PARCEL 7  
PROPOSED RESIDENTIAL  
MULTI-FAMILY  
304 UNITS  
+/- 23.98 AC

Melody A. Glouton  
Email: [mglouton@atclawfirm.com](mailto:mglouton@atclawfirm.com)

Telephone: 770.822.0900  
Direct Dial: 770.339.0475

May 12, 2022

**VIA FIRST CLASS U.S. MAIL and**  
**CERTIFIED U.S. MAIL, RETURN RECEIPT REQUESTED**

[Adjacent Property Owner]

Re: Proposed Rezoning and Annexation Case # CD-RZ-\_\_\_\_; CD-AA\_\_\_\_  
Property Location: 5<sup>th</sup> District, Land Lots 278 and 279, Tax Parcels 5278 002; 5278 002B; 5278 006

Dear Property Owner,

This letter is to inform you that a Rezoning and Annexation Application has been submitted to the City of Dacula Planning Department on a tract of land that is adjacent/contiguous to your property. The Rezoning and Annexation Application is for a zoning change from RA-200 (Agriculture-Residence District) and O-I (Office Institutional District) to PMUD (Planned Mixed-Use District).

Please be advised of the following information pertaining to the rezoning application:

Applicant Name: WWP Acquisition, LLC  
Zoning Change: RA-200 and O-I to PMUD  
Street Location: 891, 911 and 971 Harbins Road, Dacula, Georgia  
Property Size: 53.973 acres  
Proposed Development: A planned, mixed-use development (including commercial, office, and residential uses)  
Contact Person: Melody A. Glouton, Andersen, Tate, & Carr, PC  
770-822-0900; [mglouton@atclawfirm.com](mailto:mglouton@atclawfirm.com)

**Zoom Community Meeting:** \_\_\_\_\_

**Planning Commission Public Hearing:** \_\_\_\_\_  
Dacula City Hall, Council Chambers 6:30 PM  
442 Harbins Rd., Dacula, Georgia

**City Council Public Hearing:** \_\_\_\_\_  
Dacula City Hall, Council Chambers, 7:00 PM  
442 Harbins Rd., Dacula, Georgia

If you have any concerns regarding this matter, please do not hesitate to contact me or plan to attend the public hearings.

Sincerely,  
ANDERSEN, TATE & CARR, P.C.  
*Melody A. Glouton*  
Melody A. Glouton

**Adjoining Property Owners List**  
**WWP Acquisition, LLC**  
**Annexation Application**

<b>Adjoining Property Owner / Tax Parcel</b>	<b>Mailing Address</b>
TOWLER, JOHNNY F ETAL 1011 HARBINS RD DACULA GA 30019-2405 R5278 030 2.0500 acres	TOWLER, JOHNNY F ETAL 1011 HARBINS RD DACULA GA 30019-2405
PARR, BILLY JOE 1031 HARBINS RD DACULA GA 30019-2405 R5278 009 10.2900	PARR, BILLY JOE 1031 HARBINS RD Dacula, GA 30019
HADDOCK, MARIANNE E 1071 HARBINS RD Dacula, GA 30019 R5278 010 7.010 acres	HADDOCK, MARIANNE E 630 HAMBY RD BLUE RIDGE GA 30513-6161
SAMUEL C MCALLISTER JR IRA 1091 HARBINS RD Dacula, GA 30019 R5278 028 7.480 acres	SAMUEL C MCALLISTER JR IRA PO BOX 173859 DENVER CO 80217-3859
REESE, THOMAS G 1070 LEIGHS BROOK WAY DACULA GA 30019-2454 R5278 062 1.85 acres	REESE, THOMAS G 1070 LEIGHS BROOK WAY DACULA GA 30019-2454

<p>ANIS, MAXIM          1060 LEIGHS BROOK WAY          DACULA GA 30019-2454          R5278 061          1.10 acres</p>	<p>ANIS, MAXIM          1060 LEIGHS BROOK WAY          DACULA GA 30019-2454          R5278 061</p>
<p>MERCADO-WILLIAMS, LISA          1050 LEIGHS BROOK WAY          DACULA GA 30019-2454          R5278 060          1.08 acres</p>	<p>MERCADO-WILLIAMS, LISA          1050 LEIGHS BROOK WAY          DACULA GA 30019-2454</p>
<p>YON, KIMBERLY L          1040 LEIGHS BROOK WAY          DACULA GA 30019-2454          R5278 059          0.90 acres</p>	<p>YON, KIMBERLY L          1040 LEIGHS BROOK WAY          DACULA GA 30019-2454</p>
<p>CONOVER, CHRISTOPHER N &amp; LESLIE          1030 LEIGHS BROOK WAY          DACULA GA 30019-2454          R5278 058          2.50 acres</p>	<p>CONOVER, CHRISTOPHER N &amp; LESLIE          1030 LEIGHS BROOK WAY          DACULA GA 30019-2454</p>
<p>MCMILLAN, JAMES T          2251 W DROWNING CREEK RD          DACULA GA 30019-2423          R5278 003          14.57 acres</p>	<p>MCMILLAN, JAMES T          2251 W DROWNING CREEK RD          DACULA GA 30019-2423</p>
<p>WILKERSON, A V JR &amp; BRENDA F          2261 W DROWNING CREEK RD          DACULA GA 30019-2423          R5278 023          0.73 acres</p>	<p>WILKERSON, A V JR &amp; BRENDA F          2261 W DROWNING CREEK RD          DACULA GA 30019-2423</p>

May 13, 2022

**LETTER OF INTENT AND JUSTIFICATION FOR REZONING AND ANNEXATION**

**Rezoning and Annexation Applications  
City of Dacula, Georgia**

**Applicant:**  
WWP Acquisition, LLC

**Rezoning Tract:**  
Tax Parcel IDs R5278 002; R5278 002B; R5278 006  
± 53.973 Acres of Land

**Annexation Tract:**  
Tax Parcel IDs R5278 002; R5278 002B  
± 49.690 Acres of Land

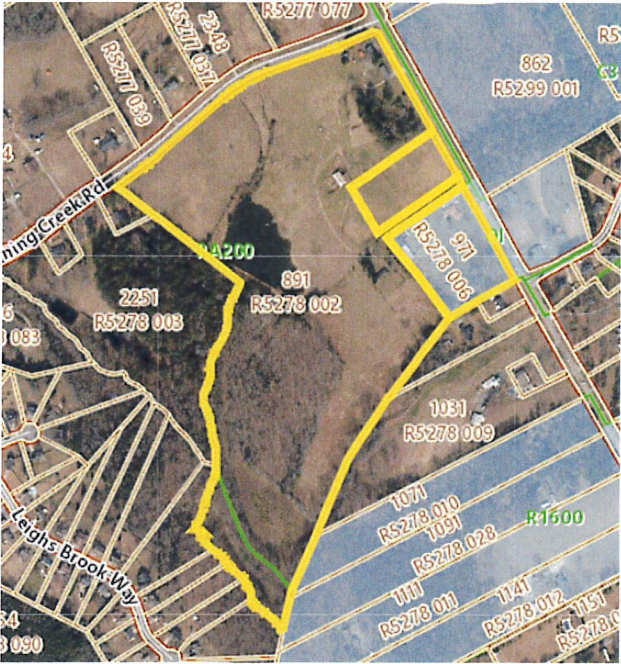
Located at 891, 911, and 971 Harbins Road, Dacula, Georgia  
**From RA-200 and O-I to PMUD**

**Submitted for Applicant by:**  
Melody A. Glouton, Esq.  
ANDERSEN TATE & CARR, P.C.  
One Sugarloaf Centre  
1960 Satellite Blvd.  
Suite 4000  
Duluth, Georgia 30097  
770.822.0900  
[mglouton@atclawfirm.com](mailto:mglouton@atclawfirm.com)



**I. INTRODUCTION**

This Application for Rezoning and Annexation is submitted for a 53.973-acre parcel of land located in Land Lots 277 and 278 of the 5<sup>th</sup> District of Gwinnett County, Dacula, Georgia, and known as the property located at the intersection of Harbins Road and West Drowning Creek Road (hereinafter the “Property”). The Property is an assemblage of three tax parcels, with frontage on both Harbins Road and West Drowning Creek Road. The Property is shown on the survey prepared by Technical Survey Services, dated April 25, 2022, and filed with these Applications. The Property is further identified below from the Gwinnett County GIS:



The Property is currently zoned RA-200 (Agriculture-Residence District) and O-I (Office Institutional District) pursuant to the Gwinnett County Unified Development Ordinance and the Zoning Resolution of the City of Dacula.<sup>1</sup> The Applicant, WWP Acquisition, LLC (the “Applicant”) now seeks approval to rezone and annex the Property into the City of Dacula, Georgia. Specifically, the Applicant is requesting to rezone the Property to PMUD (Planned Mixed-Use District) in order to develop a distinctive and attractive Planned Mixed-Use community that will be complimentary to the immediately adjacent mixed-use development within the City limits that is currently under construction by the same Applicant.

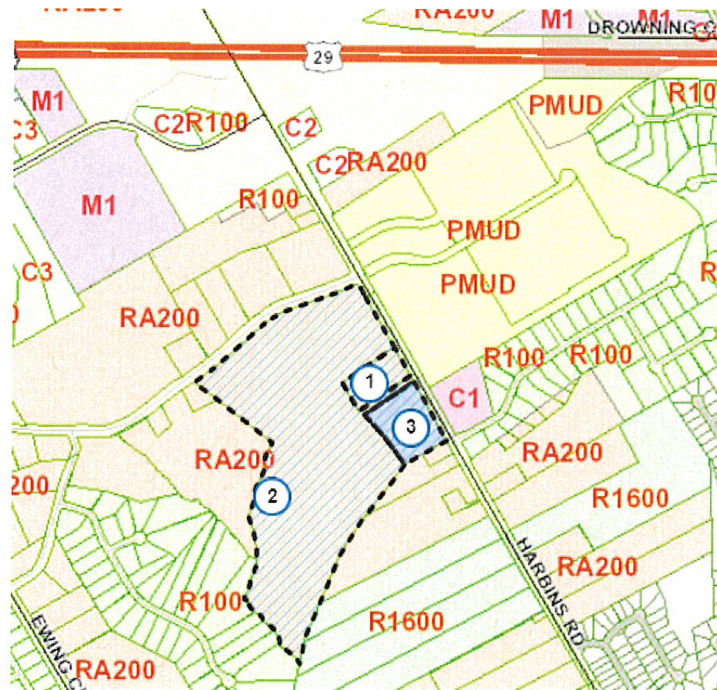
This document is submitted as the Letter of Intent, Impact Analysis Statement, and other materials required by the "Zoning Resolution of the City of Dacula" (the “Zoning Resolution”).

<sup>1</sup> Tax Parcels R5278 002 and R5278002B are currently in Gwinnett County and zoned RA-200. Tax Parcel R5278 006 is in the City of Dacula and zoned O-I.

**II. DESCRIPTION OF THE PROPERTY AND SURROUNDING AREA**

The Property is a large tract fronting both Harbins Road and West Drowning Creek Road in Gwinnett County. One tract is currently in Gwinnett County (49.690 acres) and the remaining tract (4.28 acres) is already within the City of Dacula. The surrounding zoning classifications and uses are as follows:

<b>Location</b>	<b>Zoning</b>
<i>Proposed Site</i>	<i>Currently RA-200 and O-I</i>
North	RA-200 (Gwinnett County)
East	PMUD; C-1 (City of Dacula)
South	RA-200 and R-1600 (Gwinnett County and City of Dacula)
West	RA-200 and R-100 (Gwinnett County)



The Applicant is requesting the City of Dacula annex and rezone the Property to allow for a planned, mixed-use development. Under its current zoning classification, RA-200 and O-I, the property is currently occupied with single family residences, accessory structures, barns, and an unutilized personal care home. The site is surrounded by other residential uses to include primarily large lot residential with a single family subdivision found to the west and will be adjacent to the mixed-use development that includes multi-family, senior living, retail, commercial, and institutional uses known as “Inland Pass.” As such, the Property is ideal for

development as a mixed-use community transitioning from the anticipated commercial uses spanning Highway 316.

As stated in the City of Dacula’s 2030 Comprehensive Plan (the “Comprehensive Plan”), the Property, is immediately adjacent to “Village Residential” and “Community Activity Center” Character Areas. The Village Residential areas specifically support development of neighborhoods which are in close proximity to activity centers and are relatively dense compared to Suburban Residential areas. The connectivity provided by Village Residential development means that residents are more likely to walk or bike to nearby centers rather than being forced to rely on automobiles. The Comprehensive Plan further supports “Mixed Use” areas to include commercial (retail, smaller offices, restaurants, etc.), some types of residential (apartment/condo, town homes) when they are adjacent to commercial/office areas and Village Residential areas in order to ensure pedestrian access.

The rezoning and development of the Property, as intended by the Applicant, will enhance the surrounding and existing development currently under construction in the City of Dacula. Specifically, the proposed development of multifamily residential with open space, walking trails, and approximately 15+ acres of hotel/office/commercial/institutional acres falls within the recommended land use for this area. Further, by providing additional housing options for potential residents, the City of Dacula is encouraging a mix of housing that appeals to a wide variety of target markets. Further, an annexation and rezoning of the Property to PMUD is consistent with the guiding principles of the Comprehensive Plan, which specifically states: “We have vacant land developable available for multifamily housing.” As well as “[we] will seek to balance the supply of housing and employment in our community and consider their location in relation to each other.”

**III. PROJECT SUMMARY**

As shown on the site plan by Doulgerakis Consulting Engineers, Inc., dated May 12, 2022, and filed with this Application (hereinafter the “Site Plan”), the Applicant is proposing to rezone 53.973 acres from RA-200 and O-I to PMUD in order to accommodate the development of a planned, mixed-used community. The Applicant proposes to develop the Property in compliance with the PMUD zoning classification to allow more unique, flexible, creative, and imaginative arrangements and mixes of land uses on the Property than what is permitted under its current zoning.

PMUD – Planned Mixed-Unit District

The master planned development will contain a variety of housing options to meet the increasing demand for the community. Approximately 13.49 acres (25% of the overall site) will be preserved as green space with well-allocated open space areas, walking trails, and a large, centrally located amenity.

The proposed development would provide attractive, high-end multi-family and townhome residences with various features including a centrally located amenity area with a clubhouse, pool, fitness center, and outdoor patio space. The development’s focal point will be

the central amenity area, which along with the open green space and extensive walking trail, will create a unique identity and character for the community. The community will also contain significant amounts of commercial space, primarily serving the community and immediate surrounding area. The commercial component will be designed to enhance and integrate with the residential areas through an emphasis on both Harbins Road and West Drowning Creek Road. The primary intent is to serve the needs of the residential community and the larger City of Dacula community so that neighborhood oriented businesses can serve residents.

With regard to the principal uses within the development, the Site Plan provides for the following different dwelling types and commercial uses, including the total acreage and total number of residential units and/or square footage:

<b>Land Use / Zoning</b>	<b>Area / Acres</b>
Open Space	13.39 (25%)
Residential Land Use Provided	22.02 (54.4%)*
Proposed Residential Density	16.21/upa*
Proposed Number of Residential Units	357 (304 multi-family; 53 townhomes)
Office/Commercial/Retail/ Outparcels	5 Parcels; 15.67 acres
<b>Total Acreage</b>	<b>53.973</b>

\*Variance Requests:

The Applicant is requesting a variance from Article IX, Section 916 (C) (3) which residential acreage shall not exceed 40 percent of the land that can be developed after the 20 percent open space requirement has been satisfied. As shown on the survey and site plan filed with the rezoning application, and in consideration of the size, layout, and location of the Property, there are significant site constraints with streams and wetlands that do not make the entire site developable, which lends better to a multifamily development so the design can be accommodated around those areas. It is also anticipated that the cost to provide sewer to the Property will be in excess of Three million dollars. As such, a more dense development is required to support the development costs associated with the project. Therefore, strict adherence to the language of the Zoning Resolution would effectively prohibit the Applicant from developing the Property with a proposed use that is permitted under the PMUD zoning classification.

The Applicant is also requesting a variance from the density requirement under Section 916(C) of the Resolution which provides for a maximum of 13-units per acre. The additional residential density will provide the necessary support to the proposed retail and office to ensure a successful master planned community that will be an asset to the City of Dacula for years to come. The Applicant’s requested variances are the minimum necessary to afford the Applicant

relief so that the Property may be developed with an economically viable use as permitted under PMUD.

#### **IV. SITE IMPACT ANALYSIS**

Pursuant to the Zoning Resolution, the Applicant submits its written responses to the impact analysis which shows that rezoning to PMUD satisfies the “Standards Governing Exercise of the Zoning Power,” as follows:

- 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, approval of the proposed development will permit a use that is suitable in view of the use and development of adjacent and nearby property. The proposed development will serve as a transitional zoning between the anticipated commercial growth expected at the Harbins Road and Hwy 316 intersection and the adjacent residential uses further down Harbins Road in unincorporated Gwinnett County.

- B) Whether a proposed rezoning will adversely affect the existing use or useability of adjacent or nearby property:

No, approval of the proposed rezoning will not adversely affect the existing use or usability of adjacent or nearby properties. The proposed development is compatible with the Comprehensive Plan and complimentary to adjacent and nearby uses.

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

The Applicant submits that due to the size, location, layout, topography, and natural features of the Subject Property, it does not have reasonable economic use as currently zoned.

- 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, approval of the proposed rezoning will not result in an excessive or burdensome use of the existing infrastructure systems. Moreover, the Subject Property is located at a major node with convenient access to major thoroughfares, utilities and sewer. The Property has convenient access to Highway 316. The proposed development would complement the existing and nearby residential uses.

- E) Whether the proposed rezoning is in conformity with the policy and intent of the Land Use Plan:

Yes, the proposed Rezoning and Annexation Application conforms with the policy and intent of the Comprehensive Plan and Future Land Use Map. The Subject Property is identified in the plan as adjacent to Village Residential and Community Activity Center

Character Areas. This area calls for higher density residential to serve as a transitional buffer between more intense commercial uses and less dense residential.

F) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either the approval or disapproval of the zoning proposal:

Yes. The proposed Rezoning achieves a goal of the Comprehensive Plan by proposing a development and site layout that serves as a transitional buffer between the commercial and residential uses. Additionally, the location of the proposed residential to the commercial/institutional uses provides a cohesive development. Lastly, the proposed development would bring needed neighborhood serving retail/commercial uses to the residents south of Hwy 316 on Harbins Road.

**V. JUSTIFICATION FOR REZONING**

The Applicant respectfully submits that "Zoning Resolution of the City of Dacula" (the "Zoning Resolution"), as amended from time to time, to the extent that it classifies the Property in any zoning district that would preclude development of a planned, mixed-use development, under the PMUD zoning classification, is unconstitutional as a taking of property, a denial of equal protection, an arbitrary and capricious act, and an unlawful delegation of authority under the specific constitutional provisions later set forth herein. Any existing inconsistent zoning of the Property pursuant to the Zoning Resolution deprives the Applicant and Property owner of any alternative reasonable use and development of the Property. Additionally, all other zoning classifications, including ones intervening between the existing classification and that requested herein, would deprive the Applicant and Property owner of any reasonable use and development of the Property. Further, any attempt by the Mayor and Council of the City of Dacula to impose greater restrictions upon the manner in which the Property will be developed than presently exist would be equally unlawful.

Accordingly, Applicant submits that the current zoning classification and any other zoning of the Property save for what has been requested as established in the Zoning Resolution constitute an arbitrary and unreasonable use of the zoning and police powers because they bear no substantial relationship to the public health, safety, morality or general welfare of the public and substantially harm the Applicant and Property owner. All inconsistent zoning classifications between the existing zoning and the zoning requested hereunder would constitute an arbitrary and unreasonable use of the zoning and police powers because they bear or would bear no substantial relationship to the public health, safety, morality, or general welfare of the public and would substantially harm the Applicant and Property owner. Further, the existing inconsistent zoning classification constitutes, and all zoning and plan classifications intervening between the existing inconsistent zoning classification and that required to develop this Project would constitute, a taking of the owner's private property without just compensation and without due process in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia and the Due Process and Equal Protection Clauses of the Fourteenth Amendment to the Constitution of the United States.

Further, the Applicant respectfully submits that failure to approve the requested rezoning change would be unconstitutional and would discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and Property owner and owners of similarly situated property in violation of Article I, Section III, Paragraph I of the Constitution of the State of Georgia and the Equal Protection Clause of the Fourteenth Amendment of the Constitution of the United States.

Finally, the Applicant respectfully submits that the Mayor and Council of the City of Dacula cannot lawfully impose more restrictive standards upon the development of the Property than presently exist, as to do so not only would constitute a taking of the Property as set forth above, but also would amount to an unlawful delegation of their authority, in response to neighborhood opposition, in violation of Article IX, Section IV, Paragraph II of the Georgia Constitution.

This Application meets favorably with the prescribed test set out by the Georgia Supreme Court to be used in establishing the constitutional balance between private property rights and zoning and planning as an expression of the government’s police power. See Guhl v. Holcomb Bridge Road Corp., 238 Ga. 322 (1977).

**A) CONCLUSION**

For the foregoing reasons, the Applicant respectfully requests that this Application to Annex and Rezone from RA-200 and O-I to PMUD be approved. The Applicant welcomes the opportunity to meet with the City of Dacula Planning Department staff to answer any questions or to address any concerns relating to this Letter of Intent or supporting materials.

Respectfully submitted this 13<sup>th</sup> day of May, 2022.

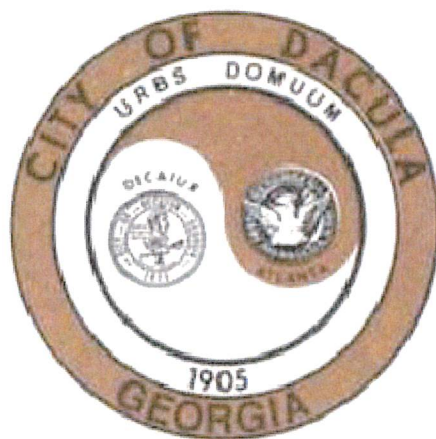
**ANDERSEN, TATE & CARR, P.C.**

*Melody A. Glouton*

Melody A. Glouton, Esq.

Enclosures  
MAG/dwb

## Economic and Community Infrastructure Facilities Impact Worksheet



To be completed and submitted with applications for:  
Annexation, Rezoning, Change of Conditions,  
Special Use Permit, Special Exception, or Variance.

Date Received: \_\_\_\_\_

Reviewed By: \_\_\_\_\_



**Proposed Project Information**

Name of Proposed Project: Harbins II, A Planned Mixed-Use Development  
Developer/Applicant: Watkins Real Estate Group / WWP Acquisition, LLC  
c/o Andersen Tate & Carr, P.C.  
Melody A. Glouton, Esq. and Shaun R. Adams, Esq.

Telephone: 770-822-0900  
Fax: 770-236-9719  
Email(s): [mglouton@atclawfirm.com](mailto:mglouton@atclawfirm.com)  
[sadams@atclawfirm.com](mailto:sadams@atclawfirm.com)

**Economic Impacts**

Estimated Value at Build-Out:  
Commercial: \$25,000,000  
Townhomes: \$16,000,000  
Multifamily: \$83,000,000  
Total: \$124,000,000

Will the proposed project generate population and/or employment increases in the area?  
If yes, what would be the major infrastructure and facilities improvement needed to support the increase?

Yes. The project will undergo a Development of Regional Impact review with the ARC and GRTA to determine infrastructure impacts and to make recommended improvements, if any are required. Additionally, the proposed development is located along a major node with access to Hwy 316 at Harbins Road and has access to water and sewer.

How many short-term and /or long-term jobs will the development generate?  
Commercial: 75 Jobs  
Townhomes: 0 Jobs  
Multifamily – 10 Jobs

Estimated annual local tax revenues (i.e., property tax, sales tax) likely to be generated by the proposed development:  
\$1,000,000

Is the regional work force sufficient to fill the demand created by the proposed project?  
Yes

**Community Facilities & Infrastructure Impacts**

**Water Supply**

Name of water supply provider for this site:  
Gwinnett County

What is the estimated water supply demand to be generated by the project, measured in Gallons Per Day (GPD)?

157,404 GPD

Is sufficient water supply capacity available to serve the proposed project?

Yes

If no, are there any current plans to expand existing water supply capacity?

N/A

If there are plans to expand the existing water supply capacity, briefly describe below:

N/A

If water line extension is required to serve this project, how much additional line (in feet) will be required?

N/A

**Wastewater Disposal**

What is the estimated sewage flow to be generated by the project, measured in Gallons Per Day (GPD)?

136,873 GPD

Name of wastewater treatment provider for this site:

Gwinnett County

Is sufficient wastewater treatment capacity available to serve this proposed project?

Yes

If no, are there any current plans to expand existing wastewater treatment capacity?

N/A

If there are plans to expand existing wastewater treatment capacity, briefly describe below:

N/A

If sewer line extension is required to serve this project, how much additional line (in feet) will be required?

New pump station with an estimated 4,500LF forcemain.

**Land Transportation**

How much traffic volume is expected to be generated by the proposed development, in peak hour vehicle trips per day?

- o Daily Trips: 3,516
- o AM Peak Hour Trips: 284
- o PM Peak Hour Trips: 138

List any traffic and/or road improvements being made and how they would affect the subject area.

Sponsor	Status	Project Name	Effect on Subject Area
Gwinnett County	Under Construction	SR 316 at Harbins Road interchange project	Traffic Reoriented in area with new interchange
Gwinnett County	Long Range Project	Harbins Road Widening	Induced Demand
Developer (Watkins Real Estate Group)	Under Design	Signal at Harbins Rd and W Drowning Creek Road (Per DRI #3207-Inland Pass Recommendation)	Relieve excessive delay for traffic at intersection
Developer (Watkins Real Estate Group)	Pending Traffic Study	Turn Lanes into the Site (Pending Traffic Study)	Removes site's new trips from through traffic

### Solid Waste Disposal

How much solid waste is the project expected to generate annually (in tons)?

1231 Tons

Is sufficient landfill capacity available to serve this proposed project?

Yes

If no, are there any current plans to expand existing landfill capacity?

N/A

If there are plans to expand existing landfill capacity, briefly describe below:

N/A

Will any hazardous waste be generated by the development? If yes, please explain below:

No

### Stormwater Management

What percentage of the site is projected to be impervious surface once the proposed development has been constructed?

52%

Is the site located in a water supply watershed?

Yes

If yes, list the watershed(s) name(s) below:

Alcovy

Describe any measures proposed (such as buffers, detention or retention ponds, and/or pervious parking areas) to mitigate the project's impacts on stormwater management:

The project will preserve a large open space area providing natural protection to the onsite streams and wetlands. Additionally the project will construct an onsite water quality and stormwater management facility to mitigate the runoff from the project's developed areas per the guidelines of the Georgia Stormwater Management Manual.

**Environmental Quality**

Is the development located within or likely to affect any of the following:

1. Water supply watersheds?  
Yes, Alcovy

2. Significant groundwater recharge areas?  
No

3. Wetlands?  
No

4. Protected river corridors?  
No

5. Floodplains?  
No

6. Historic resources?  
None known to applicant

7. Other environmentally sensitive resources?  
No

If you answered yes to any question 1-7 above, describe how the identified resource(s) may be affected below:  
The proposed uses are allowed with no restrictions in the Alcovy Watershed.

**Other Facilities**

What intergovernmental impacts would the proposed development generate for:

Schools?

The proposed development would have little impact on school system with 304 multi-family units which are targets at young professionals and individuals without children and only 53 town home units.

Libraries?

The proposed development will have little to no impact on libraries as much of the development is commercial in nature.

Fire, Police, or EMS

The proposed development would have little additional burden on emergency services.

Other community services/resources (day care, health care, low income, non-English speaking, elderly, etc.)?

The proposed development would have little to no additional impact on the stated services/resources other than what is already entitled or contemplated for the site

**Additional Comments:**

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**TO:** Mayor and City Council of the City of Dacula  
**FROM:** Brittni Nix, Director of Planning & Economic Development  
**DATE:** May 20, 2022  
**SUBJECT:** Bid results for 2<sup>nd</sup> Avenue & Broad Street drainage improvements

---

The City requested bids for the approved 2<sup>nd</sup> Avenue & Broad Street drainage improvements project. Improvements to appropriately route storm drainage and improve pedestrian safety include the following:

- Installing RCP (reinforced concrete pipe) and HDPE (high density polyethylene) storm pipes
- Installing storm structures including yard inlets and a pedestal top weir inlet
- Fine grading swales along Broad Street and the alley
- Replacing sections of sidewalk
- All disturbed areas will be backfilled, fine graded, and sodded to stabilize the area
- Installing a brick retaining wall with columns, header curb, handrails, and a concrete pad to existing grease trap
- Deep patching deficient sections of 2<sup>nd</sup> Avenue
- Milling and topping 2<sup>nd</sup> Avenue to the limits of the recent paving completed by Gwinnett County

The bid results are below:

Allied Paving Contractors, Inc. - \$299,675

Zaveri Enterprises, Inc. - \$351,000

Omshiv Constructions, Inc. - \$383,105

G.S. Construction - \$481,500

The Dickerson Group, Inc. - \$526,460

The lowest qualified bid was \$299,675 from Allied Paving Contractors, Inc. While higher than the opinion of probable cost (\$227,700), the bid process has revealed the true cost of the project within the current market. Bid prices are highly influenced by contractor demand and the price of materials. Staff recommends awarding the bid to Allied Paving Contractors, Inc. at \$299,675 and authorizing the Mayor and City Administrator to execute all necessary documents to implement the subject project.

Best Regards,

Brittini Nix, Director of Planning & Economic Development



4174 Silver Peak Parkway, Suwanee, GA 30024

Office 770.932.6550 • Fax 770.932.6551 • bowman.com

May 19, 2022

Mayor & Council  
**City of Dacula**  
P.O. Box 400  
Dacula, GA 30019

RE: Bid Evaluation & Recommendation  
Second Avenue & Broad Street Drainage Improvements Project

Dear Mayor & Council,

We have reviewed the bids which were submitted to the City of Dacula on May 18, 2022 for the Second Avenue @ Broad Street Drainage Improvements Project. The Bidders and their bid amounts are listed below beginning with the apparent lowest Bidder for work described in Section 00 300 and set forth as Total Bid in the Bid Proposal Form.

<b>Bid Submitted By:</b>	<b>Addenda #1 Attached</b>	<b>Bid Bond Attached</b>	<b>Total Bid</b>
<b>** Allied Paving Contractors, Inc.</b>	<b>X</b>	<b>X</b>	<b>\$ 299,675.00</b>
Zaveri Enterprises, Inc.	X	X	\$ 351,000.00
Ohmshiv Construction, Inc.	X	X	\$ 383,105.00
G.S. Construction	X	X	\$ 481,500.00
The Dickerson Group, Inc.	X	X	\$526,460.00

*\*Bid Bonds verified for authenticity and for bonding capacity for Performance & Payment Bonds.*

*\*\*Apparent Low Bidder*

Based on our evaluation of the bids outlined above, we recommend that the City of Dacula issue a "Letter of Intent" stating that the Second Avenue @ Broad Street Drainage Improvements Project be awarded to Allied Paving Contractors, Inc. with a Total Bid in the amount of **Two Hundred Ninety Nine Thousand, Six Hundred Seventy Five and 00/100 Dollars (\$299,675.00)** with said amounts determined as representing the lowest, responsive, responsible bid for the Work as illustrated by the Specifications and Drawings entitled "Second Avenue @ Broad Street Drainage



City of Dacula  
Second Avenue @ Broad Street

Page 2 of 2

Improvements Project" prepared by McFarland Dyer and Associates, a Bowman Company and dated March 25, 2022.

It is recommended that the City should state in their "Letter of Intent" to the successful Contractor that the following documentation should be provided to the City prior the processing of any payments for the work. The Letter of Intent shall be accompanied by a "draft" Contract for their review and use in securing Performance and Payment bonds. The successful Contractor shall provide the following documents on or before commencing work.

1. Performance / Payment Bonds for 100% of Contract Amount.
2. Schedule of Values (Breakdown of Bid Amounts).
3. Certificate of Insurance.
4. List of Sub-Contractors to be performing work on this Project.
5. Georgia Security and Immigration Sub-Contractors Affidavit.

The actual Contract will be signed and sealed by the City and the Contractor upon receipt of the above documentation. The "Notice to Proceed" will be issued by a date agreed upon by the City and the Contractor. Once issued by the City and accepted by the successful Contractor, work shall begin within 10 days of the date of the Notice to Proceed.

Should you have any questions, please feel free to call.

Sincerely,  
**McFarland-Dyer & Associates, a Bowman Company**



Kevin D. Whigham, P.E.  
Director of Engineering  
KDW/pal  
(P: 2022/0109/Bid/Letter of Recommendation)

City of Dacula			
Job # 22-0109			
Second Avenue @ Broad Street Bid Opening			
May 18, 2022 @ 3:00 p.m.			
Bid Submitted By:	Addenda #1 Attached	Bid Bond Attached	Total Bid
Zaveri Enterprises, Inc	✓	✓	\$ 351,000 <sup>00</sup>
GS Construction, Inc	✓	✓	\$481,500 <sup>00</sup>
Allied Paving, Inc	✓	✓	\$299,675 <sup>00</sup>
Omshiv Construction, LLC	✓	✓	\$383,105 <sup>00</sup>
Dickerson Group, Inc.	✓	✓	\$ 526,460 <sup>00</sup>
Sealed Bids opened & reviewed by: Phyllis Lamme			
Recorded Bids by: Kevin D. Whigham			

**TO:** Mayor and City Council of the City of Dacula

**FROM:** Brittni Nix, Director of Planning and Economic Development

**DATE:** May 23, 2022

**SUBJECT:** Ordinance Amendment – The Buffer, Landscape, and Tree Ordinance

---

Staff recommends updating The Buffer, Landscape, and Tree Ordinance to clarify previously established practices and create an administrative process for fees in lieu of replacement trees.

Three amendments are proposed:

- Amend Section 2.1 - Definitions  
Defining “specimen tree” will formalize the qualifying characteristics.
- Amend Section 5.5 – Tree bank  
The City’s tree bank allows relocating trees off site and planting said trees on City property. Amendments would restrict credits for relocated trees to no more than 50% of the total required tree density units.
- Add Section 5.6 - Fee in lieu  
Instituting a fee in lieu process allows sites that cannot bear the Ordinance’s requirements a means to satisfy the tree density unit requirements while honoring the intent of the Ordinance. A maximum of 50% of the required tree density units may be met through a fee in lieu contribution. The process would authorize the City Administrator or his/her designee to approve fees in lieu of replacement trees.

Staff recommends approving the provided amendments to The Buffer, Landscape, and Tree Ordinance effective immediately.

Best Regards,

Brittni Nix, Director of Planning & Economic Development

**AN ORDINANCE TO AMEND THE  
CITY'S BUFFER LANDSCAPE AND TREE ORDINANCE.**

WHEREAS, the City has reviewed its policies and procedures with respect to its Buffer, Landscape and Tree Ordinance adopted in 2008; and

WHEREAS, the some of the provisions of the current ordinance are outdated and should be updated and improved; 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 City Code to adopt by reference the 2022 Buffer, Landscape and Tree Ordinance as outlined herein;

NOW THEREFORE, THE MAYOR AND COUNCIL OF THE CITY OF DACULA HEREBY ORDAINS that the existing Buffer, Landscape and Tree Ordinance be deleted, and the new 2022 Buffer, Landscape and Tree Ordinance be adopted as follows:

**SECTION 1**

The 2022 Buffer, Landscape and Tree Ordinance is hereby adopted in the form attached hereto as Exhibit "A" and incorporated herein by reference.

**SECTION 2**

The City Administrator, Assistant City Administrator, and Director of Planning and Economic Development are further authorized to correct typographical errors in the text of the existing Development Regulations and to produce and publish a final codified version of the Development Regulations 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 amendments outlined herein shall be effective immediately upon their adoption by the Mayor and City Council.

SO ORDAINED by the governing authority of the City of Dacula, this \_\_\_\_\_ day of June, 2022.

AYES: \_\_\_\_

NAYES: \_\_\_\_

ATTEST:

\_\_\_\_\_  
HUGH D. KING, III  
MAYOR, CITY OF DACULA

\_\_\_\_\_  
HEATHER COGGINS,  
ACTING CITY ADMINISTRATOR

EXHIBIT "A"

# THE 2022 BUFFER, LANDSCAPE, & TREE ORDINANCE



## The City Dacula, Georgia



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ARTICLE 1

INTENT, PURPOSE AND TITLE

1.1 INTENT

1.1.1 This Ordinance shall apply to all properties or portions thereof located within the incorporated areas of The City of Dacula, Georgia, to the extent of the provisions contained herein. The City Council of The City of Dacula hereby finds that the protection and preservation of trees, the planting of new trees and other landscape material, and the provision of buffers between dissimilar uses as part of the land development process is a public purpose and provides for the public health and general welfare.

1.2 PURPOSE

1.2.1 The purpose of this Ordinance is to preserve and enhance the City's natural environment through tree protection and preservation, the planting of trees and other landscape material, and the provision of natural and/or planted buffers between dissimilar uses. The Ordinance is intended to further the City's policy that all development sites where trees are most commonly removed will achieve upon project completion a uniform standard related to tree coverage, landscaping and buffers.

1.2.2 This Ordinance is also intended to further the City's policy of encouraging all individuals or firms who propose to develop land, and which are required to meet the requirements of this Ordinance, to consider the use of water-efficient landscaping principles and techniques.

1.3 TITLE

1.3.1 This Ordinance shall be known as "The Buffer, Landscape, and Tree Ordinance of The City of Dacula, Georgia" and may be referred to generally as "The Buffer Ordinance," or "The Landscape Ordinance," or "The Tree Ordinance," or, as used herein, "this Ordinance."



ARTICLE 2  
DEFINITIONS

2.1 DEFINITIONS OF WORDS AND PHRASES

2.1.1 In construing the provisions hereof and the meaning of each and every word, term, phrase, or part thereof, where the context will permit, the definitions of words as contained in the adopted Zoning Ordinance of City of Dacula, supplemented by the following, shall apply:

Buffer: Land area used to visibly separate one use from another through screening and distance, to shield or block noise, light, glare, or visual or other conditions, to block physical passage to non-similar areas, or to reduce air pollution, dust, dirt, and litter.

Clearing: The removal of vegetation from a property, whether by cutting or other means. Construction Buffer: A type of buffer which is temporary and remains in effect during the construction of a project.

Department : The City of Dacula Department of Planning and Development (P&D), as established by the City of Dacula City Council, and as operated through the actions and administration of the City Administrator or his/her designee.

Development Regulations: The adopted regulations providing for the subdivision and development of real property within City of Dacula, Georgia, as amended from time-to-time by the City Council of the City of Dacula.

Diameter Breast Height (DBH): The diameter of a tree measured at a point 4 and 1/2 feet above the ground.

Director: The City Administrator and/or the City Planner or his/her designee.

Dripline: A line on the ground established by a vertical plane extending from a tree's outermost branch tips down to the ground; i.e., the line enclosing the area directly beneath the tree's crown from which rainfall would drip.

Floodplain, 100-Year: Those lands subject to flooding, which have at least a one percent probability of flooding occurrence in any calendar year; and specifically, the floodplain as shown on the Flood Boundary and Floodway Map as prepared by the Federal Emergency Management Agency (FEMA).

Grading: The placement, removal, or movement of earth by use of mechanical equipment on a property.

Land Disturbance Permit (LDP): Any permit other than a Building Permit issued by City of Dacula that authorizes clearing or grading activities on a



## The Buffer, Landscape, and Tree Ordinance

site or portion of a site. Said permit may be Clearing, Clearing and Grubbing, Grading, or Development Permit as defined and authorized under the Development Regulations of the City of Dacula.

Landscape Strip: Land area located within the boundary of a lot and required to be set aside and used for landscaping upon which only limited encroachments are authorized.

Screening: A method of shielding or obscuring one abutting or nearby structure or use from another by opaque fencing, walls, berms, densely planted vegetation, or the like.

Shrub: A woody plant of relatively low height, as distinguished from a tree by having several stems rather than a single trunk.

### **Specimen Tree: A tree that meets the following size and condition criteria:**

#### ***Size criteria***

- a. Large Hardwood: 28 inch diameter or larger**
- b. Large Softwood: 30 inch diameter or larger**
- c. Small Native Flowering: 12 inch diameter or larger**
  - i. The list below indicates small native flowering specimen tree types:**
    - Cercis canadensis, Eastern Redbud**
    - Cornus florida, Flowering Dogwood**
    - Amelanchier arborea, Serviceberry**
    - Oxydendrum arboretum, Sourwood**

#### ***Condition criteria***

- a. A life expectancy of greater than 10 years.**
- b. A sound and solid trunk with no extensive decay or hollow, and less than 20 percent radial trunk dieback.**
- c. No more than one major and three minor dead limbs (hardwoods only).**
- d. No major insect problem.**
- e. No major pathological problem (fungus, virus etc.).**
- f. Exceptional quality (optional).**
- g. Of historical significance (optional).**



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Timber Harvesting: The felling, loading and transporting of timber products (pulpwood, etc.). The term "timber harvesting" may include both clear cutting and selective cutting of timber.

Tree Density Unit (TDU): A credit assigned to a tree, based on the diameter of the tree, in accordance with tables contained in this Ordinance.

Tree Density Standard (TDS): The minimum number of Tree Density Units per acre which must be achieved on a property after development.

Tree: Any self-supporting woody perennial plant, usually having a main stem or trunk and many branches, and at maturity normally attaining a trunk diameter greater than 3 inches at any point and a height of over 10 feet.

Tree Diameter: The widest cross-sectional dimension of a tree trunk measured at diameter breast height (dbh) or at a point below dbh for new trees or multi-trunked species, but in no case less than 6 inches from the ground.

Tree Protection Area (TPA): Any portion of a site wherein are located existing trees which are proposed to be preserved in order to comply with the requirements of this Ordinance. The Tree Protection Area shall include no less than the total area beneath the tree canopy as defined by the dripline of the tree or group of trees collectively. Tree Preservation/Replacement Plan (TP/RP): A plan that identifies Tree Protection Areas where existing trees are to be preserved and where proposed replacement trees are to be planted on a property to meet minimum requirements, as well as methods of tree protection to be undertaken on the site and other pertinent information.

Tree Thinning: Selective cutting or thinning of trees only for the clear purpose of good forestry management in order to protect said forest from disease or infestation and in no way shall be construed as clear cutting

Zoning Buffer: A buffer required by the Zoning Ordinance or as a condition of zoning, special use or variance approval for a specific property.

Zoning Ordinance: The Zoning Ordinance of City of Dacula, Georgia, as amended from time-to-time by the City Council of City of Dacula or any such Ordinance not expressly superseding this Ordinance.



ARTICLE 3

BUFFER REGULATIONS

3.1 APPLICABILITY.

3.1.1 Buffers shall be required between dissimilar districts or uses in accordance with the provisions of the Zoning Ordinance or as a condition of zoning, special use or variance approval.

3.2 STANDARDS FOR PERMANENT BUFFERS

3.2.1 Width of Buffers

Buffers shall meet the minimum width requirements contained in the Zoning Ordinance, except as authorized to be reduced by the applicable buffer reduction process, as follows:

- a. As specified in the "Minimum Buffer Strip Requirement Table"; or
- b. As specified in a residential zoning district for a permitted non-residential use (e.g. a church, temple, synagogue, etc.); or
- c. As required by a condition of zoning, special use, or variance approval.

3.2.2 Screening Requirements

- a. Buffers shall be natural, undisturbed, and free of encroachments except as authorized by a condition of zoning, special use or variance approval, or as authorized herein, and shall contain the existing tree cover and vegetation as well as any supplemental plantings or replantings as may be required.
- b. Buffers shall be of such nature and density so as to screen activities, structures and uses on the property from view from the normal level of a first story window on an abutting lot and shall further provide a year-round effective visual screen.
- c. Buffers required along side property lines shall extend to a street right-of-way line unless otherwise required by the City Administrator or City Planner in order to observe the sight distance requirements contained in the Development Regulations, or as authorized by a condition of zoning, special use, or variance approval.
- d. In situations where the required buffer width is partially or completely maintained within an existing easement (e.g. power or natural gas transmission, etc.), the screening requirements of this Ordinance shall be met outside of the easement area.

3.2.3 Supplemental Plantings



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- a. Buffers in which vegetation is non-existent or is inadequate to meet the screening requirements of this Ordinance shall be planted with supplemental plantings so as to provide a year-round effective visual screen.
- b. Supplemental plantings and replantings shall consist of evergreen trees, shrubs, or combination thereof, native or adaptable to the region. All trees planted shall be a minimum of 6 feet in height at time of planting and shall be a species which will achieve a height of at least 20 feet at maturity. All shrubs planted shall be a large growing species, shall be a minimum of 3 feet in height at time of planting and shall be a species which will achieve a height of at least 10 feet at maturity.
- c. All supplemental plantings shall be installed to allow for proper plant growth and maintenance.

### 3.2.4 Non-Vegetative Screening

- a. Non-vegetative materials utilized to satisfy the screening requirements of this Ordinance, in addition to the use of existing vegetation and/or supplemental plantings may consist of walls, fences, earthen berms or any combination thereof.
- b. If walls or fences are to be utilized, their placement and installation shall be such so as to cause minimal disturbance of existing vegetation and located so as to provide an effective visual screen.

### 3.2.5 Disturbance or Encroachments

- a. Ditches, swales, stormwater conveyance facilities, stormwater detention ponds, sanitary sewer conveyance facilities, similar facilities, and any associated easements, shall not encroach into a buffer except that necessary access and utility crossings (e.g. stormwater or sanitary sewer pipes) may encroach into the buffer as near to perpendicular as practical.
- b. Supplemental plantings or replantings of vegetation, or authorized non-vegetative screening devices shall be authorized to encroach into a buffer provided there is minimal disturbance of any significant existing vegetation.
- c. Land disturbance is authorized in areas of a buffer that are devoid of significant vegetation provided that the final grade and replantings of vegetation meet the screening requirements contained herein.
- d. Dying, diseased or dead vegetation may be removed from a buffer provided minimal disturbance occurs. Vegetation thus removed shall be replaced where necessary to meet the screening requirements contained herein.

### 3.2.6 Protection During Land Disturbing Activities



## The Buffer, Landscape, and Tree Ordinance

- a. During authorized land disturbing activities, buffers shall be clearly demarcated and protected prior to commencement of, and during, construction.
- b. The method of demarcation and protection utilized shall be in accordance with Best Management Practices(BMP) or as required by the Department.

### 3.3 STANDARDS FOR CONSTRUCTION BUFFERS.

#### 3.3.1 Where Required

Construction buffers shall be required where specifically provided in the Zoning Ordinance between single family residential subdivisions, or as a condition of zoning, special use or variance approval.

#### 3.3.2 Time Constraints

Construction buffers shall only be in effect during the construction period of a project and shall terminate upon project completion. In the case of a residential subdivision, a construction buffer shall terminate upon each individual lot with the issuance of a Certificate of Occupancy for the principal dwelling.

#### 3.3.3 Disturbance or Encroachments

- a. Construction buffers shall be natural, undisturbed and free of encroachments except as authorized by a condition of zoning, special use or variance approval, or as authorized herein.
- b. The encroachment of ditches, swales, stormwater conveyance facilities, stormwater detention ponds, sediment basins, sanitary sewer conveyance facilities, similar facilities, and any associated easements, into a construction buffer shall not be authorized except that necessary access and utility crossings (e.g. stormwater or sanitary sewer pipes), and natural bottom detention ponds (sediment basins must be located outside of the construction buffer) and their appurtenant structures which require no grading and removal of trees, may encroach upon the construction buffer.
- c. If the construction buffer on a residential lot is devoid of existing trees and vegetation, and a tree survey is submitted to document this situation prior to conducting land disturbing activities (including clearing) on the lot, then the Department may authorize the encroachment of a building or structure into the construction buffer for a distance not to exceed 10 feet.

#### 3.3.4 Protection During Land Disturbing Activities

- a. During authorized land disturbing activities,





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construction buffers shall be clearly demarcated and protected prior to commencement of, and during, construction.

- b. The method of demarcation and protection utilized shall be in accordance with Best Management Practices (BMP) or as required by the Department.



ARTICLE 4

LANDSCAPE REGULATIONS

4.1 APPLICABILITY.

4.1.1 Non-Residential and Multi-Family Uses

Non-residential and multi-family uses shall provide for landscape plantings on-site as follows:

- a. In a Landscape Strip at least 10 feet in width adjacent to any street right-of-way abutting the property and running the length of the entire property frontage; and
- b. In areas adjacent or internal to off-street parking lots that are required by the Zoning Ordinance to contain more than 5 off-street parking spaces; and
- c. As required by a condition of zoning, special use or variance approval.

4.1.2 Residential Subdivisions

Residential subdivisions shall provide for landscape plantings on-site as follows:

- a. In no-access easements that are required to be provided by the Development Regulations along the line of double frontage lots abutting upon a major thoroughfare; and
- b. As required by a condition of zoning, special use or variance approval.

4.2 LANDSCAPE STRIP PLANTING REQUIREMENTS

4.2.1 Ten (10) Foot Wide Landscape Strips Landscape Strips which are required to be 10 feet in width shall contain landscaping and plantings within said strip as follows:

- a. One (1) tree for each 25 linear feet of strip length shall be provided. Each tree shall be at least 6 feet in height at time of planting and shall be a species native or suitable to this region.
- b. One (1) shrub for each 25 linear feet of strip length shall be provided. Each shrub shall be a species native or suitable to this region.
- c. Trees and shrubs required herein may be planted and spaced singly or in groups as authorized by the City Administrator or City Planner so long as the total number of plantings is achieved.



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- d. The remaining ground area shall be sodded, seeded or hydroseeded with grass, and/or planted with groundcover species and/or provided with other landscaping material, or any combination thereof.
- 4.2.2 Five (5) Foot Wide Landscape Strips Landscape Strips which are required to be 5 feet in width shall contain landscaping and plantings within said strip as follows:
- a. One (1) tree for each 50 linear feet of strip length shall be provided. Each tree shall be at least 6 feet in height at time of planting and shall be a species native or suitable to this region.
  - b. One (1) shrub for each 50 linear feet of strip length shall be provided. Each shrub shall be a species native or suitable to this region.
  - c. Trees and shrubs required herein may be planted and spaced singly or in groups as authorized by the City Administrator or City Planner so long as the total number of required plantings is achieved.
  - d. The remaining ground area shall be sodded, seeded or hydroseeded with grass, and/or planted with groundcover species and /or provided with other landscaping material, or any combination thereof.

### 4.2.3 Encroachments Into Landscape Strips

Required Landscaped Strips shall not be encroached upon by parking spaces, driveway surfaces or stormwater detention facilities except that driveway crossings may traverse such strip as near to a perpendicular alignment as practical.

## 4.3 OFF-STREET PARKING LOT PLANTING REQUIREMENTS

- 4.3.1 Quantity, Spacing and Planting Standards Off-street parking lots which are required to contain more than 5 off-street parking spaces shall contain landscaping and plantings as follows:
- a. One (1) tree for each 5 spaces around the perimeter of the parking lot shall be provided.
  - b. One (1) tree for each 10 spaces on the interior of the parking lot shall be provided.
  - c. Each tree shall be at least 6 feet in height at time of planting and shall be a species native or suitable to this region.
  - d. The minimum planting area or space for each tree shall be at least 25 square feet.



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- e. Trees shall be planted in areas surrounding the perimeter of the parking lot and/or shall be planted in planting areas or islands internal to the parking lot. Trees may be planted and spaced singly or in groups.
- f. Ground areas shall be sodded, seeded or hydroseeded with grass and/or planted with groundcover species, and/or provided with other landscaping material, or any combination thereof.

### 4.4 NO-ACCESS EASEMENT SCREENING REQUIREMENTS

- 4.4.1 No-access easements which are required to be provided and recorded by the Development Regulations, or as a condition of zoning, special use or variance approval, shall be screened as follows:
  - a. Planted with a single line of evergreen trees or shrubs; or,
  - b. Contain a solid or decorative fence; or,
  - c. Contain such other landscaping treatments or grade changes which will produce a partial screening effect as authorized by the City Administrator or City Planner.



ARTICLE 5

TREE PRESERVATION AND TREE REPLACEMENT REGULATIONS

5.1 APPLICABILITY AND EXEMPTIONS

5.1.1 The terms and provisions of this Article shall apply to any activity on real property which requires the issuance of a Land Disturbance Permit within the City of Dacula. Table A: Summary of Applicability and Exemptions, at the end of this Section, summarizes those activities which are exempt from the provisions of this Ordinance and those for which a Tree Preservation/Replacement Plan must be approved prior to issuance of a Land Disturbance Permit.

5.1.2 Grandfathered Projects

- a. This Article shall not apply to any portion of a property included within the limits of a valid Land Disturbance Permit issued prior to the effective date of this Ordinance, provided that all time constraints relating to the permit issued shall be observed. In no event shall any grandfathered project be extended for a greater time period than 24 months from the date of enactment of this ordinance.
- b. The requirements of this Article may be waived by the Department for a Land Disturbance Permit which is to proceed with development of a larger project, at least 75% of the land area of which has already received a permit or permits initiating clearing or grading activities.

5.1.3 Horticultural or Agricultural Operations

- a. All plant or tree nurseries and botanical gardens shall be exempt from the terms and provisions of this Ordinance in relation to those trees which are being grown for relocation and continued growth in the ordinary course of business, or for some public purpose.
- b. All orchards of trees in active commercial operation shall be exempt from the terms and provisions of this Ordinance for bona fide agricultural purposes only.

5.1.4 Removal of Disease or Infestation

Upon the advice of the County Extension Service or the Georgia Forestry Commission in accordance with commonly accepted forestry practices and a finding of tree disease or infestation, the City Administrator or City Planner may authorize the removal of trees to prevent the transmission of disease or infestation, to prevent the danger of these trees falling, or to prevent potential



injury to life and property. The owner/developer, prior to the removal of the diseased trees, shall notify the City Administrator or City Planner, identifying the location of the infested property, and shall submit to the City Administrator or City Planner the written finding of the County Extension Service or Georgia Forestry Commission.

**5.1.5 Tree Thinning**

Upon the written advice and findings of the County Extension Service or Georgia Forestry Commission, the thinning of trees (selective cutting only) solely for the purpose of good forestry management, may be permitted upon authorization by the City Administrator or City Planner and shall require the submittal and approval of a Tree Preservation/Replacement Plan. Permits authorizing tree thinning shall be limited to the following:

- a) The property shall not have been subdivided. The property shall have the same configuration since June 9, 1970.
- b) A 75 foot undisturbed buffer (not a zoning buffer) shall be provided and maintained along the entire perimeter of the property, including road frontages, during the land disturbing activity, except for authorized access crossings.
- c) The property shall be required to meet a Tree Density Standard of 24 units per acre upon completion of authorized land disturbing activities.
- d) The owner/developer shall utilize the recommended Best Management Practices (BMP's) as established by the Georgia Forestry Commission.

**5.1.6 Credit For Zoning Buffer Plantings Excluded**

Existing trees proposed to be retained and new trees proposed to be planted in order to meet the buffer requirements of the Zoning Ordinance or conditions of zoning, special use or variance approval shall not be considered in fulfilling the requirements of this Ordinance. Trees or other vegetation shall not be removed from a zoning buffer area except under the provisions as established herein or by the Zoning Ordinance.

**5.1.7 Credit for Construction Buffers - Trees Saved in Single Family Residential Districts Included**

Trees saved in a Construction Buffer identified on a Tree Preservation/Replacement Plan shall count toward Tree Density Standard.

**5.1.8 Easement Exemption**

- a) Properties possessing natural gas, petroleum or electric power transmission easements, or major sanitary sewer main (greater than 8 inches in diameter) or



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water main (greater than 16 inches in diameter) distribution easements, may exclude the land area contained in said easement from the total acreage of the property in fulfilling the Tree Density Standard of this Ordinance provided that no improvements (e.g. parking lots, tennis courts, driveways, stormwater detention facilities, etc.) are proposed within the easement. If any improvements are proposed within the easement, then the land area so utilized within the easement for the improvements, plus an additional 10-feet of land area surrounding the improvements, shall be used to fulfill the Tree Density Standard of this Ordinance.



TABLE A SUMMARY OF APPLICABILITY AND EXCEPTIONS		
Project Type	Type of Construction	Applicability
1 and 2 Family Dwellings	Building Permit	Compliance Inspection may be required (5.3.3)
Grandfathered Projects	Any property included within the limits of a LDP approved prior to the effective date of this Ordinance.	Exempt (5.1.3)
Horticultural or Agricultural Operations	Land Clearing for clearly agricultural purposes, including timber harvesting, in AG Zoning District; Plant or Tree Nurseries; Orchards	Exempt (5.1.3)
Diseased or Infested Trees	Removal upon advice and written finding of County Extension Service or Georgia Forestry Commission	Exempt (5.1.4)
Tree Thinning	Thinning of trees (selective cutting) in zoning districts other than AG solely for the purpose of good forestry management, utilizing recommended BMP's of the Georgia Forestry Commission, upon the advice and written findings of the County Extension Service or Georgia Forestry Commission	TP/RP Required (5.1.5)





TABLE A (CONTINUED)		
Project Type	Type of Construction	Applicability
Residential and Non-Residential Subdivisions	Land Disturbance limited to areas needed for streets, drainage and utilities.	TP / RP <u>not</u> required * (5.2.3,a)
	Land disturbance beyond areas needed for streets, drainage, and utilities.	TP / RP required (5.2.2)
	Building permit for the construction of 1 and 2 Family Dwellings	Compliance inspection may be required (5.3.3)
	Recreation Area	TP / RP required (5.2.3,a)
Multi-family and Non-Residential Sites	Clearing or clearing and grubbing only, limited to areas outside of all minimum yards, buffers, and 100 year flood plain	TP / RP <u>not</u> required ** (5.2.3,b)
	Clearing or clearing and grubbing only, proposing disturbance within a minimum yard or 100 year flood plain	TP / RP required (5.2.2)
	Grading or Development Permit	TP / RP Required (5.2.2)
	Building Permit	Covered by TP / RP as approved by LDP (5.2.2)

**\* LIMITS OF LAND DISTURBANCE TO BE DESIGNATED WITH PROTECTIVE TREE FENCING, STAKING, OR CONTINUOUS RIBBON PRIOR TO COMMENCEMENT OF ACTIVITIES, CONSISTENT WITH EXEMPTION ALLOWANCES.**

**\*\* ADDITIONAL AREAS MAY BE DESIGNATED BY DOP&D TO REMAIN UNDISTURBED BASED ON LAND USE PLAN.**



## The Buffer, Landscape, and Tree Ordinance

### 5.2 PERMITS

- 5.2.1 Land disturbance activities shall not commence until such activities have been authorized by issuance of an appropriate Land Disturbance Permit under the provisions of the Development Regulations.
- 5.2.2 For those projects not exempt from the provisions of this Ordinance, and not included under Subsection 5.2.3 below, a Tree Preservation/Replacement Plan shall be submitted along with the other documents required by the Development Regulations for the issuance of a Clearing, Clearing and Grubbing, Grading, or Development Permit.
- a. All Tree Preservation/Replacement Plans and related documentation shall be reviewed by the Department for conformance to the provisions of this Ordinance along with and at the same time as all other plans required for a requested Land Disturbance Permit under the provisions of the Development Regulations.
  - b. Clearing, grading and development activities shall conform in all respects with the approved Tree Preservation/Replacement Plan. Any revisions to the proposed development of a property, and any changes reflected in a subsequently submitted permit application, shall be shown on a revised Tree Preservation/Replacement Plan and be approved as part of the new or revised permit prior to the commencement of such changed activities.
  - c. A maximum of ten (10) acres of residential land can be mass-graded at any one time subject to a plan having been reviewed and approved showing phasing of the development of the residential subdivision.
  - d. Subsection 5.3.3 shall apply to residential subdivision development of individual lots and the TP/TR Plan.
- 5.2.3 Projects which propose only limited development activities may be issued a Land Disturbance Permit without a Tree Preservation/Replacement Plan under the following circumstances:
- a. Residential subdivisions shall not be required to submit a Tree Preservation /Replacement Plan if the proposed land disturbance and construction activities are strictly limited to those directly related to the provision of the streets and storm water drainage and detention facilities, placement of required soil erosion and sedimentation controls, the installation of public or private utilities, and other required improvements, excluding recreation areas, expressly required by the City or by a condition of zoning, special use or variance approval.



- b. Nonresidential subdivisions shall not be required to submit a Tree Preservation /Replacement Plan if the proposed land disturbance and construction activities are strictly limited to those directly related to the provision of the streets and storm water drainage and detention facilities, placement of required soil erosion and sedimentation controls, the installation of public or private utilities, and other required improvements, expressly required by the City or by a condition of zoning, special use or variance approval.
- c. Individual multi-family residential and nonresidential projects (not involving the subdivision of the property) may be allowed to undertake activities limited to clearing or clearing and grubbing only, without approval of a Tree Preservation/Replacement Plan if the proposed land disturbance activities are limited to those portions of the property outside of all minimum yard areas required by the zoning district, all buffer areas required by the Zoning Ordinance or conditions of zoning, variance or special use approval, and any area within the 100-year flood plain, except for curb cut access into the property and for the placement of required soil erosion and sedimentation controls. Additional areas may be designated by the Department to remain undisturbed as may be reasonably required with consideration given to the proposed use of the property, as well as adjacent properties, in accordance with the City's Land Use Plan. The limits of clearing or clearing and grubbing shall be established no closer to the boundaries of all said undisturbed areas than the driplines of the trees which are located within said areas.
- d. For any property for which a Tree Preservation/Replacement Plan was not required prior to issuance of a Land Disturbance Permit under the provisions of this Section, all areas required to be undisturbed shall be provided with protective tree fencing, staking, or continuous ribbon along the limits of clearing or grading which adjoin existing trees in accordance with the provisions found in Subsection 5.4.1. Such measures shall be in place prior to beginning clearing or grading activities, and shall be maintained throughout the land disturbance period.

**5.3 TREE DENSITY REQUIREMENTS**

**5.3.1 Minimum Tree Density Standard**

On each property for which a Tree Preservation/Replacement Plan is required by this Ordinance, existing trees may be retained and new trees shall be planted such that the property shall attain or exceed a Tree Density Standard of 16 Tree Density Units per acre, exclusive of any acreage within a zoning buffer and any trees required to be preserved or planted within a zoning buffer. The trees, both existing and new, where feasible shall be reasonably distributed throughout the site, with emphasis on tree groupings to achieve aesthetic results following professional landscaping standards. Trees may be retained or planted for credit



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within a public street right-of-way if granted authorization by the Department of Transportation.

### 5.3.2 Tree Density Standard Calculation

The Tree Density Standard shall be calculated by summing the following credits and dividing by the total acreage of the project included within the limits of the permit application (but excluding any acreage included within a zoning buffer).

- a. Credit for existing trees proposed to be preserved on the site shall be calculated by multiplying the number of trees (by diameter) times the units assigned in TABLE B, CREDIT FOR EXISTING TREES. Credit shall be given all trees preserved on a property having a diameter of 3" or more, except trees located in a zoning buffer.
- b. Credit for new trees proposed to be replaced on the site shall be calculated by multiplying the number of trees (by diameter) times the units assigned in TABLE C, CREDIT FOR REPLACEMENT TREES. Credit shall be given all new trees replaced on a property except for new trees of less than 1 inch in diameter and new trees planted in a required zoning buffer. Multitrunked ornamental trees shall only be given credit by measuring the single largest trunk and not the cumulative total of the various trunks. Tree-form shrubs shall not be given credit for satisfying the required Tree Density Standard.
- c. Additional credits shall be granted under the following circumstances:
  - (1) A total tree density credit not to exceed three (3) times the units shown on Table B, may be granted by the Department for existing trees to be retained which have greater value as outstanding specimen trees or having historic value or being a rare or unique species.
  - (2) Existing trees to be retained within a minimum yard area (as required by the applicable zoning district) or within a 100-year flood plain shall be granted a bonus credit of 50 percent of the units assigned in Table B unless the tree is located within a required zoning buffer.



**Tree Preservation and tree Replacement Regulations**

TABLE B - CREDIT FOR EXISTING TREES							
CONVERSION FROM TREE DIAMETER IN INCHES TO TREE DENSITY UNITS FOR TREES REMAINING ON SITE							
DIA.	UNITS	DIA.	UNITS	DIA.	UNITS	DIA.	UNITS
3	0.05	15	1.2	27	4	39	8.3
4	0.1	16	1.4	28	4.3	40	8.7
5	0.15	17	1.6	29	4.6	41	9.2
6	0.2	18	1.8	30	4.9	42	9.6
7	0.3	19	2.0	31	5.2	43	10.1
8	0.4	20	2.2	32	5.6	44	10.6
9	0.5	21	2.4	33	5.9	45	11.0
10	0.6	22	2.6	34	6.3	46	11.5
11	0.7	23	2.9	35	6.7	47	12.0
12	0.8	24	3.1	36	7.1	48	12.6
13	0.9	25	3.4	37	7.5	49	13.1
14	1.1	26	3.7	38	7.9	50	13.6

**NOTE: FOR THE PURPOSE OF THIS ORDINANCE, TREE DIAMETERS ARE MEASURED AT DIAMETER BREAST HEIGHT (DBH) OR AT ANY POINT BELOW DBH FOR NEW TREES OR MULTI-TRUNKED SPECIES, BUT IN NO CASE LESS THAN 6 INCHES FROM THE GROUND.**

**NOTE: FOR THE PURPOSE OF THIS ORDINANCE, TREE DIAMETER FRACTIONS MAY BE "ROUNDED-UP" IF 0.5 INCHES OR GREATER OR "ROUNDED-DOWN" IF LESS THAN 0.5 INCHES.**



**Tree Preservation and Tree Replacement Regulations**

<b>TABLE C - CREDIT FOR REPLACEMENT TREES</b>			
<b>CONVERSION FROM TREE DIAMETER IN INCHES TO TREE DENSITY UNITS FOR TREES REPLACEMENT</b>			
<b>Diameter</b>	<b>Units</b>	<b>Diameter</b>	<b>Units</b>
1	0.4	8	1.3
2	0.5	9	1.5
3	0.6	10	1.7
4	0.7	11	1.9
5	0.9	12	2.1
6	1.0	13	2.3
7	1.2	14	2.5

**NOTE: FOR THE PURPOSE OF THIS ORDINANCE, TREE DIAMETERS ARE MEASURED AT DIAMETER BREAST HEIGHT (DBH) OR AT ANY POINT BELOW DBH FOR NEW TREES OR MULTI-TRUNKED SPECIES, BUT IN NO CASE LESS THAN 6 INCHES FROM THE GROUND.**

**NOTE: FOR THE PURPOSE OF THIS ORDINANCE, TREE DIAMETER FRACTIONS MAY BE "ROUNDED-UP" IF 0.5 INCHES OR GREATER OR "ROUNDED-DOWN" IF LESS THAN 0.5 INCHES.**

**NOTE: MULTI-TRUNKED ORNAMENTAL TREES SHALL BE GIVEN CREDIT BY MEASURING THE SINGLE LARGEST TRUNK ONLY. TREE-FORM SHRUBS SHALL NOT BE GIVEN CREDIT.**



## The Buffer, Landscape, and Tree Ordinance

### 5.3.3 One and Two Family Dwellings

If the subdivision is exempt under Subsection 5.2.3a this Subsection (5.3.3) does not apply. However, if the subdivision was not exempt under Subsection 5.2.3a and was required to submit a TP\TR under Subsection 5.2.2 this Subsection (5.3.3) shall apply.

Each residential lot shall have at a minimum two (2) Tree Density Units. The front yard shall contain at least one (1) Tree Density Unit. The minimum replacement trees for front yards shall be shade or flowering trees that measure at least 3 caliper inches in diameter. Examples of shade or flowering trees include all types of oak, maples, birch, tulip poplar, fruit trees, walnut, hickory or elm.

To meet this requirement, all other replacement tree species to be planted in a residential front yard that are not listed above shall be approved by the department prior to planting. Existing trees shall be allowed to meet this requirement based on Table B - Credit for Existing Trees.

The requirements of Subsection 5.2.2 may indicate the requirements of this section have been addressed in the TP\TR Plan. If this is the case, a compliance inspection is all that is needed to comply with this section.

Prior to an issuance of a Certificate of Occupancy, a compliance inspection will be made to ensure that all applicable requirements for this section have been satisfied and the appropriate trees have been planted.

## 5.4 TREE PRESERVATION AND REPLACEMENT REQUIREMENTS

5.4.1 The following guidelines and standards shall apply to trees proposed to be preserved for credit toward meeting the minimum required Tree Density Standard on a property.

a. Tree Protection Areas The root system within the dripline is generally considered to be the critical root zone. To protect these critical root zones, a tree protection area shall be established around each tree or group of trees to be retained.

(1) The Tree Protection Area shall include no less than the total area beneath the tree canopy as defined by the dripline of the tree or group of trees collectively.

(2) Layout of the project site utility and grading plans shall avoid disturbance of the tree protection areas.



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- (3) Construction site activities such as parking, materials storage, concrete washout, burn hole placement, etc., shall be arranged so as to prevent disturbances within tree protection areas.

### b. Protective Barriers

- (1) Protective tree fencing, staking or continuous ribbon shall be installed between tree protection areas and areas proposed to be cleared, graded, or otherwise disturbed on the site, prior to any land disturbance.
- (2) All Tree Protection Areas are recommended to be designated as such with "tree save area signs" posted in addition to the required protective fencing, staking, or continuous ribbon. Signs requesting subcontractor cooperation and compliance with tree protection standards are recommended for site entrances.
- (3) All Tree Protection Areas must be protected from soil sedimentation intrusion through the use of silt screens or other acceptable measures placed up-slope from the tree protection area.
- (4) All protective tree fencing, staking or continuous ribbon and all erosion control barriers must be installed prior to and maintained throughout the land disturbance and construction process, and should not be removed until final landscaping is installed.

### c. Encroachment

If encroachment into a Tree Protection Area occurs which causes irreparable damage to the trees, the Tree Preservation/Replacement Plan shall be revised to compensate for the loss. Under no circumstances shall the developer be relieved of responsibility for compliance with the provisions of this Ordinance, nor shall plan revision activities stop the Department from instituting action for violation of this Ordinance.

5.4.2 Replacement trees proposed to be planted for credit toward meeting the minimum required Tree Density Standard on a property shall comply with the following guidelines and standards:

- a. The spacing of replacement trees must be compatible with spatial site limitations and with responsible consideration towards species size when mature.
- b. Species selected for planting shall be native or adaptable to the region and the intended growing site. Standards for transplanting shall be in keeping with those established by the International Society of Arboriculture, as included in the





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"Tree and Shrub Transplanting Manual," latest edition, or similar publications. Refer to the American Association of Nurserymen publication "American Standard for Nursery Stock" (ANSI Z60, 1973) for plant material quality specifications. Refer to the "Manual of Woody Landscape Plants" (Michael Dirr, 1983, Castle Books) or similar publications for information on tree species site requirements.

- c. Trees selected for planting must be free from injury, pests, disease, nutritional disorders or root defects, and must be of good vigor, so as to assure a reasonable expectation of survivability.

### 5.5 TREE BANK

5.5.1 Where a tree is to be removed under the provisions of this Ordinance, the City may, with the consent of the property owner, relocate the tree at the City's expense to City owned property for replanting, either for permanent utilization at the new location, or for future use at other City property.

5.5.2 **In those instances where the available land within a project site cannot bear the total number of tree density units required by this ordinance, credit may be given to the property at the discretion of the City Administrator or his/her designee for each relocated tree as though the tree was proposed to remain on the property, if the tree is relocated to a site designated by the City at the owner/developer's expense. Credits for relocated trees must be reviewed and approved by the City prior to Land Disturbance Permit issuance.**

5.5.3 **In no instance shall more than 50% of the required tree density units be met through relocated trees.**

### 5.6 FEE IN LIEU

5.6.1 **In those instances where the available land within a project site cannot bear the total number of tree density units required by this ordinance, the City may accept a fee in lieu of replacement trees at the discretion of the City Administrator or his/her designee. Fee in lieu contributions must be reviewed, approved, and received by the City prior to Land Disturbance Permit issuance.**

5.6.2 **In no instance shall more than 50% of the required tree density units be met through a fee in lieu contribution.**

5.6.3 **Fee in lieu contributions shall be used for the sole purpose of planting and maintaining trees and other applicable landscaping for public benefit on public property or private property within a public easement within the City of Dacula.**



**5.6.4 Fee in lieu contributions shall be calculated based on the cost of purchase and installation of the additional trees, and verified by the City Administrator or his/her designee.**

**5.6.5 The fee in lieu contributions shall be administered by the Finance Department, with disbursements approved by the City Administrator or his/her designee. An annual report must be prepared by the Finance Department and submitted to the Mayor and City Council showing amounts collected, amounts spent, and the type and location of plantings or maintenance completed. An annual audit prepared by an independent auditor will suffice to meet this requirement.**



ARTICLE 6

PLAN AND PLAT SPECIFICATIONS

6.1 WATER-EFFICIENT DESIGN CONSIDERATION

It is the policy of The City of Dacula to encourage individuals or firms who prepare the plans and plats required by this Ordinance to consider the use of water efficient landscaping principles and techniques as one of the criterion to be used in plant selection and design.

6.1.1 Principles and Techniques of Water-Efficient Landscaping The recommended principles and techniques to be considered are as follows:

- a. Proper Location and Design - locating plants where they will naturally thrive and not require excessive water and maintenance to survive, as well as grouping plants by water needs, and limiting and concentrating high water using plants.
- b. Turf Selection - selecting turf grasses that can survive the variable rainfall conditions in this region, and limiting turf areas.
- c. Efficient Watering - once plants are established, avoid watering during periods of normal rainfall and during droughts, watering every week to 10 days or less depending on the drought tolerance of the plants.
- d. Soil Improvements - loosening and breaking up the soil beyond the immediate planting area to allow better water absorption and to promote deep roots.
- e. Mulching - using mulch to hold moisture in the soil which helps maximize the benefits of watering as well as preventing weeds.
- f. Plant Selection - selecting plants according to their watering requirements and optimum locations.
- g. Maintenance - maintaining the landscape to maximize water conservation such as increasing mowing heights and avoiding fertilizing during dry spells.

6.2 BUFFER AND LANDSCAPE PLAN SPECIFICATIONS

The following subsections and paragraphs outline the required elements of the plans and plats mentioned throughout this Ordinance.

6.2.1 A Buffer and Landscape Plan shall be prepared for any project wherein buffer areas or other landscaping areas or treatment are required by this Ordinance, the Zoning Ordinance, conditions of zoning, special use or variance approval, or other



## The Buffer, Landscape, and Tree Ordinance

regulations of The City of Dacula, and shall be approved prior to issuance of a Development Permit. While the Plan shall cover, at a minimum, the required buffer and landscape areas, the Plan can be combined with a general landscaping plan for the entire project and/or a Tree Preservation/Replacement Plan (if required), at the developer's option.

- 6.2.2 The Buffer and Landscape Plan shall be shown on a Site Plan or boundary survey drawn to the same or a larger scale as the other plan documents prepared for the Development Permit Application and shall cover the same area.
- 6.2.3 The Buffer and Landscape Plan shall contain but need not be limited to the following:
- a. Project name and Land District, Land Lot, and acreage.
  - b. Developer's name and telephone number.
  - c. The name, address, and telephone number of the Registered Landscape Architect, Urban Forester, or Arborist responsible for preparation of the plan, and the Seal or statement of professional qualifications of said person (which may be attached separately). The performance of professional services in the preparation of plans required herein shall comply with Georgia Law governing the practice of the applicable profession.
  - d. Boundary lines of each buffer or other landscape area, appropriately labeled.
  - e. Delineation of undisturbed buffer areas, and any other areas wherein trees are proposed to be retained to meet City requirements, along the driplines of the trees or groups of trees contained therein. These areas shall be treated in accordance with the Tree Protection Area requirements contained in this Ordinance, and labeled as such. Protective barriers and signage as required by this Ordinance shall be shown as to location and detailed.
  - f. General location of all proposed trees, shrubs, vines, groundcovers, mulching, and other features proposed within the buffer/landscape area. A scale sufficient to clearly indicate all details shall be used, along with a north arrow.
  - g. Within areas involving or adjacent to land form changes, existing and finish grade topographic lines at an interval of no more than 2 feet may be required.
  - h. For new plant materials to be installed, a plant material list including but not limited to:
    - (1) Common and botanical names of all proposed plants.
    - (2) Plant quantities.



## The Buffer, Landscape, and Tree Ordinance

- (3) Size and condition of plants. (Example: 1" caliper, 6 feet height, balled and burlapped).
- (4) Spacing.
- (5) Remarks as necessary to insure proper plant selection upon installation. (Example: Specimen, multi-trunked).

### 6.3 TREE PRESERVATION/REPLACEMENT PLAN SPECIFICATIONS

- 6.3.1 Tree Preservation/Replacement Plans shall be prepared by a professional Landscape Architect, Urban Forester, or Arborist in accordance with the specifications for such plans contained herein. The performance of professional services in the preparation of plans required herein shall comply with Georgia Law governing the practice of the applicable profession. Other licensed professionals (e.g. architects, engineers, etc.) may be authorized by the City Administrator or City Planner to prepare Tree Preservation Plans, but not Tree Replacement Plans, provided that they demonstrate, to the satisfaction of the City Administrator or City Planner, competency and knowledge in the principles and practices of arboriculture.
- 6.3.2 The Tree Preservation/Replacement Plan shall be shown on a copy of a Preliminary Plat, Concept Plan or Site Plan, with the exception of a permit to conduct tree thinning, as appropriate to the proposed development, drawn to the same scale as the other plan documents prepared for a Land Disturbance Permit application on the property, and shall cover the same area. The plan may be combined with a required Buffer and Landscape Plan for the project, at the option of the developer.
- 6.3.3 The Tree Preservation/Replacement Plan shall provide sufficient information and detail to clearly demonstrate that all applicable requirements and standards of this Ordinance will be fully satisfied.
- 6.3.4 The Tree Preservation/Replacement Plan shall contain but need not be limited to the following:
  - a. Project name, Land District, Land Lot, north arrow and scale.
  - b. Developer's name, address, and telephone number.
  - c. The name, address, and telephone number of the professional Landscape Architect, Urban Forester, Arborist or other authorized individual responsible for preparation of the plan, in accordance with the requirements of Subsection of 6.3.1, above, and the Seal or statement of professional qualifications of said person (which may be attached separately).



- d. Delineation of all minimum yard areas, buffers, and landscape areas as required by the Zoning Ordinance or conditions of zoning, special use or variance approval.
- e. Total acreage of the site and total acreage exclusive of all zoning buffer areas.
- f. Delineation of all areas located within a 100-year flood plain.
- g. Existing Trees to be retained in Tree Protection Areas:

Trunk location and size (to the nearest inch in diameter at or below diameter breast height), of individual trees proposed to remain for credit toward meeting the minimum tree density standard on the property. Groups of 3 or more trees whose driplines combine into a single Tree Protection Area may be outlined as a group and their number, by diameter, shown in the Summary Table. If the number and size of all existing trees to remain on the site exceeds the required tree density standard for the entire site, only those trees required to meet the minimum tree density standard must be shown. All Tree Protection Areas are to be outlined and labeled.

- h. Tree Protection Measures:
  - (1) A detail or description of the protective tree fencing, staking, or continuous ribbon to be installed, and the location of such measures, which at a minimum shall follow the dripline of all trees to be retained along adjoining areas of clearing, grading, or other construction activity.
  - (2) Measures to be taken to avoid soil sedimentation intrusion into Tree Protection Areas, and the location of such devices.
  - (3) Proposed location of temporary construction activities such as equipment or worker parking, materials storage, burn holes, equipment washdown areas, and entrance pads.
  - (4) Proposed type and location of any tree save area signs or other pertinent signage.
- i. If replacement trees are proposed to be planted in order for the property to achieve the required Tree Density Standard, the replacement trees shall be shown and their spacing and diameter identified, to the extent needed to achieve the minimum requirements. Trees grouped together in tree planting areas may be listed on the Summary Table by total number in the grouping, by size.
- j. A Summary Table of the number of existing trees to remain and new trees to be planted, by diameter to the nearest inch at or below dbh, shall be shown



## The Buffer, Landscape, and Tree Ordinance

along with calculations showing the tree density achieved for the site. Additional credits shall be noted where applicable (see Subsection 5.3.2, paragraph c.). Groupings of trees in Tree Protection Areas and areas for new tree planting may be keyed to the Summary Table by area rather than having each tree individually labeled on the plan.

- 6.3.5 The plan sheet which shows the grading plan, including existing and proposed contour lines, shall indicate the dripline location of all Tree Protection Areas through the use of shading on the plans. The exact location of each tree is not desired to be shown, only the limits of the Tree Protection Area and any other areas which are not to be disturbed.



ARTICLE 7

COMPLIANCE

7.1 ARTIFICIAL MATERIALS PROHIBITED

7.1.1 All artificial plants, trees, shrubs, grass or other vegetation shall be prohibited from fulfilling the requirements of this Ordinance.

7.2 WARRANTY OR MAINTENANCE SURETY

7.2.1 Upon final installation of new trees, shrubs or other landscape material planted to meet the requirements of this Ordinance, and following acceptance by the Department in accordance with the procedures set forth in The Development Regulations, the owner shall either provide proof of warranty or post a Maintenance Bond or other acceptable surety, warranting the new trees, shrubs or landscape material for a period of no less than one (1) year.

7.3 INSPECTION

7.3.1 The Department shall perform an inspection of the plantings and landscape materials required by this Ordinance prior to expiration of the one (1) year warranty or maintenance period. The owner shall be notified of any replacements or restoration that must be made to maintain compliance with this Ordinance or conditions of zoning, special use or variance approval.

7.3.2 Required landscape material found to be dead or near death shall be replaced prior to release by the Department of the warranty or maintenance surety. In no case shall replacement be delayed greater than 30 days from notification unless a performance bond is posted with the Department.

7.4 PERFORMANCE SURETY

7.4.1 Compliance Prior to Certificate of Occupancy or Final Plat Approval

In the event that new trees proposed to be planted to achieve the Tree Density Standard as set forth in the Tree Regulations contained herein, or other trees or landscape material required to be planted as set forth in the Buffer Regulations or Landscape Regulations contained herein, are not installed upon application for a Certificate of Occupancy or Final Plat approval as appropriate to the project, then a Performance Bond or other acceptable surety in an amount equal to 110% of the value of the new trees or landscape material and their installation shall be posted with the Department in accordance with the performance bonding requirements and provisions of the Development Regulations.





## The Buffer, Landscape, and Tree Ordinance

- 7.4.2 Compliance upon Permit Completion or Expiration Properties where a permit is issued to conduct land disturbing activities that do not require the issuance of a Certificate of Occupancy or the approval of a Final Plat, or said activities as a authorized are completed or the permit expires, shall comply with the Tree Density Standard of this Ordinance as follows:
- a. Clearing, Clearing and Grubbing, or Grading Only Permits Replacement trees proposed to be planted to achieve the Tree Density Standard of this Ordinance which are not planted upon completion or prior to expiration of a Clearing, Clearing and Grubbing, or Grading Permit, shall be planted within 30 days of the completion or expiration of said permit unless a Performance Bond is posted with the Department.
  - b. Development Permits Replacement trees proposed to be planted to achieve the Tree Density Standard of this Ordinance which are not planted upon expiration, as opposed to completion, of a Development Permit shall be planted within 30 days of expiration of said permit unless a Performance Bond is posted with the Department.
- 7.5 CONTINUING MAINTENANCE
- 7.5.1 The owner, occupant, tenant, and respective agent of each, if any, shall be jointly and severally responsible for the perpetual maintenance and protection of buffers and landscape plantings required by this Ordinance.
  - 7.5.2 The Department is hereby authorized to order diseased, infested, dying, dead or damaged landscaping required herein to be replaced.
  - 7.5.3 Buffers that, over a period of time, lose their screening ability shall be replanted to meet the requirements of this Ordinance.
  - 7.5.4 Replacement trees and landscaping shall be in accordance with the applicable provisions of this Ordinance.



ARTICLE 8

ENFORCEMENT, VIOLATION AND APPEALS

8.1 ENFORCEMENT

It shall be the responsibility of the Department to enforce this Ordinance. The City Administrator or City Planner or his/her designee shall have the authority to revoke, suspend, or void any Clearing, Clearing and Grubbing, Grading, Development or Building Permit or to withhold issuance of a Certificate of Occupancy, and shall have the authority to suspend all work on a site or any portion thereof, where tree removal or damage occurs in violation of this Ordinance or the provisions of the approved Tree Preservation/Replacement Plan for the site.

8.2 VIOLATION AND PENALTY

Any person violating provision of this Ordinance shall be guilty of violating a duly adopted Ordinance of The City of Dacula, and upon conviction by a court of competent jurisdiction, may be punished either by a fine not to exceed \$500, or confinement in the County jail not to exceed 60 days, or both. The Court shall have the power and authority to place any person found guilty of a violation of this Ordinance on probation and to suspend or modify any fine or sentence. As a condition of said suspension, the Court may require payment of restitution or impose other punishment allowed by law which may include mandatory attendance at an educational program regarding tree preservation. The owner of any property wherein a violation exists, and any builder, contractor, or agent who may have assisted in the commission of any such violation shall be guilty of a separate offense.

8.3 APPEALS AND WAIVERS

8.3.1 Variance from the Zoning Ordinance

The preservation of trees may be considered as a condition peculiar to a piece of property in support of a request for a Variance from the literal application of the provisions of the Zoning Ordinance, under the procedures and requirements contained therein.

8.3.2 Appeals

Appeals of the interpretation of the requirements of this Ordinance by the City Administrator or City Planner shall be filed and processed in accordance with the appeal procedures as set forth in the Development Regulations.

8.3.2 Waivers



## The Buffer, Landscape, and Tree Ordinance

### 8.3.3

Waiver requests of the requirements of this Ordinance shall be filed and processed in accordance with the waiver procedures as set forth in the Development Regulations.



ARTICLE 9

ADOPTION AND AMENDMENT

9.1 REPEAL CLAUSE

The provisions of any ordinances or resolutions or parts of ordinances or resolutions in conflict herewith are repealed, save and except such ordinances or resolutions or parts of ordinances or resolutions which provide stricter standards than those provided herein.

9.2 SEVERABILITY

Should any section, subsection, clause, or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance in whole or any part thereof other than the part so declared to be invalid.

9.3 AMENDMENT

This Ordinance may be amended from time-to-time by Ordinance of the City Council of The City of Dacula. Such amendments shall be effective as specified in the adopting Ordinance.

9.4 EFFECTIVE DATE

This Ordinance shall become effective upon its adoption.  
Adopted this the \_\_\_\_\_ day of \_\_\_\_\_, 2022.





## City of Dacula

# Memo

**To:** Mayor and City Council

**From:** Amy Morris

**cc:** Heather Coggins

**Date:** May 24, 2022

**Re:** Purchasing Policy

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The Purchasing Policy establishes a centralized purchasing system. Approval of which institutes authority, delegates responsibilities and allows the Finance Department to follow detailed procedures, which reinforce the guiding principles stated therein.

Written purchasing policies, while not always required, have been highly recommended by Dacula's auditors.

# Purchasing Policy

## INTRODUCTION

The purpose of this policy is to provide guidance and direction to personnel regarding the procurement of supplies, materials, equipment and contractual services needed by the City of Dacula and its operating departments to perform their public functions. Officials and employees of the City are expected to insure that public funds are expended solely for the purpose for which they are intended and in the most economical and prudent manner. Pursuant to the authority granted by the State of Georgia, the City of Dacula has adopted more restrictive methods of procurement than are required. Compliance with these policies is incumbent upon all City officials and employees.

## GENERAL PROVISIONS

### **1. OVERVIEW**

- a) No official or employee shall derive any known past, present or future personal benefit, either directly or indirectly, from the expenditure of public funds.
- b) Each department head is responsible for insuring that their budget contains sufficient approved funds in the proper line item for each purchase, and that no project or purchase is sub-divided in order to avoid the provisions of this policy.
- c) All officials and employees are charged with the responsibility to report known or suspected violations of this policy. Any employee not complying with this policy, or failing to report non-compliance, may be subject to disciplinary action in accordance with the City of Dacula personnel policy.

### **2. OBJECTIVES**

- a) The procurement of quality materials, supplies and services at the best available price is important to the City of Dacula. In order to achieve this goal, the following objectives have been put in place as a guide to assist officials and employees.
- b) To assure that the best value is received for the tax dollar expended, officials and employees should:
  - i. Plan in advance in order to reduce the number of small orders and emergency purchases.
  - ii. Combine purchases when possible in order to reduce paperwork.
  - iii. Encourage cooperative intergovernmental purchasing by departments.
  - iv. Practice fair and open purchasing procedures in order to encourage potential vendors to furnish competitive prices.
  - v. Inspect purchases to determine that goods delivered meet the specifications established.
  - vi. Provide budget control to ensure the financial stability of the City of Dacula

### 3. **ETHICS**

Public confidence in the integrity of the City's purchasing practices is also very important. In order to achieve this goal. It is imperative that the conduct of every person employed by the City of Dacula be governed by the following ethical practices:

- a) Represent the highest ideals of honor and integrity in all public and personal relationships in order to command the respect and inspire the confidence of the City and of the public that it serves.
- b) Recognize that purchasing activities are of public interest and a matter of public record and conduct these duties so that all actions can be fully documented in accordance with this policy.
- c) Demonstrate the belief that personal profit should not be obtained through misuse of public or personal relationships.
- d) Endeavor to avoid even the appearance of impropriety or conflict of interest.
- e) Refuse to seek or dispense personal favors as it pertains to the purchase of goods and services.
- f) Refuse to accept gifts, favors or benefits from vendors under circumstances that might be construed by reasonable persons as evidence of favoritism or providing an unfair advantage. This provision applies to prospective vendors and/or existing vendors that will/may seek renewal of their agreement/business relationship with the City.

### 4. **DEFINITIONS**

**Best Bid:** The evaluation of the overall bid considering the quality, price, various elements of the required goods or services, and the responsiveness and responsibility of the bidder.

**Bid:** A vendor's offer to provide specific goods or services, at specified prices, in response to the City's competitive solicitation.

**Formal Bid:** A bid that must be forwarded in a sealed envelope or other means, in conformance with the format prescribed in the solicitation.

**Non-competitive situation:** Exists when the product or service being purchased from a sole source or specified source.

**Open Procurement:** Buying, purchasing, renting, leasing, or otherwise acquiring goods or services based on the individuals' knowledge of the market, responsibility for stewardship, and operational requirements.

**Quote:** An unsealed, competitive offer conveyed by telephone, fax, e-mail or internet solicitations, in accordance with the format prescribed in the solicitation.

**Responsive Bidder:** A person or entity that has submitted a bid or proposal that conforms in all material respects to the requirements set forth in the invitation for bids or request for proposals.

**Responsible Bidder:** A person or entity that has the capability in all respects to perform fully and

reliably the contract requirements. Possible factors may include but are not limited to (i) the firm's relevant experience on similar projects; (ii) the firm's ability to perform within the specified time period; (iii) the firm's reputation in the community; (iv) the firm's financial condition; (v) the firm's bonding capacity and insurance; (vi) the firm's safety record; and (vii) compliance with applicable immigration requirements.

Sole Source: The only available source through which goods, equipment or services may be purchased.

Specified Source: A source selected without competitive bidding for justifiable reasons.

## 5. SUMMARY

The Financial Services Department is responsible for developing, maintaining and administering the policies, procedures and necessary forms for the City's purchasing functions. All purchases shall be approved by each department head or his/her designee and submitted to the Finance Department for final approval, on behalf of the City Manager, and processing.

These measures have been put in place in order to control costs, insure legal compliance, promote wise use of government resources, adhere to accounting, audit requirements, and maintain the integrity of the City of Dacula.

## 6. METHODS OF PROCUREMENT

The following methods of procurement shall be used for the purchase of goods and services:

- a) Open Procurement: This method is for small dollar purchases of standard operating supplies and services on an as-needed basis.
- b) Quotes: This method is for single purchases and involves soliciting quotations from at least three vendors when practicable. These quotes can be obtained either by telephone, fax, e-mail, mail, or internet solicitations and are not normally advertised. Award is generally made to the lowest responsive and responsible vendor meeting specifications.
- c) Formal Bidding: This method is utilized when the cost of supplies, materials or equipment required on a single purchase exceeds \$15,000. The process requires advertising in a newspaper of general circulation, receiving sealed bids, and generally awarding the purchase to the lowest responsive and responsible bidder meeting specifications. The City may utilize the Reverse Auction method of formal bidding over the Internet, if practical.
- d) Request for Proposal (RFP): This method is used primarily for professional services and highly technical commodities. An RFP differs from a formal bid in that proposals may be solicited in a one or two-step process. The award may be granted to other than the lowest-priced vendor.
- e) Design-Build: In this method, design and construction of a project are included in a single contract. It allows the City to hire one firm to provide both professional design and



construction services while reducing the administration costs typically involved with monitoring multiple contracts.

## **7. PREQUALIFICATION**

- a) The City of Dacula is hereby delegated the authority to administer a process for mandatory prequalification of prospective bidders or offerors for public construction projects, pursuant to O.C.G.A. § 36-91-1.
- b) Pursuant to this delegation of authority the Department Head, in coordination with the Financial Services Department, is authorized to implement a process for mandatory prequalification of bidders, subject to the following requirements:
  - i. Criteria for prequalification shall be reasonably related to the project or the quality of the work.
  - ii. Criteria for prequalification shall be available to any prospective bidder or offeror requesting such information.
  - iii. There shall be a method of notifying prospective bidders or offerors of the criteria for prequalification.
  - iv. There shall be a procedure for a disqualified bidder or offeror to respond to his or her disqualification to the City Administrator; however, such procedure shall not include a formal appeal.
- c) Where prequalification is required, no invitation to bid or RFP will be solicited until the prequalification process is complete.
- d) No bid or proposal shall be eligible for consideration by the City of Dacula from a prospective bidder who has not been prequalified on the procurement in question where the invitation for bids or request for proposals specified that prequalification would be mandatory.

## **8. GUIDELINES AND SOURCE SELECTION**

Within these guidelines, the Department Head has the responsibility and authority to control the funds budgeted for the operation of their department. The Department Head is expected to control expenditures to these budgeted amounts and effect savings where possible. It is the responsibility of the Finance Department staff to assist departments with efforts toward this end.

### **State Advertising Requirements and Regulations:**

Compliance with O.C.G.A. 36-80-26 requires that if a formal bid opportunity is extended and it exceeds \$10,000, this opportunity to bid is required to be posted on the Georgia Procurement Registry. (Dacula's procurement policy requires formal bidding only when the purchase exceeds \$15,000 or as otherwise required by law.)

If a bid or proposal opportunity is extended for public works construction contracts subject to Chapter 91 of Title 36 of the O.C.G.A., this opportunity is required to be posted on the Georgia Procurement Registry.

Each advertisement shall include such details and specifications as will enable the public to know the extent and character of the bid or proposal opportunity.

(<http://doas.ga.gov/state-purchasing/georgia-procurement-registry-for-local-governments>).

#### State Contract Items:

Items and services available under state contract do not require any additional bidding. If the department head chooses not to purchase an item that is available to the City under a state contract, he/she must document the state contract price and the reason for not selecting the contract vendor, in addition to following the guidelines below.

### **9. PURCHASING LEVELS**

The dollar limits for quotes and formal bids that will govern the proper method for the purchase of goods and services are as follows:

#### 1. Tier 1 - Purchases under \$10,000

The department head may approve any purchase under \$10,000, provided that the approved budget for the department contains sufficient funding in the appropriate line item and according to the following guidelines:

- a. Purchases under \$5,000 (open procurement)
  - i. Purchases in this category may be made without competitive price quotes via open procurement, based on the Department Head's knowledge of the market, responsibility for stewardship, and operational requirements. The Department Heads should maintain helpful resources regarding the market and pricing data and attach this information to the request for payment.
- b. Purchases between \$5,000 and \$10,000 (quotes)
  - i. Purchases in this category require three competitive price quotes.
  - ii. Telephone, fax, e-mail, mail or internet solicitations are acceptable, but all responses from vendors must be documented and maintained in the vendor file to be accompanied with the invoice for payment.
  - iii. It is recognized that in certain highly specialized procurements, it may not be possible to obtain three price quotes. In those cases, the department head must document the facts and circumstances as a part of the audit trail to accompany the invoice for payment.
- c. Purchases between \$10,000 and \$15,000 (quotes)
  - i. Purchases in this category require three written price quotes from responsible vendors.
  - ii. Normally the lowest quote will be accepted; however, price is not always the determining factor. When a Department Head selects other than the lowest quote, he or she must justify the decision to the City Administrator in writing before the purchase may be affected.
  - iii. The City Administrator shall approve each purchase in this category in writing.

2. Tier 2-Purchases in excess of \$15,000 (formal bidding)
  - a. Purchases in this category must be decided by formal bidding or Request for Proposal (RFP) with exception to Professional Services as defined below (see section 9).
  - b. The department head shall prepare either an RFP or an "Invitation to Bid" (which ever is appropriate) and forward such to prospective bidders. The time and place for submission of bids and other administrative requirements will be clearly stated. Bids shall generally be awarded to the lowest responsive and responsible bidder and any Invitation to Bid or RFP shall state that the City reserves the right to reject any and all bids or proposals.
  - c. The Department Head shall approve purchases under \$5,000 in this category in writing.
  - d. The City Administrator shall approve purchases between \$5,000 and \$15,000 in this category in writing.
  - e. Purchases greater than \$15,000, shall be approved by the City Council.

## **10. EXCEPTIONS TO COMPETITIVE PROCESS**

- a) Professional Services: The bidding of a price quote for professional services is not required.
- b) Standard off-the shelf equipment: Procurement awards for off-the-shelf equipment and/or standard commodities, where the dollar amount is less than \$15,000 and approved in the adopted budget, do not require formal bidding if awarded to the lowest responsive, responsive offeror. Quote practices outlined in section 9 should be followed.
- c) State Contract Items: Items that may be purchased under state contract do not require any additional bidding.
- d) Cooperative Purchasing: The City may participate in a cooperative purchasing agreement for procurement with other governmental entities or non-governmental organizations for contracts, agreements or bids. Cooperative purchasing helps to reduce the cost of purchased goods and services through pooling the purchasing power of multiple agencies. The City may also participate in "piggy-backing" onto existing procurements of other governmental entities or non-governmental organizations provided that the procuring entity purchasing policies are compatible with Dacula's purchasing policies. These may include, but are not limited to, state contracts and bids, county contracts and bids, and local government contracts and bids.
- e) Federal or other Grant Purchases: Periodically, the City may be given public or private grants and donations from sources such as the federal government, state government, private corporations, foundations, etc. These funding sources often include restrictive

stipulations and may dictate the procurement process and methodology that the City is to follow for the contract award.

Notwithstanding any other provision of the policy, the City may enter into any contract, follow any procedure, or take any action that is otherwise at variance with this policy if necessary or convenient to receiving funds from the government of the United States, State of Georgia, other governmental/public and private entities. When using Federal Highway Administration (FHWA) funds, competitive negotiation (as specified in 23 U.S.C.112 (b)(2)(A) and 23 CFR 172.S(a)(1)) is based on qualification based selection procedures (as specified in 40 U.S.C. 1101-1104 (Brooks Act)) and shall be the primary method of procurement for engineering and design related services using Federal Aid Highway Program (FAHP) funding.

The City shall ensure that the purchase of equipment, supplies and/or services relating to the expenditures of federal Community Development Block Grant (CDBG) funds shall follow federal requirements in accordance with the "Common Rule, 24 CFR Part 85 to the CDBG Entitlement Program."

- f) Emergency Purchases: An emergency is hereby defined as any situation or circumstance that is determined to constitute a threat to public health, safety or welfare or to the soundness and integrity of public property, or to the delivery of essential services, and where the adverse effects of such emergency may worsen materially in the short term with the passage of time.

The City Administrator may declare a "purchasing emergency situation" that would permit a waiver of normal competitive purchasing procedures during a bona fide emergency. However, the purchasing emergency situation shall expire within 96 hours of being declared. During this time, the City Administrator shall consult with the Mayor and solicit formal guidance and direction on this declaration, consistent with the City Charter and Ordinances.

Emergency purchasing provisions shall not be used to compensate for poor planning.

- g) Sole Source or Specified Source Purchases: A sole source situation exists when: there is a lack of responsible competition for a commodity or service which is vital to the operation and best interest of the City; a vendor possesses exclusive or predominant capabilities; a product or service is unique and easily established as one- of-a-kind; there is a patented feature providing a superior utility not obtainable from similar products; a proprietary right exists and the product is available from only one prime source; and/or the administrative costs to undertake a procurement of design process exceed the value of the product or service.
- h) Contractual Services: Ongoing services or agreements may be renewed or continued if the Department Head determines that it is in the best interest of the City. This decision should be based on satisfactory service, reasonable prices and the desire to avoid the interruption of City business; and/or based on good business sense if pursuant to the terms and

conditions of the contract.

Contractual services are defined as, but not limited to, landscape services, paving contracts, janitorial services and building maintenance.

i) Change Orders and Contract Modifications:

1. Original contract under \$15,000: The City Administrator shall have the authority to approve all change orders and contracts up to \$15,000 of the original contract plus all change orders, provided that the change order does not exceed the current project budget allocations. Should the original contract and change orders exceed \$15,000, authorization by City Council will be required.
2. Original contract over \$15,000: The City Administrator shall have the authority to approve all change orders and contracts up to \$15,000 above the original contract, provided that the change order does not exceed current project budget allocations. Should the change orders exceed \$15,000, authorization by City Council will be required.

**11. AMENDMENTS**

The City Administrator is authorized to make minor modifications to this Policy which do not increase the Purchasing Levels listed above or conflict with the terms of the City's Purchasing Ordinance.

**AN ORDINANCE TO AMEND  
THE CITY PURCHASING ORDINANCE  
CHAPTER 20**

WHEREAS, the City has reviewed its policies and procedures with respect to certain its purchasing ordinance; and

WHEREAS, the current ordinance is out of date and the dollar amounts listed therein is antiquated and infeasible to administer; 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 City Code update and revise the amounts codified for City purchases;

NOW THEREFORE, THE MAYOR AND COUNCIL OF THE CITY OF DACULA HEREBY ORDAINS that Section 20-40 and Section 20-41 be amended as follows:

**SECTION 1**

The existing Sections 20-40 and 20-41 are deleted and the following are adopted and substituted in their place:

**Sec. 20-40. - Purchasing responsibilities.**

It shall be the duty and responsibility of the City Administrator or his/her designee to perform all buying of goods and services for all departments and committees of the City, as directed by the Mayor and Council. The Mayor or City Administrator shall be authorized to initiate purchases and requisitions on behalf of the City, provided the purchases do not exceed a cumulative total of \$15,000.00 as to any City project or budgeted line item.

**Sec. 20-41. - Bid requirements.**

In the case of any purchase of \$15,000.00 or more, the Mayor and Council shall seek three competitive bids, proposals or quotations on like work, product or service. After receiving responses to the request for bids, proposals or quotations, the Mayor and Council shall, in their discretion, award a contract or purchase agreement for the product, work or service in a manner as to best benefit the City.

**SECTION 2**

The City Administrator, Assistant City Administrator, and Director of Planning and Economic Development 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 amendments outlined herein shall be effective immediately upon their adoption by the Mayor and City Council.

SO ORDAINED by the governing authority of the City of Dacula, this \_\_\_\_ day of June 2022.

AYES: \_\_\_\_

NAYES: \_\_\_\_

\_\_\_\_\_  
HUGH D. KING, III  
MAYOR, CITY OF DACULA

ATTEST:

\_\_\_\_\_  
HEATHER COGGINS,  
ACTING CITY ADMINISTRATOR