

CITY OF DACULA

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

COUNCIL MEETING

MINUTES

March 6, 2014

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

Mayor Jimmy Wilbanks called the March 6, 2014 Council Meeting to order at 7:00 P.M. and roll call of the members was taken. A quorum was present. Mayor Wilbanks asked all present to turn off any cell phones or set them to silent. Mayor Wilbanks welcomed everyone present to the Council's March Regular Meeting.

Council Members Present:

Jimmy Wilbanks, Mayor
Gregory Reeves, Council
Susan Robinson, Council
Hubert Wells, Council
Wendell Holcombe, Council

City Staff Present:

Jim Osborn, City Administrator
Joey Murphy, Assistant City Administrator for Development
Kay Partain, Director of Financial Services & Elections
Dennis Still, City Attorney
Reed Miller, City Marshal

Visitors

See Attached.

II. INVOCATION

Invocation was given by Councilman Wendell Holcombe.

III. PLEDGE OF ALLEGIANCE

Mayor Wilbanks along with Boy Scouts from Troop #1548 led in the recitation of the Pledge of Allegiance to the Flag of the United States.

IV. MINUTES:

Approval of the Minutes from the Regular Council Meeting of February 6, 2014.

Mayor Wilbanks asked for a motion to approve the minutes from the Regular Council Meeting of February 6, 2014.

Motion made by Councilman Hubert Wells to approve the minutes from the Regular Council Meeting of February 6, 2014. Motion was seconded by Councilwoman Susan Robinson. Motion passed unanimously with a 4-0 vote.

V. OLD BUSINESS:

None.

VI. NEW BUSINESS:

1. *Dacula Pageant: Recognize Middle School Contestant Winners.*

Mayor Wilbanks stated the City wants to recognize the beauty contestant winners; Mayor Wilbanks then presented to the Council: Madison Severy-2013 Junior Miss Dacula, and Jazzi Daniel-2013 Teen Miss Dacula. Natalie Maurer-Young Miss Dacula was also scheduled to be recognized but could not attend tonight's meeting. Mayor Wilbanks presented each girl and commended their accomplishments. Everyone present gave a round of applause for each girl.

2. PUBLIC HEARING: REZONING Case #2014-CD-RZ-01 Applicant: City of Dacula requests a rezoning permit for a Commercial Corridor Rezoning. The properties are located on Winder Hwy., Dacula, Georgia of the Fifth District, Land Lots # 242, 271, 274, 275; Parcel #001, 002, 003, 004, 006, 006A, 006B, 008, 009, 010, 010A, 011A, 017, 021, 022, 047, 048, 049, 050, 051, 052, 064, 067, 070, 072, 073, 088, 093, 100, 102, 184, 0215 and contains 75.02 acres more or less.

Mayor Wilbanks commented the City has petitioned the State Legislators to annex these properties (*see listed above*). The annexation request (*House Bill # 999*) has passed the House of Representatives on February 21, 2014 and it is now in the Senate Committee. The above parcels are in the City's gateway to the west. Each side "for or against" has ten minutes in which to speak. Mayor Wilbanks opened the Public Hearing.

Mayor Wilbanks asked Joey Murphy, Assistant City Administrator for Development for staff comments.

Mr. Murphy stated the subject properties total 75.02 acres and they are located on the north and south side of Winder Highway as it extends westward into unincorporated Gwinnett County. The properties are currently zoned for unconditioned agricultural, single family residential, commercial and light industrial uses & development, within unincorporated Gwinnett County.

It comes with a "*recommendation of approval*" from the Planning Commission. Staff recommends approval with five (5) condition sets: (1) Transportation/Infrastructure, (2) Landscaping Requirements, (3) Parking/Yard, Height & Setback, (4) Signage; Temporary Uses; Peddling and (5) Architectural Design. Mr. Murphy briefly went over each condition set and are consistent with the City of Dacula's Comprehensive Plan.

Those who spoke in favor:

| | |
|------------------|-------------------|
| Mayor Wilbanks | Marilyn Wall |
| Dacula City Hall | 3054 Superior Dr. |
| Dacula, GA 30019 | Dacula, GA 30019 |

Those who spoke in opposition:

No one spoke in opposition.

Mayor Wilbanks stated there will be no vote taken at this time as the annexation request is still with the legislators. Mayor Wilbanks asked for a motion to table.

Motion made by Councilman Gregory Reeves to table Rezoning Case #2014-CD-RZ-01 pending legislative action. Motion was seconded by Councilman Hubert Wells. Motion passed unanimously with a 4-0 vote.

3. **PUBLIC HEARING: Approve a Resolution to Adopt the 2014 Update to the City of Dacula Comprehensive Plan.**

Mayor Wilbanks opened the Public Hearing to approve a resolution to adopt the 2014 update to the City of Dacula Comprehensive Plan.

Mayor Wilbanks as stated before, each side, for or against has ten minutes in which to speak.

Those who spoke in favor:

Osman Ercin
Robert & Company
229 Peachtree Street NE
International Tower, Suite 2000
Atlanta, GA 30303

Those who spoke in opposition:

No one spoke in opposition.

Mayor Wilbanks closed the Public Hearing.

4. ***Approve a Resolution to Adopt the 2014 Update to the City of Dacula Comprehensive Plan.***

Mayor Wilbanks asked for a motion to approve.

Motion made by Councilwoman Susan Robinson to approve a resolution to adopt the 2014 update to the City of Dacula Comprehensive Plan. Motion was seconded by Councilman Wendell Holcombe. Motion passed unanimously with a 4-0 vote.

5. *Authorize the City to submit a FY 2015 Community Development Block Grant for Eunice Holcomb Circle, Shane Lane, Jody Avenue and Scott Circle.*

Mayor Wilbanks asked Jim Osborn, City Administrator for staff comments.

Mr. Osborn stated Gwinnett County is accepting grant applications for FY 2015 CDBG (Community Development Block Grant) and the application is due in April. This year staff recommends Eunice Holcombe Circle, Shane Lane, Jody Avenue and Scott Circle for its projects and the Mayor to sign the application.

Mayor Wilbanks asked for a motion.

Motion made by Councilman Gregory Reeves to authorize the City to submit a FY 2015 Community Development Block Grant for Eunice Holcomb Circle, Shane Lane, Jody Avenue and Scott Circle. Motion was seconded by Councilwoman Susan Robinson. Motion passed unanimously with a 4-0 vote.

6. *Authorize the City to submit a joint City-County matching SPLOST project for selected sidewalk connection projects.*

Mayor Wilbanks asked Jim Osborn for staff comments.

Mr. Osborn stated the Intergovernmental Agreement signed by Gwinnett County Board of Commissioners and all cities in August 2013 regarding use of the SPLOST proceeds included a section outlining the use and distribution of the \$25 million set aside by the County for the funding of transportation projects jointly with the cities. Of this \$25 million, 10 per cent of this will be reserved for cities with less than 5,000 in population, in which Dacula falls in this area, the City of Dacula requirement is a 19% match in funds.

The cities have to submit their projects before April 1 and then the Citizens Project Selection Committee will formally make a recommendation by April 1, 2014 to the Board of Commissions and then the Commissioners will vote on it by April 15, 2014. Then the cities and Gwinnett County will have to enter into an intergovernmental agreement by the end of 2014.

The projects types that they want submitted are Sidewalks, Resurfacing, Bridges, Intersections, Safety & Alignment, and Major Roads. The City of Dacula estimated amount would be \$751,861.00 and the City of Dacula estimated match would be \$79,561.00. Mr. Osborn then presented a slide projection of each area in which sidewalks were needed and the estimated linear feet. Staff recommendation is to approve the five selected sidewalk connection projects and authorize the City to submit a joint City-County matching SPLOST project to the Citizens Project Selection Committee.

Mayor Wilbanks asked for a motion.

Motion made by Councilman Hubert Wells to authorize the City to submit a joint City-County matching SPLOST project for five selected sidewalk connection projects with the worst and/or most dangerous to be completed first; Gwinnett County will be the project manager and when this money is depleted, any continuation of the sidewalk projects will come back to the Council to approve. Motion was seconded by Councilman Wendell Holcombe. Motion was passed unanimously with a 4-0 vote.

7. *Amend Occupational Tax Ordinance Section 5.04.031*

Mayor Wilbanks asked Mr. Osborn for staff comments.

Mr. Osborn stated the City's Occupational Tax Licenses are currently from January to December of each year. This creates a hardship for some businesses where they have to obtain permits from other jurisdictions. Staff recommends that the City change the year for occupational tax licenses to run July 1 to June 30th of each year.

Mayor Wilbanks asked for a motion to approve or to deny.

Councilman Hubert Wells abstained from voting as the decision would directly affect him as he owns his own business in the City.

Motion made by Councilwoman Susan Robinson to amend the Occupational Tax Ordinance Section 5.04.031 to change the occupational license dates to run from July 1 to June 30. Motion was seconded by Councilman Gregory Reeves. Motion passed with a 3-0 vote and 1 abstention. Councilwoman Susan Robinson, Councilman Gregory Reeves and Councilman Wendell Holcombe voted in favor. Councilman Hubert Wells abstained.

8. *Amend Property Maintenance Ordinance Chapter 14 Section 14-304*

Mayor Wilbanks asked Mr. Osborn for comments.

Mr. Osborn stated the Marshal's office is having problems with complaints from City residents about when people have been evicted from their homes. The household items are placed outside the home, then it becomes a litter problem, and therefore creates an eyesore for the community.

Staff recommends that Chapter 14 Section 14-304 "Open or Outdoor Storage" add the sentence: *"When household items are placed outside structures inside the City pursuant to a lawful dispossessionary/eviction process, the property owner shall remove all of said items from the property within three (3) working days following the execution of the dispossessionary/eviction."*

Mayor Wilbanks asked for a motion from the Council.

Motion made by Councilman Hubert Wells to amend the Property Maintenance Ordinance Chapter 14, Section 14-304 to add the sentence: *"When household items are placed outside structures inside the City pursuant to a lawful dispossessionary/eviction process, the property owner shall remove all of said items from the property within three (3) working days following the execution of the dispossessionary/eviction."* Motion was seconded by Councilwoman Susan Robinson. Motion passed unanimously with a 4-0 vote.

9. *Approve Concept Plan and Authorize the City to Advertise for an RFP for Architectural Services for City Hall expansion.*

Mayor Wilbanks stated the 2014 SPLOST was approved and one of projects that the City projected and approved was an expansion to City Hall of approximately 3,300 square feet. Mayor Wilbanks asked Mr. Osborn for staff comments.

Mr. Osborn presented two versions of a concept plan for the City Hall expansion and explained the changes that were made as a result of the Mayor and Council's comments at the work session the week before. As stated by Mayor Wilbanks this expansion to City Hall will be made from the 2014 SPLOST funds.

Mayor Wilbanks asked for a motion.

Motion made by Councilwoman Susan Robinson to approve concept Plan View A and authorize the City to advertise for a RFP for architectural services for the City Hall expansion. Motion was seconded by Councilman Hubert Wells. Motion passed unanimously with a 4-0 vote.

10. *Change Order for Forestdale Drive and Oak Court Roadwork.*

Mayor Wilbanks asked Mr. Osborn for staff comments.

Mr. Osborn stated the City is in the process of repaving Forestdale Dr. Cedar Court and Oak Court which was approved at the November 2013 Council meeting.

F. E. Sims Enterprises, Inc. discovered that there is bad subgrade soil on Forestdale Drive and Oak Court and as a result, this bad subgrade soil needs to be removed. F. E. Sims Enterprises, Inc. has submitted change order #2. They would have to dig out binder and dirt approximately six (6) inches deep. Patch the area back with six (6) inches of binder. There are approximately 750 square yards; the cost will \$38.50 per yard which would equal \$28,875.00. Staff recommendation is to approve Change Order #2 in the amount of \$28,875.00

Mayor Wilbanks asked for a motion.

Motion made by Councilwoman Susan Robinson to approve change order # 2 with Type B Binder for Forestdale Drive and Oak Court roadwork. Motion was seconded by Councilman Gregory Reeves. Motion passed with a 4-0 vote.

11. *Mayor and Council Member Comments.*

Mayor Wilbanks introduced Mr. P. K. Martin to the Council and to everyone in attendance at tonight's council meeting. Mr. Martin is running for State Senate 9 office seat.

Mayor Wilbanks asked each of the Council Members if they have any comments. The Council did not have any further comments.

12. *City Administrator Comments.*

Mayor Wilbanks asked Jim Osborn, City Administrator if he had any comments.

Mr. Osborn stated none.

13. *City Attorney Comments.*

Mayor Wilbanks asked Mr. Still, City Attorney if he had any comments.

Mr. Still stated none.

14. *City Marshal Comments.*

Mayor Wilbanks asked Reed Miller, City Marshal if he had any comments.

Marshal Miller stated none

15. *Public Works Supervisor Comments.*

Mayor Wilbanks stated Mike Moon, Public Works Supervisor is not here tonight.

16. *Assistant City Administrator for Development Comments.*

Mayor Wilbanks asked Joey Murphy, Assistant City Administrator for Development if he had any comments.

Mr. Murphy reminded the Mayor and Council that the Staff needed their application forms filled out in order to register them on March 11, 2014 for the GMA convention to be held in June 2014.

17. *Gwinnett County Police Comments.*

Mayor Wilbanks Major Dennis Spradley, Gwinnett County Police if he had any comments.

Major Spradley stated none.

VII. PUBLIC COMMENTS:

VIII. EXECUTIVE SESSION:

IX. ADJOURNMENT:

Mayor Wilbanks asked for a motion to adjourn the meeting.

Motion made by Councilman Gregory Reeves to adjourn the meeting. Motion was seconded by Councilman Hubert Wells. The motion passed unanimously with 4-0 vote.

The meeting was adjourned.

Minutes approved _____
Date

Signature