



**City of Lilburn
City Council Meeting Agenda**

**February 11, 2019 at 7:30 p.m.
Lilburn City Hall, 340 Main St., Lilburn, GA 30047**

*Council Members:
Johnny Crist, Mayor
Lindsay Voigt, Post 1
Scott Batterton, Post 2
Eddie Price, Post 3
Tim Dunn, Post 4*

- I. Executive Session (If Necessary)**
- II. Call To Order**
- III. Roll Call**
- IV. Pledge To The Flag**
- V. Approval Of Agenda**
- VI. Announcements**
- VII. Ceremonial Matter**
- VIII. Public Comment**
- IX. Approval Of Minutes**
 - 1. City Council Draft Meeting Minutes From January 14, 2019

Department:	City Clerk
Presenter:	Melissa Penate, City Clerk
Staff Recommendations:	Motion to approve the City Council Draft Meeting Minutes from January 14, 2019.
Department Head Approval:	B. Johnsa
Mayor's Signature Required:	Yes

Documents:

X. Public Hearing

1. RZ-2018-04 From OI & R1 To R2, Medium Density Residential To Allow A Townhome Development On Approximately 4.89± Acres Of Property At 5284 Lawrenceville Highway, Being Identified As Tax Parcels 6136 003, 036, And 042.

At the applicant's request, the Planning Commission tabled action until their February 28, 2019 meeting.

Public Hearing (Y/N) Y
Department: Planning & Economic Development
Presenter: Joellen Wilson, City Planner
Staff Recommendations: A motion to postpone this public hearing until the March 11, 2019 City Council meeting
Department Head Approval: Doug Stacks

Documents:

[PH ITEM 1 - AGENDA FORM - RZ-2018-04.PDF](#)

2. RZ-2018-05 From CB And R2 To CB With A Special Use Permit (SUP) To Allow A Residential Townhome Development In A Commercial District With Retail And Restaurants On Approximately 11.87± Acres Of Property At 5125 & 5175 Lawrenceville Highway, Being Identified As Tax Parcels 6146 013 & 431.

At the applicant's request, the Planning Commission tabled action until their February 28, 2019 meeting.

Public Hearing (Y/N) Y
Department: Planning & Economic Development
Presenter: Joellen Wilson, City Planner
Staff Recommendations: A motion to postpone this public hearing until the March 11, 2019 City Council meeting.
Department Head Approval: Doug Stacks

Documents:

[PH ITEM 2 - AGENDA FORM - RZ-2018-05.PDF](#)

XI. Agenda

1. Hwy. 29 Multi-Use Path Intergovernmental Agreement- City Of Lilburn And Lilburn Community Improvement District

In 2013, the City entered into an agreement with the Lilburn CID for the above-referenced project. A revised agreement is necessary (due to section 9) to extend the effective date of the original agreement.

Public Hearing (Y/N) N
Department: City Manager

Presenter: Bill Johnsa, City Manager
Staff
Recommendations: Motion to approve revised IGA between the City of Lilburn and the Lilburn CID regarding responsibilities and funding of the Highway 29 multi-use path project. Further, authorize Mayor to execute all contracts on behalf of the City of Lilburn.
Department Head Approval: b
Mayor's Signature Required: Yes
Budgeted: Yes
Fund Name & Code: CAP. PROJ. FUND/100% reim. TE grant SPLOST(\$388,595) Capital Projects Fund (\$388,595)
Current Balance: 1,350,000 CAP. PROJ. - \$1,300,000
Requested Allocation: \$700,000
City Manager's Initials: BJ

Documents:

[AGENDA ITEM 1 - AGENDA FORM IGA HWY. 29 PATH REVISED.PDF](#)
[AGENDA ITEM 1 - ATTACH 1 - AGREEMENT-CITY AND CID HWY.29 REVISED 2019 FINAL.PDF](#)

2. Lilburn Community Garden Lease - Renewal

Lilburn Community Garden Lease to renew in 2019 (last renewed in 2016). Mayor Crist will meet with LCG representatives and submit a revised lease for consideration.

Public Hearing (Y/N) N
Department: City Manager
Presenter: Bill Johnsa, City Manager
Staff
Recommendations: Motion to approve 2019 lease between the City of Lilburn and the Lilburn Community Garden. Further, authorize Mayor to execute lease on behalf of the City of Lilburn.
Department Head Approval: B. Johnsa
Mayor's Signature Required: Yes
Budgeted: No

Documents:

[AGENDA ITEM 2 - AGENDA FORM COMMUNITY GARDEN LEASE 2019.PDF](#)

3. Approval Of Appointment Of Angela Couch As Assistant Solicitor For Lilburn Municipal Court

Public Hearing (Y/N) N
Department: City Manager
Presenter: Bill Johnsa, City Manager

Staff
Recommendations:

A motion to approve the appointment of Angela Couch as assistant solicitor for Lilburn Municipal Court effective January 1, 2019.

XII. Adjournment

As set forth in the Americans with Disabilities Act of 1990, the City of Lilburn does not discriminate on the basis of disability in the admission or access to, or treatment or employment in its programs or activities. Doug Stacks, 340 Main Street, Lilburn, GA 30047 has been designated to coordinate compliance with the non-discrimination requirements contained in section 13.107 of the Department of Justice regulations, information concerning the provisions of the Americans with Disabilities Act, and the rights provided thereunder, are available from the ADA coordinator.

The City of Lilburn will assist citizens with special needs given proper notice (seven working days). Any requests for reasonable accommodations required by individuals to fully participate in any open meeting, program or activity of the City of Lilburn should be directed to Doug Stacks, 340 Main Street, Lilburn, GA 30047, telephone number 770-921-2210.



**City of Lilburn
City Council Meeting Minutes**

DRAFT

**January 14, 2019 at 7:30 p.m.
Lilburn City Hall, 340 Main St., Lilburn, GA 30047**

Council Members:

Johnny Crist, Mayor

Lindsay Voigt, Post 1

Scott Batterton, Post 2

Eddie Price, Post 3

Tim Dunn, Post 4

A work session was held prior to the regular scheduled meeting, at 6:30 p.m., to allow the elected officials to discuss this evening's agenda items. No other items were discussed and no actions were taken.

1/14/2019 - Minutes

I. Executive Session (If Necessary)

None.

II. Call To Order

The meeting was called to order by Mayor Crist at 7:33 p.m.

III. Roll Call

Present:

- Mayor Johnny Crist
- Council member Scott Batterton
- Council member Eddie Price
- Council member Tim Dunn

IV. Pledge To The Flag

Led by Cub Scout troop 549 from Mountain Park United Methodist Church.

V. Approval Of Agenda

A motion to approve the January 14, 2019 City Council agenda was made by Council member Price, seconded by Council member Dunn.

Motion passed with a 3-0 vote.

VI. Announcements

None.

VII. Ceremonial Matter

None.

VIII. Public Comment

None.

IX. Approval Of Minutes

1. City Council Draft Meeting Minutes From December 10, 2018

A motion to approve the December 10, 2018 City Council draft meeting minutes was made by Council member Price, seconded by Council member Batterton.

Motion passed with a 3-0 vote.

X. Public Hearing

None.

XI. Agenda

1. Acceptance Of Councilmember Burchik Resignation And Consideration Of Vacancy Appointment.

Acceptance of Council member Brian Burchik's resignation effective January 1, 2019. Mr. Burchik accepted the position of Main Street Manager for the Lilburn Downtown Development Authority.

Brian Burchik recommended Lindsay Voigt to serve as Council member Post 1 for the remainder of the term, which ends on December 31, 2019.

A motion to accept Council member Brian Burchik's resignation effective January 1, 2019, was made by Council member Dunn, seconded by Council member Batterton.

Motion passed with a 3-0 vote.

A motion to appoint Lindsay Voigt to fill the remainder of Council member Post 1's term was made by Council member Batterton, seconded by Council member Dunn.

Motion passed with a 3-0 vote.

City Attorney, Richard Carothers, swore in Lindsay Voigt as Council member Post 1.

2. City Of Lilburn 2019 Mayor And Council Appointments

Each calendar year it is necessary for the Mayor and City Council to appoint the Mayor Pro-Tem, City Attorney, Legal Organ, Building Official, City Planner, Council Responsibilities, Municipal Judges and Solicitor(s), and members to all Commissions and Boards.

Mayor Recommendations:

- Mayor Pro Tem - Tim Dunn
- Parliamentary Procedures - Robert's Rules of Order
- City Attorney & Parliamentarian - Richard A. Carothers
- Legal Organ - Gwinnett Daily Post
- Building Official - Doug Stacks
- City Planner - Joellen Wilson
- City Clerk - Melissa L. Penate

Council Responsibilities: All council members will share equally in all areas of responsibility.

Municipal Court:

- Municipal Judge – Charles Barrett
- Associate Judge(s) – Carla Brown and Claude Mason

- Pro Hac (Standby) Judge(s) – Kenneth Wickham and Jennifer Mann
- Solicitor – Erica Dove
- Assistant Solicitor – Robert Giannini

Employee Representative to the Merit Board - Carmen Stewart

Board and Commission Appointments 2019 (read out loud by each Council Member):

Mayor Johnny Crist -

- Merit Board - June Moloney, Executive Secretary
- Planning Commission - Aaron J. Passman
- Zoning Board of Appeals - Yoon-Mi Hampton
- Board of Adjustments - Jennifer Cardinell

Council member Lindsay Voigt -

- Merit Board - Mark Raymond
- Planning Commission - Emil Powella
- Zoning Board of Appeals - Jon Stallsmith
- Board of Adjustments - Kent Suter

Council member Scott Batterton -

- Merit Board - Jack Bolton
- Planning Commission - Joe Gennusa
- Zoning Board of Appeals - Philip Holland
- Board of Adjustments - John Calhoun

Council member Eddie Price -

- Merit Board - Joette Segars
- Planning Commission - Hugh Wilkerson
- Zoning Board of Appeals - Tony Williams
- Board of Adjustments - Mike Hart

Council member Tim Dunn -

- Merit Board - James R. Morton
- Planning Commission - Michelle West
- Zoning Board of Appeals - Carl Biemiller
- Board of Adjustments - Michael Taylor

A motion to approve the various appointments as presented was made by Council member Price, seconded by Council member Voigt.

Motion passed with a 4-0 vote.

3. 2019 City Of Lilburn General Election Schedule

As this year is an election year for Mayor and two of our council seats, we are required by state law to advertise these post positions, the qualifying fees and election schedule by February 1.

Mayor – Johnny D. Crist
 Post 1 – Vacant
 Post 2 – S. Scott Batterton

The City will also be voting on the “Brunch Bill” referendum. Voters will determine a Referendum authorizing the City to permit and regulate Sunday sales of distilled spirits or alcoholic beverages by the drink from 11:00 A.M. to 12:30 P.M.

**The public notice ran in the legal organ, Gwinnett Daily Post, on January 11, 2019.

A motion to approve Resolution #2019-01 providing for the 2019 City of Lilburn General Election Schedule and Qualifying fees, with the addition of the "Brunch Bill" to be added to the election, was made by Council member Price, seconded by Council member Dunn.

Motion passed with a 4-0 vote.

4. Lilburn Community Garden Lease - Renewal

Lilburn Community Garden Lease to renew in 2019 (last renewed in 2016). Staff has no recommended additions/deletions to the proposed lease.

A motion to table the 2019 lease between the City of Lilburn and the Lilburn Community Garden for the following month to allow for further discussion, was made by Council member Batterton, seconded by Council member Price.

Motion passed with a 4-0 vote.

5. Award Of Contract – City Park Restrooms

The City contracted with BM&K to provide design-build services as a cost-cutting measure regarding the construction of new and expanded restrooms at Lilburn City Park. The City (and BM&K) bid the project as 17 different trade items in an effort to reduce the cost(s) of construction. Based on the various bids received, staff recommends award of contract in an amount not to exceed \$777,188.95.

The new construction will feature a total of: Men – (5) toilets; (8) urinals and (5) sinks. Women – (16) Toilets and (5) sinks. Each restroom has a separate ADA compliant restroom as well as a family restroom.

*Staff recommends funding as follows: 50% SPLOST/Recreation, 50% Capital Projects Fund.

A motion to approve the bid(s) to BM&K, and sub-contractors as specified, in an amount not to exceed \$777,189.00 and authorize the City Manager to execute all contracts on behalf of the City of Lilburn, in addition amend the FY 2018/2019 budget \$388,594 into the Capital Project, was made by Council member Dunn, seconded by Council member Voigt.

Motion passed with a 4-0 vote.

XII. Adjournment

There being no further business, Council member Voigt made a motion to adjourn at 7:55 p.m., seconded by Council member Price.

Motion passed with a 4-0 vote.

Approved this _____ day of _____, 2019.

Johnny D. Crist, Mayor

ATTEST:

Melissa L. Penate, City Clerk
(Seal)

CITY OF LILBURN
PUBLIC HEARING ITEM 1

Date:	February 1, 2019	To:	Mayor and Council
From:	Joellen Wilson	Department:	Planning & Econ Dev't
Work Session Date:	February 11, 2019	Presenter:	Joellen Wilson
Agenda Title:	RZ-2018-04 from OI & R1 to R2, Medium Density Residential to allow a townhome development on approximately 4.89± acres of property at 5284 Lawrenceville Highway, being identified as Tax Parcels 6136 003, 036, and 042.		
Audio/Visual Req'ts:		Meeting Date:	February 11, 2019
Agenda Item (Background/History/Details):			
At the applicant's request, the Planning Commission tabled action until their February 28, 2019 meeting.			

Staff Recommendation:			
Staff recommends: "A motion to postpone this public hearing until the March 11, 2019 City Council meeting."			
Department Head Approval:	Doug Stacks		
Mayor's Signature Required:	<u>YES</u>	NO	
List Attachments:			

CITY OF LILBURN
PUBLIC HEARING ITEM 2

Date:	February 1, 2019	To:	Mayor and Council
From:	Joellen Wilson	Department:	Planning & Econ Dev't
Work Session Date:	February 11, 2019	Presenter:	Joellen Wilson
Agenda Title:	RZ-2018-05 from CB and R2 to CB with a Special Use Permit (SUP) to allow a residential townhome development in a commercial district with retail and restaurants on approximately 11.87± acres of property at 5125 & 5175 Lawrenceville Highway, being identified as Tax Parcels 6146 013 & 431.		
Audio/Visual Req'ts:		Meeting Date:	February 11, 2019
Agenda Item (Background/History/Details):			
At the applicant's request, the Planning Commission tabled action until their February 28, 2019 meeting.			

Staff Recommendation:			
Staff recommends: "A motion to postpone this public hearing until the March 11, 2019 City Council meeting."			
Department Head Approval:	Doug Stacks		
Mayor's Signature Required:	<u>YES</u>	NO	
List Attachments:			

**CITY OF LILBURN
AGENDA ITEM 1**

Date:	2/6/19	To: Mayor and Council	2/6/19
From:	Bill Johnsa	Department:	City Manager
Work Session/Reg. Mtg. Date Requested:	2/11/19	Presenter:	Bill Johnsa
Agenda Title:	Hwy. 29 Multi-Use Path Intergovernmental Agreement- City of Lilburn and Lilburn Community Improvement District		
Audio/Visual Requirements:	n/a	Deadline Date:	n/a

Agenda Item (Background/History/Details):
In 2013, the City entered into an agreement with the Lilburn CID for the above-referenced project. A revised agreement is necessary (due to section 9) to extend the effective date of the original agreement.

Staff Recommendations:
Staff recommends the following: “Motion to approve revised intergovernmental agreement between the City of Lilburn and the Lilburn CID regarding responsibilities and funding of the Highway 29 multi-use path project. Further, authorize Mayor to execute all contracts on behalf of the City of Lilburn.”

Department Head Approval:	B. Johnsa
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Mayor/Council Signature Required:	YES	NO
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List Attachments:
1. Revised IGA

Financial Information (For Financial Services Use Only)

Budgeted Yes/No	Fund Name & Code	Current Balance	Requested Allocation	City Manager's Initials
	CAP. PROJ. FUND/100% reim. TE grant SPLOST(\$388,595) Capital Projects Fund (\$388,595)	1,350,000 CAP. PROJ. - \$1,300,000	\$700,000	BJ

AGREEMENT

This Agreement is for the Design and Construction of the Highway 29 Multi-Use Path made by and between the Lilburn Community Improvement District (hereinafter referred to as the “CID”) and the City of Lilburn, a municipal corporation chartered by the State of Georgia (hereinafter referred to as the “City”), (CID and City hereinafter individually referred to as “Party” and collectively as “Parties”) each of which has been duly authorized to enter into this Agreement.

WITNESSETH

WHEREAS, the Parties to this Agreement are authorized by law to enter into intergovernmental agreements; and

WHEREAS, the Parties hereto desire to serve the needs of the citizens and property owners within the City, the CID and Gwinnett County by providing a safe and efficient pedestrian improvement within the City; and

WHEREAS, the CID has developed plans to install a multi-use path adjacent to the south side of U.S. Highway 29, also referred to as State Route 8, between Postal Way and Killian Hill Road in the City of Lilburn (GDOT P.I. No. 0010638) (hereinafter referred to as “Project”); and

WHEREAS, the total Project cost is expected to be \$938,000; and

WHEREAS, the CID through an RFQ process has contracted with TY Lin International, Inc. (hereinafter referred to as “Engineer”) to provide land surveying, design, bidding assistance, and construction oversight services for the Project; and

WHEREAS, the Georgia Department of Transportation (hereinafter referred to as “GDOT”) has awarded a TE Grant in the amount of \$700,000, or 80% of the total construction cost of the Project, whichever is lower, to fund a portion of the Project; and

WHEREAS, the City has agreed to provide the balance of the total Project cost not paid by the TE Grant, said payments not to exceed the sum of \$238,000.

NOW, THEREFORE, in consideration of the mutual promises, covenants and undertakings set forth herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereto do consent and agree as follows:

1. The CID agrees to require the Engineer to design the Project by following the GDOT Plan Development Process and producing deliverables adhering to all applicable GDOT requirements.
2. The City will reimburse the CID for the cost of design and right of way, said reimbursements and costs not to exceed the sum of \$238,000. It is anticipated that the Lilburn CID may acquire additional funding from other sources, including, but not limited to Gwinnett DOT and Georgia DOT.
3. The TE Grant will be applied to the construction cost of the Project.
4. All costs of the Project not funded by the TE Grant will be paid by the City, subject to the limitation in Item 2 above. Should the total project cost be less than \$938,000, the participation by the City shall be reduced by the same amount.
5. The City will have fourteen (14) days to review reimbursement requests from the CID prior to them being due for payment. Construction procurement, payment and grant reimbursement will be the responsibility of the City.
6. All contracts and subcontracts for the design and construction of the project shall have insurance provisions which require that the City be named as an additional insured in all insurance policies.
7. All future maintenance of the completed project including any necessary utilities will be the sole responsibility of the CID.

8. All notices pursuant to this Agreement shall be served as follows: As to the CID: Executive Director of the Lilburn Community Improvement District, 1485 Chinook Court, S.W. Lilburn, Georgia 30047. As to the City: City Manager, City of Lilburn, 340 Main Street, Lilburn, Georgia 30047. All notices shall be served by certified mail, return receipt requested.

9. This Agreement shall be for a period of 24 months from the effective date.

10. This Agreement constitutes the entire agreement between the Parties hereto as to all matters contained herein. No other writings or oral agreements or conversations shall affect or modify any of the terms or obligations herein contained. All subsequent changes to this Agreement must be in writing and signed by both Parties. This Agreement is for the benefit of the Parties hereto only and is not intended to benefit any third party or to give rise to any duties or causes of action for any third party, and no provisions contained within this Agreement are intended to nor shall they in any way be construed to relieve any Engineer performing services in connection with the Project of any liability or to complete the work in a good, substantial and workmanlike manner. No provision in this Agreement is intended to nor shall it be construed to in any way to waive immunities or protections granted to the City or to the CID by the Constitution and laws of the State of Georgia.

IN WITNESS WHEREOF, the Parties hereto acting through their duly authorized agents, have caused this Agreement to be signed, delivered, and effective on the date set forth below.

This ____ day of _____, 2019.

LILBURN COMMUNITY
IMPROVEMENT DISTRICT

CITY OF LILBURN, GEORGIA

By: _____
Title: _____

By: _____
Title: _____

ATTEST:

ATTEST:

By: _____

By: _____

**CITY OF LILBURN
AGENDA ITEM 2**

Date:	2/6/19	To: Mayor and Council	2/7/19
From:	Bill Johnsa	Department:	City Manager
Work Session/Reg. Mtg. Date Requested:	1/14/19	Presenter:	Bill Johnsa
Agenda Title:	Lilburn Community Garden Lease - Renewal		
Audio/Visual Requirements:	n/a	Deadline Date:	n/a

Agenda Item (Background/History/Details):
Lilburn Community Garden Lease to renew in 2019 (last renewed in 2016). Mayor Crist will meet with LCG representatives and submit a revised lease for consideration.

Staff Recommendations:
Staff recommends the following: “Motion to approve 2019 lease between the City of Lilburn and the Lilburn Community Garden. Further, authorize Mayor to execute lease on behalf of the City of Lilburn.”

Department Head Approval:	B. Johnsa
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Mayor/Council Signature Required:	YES	NO
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List Attachments:
<ol style="list-style-type: none"> 1. 2019 Lease document 2. Exhibit “A”

Financial Information (For Financial Services Use Only)

Budgeted Yes/No	Fund Name & Code	Current Balance	Requested Allocation	City Manager’s Initials
N/A				BJ