



**City of Lilburn
City Council Meeting Minutes**

DRAFT

**June 10, 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.

6/10/2019 - Minutes

I. Executive Session (If Necessary)

Motion to move to executive session at 7:20 p.m. to consult legal counsel concerning pending or potential litigation, settlement, claims or other matters pursuant to O.C.G.A 50-14-1(b)(1)(A), was made by Council member Price, seconded by Council member Batterton.

Motion passed with a 3-0 vote.

Motion to move out of executive session at 7:31 p.m. was made by Council member Batterton, seconded by Council member Voigt.

Motion passed with a 3-0 vote.

II. Call To Order

The meeting was called to order by Mayor Pro-Tem Tim Dunn at 7:33 p.m.

III. Roll Call

Present:

- Mayor Pro-Tem Tim Dunn
- Council member Lindsay Voigt
- Council member Scott Batterton
- Council member Eddie Price

Absent:

- Mayor Johnny Crist

IV. Pledge To The Flag

Led by Mayor Pro-Tem Dunn.

V. Approval Of Agenda

A motion to approve the June 10, 2019 City Council agenda was made by Council member Voigt, seconded by Council member Price.

Motion passed with a 3-0 vote.

VI. Announcements

1. City Events

- Lilburn Food Truck Tuesday - Every Tuesday in June, 6:00 PM - 9:00 PM @ City Park
- Sprinkler Day - Every Wednesday, 10:00 AM - 12:00 PM @ City Park
- Sparkle in the Park - July 4, 2019, 5:30 PM - 10:00 PM @ City Park

VII. Ceremonial Matter

None.

VIII. Public Comment

None.

IX. Approval Of Minutes

1. City Council And Executive Session Draft Meeting Minutes From May 13, 2019

A motion to approve Council Meeting and Executive Session draft meeting minutes from May 13, 2019, was made by Council member Voigt, seconded by Council member Batterton.

Motion passed with a 3-0 vote.

Council member Price abstaining because he was not present at the May 13, 2019 Council Meeting.

X. Public Hearing

1. Public Hearing Item 1 - City Of Lilburn FY 2019/2020 Budget And Adoption Of Budget Ordinance #2019-533

City Manager, Bill Johnsa, stated that as part of the 2019/2020 Budget Process, staff requests Mayor and Council to conduct a public hearing prior to the adoption of the FY 2019/2020 budget ordinance. A public hearing was held on May 21, 2019 at City Hall.

The FY 2019/2020 annual budgets for the City of Lilburn are:

- General Fund - \$8,291,161
- Confiscated Assets Fund - \$75,000
- Capital Projects Fund - \$1,377,000
- Special Purpose Local Option Sales Tax (2017 SPLOST) - \$2,590,325

As discussed in our budget meeting on May 16, 2018, the millage rate will remain at 4.43 mils and is scheduled to be adopted at the Council meeting on July 08, 2019. This budget includes a Sanitation fee of \$13.25/mo for each residential property owner.

Mayor Pro-Tem Dunn opened the floor for public comment for those in favor and those against. Hearing none, Mayor Pro-Tem Dunn closed the public comment portion.

A motion to approve Ordinance #2019-533 for the City of Lilburn, Georgia FY 2019/2020 annual budgets in the amount of \$8,291,161 for General Fund, \$75,000 for Confiscated Assets Fund, \$1,377,000 for Capital Projects Fund, and \$2,590,325 for 2017 SPLOST Fund, was made by Council member Price, seconded by Council member Voigt.

Motion passed with a 3-0 vote.

2. Public Hearing Item 2 - CIC-2019-01 – Change In Conditions To SUP-2017-01 To Relocate Within The Property An Approved Auto/Truck Service Center Use And Amend Hours Of Operation On 24.74 Acre Property Zoned CB At 733 Pleasant Hill Rd.

City Planner, Joellen Wilson, stated that the subject property was developed as Lowe's home improvement store, annexed in 2011 and renovated as a mall in 2016 with 131,385 sf bldg. that accommodates various retail, service, restaurant, office, and other commercial uses. Zoned CB within the US29 Commercial Overlay District, the site was granted a Special Use Permit (SUP-2017-01) with conditions to allow an 11,000 sf auto/truck service center at the south end of the building (Ord. #2017-514). Since then a grocery store and artificial turf soccer field has been added in that area.

The owner is proposing to develop the auto/truck service center on the north side of the mall within the 6,720 square foot freestanding greenhouse structure. The proposed space will accommodate four bay doors parallel to (not visible from) Pleasant Hill Road and no addition to the building or parking is proposed. There is over 300 feet including a 90' +/- vegetated buffer between the site and residential uses to the north and proposed businesses still include auto accessory installations.

Building alteration plans will be reviewed for compliance with codes and the proposed location will be required to comply with screening requirements of Zoning, Article 5. Required public notice resulted in no opposition or public comment. The Lilburn Police Department has no objections to the request. Planning Commission met May 23 and recommended approval as presented, with an additional amendment to condition #15 to extend operating hours.

Mayor Pro-Tem Dunn opened the floor for those in favor. Hearing none, he opened the floor for those against. Hearing none, Mayor Pro-Tem Dunn closed the public hearing portion of the meeting.

A motion to approve Ordinance #2019-534, approving CIC-2019-01, Change in Conditions to Auto/Truck Service Center use, with the following condition as:

1. Auto/Truck Service Center limited to 6,700 square feet within a former freestanding greenhouse structure, as delineated on the "Auto Service Layout" exhibit provided by the applicant.
2. No body or paint repair. Service limited to auto and truck maintenance and accessory installations.
3. Service permitted only in enclosed bays (4 shown).
4. Service bays shall be oriented so as to parallel Pleasant Hill Road.
5. Service bays shall be screened from view from public right of way.
6. Each tenant space shall comply with Gwinnett County sewer code. As may be required, building shall be renovated, with floor drains or other devices to accommodate oil/grit separators, in accordance with Gwinnett County sewer code.
7. No washing of parts or vehicles outside the building.
8. No Auto/Truck Body and Heavy Repair services, as described in Article 6, Restricted Uses.
9. No Heavy Equipment Service as described in Article 6.
10. No outside storage or outdoor displays.
11. No used tire sales or used auto parts sales.
12. No vehicle sales.
13. Parking of all vehicles shall be in designated spaces in compliance with Article 8 and shall not exceed maximum off-street parking spaces allocated for auto service center (1/200 s.f.).
14. Plans illustrating compliance with screening requirements, fire wall separation, sewer code compliance and other applicable requirements shall be submitted for approval prior to permitting for construction or application for certificate of occupancy.
15. Hours of Operation shall be limited to 9:00 a.m. to 8:00 p.m.

was made by Council member Batterton, seconded by Council member Price.

Motion passed with a 3-0 vote.

3. Public Hearing Item 3 - RZ-2018-04 From OI And R1 To CB And R2, To Accommodate A Commercial Lot Fronting US29 And A Residential Development Including 4 Detached Lots And 29 Attached Townhomes On Approximately 4.21+/- Acres Located At 5284 Lawrenceville Highway, Being Identified As Tax Parcels 6136 003 And 036.

City Planner, Joellen Wilson, stated that the parent parcel includes frontage along US29 and approximately 3.2 acres zoned O/I Office Institutional but it has never been developed and is still used as a residence. The remaining acreage is an undeveloped residential parcel platted as part of the 1966 subdivision of Town & Country Estates.

The applicant intends to recombine acreage to create a 0.36 acre commercial (CB) parcel fronting US29 and develop a new residential subdivision with access from Greenleaf Court. The proposed residential development includes 4 single family detached lots and 29 fee simple (for sale) attached townhomes, each with 2-car garage and minimum 1,400 sf heated area. The new road will be public right of way dedicated to the City of Lilburn and the neighborhood will be subject to new HOA covenants.

The Comprehensive Plan Character Area Map designates the parcel with frontage on US29 as O/I and CB. Existing residential properties in the vicinity are detached with a mix of lot sizes.

The proposed zoning of a majority of the property from O/I to CB and R-2 accomplishes goals of the City's Comprehensive Plan and Zoning. By maintaining more intense zoning along US 29 and proposing in-fill residential units that increase the variety of housing choices in the area. The R-2 district "*is intended to provide land areas devoted to moderate density uses consisting primarily of detached and attached single-family dwellings, townhomes, clustered and cottage housing types, and other creative, flexible small lot development designs, as well as.... a transition between lower density single-family residential districts and the higher density multi-family, mixed-use, and commercial business uses....*" The R-2 district establishes a density of nine dwelling units per gross acre." The proposed 8.6 units/acre meets the criteria for R-2 district and could improve the walkability of the existing community, where residences are in close proximity to services and retail on US29.

Required public notice was provided and a few comments were recorded at Planning Commission. Lilburn Police and Public Works anticipate no adverse impacts. At the request of the applicant, this case was tabled by PC in February and March, and the April PC meeting was postponed to May 23, 2019 when PC recommended approval with conditions.

Mayor Pro-Tem Dunn opened the public comment for those in favor. Hearing none, he opened the floor for those against. Hearing none, Mayor Pro-Tem Dunn closed the public comment portion.

A motion to approve Ordinance #2019-535, approving with the following conditions, in general according with the revised rezoning conceptual site plan:

1. The residential development to be engineered as a new subdivision, to comply with the US29 Overlay Corridor requirements, with HOA responsible for defined common areas.
2. A landscaped 10' no access easement shall be provided along Greenleaf Court in rear yard of townhome building(s).
3. All other side and rear setbacks adjacent to developed low density residentially lots shall include minimum 5' wide evergreen landscape strip.
4. Building plans to be reviewed by Department of Planning and Economic Development shall include architectural treatments that result in compatible but unique individual housing units with a brick or stone water table at least 30 inches in height.
5. The house size shall be a minimum of 1,400 square feet and each unit shall have a 2- car garage.
6. Mail kiosk shall include overhead protection from elements.
7. No recreational vehicle or trailer parking shall be visible from the public right of way.

was made by Council member Batterton, seconded by Council member Voigt. Mayor Pro-Tem mentioned that there is a traffic signal at the road to assist with high volume traffic.

Motion passed with a 3-0 vote.

XI. Agenda

1. Agenda Item 1 - Revisions To Personnel Policies & Procedures Manual

Revisions to the Personnel Policies & Procedures Manual:

1. Addition of Veterans Day Holiday to the approved holiday list for City Employees;
2. Method used to compensate employees for holidays based upon the assigned work shift;
3. Other minor revisions added for clarification. See attached summary of revisions

A motion to approve the revision to the Personnel Policies & Procedures Manual was made by Council member Price, seconded by Council member Batterton.

Motion passed with a 3-0 vote.

2. Agenda Item 2 - Ordinance #2019-536 Ban On Commercial Use And Operation Of Electronic/Shareable Mobility Devices In The City Of Lilburn.

Staff and counsel recommend a ban on electronic mobility devices (e-scooters) within the City of Lilburn. Mayor and Council may reinstate the use after sufficient study and review of statewide regulation(s).

A motion to approve Ordinance #2019-536 regarding regulation of electronic/shareable mobility devices within the City of Lilburn, deleting Section 2, and further, authorize Mayor to execute on behalf of the City of Lilburn, was made by Council member Voigt, seconded by Council member Price.

Motion passed with a 3-0 vote.

3. Agenda Item 3 - Ordinance #2019-537 Loitering And Improper Use Of Public Places

Staff and counsel recommend adoption of the attached ordinance due to increased loitering on City property.

Motion to approve Ordinance #2019-537 regarding Loitering and Improper Uses of Public Places and further, authorize Mayor to execute on behalf of the City of Lilburn, was made by Council member Batterton, seconded by Council member Voigt.

Motion passed with a 3-0 vote.

4. Agenda Item 4 - Vape Shop Ordinance #2019-538 And 2019-539

Staff recommends approval of an ordinance prohibiting new vape shops in the city as well as an ordinance adding regulations for vape and vape-related products and prohibiting the sale, manufacture, and distribution of synthetic cannabinoids, synthetic cathinones, and synthetic opiates.

A motion to approve Ordinance #2019-538 and Ordinance #2019-539 prohibiting the location of new vape shops in the city and add regulations for vape and vape related products, was made by Council member Batterton, seconded by Council member Voigt.

Motion passed with a 3-0 vote.

5. Agenda Item 5 - Ordinance #2019-540 - Mobile Vending Use And Restrictions Within Overlay Districts And Corporate Limits.

Staff and counsel recommend adoption of the attached ordinance due to increased activity on City property and within the corporate limits.

Motion to table Ordinance Number #2019-540 regarding Mobile Vending in order to be presented at the Planning Commission meeting, was made by Council member Price, seconded by Council member Voigt.

Motion passed with a 3-0 vote.

XII. Adjournment

There being no further business, Council member Price made a motion to adjourn at 8:19 p.m., seconded by Council member Voigt.

Motion passed with a 3-0 vote.

Approved this _____ day of _____, 2019.

Johnny D. Crist, Mayor

ATTEST:

Melissa L. Penate, City Clerk
(Seal)