



Small town. Big difference.

**City of Lilburn  
City Council Meeting Minutes**

**DRAFT**

**December 9, 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.*

12/9/2019 - Minutes

**I. Executive Session (If Necessary)**

None.

**II. Call To Order**

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

**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**

The pledge to the flag was led by Mayor Pro-tem Dunn.

**V. Approval Of Agenda**

A motion to approve the December 9, 2019 City Council agenda, with no additions, was made by Council member Price, seconded by Council member Batterton.

**Motion passed with a 3-0 vote.**

## VI. Announcements

City Manager, Bill Johnsa, introduced newly hired Assistant City Manager, Jenny Simpkins.

## VII. Ceremonial Matter

None.

## VIII. Public Comment

None.

## IX. Approval Of Minutes

1. City Council Meeting And Executive Session Meeting Draft Minutes From November 12, 2019

A motion to approve the City Council Meeting and Executive Session Meeting draft minutes from November 12, 2019 was made by Council member Voigt, seconded by Council member Price.

**Motion passed with a 3-0 vote.**

## X. Public Hearing

1. PH Item 1 - Change In Conditions (CIC-2019-02) To Relinquish Special Use For Tall Structure Permit (TSP-2019-01) From 306 Luxomni Rd, And Conditional Approval Of Same Telecommunications Tower And TSP-2019-01 At 313 Luxomni Road.

Planning Director, Joellen Wilson:

May 13, 2019, City Council approved special use application (SUP-2019-01) processed as a Tall Structure Permit (TSP-2019-01) at 306 Luxomni Road (PIN#6150 443) according to city's Chapter 117-Telecommunication Towers and Antennas Ordinance. The land owners and applicant have agreed to relinquish those special use rights to the tall structure permit on that property through a Change in Conditions. Concurrently, the same applicant proposes Conditional Approval of the same Telecommunications Tower and Tall Structure Permit (TSP- 2019-01) to be located at nearby 313 Luxomni Road (PIN#6150 004). The 3.8 acre site is currently occupied by Autorama/AutoGallery, and was zoned IA in September, 2018 (Ord. #2018-524) for auto/truck service, repair, towing and impound lot with conditions.

TowerCom proposes the selected site and plans for same 175-foot tall (179' with appurtenances) wireless tower and 3,600 square foot ground level facility meet the criteria for Conditional Approval of a new tower according to Sec. 117-32. Considerations in approval or denial of a tall structures permit. The subject property is surrounded by property zoned CB and IA occupied by commercial and light industrial businesses as well as a church zoned OI. Application includes analysis of existing towers, distances to residential zoned and occupied properties, and evidence that there are no other existing structures within the area that could meet T-Mobile's wireless infrastructure coverage needs through co-location. Staff review of additional information concluded that the proposal meets the criteria in Chapter 117.

Public notice was placed on the property and letters were mailed to abutting properties notifying the owners of the pending TSP application. No objections were received.

Mayor Pro-tem Dunn opened the floor for those against. Hearing none, Mayor Pro-tem opened the floor for those in- favor:

- Ellen Smith, applicant: Representing the applicant. She is happy to answer any questions. The new location and the old location are roughly the same.

Mayor Pro-Tem closed the public hearing and called for a motion to approve CIC-2019-02 to relinquish special use TSP-2019-01 from 306 Luxomni Road, and provide Conditional Approval of TSP-2019-01 for a new Telecommunications Tower and Tall Structure Permit to 313 Luxomni Road, and to allow emergency service equipment to be attached to the tower.

Council member Batterton made a motion, seconded by Council member Voigt.

**Motion passed with a 3-0 vote.**

## XI. Agenda

1. Agenda Item 1 - Ordinance #2019-543 – Text Amendments To The Development Regulations.

Planning Director, Joellen Wilson:

Article 7.-Utilities and Easements, Section 7.3.-Sanitary Sewage Disposal is proposed to align with county agencies to define and expressly prohibit private decentralized wastewater systems (communal septic) and consequently require septic system design and installation according to Department of Environmental Health, or an approved connection to Gwinnett County sanitary sewer system. Precise text amendments to sections 7.3.2-7.3.4 and new section 7.3.5 are incorporated in the proposed Ordinance.

A motion to approve ordinance # 2019-543 to amend Article 7, Section 7.3, to clarify text and prohibit private communal septic systems, was made by Council member Batterton, seconded by Council member Voigt.

**Motion passed with a 3-0 vote.**

2. Agenda Item 2 - Adoption Of Ordinance #2019-544 – Brunch Bill - Amending The City Of Lilburn Alcohol Beverage Ordinance - Section 6-96 (A) - Hours Of Sale.

City Clerk, Melissa Penate:

On November 5, 2019, the City of Lilburn held a special municipal election to determine a Referendum (Brunch Bill) authorizing the City to permit and regulate Sunday sales of distilled spirits and/or alcoholic beverages by the drink from 11:00 a.m. to 12:30 p.m. The Referendum passed with 298 “Yes” votes. Ordinance #2019-544 amends Section 6-96 (a) Hours of sale. to allow the sale and serving of alcohol for consumption on premise on Sundays from 11:00 a.m. until 12:00 midnight.

A motion to adopt Ordinance #2019-544, amending the City Alcohol BEverage Ordinance Section 6-96(a) - Hours of sale, permitting and regulating Sunday sales of distilled spirits and/or alcoholic beverages by the drink from 11:00 a.m. to 12:30 p.m., was made by Council member Voigt, seconded by Council member Price.

**Motion passed with a 3-0 vote.**

3. Agenda Item 3 - Adoption Of Ordinance #2019-545 - Amending The City Alcohol Beverage Ordinance To Section 6-62. License; Application Form.

City Clerk, Melissa Penate:

Staff recommends amendments to the City Alcohol Beverage Ordinance in various sections as presented.

A motion to approve ordinance 2019-545, amending various sections of the City Alcohol Beverage Ordinance, was made by Council member Price, seconded by Council member Voigt.

**Motion passed with a 3-0 vote.**

4. Agenda Item 4 - Moratorium On Small Cell Telecommunications (5G).

A motion to approve the resolution #2019-08, imposing a moratorium barring the issuance of permits and barring the acceptance of applications for permits for wireless communication devices and facilities in city right of way until February 10, 2020, was made by Council member Batterton, 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 7:51 p.m., seconded by Council member Voigt.

**Motion passed with a 3-0 vote.**

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

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Johnny D. Crist, Mayor

ATTEST:

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Melissa L. Penate, City Clerk  
(Seal)