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**City of Lilburn
City Council Meeting Minutes**

DRAFT

**April 11, 2022 at 7:30 p.m.
Lilburn City Hall, 340 Main St., Lilburn, GA 30047**

Council Members:

Tim Dunn, Mayor

Yoon-Mi Hampton, Post 1

Scott Batterton, Post 2

Mike Hart, Post 3

Emil Powella, 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.

4/11/2022 - Minutes

I. Executive Session (if necessary)

None.

II. Call to Order

Mayor Dunn called the meeting to order at 7:36 p.m.

III. Roll Call

Present:

- Mayor Tim Dunn
- Councilmember Yoon-Mi Hampton
- Councilmember Emil Powella
- Councilmember Mike Hart

Absent:

- Councilmember Scott Batterton

IV. Pledge to the Flag

Scout Nate Young, from troop 876, led the pledge to the flag.

V. Approval of Agenda

A motion to approve the City Council agenda from the April 11, 2022 meeting was made by Councilmember Powella, seconded Councilmember Hampton.

Motion passed with a 3-0 vote.

VI. Announcements

1. City Events

- Downtown Lilburn Spring Cornhole League - Each Thursday until May 19th, 6:45 PM - 9:00 PM @ City Park
- Great American Cleanup - April 23, 2022, 8:00 AM - 11:00 AM @ Lilburn City Hall
- Mayor's Town Hall Meeting - April 27, 2022, 7:00 PM @ Lilburn City Hall
- Splash Pad Opening Day - May 7, 2022, 11:00 AM - 7:00 PM @ City Park
- Lilburn Food Truck Tuesday - May 10, 2022, 6:00 PM - 9:00 PM @ City Park

VII. Ceremonial Matter

1. 2022 Arbor Day Proclamation

Mayor Dunn recognized that it is the 150th anniversary of Arbor Day, and the City of Lilburn is a Tree City.

2. 2022 Georgia Cities Week Proclamation

Mayor Dunn read the 2022 Georgia Cities Week Proclamation into the minutes.

VIII. Public Comment

None.

IX. Approval of Minutes

1. City Council Executive Meeting Draft Minutes from March 14, 2022

A motion to approve the City Council Executive meeting draft minutes from March 14, 2022 was made by Councilmember Powella, seconded by Councilmember Hart.

Motion passed with a 3-0 vote.

2. City Council Meeting Draft Minutes from March 14, 2022

A motion to approve the City Council meeting draft minutes from March 14, 2022 was made by Councilmember Hampton, seconded by Councilmember Powella.

Motion passed with a 3-0 vote.

X. Public Hearing

1. PH Item No. 1 - Approval of Ordinance No. 2022-581, an ordinance to amend the FY21-22 budget by increasing General Fund revenue by \$304,517 and reconciling expenditures across 11 departments; establishing a balanced budget for a new fund, Fund 235, for ARPA;

Finance Director, Sherrie Smith stated:

Since the adoption of the FY21-22 budget in June 2021 (Ordinance No. 2021-565), changes to revenues and appropriations in the General Fund, School Safety Zone Fund, Tax Allocation District Fund, 2017 SPLOST Fund, Capital Projects Fund, and Municipal Court Fund are required to reflect actual revenues and expenditures in FY21-22. Additionally, the city established a new fund to account for revenues and expenditures associated with the American Recovery Plan Act (ARPA) during the fiscal year. When the FY21-22 budget was adopted, no funds were budgeted for ARPA as appropriations were not received by the city until July 19, 2021.

Mayor Dunn opened the floor for those in favor and in opposition. Hearing none Mayor Dunn closed the public hearing portion of the meeting.

Motion to approve Ordinance No. 2022-581, amending the FY21-22 budget by increasing General Fund revenue by \$304,517 and reconciling expenditures across 11 departments; establishing a balanced budget for a new fund; and adjusting revenues and expenses was made by Councilmember Hart, seconded by Councilmember Powella.

Motion passed with a 3-0 vote.

2. PH Item No. 2 - Approval of zoning application CIC-2022-01 for Change in Conditions to SUP-2014-02.

Planning Director, Joellen Wilson stated that the site (5054 Lawrenceville Highway) fronts U.S. 29 and is surrounded by commercial and residential zoning. The subject site exists within the U.S. 29 Overlay District and is used in part as an overflow inventory lot for Automax. The subject property was developed residentially in 1941 and zoned CB prior to 2007; the current owner purchased the parcel and was granted a Special Use Permit with conditions in 2015 to redevelop the back half of the site to expand the auto sales inventory lot (SUP-2014-02). Applicant seeks to expand its existing auto sales business, located upon the four parcels (R6147 012, R6147 013, R6147 014, and R6147 015). The applicant seeks to develop the front half of the subject parcel (015), to further expand and seeks to amend conditions 1 and 3 associated with SUP-2014-02. Staff proposes conditions of SUP-2014-02 and SUP-01-06 be further revised and combined into a single set of conditions to apply to the entirety of the four relevant business properties.

Planning Director, Joellen Wilson read the following conditions into the minutes:

1. Property to be developed in general accordance with submitted site plan, by Dovetail Civil Design, dated 01/28/2022, subject to compliance with city development regulations, U.S. 29 Overlay Standards, plan review and permitting.
2. Install and maintain an opaque wooden fence (min. 6' in height) along the rear property line and install two staggered rows of Leyland Cypress trees, 6' minimum height, appropriately spaced (10' – 15' OC) along the inside edge of the buffer to screen the parking lot from residential land uses. These trees shall be maintained in perpetuity.
3. Install two rows of Leyland Cypress or other acceptable evergreen trees, appropriately spaced (10'-15' OC) & supplemental plantings along the front of the overflow parking lot, at R6147 015, to screen the new inventory lot from Lawrenceville Highway.
4. Stormwater facility shall be designed to accommodate existing impervious surface area on the site at the time of application in addition to the proposed parking lot.
 1. Pipe all stormwater runoff that would otherwise cross the side yard of 288 Hood Rd property directly to the creek.
 2. Use concrete pipe and contain runoff entirely between the detention facility and the creek.
 3. No part of the detention facility shall encroach within the rear buffer, except as permitted in the development regulations.
5. Light fixtures shall be designed and directed so as to minimize impacts to residential uses and lights may be on from 7 a.m. to 10 p.m. Owner or agent 24-hour contact information shall be provided to abutting residents for the purpose of reporting any violation of this condition.
6. Provide two (2) non-ornamental shade trees placed a minimum of 25 feet apart along the right-of-way line of US 29, on parcel R6147 012. Both trees shall be a minimum of 3" in caliper at the time of planting and set a minimum of 10' from the back of curb. The 2 street trees shall be one of the following species and shall be maintained in perpetuity: Willow Oak, Overcup Oak, Nuttall Oak, Pin Oak, Shumard Oak, Lacebark Elm, Japanese Zelkova.
7. There are to be no more than two (2) elevated display racks permitted per motor vehicle sales lot, and they are not to exceed five (5) feet in height.
8. All overnight vehicle repair storage areas shall be located in the rear or side of the building confined to parcel R6147 012. No more than 20 vehicles for repair shall be on the premises at any time. Such storage areas shall be 100% screened from public street rights-of-way and/or adjacent properties to a minimum height of 6' by the use of fencing, landscaping berms, or a combination thereof as approved by the City Planner. If landscaping is used, it shall be maintained in perpetuity.
9. Dumpsters which may be seen from adjacent properties or public parking lots shall be screened from view on all four sides. Screening shall consist of three solid walls of brick or stone construction, at least 6' in height, with 100% metal or wooden gates. Dumpsters shall be placed in the rear yard and may be located zero feet from the property line if the adjoining property is zoned non-residential and zero feet from all applicable buffers if the adjoining property is residential.
10. Hours of operation for automobile repair shall be limited to Monday through Friday from 8:00 A.M. to 6:00 P.M. and Saturday from 9:00 A.M. to 6:00 P.M. No repair work shall be done on Sundays.
11. This Special Use Permit applies to the primary business of auto sales & limited service/repair and does not apply to any other business.

12. Replace the current chain-link fence along the south side between St. Albans property with an opaque wooden fence, to be maintained in perpetuity.
13. Silent alarm is to be used.
14. Parking lot expansion will accommodate offloading of vehicles on site.
15. Any requirements by DOT shall not infringe on the proposed landscape strip or screening requirements of condition #3. Plantings are to be located along the front of the property outside of ROW.
16. Demolition of building structures on parcel R6147 015 (5054 Lawrenceville Hwy) shall be permitted and completed within 90 days of Council approval of this case.

Mayor Dunn opened the floor for those in favor of the approval of CIC-2022-01.

Jonathan Beard - Good evening Mayor and Council members. My name is Jonathan Beard and I am with Miles, Hansford, and Talent and here to speak on behalf of the applicant. As I told Joellen, she did not leave me much to say. She did a very good job outlining this complex procedure. We have essentially two applications that have been merged with a complete set of conditions. Just clarifying that the applicants are in agreement with the revised hours as reflected in the conditions. Then along the right of way the applicant will have to meet GDOT requirements for any access point. We will have to meet those requirements and would like to reserve the remainder of my time. I believe there may be some people in opposition. Thank you.

Mayor Dunn opened the floor for those in opposition to the approval of CIC-2022-01.

Altaf Mithwani - SARSBA LLC - 2188 Ivey Creek - Good evening Mayor and Councilmembers of the City of Lilburn. I'm here to represent the property that's in the middle which is a BP gas station that has been there since 1998. It's a family business. Recently we've leased it out to tenants after the passing of my dad due to COVID. This came to our knowledge from our tenants, and our tenants have informed me that with the way Lawrenceville Highway is, as you can see in that image there, there's a curb.

So having the trees on both sides of Automax on the right and the left will cause issues when you come in from Lawrenceville Highway in either direction. It will cause an obstruction to the gas price sign this gas station has been there for over 20 years and it has the lowest gas price in Lilburn by \$0.05 at least. My tenant's issue is that when the gas prices sign is blocked on both sides, it's going to be hard for consumers to see the gas station until they get to the actual station and then turn in.

Consumers may not want to turn in and may go somewhere else. So our concern is with No. 6 with the trees that are being planted on both sides. We would like for that to be reconsidered so that way there's no obstruction to the gas display sign. Another thing that I would like to bring to everyone's attention is that back in 2014 or 2015 the city had given permission to deliver cars on the street in the turning lane, and that has not been followed. We've had to call Captain Worley of the Lilburn Police Department on multiple occasions. To have them drop the vehicles on that property to the left is going to be helpful because it does cause a lot of traffic issues and potential safety issues with car accidents.

I think the expansion idea is great, just you know we want to make sure that we've been doing business in Lilburn for over 20 years and that our tenants and my family are not impacted by this. Thank you for your time.

Planning Director, Joellen Wilson - I'll just add that there's a possibility that DOT would require a deceleration lane, so all of the landscaping that you see in that plan would be pushed back about 20 feet. That would eliminate this problem if it's the Council's desire to make that a condition of zoning, we could add that as conditional zoning, but at this point, we don't know what DOT might or might not require based on the proposed use.

Councilmember Powella - I would like for us to rework and accommodate this business as a gasoline outlet. Their price sign may be one of the most important things that make their business go or not go. Having spent 30 years in that industry, I have a kind of a personal feeling about it and obviously some business knowledge. So I think as we can best do that, we certainly will. Not that the appearance of landscaping isn't a nice aspect, but we also don't want to negatively impact an existing business that's been there a long time.

Jonathan Beard - So I will say with respect to condition three. Now the applicant had originally requested one row of trees. Staff came back with a request of two which was reflected in this latest site plan, so the applicants are agreeable to reducing that, but I know they've worked hard to accommodate the city's concerns to add that additional row. With respect to condition sixteen, I did speak with the adjoining property owner before the work session and on that track, they've proposed 2 nonornamental trees so these are not the same as the Leland Cypress that would be located on the new drive on the western tract. So these will not have the

same shielding as proposed on the new drive. On the eastern track, these will be taller trees. Obviously, there'll be some obstruction, but it will not be the same as proposed on the current site plan and with respect to the new vehicles. Condition 15 does require that the expansion will have to accommodate for unloading on-site as opposed to on the road so we know that was a concern. The applicant understands that they're going to have to unload on the subject property and with respect to the deceleration lane again the new entrance is going to have to comply with GDOT requirements. They may require a deceleration lane and they may not, so the applicant will accommodate whatever GDOT requires. Thank you.

Motion to approve the zoning application CIC-2022-01 for change in conditions to SUP-2014-02 adopting Ordinance 2022-582 was made by Councilmember Hart, seconded by Councilmember Hampton.

Motion passed with a 3-0 vote.

3. PH Item 3 - Approval of zoning application CIC-2022-02 for Change in Conditions to SUP-01-06.

Motion to deny zoning application CIC-2022-02 for change in conditions to SUP-01-06 but adopt Ordinance 2022-583 with amended hours was made by Councilmember Powella, seconded by Councilmember Hampton.

Motion to passed with a 3-0 vote.

XI. Agenda

None.

XII. Consent Agenda

All items listed below are considered routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember or citizen so requests, in which event the item will be removed from the Consent Agenda and considered separately.

1. Agenda Item No. 1 - Authorization for application – 2023 Community Development Block Grant (CDBG) – Velva Way Sewer

The City requests authorization to proceed with a CDBG application to provide sanitary sewer, installation of laterals, and associated residential septic to sewer conversion connection fees. Surveys have been performed and Velva Way qualifies as a potential recipient of CDBG infrastructure funding. If awarded, all expenditures are 100% reimbursed to the City.

Motion to authorize the application of the 2023 CDBG regarding the addition of sanitary sewer, installation of sewer laterals, and associated conversion fees on Velva Way and authorize the Mayor to execute all associated documents on behalf of the City.

2. Agenda Item No. 2 - Approval of Ordinance No. 2022–584, an ordinance to modify Chapter 62, Taxation, of the City of Lilburn City Code of Ordinances by adding Article III, excise tax on rooms, lodging, and accommodations, to provide for an effective date, and for other purposes.

Georgia law regarding hotel-motel tax changed in 2021, expanding the definition of “Innkeeper” to include dealers and marketplace facilitators such as Airbnb and VRBO. At this time, there are no hotels inside the city limits; however, there are homes listed with various marketplace facilitators that are being used as short-term rentals. The city will receive hotel-motel tax from these marketplace facilitators beginning July 1, 2022, with the adoption of this proposed ordinance. Staff recommends a hotel-motel tax rate of 3%.

Motion to approve Ordinance No. 2022-584, an ordinance to modify Chapter 62, Taxation, of the City of Lilburn City Code by adding Article III, an excise tax on rooms, lodging, and accommodations, to provide for an effective date of July 1, 2022.

3. Agenda Item No. 3 - Approval of Resolution No. 2022-10, a resolution to repeal and replace Section 9 of the City of Lilburn General and Administrative Policies and Procedures Manual pertaining to private events on city property.

Currently, Section 9, Special Events Policy, of the City of Lilburn General and Administrative Policies and Procedures Manual, allows private rental of Lilburn City Park, the bandshell, and Camp Creek Greenway. With

the addition of the new Calvin Fitchett pavilion and splash pad, City Council has reconsidered city policy on renting public space for private use as they prefer the city-owned property to be available to the general public. Resolution No. 2022-10 will repeal and replace Section 9 of the Administrative Policies and Procedures Manual with an updated policy for private events on city property. The proposed policy does not allow rental of Lilburn City Park, the bandshell, the Calvin Fitchett pavilion, the splash pad, or the Camp Creek Greenway with only three exceptions: (1) the Gartrell Nash Pavilion by the playground will be available for private rental; (2) co-sponsored events; and (3) 5K run/walk events.

Motion to approve Resolution No. 2022-10, a resolution to repeal and replace Section 9 of the City of Lilburn General and Administrative Policies and Procedures Manual pertaining to private events on city property.

Motion to approve the consent agenda was made by Councilmember Hampton, seconded by Councilmember Powella.

Motion passed with a 3-0 vote.

XIII. Adjournment

Motion to adjourn at 8:16 p.m. was made by Councilmember Hart, seconded by Councilmember Powella.

Motion passed with a 3-0 vote.

Approved this _____ day of _____, 20____.

Tim Dunn, Mayor

ATTEST:

Melissa L. Penate, City Clerk
(Seal)