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City of Lilburn

City Hall
76 Main Street
Lilburn, GA 30047

City Council Meeting

Meeting Minutes – Draft

Auditorium
Monday, March 14, 2016
7:30 p.m.

Council

Johnny Crist, Mayor
Brian Burchik, 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.

I. CALL TO ORDER – Mayor Pro Tem Dunn called the meeting to order at **7:30 p.m.**

II. ROLL CALL

PRESENT: Council members Dunn, Batterton, Burchik, and Price, City Manager Johnsa, Department Heads, City Attorney.
ABSENT: Mayor Johnny Crist

III. PLEDGE TO THE FLAG

IV. APPROVAL OF AGENDA

- Consideration of the City Council Agenda for March 14, 2016, meeting – **Motion to approve as presented, with no additions, was made by Council member Batterton, seconded by Council member Price. Motion passed with 3-0 Vote.**

V. ANNOUNCEMENTS – NONE

VI. CEREMONIAL MATTER

- Youth Art Month Proclamation was presented to Pat Shaver from the Lilburn Woman's Club by the City of Lilburn.

VII. PUBLIC COMMENT – NONE

VIII. APPROVAL OF MINUTES

- Consideration of **the City Council Regular meeting** minutes from February 8, 2016 – **Motion to approve as presented, with no additions, was made by Council member Burchik, Seconded by Council member Price. Motion passed with 3-0 Vote.**

IX. PUBLIC HEARING

1. **PUBLIC HEARING – SPECIAL USE PERMIT 2016-01 – BALENGER CONSULTING, INC. – 4060 LAWRENCEVILLE HIGHWAY – DISTRICT 6, LAND LOT 150, PARCEL 002B, AUTO TRUCK SERVICE CENTER – DIRECTOR OF PLANNING & ECONOMIC DEVELOPMENT**

The City Planner, Joellen Wilson, discussed that the applicant intends to rent the larger portion of his building to Amigo Auto Repair, who is currently operating at the adjoining property to the east. Access to the service bays would be from the rear of the building. No addition to the building or any expansion of the parking lot is proposed. The owner intends to maintain an office in the smaller part of the building.

According to tax records, the subject property was developed in 1967. It has been used continuously as a commercial business. The site currently accommodates offices and work space of a private glass installation company. Automotive service uses adjoin the property on all sides.

The site is within the US 29 Overlay District. Though zoned CB, the Lilburn Zoning Ordinance (Article 6, Section 602) requires a Special Use Permit for the provision of Auto and Truck Service Center with supplemental

conditions enumerated in Section 603. Because this is an existing building with existing office and glass repair business only the following shall apply:

1. *Special use permit required in CB/US 29 Overlay.*
2. ~~*In CB and US 29 Overlay, auto repair and service buildings shall be designed in consideration of the context of the site and area. The design shall complement and be compatible with the predominant architectural theme of the U.S. 29 Overlay or of the integrated development site.*~~
3. *No body and paint repair.*
4. *Service permitted only in enclosed bays.*
5. *All service bays shall be oriented so as to parallel U.S. 29 and other major arterial roadways on which they are located, and/or when within 300 feet of property zoned or used for residential uses.*
6. *All service bays shall have a 100 percent opaque screen of a minimum of three and one-half feet on surrounding street frontages* ~~*within 2 years of issuance of CO.*~~

In addition, according to Section 501-01 Principal building entrances shall be oriented to public streets. Garage and loading bay entrances shall be oriented to the rear or side of the building and shall not be visible from the street along the building's frontage. The site suits itself well to meeting these requirements and no significant building improvements are proposed. The site has all utilities available; however, it is served by a septic system.

The Planning Commission met and recommends approval of the SUP with Staff's recommended conditions. They are as follows:

1. *Building shall be repainted to a color approved by the Director of Planning prior to issuance of CO for the change in use.*
2. *Building shall be renovated with a floor drain to accommodate an approved oil/grit separator in accordance with Gwinnett County sewer code. No washing of vehicles or parts shall be permitted outside the building.*
3. *No outside storage or outdoor display shall be permitted.*
4. *The Special Use Permit shall apply to the current property owner only.*

Mayor Pro Tem Dunn opened the floor for public hearing for those in favor or opposed to SUP 2016-01. Hearing none, Mayor Pro Tem Dunn closed the public hearing.

A motion to approve Ordinance No. 2016-499 granting Special Use Permit 2016-01 with conditions was presented by Council member Price, seconded by Council member Batterton. With no further discussion by council, motion passed with a 3-0 vote.

Attachment: *Application, Staff Analysis, Planning Commission Minutes, Ordinance No. 2016-499*

2. **PUBLIC HEARING – SPECIAL USE PERMIT 2016-02 – PARADISE GROUP, LLC, 4290 LAWRENCEVILLE HIGHWAY – DISTRICT 6, LAND LOT 149, PARCEL 196, AUTO & TRUCK SERVICE CENTER – DIRECTOR OF PLANNING & ECONOMIC DEVELOPMENT**

The City Planner, Joellen Wilson, discussed that the applicant intends to demolish the existing 5,671 sq.ft. building and construct a new 1,820 sf oil change facility with the option to use a bay for emissions testing.

According to tax records, the subject property was developed in 1988. The site was developed to accommodate commercial medical offices and all utilities are on site, but the building has been vacant for several years.

The site is within the US 29 Overlay District. Though zoned CB, the Lilburn zoning ordinance (Article 6, Section 602 and 603) requires a Special Use Permit for the provision of Auto/Truck Service Center Use with supplemental conditions.

1. *Special use permit required in CB or U.S. 29 Overlay.*
2. *In CB and U.S. 29 Overlay, auto repair and service buildings shall be designed in consideration of the context of the site and area. The design shall complement and be compatible with the predominant architectural theme of the U.S. 29 Overlay or of the integrated development site.*
3. *No body and paint repair.*
4. *Service permitted only in enclosed bays.*
5. *All service bays shall be oriented so as to parallel U.S. 29 and other major arterial roadways on which they are located, and/or when within 300 feet of property zoned or used for residential uses.*
6. *All service bays shall have a 100 percent opaque screen of a minimum of three and one-half feet on surrounding street frontages within two years of CO.*

As a redevelopment site with a new building, the subject property shall be constructed in accordance with the US 29 Overlay requirements and all other applicable codes. All utilities are currently provided on site and access to the property is from Woodcliff Drive – a private road.

The Lilburn Police Department has no objections to this request.

The Planning Commission met and recommends approval of the SUP with Staff's recommended conditions. They are as follows:

1. *Building shall be constructed with approved oil/grit separator in accordance with Gwinnett County sewer code requirements. No washing of vehicles or parts shall be permitted outside the building.*
2. *No outside storage or display of any type shall be permitted.*
3. *Light poles and fixtures shall be designed and directed so as to minimize impacts to residential uses to the south.*

Mayor Pro Tem Dunn opened the floor for public hearing for those in favor or opposed to SUP 2016-02. Hearing none, Mayor Pro Tem Dunn closed the public hearing

A motion to approve Ordinance No. 2016-500 granting Special Use Permit 2016-02 with conditions was presented by Council member Price, seconded by Council member Burchik. With no further discussion by the council, motion passed with a 3-0 vote.

Attachment: *Application, Staff Analysis, Planning Commission minutes, Ordinance No. 2016-500*

X. AGENDA

3. APPROVAL TO ADOPT RESTATED GMA 401(A) DEFINED CONTRIBUTION PLAN MASTER PLAN DOCUMENT AND 401(A) DC ADOPTION AGREEMENT – HUMAN RESOURCE DIRECTOR

The Human Resource Director, Lynn Smith, discussed that GMA has restated the Defined Contribution 401(a) Master Plan to incorporate provisions of the Pension Protection Act of 2006, the Heroes Earnings and Assistance and Relief Tax of 2007, the Worker, Retiree, and Employer Recovery Act of 2008, the final Treasury regulations under Code Section 415 published on April 5, 2007, and model amendments provided under IRS Notice 2009-82.

The 401(a) Adoption Agreement has been restated to clarify eligible employees included in the plan and sets time limits on post-severance compensation for purposes of determining Contributions to the Plan.

A motion to approve the adoption of the restated GMA 401(a) Defined Contribution Master Plan Document and the 401(a) Defined Contribution Adoption Agreement was presented by Council member Batterton, seconded by Council member Price. With no further discussion by the council, motion passed with a 3-0 vote.

Attachment: *Memorandum from GMA, Summary of Changes to Restated 401(a) DC Plan, Resolution & Adoption Agreement and Addendum to GMA 401(a) DC Plan Adoption Agreement*

XI. ADJOURNMENT

There being no further business, Council member Price made a motion to adjourn at 7:47 p.m., seconded by Council member Burchik. Motion carried unanimously.

Approved this 11 day of April, 2016.

Johnny D. Crist, Mayor

ATTEST:

Melissa L. Penate, City Clerk