

**Lilburn Downtown Development Authority
Meeting Agenda**

**March 17, 2021 at 6:30 p.m.
City Hall - Work Session Room
340 Main Street
Lilburn, GA 30047**

The Lilburn Downtown Development Authority will meet in person in the Session room at Lilburn City Hall. For those who wish to attend virtually, the Zoom link is provided below:

Join Zoom Meeting

<https://zoom.us/j/92124472413?pwd=K0RrVDNCTVF2T1JDQ3FsbFdZUzVxZz09>

Work Session Agenda

6:30 p.m.

- I. Call to Order
- II. Old Business
 1. Financial Report - February 28, 2021
 2. Update - DDA Property
 3. Update - Lilburn Community Improvement District & Lilburn Community Partnership
 4. Update - Development Activities
- III. New Business
 1. Approval of funding for landscaping installation and maintenance in Main Street planters and streetscape area
 2. Approval of design for fencing at Agavero Cantina Parkside restaurant
 3. Approval of 12th amendment to purchase agreement with Noble Village Lilburn, LLC, and 2nd amendment to promissory note
 4. Approval of funding for Backflow testing of the grease trap of Agavero Cantina Parkside restaurant
- IV. Executive Session (if needed)
- V. Adjournment

Meeting Agenda

Immediately following work session.

- I. Call to Order
- II. Approval of Agenda
- III. Approval of Minutes
 1. Approval of Minutes - February 17, 2021

Documents:

[MINUTES FEBRUARY 17 2021.DOCX](#)

IV. Old Business

1. Financial Report - February 28, 2021
2. Update - DDA Property
3. Update - Lilburn Community Improvement District & Lilburn Community Partnership
4. Update - Development Activities

V. New Business

1. Approval of funding for landscaping installation and maintenance in Main Street planters and streetscape area
2. Approval of design for fencing at Agavero Cantina Parkside restaurant
3. Approval of 12th amendment to purchase agreement with Noble Village Lilburn, LLC, and 2nd amendment to promissory note

Documents:

[TWELFTH AMENDMENT TO PURCHASE AGREEMENT.DOCX](#)

4. Approval of funding for Backflow testing of the grease trap of Agavero Cantina Parkside restaurant

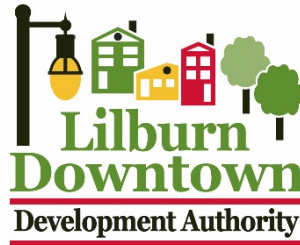
VI. Public Comment

VII. 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. City Clerk, 340 Main Street, Lilburn, GA 30047 has been designated to coordinate compliance with the non-discrimination requirements contained in section 35.107 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 City Clerk, 340 Main

Street, Lilburn, GA 30047, telephone number 770-921-2210.



**Lilburn Downtown Development Authority
Meeting Minutes**

February 17, 2021

Zoom

Work Session at 6:30 p.m.

Public Meeting immediately following

The City of Lilburn issued two emergency orders in March 2020: Emergency Order No. 2020-01 and Emergency Order No. 2020-02 declaring a local state of emergency due to the COVID-19 pandemic. Downtown Development Authority meetings are subject to the Georgia Open Meetings Act, and when there is a public health situation that rises to the level of a pandemic, the DDA is permitted to hold teleconference-type meetings as long as they notify the public with the meeting information and allow the public the opportunity to participate. The notice for this meeting identified it as a potential Zoom meeting, and on the Zoom platform, the public did participate.

2/17/2021 – Minutes

Work Session Agenda

I. Call to Order

Chairman Nash called the meeting to order at 6:32 p.m.

II. Old Business

a. Financial Report – January 31, 2021

Brian Burchik, Community Development Administrator:

The Lilburn Downtown Development Authority began the month with a balance of \$333,617.18 and ended the month with a balance of \$288,640.93. Revenues included rent for the month of January from CRC Restaurant Group (\$2,500), rent for the months of December 2020 and January 2021 from Silver Oak for 57 Railroad Ave (\$10,000). Seed Capital paid interest (\$731.25), and 1910 Public House paid the monthly lease amount of \$1,435). Expenses included legal services, website development services, demolition services, and engineering services totaling \$59,642.50.

b. Update – DDA Property

Brian Burchik, Community Development Administrator:

Deadline for proposals for the Brewery RFP has been extended to April 1, and a second site visit is scheduled for February 26 at 2 pm. Design continues for Railroad Ave/Main St Streetscape and a new connection between First Ave and Railroad Ave.

c. Update – Lilburn Community Improvement District & Lilburn Community Partnership

Eddie Price, Councilmember:

No new updates.

d. Update – Development Activities

Brian Burchik, Community Development Administrator:

Residential development updates include:

- i. Old Town townhomes are moving forward with three more buildings permitted for construction, 11 units permitted, and 7 units under construction.
- ii. The Kittles have pre-sold houses four through six, and these homes are nearly complete. Final three homes have been permitted.
- iii. COVID-19 has slowed the sale of homes in Noble Village as those 55 and over are reluctant to get out to look for new homes. 16 units have been sold, and another 12 are under contract. There are 68 units total in Phase I (34 buildings), and the developers intend to complete Phase II when the first phase sells.
- iv. Site development for Lilburn Township is underway. 80 townhomes will be constructed in Phase I, residential phase. Phase II, commercial phase, may be implemented earlier than the three-year requirement of the contract.

Old Town website design is nearly complete, and the go-live date is set for March 22.

Agavero Bus would like to make changes to the fence/screen around the kitchen which will require review and approval by the DDA per the lease agreement. DDA is not required to contribute funds to the proposed changes as the lease agreement states any improvements are at the expense of the tenant.

Eddie Price, Council member and DDA member:

Request to include rules for public comment in the DDA's Bylaws to mirror City Council's rules for public comment.

III. New Business

- a. Approval of funding for survey at 4867 Velva Way

Brian Burchik, Community Development Administrator:

Staff recommends that the DDA strike this item from the agenda.

Mr. Burchik stated that there are two additional items that the DDA may decide to take action on during the meeting:

1. Approval to enter into a contract with Smith, Gambrell, & Russell, LLP, for legal services related to development agreements; and
2. Approval to contract with JMB Unlimited Electrical Services, Inc., to provide electrical outlets to Main Street trees in the amount of \$4,800.00.

IV. Executive Session (if needed)

Chairman Nash asked for a motion to enter the executive session at 7:31 p.m. for the purpose of discussing property and pending litigation. The motion was made by Board member Scott Mecredy, seconded by Board member Mark DeArmon.

Motion passed with a 6-0 vote.

V. Adjournment

Chairman Nash asked for a motion to adjourn the work session at 8:05 p.m. The motion was made by Board member Tom Mills, seconded by Board member Hugh Wilkerson.

Motion passed with a 6-0 vote.

Meeting Agenda

I. Call to Order

Chairman Nash called the meeting to order at 8:06 p.m.

- Chairman Elmer Nash
- Hugh Wilkerson, Board Member
- Mark DeArmon, Board Member
- Joe Nocera, Board Member
- Scott Mecredy, Board Member
- Tom Mills, Board Member
- Eddie Price, Councilmember
- Jenny Simpkins, Assistant City Manager
- Brian Burchik, Community Development Administrator

Tom Mills made a motion to move public comment from Item VI to Item II on the regular meeting agenda. Mark DeArmon seconded. All for.

II. Public Comment

Elmer Nash, DDA Chair asked if anyone would like to make a public comment.

Tim Pojunas, 4867 Velva Way: Mr. Pojunas withdraws his approval to allow the DDA to survey the northernmost portion of his property.

Tim Chappell: Mr. Chappell is a Lilburn native, and he intends to submit a proposal for a brewery and an open market in response to the DDA's RFP for redevelopment of 57 Railroad Ave.

III. Approval of Agenda

A motion to approve the February 17, 2021 DDA agenda with the addition of (1) Approval to enter into a contract with Smith, Gambrell, & Russell, LLP, for legal services related to development agreements; and (2) Approval to contract with JMB Unlimited Electrical Services, Inc., to provide electrical outlets to Main Street trees in the amount of \$4,800.00 was made by Board member Scott Mecredy, seconded by Board member Tom Mills.

Motion passed with a 6-0 vote.

IV. Approval of Minutes

- a. DDA Meeting Draft Minutes from December 16, 2020

A motion to approve the DDA November 18, 2020 draft meeting minutes was made by Board member Mark DeArmon, seconded by Board member Tom Mills.

Motion passed with a 6-0 vote.

V. Old Business

- a. Financial Report – January 31, 2020

A motion to approve the January 31, 2020 Financial Report was made by Board member Scott Mecredy, seconded by Board member Mark DeArmon.

Motion passed with a 6-0 vote.

- b. Update – DDA Property

- c. Update – Lilburn Community Improvement District & Lilburn Community Partnership
- d. Update – Development Activities

XI. New Business

- a. Approval to fund survey of 4867 Velva Way

Chairman Nash asked for a motion to strike the item from the agenda. The motion was made by Scott Mecredy, seconded by Tom Mills.

Motion passed with a 6-0 vote.

- b. Approval to enter into a contract with Smith, Gambrell, & Russell, LLP, for legal services related to development agreements.

Chairman Nash asked for a motion. A motion to enter into the legal services contract was made by Joe Nocera, seconded by Scott Mecredy.

Motion passed with a 6-0 vote.

- c. Approval to contract with JMB Unlimited Electrical Services, Inc., to provide electrical outlets to Main Street trees in the amount of \$4,800.00.

Board member Tom Mills made a motion to approve the contract, and the motion was seconded by board member Scott Mecredy.

Motion passed with a 6-0 vote.

XII. Adjournment

A motion to adjourn at 8:25 p.m. was made by Board member Mark DeArmon, seconded by Board member Scott Mecredy.

Motion passed with a 6-0 vote.

Approved this _____ day of _____, 20 _____.

Jenny Simpkins, Recording Secretary
Assistant City Manager

Elmer Nash, DDA Chairman

TWELFTH AMENDMENT TO PURCHASE AGREEMENT

This TWELFTH AMENDMENT TO PURCHASE AGREEMENT is made and entered into as of the last date signed below by and between Noble Village Lilburn, LLC (the "Purchaser") and the Lilburn Downtown Development Authority (the "Seller").

WITNESSETH:

WHEREAS, Purchaser and Seller executed a Purchase Agreement dated July 7, 2016 as amended by the First Amendment dated November 25, 2016, Second Amendment dated February 23, 2017, Third Amendment dated March 8, 2017, Fourth Amendment dated on or about June 26, 2017, Fifth Amendment dated on or about July 13, 2017, Sixth Amendment dated on or about August 21, 2017, Seventh Amendment dated on or about September 27, 2017, Eighth Amendment dated on or about October 20, 2017, Ninth Agreement dated on or about November 30, 2017, Tenth Agreement dated December 14, 2017, Eleventh Agreement dated May 20, 2020 (collectively the "Agreement"); and

WHEREAS, the COVID-19 pandemic has resulted in slower sales than expected in the senior community Noble Village; and

WHEREAS, the Seller recognizes the challenges presented by the national emergency to the Purchaser; and

WHEREAS, Purchaser and Seller desire to modify the terms and conditions in the Agreement as set forth below.

NOW, THEREFORE, in consideration of the premises and of the mutual promises contained in this TWELFTH AMENDMENT to the Agreement, the Seller and the Purchaser hereby amend the Agreement as follows:

1. Purchaser shall pay interest only monthly amounts to Seller at a rate of 2% per annum on the outstanding balance of \$438,750 (\$731.25 per month) through June 30, 2021.
2. \$38,750 cash toward principle is due from the Purchaser to the Seller on or before June 30, 2021.
3. Purchaser shall pay interest only monthly amounts to Seller at a rate of 2.5% per annum on the outstanding balance of \$400,000 (\$833.33 per month) from July 1, 2021 through December 31, 2021.
4. Balance of the purchase price (\$400,000) shall be paid in full by the Purchaser to the Seller on or before December 31, 2021.
5. Interest rate increases to 10% per annum on outstanding principle if the payoff deadline of December 31, 2021 is not met.
6. Purchaser may prepay at its discretion without penalty.

All terms and conditions of the Agreement not amended specifically herein shall remain the same.

Purchaser and Seller have duly executed the Agreement on the date set forth below.

SELLER

LILBURN DOWNTOWN
DEVELOPMENT AUTHORITY

BY: _____

ITS: _____

Dated this: _____

PURCHASER

NOBLE VILLAGE LILBURN, LLC

BY: _____

ITS: _____

Dated this: _____