



**City of Lilburn
City Council Meeting Agenda**

**June 14, 2021 at 7:30 p.m.
Lilburn City Hall, 340 Main St., Lilburn, GA 30047**

*Council Members:
Tim Dunn, Mayor
Lindsay Voigt, Post 1
Scott Batterton, Post 2
Eddie Price, Post 3
Emil Powella, Post 4*

- I. Executive Session (if necessary)**
- II. Call to Order**
- III. Roll Call**
- IV. Pledge to the Flag**
- V. Approval of Agenda**
- VI. Announcements**
 - 1. City Events**
 - Mayor's Town Hall Meeting
June 21, 2021, 7:00 PM @ Lilburn City Hall
 - Sparkle in the Park
July 3, 2021, 5:30 PM - 10:00 PM @ City Park
 - City Hall - Library Closed for Independence Day
July 5, 2021, All Day @ Lilburn City Hall
 - Downtown Lilburn Summer Cornhole League
Thursday evenings 6:45 p.m. - 9:00 pm @ City Park
 - Lilburn Food Truck Tuesday
July 13, 2021, 6:00 PM - 9:00 PM @ City Park
 - Sprinkler Day
Wednesdays in July @ City Park
- VII. Ceremonial Matter**
- VIII. Public Comment**
- IX. Approval of Minutes**

1. City Council Meeting Draft Minutes from May 10, 2021

Public Hearing (Y/N) N
Department: City Clerk
Presenter: Melissa Penate, City Clerk
Staff Recommendations: Motion to approve the City Council meeting draft minutes from May 10, 2021.
Department Head Approval: B. Johnsa
Mayor's Signature Required: Yes
Budgeted: N/A

Documents:

[5_10_2021 - CITY COUNCIL DRAFT MEETING MINUTES DRAFT.PDF](#)

2. City Council Executive Meeting Draft Minutes from May 10, 2021

Public Hearing (Y/N) N
Department: City Clerk
Presenter: Melissa Penate, City Clerk
Staff Recommendations: Motion to approve the City Council Executive meeting draft minutes from May 10, 2021.
Department Head Approval: B. Johnsa
Mayor's Signature Required: Yes
Budgeted: N/A

Documents:

[5_10_2021 - EXECUTIVE DRAFT MEETING MINUTES.PDF](#)

X. Public Hearing

1. Public Hearing Item No. 1 - SUP-2021-02 to allow "Residential Use as a Component of a Mixed-Use Building" on approximately 0.35 acres of property zoned CB at 5284 Lawrenceville Highway being identified as District 6, Land Lot 146, Parcel 003.

ZONING HISTORY

This property was part of an original 3.2-acre parcel zoned O-I in 1989 but it was never developed for non-residential use. In 2018, the property was subdivided, and this 0.35 acres fronting US29 was zoned CB (for potential assemblage) while the remaining acreage, zoned R-2, was designed as Townes at Greenleaf.

The lot includes a vacant one-story dwelling with basement under construction, with 1,148 sf on the main floor and unfinished basement and enclosed porch/sunroom. A residential driveway will continue to serve the site, as a commercial driveway permit was denied by GA DOT based on frontage requirements.

APPLICANT'S INTENT

The applicant/owner intends to provide an apartment for an immediate family member in the basement/terrace level and convert the ground floor to office space to satisfy CB zoning with SUP. See applicant's letter of intent.

ANALYSIS OF REZONING REQUEST

The original proposed Live-Work residence is not strictly consistent with 2019 Comprehensive Plan Character Area Map but the City of Lilburn 2011 Zoning Ordinance, Article 6, Section 602.-Use Table, allows Residential Use as a Component of a Mixed-Use Building in CB zoning district in the US29 Overlay with a Special Use Permit. As such, Article 7: Special Use Provision, Section 702. provides criteria for approval of Apartment/residence, above or behind commercial and office uses in the same building. Further, Zoning Ordinance, Article 5, Section 501 provides additional criteria within the Lawrenceville Highway/US29 Overlay..... to achieve and maintain a unified and pleasing aesthetic/visual quality in landscaping, architecture, and signage...

Although in the basement level, the subject property satisfies some of the criteria (sidewalk, building orientation, parking location and interparcel access). And conditional approval provides for parking, landscaping and architectural design details. The size of the lot and building uses may not warrant stormwater analysis, a dumpster, site furniture or signage. And though the space in the rear yard might accommodate parking or garage, there is 150+/- feet to the nearest townhome, so parking lot lighting shall be limited through the plan review process.

Based upon Section 1003-8. Criteria for Special Use Permits, staff recommends APPROVAL of the SUP for Residential Use as a Component of a Mixed-Use Building subject to Sec. 702 with conditions recommended by Planning Director and Planning Commission at public hearing May 27, 2021.

Public Hearing (Y/N)	Y
Department:	Planning Department
Presenter:	Joellen Wilson, Planning Director
Staff Recommendations:	Motion to approve Ordinance No. 2021-565 approving SUP-2021-02 with conditions.
Department Head Approval:	J. Simpkins
Mayor's Signature Required:	Yes
Budgeted:	N/A

Documents:

[PUBLIC HEARING ITEM NO. 1 - AGENDA FORM - SUP-2021-02.PDF](#)
[PUBLIC HEARING ITEM NO. 1 - ATTACH 1 - SUP-2021-02 APPLICATION WDRIVEWAYPLAN.PDF](#)
[PUBLIC HEARING ITEM NO. 1 - ATTACH 2 - SUP-2021-02 STAFF REPORT.PDF](#)
[PUBLIC HEARING ITEM NO. 1 - ATTACH 3 - PC MINUTES MAY 27 2021 DRAFT.PDF](#)
[PUBLIC HEARING ITEM NO. 1 - ATTACH 4 - ORDINANCE 2021-565 SUP-2021-02 DRAFT.PDF](#)

XI. Agenda

1. Agenda Item No. 1 - Adoption of Ordinance No. 2021-566 approving the City of Lilburn FY2021-2022 Budget

The FY 2021/2022 total budget for the City of Lilburn is \$13,984,809. The city adopts balanced budgets for seven funds:

Fund 100: General Fund - \$8,858,828

Fund 210: Confiscated Assets Fund - \$50,011

Fund 230: School Zone Safety Fund - \$175,000

Fund 270: Tax Allocation District Fund - \$415,021
Fund 323: 2017 SPLOST Fund - \$2,121,125
Fund 350: Capital Projects Fund - \$1,289,824
Fund 745: Municipal Court Fund - \$1,075,000

The budget is based on revenues projected with the millage rate remaining at 4.43 mils. The millage rate will be adopted in the Fall 2021 when the tax digest has been authorized by the State of Georgia.

Public Hearing (Y/N) N
Department: Finance
Presenter: Sherrie Smith, Finance Director
Staff Recommendations: The adoption of Ordinance No. 2021-566 approving the FY 2021/2022 Annual Budget.
Department Head Approval: J. Simpkins
Mayor's Signature Required: Yes
Budgeted: N/A

Documents:

[AGENDA ITEM NO. 1 - AGENDA FORM - BUDGET ADOPTION FY2021 - FY2022 AGENDA ITEM.PDF](#)
[AGENDA ITEM NO. 1 - ATTACH 1 - ORDINANCE NO. 2021-566 BUDGET FY21-FY22.PDF](#)
[AGENDA ITEM NO. 1 - ATTACH 2 - FY 2021-2022 FUND SUMMARY SPREADSHEET.PDF](#)
[AGENDA ITEM NO. 1 - ATTACH 3 - FIVE-YEAR CIP 05.09.2021.PDF](#)

2. Agenda Item No. 2 - Approval of Resolution No. 2021-02, a rate resolution establishing the FY21-22 fee schedule for the City of Lilburn

With adoption of the FY21-22 budget, staff recommends adoption of a rate resolution setting a fee schedule for FY21-22 administrative fees, fees for services, regulatory fees, license fees, permit fees, and rental fees. The schedule includes the following changes from the current fee schedule:

- Increase fee for Temporary Use Permits from \$50 to \$100 for all temporary use permit applications due to the time required for staff to review, process, and enforce applications as they continue to become more creative.
- Add a fee to inspect temporary power poles (\$50) to cover actual cost to inspect.
- Increase fees associated with Small Wireless Facilities in the City's rights-of-way by 2.5% annually in accordance with state law.
- Add a transaction fee of up to 6% for online payments to cover the City's cost of accepting online payments for municipal court fines and fees, occupational tax renewals, and property taxes.
- Add an administrative fee of \$1.50 per month per residential service unit to the monthly fee for residential solid waste collection and disposal to cover the City's actual cost of administering the residential solid waste program.
- Increase the streetlight fee from \$0.30 per linear foot of street frontage to \$0.43 per linear foot of street frontage for parcels inside the city limits benefiting from public streetlights.
- Add rental fees for the new Calvin Fitchett Pavilion opening in Summer 2021

Public Hearing (Y/N) N

Department: City Manager
Presenter: Jenny Simpkins, Assistant City Manager
Staff Recommendations: Motion to approve Resolution No. 2021-02, a rate resolution establishing the FY21-22 fee schedule for the City of Lilburn.
Department Head Approval: B. Johnsa
Mayor's Signature Required: Yes, No
Budgeted: N/A

Documents:

[AGENDA ITEM NO. 2 - AGENDA FORM - FY2021-2022 RATE RESOLUTION AND FEE SCHEDULE.PDF](#)
[AGENDA ITEM NO. 2 - ATTACH 1 - RESOLUTION FY21-22 FEE SCHEDULE.PDF](#)

3. Agenda Item No. 3 - A Resolution Adopting the date of billing Ad Valorem Property Taxes, Streetlight Assessments and Solid Waste Fees as on or before September 15, 2021 and the collection due to the City of Lilburn date of said billing as November 15, 2021; and Affirming that Partial Payments Collected will be distributed evenly among the items billed

Approval/authorization of Resolution, to adopt No. 2021-03 a Resolution adopting the Billing/collecting dates of Ad Valorem Property Taxes, Streetlight Assessments and Solid Waste Fees as on or before September 15, 2021 (billing date) and November 15, 2021 (due to City of Lilburn date); and affirming that any partial payments collected will be distributed evenly among the items billed per individual.

Public Hearing (Y/N) N
Department: Finance
Presenter: Sherrie Smith, Finance Director
Staff Recommendations: Approval of Resolution No. 2021-03 establishing Ad Valorem, Streetlight Assessments and Solid Waste Fees billing and due dates and affirm that Partial Payments will be distributed between items billed per individual bill.
Department Head Approval: J. Simpkins
Mayor's Signature Required: Yes
Budgeted: N/A

Documents:

[AGENDA ITEM NO. 3 - AGENDA FORM - RESOLUTION 2021-03 TO ESTABLISH TAX BILLING AND COLLECTING DATES AND PARTIAL PAYMENTS.PDF](#)
[AGENDA ITEM NO. 3 - ATTACH 1 - 2021-2022 RESOLUTION 2021-03 TO ESTABLISH PROPERTY TAX BILLING AND COLLECTION DATES.PDF](#)

4. Agenda Item No. 4 - Approval to amend the City of Lilburn's General and Administrative Policies and Procedures

The General and Administrative Policies and Procedures document for the City of Lilburn requires the addition of Section 33: Minimum Requirements for Potential City and/or DDA Business Partners on Redevelopment Projects. The new section will contain minimum requirements of potential partners on redevelopment projects to

validate (1) good moral character; and (2) financial capacity of the potential partners prior to entering into development agreements or similar contracts.

Public Hearing (Y/N) N
Department: City Manager
Presenter: Jenny Simpkins, Assistant City Manager
Staff Recommendations: Motion to approve amendment of the City of Lilburn's General and Administrative Policies and Procedures.
Department Head Approval: B. Johnsa
Mayor's Signature Required: No
Budgeted: N/A

Documents:

[AGENDA ITEM NO. 4 - AGENDA FORM - GENERAL AND ADMINISTRATIVE POLICIES AND PROCEDURES .PDF](#)
[AGENDA ITEM NO. 4 - ATTACH 1 - SECTION 33 MIN REQS FOR POTENTIAL CITY DDA BUSINESS PARTNERS ON REDEVELOPMENT PROJECTS.DOCX.PDF](#)

5. Agenda Item No. 5 - Authorization of Cooperation Agreement between the City of Lilburn and Gwinnett County

Every three years Gwinnett Municipalities are required to adopt a Community Development Block Grant Cooperation Agreement with Gwinnett County to allow continued participation in CDBG funding opportunities. Staff recommends adoption of said Cooperation Agreement.

Public Hearing (Y/N) N
Department: City Manager
Presenter: Bill Johnsa, City Manager
Staff Recommendations: Motion to approve Community Development Block Grant Cooperation Agreement between the City of Lilburn and Gwinnett County. Further, authorize Mayor to execute Agreement on behalf of the City of Lilburn.
Department Head Approval: B. Johnsa
Mayor's Signature Required: Yes
Budgeted: N/A
City Manager's Initials: BJ

Documents:

[AGENDA ITEM 5 - AGENDA FORM - CDBG COOPERATION AGREEMENT.PDF](#)
[AGENDA ITEM 5 - ATTACH 1 - CDBG COOPERATION AGREEMENT.PDF](#)

6. Agenda Item No. 6 - Approval to accept an amendment to the City of Lilburn Elections ordinance, Section 18-3(A) Three-day qualifying period for the positions of mayor and city council members.

The City of Lilburn's Election ordinance is not consistent with O.C.G.A. § 21-2-132(c) (3). Our city code states that qualifying is held on the last week in August, but Georgia code states the third week in August.

City of Lilburn Code Sec. 18-3(a):

The qualifying period for candidates offering for the positions of mayor or city council member in the City of Lilburn shall be the first three days of the last week in August with hours of qualifying on those days being from 8:30 a.m. to 5:00 p.m.

O.C.G.A. § 21-2-132(c)(3):

(A) Each candidate for a nonpartisan municipal office or a designee shall file a notice of candidacy in the office of the municipal superintendent of such candidate's municipality during the municipality's nonpartisan qualifying period. Each municipal superintendent shall designate the days of such qualifying period, which shall be no less than three days and no more than five days. The days of the qualifying period shall be consecutive days. Nonpartisan qualifying periods shall commence no earlier than 8:30 A.M. on the third Monday in August immediately preceding the general election and shall end no later than 4:30 P.M. on the following Friday; and, in the case of a special election, the municipal nonpartisan qualifying period shall commence no earlier than the date of the call and shall end no later than 25 days prior to the election.

The proposed change is on the attached ordinance.

Public Hearing (Y/N)	N
Department:	City Clerk
Presenter:	Melissa Penate, City Clerk
Staff Recommendations:	Motion to approve Ordinance No. 2021-567 updating the City of Lilburn Elections ordinance, Section 18-3(A) to be in compliance with O.C.G.A. § 21-2-132(c)(3).
Department Head Approval:	B. Johnsa
Mayor's Signature Required:	Yes
Budgeted:	N/A

Documents:

[AGENDA ITEM NO. 6 - AGENDA FORM - AMENDMENT TO ELECTION ORDINANCE.PDF](#)

[AGENDA ITEM NO. 6 - ATTACH 1 - ORD. 2021-567 AMENDMENT ELECTION - QUALIFYING WEEK SEC. 18-3A.PDF](#)

7. Agenda Item No. 7 - Budget Amendment to increase General Fund Public Works & Municipal Buildings(General Govt Bldgs/Plant) FY2020-2021 Budget by \$35,000

We are requesting to increase the budget for Public Works due to Solid Waste expenditures exceeding the budget. Currently we anticipate Solid Waste charges to exceed the budget by approximately \$42k; however, an increase of \$20,000 should be sufficient due to gasoline & repair/maintenance-vehicle savings. We are requesting to increase the budget for Municipal Buildings(Gen Govt Bldgs/Plant) due to utilities exceeding the budget. The increase needed in Public Works-Municipal Buildings is \$15,000. \$40,000 Salary Savings are available within the Police Department.

Approval to amend Public Works Department Budget from \$1,170,576 to \$1,190,576 (a \$20k increase) and Municipal Buildings(Gen Govt Bldgs/Plant) from \$246,646 to \$261,646 (a \$15k increase). Reduce Police Department Budget from \$3,804,648 to \$3,769,648 (a \$35k reduction).

Public Hearing (Y/N) N
Department: Finance
Presenter: Sherrie Smith, Finance Director
Staff Recommendations: Approval of Ordinance No.2021-568 amending the FY 2021/2022 Annual Budget to increase Public Utilities budget by \$20,000 and Public Works Municipal Buildings budget by \$15,000 and reduce Police by \$35,000.
Department Head Approval: J. Simpkins
Budgeted: N/A

Documents:

[AGENDA ITEM NO. 7 - AGENDA FORM - BUDGET AMENDMENT FY2020 - FY2021.PDF](#)
[AGENDA ITEM NO. 7 - ATTACH 1 - ORD. 2021-568.PDF](#)

XII. Consent Agenda

XIII. 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](tel:770-921-2210).