



**City of Lilburn
City Council Meeting Minutes**

**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

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.

06/14/2021 - Minutes

I. Executive Session (If Necessary)

Mayor Dunn asked for a motion to move to executive session at 7:14 p.m. to discuss the purchase, disposal, or leasing of real property pursuant to O.C.G.A. § 50-14-3(b)(1)(B).

Motion to move to executive session at 7:14 p.m. was made by Councilmember Price, seconded by Councilmember Powella.

Motion passed with a 3-0 vote.

Motion to adjourn from executive session at 7:21 p.m. was made by Councilmember Price, seconded by Councilmember Powella.

Motion passed with a 3-0 vote.

II. Call to Order

The meeting was called to order at 7:31 p.m. by Mayor Dunn.

III. Roll Call

Present:

- Mayor Tim Dunn
- Councilmember Eddie Price
- Councilmember Emil Powella

Absent:

- Councilmember Lindsay Voigt
- Councilmember Scott Batterton

IV. Pledge to the Flag

Mayor Dunn led the pledge to the flag.

V. Approval of Agenda

A motion to approve the June 14, 2021 City Council agenda was made by Councilmember Price, seconded by Councilmember Powella.

Motion passed with a 3-0 vote.

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

Mayor Dunn recognized the Lady Bugs for their efforts in the park and previously presented them with the National Garden Week Proclamation.

VIII. Public Comment – None.

IX. Approval of Minutes

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

A motion to approve the City Council meeting draft minutes from May 10, 2021 was made by Councilmember Price, seconded by Councilmember Powella.

Motion passed with a 3-0 vote.

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

A motion to approve the City Council meeting draft minutes from May 10, 2021 was made by Councilmember Powella, seconded by Councilmember Price.

Motion passed with a 3-0 vote.

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.**

Planning Director, Joellen Wilson stated:

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. 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.

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.

Proposed conditions:

1. Only property owner shall own and operate the office business and only the property owner or a member of the immediate family shall occupy the dwelling. SUP shall expire upon sale of the property and/or upon assemblage with additional property.
2. Office uses shall be compatible with the Lilburn Zoning Ordinance and the business shall maintain an Occupation Tax Certificate from City of Lilburn.
3. Site plan shall be submitted to Department of Planning to consider permits for interparcel access, a new 20' asphalt or concrete driveway, min. 1 and no more than 3 office parking spaces in front of building with direct access to front entry, and no more than 2 residential parking spaces behind the building with direct access to residential space. No gravel or decorative stone parking.
4. Alternative parking for the dwelling may be within a detached garage if set in the side or rear yard, oriented parallel to US29 with no garage door opening visible from US29, and with exterior materials and colors to match the principal building. Garage subject to rear yard coverage, principal building setbacks and height restrictions, and shall only be permitted after principal building is approved for occupancy. No additional vehicle storage and no outdoor storage permitted.
5. Site plan to comply with CB lot dimensions (40' setback, 10' front LS strip) and minimum 20' rear buffer. The rear buffer shall provide screening adjacent to rear property line and sewer easement with combination of 6' privacy fence and 2 staggered rows of evergreen trees 6' in height and maintained in perpetuity.
6. Connection to Gwinnett County public sewer (onsite) shall be required prior to Certificate of Occupancy.
7. Architectural elevations and building plans shall be submitted for permitting with exterior materials and colors to comply with US29 Overlay for office use, including a majority of the façade in brick or stone.
8. All utilities shall be under ground and any utility boxes (meter boxes, HVAC units, and similar) shall be screened from view from US29.
9. Except garage (condition #4) no residential accessory structures shall be permitted, including sheds, chimneys, solar panel, satellite dish, antenna, or similar appurtenances.
10. Impervious surface areas may not exceed 5,000 sf without stormwater analysis; pervious areas shall be stabilized and landscaped prior to Certificate of Occupancy.
11. Signage shall be limited to 1 monument sign in front of principal building, and sign shall be no larger than six square feet or four feet in height.

Mayor Dunn opened the floor for the public hearing. Hearing none, Mayor Dunn closed the public hearing portion of the meeting.

A motion to approve Ordinance No. 2021-565 approving SUP-2021-02 with conditions was made by Councilmember Price, seconded by Councilmember Powella.

Motion passed with a 3-0 vote.

XI. Agenda

A motion to move agenda items to consent agenda was made by Councilmember Price, seconded by Councilmember Powella.

Motion passed with a 3-0 vote.

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 Council Member or citizen so requests, in which event the item will be removed from the Consent Agenda and considered separately.

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.

Staff requests a motion to approve the adoption of Ordinance No. 2021-566 approving the FY 2021/2022 Annual Budget.

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.

Staff requests a motion to approve Resolution No. 2021-02, a rate resolution establishing the FY21-22 fee schedule for the City of Lilburn.

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.

Staff requests a motion to approve the 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.

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.

Staff recommends a motion amendment of the City of Lilburn's General and Administrative Policies and Procedures.

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.

Staff recommends a motion to approve Community Development Block Grant Cooperation between the City of Lilburn and Gwinnett County. Further, authorize Mayor to execute Agreement on behalf of the City of Lilburn.

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.

Staff recommends a 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).

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).

Staff recommends 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.

A motion to approve the consent agenda was made by Councilmember Price, seconded by Councilmember Powella.

Motion passed with a 3-0 vote.

XI. Adjournment

Councilmember Price made a motion to adjourn at 7:53 p.m., seconded by Councilmember Powella.

Motion passed with a 3-0 vote.

Approved this 12 day of July, 20 21.



Tim Dunn, Mayor

ATTEST:



Melissa L. Penate, City Clerk (Seal)