



Small town. Big difference.

**City of Lilburn
City Council Meeting Minutes**

September 12, 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

Michael 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.

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I. Executive Session (If Necessary)

A motion to move to executive session at 7:33 PM to consult with legal counsel concerning pending or potential litigation, settlement, claims, or other matters pursuant to O.C.G.A. § 50-14-2(1) and to authorize negotiations to purchase, dispose of, or lease property pursuant to O.C.G.A. § 50-14-3(b)(1)(B) was made by Councilmember Powella, seconded by Councilmember Hart.

Motion passed with a 4-0 vote.

Motion to come out of executive session at 7:42 was made by Councilmember Powella, seconded by Councilmember Hart.

Motion passed with a 4-0 vote.

II. Call to Order

The meeting was called to order at 7:49 PM by Mayor Dunn.

III. Roll Call

Present:

- Mayor Tim Dunn
- Councilmember Scott Batterton
- Councilmember Yoon-Mi Hampton
- Councilmember Emil Powella
- Councilmember Michael Hart

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IV. Pledge to the Flag

Mayor Dunn led the pledge to the flag.

V. Approval of Agenda

A motion to approve the September 12, 2022 City Council agenda was made by Councilmember Hampton, seconded by Councilmember Powella.

Motion passed with a 4-0 vote.

VI. Announcements

1. City Events

Mayor Dunn mentioned the following upcoming events:

- Lilburn Food Truck Tuesday
September 13, 2022, 6:00 PM – 9:00 PM at Lilburn City Park
- Community Yard Sale
September 24, 2022, 9:00 AM – 1:00 PM at Lilburn City Park
- Lilburn Daze
October 8, 2022, 9:00 AM – 5:00 PM at Lilburn City Park

VII. Ceremonial Matter – None

VIII. Public Comment – None

IX. Approval of Minutes

1. City Council Meeting Draft Minutes from August 8, 2022

A motion to approve the City Council meeting draft minutes from August 8, 2022 was made by Councilmember Hart, seconded by Councilmember Powella.

Motion passed with a 4-0 vote.

X. Public Hearing

1. PH Item No. 1 - Ordinance No. 2022-590 – RZ-2022-01 and SUP-2022-01 application by Traton Homes, LLC, to rezone 7.33 acres of a 9.25 acre assemblage near the intersection of Rockbridge Road and Lawrenceville Highway from CB to R2 with an SUP for a 57-unit townhome subdivision. The remaining 1.92 acre tract to remain CB zoning.

Reid Turner, City Planner, summarized the applicant's request and staff's recommendation to approve RZ-2022-01 and SUP-2022-01 with the following conditions:

1. The property shall be developed in general accordance with the submitted proposed Site Plan entitled "Lilburn Tract," prepared by Traton Homes LLC dated July 5th, 2022, and submitted to the Mayor and City Council on August 8th, 2022 (the "Site Plan"), with modifications to meet

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- conditions of zoning or State, County code, and City development regulations and design standards.
2. Prepare the 1.92 +/- acre commercial parcel for commercial development prior to the DDA accepting the ownership of said tract via warranty deed from the Developer by completing the following tasks at the Developer's expense:
 - i. Demolish existing structures and remove all debris; and
 - ii. Clear trees and grade to within +/- 6" of final grade; and
 - iii. Remove and dispose of septic tanks; and
 - iv. Install and maintain the required buffer on the commercial parcel until the DDA accepts the deed from the Developer; and
 - v. Ensure sewer infrastructure access by providing sewer connection to the commercial parcel; and
 - vi. Secure a Sewer Capacity certification from Gwinnett County Department of Water Resources.
 2. Conduct and complete the site preparation tasks listed above for 1.92 +/- acre commercial tract in the following order:
 - (a) In concurrence with the site development of the residential tract, both to be completed within 12 months of the date of issuance of the site development permit; or
 - (b) Prior to the completion of site development of the residential tract, whichever occurs first in time.
 3. Secure approval from the Georgia Department of Transportation for the proposed deceleration lane and curb cuts off of Lawrenceville Highway for a dedicated entry into the 1.92 +/- acre commercial parcel; and
 4. Provide a permanent access easement from the 7.33 +/- acre parcel to the 1.92 +/- acre commercial parcel via the private access road shown on the site plan for use of the Project's primary entrance and exit that can be transferred by the DDA to a non-party developer.
 5. There shall be mandatory master protective covenants that will include all phases of the development and be binding on all property or properties within the development; and concurrent therewith, an owners association shall be formed which will include all component parts of the proposed development. The owners' association shall be responsible for the oversight, upkeep, and maintenance of the entrance areas, common areas, open space areas, the front, rear and side yards on each lot within the community as well as all streets, sidewalks, bicycle paths, walking trails, streetlights, stormwater facilities and drainage structures.
 6. The covenants required by the preceding condition (in addition to standard covenants) shall include the following: a covenant prohibiting removal of healthy plants and requiring replacement of diseased plants with similar type plants in landscape strips and buffer areas; a covenant allowing (but not requiring) the City to enforce any covenant required by these conditions.
 7. If no site development permit shall have been issued after six consecutive months following zoning approval, or no building permit for a townhome unit shall have been issued within twelve consecutive months of site development permit issuance, the SUP for townhomes shall terminate and the property shall revert to the previous CB, Commercial Business zoning classification. City may initiate an amendment to the official zoning map.

Reid stated that all public advertising requirements have been met. The Planning Commission recommended approval of amendments following a public hearing on July 28, 2022 where no public opposition was recorded.

Mayor Dunn opened the floor for those in favor of or opposed to adopting Ordinance No. 2022-590. Mitch Peevey, representing Traton Homes, LLC, stated that the rent for the 100% build to rent community would start at \$2,200 per month. To qualify, a tenant must make over \$100,000 per year. Mr. Peevey stated that the plan began as a 72-unit subdivision; however, this number had to be reduced to meet the requirements of the Comprehensive Plan for commercial fronting Lawrenceville Highway.

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The current plan includes 57 townhome units with 1.92 acres to be voluntarily dedicated to the DDA for future commercial development.

Mayor Dunn asked for any questions for Mr. Peevy.

Hearing none, Mayor Dunn asked if anyone else would like to speak for our against Ordinance No. 2022-590.

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

A motion to adopt Ordinance No. 2022-590 to approve RZ-2022-01 and SUP-2022-01 with the seven conditions presented by staff was made by Councilmember Hart, seconded by Councilmember Powella.

Motion passed with a 3-1 vote. Councilmember Batterton opposed.

XI. Agenda

1. Agenda Item No. 1 – Recommendation to approve Resolution No. 2022-14, a resolution that authorizes staff to apply for a 2022-2023 Conserve Georgia Grant for up to \$762,959 via the Georgia Outdoor Stewardship Program for a local trails and parks project to stabilize the Camp Creek streambank in Lilburn City Park and to commit matching funds of up to \$410,820.

City Manager Jenny Simpkins explained the need to stabilize the portion of Camp Creek between the new restrooms and the railroad tracks in Lilburn City Park. The grant will allow us to maximize our limited stormwater utility funds to not only stabilize this portion of the creek but enhance it.

Motion to approve Resolution No. 2022-14 was made by Councilmember Batterton, seconded by Councilmember Powella.

Motion passed with a 4-0 vote.

XI. Consent Agenda - None

XII. Adjournment

Councilmember Powella made a motion to adjourn at 7:48 PM, seconded by Councilmember Hart.

Motion passed with a 4-0 vote.

Approved this 12 day of September, 20 22.



Tim Dunn, Mayor

ATTEST:

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[Handwritten signature]

Rick Radie, City Clerk (Seal)



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[Handwritten initials]