

MINUTES

CITY OF LOGANVILLE
Regular Council Meeting
Thursday, February 14, 2013 7:30 p.m.
Council Chambers

The City of Loganville Mayor and Council met for their regularly scheduled Council Meeting on Thursday February 14, 2013 at 7:30 p.m. Mayor Ray Nunley and Council Members; Skip Baliles, Dan Curry, Mike Jones, Mark Kiddoo and Michelle Lynch were present. Council Member Rey Martinez joined the meeting via phone from active duty service.

MEETING CALLED TO ORDER – Mayor Ray Nunley called the meeting to order at 7:30 p.m. WQC director Chris Yancey gave the invocation. Boy Scout Troup #525 led the pledge to the flag.

APPROVE LAST MONTH'S MINUTES – A motion was made by Council Member Dan Curry to adopt the agenda. Council Member Michelle Lynch seconded the motion but requested Council Member Dan Curry amend his motion to add an item to the agenda under II MAYOR AND COUNCIL ITEMS subsection d) a special presentation. Council Member Dan Curry agreed to amend his motion. Motion carried 5 – 0 therefore the agenda was amended to add subsection d).

A motion was made by Council Member Mark Kiddoo and seconded by Council Member Skip Baliles to approve the January 10, 2013 minutes. Motion carried 5 – 0 therefore the January 10, 2013 minutes are approved.

Council Member Rey Martinez joined the meeting via phone.

FINANCIAL REPORT – A motion was made by Council Member Mark Kiddoo and seconded by Council Member Skip Baliles to approve the January 2013 Financial Report. Motion carried 6 – 0 therefore the January Financial Report is approved.

VICE MAYOR – A motion was made by Council Member Skip Baliles and seconded by Council Member Mike Jones to elect Council Member Dan Curry as the Vice Mayor. Motion carried 6 – 0 therefore Council Member Dan Curry was elected as Vice Mayor for 2013.

SPECIAL PRESENTATION – City Manager, Bill Jones was presented with The Walton Tribune's People's Choice Award for City Employee. The award was presented by Chuck Lynch from The Walton Tribune.

CASE #12-005 MAHAFFEY PICKENS TUCKER, LLP – 31.75 ACRES ON OLD ZION CEMETERY ROAD FROM RM-8 TO R-22 OVERLAY DISTRICT. City Attorney, Karen Woodward addressed the Mayor and Council and explained that before the meeting she was served by the applicant an amendment to their application adding a constitutional objection regarding requests for Rezone Case #R12-005 and Variance Case #V12-006 to any less intensive zoning classification other than RM-8 or as requested by the applicant (approval of both applications together.) After some discussion David Gussio, Mahaffy Pickens Tucker, LLP, addressed the council. He explained

that the proposal was to increase the density beyond what the City RM-8 Zoning normally allows for the apartment portion of the project and in exchange, he said they would agree to decrease the density of the balance of the property to an R-22 Overlay Zoning. He said it would be an unconstitutional taking of the applicant's property if the Council failed to grant the variance request while taking away density from the back portion of the property. He stated that the applications were clearly spelled out to be evaluated together because they were one project and should be approved or denied together. He said after the January Council meeting he had a successful meeting with the police and fire staff and had agreed to revise the site plan to lower the apartment building's height to 2-story and somehow adjust the site plan so that it would still be a fair trade off on the density. David Gussio went on to say he was under the impression that at the last meeting he attended the Council had tabled the cases for 60-days to allow the applicant to revise plans to address the concerns of the Fire Department. He said he was a bit confused that the cases were heard after only 30 days. City Council Member Michelle Lynch stated that at the last meeting the cases were tabled so that the City Attorney could gather more information to convey to the council. She said the council met in executive session to receive the information from counsel and then saw fit to move forward. Further discussion addressed: Separate applications were submitted, separate fees were required, the Planning Commission voted on the Cases separately and no conditions were recommended to approve both Cases together, the Fire Department's concern was not putting out a 3-story building fire but saving lives because the equipment would fall short 7 to 8 feet, the RM-8 zoning in 1999 was valid and according to the applicants title search the property had access to Trident Trail. Mr Gussio said he was told he had to submit the applications separately but the applications clearly indicated the project was giving up density on one property in exchange for an increase in density on the other. This is also stated in the Constitutional Objection. He said his client should not be deprived of their property rights outside of their request.

A motion was made by Council Member Michelle Lynch and seconded by Council Member Dan Curry to approve the rezone with the Planning Commission recommendations. Motion carried 6 – 0 therefore Rezone R12-005 is approved with the following recommendations: 1)

Development limited to 84 Single-Family Dwelling units. 2) Development must adhere to the conditions of the R-22 Overlay Districts Open Space Subdivision as required under section 119-249 of the City of Loganville Zoning Ordinance. 3) Install a chain length fence on the East side of property along Mr. Ken Boss's property.

V12-006 MAHAFFEY PICKENS TUCKER, LLP 26.02 ACRES ON HIGHWAY 78 INCREASED HEIGHT AND UNITS PER ACRE – A motion was made by Council Member Michelle Lynch and seconded by Council Member Skip Baliles to table the Variance for 30 days. There was some discussion regarding the applicants intention of reducing the building height to 2-Story and reducing the number of units from 12 to 10 per acre by removing some of the property from the Overlay district and combining it with the RM-8 property. Motion carried 4 – 2 with Council Member Dan Curry and Council Member Mike Jones opposing therefore Variance #V12-006 was tabled for 30 days.

V13-001 Colonial Buick 3965 ATLANTA HIGHWAY CHANGE MATERIALS FOR FACINGS – A motion was made by Council Member Michelle Lynch and seconded by Council Member Dan Curry to approve the Variance. Motion carried 6 – 0 therefore Variance #13-001 was approved

to allow relief from the Zoning Ordinance Chapter 119-217 (f) Materials for facings by allowing Colonial Buick to use aluminum composite panels on the facing of the building.

Amend the Massage Ordinance – Section 10-102 by removing subsection (e) regarding an investigative fee that is currently collected by the state so it is redundant to include in our Ordinance. A motion was made by Council Member Michelle Lynch and seconded by Council Member Dan Curry to remove subsection (e). Motion carried 6 – 0 therefore Ordinance Section 10-102 is amended by removing subsection (e).

HUMAN RESOURCES – Council Member Skip Baliles told Council he had no updates or reports for this month.

FINANCE – A motion was made by Council Member Mark Kiddoo and seconded by Council Member Skip Baliles to accept \$52,500.00 from dirt sales and \$70,900.00 from LMIG for paving. Motion carried 6 – 0 therefore the Council approved accepting 52,500.00 from dirt sales and \$70,900.00 from LMIG for paving.

A motion was made by Council Member Mark Kiddoo and seconded by Council Member Skip Baliles to move \$52,500.00 from the water fund. Motion carried 6 – 0 therefore the Council approved moving \$52,500.00 from the Water fund.

A motion was made by Council Member Mark Kiddoo and seconded by Council Member Skip Baliles to spend \$94,100.00 for paving Granite Lane and Ashley Manor in which \$70,900.00 from LMIG and \$15,932.00 from SPLOST and matching funds would equal a total of \$94,100.00. Motion carried 6 – 0 therefore \$94,100.00 was approved for paving Granite Lane and Ashley Manor.

Council Member Mark Kiddoo announced the fiscal year is just around the corner. He passed out the calendar for budget discussions and asked Council Members to meet with each of their Department heads to go over their budgets before they meet with the City Manager.

PUBLIC SAFETY COMMITTEE – Fire Chief Danny Roberts spoke in Public Safety Council Member Rey Martinez's absents. His request was to spend \$6,121.00 to purchase a new phone system, \$9,625.00 to purchase a SCBA bottles and \$9,452.00 to purchase bunker gear. He stated these were all budgeted items. A motion was made by Council Member Dan Curry and Seconded by Council Member Michelle Lynch to approve spending the requested amounts. Motion carried 6 – 0 therefore the Council approved spending \$6,121.00 for a phone system, \$9,625.00 for SBCA bottles and \$9,452.00 for bunker gear.

PARKS & EVENTS – A motion was made by Parks and Events Council Member Michelle Lynch and seconded by Council Member Dan Curry to approve the 2013 Event Calendar. Motion carried 6 – 0 therefore the 2013 Event Calendar is approved with the following scheduled events: May 2, 2013 National Day of Prayer, July 4, 2013 the Fourth of July Parade, October 19, 2013 the Autumn Heritage Festival, November 11, 2013 the Veteran's Day Ceremony, November 29, 2013 the Tree Lighting Ceremony and December 7, 2013 the Christmas Parade.

A motion was made by Council Member Michelle Lynch and seconded by Dan Curry to amend the Anna Holbrook Rental Agreement. Motion carried 6 – 0 therefore the Council approved the following revisions to the Anna Holbrook Rental Agreement: 1) Delete line item #14 – Long term renters. 2) Delete \$75.00 weekly commercial rates. 3) Include verbiage stating that the building cannot be used for profit businesses. 4) Building cannot be rented on a long term continuous basis. 5) Rentals are based on a maximum of 1 time per month. 6) Under Building Amenities – Maximum capacity amount.

A motion was made by Council Member Michelle Lynch and seconded by Dan Curry to approve an application from the Pregnancy Resource Center of Walton to hold a 5K run on the City of Loganville streets. Motion carried 6 – 0 therefore the Council approved the Pregnancy Resource Center to hold a 5K run on Saturday March 23, 2013, the streets affected are Tom Brewer Road and Hodges Road, the applicant will notify homeowners along the route. Streets are expected to be closed from 7:45 a.m. to 9:15 a.m.

Council Member Michelle Lynch updated the Council on the last Parks and Events Committee meeting. One decision made was to omit the Easter Egg Hunt from the Event Calendar. She thanked TJ Max for donating 5 speaker horns that will be installed at the Town Greens and lighting fixtures to be installed at the Rock Gym.

PUBLIC UTILITIES – Council Member Dan Curry explained to the Council that the Public Utilities Department had been taking bids for a much needed dump truck. Four bids were received in the following amounts: Aiken bid \$41,069.00, Peachstate Ford bid \$41,958.00, Wade Ford bid \$43,865.00 and the lowest bid was from Loganville Ford in the amount of \$39,398.96. This vehicle will be paid for by SPLOST money. A motion was made by Council Member Dan Curry and seconded by Council Member Skip Baliles to approve the purchase of the dump truck. Motion carried 6 – 0 therefore the Council approved the purchase of a dump truck for \$39,398.96 from Loganville Ford.

Council Member Dan Curry told the Council that the Public Utilities Department needed to purchase a mini trackhoe. The following 2 bids were received: Gene & Matt Tractor in Winder bid \$39,396.00 and Lashley Tractor Company in Lithonia bid \$36,176.00. He stated that Council Member Mike Jones would be asking to approve the purchase of a second trackhoe later in the meeting and felt an additional discount may be received with the purchase of two. A motion was made by Council Member Dan Curry and seconded by Council Member Skip Baliles to approve the purchase of the trackhoe. Council Member Mark Kiddoo asked to revise the motion by adding that the purchase would not exceed \$36,176.00. Council Member Dan Curry amended his motion and Council Member Skip Baliles seconded the amended motion. Motion carried 6 – 0 therefore the Council approved the purchase of a Mini trackhoe not to exceed \$36,176.00.

Council Member Dan Curry told the Council that an Intergovernmental agreement was made between Gwinnett County and the City of Loganville in which the City will be receiving a \$402,000.00 Community Development Block Grant to create a second water line connection. They have asked to utilize our contractor to install an underground conduit and pull boxes to support the future expansion of the County's intelligent transportation system, e.g. advanced

traffic signals, camera's, etc. He said Gwinnett County will pay the City \$30,000.00 to do the work. A motion was made by Council Member Dan Curry and seconded by Council Member Michelle Lynch to approve the intergovernmental agreement with Gwinnett County. Motion carried 6 – 0 therefore the Council approved an intergovernmental agreement with Gwinnett County for up to but not over \$30,000.00 to utilize our contractor concurrently with the City development work.

Council Member Rey Martinez's call was disconnected so he was not present to vote on further business.

A motion was made by Council Member Dan Curry and seconded by Council Member Skip Baliles to approve a Resolution allowing City Manager Bill Jones the authority to receive \$402,000.00 allocated for the Community Development Block Grant. Motion carried 5 – 0 therefore the Council approved a Resolution to allow the City Manager to accept the \$402,000.00 allocated for the Community Development Block Grant.

PUBLIC WORKS / HIGHWAYS & STREETS

A motion was made by Council Member Mike Jones and seconded by Council Member Dan Curry to allow the Public Works Department to spend up to \$55,283 for the purchase a bucket truck and a trackhoe. Motion carried 5 – 0 therefore the Council approved to allow Public Works to spend \$55,283.00 for the purchase of a bucket truck and a trackhoe.

A motion was made by Council Member Mike Jones and seconded by Mark Kiddoo to approve spending from the City's SPLOST fund money for concrete and/or paving Albert Sellers Road, Park Place Subdivision, Towler Shoals, curb and gutter work on Broad Street, sidewalks on Atlanta Highway between Starbucks and Gwinnett County and footing, walls and bins at the Public Works Department. Motion carried 5 – 0 therefore the Council approved using money from the SPLOST fund to spend on the above named projects.

CITY MANAGER'S REPORT City Manager Bill Jones asked for the Council's approval to allow the Mayor to sign the Gwinnett County IGA Ad Valorem Tax agreement so that the City can start collecting their money once it is finalized. A motion was made by Council Member Mike Jones and seconded by Council Member Mark Kiddoo to give the Mayor approval to sign the Gwinnett County IGA Ad Valorem Tax agreement once it is finalized. Motion carried 5 – 0

City Manager Bill Jones reminded the Council that he needs a head count for the Walton Municipal Meeting next Thursday in Monroe.

CITY ATTORNEY'S UPDATES / REPORTS City Attorney Karen Woodard gave the Council copies of the February 4, 2013, called meeting, executive session minutes. A motion was made by Council Member Mark Kiddoo and seconded by Council Member Michelle Lynch to approve the minutes from the February 4, 2013 called meeting. Motion carried 5 – 0

Mayor Ray Nunley called for a 5 minute recess.

STATE OF THE CITY ADDRESS was given by Mayor Ray Nunley. (Copy Attached)

MOTION TO ADJOURN A motion was made by Council Member Michelle Lynch and seconded by Council Member Skip Baliles to adjourn the meeting. Motion carried 5 – 0 therefore meeting adjourned at 9:14 p.m.

A handwritten signature in blue ink, appearing to read "Skip Baliles".A handwritten signature in blue ink, appearing to read "Ray Nunley".