



REGULAR BUSINESS & PUBLIC HEARING
OF MAYOR AND COUNCIL
CITY OF SNELLVILLE, GEORGIA
MONDAY, OCTOBER 12, 2009

Present: Mayor Jerry Oberholtzer, Mayor Pro Tem Barbara Bender, Council Members Warren Auld, Robert Jenkins, Kelly Kautz, and Tod Warner. Also present City Attorney Mike Williams, City Manager Russell Treadway, Chief Roy Whitehead, Planning and Development Director Harmit Bedi, Parks and Recreation Director Cyndee Bonacci, Public Works Director Gaye Johnson, and City Clerk Melisa Arnold.

Mayor Oberholtzer called the meeting to order at 7:31 p.m. and announced it was being audio and video taped.

CALL TO ORDER

Invocation

Mayor Oberholtzer requested a moment of silence.

Announcements

Mayor Oberholtzer made the following announcements:

- October 13 – Board of Appeals Meeting – 7:30 p.m.
- October 15 – Open House – North Road Transitional Corridor Overlay Ordinance
10 a.m. to Noon & 5:00 p.m. to 7:00 p.m.
- October 19 – Snellville Citizen's Police Academy Alumni Association
4th Annual Golf Tournament at Cedar Lake Golf Club
- October 25 – Broadcast of the October 12 Council Meeting on Comcast Channel 25 at 6:30 p.m.
- October 26 – Council Meeting – 6:30 p.m. Work Session, 7:30 p.m. Meeting
- October 27 – Planning Commission Meeting – 7:30 p.m.

Pledge to the Flag

Tyler Johnso and Kyle Johnson with Boy Scout Troop 65 led the Pledge of Allegiance.

Ceremonial Matters

MINUTES

The minutes of the September 28, 2009 Regular Business & Public Hearing Meeting stand approved.

INVITED GUESTS

COMMITTEE / DEPARTMENT REPORTS

City Manager

- Update on Hearing Detention Cases at the Gwinnett County Jail
City Manager Russell Treadway gave an update on court and jail cases.
Council Member Kautz requested that a report be given in January or February on a pre-trial diversion program.
- 1st Quarter FY 2010 Financial Report
City Manager Russell Treadway gave the 1st quarter financial report for 2010 and presented a slideshow with facts and figures for the 2010 budget.

CONSENT AGENDA

OLD BUSINESS

2nd Reading – Consideration and Action on Adoption of Revised Chapter 42, Parks and Recreation Ordinances [Oberholtzer]

Council Member Kautz made a motion to approve, 2nd by Council Member Warner; voted 6 in favor and 0 opposed, motion is approved.

PUBLIC HEARING

2nd Reading – ZOA 09-01 – Consideration and Action on Personal Care Homes Ordinance [Kautz and Auld]

Council Member Kautz made a motion to postpone and place on the October 26, 2009 agenda and to extend the moratorium on group living arrangements as defined in the ordinance for 60 days, 2nd by Council Member Jenkins.

Alice Cunningham, 1985 Oak Road, thanked Council and staff.

Dawn Walker, 3017 Sonya Lane, asked about existing personal care homes and the moratorium. The motion was voted 6 in favor and 0 opposed, motion is approved.

2nd Reading – RZ 09-03 – Consideration and Action on application by Philippe Pellerin, Snellville Village, LLC for Zoning Modification of certain condition(s) of rezoning and land use plan amendment case #RZ 04-08 LUP 04-06 for the 2.159 acre property located in the 5th District of Land Lot 39 at 2118 Scenic Hwy., Snellville, Georgia for a 17,000 square foot retail shopping center

Planning and Development Director Harmit Bedi gave an overview of the application.

Philippe Pellerin, 175 Ormand Street, Atlanta, the applicant was present representing Snellville Village. Mr. Pellerin gave the history and timeline of the project and explained that a rear parapet on the existing building was not possible and spoke of other alternatives that were too costly.

Tom Flynn, 2358 Eastwood Drive, spoke on conditions not met.

Wayne Blackburn, 2071 North Road, spoke on conditions.

Council Member Jenkins made a motion to deny the request; motion dies due to lack of a second.

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Mayor Pro Tem Bender made a motion to approve the plan with the following conditions:

1. Applicant shall be required to plant two (2) staggered rows of Leyland Cyprus (57 trees), planted fifteen-feet (15') on center, with a height of not less than twelve-feet (12') tall at time of planting as shown on the submitted plan entitled "Tree Replacement/Irrigation Plan";
2. Applicant shall also submit landscape plans prepared by a Registered Landscape Architect to the Director of Planning and Development for review and approval with a site plan which details the landscape plan;
3. Landscaping shall be installed within ninety (90) days of approval of this condition;
4. Applicant shall provide an easement, approved by the City Attorney and naming the City of Snellville the beneficiary for enforcement purposes, signed by Snellville Village, LLC, Snell Investments, LLC, and The City of Snellville; and
5. Applicant shall be required to post a landscape performance/maintenance bond for twenty-four (24) months.

Council Member Kautz 2nd the motion.

Mayor Oberholtzer asked the applicant if he agreed to all the conditions as stated in the motion. The applicant agreed to all the conditions and stated for the record that the comments discussed earlier were related to maintenance and term of that easement.

The motion was voted 4 in favor and 2 opposed with Council Members Auld and Jenkins casting the opposing votes, motion is approved.

The meeting recessed at 9:22 p.m.

The meeting reconvened at 9:30 p.m.

NEW BUSINESS

1st Reading – ANX 09-01 RZ 09-05 LUP 09-02 CUP 09-02 – Consideration and Action on applications received by W.H. Britt, B-Wise Investments Corporation, for annexation and to amend the Land Use Plan and official Zoning Map of the City of Snellville and Conditional Use Permit for the ±1.729 acre property (Tax Parcel #5101 027) located at 1040/1050 Cooper Road, Grayson, Georgia

Council Member Warner made a motion to waive the 1st reading and place on the October 26, 2009 agenda, 2nd by Council Member Jenkins; voted 6 in favor and 0 opposed, motion is approved.

1st Reading – ZOA 09-03 – Consideration and Action on amending Section 3.5, Districts Listed of Article III, Provision for Official Zoning Map and Establishment of Districts of the Snellville Zoning Ordinance

Council Member Warner made a motion to waive the 1st reading and place on the October 26, 2009 agenda, 2nd by Council Member Jenkins; voted 6 in favor and 0 opposed, motion is approved.

Consideration and Action on Resolution and Report Acknowledging and Approving the Efforts of the Save Snellville Library Citizen's Committee [Kautz]

Council Member Kautz read the resolution into the record and made a motion to approve, 2nd by Council Member Jenkins.

Larry Finney, 2634 Abington Drive, spoke in favor of the resolution.

Tom Witts, 3046 Elizabeth Lane, spoke on the resolution being politically motivated.

After discussion the motion was voted 5 in favor and 1 opposed with Mayor Oberholtzer casting the opposing vote, motion is approved.

Consideration and Action on Policy Regarding Criminal Investigations of Elected Officials and Employees [Jenkins]

Mayor Oberholtzer read the policy.

Council Member Jenkins explained the need for the policy and how the policy was to protect the City.

Council Member Kautz made a motion to adopt Policy Statement 2009-01 Criminal Investigations of Elected Officials and Employees as amended, 2nd by Council Member Warner.

After discussion Council Member Kautz amended the motion to include additional verbiage. Council Member Warner 2nd the motion with the removal of "local."
The motion was voted 6 in favor and 0 opposed, motion is approved.

Consideration and Action on Approval of the Municipal Court Fee Schedule [Oberholtzer]

Council Member Warner made a motion to approve, 2nd by Council Member Auld; voted 6 in favor and 0 opposed, motion is approved.

COUNCIL REPORTS

Council Member Auld spoke about the tough economic times people are facing and encouraged people to stand together despite the politics. He stated that we are a great City.

MAYOR'S REPORT


Mayor Oberholtzer thanked everyone for coming. He announced that early voting had started. He reported on the positive meeting he had with the library staff.

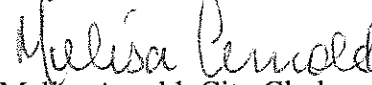
PUBLIC COMMENTS

ADJOURNMENT

Council Member Jenkins made a motion to adjourn, 2nd by Mayor Pro Tem Bender; voted 6 in favor and 0 opposed, motion is approved.

The meeting adjourned at 10:38 p.m.


Jerry Oberholtzer, Mayor


Melisa Arnold, City Clerk