



The City of Snellville

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Jerry Oberholtzer
MAYOR

Melvin Everson
MAYOR PRO TEM

Bruce Garraway
Robert Jenkins
Chad A. Smith
Michael Smith
COUNCIL MEMBERS

Jeff Timler
CITY ADMINISTRATOR

Sharon Lowery
CITY CLERK / CFO

Sherry Patton
PERSONNEL OFFICER

Thomas M. Mitchell
Carothers & Mitchell, LLC
CITY ATTORNEY

Jan Burke
CONTROLLER

PUBLIC HEARING & REGULAR BUSINESS OF MAYOR AND COUNCIL CITY OF SNELLVILLE, GEORGIA MONDAY, SEPTEMBER 27, 2004

Present: Mayor Oberholtzer, Mayor Pro Tem Chad Smith, Council Members Garraway, Jenkins, and Mike Smith. Also present City Attorney Thomas Mitchell, City Manager Jeff Timler, Planning Director Jessica Roth, Chief Roy Whitehead, and City Clerk Sharon Lowery.

Mayor Oberholtzer called the meeting to order at 7:30 p.m. and announced it was being audio and video taped.

INVOCATION

Scott Huie, Associate Pastor of Westminster Presbyterian Church gave the invocation.

PLEDGE TO THE FLAG

Tom Vassy led the Pledge of Allegiance.

CEREMONIAL MATTERS

None

MINUTES

The minutes of the August 23rd Public Hearing and Regular Business Minutes stand approved.

COMMITTEE / DEPARTMENT REPORTS

None

PUBLIC HEARING

2nd Reading - RZ 04-07 - Rezoning Application from BN, Neighborhood Business to BG, General Business by Ashok Taank for property at Highway 124 and Oak Road for a retail center.

Mr. Amit Tank, 2720 Gardenwood Court, Lilburn requested a postponement until the October 25th Public Hearing.

Mayor Pro Tem Chad Smith made a motion to postpone until the October 25th Public Hearing, 2nd by Council Member Jenkins; voted 5 in favor and 0 opposed, motion carried.

2nd Reading - LUP 04-06 RZ 04-08 - Land Use Plan Amendments from Residential to Office/Professional and Commercial/Retail; Office/Professional to Commercial/Retail and Rezoning Applications from RS-180 Single Family Residential to BG, General Business; RS-180 Single Family Residential to OP, Office Professional and BG, General Business; and OP, Office Professional to BG, General Business by Snell Investments LLC for property on North Road.

Jessica Roth gave an overview of the application. She said the Planning Department recommends denial of all three applications. The Planning Commission recommended denial for tract 1, and approval of tract 2 and 3.

Michael Sullivan, 1505 Lakes Parkway, Lawrenceville, was present representing the applicant. He reviewed the applications and presented letters from the two adjoining property owners supporting the project.

The following citizens spoke:

Tom Flynn, 2358 Eastwood Drive, presented conditions he would like to see placed on the parcels.

Marcy Pharris, 1749 Ridgedale Road, asked that "white tablecloth restaurant" be defined and limited to that. Thomas Mitchell advised you could restrict by using a couple of objectives such as existing structure and no drive thru.

Wayne Blackburn, 2071 North Road, spoke about the applications.

Tom Flynn, 2358 Eastwood Drive, asked about prohibiting inter-parcel access from Scenic Highway to North Road.

Council Member Garraway made a motion to approve LUP 04-06 RZ 04-08 - Land Use Plan Amendments from Residential to Office/Professional and Commercial/Retail; Office/Professional to Commercial/Retail and Rezoning Applications from RS-180 Single Family Residential to BG, General Business; RS-180 Single Family Residential to OP, Office Professional and BG, General Business; and OP, Office Professional to BG, General Business by Snell Investments LLC for property on North Road with conditions, 2nd by Council Member Jenkins.

Council Member Garraway read the following conditions into the record:

Tract 1 shall be rezoned to BG with the following conditions of zoning:

1. The property shall be developed in general accordance with the submitted site plan dated July 20, 2004 entitled "Concept Review" and prepared by Hill Foley Rossi and Associates with modifications to meet conditions of zoning or State, County, and City regulations. Substantial variation from the concept plan, as determined by the Director of Planning and Development, will require Mayor and Council approval. A reduction in the square footage of the building shall not be considered substantial variation for purposes of this condition.
2. Prior to issuance of a Site Development Permit for each phase of the project, if any, the developer shall submit architectural elevations in the form of a "Plan Book" for typical structures for review and approval by the Director of Planning & Development. At a minimum, the "Plan Book" shall include: allowable building elevations; design criteria for entries, doors, windows, columns, cornices, exterior colors and materials, and other

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pertinent information. All structures shall be constructed in accordance with the approved "Plan Book." Said "Plan Book" shall become a binding restriction on all structures within the development and may be amended or supplemented only by approval of the Director of Planning & Development.

3. Signs higher than 15 feet and larger than 225 square feet are prohibited. Signs shall be made of stone or brick.
4. No outdoor loudspeakers shall be allowed, except two-way speakers commonly used in approved drive-through locations.
5. Adult Entertainment Establishments are prohibited.
6. A clock tower, decorative statue, fountain and/or similar decorative feature shall be installed at the primary entrance to the development. Said structure may not be used as an entrance sign.
7. The following uses shall be prohibited: Adult Entertainment Establishments; Automotive Sales, Service & Parts; Tattoo Parlors; Heavy Equipment Sales/Rental; Pawn Shops; Gas Stations; Log Splitting/Storage; Boarding and Rooming Houses; Building Supply Centers with Outdoor Lumber Yards or Storage Areas; Taxicab or Limousine Services with On-site Parking/Storage of Vehicles for Hire.
8. The building(s) associated with this tract shall contain no more than 65,000 square feet.
9. The developer shall install a twenty-foot wide (20') landscape strip along North Road with a five-foot tall (5') berm. Said strip shall be planted with a mixture of evergreen trees, including Leyland Cypress, Virginia Pine, and Southern Magnolia, as approved by the Director of Planning and Development.
10. The developer shall install street trees in the right-of-way of the subject parcel and parcels 5-39-47, 43, 44, 45, 46, 32, 23, and 22 where abutting North Road. Installation shall be in compliance with Section 20.6 (Street Trees) of the Zoning Ordinance.
11. Interparcel access shall be prohibited from Tracts 2 and 3.
12. An interparcel access stub shall be provided to Parcels 5-40-11, 5-39-15, and 5-39-5.
13. The developer shall dedicate, at no cost to Gwinnett County or the City of Snellville 40 feet of right-of-way from the centerline of North Road.
14. The developer shall install a crosswalk on North Road at Eastwood Drive.
15. The side and rear facades of any buildings shall have roofs that comply with Section 7.7(5) of the Zoning Ordinance.
16. A bike rack (10-bike minimum) shall be installed on the retail site.
17. The top one-third (1/3) of the side and rear of the building(s) shall have architectural accents of brick and/or stone that reflect the front of the building.

Tract 2 shall be rezoned to BG with the following conditions of zoning:

1. The property shall be developed in general accordance with the submitted site plan dated July 20, 2004 entitled "Concept Review" and prepared by Hill Foley Rossi and Associates with modifications to meet conditions of zoning or State, County, and City regulations. Substantial variation from the concept plan, as determined by the Director of Planning and Development, will require Mayor and Council approval.

2. Prior to issuance of a Site Development Permit for each phase of the project, if any, the developer shall submit architectural elevations in the form of a "Plan Book" for typical structures for review and approval by the Director of Planning & Development. At a minimum, the "Plan Book" shall include: allowable building elevations; design criteria for entries, doors, windows, columns, cornices, exterior colors and materials, and other pertinent information. All structures shall be constructed in accordance with the approved "Plan Book." Said "Plan Book" shall become a binding restriction on all structures within the development and may be amended or supplemented only by approval of the Director of Planning & Development.
3. Signs higher than 15 feet and larger than 225 square feet are prohibited. Signs shall be made of stone or brick.
4. No outdoor loudspeakers shall be allowed, except two way speakers commonly used in approved drive through locations.
5. Adult Entertainment Establishments are prohibited.
6. The developer shall install street trees in the right-of-way of the subject parcel and parcels 5-39-47, 43, 44, 45, 46, 32, 23, and 22 where abutting North Road. Installation shall be in compliance with Section 20.6 (Street Trees) of the Zoning Ordinance.
7. The property shall only be used for the following: Fine Dining Restaurant; Antique Shop; Art gallery and/or studio; Book or stationery store; Custom dressmaking and sewing shop; Florist; Gift and card shop; Interior Decorating Shop; Jewelry Store; Photography Shop/Studio; and Watch and Clock Repair Shop.
8. Interparcel access shall be prohibited from Tract 1.
9. This parcel shall have no vehicular access to North Road. Access shall be provided via interparcel access with Tract 3.
10. Parking shall be prohibited between the front of the building and North Road.
11. The existing home shall be maintained. Any renovations, expansions, and/or additions shall be consistent with the architectural design and materials of the home, as approved by the Director of Planning and Development.
12. The developer shall dedicate, at no cost to Gwinnett County or the City of Snellville 40 feet of right-of-way from the centerline of North Road.

Tract 3 shall be rezoned to OP with the following conditions of zoning:

1. The property shall be developed in general accordance with the submitted site plan dated July 20, 2004 entitled "Concept Review" and prepared by Hill Foley Rossi and Associates with modifications to meet conditions of zoning or State, County, and City regulations. Substantial variation from the concept plan, as determined by the Director of Planning and Development, will require Mayor and Council approval.
2. Prior to issuance of a Site Development Permit for each phase of the project, if any, the developer shall submit architectural elevations in the form of a "Plan Book" for typical structures for review and approval by the Director of Planning & Development. At a minimum, the "Plan Book" shall include: allowable building elevations; design criteria for entries, doors, windows, columns, cornices, exterior colors and materials, and other

pertinent information. All structures shall be constructed in accordance with the approved "Plan Book." Said "Plan Book" shall become a binding restriction on all structures within the development and may be amended or supplemented only by approval of the Director of Planning & Development.

3. Signs higher than 15 feet and larger than 225 square feet are prohibited. Signs shall be made of stone or brick.
4. No outdoor loudspeakers shall be allowed, except two way speakers commonly used in approved drive through locations.
5. Adult Entertainment Establishments are prohibited.
6. The developer shall install street trees in the right-of-way of the subject parcel and parcels 5-39-47, 43, 44, 45, 46, 32, 23, and 22 where abutting North Road. Installation shall be in compliance with Section 20.6 (Street Trees) of the Zoning Ordinance.
7. Interparcel access shall be prohibited from Tract 1.
8. The curb cut for this parcel onto North Road shall line up with Myra Lane. Tract 2 shall access North Road via this curb cut.
9. An interparcel access stub shall be provided to the adjoining property to the north.
10. Parking shall be prohibited between the front of the building and North Road.
11. The developer shall dedicate, at no cost to Gwinnett County or the City of Snellville 40 feet of right-of-way from the centerline of North Road.
12. The developer shall install a crosswalk on North Road at Myra Lane.

Council Member Jenkins seconded the motion.

Mayor Pro Tem Chad Smith went on public record that he works for the firm Hill Foley Rossi and Associates who generated the plans. Mayor Pro Tem Smith stated that he would not, in any way, receive anything of value in return for an agreement to procure or attempt to procure the passage or defeat of this passage of legislation.

Mayor Pro Tem Smith referred to tract 1, item 8 and offered the following amendment:

8. The building(s) associated with this tract shall contain no more than 65,000 square feet with no single tenant larger than 35,000 square feet.

Council Members Garraway and Jenkins accepted the amendment.

Mayor Pro Tem Smith referred to tract 2, item 7: He said he would like to add to the end of item 7 "Preserving the existing structure and architectural character."

Council Members Garraway and Jenkins accepted the amendment.

Council Member Mike Smith referred to item 4 on both tracts 2 and 3 and requested that they be changed to strike "except two way speakers commonly used in approved drive through locations."

Council Members Garraway and Jenkins accepted the changes.

Mayor Oberholtzer stated that on tract 2 the City Attorney recommended adding condition number 13 to read "Drive-thrus shall be prohibited."
Council Members Garraway and Jenkins accepted the condition.

Mr. Sullivan expressed concern with condition number 8 on tract 3, stating his clients would rather have the existing curb cuts; he stated on condition number 7 on tract 2 he did not hear "Office Uses" listed and they would like to have the ability to do that. Mr. Sullivan stated that this should not be a problem and would actually be a less intensive use than restaurant or antique store or anything else.

Mayor Oberholtzer asked Mrs. Roth if "Office Uses" is allowed in BG zoning; Mrs. Roth responded that it is.

Mayor Pro Tem Smith offered the following addition to the conditions of tract 1 (number 18):
"A thirty (30) foot landscape strip with a fifty (50) foot radius from the point between tracts 1 and 2 along North Road that would create an arc along the back of the property."

After further discussion, Mr. Chris Snell, 4400 Hidden Stream Drive, Loganville, one of the owners of the property, said they have the same concerns as Mayor Pro Tem Smith about the development between their Grandmother's house and the new building. He said they can eliminate some or all of the parking, sculpture the line, rather than having a straight line, preserve where the trees are, and put some type of plantings between where the trees are.

After further discussion, Council Member Garraway requested that someone state the condition. Mayor Oberholtzer stated that the condition would read that on the submitted site plan the 10 foot landscape strip on tract 1 abutting tract 2 be increased from 10 feet to a minimum of 30 feet. Mayor Pro Tem Smith said that way they could move the property line south. Mr. Sullivan said the applicant would have no problem with that.

Mayor Oberholtzer asked if there were any objections from council on the additional condition; there were none.

Mrs. Roth pointed out that the applicant would need a parking variance based on the site plan that has been submitted. She recommended that a condition number 19 be added to tract 1 as follows: "There shall be no minimum number of parking spaces required."

Council Members Garraway and Jenkins accepted the recommendation to add condition number 19.

The motion to approve with the following conditions as stated:

Tract 1 shall be rezoned to BG with the following conditions of zoning:

1. The property shall be developed in general accordance with the submitted site plan dated July 20, 2004 entitled "Concept Review" and prepared by Hill Foley Rossi and Associates with modifications to meet conditions of zoning or State, County, and City regulations. Substantial variation from the concept plan, as determined by the Director of

- Planning and Development, will require Mayor and Council approval. A reduction in the building square footage shall not constitute a substantial variation.
2. Prior to issuance of a Site Development Permit for each phase of the project, if any, the developer shall submit architectural elevations in the form of a "Plan Book" for typical structures for review and approval by the Director of Planning & Development. At a minimum, the "Plan Book" shall include: allowable building elevations; design criteria for entries, doors, windows, columns, cornices, exterior colors and materials, and other pertinent information. All structures shall be constructed in accordance with the approved "Plan Book." Said "Plan Book" shall become a binding restriction on all structures within the development and may be amended or supplemented only by approval of the Director of Planning & Development.
 3. Signs higher than 15 feet and larger than 225 square feet are prohibited. Signs shall be made of stone or brick.
 4. No outdoor loudspeakers shall be allowed, except two-way speakers commonly used in approved drive-through locations.
 5. Adult Entertainment Establishments are prohibited.
 6. A clock tower, decorative statue, fountain and/or similar decorative feature shall be installed at the primary entrance to the development. Said structure may not be used as an entrance sign.
 7. The following uses shall be prohibited: Adult Entertainment Establishments; Automotive Sales, Service & Parts; Tattoo Parlors; Heavy Equipment Sales/Rental; Pawn Shops; Gas Stations; Log Splitting/Storage; Boarding and Rooming Houses; Building Supply Centers with Outdoor Lumber Yards or Storage Areas; Taxicab or Limousine Services with On-site Parking/Storage of Vehicles for Hire.
 8. The building(s) associated with this tract shall contain no more than 65,000 square feet. No single tenant shall be larger than 35,000 square feet.
 9. The developer shall install a twenty-foot wide (20') landscape strip with a five-foot tall (5') berm. Said strip shall be planted with a mixture of evergreen trees, including Leyland Cypress, Virginia Pine, and Southern Magnolia, as approved by the Director of Planning and Development.
 10. The developer shall install street trees in the right-of-way of the subject parcel and parcels 5-39-47, 43, 44, 45, 46, 32, 23, and 22 where abutting North Road. Installation shall be in compliance with Section 20.6 (Street Trees) of the Zoning Ordinance.
 11. Interparcel access shall be prohibited from Tracts 2 and 3.
 12. An interparcel access stub shall be provided to Parcels 5-40-11, 5-39-15, and 5-39-5.
 13. The developer shall dedicate, at no cost to Gwinnett County or the City of Snellville 40 feet of right-of-way from the centerline of North Road.
 14. The developer shall install a crosswalk on North Road at Eastwood Drive.
 15. The side and rear facades of any buildings shall have roofs that comply with Section 7.7(5) of the Zoning Ordinance.
 16. A bike rack (10-bike minimum) shall be installed on the retail site.

17. A thirty (30') foot landscape strip shall be installed between tracts 1 and 2 and shall include a minimum fifty (50') foot radius.
18. The ten (10') foot landscape strip on the submitted site plan on tract 1 abutting tract 2 shall be increased from 10 feet to a minimum of 30 feet.
19. There shall be no minimum number of parking spaces required.

Tract 2 shall be rezoned to BG with the following conditions of zoning:

1. The property shall be developed in general accordance with the submitted site plan dated July 20, 2004 entitled "Concept Review" and prepared by Hill Foley Rossi and Associates with modifications to meet conditions of zoning or State, County, and City regulations. Substantial variation from the concept plan, as determined by the Director of Planning and Development, will require Mayor and Council approval.
2. Prior to issuance of a Site Development Permit for each phase of the project, if any, the developer shall submit architectural elevations in the form of a "Plan Book" for typical structures for review and approval by the Director of Planning & Development. At a minimum, the "Plan Book" shall include: allowable building elevations; design criteria for entries, doors, windows, columns, cornices, exterior colors and materials, and other pertinent information. All structures shall be constructed in accordance with the approved "Plan Book." Said "Plan Book" shall become a binding restriction on all structures within the development and may be amended or supplemented only by approval of the Director of Planning & Development.
3. Signs higher than 15 feet and larger than 225 square feet are prohibited. Signs shall be made of stone or brick.
4. No outdoor loudspeakers shall be allowed.
5. Adult Entertainment Establishments are prohibited.
6. The developer shall install street trees in the right-of-way of the subject parcel and parcels 5-39-47, 43, 44, 45, 46, 32, 23, and 22 where abutting North Road. Installation shall be in compliance with Section 20.6 (Street Trees) of the Zoning Ordinance.
7. The property shall only be used for the following: Fine Dining Restaurant; Antique Shop; Art gallery and/or studio; Book or stationery store; Custom dressmaking and sewing shop; Florist; Gift and card shop; Interior Decorating Shop; Jewelry Store; Photography Shop/Studio; and Watch and Clock Repair Shop. The existing structure shall be preserved, including its architectural character.
8. Interparcel access shall be prohibited from Tract 1.
9. This parcel shall have no vehicular access to North Road. Access shall be provided via interparcel access with Tract 3.
10. Parking shall be prohibited between the front of the building and North Road.
11. The existing home shall be maintained. Any renovations, expansions, and/or additions shall be consistent with the architectural design and materials of the home, as approved by the Director of Planning and Development.
12. The developer shall dedicate, at no cost to Gwinnett County or the City of Snellville 40 feet of right-of-way from the centerline of North Road.
13. Drive-thrus shall be prohibited.

Tract 3 shall be rezoned to OP with the following conditions of zoning:

1. The property shall be developed in general accordance with the submitted site plan dated July 20, 2004 entitled "Concept Review" and prepared by Hill Foley Rossi and Associates with modifications to meet conditions of zoning or State, County, and City regulations. Substantial variation from the concept plan, as determined by the Director of Planning and Development, will require Mayor and Council approval.
2. Prior to issuance of a Site Development Permit for each phase of the project, if any, the developer shall submit architectural elevations in the form of a "Plan Book" for typical structures for review and approval by the Director of Planning & Development. At a minimum, the "Plan Book" shall include: allowable building elevations; design criteria for entries, doors, windows, columns, cornices, exterior colors and materials, and other pertinent information. All structures shall be constructed in accordance with the approved "Plan Book." Said "Plan Book" shall become a binding restriction on all structures within the development and may be amended or supplemented only by approval of the Director of Planning & Development.
3. Signs higher than 15 feet and larger than 225 square feet are prohibited. Signs shall be made of stone or brick.
4. No outdoor loudspeakers shall be allowed.
5. Adult Entertainment Establishments are prohibited.
6. The developer shall install street trees in the right-of-way of the subject parcel and parcels 5-39-47, 43, 44, 45, 46, 32, 23, and 22 where abutting North Road. Installation shall be in compliance with Section 20.6 (Street Trees) of the Zoning Ordinance.
7. Interparcel access shall be prohibited from Tract 1.
8. The curb cut for this parcel onto North Road shall line up with Myra Lane. Tract 2 shall access North Road via this curb cut.
9. An interparcel access stub shall be provided to the adjoining property to the north.
10. Parking shall be prohibited between the front of the building and North Road.
11. The developer shall dedicate, at no cost to Gwinnett County or the City of Snellville 40 feet of right-of-way from the centerline of North Road.
12. The developer shall install a crosswalk on North Road at Myra Lane.

The motion was voted 5 in favor and 0 opposed, motion carried.

There meeting recessed at 9:30 p.m.

The meeting reconvened at 9:35 p.m.

2nd Reading - CUP 04-02 – Conditional Use Permit Application for First Baptist Church, 2400 Main St. East for expansion of existing House of Worship

Mayor Oberholtzer announced for the record he had worked with the architect, Mr. Glitsis at Heery International during the 1980s' and also that he worked for Hayes James in 1986 – 1987, who is the engineer of record for the current site plan.

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Jessica Roth gave an overview of the application. The Planning Department and Planning Commission both recommend approval with conditions. Ernest Linzie, was present representing the applicant. Council Member Jenkins advised he was a member of the First Baptist Church so he recused himself and left the room

The following citizens spoke:

Ann Duke, 2492 Poplar Street advised she had a good meeting with Mr. Linzie.

Darrell Cochran, 2536 Pine Street, asked if baseball fields were proposed.

Don Glitsis, 2775 Margaret Mitchell Drive, asked about a Master Plan.

Cindy Eaton, 2545 Pine Street, stated she has not seen the Master Plan.

Council Member Mike Smith made a motion to approve with the following conditions:

1. The property shall be developed in general accordance with the submitted plan entitled "Preliminary Master Plan – First Baptist Snellville" prepared by Myrick, Gurosky and Associates and dated June 21, 2004 with modifications to meet conditions of zoning or State, County, and City regulations. Substantial variation from the concept plan, as determined by the Director of Planning and Development, will require Mayor and Council approval. Should the development be completed in phases, a site plan that delineates each phase of construction will require approval by the Planning & Development Director before a development permit may be issued for the first phase of construction.
2. Signs higher than 15 feet and larger than 225 square feet are prohibited.
3. Adult Entertainment Establishments are prohibited.
4. The property owner shall dedicate at no cost twenty-five feet (25') of right-of-way from the centerline of Church Street along the entire property line fronting said street.
5. Access to Pine Street from said property shall be prohibited unless the owner acquires all remaining lots on Pine Street and acquires a Conditional Use Permit for said lots. A ten-foot wide (10') planting strip shall be installed at the end of the stub street to prevent vehicular access and shall remain in place until the adjoining property is constructed to current street development standards and the previously mentioned conditions have been satisfied. Said planting strip shall be planted with six-foot (6') tall Leyland Cypress, ten-foot (10') on-center.
6. Parking decks/structures shall meet the following requirements:
 - a. Parking deck facades shall conceal automobiles from visibility from any public right-of-way or private drive or street that are open to the general public, and shall have the appearance of a horizontal storied building.
 - b. Internal parking deck lighting fixtures shall not be visible from any public right-of-way or private street.
7. The following curb cuts proposed on the preliminary master plan shall be eliminated: the northernmost entrance on Henry Clower Blvd. (near the Children's Building); the westernmost entrance on Highway 78; and the northernmost entrance on Church Street.
8. No outdoor loudspeakers shall be allowed.

9. There shall be no maximum lot size. However, a Conditional Use Permit(s) shall be required for future development not indicated on the submitted preliminary master plan.
10. A master stormwater management plan shall be completed and implemented with the first phase of the overall master plan.

The motion was seconded by Mayor Pro Tem Chad Smith; voted 4 in favor and 0 opposed.

Council Member Jenkins returned to the meeting.

1st Reading - RZ 04-09 – Rezoning Application from OP, Office Professional and BN, Neighborhood Business to BG, General Business by City of Snellville for property at 2795 Main Street West (former Police Department).

Jessica Roth gave an overview of the application.

Mayor Pro Tem made a motion to waive the first reading and place on the October 25th agenda, 2nd by Council Member Garraway; voted 5 in favor and 0 opposed.

1st Reading – Ordinance to Amend the Charter (Home Rule Amendment)

Jeff Timler gave a brief overview.

Mayor Oberholtzer read the proposed amendment into record. (A copy is attached to and made a part of these minutes.)

Council Member Garraway made a motion to place on the October 11th agenda for a first reading and adoption, 2nd by Mayor Pro Tem Chad Smith, voted 4 in favor and 1 opposed with Council Member Jenkins casting the opposing vote, motion carried.

REGULAR BUSINESS
CONSENT AGENDA

OLD BUSINESS

None

NEW BUSINESS

Amendment To Planning & Development Department Fee Schedule Concerning Plan Review Fees

Council Member Garraway made a motion to approve the amended fee schedule, 2nd by Council Member Mike Smith; voted 5 in favor and 0 opposed, motion carried.

COUNCIL ANNOUNCEMENTS

Mayor Pro Tem Chad Smith advised he was stopped by a couple who expressed their thanks to the police department for removing a tree that had fallen at their house during the last hurricane. Council Member Garraway expressed his appreciation to the police department for all of their efforts.

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MAYOR'S REPORT

Mayor Oberholtzer announced the November 22nd and December 27th meetings would both be cancelled.

ANNOUNCEMENTS

PUBLIC COMMENTS

None

Mayor Oberholtzer read the closed meeting notice into record as follows:

To discuss pending and/or potential litigation, settlement claims, administrative proceedings or other judicial actions, which is exempt from the Open Meetings Act pursuant to O.C.G.A. Section 50-14-2-(1).

To discuss future acquisition of real estate, which is excluded from the Open Meetings Act pursuant to O.C.G.A. Section 50-14-3-(4).

Upon a motion by Council Member Mike Smith, seconded by Council Member Garraway, the meeting was closed, with all Council Members and the Mayor present and voting in favor.

The meeting recessed to conference room 103 at 10:20 p.m.

The meeting reconvened at 10:50 p.m.

ADJOURNMENT

Mayor Pro Tem Chad Smith made a motion to adjourn, 2nd by Council Member Mike Smith; voted 5 in favor and 0 opposed, motion carried.

The meeting adjourned at 10:50 p.m.


Jerry Oberholtzer, Mayor


Sharon Lowery, City Clerk