

Board of Commissioners

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Charlotte J. Nash, Chairman
Jace W. Brooks, District 1
Lynette Howard, District 2
Tommy Hunter, District 3
John Heard, District 4



Public Hearing Minutes
Tuesday, April 23, 2013 - 7:00 PM

Present: Charlotte J. Nash, Jace Brooks, Lynette Howard, Tommy Hunter & John Heard

I. Call To Order, Invocation, Pledge to Flag

II. Opening Remarks by Chairman

III. Approval to Amend Agenda
Approval of Amended Agenda

Add Agenda Item 2013-0388

{Action: Approved Motion: Howard Second: Hunter Vote: 5-0; Nash-Yes; Brooks-Yes; Howard-Yes; Hunter-Yes; Heard-Yes}

IV. Approval of Minutes: **Executive Session:** April 16, 2013

Work Session: April 16, 2013

BoC Briefing 10:30am: April 16, 2013

Business Session: April 16, 2013

{Action: Approved Motion: Hunter Second: Howard Vote: 5-0; Nash-Yes; Brooks-Yes; Howard-Yes; Hunter-Yes; Heard-Yes}

V. Announcements

- **Resolution of Recognition:** Global Youth Service Days, April 21-28, 2013
{Action: Approved Motion: Hunter Second: Heard Vote: 5-0; Nash-Yes; Brooks-Yes; Howard-Yes; Hunter-Yes; Heard-Yes}
- **Resolution of Recognition:** Commending the Norcross Varsity Girls Basketball Team 2013 Class AAAAAA State Champions
{Action: Approved Motion: Howard Second: Hunter Vote: 5-0; Nash-Yes; Brooks-Yes; Howard-Yes; Hunter-Yes; Heard-Yes}
- **Resolution of Recognition:** Commending the Norcross Boys Basketball Team 2013 Class AAAAAA State Champions
{Action: Approved Motion: Howard Second: Hunter Vote: 5-0; Nash-Yes; Brooks-Yes; Howard-Yes; Hunter-Yes; Heard-Yes}
- **Resolution of Recognition:** Commending the 2012 Miss Dacula Representatives
{Action: Approved Motion: Hunter Second: Howard Vote: 5-0; Nash-Yes; Brooks-Yes; Howard-Yes; Hunter-Yes; Heard-Yes}
- **Resolution of Recognition:** Commending the 2013 Mill Creek Winter Guard Team World Championships Finalist
{Action: Approved Motion: Hunter Second: Nash Vote: 5-0; Nash-Yes; Brooks-Yes; Howard-Yes; Hunter-Yes; Heard-Yes}

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VI. Public Hearing – Old Business

I. Planning & Development/Bryan Lackey

2012-0551 RZC2012-00010, Applicant: Mahalo Investments IV, LLC, Owner: Mahalo Investments IV, LLC, R-SR to C-2, Commercial/Retail Uses, District 7 Land Lot 094 Parcels 005, 1700 Block of Old Peachtree Road, 2100 Block of Rock Springs Road, 2000 Block of Sunny Hill Road, 9.50 Acres. District 4/Heard (Tabled on 04/23/2013) (Tabled to 05/28/2013)(Public hearing was not held)[Planning Department Recommendation: Deny][Planning Commission Recommendation: Deny without Prejudice] {Action: Tabled Motion: Heard Second: Hunter Vote: 5-0 Nash-Yes; Brooks-Yes; Howard-Yes; Hunter-Yes; Heard-Yes}

2012-1051 RZM2012-00005, Applicant: Brand Properties, LLC, Owner: Cross Pointe Church, M-2 to RM-13, Apartments, District 7 Land Lot 123 Parcel 003, 1700 Block of Satellite Boulevard, 1600 Block of Cross Pointe Way, 32.67 Acres. District 1/Brooks[Planning Department Recommendation: Approve with Conditions][Planning Commission Recommendation: Approve with Conditions] {Action: Approved with Change Motion: Brooks Second: Howard Vote: 5-0 Nash-Yes ; Brooks-Yes; Howard-Yes; Hunter-Yes; Heard-Yes}

VII. Public Hearing – New Business

I. Change in Conditions

2013-0294 CIC2013-00007, Applicant: Georgia Pavement Products, Inc., Owner: Im Heon Soon & Jin Sook, Change In Conditions to Revise Use and Outdoor Storage Restrictions on Property Zoned C-2, District 6 Land Lot 247 Parcel 024, 6900 Block of Buford Highway, 2.80 Acres. District 2/Howard[Planning Department Recommendation: Approve with Conditions][Planning Commission Recommendation: Approve with Conditions] {Action: Approved with Stipulations Motion: Howard Second: Brooks Vote: 5-0; Nash-Yes; Brooks-Yes; Howard-Yes; Hunter-Yes; Heard-Yes}

VII. Public Hearing – New Business

2. Special Use Permit

2013-0288 SUP2013-00014, Applicant: Amy Wilson, Owner: Nathan Wilson, for a Special Use Permit in an R-100 CSO Zoning District for a Home Occupation (Nail Salon) (Renewal), District 7 Land Lot 323 Parcel 091, 5600 Block of Winter Bluff Way, 1200 Block of Autumn Wood Trail, 0.16 Acre. District 1/Brooks (Tabled on 04/23/2013) (Tabled to 06/25/2013)(Public hearing was not held)[Planning Department Recommendation: Approve with Conditions][Planning Commission Recommendation: Approve with Conditions] {Action: Tabled Motion: Brooks Second: Howard Vote: 5-0; Nash-Yes; Brooks-Yes; Howard-Yes; Hunter-Yes; Heard-Yes}

2013-0289 SUP2013-00015, Applicant: Eduardo Moreno, Owner: Bronco Enterprises, LLC, for a Special Use Permit in an M-1 Zoning District for a Building Height Increase to 99.3 Feet, District 6 Land Lot 217 Parcel 023, 6400 Block of Crescent Drive, 3.46 Acres. District 2/Howard[Planning Department Recommendation: Approve with Conditions][Planning Commission Recommendation: Approve with Conditions] {Action: Approved with Stipulations Motion: Howard Second: Hunter Vote: 5-0; Nash-Yes; Brooks-Yes; Howard-Yes; Hunter-Yes; Heard-Yes}

2013-0290 SUP2013-00016, Applicant: Jared Groff, Owner: Martin Brothers Building, LLC, for a Special Use Permit in a C-2 Zoning District for Automobile Service, District 6 Land Lot 053 Parcel 342, 2300 Block of Hewatt Road, 0.92 Acre. District 3/Hunter[Planning Department Recommendation: Approve with Conditions][Planning Commission Recommendation: Approve with Conditions] {Action: Approved with Stipulations Motion: Hunter Second: Heard Vote: 5-0; Nash-Yes; Brooks-Yes; Howard-Yes; Hunter-Yes; Heard-Yes}

VII. Public Hearing – New Business

2. Special Use Permit

2013-0291 SUP2013-00017, Applicant: Roland Lanctot, Owner: Roland Lanctot, for a Special Use Permit in an M-1 Zoning District for Automobile Service and Tire Store, District 7 Land Lot 013 Parcel 003D, 800 Block of Petty Road, 1.10 Acres. District 4/Heard (Tabled on 04/23/2013) (Tabled to 05/28/2013)(Public hearing was not held)[Planning Department Recommendation: Approve with Conditions][Planning Commission Recommendation: Tabled - Date: 5/7/2013] {Action: Tabled Motion: Heard Second: Hunter Vote: 5-0; Nash-Yes; Brooks-Yes; Howard-Yes; Hunter-Yes; Heard-Yes}

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2013-0292 SUP2013-00018, Applicant: Elite Paint and Body, LLC, Owner: Overlook Lots, LLC, for a Special Use Permit in a C-2 Zoning District for an Automobile Body Repair Shop, District 7 Land Lot 012 Parcel 052, 800 Block of Cripple Creek Drive, 0.64 Acre. District 4/Heard[Planning Department Recommendation: Approve with Conditions][Planning Commission Recommendation: Approve with Conditions] {Action: Approved with Stipulations Motion: Heard Second: Hunter Vote: 5-0; Nash-Yes; Brooks-Yes; Howard-Yes; Hunter-Yes; Heard-Yes}

3. Rezonings

2013-0293 RZR2013-00002, Applicant: Berean Christian Church, Inc., Owner: Berean Christian Church, Inc., C-2 to R-100, Church, District 6 Land Lot 086 Parcels 006A, 013 & 133, 1300-1400 Block of Oak Road, 1300 Block of Hewatt Road, 5.70 Acres. District 3/Hunter (Tabled on 04/23/2013) (Tabled to 05/28/2013)(Public hearing was not held)[Planning Department Recommendation: Approve with Conditions][Planning Commission Recommendation: Tabled - Date: 5/7/2013] {Action: Tabled Motion: Hunter Second: Nash Vote: 5-0; Nash-Yes; Brooks-Yes; Howard-Yes; Hunter-Yes; Heard-Yes}

VIII. New Business

I. Financial Services/Maria Woods

2013-0321 Approval of the March 31, 2013 Financial Status Report and ratification of all budget amendments. Approval\authorization to amend the Emergency 911 Fund budget by appropriating an additional \$900,000 for Intergovernmental Payments in fiscal year 2013. {Action: Approved Motion: Howard Second: Brooks Vote: 5-0; Nash-Yes; Brooks-Yes; Howard-Yes; Hunter-Yes; Heard-Yes}

2. Law Department/Van Stephens

2013-0389 Approval/authorization to take any and all actions necessary to comply with the recently issued Georgia Court of Appeals decision in Old Peachtree Partners, LLC v. Gwinnett County, Georgia, 315 Ga.App. 342 (2012), holding that a 2009 Settlement Agreement between Gwinnett County and Old Peachtree Partners, LLC in the 2008 Superior Court case of Gwinnett County, Georgia v. Old Peachtree Partners, LLC, Civil Action File No. 08-A-03939-4 is enforceable, including, but not limited to, the purchase of 16.203 acres of property from Old Peachtree Partners, LLC for a purchase price of \$5,265,975.00, and the payment of an additional \$150,000.00 in the 2009 condemnation case of Gwinnett County, Georgia v. Old Peachtree Partners, LLC, Superior Court of Gwinnett County, Civil Action File No. 09A-03795-4, subject to review and approval by the Law Department. {Action: Approved Motion: Nash Second: Howard Vote: 5-0; Nash-Yes; Brooks-Yes; Howard-Yes; Hunter-Yes; Heard-Yes}

3. Planning & Development/Bryan Lackey

2013-0324 Ratification of plat approvals for March 1, 2013 thru March 31, 2013 (Staff Recommendation: Approval) {Action: Approved Motion: Heard Second: Hunter Vote: 5-0; Nash-Yes; Brooks-Yes; Howard-Yes; Hunter-Yes; Heard-Yes}

VIII. New Business

4. Police Services/Charlie Walters

2013-0385 Approval/authorization for the Chairman to execute an Agreement with the Gwinnett Sexual Assault Center (GSAC) for the provision of forensic-medical examinations, base amount of \$48,000.00 and Case and Records Management Services, not to exceed \$117,250.00. Approval for the Chairman to execute any and all related documents subject to approval by the Law Department. This agreement is funded by the Police Special Operations Fund and the General Fund. (Staff Recommendation: Approval) {Action: Approved Motion: Howard Second: Brooks Vote: 5-0; Nash-Yes; Brooks-Yes; Howard-Yes; Hunter-Yes; Heard-Yes}

5. Probate Court Judges

2013-0348 Approval/authorization to amend the fiscal year 2013 budget to appropriate funds in the Probate Court to hire four part-time, temporary employees to address unprecedented volume in weapons carry license applications and the backlog of work associated therewith. (Staff Recommendation: Approval) {Action: Approved Motion: Nash Second: Howard Vote: 5-0; Nash-Yes; Brooks-Yes; Howard-Yes; Hunter-Yes; Heard-Yes}

6. Support Services

2013-0319 Approval/authorization for the Chairman to execute a Lease Agreement with New Cingular Wireless PCS, LLC to collocate on a County owned tower and locate site equipment on a portion of County owned property located at 1850 North Brown Road, Lawrenceville, known as "North Brown Road Communications Tower". Contracts to follow approval. Subject to approval by the Law Department. District I/Brooks (Staff Recommendation: Approval) {Action: Approved Motion: Heard Second: Hunter Vote: 5-0; Nash-Yes; Brooks-Yes; Howard-Yes; Hunter-Yes; Heard-Yes}

VIII. New Business

7. Law Department/Van Stephens

2013-0388 Approval/authorization for the Chairman to execute an Amendment to the Intergovernmental Agreement between Gwinnett County and the City of Peachtree Corners dated December 11, 2012, so as to extend the time for entering into an Agreement concerning use of hotel/motel taxes and rental car taxes collected from establishments within the City of Peachtree Corners through and including June 28, 2013, subject to review and approval by the Law Department. {Action: Approved Motion: Nash Second: Hunter Vote: 5-0; Nash-Yes; Brooks-Yes; Howard-Yes; Hunter-Yes; Heard-Yes}

IX. Comments from Audience

X. Adjournment

{Action: Approved Motion: Hunter Second: Heard Vote: 5-0; Nash-Yes; Brooks-Yes; Howard-Yes; Hunter-Yes; Heard-Yes}