

# Burdord City Commission

September 5, 2017

The regular monthly meeting was held on September 5, 2017 and all Commission members were present.

Chairman Beard called the meeting to order at 7:00 p.m. and Mr. Burge led the Pledge of Allegiance.

Motion by Mrs. Smith, seconded by Mr. Burge to approve the agenda for the September 5, 2017 Commission meeting as presented.

Ayes 3  
Nays 0

Motion by Mr. Burge, seconded by Mrs. Smith to adopt the minutes from the August 7, 2017 regular Commission meeting and the minutes from the special called Commission meeting on August 7, 2017 at 10:00 a.m. as presented by staff.

Ayes 3  
Nays 0

Chairman Beard stated that this portion of the meeting would be set aside for public hearings.

## Rezoning:

#Z-17-07: Sindar Enterprises, Inc. request rezoning for the property located at 4081 South Bogan Road from R-100 to C-2 with buffer reductions adjacent to residential properties. Mitch Peavy spoke on behalf of the applicant and explained the request to the Board. Applicant has requested that the rezoning request be tabled until the October meeting. Motion by Mr. Burge, seconded by Mrs. Smith to table the request until the October meeting.

Ayes 3  
Nays 0

## Special Use Permit:

#SUP-17-11: DCR Real Estate VI Sub, LLC requests a special use permit for the property located at 4226 Hamilton Mill Road. The special use permit requested is to allow a Montessori School. Kyle Bowen, DPE Engineers, spoke on behalf of the applicant and stated that the modified parking plan is substantially similar to the plan approved by the Planning & Zoning board and caused no safety concerns. Ronnie Puckett spoke against the request with concerns of traffic, noise, buffers and safety of the children. Motion by Mr. Burge, seconded by Mrs. Smith to approve the request with the following conditions:

*MS*  
*AB*  
*AB*

1. Site plan shall be substantially similar to the plan that was submitted with the revised Application submitted to the Commission subject to approval by the City engineer.
2. Front building elevation shall consist of brick, stone or stucco as approved by the Planning Director.
3. Drive under canopy/overhang shall be removed for parking.
4. The drop-off location for students shall be in the rear of the building.
5. The special use permit is approved for the applicant DCR Real Estate VI Sub, LLC.
6. Upon vacancy of this business the special use permit shall expire.
7. Entrance/exit on Hamilton Mill Road shall be right in and right out only.
8. Applicant shall relocate dumpster away from the Puckett property.

Ayes 3  
Nays 0

#SUP-17-12: Courtney Accorsi requests a special use permit for the property located at 3001 Peachtree Industrial Boulevard, Suite C. The special use permit requested is to allow outside storage of vehicles. Applicant was not present. Mr. Kerlin stated that he spoke with the applicant and they have found another location. Motion by Mrs. Smith, seconded by Mr. Burge to deny the request.

Ayes 3  
Nays 0

#SUP-17-13: Zulfigar W. Abro requests a special use permit for the property located at 4125 Buford Drive, Suite L. The special use permit requested is to allow window tinting, paint protection film, alarm systems, and backup cameras to vehicles. Applicant was present and stated there would be no outside work. No one spoke against the request. Commissioner Burge said he preferred maintaining retail business in the shopping center and not auto repair or related businesses. Motion by Mrs. Smith, seconded by Mr. Burge to deny the request.

Ayes 3  
Nays 0

**Zoning Modification:**

#ZM-17-03: Spartan Investors I, LLC, Morningside Drive Subdivision Tract, requests to modify condition #5 from the October 3, 2016 meeting:

5. The front setback shall be 15 feet for the front entry homes and 10 feet for the rear entry homes. The minimum rear setback for all homes shall be 20 feet. The side yard setback shall be a minimum of 5 feet.

The modification will reduce rear setback from 20 feet to 15 feet for rear entry basement lots for lots 7, 8, 9, 10, 11, 12, 13, 14, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 69, 70, 71, 72, 73, 74 and will allow decks, both covered and uncovered, to encroach into the 20 foot rear setback on rear load alley drives. Motion by Mrs. Smith, seconded by Mr. Burge to approve the request.

Ayes 3  
Nays 0

#ZM-17-04: Chafin Builders, The Reserve at Big Creek Subdivision (off Frazer Road), requests to modify condition #3 from the October 5, 2015 meeting; the current condition requires four (4) sides brick with stone accents only. The modification will allow stone as a primary construction material for the homes on all lots. Motion by Mr. Burge, seconded by Mrs. Smith to approve the request.

Ayes 3  
Nays 0

#ZM-17-05: D. R. Horton, Inc., Whispering Creeks Subdivision Phase 3, has withdrawn their request to modify conditions #1 and #10 from the July 1, 2016 meeting.

#ZM-17-06: Nancy Thompson, 2446 East Maddox Road, Parcel # 7-226-112 (7 +/- acres) requests to modify the following conditions from December 4, 2006 meeting annexing the property to R-100:

1. The site shall be developed in accordance with the site plan submitted with this Application. (see attached)
2. The driveway width on the site plan shall be changed to 18 feet.
3. The developer shall obtain a traffic study for the intersection of East Maddox Road and South Bogan Road to see if a traffic signal and/or road improvements are warranted for this project. If a traffic signal and/or road improvements are warranted, then the developer shall be required to install them at the developer's expense.
4. A gated residential community as per site plan submitted with this application.

Motion by Mrs. Smith, seconded by Mr. Burge to remove all the conditions from December 4, 2006 meeting and to allow the potential buyer to use the property to build one (1) single family residence a minimum of 5,000 square feet.

Ayes 3  
Nays 0

Chairman Beard stated that this concludes the public hearing portion of the meeting.

Motion by Mr. Burge, seconded by Mrs. Smith to approve final plat for DME Investments LP, Bristol Industrial Way, to divide Lot 13 (4.66 acres) to Lot 13A (2.74 acres) and Lot 13B (1.92 acres) allowing 47.89 feet of road frontage on Lot 13B and an access easement to two existing buildings.

Ayes 3  
Nays 0

Motion by Mr. Burge, seconded by Mrs. Smith to accept the construction and permanent utility easement from Crowell Brothers Funeral Home located on Morningside Drive.

*MS* *JS* *AS*

Motion by Mr. Burge, seconded by Mrs. Smith to authorize Chairwoman, City Manager and City Attorney to proceed with negotiations and purchase of property located at 205 and 206 Kent Road.

Ayes 3  
Nays 0

Motion by Mr. Burge, seconded by Mrs. Smith to authorize City Manager and City Attorney to negotiate and purchase 16.43 +/- acres located at 995 Gainesville Highway for a possible future school site for Buford City Schools and authorize the City Manager to execute donation documents for property owner, Lee Carter, as necessary.

Ayes 3  
Nays 0

Motion by Mrs. Smith, seconded by Mr. Burge to approve extension of contract with Republic Services for commercial sanitation services.

Ayes 3  
Nays 0

Motion by Mr. Burge, seconded by Mrs. Smith to authorize Chairman to enter into an Intergovernmental Agreement between Gwinnett County and the City of Buford regarding jointly funded 2014 and 2017 SPLOST projects.

Ayes 3  
Nays 0

Motion by Mr. Burge, seconded by Mrs. Smith to authorize Chairman to enter into a joint consent agreement with the Georgia Public Service Commission regarding adoption of the Barrow County Countywide Safety Plan.

Ayes 3  
Nays 0

Motion by Mrs. Smith, seconded by Mr. Burge to approve contract amendment with Municipal Gas Authority of Georgia for Annual Subscribed Regulatory Compliance Service Agreement.

Ayes 3  
Nays 0

Motion by Mr. Burge, seconded by Mrs. Smith to approve renewal of agreement with Proof of the Pudding by MGR, Inc.

Ayes 3  
Nays 0

Ayes 3  
Nays 0

Motion by Mr. Burge, seconded by Mrs. Smith to authorize City Manager to sign release and waiver with Georgia Department of Transportation for October 21, 2017 concert at Buford Community Center.

Ayes 3  
Nays 0

Motion by Mrs. Smith, seconded by Mr. Burge to authorize Chairman to sign Georgia Department of Transportation Indemnity Agreement for street lighting at Gateway project located at SR20 and Plunkett Road.

Ayes 3  
Nays 0

Motion by Mr. Burge, seconded by Mrs. Smith to adopt amendment to City of Buford Anti-Drug & Alcohol Plan per requirements of Code of Federal Regulations.

Ayes 3  
Nays 0

Motion by Mr. Burge, seconded by Mrs. Smith to authorize release of pledged funds with Peoples Bank & Trust. Chairman Beard abstained.

Ayes 2  
Nays 0  
Abstain 1

Motion by Mrs. Smith, seconded by Mr. Burge to authorize payment #3 for South Lee Street LCI Project in the amount of \$239,187.07.

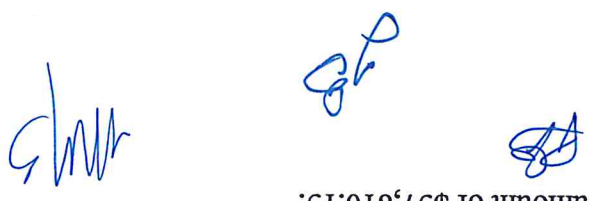
Ayes 3  
Nays 0

Motion by Mr. Burge, seconded by Mrs. Smith to authorize payment #3 for Southside Trunk Sewer project in the amount of \$408,233.05 utilizing SPLOST 2008 and enterprise funds.

Motion by Mrs. Smith, seconded by Mr. Burge to authorize payment #8 for new Buford City Gym in the amount of \$632,746.00.

Ayes 3  
Nays 0

Motion by Mrs. Smith, seconded by Mr. Burge to authorize Peak Paving final invoice (2017 LMIG OSS Grant) in the amount of \$57,810.15.



Ayes 3  
Nays 0

Motion by Mr. Burge, seconded by Mrs. Smith to authorize change order #1 for Washington Street sidewalk improvements (CDBG project).

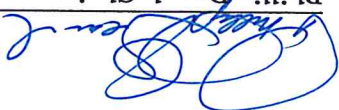
Ayes 3  
Nays 0

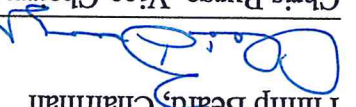
Mr. Kerlin gave the City Manager's report.

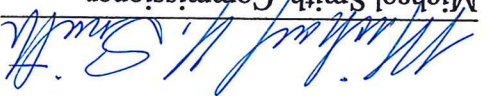
Mr. Jay gave the City Attorney's report.

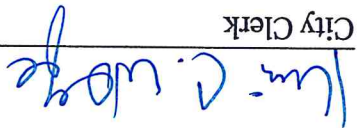
After a brief discussion with the audience, motion by Mr. Burge, seconded by Mrs. Smith to adjourn.

Ayes 3  
Nays 0

  
Phillip Beard, Chairman

  
Chris Burge, Vice-Chairman

  
Michael Smith, Commissioner

  
City Clerk  
Date 9-5-11