

Mayor Millsaps called the regularly scheduled meeting to order at 7:00 P.M. with all council members present.

Mayor Millsaps called for the approval of the October 6, 2008 and October 15, 2008 Executive Session minutes, the November 10, 2008 Regular and Executive Session minutes and the November 19, 2008 Executive Session minutes. Mr. Crow made a motion to approve the minutes as recorded with the following correction to the November 10, 2008 City Council minutes: add to the condition of the Special Use Permit SU-08-06, item #3 "and Randy Sutt" after Honest Alley, LLC. The motion was seconded by Mr. Martin. The motion carried unanimously.

Mayor Millsaps presented the Consent Agenda for council approval.

1. Approval of the Agency Application and Participation Agreement, attached hereto as Exhibit "A", between the City of Lawrenceville and the Georgia Association of Chiefs of Police to participate in the State of Georgia Law Enforcement Certification Program.
2. Approval of the reclassification of three police department positions: two police officers will be promoted to police sergeants, and one records clerk will be promoted to records supervisor, all as more particularly described on the memo attached hereto as Exhibit "B".
3. Approval of the expenditure of Eight Thousand Dollars (\$8,000.00) to hire Hayes, James & Associates to prepare and submit Georgia DOT State Aid Grant Program Applications for Jackson Street Intersection Improvements and the Nash Street Extension Project, all as more particularly described on the attached Exhibit "C".
4. Approval of the expenditure of One Thousand Five Hundred Dollars (\$1,500.00) to hire Precision Planning, Inc. to prepare and submit a grant application for the Safe Routes to School Grant Program, as more particularly described on the attached Exhibit "D".
5. Approval of the reclassification of one gas department position: one Administrative Coordinator position will be replaced by a new job position titled "Administrative Clerk – Gas Department", as more particularly described on the correspondence and job description attached hereto as Exhibit "E".
6. Approval of the proposed 2009 Planning Commission and City Council Meeting dates attached hereto as Exhibit "F".
7. Approval of the expenditure of Five Thousand Dollars (\$5,000.00) to pay the invoice from John Heard Architects, Inc., attached hereto as Exhibit "G", for the parking deck canopy planning and permitting.

8. Approval of the City of Lawrenceville's acceptance of the cost of electricity for lighting in the Courtyards at Sugarloaf neighborhood. This acceptance shall in no way transfer to the City of Lawrenceville any debts, liabilities, or other obligations incurred prior to this acceptance.
9. Approval of the use of the remainder of the 2001 SPLOST funds, previously allocated for the Oakes House Welcome Center, and interest accrued from 2001 and 2005 SPLOST funds, to be reallocated to cover overages on projects budgeted under the 2005 SPLOST, all as more particularly described on the attached Exhibit "H".

Mr. Martin asked that item #9 be removed from the Consent Agenda and placed on the regular agenda. Dr. Johnson then made a motion to approve items 1 through 8 of the Consent Agenda. The motion was seconded by Mr. Crow. The motion carried unanimously. (See Exhibit File)

PUBLIC HEARINGS – OLD BUSINESS

Mayor Millsaps called on the second reading of the Special Use Permit for the United Cerebral Palsy of Georgia Group Home. Ms. Kathy Zickert with Smith, Gambrell & Russell appeared on behalf of the United Cerebral Palsy of Georgia Group Home special request. Ms. Zickert explained that the Lawrenceville location is not a personal care home.

It is a licensed CLA for developmentally disabled individuals. She stated that this type of facility needs to be located in a neighborhood and that they did not think a permit for a group home was required. She stated that as a result of the recent incident, the individual that caused the incident has been assigned to a one-on-one caretaker. She requested that the council make an accommodation for that location since it is not on a thoroughfare and is not a one-acre tract. Ms. Diane Wilush, the Executive Director of the United Cerebral Palsy informed the council that this location has six or seven employees. Chief Johnson presented a report showing the number and type of incidents at the Lawrenceville location.

Ms. Zickert stated that this is the first time she had seen the information but that she had previously requested it from the Police Department. Chief Johnson informed Ms. Zickert that he provided her with exactly what she requested. The documents presented to the council are totally different. Mr. Crow asked if Ms. Zickert wanted to table this matter since she had not received the police information that the council just got. She indicated "no". Ms. Jan Overton of Forest Hills spoke in opposition to the request. Ms. Overton informed the council that this use violates the City ordinance by not be on a major thoroughfare and by not being on at least one acre. Ms. Overton pointed out that it used to be for individuals with Cerebral Palsy. Now, the use has expanded. She also reported on the police calls at that location. After some discussion, Mr. Martin made a motion to table this matter due to the need for the clarification of some constitutional issues. The motion was seconded by Mr. Clark. The motion carried unanimously. (See Exhibit File)

Mr. Dan Sapp, Business Administrator for the Sunrise Baptist Church appeared before the council requesting a Special Use permit for an electronic message board at their

church. Mr. Sapp agreed to comply with all City rules concerning the use of the message board. Mr. Clark then made a motion to approve the request with the stipulation that the message board meet all codes including the brightness requirement. The motion was seconded by Dr. Johnson. The motion carried unanimously. See Exhibit File

Mr. Gussio presented the second reading of the City ordinance amendment to Sections 6.2 and 7.1 of the Zoning Ordinance. Mr. Bobby Terrell of 177 Lancelot Way spoke in opposition to the requirement that only one building would be allowed on a lot. Mr. Crow then made a motion to approve 6.2 and 7.1 with the following conditions:

- 1) Accessory Use Building shall be a closed, ancillary structure that is primarily used for storage of tools, yard maintenance equipment or other like residential purposes of the residents of the primary structure on the lot. The definition shall not include doghouses, pool houses and meaning structures used in connection with the recreation or maintenance activities germane to a swimming pool.
- 2) Principle accessory uses – a maximum of two accessory use buildings per zoning lot provided that each of the following conditions are met:

Change b & c to read:

- b) It has a maximum height of 18 ft.
- c) The aggregate is no more than 400 sq. ft. with the largest structure being 250 sq. ft.

All accessory buildings will be permitted with no cost to the citizens if there are no utilities to the structure. The regular charge would be implemented if utilities are provided. The motion was seconded by Mr. Martin. The motion carried unanimously. The council also agreed to let the moratorium on accessory buildings expire. (See Exhibit File)

PUBLIC HEARINGS – NEW BUSINESS

Mr. Baroni informed the audience that the council is required to answer ethics questions on zoning issues. For the following rezoning requests, all council members including the Mayor, answered "no" to all the ethics questions. Mr. Baroni stated that the council's affidavits are on file in the Planning and Zoning office.

Mayor Millsaps presented the first reading of the rezoning request for the northwest corner of Highway 29 and Hosea Road. The applicant is requesting that the property be rezoned from HSB to LM. Dr. Johnson made a motion to approve the first reading. The motion was seconded by Mr. Martin. The motion carried unanimously. (See Exhibit File)

Mayor Millsaps presented the first reading of the Special Use Permit for 550 North Clayton Street for a Special Event Facility. Dr. Johnson made a motion to approve the first reading. The motion was seconded by Mr. Crow. The motion carried unanimously. (See Exhibit File)

Mayor Millsaps presented the first reading of a Special Use Permit for an auto repair shop at 566 West Pike Street. Mr. Crow made a motion to approve the first reading. The motion was seconded by Mr. Clark. The motion carried unanimously. (See Exhibit File)

COUNCIL BUSINESS MEETING – OLD BUSINESS

Mr. Gussio presented the second reading of the amendment to the budget ordinance, 6.109. Mr. Gussio stated that if approved, this section would be amended to read as follows: 6-109 publication within six months of the close of fiscal year statement of revenues and expenditures shall be made available for public inspection in the office of the City Clerk during regular business hours. Mr. Gussio explained that this amendment deletes a City requirement for advertisement that is not required by State Law. After some discussion, Dr. Johnson made a motion to approve the budget ordinance amendment with the stipulation that it be amended to require a notice on the front page of our website, that the approved budget is available at the City Clerk's office. The motion was seconded by Mr. Crow. The motion carried with Dr. Johnson, Mr. Martin and Mr. Crow voting for the motion. Mr. Clark voted in opposition to the motion. (See Exhibit File)

Mr. Gussio presented the second reading of the amendment to Chapter 20 of the City ordinance concerning the water rate structure. Mr. Clark asked if this was strictly a flow-thru on the wholesale price. Mr. Gussio indicated that the only increase would be the flow-thru on the wholesale rate from the County. Mr. Martin made a motion to approve the amendment. The motion was seconded by Mr. Crow. The motion carried unanimously. (See Exhibit File)

Mr. Gussio presented the second reading of the amendment to Section 34-101 of the Code of Ordinances. Mayor Millsaps asked that it be tabled on staff recommendation. Mr. Leonard stated that he would have all of the information available by the work sessions. He and Mr. Markwalter were planning to meet to discuss the changes. Mr. Martin then made a motion to table this matter until the January meeting. The motion was seconded by Mr. Crow. The motion carried unanimously. (See Exhibit File)

Mr. Gussio presented the second reading of the amendments to allow for the technical revisions to the Code of Ordinances. Mr. Crow made a motion to approve the technical revisions. The motion was seconded by Dr. Johnson. The motion carried unanimously. (See Exhibit File)

COUNCIL BUSINESS MEETING – NEW BUSINESS

Mr. Baroni presented a resolution accepting a \$65,000.00 Community Development Block Grant for the purpose of constructing ADA accessible sidewalks. Mr. Baroni stated that the resolution authorizes he and the Mayor to execute the various contracts required for the grant. Mr. Crow made a motion to approve the resolution. The motion was seconded by Dr. Johnson. The motion carried unanimously. (See Exhibit File)

Mayor Millsaps asked that the council certify the election results as presented with the agenda. Mr. Martin made a motion to approve the election results. The motion was seconded by Mr. Crow. The motion carried unanimously. (See Exhibit File)

Mr. Baroni asked that the council adopt an addendum to extend the janitorial contract with Bertin Janitorial Service. Mr. Baroni stated that the contract fee will not be increased. Mr. Crow made a motion to approve the contract extension. The motion was seconded by Mr. Martin. The motion carried unanimously. (See Exhibit File)

Mr. Leonard presented the nuisance complaint from the Police Department for the location at 502 Pine Hill Circle. After reviewing the pictures, Mr. Crow made a motion to pursue this as a nuisance complaint as soon as possible. The motion was seconded by Dr. Johnson. The motion carried unanimously. (See Exhibit File)

Mayor Millsaps called on item #9 from the Consent Agenda. Mr. Martin asked that the item be tabled until an accounting could be given on the overages from the Aurora Theatre. Mr. Martin then made a motion to table this issue until the information is provided. The motion was seconded by Mr. Clark. The motion carried with Mr. Martin, Dr. Johnson and Mr. Clark voting for the motion. Mr. Crow voted against the motion. (See Exhibit File)

Mr. Crow made a motion to adjourn into Executive Session to discuss three real estate issues and three litigation matters. The motion was seconded by Mr. Martin. The motion carried unanimously.

After the Executive Session, Mr. Powell informed those present that three items of real estate and three litigation matters were discussed. One vote was taken and that vote was unanimous. Mr. Martin then made a motion to adjourn. The motion was seconded by Mr. Clark. The motion carried unanimously.

Rex Millsaps, Mayor

Robert P. Baroni, City Clerk