

Mayor Millsaps called the regularly scheduled meeting of the Lawrenceville City Council to order at 7:00 P.M. with all Council Members present.

Mayor Millsaps called for the approval of the minutes of the September 14, 2009 Regular and Executive Sessions. Mr. Clark made a motion to approve the minutes of the September 14, 2009 City Council meeting. The motion was seconded by Mr. Martin. The motion carried unanimously.

Mr. Clark made a motion to remove the discussion of changes in the Planning Department and extract from the minutes references to the Planning Director, Economic Development Director and Risk Manager from the September 14, 2009 Executive Session minutes and make sure the issues are open to the public. After some discussion, the motion was withdrawn.

Mr. Clark then made a motion to approve the first four paragraphs of the Executive Session, table the items concerning the personnel issues and make them public. The motion was seconded by Mr. Martin. The motion failed with Mr. Martin, Mr. Clark and Ms. Beiser voting against the motion. Mr. Crow abstained.

Mr. Martin then made a motion to table action on the Executive Session minutes. The motion was seconded by Mr. Clark. The motion carried with Ms. Beiser, Mr. Martin and Mr. Clark voting for the motion. Mr. Crow abstained.

Mr. Martin requested that an additional item be placed on the agenda. Mr. Martin stated that the item is the investigation of allegations of improper behavior by the Mayor. Mayor Millsaps informed the audience that this will be Item #8 under Council Business Meeting – New Business.

Mayor Millsaps presented the Consent Agenda for council action.

#### CONSENT AGENDA

1. Approval of four (4) facility encroachment agreements between Lawrenceville and CSX Transportation, Inc. in the total amount of \$21,100.00, copies of which are attached hereto as Exhibit "A".

Mr. Crow made a motion to approve the Consent Agenda. The motion was seconded by Mr. Martin. The motion carried unanimously. (See Exhibit File)

#### PUBLIC HEARING - OLD BUSINESS

Mr. Gussio presented amendments to Sections 10 and 11 of the Zoning Ordinance concerning signs. Mr. Gussio stated that the amendments change the requirements for the signage regulations that were reduced to a chart format and the council reinstated the sign variance to the Board of Appeals. Ms. Beiser made a motion to approve the amendments. The motion was seconded by Mr. Crow. The motion carried unanimously. (See Exhibit File)

PUBLIC HEARING - 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.

Mr. Gene Byce presented a sign variance request for his property located at 116 Buford Highway. Mr. Crow asked if his customers would not have a better view of the sign if he placed it on the wall on the side of the property. Mr. Byce said this would be the less desirable option. Mr. Crow then made a motion to deny the request. The motion was seconded by Mr. Clark. The motion carried unanimously. (See Exhibit File)

Mr. Mike Sullivan presented the tall structure permit request located at the Central Baptist Church. Mr. Sullivan stated that his company, Anderson, Tate & Carr, is representing T-Mobile in their tall structure permit. Mr. Crow asked exactly where the City easement is in relation to this property and whether the drives and parking area would be paved. After these and other issues were unsolved, Mr. Martin made a motion to table this matter until the November Council meeting. 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 amendments to the Alcohol Ordinance. Mr. Gussio stated that the amendments primarily reference the timeframe for sales in certain facilities, namely the Cultural Arts Center and eliminates the prohibition on brown-bagging. Mr. Martin made a motion to approve the second reading of the amendment to the Alcohol Ordinance. The motion was seconded by Ms. Beiser. The motion carried unanimously. (See Exhibit File)

COUNCIL BUSINESS MEETING – NEW BUSINESS

Mr. Mike Reedy presented the City of Lawrenceville's signage plan for council approval. Mr. Reedy stated that the DDA paid for the initial study and that currently the LTTA is applying for a \$10,000.00 grant to assist with the implementation. After some discussion, Ms. Beiser made a motion to approve the sign plan. The motion was seconded by Mr. Martin. The motion carried unanimously. (See Exhibit File)

Mr. Bowie presented the first reading of the amendment to Chapter 20 of the City Code of Ordinances. Mr. Bowie informed the council that the City is receiving a 6½% increase in the wholesale water rate from Gwinnett County and that the City ordinance passes the wholesale rate increase on to our customers. Mr. Crow made a motion to approve the first reading. The motion was seconded by Ms. Beiser. The motion carried unanimously. (See Exhibit File)

Mayor Millsaps asked for council approval on the resolution approving certain election officials and setting the election officials' pay. Mr. Martin made a motion to approve the resolution as presented. The motion was seconded by Ms. Beiser. The motion carried unanimously. (See Exhibit File)

Mr. Clark made a motion to direct the City Attorney to draft a job description for a new position entitled "Economic Development Manager". This position shall be responsible for economic development and planning within the City. This shall include responsibility for long range planning for the City including planning for implementation of the Downtown Development Plan of the Living Cities Initiative, Mayor and Council adopted goals and the 2030 Plan. This new employee shall report to the Director of Planning and Zoning and shall make monthly reports directly to the Mayor and Council at its monthly work session so that the economic development within the City is kept as a priority. The motion was seconded by Mr. Martin. Mr. Crow asked that the job description include the whole City, not just downtown. Mr. Clark agreed that this should be part of his motion. The motion carried with all council members voting for the motion.

Mr. Clark then made a motion to direct the City Attorney to locate and propose a contract with a reputable employment agency (headhunter) with experience in government employment so as to find qualified candidates for the positions of Director of Planning and Zoning and Economic Development Manager. The motion was seconded by Mr. Martin. After some discussion, Mr. Clark withdrew his motion.

Mr. Clark then made a motion to direct the City Attorney to draft a new job description for the position formerly held by John Barnard, who recently retired, titled "Director of Risk Management and Building Maintenance". The new job description may include responsibilities of the old position and may also include building maintenance responsibilities for all the other departments of the City. The new job description may also include responsibilities for supervision of City revitalization and other public improvement projects that are in the planning, design and construction phases. This job description shall be prepared by the City Attorney in consultation with Bob Baroni and Brad Leonard. This position shall remain at the director employment level and shall have pay and benefits equal to or greater than the current position held by the Director of Planning and Zoning. The motion was seconded by Mr. Martin. The motion carried with all council members voting for the motion.

Mr. Clark then made another motion to move that all matters be placed on the agendas for the October Work Session and the November regular meeting of the City Council for the express purpose of properly approving the new positions and assigning Mr. Leonard to the new Director's position outside the Planning and Zoning Department. The motion was seconded by Mr. Martin. The motion failed with Ms. Beiser and Mr. Clark voting for the motion. Mr. Martin voted in opposition to the motion. Mr. Crow abstained.

Mr. Martin made a motion to place the matters of the new positions on the agenda for the October Work Session followed by a Special Call meeting in October for the first reading of the new positions, with the second reading to be heard at the November regular meeting of the City Council. Mr. Martin stated that this move is without

reassigning any employees to new positions. The motion was seconded by Mr. Clark. The motion carried with Ms. Beiser, Mr. Clark and Mr. Martin voting for the motion. Mr. Crow abstained.

Mr. Gussio presented the council with MEAG resolutions authorizing the adoption of the amendment to the Municipal Competitive Trust Agreement and the Combined Cycle Power Sales contract. Ms. Beiser made a motion to approve the resolutions. The motion was seconded by Mr. Clark. The motion carried unanimously. (See Exhibit File)

Mayor Millsaps presented a hosting agreement for the City's website. The agreement is from Rock, Paper, Scissors. After some discussion, Mr. Crow made a motion to table this item until the next meeting. The motion was seconded by Mr. Martin. The motion carried unanimously. (See Exhibit File)

Mr. Gussio presented the first reading of Chapter 17 of the Code of Ordinances and the amendment to Article 21 of the Development Regulations. Mr. Clark made a motion to approve the amendments. The motion was seconded by Ms. Beiser. The motion carried with Mr. Clark, Ms. Beiser and Mr. Martin voting for the motion. Councilman Crow was out of the meeting at the time of the vote.

Mr. Martin made a motion to have the City Attorney, under the authority of the City Council, review and investigate the Mayor's conduct and actions to determine if any laws or ethical standards have been violated as alleged in the Atlanta Journal Constitution newspaper article from October 4, 2009. The City Attorney is directed to report any such items to the City Council as well as the appropriate law enforcement agencies, prior to the December regular meeting of the City Council. It was then determined that the Mayor had recused himself and Mr. Crow was not in the meeting. Mr. Crow then returned to preside as Mayor Pro Tem. The motion was seconded by Mr. Clark. The motion carried with Ms. Beiser, Mr. Clark and Mr. Martin voting for the motion.

There being no further business, Mr. Crow made a motion to adjourn. The motion was seconded by Mr. Martin. The motion carried unanimously.

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Rex Millsaps, Mayor

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Robert P. Baroni, City Clerk