

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

After Mayor Millsaps was administered the oath of office by the City Clerk, the Mayor in turn administered the oath of office to Council Members-elect Marie Beiser and Mike Crow.

Mayor Millsaps presented the following appointments for 2009:

Tony Powell, City Attorney	one-year term
Dennis Still, Chief Judge	one-year term
James Garner, Assistant Municipal Court Judge	one-year term
Larry Owens, Assistant Municipal Court Judge	one-year term
Mike Crow, Mayor Pro Tem	one-year term
Planning Commission: Charles Roberts	– term expires January 2011
Lawrenceville Downtown Development Authority: Parker Gann	– term expires 2013
Lawrenceville Development Authority: Parker Gann	– term expires 2013
Architectural Review Board:	
Mike Reedy – DDA Representative	– term expires January 2010
Gene McKay – At-Large Representative	– term expires January 2010

Mr. Martin made a motion to affirm the Mayor's appointments. The motion was seconded by Mr. Crow. The motion carried unanimously.

Mayor Millsaps called for the approval of the minutes of the December 1, 2008 Regular and Executive Session, the December 10, 2008 and December 19, 2008 Special Call Meetings and the December 22, 2008 Special Call Meeting and Executive Session. Mr. Crow made a motion to approve the minutes as recorded. The motion was seconded by Ms. Beiser. The motion carried unanimously.

Mayor Millsaps presented the Consent Agenda.

CONSENT AGENDA

1. Approval of the annual contract between the City of Lawrenceville and the Lawrenceville Tourism and Trade Association, attached hereto as Exhibit "A", regarding the payment of one hundred percent (100%) of the excise tax collected on rooms, lodgings, and accommodations to the Lawrenceville Tourism and Trade Association in consideration for its services to promote tourism, conventions and trade shows within the City of Lawrenceville.
2. Approval of the Lawrenceville Tourism and Trade Association 2009 Proposed Annual City Budget, attached hereto as Exhibit "B".

3. Approval of the creation of a line of credit for the Lawrenceville Tourism and Trade Association in the amount of Seventy-Three Thousand Eight Hundred Fifty Dollars (\$73,850.00) for the 2009 calendar year; provided however, that monies borrowed must be repaid to the extent that the Lawrenceville Tourism and Trade Association collects more than Four Hundred Seven Thousand Three Hundred Fifty Dollars (\$407,350.00) for the 2009 calendar year.
4. Approval of Hogan Construction's bid of One Hundred Twelve Thousand Dollars (\$112,000.00), attached hereto as Exhibit "C", as the low bid for the Parking Deck Canopy Project.
5. Approval of the expenditure of Seventy-Two Thousand One Hundred Seventy-One and 16/100 Dollars (\$72,171.16) from the Police Department's Asset Forfeiture Funds, as described on the attached Exhibit "D".
6. Approval of the Resolution to re-adopt the Service Delivery Strategy for Lawrenceville, Georgia pursuant to Chapter 70 of Title 36 of the Official Code of Georgia Annotated, which is attached hereto as Exhibit "E".
7. Approval of hiring a previous employee of the Police Department at the pay scale level previously attained.

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

PUBLIC HEARINGS – OLD BUSINESS

Mayor Millsaps called for the 2nd reading of the Special Use Permit for the United Cerebral Palsy facility in Forest Hills. Mayor Millsaps stated that there would be no public input since that was held at the prior meeting. Mr. Martin made a motion to adopt a resolution denying the Special Use Permit. Mr. Martin stated that at the second reading of most special use permit applications, the Council would simply vote and the Planning Director would prepare a resolution to either approve or deny the application based on our vote. Because of the complexity of this issue and the legal consequences of our decision, legal counsel has provided us with both a Resolution to Approve the Special Use Permit and a Resolution to Deny the Special Use Permit.

After listening to and considering all of the evidence and testimony presented at the public hearing at our December Council Meeting, including the information provided by the Applicant and its legal counsel, the residents of Lawrenceville, our police department, the Planning Department and Planning Commission, as well as all of the legal authority and material provided both by the Applicant and our City Attorney, I move that we adopt a Resolution to Deny the Special Use Permit.

This Resolution makes several improvements to our Zoning Ordinance. In the course of evaluating this application for a Special Use Permit, we discovered that several of our ordinances should be changed to ensure their enforceability. This Resolution improves our definition of "Family" to eliminate any disparate treatment of certain groups, and it removes the requirements that Assisted Living Facilities and Congregate Living Facilities be located on major thoroughfares, on at least one (1) acre of land, and other similar requirements that may be unenforceable. The Resolution also amends our Zoning Ordinance to allow such facilities as a matter of right in our multi-family zoning districts, to supplement their current status as Special Uses in single family residential districts.

Regardless of these changes, our Zoning Ordinance rightly permits us to consider all factors relevant to a Special Use applicant's compatibility with surrounding uses. In this case, the evidence we have overwhelmingly characterizes the applicant's use as being incompatible with the neighboring community and dangerous for the residents. More specifically, the information we have demonstrates that the applicant is not capable of providing for the safety of its residents, nor is it capable of adequately addressing the reasonable safety concerns of the surrounding neighborhood. This Resolution to Deny the Special Use Permit articulates these concerns and references the evidence that has been presented.

The motion was seconded by Mr. Clark. The motion carried with Mr. Martin, Mr. Clark and Mr. Crow voting for the motion to deny. Ms. Beiser voted to abstain since she was not on the Council when arguments were presented. The motion carried 3 to 0. (See Exhibit File)

Mayor Millsaps called on the second reading of the John Williams' rezoning request at the northwest corner of Highway 29 and Hosea Road. Mayor Millsaps stated that the applicant has requested that this matter be tabled. Mr. Martin then made a motion to table action on the rezoning request. The motion was seconded by Mr. Crow. The motion carried unanimously. (See Exhibit File)

Ms. Linda Nash presented her request for a Special Use Permit at 550 North Clayton Street. Ms. Nash stated she is requesting a special event facility at this location. Mayor Millsaps asked if there was any opposition. There was none. Mr. Crow then made a motion to approve the Special Use Permit. The motion was seconded by Ms. Beiser. The motion carried unanimously. (See Exhibit File)

Mr. Mike Lucas presented a Special Use Permit for the property located at 566 Pike Street. Mr. Lucas stated that his client is requesting a Special Use Permit for an auto repair shop. After Mr. Lucas made his presentation, Mayor Millsaps asked if there is any opposition from anyone in the audience. There was none. Mr. Leonard stated that the Planning Commission recommended approval with stipulations that the plans be brought back to the Planning Commission and the City Council for site plan approval. Mr. Crow made a motion to approve the Special Use Permit with the stipulation that site plan and rendering be brought back to the Planning Commission and the Council for approval.

The motion was seconded by Mr. Martin. The motion passed with Mr. Crow, Mr. Martin voting for approval. Ms. Beiser and Mr. Clark voted in opposition to the motion. Mayor Millsaps broke the tie in favor of the motion. (See Exhibit File)

Mayor Millsaps asked that the council consider a motion for tabling action on the amendment to Section 34-101 of the City Code of Ordinances. Mr. Crow made a motion to table this matter. The motion was seconded by Mr. Clark. The motion carried unanimously.

PUBLIC HEARING - NEW BUSINESS

Mayor Millsaps asked for action on the first reading of the amendments to Zoning Ordinance – Article X, Sections 10.1, 10.2, 10.4, 10.5 and 10.9 – Signs LED. Mr. Crow made a motion to accept the first reading. The motion was seconded by Ms. Beiser. The motion carried unanimously. (See Exhibit File)

Mayor Millsaps asked for action on the first reading of the amendment to Zoning Ordinance Article VII, Sections 7.1, 7.3, 7.3.1 and 7.4 for Accessory Uses. Mr. Martin made a motion to approve the first reading. The motion was seconded by Mr. Crow. The motion carried unanimously. (See Exhibit File)

COUNCIL BUSINESS MEETING – OLD BUSINESS

Mr. Paul Austin presented the latest quote on the Rehab of the Oakes House. Mr. Austin stated that Hogan Construction was the low bidder and that he has negotiated a price of \$374,208.00 for the project. Mr. Clark made a motion to accept Mr. Austin's recommendation. The motion was seconded by Mr. Martin. The motion carried unanimously. (See Exhibit File)

Mr. Powell presented Addendum IV to the agreement for engineering services with Precision Planning for the water treatment plant design. After Mr. Powell explained the contract, Mr. Clark made a motion to table action on this item. Mayor Millsaps called for a second. The motion died due to the lack of a second. Mr. Crow then made a motion to approve the contract and move forward with the plan, but hold back on the construction plans. The motion was seconded by Mr. Martin. The motion carried unanimously. (See Exhibit File)

COUNCIL BUSINESS MEETING – NEW BUSINESS

Mr. Powell presented the electric rate adjustments recommended by the Municipal Electric Authority of Georgia. Mr. Powell explained that the rate increase would be approximately 3% overall. Mr. Clark made a motion to keep the present rate. Mayor Millsaps called for a second. The motion died due to the lack of a second. Mr. Martin

made a motion to approve the electric rates as proposed by the Municipal Electric Authority. The motion was seconded by Ms. Beiser. The motion carried with Mr. Martin, Ms. Beiser and Mr. Crow voting for the motion. Mr. Clark voted in opposition to the motion. (See Exhibit File)

Mr. Powell explained the resolution from MEAG concerning the moving of certain functions and services provided by MEAG to the Electric Cities of Georgia. Mr. Martin made a motion to approve the resolution. The motion was seconded by Mr. Crow. The motion carried unanimously. (See Exhibit File)

Mr. Gussio stated that the council recently discussed the possibility of local legislation raising the hotel/motel tax to 8% and asked if the council wanted him to proceed with a resolution to that affect. Mr. Crow made a motion to adopt a resolution requesting local legislation to raise the hotel/motel tax to 8%. The motion was seconded by Ms. Beiser. The motion carried unanimously.

Mr. Steadman presented the following 2009 paving bids:

Gary's Grading & Pipe Lines Co.	\$499,756.00	
E.R. Snell	\$578,838.95	
Atlanta Paving & Concrete	\$589,209.25	
Baldwin Paving	\$597,429.09	\$597,513.42 (corrected amt.)
Pittman Construction Co.	\$630,629.70	
Sunbelt Asphalt	\$648,889.00	
Blount Construction	\$668,648.90	
ShepCo Paving Co.	\$704,272.20	
Steward Brouthers, Inc.	\$813,174.56	

He stated that Gary's Grading and Pipe Lines Co. is the low bid at \$499,756.00. Mr. Crow made a motion to accept the low bid. The motion was seconded by Mr. Clark. The motion carried unanimously. (See Exhibit File)

Mayor Millsaps presented a legal ad for the newspaper setting the qualifying fees for the 2009 City election at \$216.00 for each of the two council posts. Ms. Beiser made a motion to approve the fees and legal ad. The motion was seconded by Mr. Crow. The motion carried unanimously. (See Exhibit File)

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

After the Executive Session, the council adjourned into regular session. Mr. Powell explained that four items were discussed. One vote was taken. That vote was unanimous.

January 5, 2009

Page 6 of 6

Mr. Crow 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