

Mayor Millsaps called the regularly scheduled meeting of the City Council to order at 7:00 P.M. with all Council Members present except Councilman Martin who was out of town.

Mayor Millsaps called for the approval of the minutes of the February 2, 2009 Regular and Executive Sessions and the February 18, 2009 Executive Session. Mr. Clark made a motion to approve the minutes as recorded. The motion was seconded by Mr. Crow. The motion carried unanimously.

Mayor Millsaps informed those present that a Public Hearing on Phase II of the Heritage Trail will be held on March 10, 2009 at 6:00 P.M. at City Hall and that a Special Call meeting for March 18, 2009 at 3:00 P.M. is called to approve the Police Building Bids.

PUBLIC HEARINGS – OLD BUSINESS

Mr. Salvo presented a rezoning request for his property located at 526 Lyle Circle. Mr. Salvo is requesting that the property be rezoned from RS-150 to BG. After some discussion, Mr. Crow made a motion to approve the rezoning with the stipulations of the Planning Commission. The motion was seconded by Ms. Beiser. The motion failed to pass with Ms. Beiser and Mr. Crow voting for the motion. Mr. Clark voted in opposition to the motion. Mr. Crow then made a motion to table this matter until the March 18, 2009 Special Call meeting. The motion was seconded by Mr. Clark. The motion carried unanimously. (See Exhibit File)

Mayor Millsaps informed the council that Grogan Auto Sales has requested that their rezoning request be tabled until the April meeting. Mr. Clark made a motion to table this matter as requested. 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 has previously answered the ethics questions when the Quinn House originally applied for the Special Use Permit with the exception of Ms. Beiser. Since Ms. Beiser was not on the council at the time, she has completed a ethics questionnaire indicating she has no financial or other interest in the Special Use Permit. Mr. Baroni stated that the council's affidavits are on file in the Planning and Zoning office.

Mayor Millsaps called for the first reading of the Special Use Permit (SU-09-01) changes of conditions for the Quinn House at 555 Hurricane Shoals Road. Mr. Crow made a motion to approve the first reading. The motion was seconded by Ms. Beiser. The motion carried unanimously. (See Exhibit File)

Mr. Gussio presented the first reading of the amendment to Section 4-102 of the

Development Regulations. Mayor Millsaps stated that the Electric Department has requested that #3 under the section Underground Power be changed from twenty-five-foot poles to twenty-foot poles. Mr. Clark then made a motion to approve the first reading. The motion was seconded by Ms. Beiser. The motion carried unanimously. (See Exhibit File)

COUNCIL BUSINESS MEETING – OLD BUSINESS

Mr. Gussio presented the second reading of amendments to Chapter 3-501 of the Code of Ordinances. Mr. Gussio stated that these changes originated in the Police Department and pertain to drinking of officers while on duty. The ordinance change would require authorization from the Chief. This change allows this activity in undercover operations. Mr. Crow made a motion to approve the ordinance amendment. The motion was seconded by Ms. Beiser. The motion carried unanimously. (See Exhibit File)

Mr. Gussio presented the second reading of amendments to Chapter 11 of the Code of Ordinances. Mr. Gussio stated that this amendment removes 11-107. The ordinance as written is for criminal trespass by motor vehicle. The new changes track the State Code and are more specifically spelled out in 11-101. Mr. Crow then made a motion to approve the amendment to Chapter 11-107. The motion carried unanimously. (See Exhibit File)

Mr. Gussio presented the second reading of amendments to Chapter 31-114 of the Code of Ordinances. Mr. Gussio stated that this also is criminal trespass by a motor vehicle and is better reflected in Chapter 11-101 of the City Code. Mr. Crow made a motion to approve the amendment. The motion was seconded by Ms. Beiser. The motion carried unanimously. (See Exhibit File)

Mr. Gussio presented the second reading of amendments to Chapter 46 of the Code of Ordinances. Mr. Gussio stated that this amendment deals with Urban Camping and is to be eliminated. Mr. Gussio informed the council that Chapter 31-118 is more comprehensive in its enforcement. Mr. Clark made a motion to approve the amendment. The motion was seconded by Ms. Beiser. The motion carried unanimously. (See Exhibit File)

COUNCIL BUSINESS MEETING – NEW BUSINESS

Mr. Gussio presented the intergovernmental agreement with Georgia Gwinnett College. Mr. Gussio stated that they have prepared a new hold harmless agreement under paragraph 5 that is very equitable for both parties and that it will be inserted and that in paragraph 6, the effective date has been left blank and will be filled in with the appropriate date. After some discussion, Mr. Crow made a motion to approve the intergovernmental agreement subject to the approval or modification by Judge Still. The motion was seconded by Ms. Beiser. The motion carried unanimously. (See Exhibit File)

PUBLIC COMMENT

Mayor Millsaps called on Ms. Donna Pettway who requested that she be heard on a utility issue. Ms. Pettway did not appear before the council.

Mr. Crow then made a motion to adjourn into Executive Session to discuss three matters of potential litigation and one real estate matter. The motion was seconded by Ms. Beiser. The motion carried unanimously. (See Exhibit File)

After the Executive Session, the City Attorney explained to those present that three matters of potential litigation and one real estate issue were discussed. No votes were taken.

There being no further business, the meeting was adjourned.

Rex Millsaps, Mayor

Robert P. Baroni, City Clerk