



LAWRENCEVILLE

GEORGIA

CITY COUNCIL REGULAR MEETING

MINUTES

Wednesday, May 22, 2024
7:00 PM

Council Chambers
70 S. Clayton St, GA 30046

Call to Order

PRESENT

Mayor David Still
Council Member Bruce Johnson
Council Member Victoria Jones
Council Member Austin Thompson
Mayor Pro-Tem Marlene Taylor-Crawford

Prayer

Sr. Master Sergeant Wanda Joell was present to provide the invocation.

Pledge of Allegiance

Mayor Still led the group in the Pledge of Allegiance.

Agenda Additions / Deletions

Chuck Warbington, City Manager tabled item #11 SUP2024-00086; Juanita Wade; 3130 Sugarloaf Parkway to Work Session Agenda, June 05, 2024.

Motion to accept agenda as amended made by Council Member Thompson, Seconded by Council Member Johnson.

Voting Yea: Mayor Still, Council Member Johnson, Council Member Jones, Council Member Thompson, Mayor Pro-Tem Taylor-Crawford

Recognitions

1. Central Gwinnett SOTA Literary 7A State Champion - Denise Keeton

Mayor Still recognized Denise Keeton as SOTA Literary 7A State Champion for Central Gwinnett.

Approval of Prior Meeting Minutes

Motion to approve minutes made by Council Member Thompson, Seconded by Council Member Johnson.

Voting Yea: Mayor Still, Council Member Johnson, Council Member Jones, Council Member Thompson, Mayor Pro-Tem Taylor-Crawford

2. April 29, 2024, Special Call and Regular Meeting
3. May 8, 2024, Special Call and Work Session

Proclamations

4. Building Safety Month

May 2024 as Building Safety Month - Mayor Still recognized and presented a proclamation on behalf of the City of Lawrenceville to Helen Balch, Todd Hargrave, and Tony Weber for their due diligence in making sure of the safety throughout the City of Lawrenceville.

Announcements

Mayor Still recognized each Council Member who individually made announcements about events and recognitions throughout the community. He then read from the slides for upcoming City Events.

Public Comment

To participate in the Public Comment part of the Agenda, you must register with the City Clerk prior to the beginning of the meeting. Presentations will be limited to 2 minutes per person and Council will not respond to the comment.

No public comments

Consent Agenda

These are items on which the Mayor and Council are in agreement to approve and are placed on the agenda to be approved in one vote.

Lee Thompson, City Attorney read the consent agenda items into record.

Motion to accept consent agenda items as read into record by Lee Thompson, City Attorney made by Council Member Jones, Seconded by Council Member Thompson.

Voting Yea: Mayor Still, Council Member Johnson, Council Member Jones, Council Member Thompson, Mayor Pro-Tem Taylor-Crawford

5. Purchase of Electrical Lights and Materials
6. Timeclock Software 3 Year Renewal
7. Broad-Based Geographic Information Systems Services on an Annual Contract
8. Design Services for Raised Intersections
9. Ceremonial Documents Policy

Public Hearing New Business

Discussion will be limited to 7 minutes per side including rebuttal. Discussions on Zoning issues will be limited to 10 minutes per side including rebuttal. Questions and answers from Council Members will not infringe on the time limit.

10. RZC2024-00053; Cam-Thuy Truong; 513 Scenic Highway

Todd Hargrave, Director, Planning and Development presented this item and answered questions from Council. Mayor Still opened the public hearing, hearing, or seeing no one for or against, closed the public hearing.

Motion to Approve with Conditions presented RZC2024-00053; Cam-Thuy Truong; 513 Scenic Highway made by Council Member Jones, Seconded by Council Member Thompson.

Voting Yea: Mayor Still, Council Member Johnson, Council Member Jones, Council Member Thompson, Mayor Pro-Tem Taylor-Crawford

11. SUP2024-00086; Juanita Wade; 3130 Sugarloaf Parkway

Tabled to Work Session Agenda, June 05, 2024.

12. SUP2024-00088; Jason Mundy; 562 John Connor Court

Todd Hargrave, Director of Planning and Development presented this item and answered questions from Council. Mayor Still opened the public hearing, hearing, or seeing no one for or against, closed the public hearing.

Motion to Approve with Conditions as access expending from the right of way of John Connor Court shall be gated, except for the ingress/egress, the southern gates shall be closed, suggested to Council, SUP2024-00088; Jason Mundy; 562 John Connor Court to allow for an Automobile, Truck or Vehicle Storage Lot made by Mayor Still, Seconded by Council Member Johnson.

Voting Yea: Mayor Still, Council Member Johnson, Council Member Jones, Council Member Thompson, Mayor Pro-Tem Taylor-Crawford

13. Ordinance to Amend Article 8 General Regulations of the City of Lawrenceville Zoning Ordinance 2020

Todd Hargrave, Director of Planning and Development, presented this item and answered questions from Council. Mayor Still opened the public hearing, hearing, or seeing no one for or against, closed the public hearing.

Motion to Approve Amendment for Ordinance Article 8 General Regulations of the City of Lawrenceville Zoning Ordinance 2020 made by Council Member Jones, Seconded by Council Member Thompson.

Voting Yea: Mayor Still, Council Member Johnson, Council Member Jones, Council Member Thompson, Mayor Pro-Tem Taylor-Crawford

14. Fiscal Year 2025 Proposed Budget

Keith Lee, Chief Financial Officer, presented this item and answered questions from Council. Mayor Still opened the public hearing, speaker against raising of property taxes, Tracy Britt, 261 A Culver St. Lawrenceville, GA 30046 for discussion on the Fiscal Yr. 2025 Proposed Budget, after Ms. Britt spoke, hearing or seeing no one else, Mayor Still closed the public hearing.

3rd Public Hearing for the Proposed Fiscal Year 2025 Budget will be on June 05, 2024 Work Session, voting on Proposed Fiscal Year 2025 Budget will be June 26, 2024, Regular Meeting.

Council Business Old Business

There is no public comment during this section of the agenda unless formally requested by the Mayor and the Council.

15. Amendment to Chapter 38 of the Code of the City of Lawrenceville to increase the application fee and to establish an administrative fee for billing

Keith Lee, Chief Financial Officer, presented this item and answered questions from Council.

Motion to Adopt Ordinance to Amend Chapter 38 of the Code of the City of Lawrenceville to increase the application fee and to establish an administrative fee for billing made by Mayor Still, Seconded by Council Member Johnson.

Voting Yea: Mayor Still, Council Member Johnson, Council Member Jones, Abstaining from Vote: Council Member Thompson, Mayor Pro-Tem Taylor-Crawford

16. Amend Chapter 16 of the Code of the City of Lawrenceville, Georgia related to Elections to update provisions related to Notice of Candidacy and Campaign Financing Disclosure

Michael Fischer, Assistant City Manager of Operations, presented this item and answered questions from Council.

Motion to Adopt Amendment to Chapter 16 of the Code of the City of Lawrenceville, Georgia related to Elections to update provisions related to Notice of Candidacy and Campaign Financing Disclosure made by Council Member Jones, Seconded by Mayor Pro-Tem Taylor-Crawford.

Voting Yea: Mayor Still, Council Member Johnson, Council Member Jones, Council Member Thompson, Mayor Pro-Tem Taylor-Crawford

17. Amendment to Chapter 2 of the Code of the City of Lawrenceville to update provisions related to Administration

Michael Fischer, Assistant City Manager of Operations, presented this item and answered questions from Council.

Motion to Adopt Amendment to Chapter 2 of the Code of the City of Lawrenceville, Georgia related to Administration to update provisions related to the administration of the City and other purposes made by Council Member Johnson, Seconded by Council Member Thompson.

Voting Yea: Mayor Still, Council Member Johnson, Council Member Jones, Council Member Thompson, Mayor Pro-Tem Taylor-Crawford

Council Business New Business

There is no public comment during this section of the agenda unless formally requested by the Mayor and the Council.

18. Lawrenceville Highway Sidewalks Project

Eranildo Lustosa, City Engineer II presented this item and answered questions from Council.

Motion to approve Lawrenceville Highway Sidewalks Project made by Council Member Jones, Seconded by Mayor Pro-Tem Taylor-Crawford.

Voting Yea: Mayor Still, Council Member Johnson, Council Member Jones, Council Member Thompson, Mayor Pro-Tem Taylor-Crawford

19. APPL2023-00008; United Rentals c/o Ben Baker; 255 Equipment Court

Todd Hargrave, Director of Planning and Development presented this item and answered questions from Council. Ben Baker, Appeal Attorney with Baker & Summy, PC requested to reduce tree size at United Rental along SR316. Ben Baker, Attorney will be submitting extra documents next week.

Mayor Still requested item #19 be tabled to June 25, 2024.

20. DDA Item Vote: IGA between DDA and City of Lawrenceville, Train Depot Renovations.

Barry Mock, Assistant City Manager presented this item and answered questions from Council.

Motion to approve IGA between the DDA and the City of Lawrenceville, for renovations in the amount of \$275,000 to be transferred to the DDA, made by Mayor Still, Seconded by Council Member Thompson

Executive Session – Personnel, Litigation, Real Estate

Motion to enter executive session made by Council Member Thompson, Seconded by Mayor Pro-Tem Taylor-Crawford.

Voting Yea: Mayor Still, Council Member Johnson, Council Member Jones, Council Member Thompson, Mayor Pro-Tem Taylor-Crawford

Motion to adjourn out of executive session made by Council Member Thompson, Seconded by Council Member Jones.

Voting Yea: Mayor Still, Council Member Johnson, Council Member Jones, Council Member Thompson, Mayor Pro-Tem Taylor-Crawford

Report of items discussed in Executive Session:

3 Real Estate

6 Litigation

No Votes Taken

Final Adjournment

Motion to adjourn regular meeting made by Council Member Thompson, Seconded by Council Member Johnson.

Voting Yea: Mayor Still, Council Member Johnson, Council Member Jones, Council Member Thompson, Mayor Pro-Tem Taylor-Crawford

Minutes Signatures

David R. Still, Mayor

Karen Pierce, City Clerk

MAYOR AND COUNCIL
CITY OF LAWRENCEVILLE, GEORGIA
ORDINANCE

READING AND ADOPTION:

At the regular meeting of the Mayor and Council of the City of Lawrenceville, held at City Hall, 70 S. Clayton Street, Lawrenceville, Georgia.

<u>PRESENT</u>	<u>VOTE</u>
<u>David R. Still</u> , Mayor	<u>Yes</u>
<u>Marlene Taylor-Crawford</u> , Mayor Pro Tem	<u>Yes</u>
<u>Austin Thompson</u> , Council Member	<u>Yes</u>
<u>Bruce Johnson</u> , Council Member	<u>Yes</u>
<u>Victoria Jones</u> , Council Member	<u>Yes</u>

On motion of Council Member Jones, seconded by Council Member Thompson, which carried 5-0, the following ordinance was APPROVED:

AN ORDINANCE TO APPROVE AN AMENDMENT THE OFFICIAL ZONING MAP

WHEREAS, the Planning Commission of the City of Lawrenceville has held a duly advertised public hearing and has filed a formal recommendation with the Mayor and Council of the City of Lawrenceville upon an Application

to Amend the Official Zoning Map from RS-180 (Single-Family Residential District) to OI (Office Institutional District) by Cam-Thuy Truong for the proposed use of Office Institutional on a tract of land described by the attached legal description, which is incorporated herein and made a part hereof by reference; and

WHEREAS, notice to the public regarding said Amendment to the Official Zoning Map has been duly published in THE GWINNETT DAILY POST, the Official News Organ of the City of Lawrenceville; and

WHEREAS, a public hearing was held by the Mayor and Council of the City of Lawrenceville on May 22, 2024, and objections were not filed.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Lawrenceville this the 22nd day of May 2024, that the aforesaid application to amend the Official Zoning Map from RS-180 (Single-Family Residential District) to OI (Office Institutional District) is hereby APPROVED.

Approval as OI (Office Institutional District) for a wide range of office and institutional establishments, subject to the following enumerated conditions:

- 1.** To restrict the use of the property as follows:
 - A.** No tents, canopies, temporary banners, streamers, or roping decorated with flags, tinsel, or other similar material shall be displayed, hung, or strung on the site. No decorative balloons or hot-air balloons shall be displayed on the site. Yard and/or bandit signs, sign-twirlers, or sign walkers shall be prohibited;

- B.** Peddlers and/or any parking lot sales unrelated to the rezoning shall be prohibited;
 - C.** Outdoor storage shall be prohibited;
 - D.** The owner shall repaint or repair any graffiti or vandalism that occurs on the property within 72 hours;
- 2.** To satisfy the following site development considerations:
- A.** The development shall be constructed in conformity with the City of Lawrenceville Zoning Ordinance and Development Regulations. The final design shall be subject to the review and approval of the Director of Planning and Development.
 - B.** The building shall maintain its residential character, and repairs or modifications shall be limited to routine maintenance or repair. Any expansion of the existing footprint shall be prohibited.
 - C.** Electrical, Mechanical, Plumbing or Structural modifications shall be subject to the rules and regulations of the International Building Code (IBC). Plans shall be subject to the review and approval of the Director of Planning and Development.
 - D.** Landscape shall be designed and installed to meet the conditions of zoning, requirements of the Zoning Ordinance and Development Regulations. The final design shall be subject to the review and approval of the Director of Planning and Development.
 - E.** Provide a minimum of one (1) parking space per 300 square feet gross floor area, all parking must be on an approved surface and stripped.
 - F.** Provide a ten (10) foot landscape strip adjacent to all public rights-of-way.
 - G.** Provide a five (5) foot concrete sidewalk adjacent to all public right-of-way.
 - H.** Lighting shall be contained in cut-off type luminaries and shall be directed toward the property so as not to shine directly into adjacent properties or right-of-way;

- I. Dumpsters shall be screened by solid masonry walls matching the building, with an opaque metal gate enclosure.



David R. Still, Mayor

Date Signed: 6/13/2024

ATTEST:



Karen Pierce, City Clerk

DEED B: 61023 P: 00493
01/31/2024 03:10 PM Pgs: 1 Fees: \$325.00
TTax: \$300.00
Tiana P Garner, Clerk of Superior Court
Gwinnett County, GA
PT-81 #: 0872024002152
ERECORDED
eFile Participant IDs: 3808765239,

Return Recorded Document to:
Law Office of Koo & Sobotta, P.C.
3775 Venture Dr.
Ste. P200
Duluth, GA 30096

WARRANTY DEED

STATE OF GEORGIA
COUNTY OF GWINNETT

File #: VS24003

This Indenture made this 31st day of January, 2024 between from Thuy Hang T. Nguyen, as party or parties of the first part, hereinafter called Grantor, and Cam Thuy Truong, as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of TEN AND 00/100'S (\$10.00) Dollars and other good and valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee,

All that tract or parcel of land lying and being in Land Lot 116 of the 5th District, Gwinnett County, Georgia, being Lot 4, Block B, Scenic Forest Subdivision, Unit Two, as per plat recorded in Plat Book 3, Page 123, Gwinnett County, Georgia Records, which recorded plat is incorporated herein by this reference and made a part of this description.

Subject Property Address: 513 Scenic Highway, Lawrenceville, Georgia 30046

Parcel ID: R5116 107

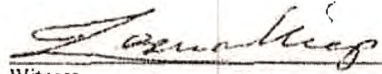
This Deed is given subject to all easements and restrictions of record, if any.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in FEE SIMPLE.

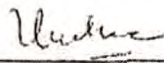
AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons whomsoever.

IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal this day and year first above written.

Signed, sealed and delivered in the presence of:



Witness



Thuy Hang T. Nguyen. (Seal)

Notary Public



SELLER'S AFFIDAVIT

STATE OF GEORGIA
COUNTY OF GWINNETT

In person, before me, the undersigned officer authorized to administer oaths, came who, after being duly sworn according to law, depose(s) and say(s) that he/she is/are the owner(s) of the property described as follows:

All that tract or parcel of land lying and being in Land Lot 116 of the 5th District, Gwinnett County, Georgia, being Lot 4, Block B, Scenic Forest Subdivision, Unit Two, as per plat recorded in Plat Book 3, Page 123, Gwinnett County, Georgia Records, which recorded plat is incorporated herein by this reference and made a part of this description.

Subject Property Address: 513 Scenic Highway, Lawrenceville, Georgia 30046

Parcel ID: R5116 107

and the said property is also described in a **Warranty Deed** this day executed by the undersigned to Cam Thuy Truong.

Deponent(s) say(s) that he/she is/are in undisputed and peaceful possession of said property and that he/she has/have a perfect right to convey good, fee simple, merchantable title to said property and that said property is free and clear, except:

1. Matters appearing on Plat recorded in Plat Book 3, Page 123, Gwinnett County, Georgia Records, but omitted any covenants or restrictions, if any, based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or Federal laws, except to the extent that said covenant or restriction is permitted by applicable law.
2. Encroachment noted in Plat Book 3, Page 123, aforesaid records.

Deponent(s) say(s) that there are no further liens, mortgages, judgements, taxes or other encumbrances of record against him/her affecting title to said property, except:

1. Satisfaction and Cancellation of Security Deed made by Thuy Hang T. Nguyen to MERS, State Bank and Trust Company, dated April 28, 2017, and recorded May 4, 2017, in the amount of \$158,083.00 in Book 55097, Page 423, in the Office of the Superior Court for Gwinnett County, Georgia.

Taxes for 2024 and subsequent years, not yet due and payable.

Deponent(s) say(s) that the improvements located on said property are completed and within the boundary lines except as noted on survey; and that there are no unpaid bills or liens against said property for improvements, construction or sewage, water main, sidewalk, or other street improvements.

Deponent(s) say(s) that there are no retention title contracts, bills of sale or other encumbrances of record affecting title to any personal property installed on said premises.

Deponent(s) will indemnify and hold harmless closing attorneys from any and all liability relative to payoff of present encumbrances, liens or mortgages against said property; that payoff figures presented at closing as shown on the closing statement are true and accurate to the best of the undersigned's knowledge and belief and in the event of any discrepancy in payoff figures given to closing attorneys by the undersigned, mortgagees or lienholders against subject property, the undersigned will return to closing attorneys any funds necessary to obtain satisfied security instruments or liens against subject property.

Deponent(s) say(s) that he/she is/are not a foreign person as defined by Internal Revenue Code section No. 1445 (PL 98-369, Section 129 at 98 Stat. 655), dated July 18, 1984.

This affidavit is given for the purpose of inducing CATIC to issue its policy of title insurance insuring the title to subject property.

That the Affiant has not created, suffered, assumed or agreed to any defects, liens, encumbrances, adverse claims or other matters affecting the title to the subject property. This statement is not in substitution of the warranties given by the Affiant but in addition hereto.

Sworn to and subscribed before me this
31st day of January, 2024.

Thuy Hang T. Nguyen (SEAL)

Notary Public

My Commission Expires: 3/3/2026



RZC2024-00053_LEGAL_03112024

MAYOR AND COUNCIL
CITY OF LAWRENCEVILLE, GEORGIA
ORDINANCE

READING AND ADOPTION:

At the regular meeting of the Mayor and Council of the City of Lawrenceville, held at City Hall, 70 S. Clayton Street, Lawrenceville, Georgia.

PRESENT	VOTE
David R. Still, Mayor	Yes
Marlene Taylor-Crawford, Mayor Pro Tem	Yes
Austin Thompson, Council Member	Yes
Bruce Johnson, Council Member	Yes
Victoria Jones, Council Member	Yes

On motion to APPROVE the requested Special Use Permit by Mayor Still, seconded by Council Member Johnson, which carried 5-0, the following ordinance was ADOPTED:

AN ORDINANCE TO APPROVE A SPECIAL USE PERMIT

WHEREAS, the Planning Commission of the City of Lawrenceville has held a duly advertised public hearing and has filed a formal recommendation with the Mayor and Council of the City of Lawrenceville upon an Application for a Special Use Permit from Jason Mundy and/or Mundy's Holding, LLC for

the proposed use of Passenger Vehicle and Light Truck Storage Lot (Excluding Junk/Wrecked Vehicles) on a tract of land described by the attached legal description, which is incorporated herein and made a part hereof by reference; and

WHEREAS, notice to the public regarding said Amendment to the Official Zoning Map has been duly published in THE GWINNETT DAILY POST, the Official News Organ of the City of Lawrenceville; and

WHEREAS, a public hearing was held by the Mayor and Council of the City of Lawrenceville on May 22, 2024, and objections were filed.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Lawrenceville this the 22nd day of May 2024, that the aforesaid application for a Special Use Permit is hereby APPROVED.

Approval of a Special Use Permit to allow a passenger vehicle and light truck storage lot (excluding junk/wrecked vehicles), subject to the following enumerated conditions:

1. To restrict the use of the property as follows:


- A.** A Flex Office Space facility not exceeding 7,500 square feet in gross floor area with a 70-space outdoor passenger vehicle and light truck storage lot. Tractor trailer truck parking is prohibited.
- B.** The development shall be designed in general accordance with the site plan titled "Site Plan for Mundy Collision," prepared by Civilscapes, Inc., dated February 7, 2024, with changes necessary to meet conditions of zoning, requirements of the Zoning Ordinance and/or Development Regulations, and other adjustments subject to final approval by the Director of Planning and Development.

- C.** Prior to the issuance of a Certificate of Occupancy the development of the subject property shall be in compliance with the rules and regulations of applicable governing agencies.
 - D.** The design of the façades shall be clad in brick. Final designs shall be subject to the review and approval of the Director of the Planning and Development Department.
 - E.** Roll up doors shall not be visible from the right-of-way of Hurricane Shoals Road.
 - F.** No tents, canopies, temporary banners, streamers, or roping decorated with flags, tinsel, or other similar material shall be displayed, hung, or strung on the site. No decorative balloons or hot-air balloons shall be displayed on the site. Yard and/or bandit signs, sign-twirlers, or sign walkers shall be prohibited.
 - G.** Peddlers and/or any parking lot sales unrelated to the rezoning shall be prohibited.
 - H.** The owner shall repaint or repair any graffiti or vandalism that occurs on the property within seventy-two (72) hours.
 - I.** The Special Use Permit shall only be valid during the Applicant and/or the Property Owner's (Jason Mundy and/or Mundy's Holding, LLC) property ownership and operation on the property, and in the event of a transfer, this special use permit shall expire. The Applicant shall notify the City's Planning and Development Department within 30 days of transfer of property ownership and operation.
 - J.** In the event that the property is issued three (3) Citations by the City's Code Enforcement department in one 365-day period, this Special Use Permit shall be revoked.
- 2.** To satisfy the following site development considerations:
- A.** The development shall be constructed in conformity with the City of Lawrenceville Zoning Ordinance and Development Regulations. The final design shall be subject to the review and approval of the Director of Planning and Development.

- B.** Provide a minimum of five-foot wide (5 ft.) concrete sidewalk adjacent to the public right-of-way along John Connor Court. Required five-foot wide (5 ft.) concrete sidewalk shall be a minimum of two feet (2 ft.) from the required back-of-curb.
- C.** All grassed areas shall be sodded.
- D.** Underground utilities shall be provided throughout the development.
- E.** Natural vegetation shall remain on the property until the issuance of a development permit.
- F.** Provide a minimum ten-foot (10ft) wide Landscape Strip and a six-foot (6ft) high stained wooden double shadow box fence along the right-of-way of John Connor Court ending at the existing retaining wall at tax parcel 5176 048. The fence and landscaping shall provide an opaque year-round visual screening at a minimum height of six feet. Access extending from the Right-of-Way of John Connor Court shall be gated, except for ingress/egress, the southern gate shall be closed. The final design shall be subject to the review and approval of the Director of Planning and Development.
- G.** Provide a fifty-foot wide (50 ft.) Landscape Strip along the northern property line, where not impeded by the Colonial Gas Pipeline or the drainage easement. The final design shall be subject to the review and approval of the Director of Planning and Development.
- H.** Provide a fifteen-foot wide (15 ft.) replanted buffer along the southern and western property lines. The replanted buffer shall contain a mixture of at least two native evergreen species as provided in Section 402 of the Zoning Ordinance, one of which shall be replanted every twenty feet (20ft). The final design shall be subject to the review and approval of the Director of Planning and Development.
- I.** Provide a solid wood-stained fence at least 6-feet in height along the inside edge of the eastern property line for the entire property, except for approved access on John Connor Court. The location of a solid wood fence shall be subject to review and approval by the Director of Planning and Development.

- J.** Landscape Strips shall be planted with one (1) Overstory Tree, one (1) Understory Tree, eighteen (18) Evergreen Shrubs, eighteen (18) Ornamental Grasses and eighteen (18) Ground Coverings per one hundred (100 ft.) of road frontage along John Conner Court. Driveway widths and other ingress and egress areas may be subtracted from the landscape strip lineal feet calculation. Landscape Plans shall be subject to the review and approval of the Director of Planning and Development.
- K.** Planted Conifer and Evergreen trees shall be at least six feet in height at time of planting.
- L.** Planted Deciduous trees shall be at least three inches caliper at time of planting.
- M.** Ornamental Grasses and Ground Covering shall be a minimum size of one-gallon container at time of planting with a minimum height of one foot.
- N.** Preserved Trees may be counted toward fulfilling the tree requirement within the twenty-five-foot (25 ft.) Landscape Strip. Bradford Pear, Ginkgo (Female), Loblolly, Longleaf, Shortleaf, Slash Pine(s) shall be considered unacceptable trees.
- O.** Fencing, landscaping, and outdoor storage parking shall not be located within a drainage easement, pipeline easement or sanitary sewer easement.
- P.** The required fencing shall not contain any signage and shall be maintained in good repair at all times. All fencing and screening shall be subject to review and approval by the Director of Planning and Development.
- Q.** All outdoor parking/storage of passenger vehicles and light truck storage shall be limited to the enclosed area within the property. Storage of vehicles shall be prohibited within the boundaries of any easements or buffers.
- R.** Any one passenger vehicle or light truck shall not be parked in the same location for more than thirty (30) consecutive days. The intent of this condition is to limit storage of passenger vehicles for more than thirty (30) consecutive days and moving a vehicle from one space to another within the property counts towards the thirty (30) consecutive days.

- S.** During construction, a five-foot (5 ft.) Construction Tree and Landscape Setback shall be maintained, as measured horizontally, from the outer most perimeter of areas delineated as Floodplain, Landscape Strips, Stream Buffers, or Undisturbed Wetlands.
- T.** A five-foot (5 ft.) Construction Setback shall terminate with the issuance of a Certificate of Completion, Development Conformance, and/or Occupancy.
- U.** Exit/entrance design and location shall be subject to review and approval of the City Engineer.
- V.** Ground signage shall be limited to monument-type sign(s) and shall be subject to review and approval by the Director of Planning & Development. The sign shall include a minimum two-foot-high brick base, complementing the building's architectural treatment. The brick base shall extend at least the full width of the sign cabinet, and the sign cabinet shall be fully recessed and surrounded by the same materials. Ground sign(s) shall not exceed 6 feet in height.
- W.** Lighting shall be contained in cut-off type luminaries and shall be directed toward the property so as not to shine directly into adjacent properties or public right-of-way.
- X.** Dumpsters shall be screened by solid masonry walls matching the building, with an opaque metal gate enclosure.



David R. Still, Mayor

Date Signed: 6/13/2024

ATTEST:



Karen Pierce, City Clerk

Legal Description
562 John Connor Court

All that tract or parcel of land lying and being in Land Lot 176 and 177, District 5, Gwinnett County, Georgia and being more particularly described as follows:

Beginning at a point at the intersection of the northerly right of way of Hurricane Shoals Road (80' R/W) with the westerly right of way of John Connor Court (60' R/W): Thence along the R/W of John Connor Court a distance of 618.84' to the TRUE POINT OF BEGINNING:

Thence leaving said R/W S 06°13'27" W – 16.52' to a point:

Thence N 83°46'33" W – 135.06'

Thence S 05°08'14" W – 88.70'

Thence N 88°37'09" W – 116.04'

Thence N 05°05'26" E – 326.85' to a point on the land lot line common to land lots 176 and 177:

Thence N 80°07'06" E – 62.34'

Thence N 14°58'39" W – 22.30'

Thence N 79°49'36" E – 149.95'

Thence N 82°31'16" E – 9.92'

Thence S 11°18'24" E – 192.23' to a point on the R/W of John Connor Court:

Thence along the arc of a curve 143.10', said curve having a radius of 60.00' and a chord of S 10°12'41" W – 111.51', said point being the point of beginning.

Said tract contains 1.74 acres as per a minor Subdivision Plat for Stephens Industries, LP.
Prepared by Conroy & Associates, PC dated 6/12/16 and recorded in Plat Book 138, Page 21.

1105 W. Peachtree St. NE, Suite 1000
Atlanta, Georgia 30309-9813
Tel: 404 815-3500
www.sgrlaw.com



William (Bill) Diehl
Direct Tel: 404-815-3627
Direct Fax: 404-685-6927
wdiehl@sgrlaw.com

April 12, 2024

Via Submission to the Department of Planning & Development
The City of Lawrenceville, Georgia
Mayor & Council
70 S. Clayton Street
Lawrenceville, Georgia 30046

RE: Special Use Permit to allow Vehicle Storage—Submitted by Jason Mundy and Mundy Holding Company, LLC Concerning 562 John Conner Court (the “**Property**”)

Please allow this communication to supplement the Letter of Intent submitted in connection with the Special Use Permit Application (the “**Application**”) concerning the Property. My office represents Jason Mundy and Mundy Holding Company, LLC the applicant and property owner (for the reader’s convenience both the applicant and the property owner will be referred to collectively as the “**Applicant**” or as “**Mundy**”).

As you are aware, the Applicant is seeking a Special Use Permit to allow for Outdoor Storage on the Property—limited only to outdoor vehicle storage—in accordance with Zoning Ordinance Table 103.2. The use will include storage of some vehicles that show visible signs of damage or that have been wrecked. These vehicles would be parked on the facility while awaiting parts or availability. No vehicles, however, will be used for junk or salvage. The Property is currently zoned LM, a light industrial zoning district. The district permits such outdoor vehicle storage only as a special use.

Although this special use permit does request outdoor and vehicle storage uses, it should be noted that the result of the intended development is primarily to improve the Property with a 7,500 sq. ft. developed structure and a 70-space parking lot with landscaped islands. That is, the contemplated development will bring commercial investment and businesses, not merely a parking lot. The building will be used to expand an existing vehicle calibration business currently located on Hurricane Shoals Road (Advanced Safety Calibrations).

Parking and vehicle storage will be ancillary to this primary use and Property’s appearance (and operations) will reflect that order of uses. The parking lot will be traditionally

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scaled, having a parking ratio of approximately 1:100 sq. ft. While this parking requirement exceeds what would be required for the envisioned use,¹ the ratio is not particularly excessive when compared to other uses, such as lodges or fraternal organizations (1:100 sq. ft.), Community Centers (1:150 sq. ft.), Fitness Centers (1:150 sq. ft.), and Places of Assembly (1:100 sq. ft.). *See, Table 5-3 of the Zoning Ordinance.* As such, approving the special use permits an allowed principal use to operate, improves an underdeveloped commercial property within the City, and does not create an excessive amount of parking than would be permitted for other uses.

While the special use permit requested here does envision the expansion of outdoor vehicle storage, the envisioned use will not be unattractive or resource intensive. First, the nature of Mundy's business from the Property will be limited to advanced vehicle calibration. Vehicle calibration is typically performed after body repairs have been completed and the vehicle's electronic diagnostic and safety equipment must be recalibrated through electronic devices. Although some heavy machinery is used, most of Mundy's services are performed with smaller electronic and processing equipment. Secondly, Mundy's has been intentional in the placement of the parking facilities, making sure that the parking facilities are screened from Hurricane Shoals and placing the building along the open space on the northern portion of the Property (which is open on account of a gas line easement). Thus, the parking lot is only visible from the cul-de-sac on John Conner Court, which is only used by commercial businesses and their patrons. Fencing and gates will be installed to further limit sightlines into the Property.

Mundy's has a long history of success and a track-record as a community partner in Lawrenceville. It has been purposeful in ensuring its existing buildings are well-maintained and attractive. Its property is well-kept and orderly maintained. Mundy's is highly rated and at the forefront of safety calibrations and is among the most successful and highly rated of these businesses in the metro-Atlanta area.

I. STANDARDS GOVERNING EXERCISE OF ZONING POWER (ZONING ORDINANCE § 907(C))

1. Whether a zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.

The special use permit pertains to an accessory use for vehicle storage, which, as proposed, is ancillary to the diagnostic business to be developed here. Commercial and light industrial uses abound in the area. Those commercial uses include various types of commercial operations and businesses. While older automobile-oriented businesses are in the area, the surrounding uses are diverse and of similar intensities of use. Further, Mundy has been an established community

¹ The parking requirements for the office and automotive repair and maintenance uses would require between 11 and 20 parking spaces in accordance with Table 5-3 of the Zoning Ordinance.

partner for the City. Mundy's existing buildings on Hurricane Shoals have benefited from purposeful investments in their façade and streetscape to ensure compatibility with Lawrenceville's standards of development. The proposed building will likewise match these architectural and design standards. Additionally and as noted above, the parking facilities will be oriented behind existing buildings on Hurricane Shoals, limiting the extent to which they will be visible from the street.

Mundy is very conscious of the City's goal of transitioning the area from the predominance of automobile-oriented businesses. The primary use on the Property, although automobile oriented, is not the typical body and collision center of decades' past. Mundy's calibration services pertain primarily to electronic and diagnostic components within vehicles. Much of their work is performed through electronic calibration equipment as opposed to manual, loud, compressed-air equipment that one might expect in a traditional automotive repair shop. Mundy's operations are state-of-the-art, clean, and have minimal noise associated with them.

2. Whether a zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.

The Special Use Permit allows for the redevelopment of an underdeveloped commercial property, currently a gravel parking lot. The surrounding properties are of similar commercial and light industrial uses and have developed around Mundy's existing and adjacent collision and calibration center. Nearly all adjacent properties have similar uses. The City Electric Supply location to the West of the Property, likewise, uses the adjacent portions of that property for outdoor storage of inventory. There is no indication that the use will be adverse or create inharmonious uses.

3. Whether the property to be affected by a zoning proposal has a reasonable economic use as currently zoned.

Being zoned in a light industrial district, the Property's use is limited to industrial and manufacturing uses. Such uses often require storage of equipment, inventory, and/or vehicles as an accessory to the primary use. Without being able to use the property for vehicle storage, the property's use by right is limited and is a significant detriment to its continued use.

4. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

The use proposed will not result in any additional burden or strain on existing infrastructure. The use is largely passive and does not require significant utility access. Stormwater arising from impervious surfaces will be in an amount that is similar to other allowed uses on the Property and will be adequately treated in accordance with the City's stormwater regulations.

5. *Whether the zoning proposal is in conformity with the policy and intent of the Comprehensive Plan; and*

The Property is within the Community Mixed Use character area of the Comprehensive Plan. As noted, Mundy's is aware of the City's desire to expand services and industry in the City beyond traditional automobile-oriented businesses. Mundy's business certainly involves the repair of motor vehicles and, to be clear, the Applicant is not suggesting otherwise. However, Mundy's unique services, largely being diagnostic and technology related, are not the typical heavy intensity of uses associated with other vehicle repair shops. Most of its services are related to technology and calibration of vehicles, which create less refuse, less noise, use less heavy machinery, and do not require extensive inventory storage. For that reason, Mundy's believes that the intended use and the associated secondary use is more consistent with the Comprehensive Plan and the City's goal of creating a diverse and technologically based businesses in the City. (See, Comprehensive Plan Pg. 26).

6. *Whether there are other existing or changing conditions affecting the use and development of the property, which give supporting grounds for either approval or disapproval of the zoning proposal*

The existence of similar storage uses in the area support allowing the special use. Mundy's ensure that any vehicles stored on the property that demonstrate signs of damage, will be limited to the most interior parking spots so that sightlines of those vehicles are obscured from Hurricane Shoals Road.

II. SPECIAL USE PERMIT CONSIDERATIONS (ZONING ORDINANCE § 904(C))

1. *The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, or general welfare.*

The special use, vehicle storage, will not endanger public health, safety, or general welfare. The property will be maintained, enclosed, and there will be surveillance systems installed to ensure the property remains protected. Vehicle storage will occur within a defined area, where direct sightlines will be limited from Hurricane Shoals Road.

2. *The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted or will not substantially diminish and impair property value within the neighborhood.*

The surrounding properties are of similar commercial and light industrial uses and have developed around Mundy's existing and adjacent collision center, which includes vehicle storage as a legal nonconforming use. Nearly all adjacent properties have similar uses. The City Electric Supply location to the West of the Property, likewise, uses the adjacent portions of that property

for outdoor storage of inventory. There is no indication that the use will be adverse or create inharmonious uses.

- 3. The establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.***

The vehicle storage use will be visible only from John Connor Court and will be screened by opaque fencing. Surrounding development include other similar uses, including similar vehicle storage uses.

- 4. Adequate utilities, access roads, drainage, and other necessary facilities have been or are being provided.***

Yes. The special use is passive and has no impact on existing utilities. Stormwater will be treated in accordance with City standards.

- 5. Adequate measures have been or will be taken to provide ingress and egress so designed to minimize traffic congestion in the public streets; and***

Traffic impacts will be limited. The special use contemplated here will generate minimal additional traffic. The primarily use, vehicle calibration, is not anticipated to generate any substantial traffic impacts.

- 6. The special use will be in a district where such use may be permitted and that all requirements set forth in this Zoning Ordinance and applicable to such conditional use will be met.***

All requirements of the Zoning Ordinance will be met.

III. PROFFERED CONDITIONS:

To show a commitment to quality of development envisioned here, the Applicant proffers the following conditions to the special use permit:

1. A wooden (or other material of equal or greater quality) fence and metal gates shall be installed where the Property adjoins and abuts John Conner Court.
2. Surveillance cameras shall be installed and shall be registered with the Lawrenceville Police Department's camera registration.
3. No vehicle demonstrating visible damage shall be parked within 50 feet from the Property's entrance from John Connor Court or the parking spaces immediately in front of the proposed office/warehouse.

4. Outdoor storage uses shall be limited to vehicles currently being repaired or scheduled for repair.
5. Parking islands on the Property will be landscaped.

IV. PRESERVATION OF CONSTITUTIONAL RIGHTS

The Applicant looks forward to working with the City on an amicable basis in addressing the special use permit and showing grounds for its approval. Georgia law, however, requires that a property owner preserve constitutional rights in a written notice prior to public hearings. This notice is being provided in accordance with such law. It is the Applicant's position on behalf of itself and the property owner, that the City's Zoning Ordinance as enforced against the Property and on its face is unconstitutional in that it destroys the marketability of the property and renders the property exceptionally less valuable, and such zoning therefore constitutes a taking of property without just and adequate compensation and without due process of law in violation of the Fifth and Fourteenth Amendments to the Constitution of the United States, as well as Article 1, Section 1, Paragraph 1; Article 1, Section 3, Paragraph 1(a); and Article 3, Section 6, Paragraph 2 of the Constitution of the State of Georgia (1983).

The Zoning Ordinance's prohibitions on vehicle storage are arbitrary and ambiguous such that the Property owner is subjected to capricious enforcement of regulations to preclude any use of the Property or are such that they require that the Subject Property be put to a particular use that has no reasonably economic value.

A refusal to approve these Applications will render the property unusable and constitutes the taking of Applicant and property owner's property without just and adequate compensation and without due process of law in violation of the provisions of the United States and Georgia Constitutions cited in this paragraph. The same effect would be had by imposing conditions in restraint of trade, or onerous, burdensome, unconstitutional, or unnecessary conditions on the property. The denial of this request would bear no reasonable relation to the health, safety, morals or welfare of the citizens and therefore is unconstitutional.

SMITH GAMBRELL & RUSSELL, LLP



William J. Diehl
wdiehl@sgrlaw.com

ORDINANCE ZON-ORD-2024-4

**ORDINANCE TO AMEND ARTICLE 8 GENERAL REGULATIONS OF THE CITY OF LAWRENCEVILLE
ZONING ORDINANCE 2020 AND FOR OTHER PURPOSES**

The City Council of the City of Lawrenceville, Georgia hereby ordains that the City of Lawrenceville Zoning Ordinance 2020 shall be amended as follows:

Section 1:

That subsection A. of Section 803, related to official zoning map, is deleted in its entirety and replacing the language to read as follows:

803 Map and Districts Established

A. Official Zoning Map

1. There is hereby established a zoning plan for the City of Lawrenceville, Georgia, which plan is set forth in the text, map, and descriptions which constitute this Ordinance.
2. The City of Lawrenceville is hereby divided into zoning districts, as shown on the Official Zoning Map which is hereby adopted by reference and declared to be a part of this Ordinance.
3. Any property that is located within the municipal boundaries of the City of Lawrenceville that is not shown on the zoning map attached hereto or that is not shown within a specific zoning classification on the zoning map attached hereto shall be classified as AR (Agricultural Residential District). All conditions of zoning that were placed on any land in the City of Lawrenceville at the time of any prior zoning of that property shall be and shall remain in full force and effect.
4. The Official Zoning Map shall be identified by a signature block that includes the signature of the Mayor, and attested by the City Clerk, over the following words: "This is to certify that this is the Official Zoning Map referred to in the Lawrenceville Zoning Ordinance," together with the date of its adoption.
5. The location and boundaries of the zoning districts established by this Zoning Ordinance are depicted on and maintained as part of the City's geographic information system (GIS), under the direction of the City Manager. A print-out or plot of this "zoning" geographic coverage layer that includes the signature block described in subsection (A)(3) above constitutes the City of Lawrenceville Official Zoning Map.
6. The latest adopted version of the Official Zoning Map shall be available for inspection in the offices of the City of Lawrenceville Planning & Development Department during regular business hours of the City, and a copy will be available for general public reference on the City's official website.
7. Maintenance and updates. The Director of Planning and Development is responsible for directing revisions to the Official Zoning Map to reflect its amendment as soon as possible after the effective date of zoning map amendments. No unauthorized person may alter

or modify the Official Zoning Map. The Director of Planning and Development may authorize printed copies of the Official Zoning Map to be produced, and must maintain digital or printed copies of superseded versions of the Official Zoning Map for historical reference.

8. Annexation. Any land subsequently annexed to the City shall be annexed in accordance with the procedures adopted by the mayor and council that are based upon state law and are part of the City Code. It shall, immediately upon annexation, be classified into a zoning category compatible with adjacent zoning, land uses, and sound planning principles.

Section 2:

Except as specifically amended as set forth above, all other sections, subsections, sub-subsections, etc. of Article 8 shall remain in full force and affect.

Section 3:

All ordinances, regulations, or parts of the same in conflict with this Ordinance are hereby rescinded to the extent of said conflict and only to the extent of said conflict.

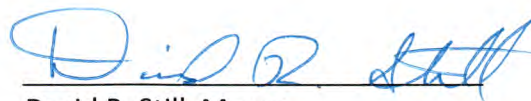
Section 4:

If any section, article, paragraph, sentence, clause, phrase, or word in this ordinance, or application thereof to any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance; and the City Council hereby declares it would have passed such remaining portions of the ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

Section 5:


This ordinance shall become effective upon its adoption by the City Council.

IT IS SO ORDAINED this 22nd day of May, 2024.



David R. Still, Mayor

Attest:



Karen Pierce, City Clerk

ORDINANCE ORD-2024-6

**ORDINANCE TO AMEND CHAPTER 38 OF THE CODE OF THE CITY OF LAWRENCEVILLE,
GEORGIA REGARDING UTILITIES TO UPDATE PROVISIONS RELATED TO APPLICATIONS FOR
SERVICE AND BILLING AND FOR OTHER PURPOSES**

The City Council of the City of Lawrenceville, Georgia hereby ordains that the Code of the City of Lawrenceville, Georgia shall be amended as follows:

Section 1:

That Section 38-2 is hereby amended by deleting said section in its entirety and replacing the language with the text set forth below to read as follows:

Sec. 38-2. – Application for utility service.

Application for the use of city utilities shall be made to the City by the owner or agent of the property to be benefited, designating the location of the property, and stating the purpose for which the utility may be required. The city manager or designee shall prescribe the forms, information, and processes necessary for obtaining an application for utility service. An application fee of \$75.00 shall be charged for processing utility service applications.

Section 2:

That Section 38-3 is hereby amended by deleting said section in its entirety and replacing the language with the text set forth below to read as follows:

Sec. 38-3. – Billing.

The city manager or designee may set billing schedules for various customers to ensure efficiency in government operations and collection of fees. The utility bills shall be due 21 days from the statement date. Disconnection of services for non-payment may occur 45 days from the statement date. An administrative fee of \$2.95 shall be charged for each utility account. The city manager or designee may implement rules to implement the fee through utility base charges and reduce this fee based on electronic billing and payment methods.

Section 3:

Except as specifically amended as set forth above, all other sections and provisions of Chapter 38 shall remain unchanged and in full force and affect.

Section 4:

All ordinances, regulations, or parts of the same in conflict with this ordinance are hereby rescinded to the extent of said conflict and only to the extent of said conflict.

Section 5:

If any section, article, paragraph, sentence, clause, phrase, or word in this ordinance, or application thereof to any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance; and the City Council hereby declares it would have passed such remaining portions of the ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

Section 6:

This ordinance shall become effective upon its adoption by the City Council.

IT IS SO ORDAINED, this 22nd day of May, 2024.



David R. Still, Mayor

Attest:



Karen Pierce, City Clerk

ORDINANCE ORD-2024-7

**ORDINANCE TO AMEND CHAPTER 16 OF THE CODE OF THE CITY OF LAWRENCEVILLE,
GEORGIA RELATED TO ELECTIONS TO UPDATE PROVISIONS RELATED TO NOTICE OF
CANDIDACY AND CAMPAIGN FINANCING DISCLOSURE AND FOR OTHER PURPOSES**

The City Council of the City of Lawrenceville, Georgia hereby ordains that the Code of the City of Lawrenceville, Georgia shall be amended as follows:

Section 1:

That subsection (a) Sec. 16-23, related to notice of candidacy is hereby amended by deleting subsection (a) in its entirety and replacing the language to read as follows:

Sec 16-23. Notice of candidacy.

(a) *Filing.* Each candidate desiring to have his name placed on the ballot for an office to be filled by a municipal general or special election shall file personally or by agent notice of his candidacy in the manner required by O.C.G.A. § 21-3-132 as amended. The notice shall be accompanied by the documents and information required by said section. The time for qualification shall be as established by State law. Qualification fees for each office are hereby set at three percent of the annual salary of the office, pursuant to O.C.G.A. § 21-2-131 as amended.

Section 2:

That subsection (b) of Sec. 16-23, related to notice of candidacy is hereby amended by deleting subsection (b) in its entirety and replacing the language to read as follows:

Sec 16-23. Notice of candidacy.

(b) *Designation of office sought.* The city council is comprised of a mayor and four city council seats. Each city council seat is designated by post numbered 1 through 4. The mayor, city council Post 1 and city council Post 2 shall be elected in the same year (election held in November 2023 and every 4 years therefore). City council Post 3 and city council Post 4 shall be elected in the same year (election held in November 2021 and every 4 years therefore). All persons giving notice of candidacy for a city council seat shall designate the post being sought (Mayor, City Council Post 1, City Council Post 2, City Council Post 3, or City Council Post 4).

Section 3:

That Sec. 16-25, relating to campaign financing disclosure is hereby amended by deleting Sec. 16-25 in its entirety and replacing the language to read as follows:

Sec. 16-25 Campaign financing disclosure.

All candidates for municipal public office shall keep all such records and file all such records as are required by the Georgia Campaign and Financial Disclosure Act Title 21 – Elections, Chapter 5 Government Transparency and Campaign Finance.

Section 4:

That Sec. 16-57, relating to contested elections is hereby amended deleting Sec. 16-57 in its entirety and replacing the language to read as follows:

Sec. 16-57 Contested elections.

Contested elections shall be governed by the provisions of O.C.G.A. §§ 21-2-520—21-2-529 as amended.

Section 5:

Except as specifically amended as set forth above, all other subsections of Sections 16-23, 16-25, and 16-57 shall remain in full force and affect. Further, all other sections of Chapter 16 shall remain materially unchanged and in full force and affect.

Section 6:

All ordinances, regulations, or parts of the same in conflict with this Ordinance are hereby rescinded to the extent of said conflict and only to the extent of said conflict.

Section 7:

If any section, article, paragraph, sentence, clause, phrase, or word in this ordinance, or application thereof to any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance; and the City Council hereby declares it would have passed such remaining portions of the ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

Section 8:

This ordinance shall become effective upon its adoption by the City Council.

IT IS SO ORDAINED this 22, day of May, 2024.


David R. Still, Mayor

Attest:


Karen Pierce, City Clerk

ORDINANCE ORD-2024-8

**ORDINANCE TO AMEND CHAPTER 2 OF THE CODE OF THE CITY OF LAWRENCEVILLE, GEORGIA
RELATED TO ADMINISTRATION TO UPDATE VARIOUS PROVISIONS RELATED TO THE
ADMINISTRATION OF THE CITY AND FOR OTHER PURPOSES**

The City Council of the City of Lawrenceville, Georgia hereby ordains that the Code of the City of Lawrenceville, Georgia shall be amended as follows:

Section 1:

That of Sec. 2-1, related to exercise of governmental authority, is hereby amended by deleting Sec. 2-1 in its entirety and replacing the language to read as follows:

Sec. 2-1. Exercise of governmental authority.

The corporation governmental powers of the City shall be exercised by the Council in the manner provided by the Charter and by the provisions of this chapter.

Section 2:

That subsection (a)(1)d. of Sec. 2-2, related to code of ethics for city employees, is hereby amended by deleting (a)(1)d. and replacing the language to read as follows:

Sec. 2-2. Code of Ethics.

(a) *Code of Ethics for City employees.*

(1) *Prohibited conduct.*

- d. Accepting gifts with a value equal to or more than \$100.00, whether in the form of money, things, favors, loans, or promises, that would not be offered or given to them if they were not an employee. A gift of \$50.00 or less is exempt from reporting. A gift of \$50.01 to \$99.99 is only exempt if the gift is reported in writing to the City Clerk within 30 days of receipt. The Clerk shall disclose all such gifts in a consent agenda report published on a quarterly basis.

Section 3:

That subsection (a)(2) of Sec. 2-2, related to hearings and determinations, is hereby amended by deleting (a)(2) and replacing the language to read as follow:

Sec. 2-2. Code of Ethics.

(a) *Code of Ethics for City employees.*

(2) *Hearings and determinations.* If an employee is found guilty of an ethics violation, a name clearing hearing may be held as described in the City of Lawrenceville Personnel Policy.

Section 4:

That subsection (b) Sec. 2-2, related to code of ethics for city officials, is hereby amended by deleting (b) in its entirety and replacing the language to read as follows:

Sec. 2-2. Code of Ethics.

(b) *Code of Ethics for City Officials.*

(1) *Definitions.* As used in this section, the following words shall have the meaning ascribed to them below (unless otherwise required by context):

- a. *Benefit* means anything of monetary value that a reasonably prudent person would recognize as being likely to be intended to influence a City of Lawrenceville Official in the performance or non-performance of an official action.
- b. *Confidential information* means information which has been obtained in the course of holding public office, employment, an independent contract or otherwise acting as a public servant, and which information is not available to members of the public under the Georgia Open Records Act or other law or regulation and which the public servant is not authorized to disclose, including:
 1. Any written information that could lawfully be exempted from disclosure pursuant to state law, unless the public servant disclosing it is authorized to do so by state law, or pursuant to some other pertinent law, policy, or procedure;
 2. Any non-written information which, if it were written, could be excepted from disclosure under state law, unless the public servant disclosing it is authorized to do so by the state law, or pursuant to some other pertinent law, policy or procedure; and
 3. Information which was obtained in the course of or by means of a record or oral report of a lawful executive or closed session, whether or not the disclosure of the information would violate state law, unless the public servant disclosing it is authorized by

state law to do so, or unless the public servant disclosing it has been properly authorized to disclose it pursuant to an applicable law, policy or procedure; however, when such information is also available through channels which are open to the public, this provision does not prohibit public servants from disclosing the availability of those channels.

- c. *Entity* means a sole proprietorship, partnership, limited partnership, firm, corporation, professional corporation, holding company, joint stock company, receivership, trust or any other entity recognized by law through which business may be conducted.
- d. *Immediate family* means the spouse, mother, father, grandparent, brother, sister, son or daughter of any City of Lawrenceville Official related by blood, adoption, or marriage. The relationship by marriage shall include in-laws.
- e. *City of Lawrenceville Official* means the members of the City Council, Municipal Court Judges (including substitute judges), City Manager, Assistant City Manager(s), Public Works Director, Police Chief, Chief Communications Officer, City Clerk, Assistant City Clerk, City Attorney, Chief Financial Officer, and all other persons holding positions designated by the City Charter. The term City Official also includes all individuals appointed by the City Council to all City authorities, boards, commissions, committees, task forces, or other bodies unless specifically exempted from this article by the City Council.
- f. *Interest* means any personal pecuniary benefit accruing to a public servant or the public servant's partner in interest, whether in the public servant's own name or the name of any person or business from which the public servant is entitled to receive any personal benefit, as a result of a matter which is or which is expected to become the subject of an official action by or with the City.
- g. *Incidental interest* means an interest in a person, entity or property which is not a substantial interest as defined herein and which has insignificant value.
- h. *Partner in interest* means, when used in this article in connection with a public servant, as in the phrase "a public servant or a partner in interest," any and all of the following:
 - 1. A member of the public servant's immediate family;
 - 2. A business with which the public servant or a member of the public servant's immediate family is associated;

3. Any other person with whom the public servant or a member of their immediate family is in business, or is negotiating or has an agreement concerning future employment or the future conferring of any personal benefit, whether in the public servant's own name or the name of any business or person from whom the public servant is entitled, or expects to become entitled, to receive any personal benefit, as a result of a contract or transaction which is, or which is expected to become, the subject of an official action by or with the City. The term "partner in interest" does not imply or require any form of legal partnership or formal agreement; or
4. When used in the phrase "a public servant or partner in interest," the term "partner in interest" refers only to a partner in interest of the public servant to whom reference is being made, and not to any other person's partner in interest.
 - i. *Remote interest* means an interest of a person or entity, including a City Official, which would be affected in the same way as the general public. For example, the interest of an official in the property tax rate, general City fees, City utility charges, comprehensive zoning ordinance, or similar matters is deemed remote to the extent that the official would be affected in common with the general public.
 - j. *Substantial interest* means an interest, either directly or through a member of the immediate family, in another person or entity, where:
 1. The interest is as follows:
 - (a) Ownership of five percent or more of the voting stock, shares or equity of the entity; or
 - (b) Ownership of \$5,000.00 or more of the equity or market value of the entity.
 2. The funds received by the person from the other person or entity during the previous 12 months either equal or exceed:
 - (a) \$5,000.00 in salary, bonuses, commissions, or professional fees, or \$5,000.00 in payment for goods, products or services, or ten percent of the recipient's gross income during that period, whichever is less;
 - (b) The person serves as a corporate officer or member of the board of directors or other governing board of a for-profit entity other than a corporate entity owned or created by the City Council; or which entity receives an amount of \$5,000.00 or more; or

- (c) The person is a creditor, debtor, or guarantor of the other person or entity in an amount of \$5,000.00 or more.

(2) *Principal policies.* The public trust requires public servants to fulfill their duties faithfully and honestly and to subordinate any personal interest, which conflicts with the public interest. A public servant is a trustee of the people and should strive to further the general welfare of the public and not use his/her public office or position to unethically improve their own private standing. The principal policies that form the foundation of this Code of Ethics are as follows:

- a. The trust of citizens in their government is cultivated when individual public servants act with integrity and when the public is aware that its servants act with integrity.
- b. The constitutions, laws and regulations of the United States and the State of Georgia and ordinances of the City of Lawrenceville should be upheld as a minimum standard of conduct.
- c. The most effective way to eradicate unethical practices is to consistently act with the highest moral principles and react appropriately to the ethical decisions of others.
- d. City of Lawrenceville Officials should exercise sound judgment and apply ethical principles in making decisions that in any manner reflect upon their elected office.
- e. All citizens should be treated with courtesy, impartiality, and equality.

(3) *Intent.* It is the intent of this Code of Ethics that City of Lawrenceville officials shall not knowingly engage in any activity that is incompatible with the proper discharge of their official duties or which would tend to impair their judgment or actions in the performance of their official duties. Furthermore, City of Lawrenceville Officials should avoid any action that might result in or create the appearance of:

- a. Using public office or position in an unethical manner for private gain;
- b. Impeding City of Lawrenceville efficiency or economy; or
- c. Affecting adversely the confidence of the public in the integrity of those who conduct the affairs and business of the City of Lawrenceville.

(4) *Conduct.*

- 1. Expected
 - a. City of Lawrenceville Officials shall treat all citizens with courtesy, impartiality, fairness, and equality under the law, and;

- b. City of Lawrenceville Officials shall avoid both actual and potential conflicts between their private self-interest and the public interest.
- c. *Disclosure.* City of Lawrenceville Officials shall disclose the nature of any substantial interest they have in a matter at the time such matter is presented to the City Council for discussion and/or action. Such disclosure shall be recorded in the minutes of the meeting and become part of the public record.
- d. *Duty to leave meeting.* To avoid the appearance of impropriety, after any member of the City Council or Council appointed Board or Committee member is determined to have a substantial interest or a potential substantial interest in any matter, they shall leave their regular seat as a member of the City Council or Council appointed Board or Committee and not return to it until deliberation and action on the matter is completed. Provided, however, that such official shall not be precluded from addressing an appointed Council Board or Committee or the City Council during the discussion of any agenda item or any official act or action in the same manner as a member of the general public.

2. Prohibited

- a. City of Lawrenceville Officials shall not have a substantial interest that conflicts with their responsibilities and duties as trustees of the public good; or
- b. City of Lawrenceville Officials shall not directly or indirectly engage in financial transactions as a result of, or primarily rely upon, confidential information obtained in the course of their office or received due to their position.
- c. *Acceptance of gifts.* City of Lawrenceville Officials shall not solicit or accept, directly or indirectly, any benefit or payment from any person, corporation or group that has, or is seeking to obtain, a contractual or other business or financial relationship with the City of Lawrenceville.
 - 1. The above prohibitions shall not apply in the case of:
 - (a) Occasional nonmonetary gift(s) of insignificance or trinkets or gifts, such as a calendar, memento, or pen, received in the normal course of business with a value of/or less than \$100.00. A gift of \$50.00 or less is exempt from reporting. A gift of \$50.01 to \$99.99 is only exempt if the gift is reported in writing to the City Clerk within 30 days of receipt.

The Clerk shall disclose all such gifts in a consent agenda report published on a quarterly basis.

- (b) Award publicly presented in recognition of public service;
 - (c) Transaction authorized by and performed in accordance with O.C.G.A. § 16-10-6 as now or hereafter amended;
 - (d) A commercially reasonable loan or other financial transaction made in the ordinary course of business by an institution or individual authorized by the laws of the State of Georgia to engage in the making of such loan or financial transaction;
 - (e) Campaign contributions made and reported in accordance with State of Georgia laws;
 - (f) Items listed under O.C.G.A. § 16-10-2 that are specifically itemized as "a thing of value shall not include" as now or hereafter amended;
 - (g) Promotional items generally distributed to the general public or to public officials; or
 - (h) Food, beverage, admission or expenses afforded City Officials, members of their immediate families, or others that are associated with normal and customary business or social functions, activities, or events.
- d. *Use of public property.* City of Lawrenceville Officials shall not use City of Lawrenceville property of any kind for other than officially approved activities, nor shall they direct a City of Lawrenceville employee to use such property for other than official purposes.
- e. *Use of confidential information.* City of Lawrenceville Officials shall not directly make use of, or permit others to make use of, for the purpose of furthering a private interest, City of Lawrenceville information not made available to the general public.
- f. *Coercion.* City of Lawrenceville Officials shall not use their position in any way to coerce, or give the appearance of coercing:
1. Another person to provide any benefits to themselves or to their immediate family as defined herein;
 2. A City of Lawrenceville employee, an appointed official of the City of Lawrenceville, or a contract employee to

provide any benefit to themselves or to their immediate family as defined herein; or

3. Any judge in the outcome of matters before the court.
- g. *Purchases.* City of Lawrenceville Officials shall not order any goods or services for the City of Lawrenceville or on behalf of the City of Lawrenceville without proper authorization in compliance with the City of Lawrenceville Code.
 - h. *Conflicts of interest.* City of Lawrenceville Officials shall not represent private interests, other than their own, in any action or proceeding against the City of Lawrenceville or any portion of its government; or vote or otherwise actively participate in the negotiation or the making of any contract between the City of Lawrenceville government and any business or entity in which they have a substantial interest. City of Lawrenceville Officials shall not enter into any contract with, or have any interest in, either directly or indirectly, the City except as authorized by state law.
 1. This prohibition shall not be applicable to the professional activities of the City Attorney in their work as an independent contractor and legal advisor on behalf of the City.
 2. This prohibition shall not be applicable to an otherwise valid employment contract between the City and a City Official who is not elected (such as, by way of example, a City Manager).
 3. Any official who has a proprietary interest in an entity doing business with the City shall make that interest known in writing to the City Council and the City Clerk.
 - i. *City of Lawrenceville employees.* City of Lawrenceville Officials shall not use a City of Lawrenceville employee for personal or private business during regular business hours or during the employee's scheduled shift.
 - j. *Travel expenses.* City of Lawrenceville Officials shall not draw per diem or expense money from the City of Lawrenceville to attend a seminar, convention, conference, or similar meeting and then fail to attend the seminar, conference, convention, or similar meeting without promptly reimbursing the City thereafter.
 - k. *Commitments.* City of Lawrenceville Officials shall not act or create the appearance of acting on behalf of the City of

Lawrenceville by promising to authorize or prevent any future official action of any nature, without proper authorization.

- l. *False statements.* City of Lawrenceville Officials shall not make an intentionally false or materially misleading statement or in any manner commit fraud in relation to any City of Lawrenceville or public business.
- m. *Deliberation and vote prohibited.* City of Lawrenceville Officials shall not participate in a City of Lawrenceville Council appointed Board, Committee or Council meeting during the discussion, debate, deliberation or vote, or otherwise take part in the decision-making process on any agenda item, or any official act or action in which he or she has a substantial interest. Provided, however, that such officials shall not be precluded from addressing a Council appointed Board, Committee, or the City Council during the discussion of any agenda item or any official act or action in the same manner as a member of the general public. Where the interest of a City Official in the subject matter of a vote or decision is remote or incidental, the City Official may participate in the vote or decision and need not disclose the interest.

(5) Ethics Hearings

- a. *Ethics hearing officer.* The Chief Judge of Municipal Court, or, in their absence, their designee who shall be another municipal court judge, or if no municipal court judge is available, the City of Lawrenceville Attorney, is hereby designated as the Ethics Hearing Officer. The Ethics Hearing Officer shall serve without compensation and may be removed for cause by a majority vote of the City of Lawrenceville Council. If the hearing officer is removed for cause, the next most senior Municipal Court Judge or the City of Lawrenceville Attorney shall serve as hearing officer.
- b. *Receipt of complaints.* All complaints against a City of Lawrenceville Official shall be filed in writing with the City Clerk to be referred to the Ethics Hearing Officer in such form as may be prescribed by the Ethics Hearing Officer. All complaints shall be submitted and signed under oath, shall be legibly drawn, and shall clearly address matters within the scope of this ordinance. Upon receipt of a complaint in proper form, the City Clerk will deliver a copy of the complaint to the Ethics Hearing Officer, who shall:
 - 1. Review it to determine whether the complaint is unjustified, frivolous, patently unfounded or fails to state facts sufficient to

invoke disciplinary action or is to be considered for further investigation.

2. Be empowered to dismiss those complaints that are unjustified, frivolous, patently unfounded or that fail to state facts sufficient to constitute a violation of this article; provided, however, that a rejection of such complaint by the Ethics Hearing Officer shall not deprive the complaining party of any action he or she might otherwise have at law or in equity against the City of Lawrenceville Official.
 3. Notify the City of Lawrenceville Official charged in the complaint as soon as practicable but in no event later than seven calendar days after receipt of a verified complaint.
 4. Be empowered to collect evidence and information concerning any complaint and to add to the findings and results of its investigation to the file containing such complaint.
 5. Be empowered to conduct probable cause investigations, to take evidence and hold hearings. The Ethics Hearing Officer shall give the City of Lawrenceville Official notice and an opportunity for a hearing.
 6. Be empowered to recommend to the City of Lawrenceville Council that any City of Lawrenceville Official found to have violated any provision of this article receive a reprimand, censure or be requested to resign from their office.
 7. Be empowered to refer a complaint to the appropriate law enforcement agent or agency for investigation and possible prosecution.
 8. Take action within 60 days of receipt of the complaint. The decision by the Ethics Hearing Officer shall be reduced to writing and served upon all parties of interest within five days of reaching a decision.
 9. The Ethics Hearing Officer shall appear in a public hearing before the City of Lawrenceville Council to present argument and evidence to justify the recommendation contained in paragraph (6) above and make a recommendation of the proper penalty to be imposed. The City of Lawrenceville Council shall have the final authority to act on or reject the recommendation within 30 days of the presentation by the Hearing Officer.
- c. *City of Lawrenceville Council action.* Within 30 days following the presentation of the findings of the Ethics Hearing Officer, the City of

Lawrenceville Council shall have the final authority to act on or reject the recommendations of the Ethics Hearing Officer. If the subject of the complaint is a member of the City of Lawrenceville Council, he or she will not be allowed to vote pursuant to this section or participate in any discussion related thereto. Nor shall such position be counted for the purpose of establishing a quorum for this particular purpose.

- d. *Penalties.* Upon majority vote of the City of Lawrenceville Council, any violation of this Code of Ethics shall subject the offender to disciplinary action including reprimand, censure, or a request to the offending City of Lawrenceville Official that he or she resign their office.
- e. *Right to appeal.* Any City of Lawrenceville Official adversely affected by a disciplinary action taken by the City of Lawrenceville Council may appeal the decision to the Gwinnett County Superior Court in accordance with the laws of the State of Georgia. Provided, however, that no action of the Hearing Officer refusing or failing to take action pursuant to this Code of Ethics shall be reviewable by the Superior Court.
- f. *Election tolling.* To discourage the filing of ethics complaints solely for political purposes, complaints will not be accepted against a person seeking election as a City of Lawrenceville official, whether currently serving as a City of Lawrenceville official or not, from the date qualifying opens for the elected office at issue through the date the election results for that office are certified. The time for filing complaints will not run during this period. Properly filed complaints will be accepted and processed after the election results have been certified.

Section 5:

That subsection (b) of Sec. 2-3, related to administrative policy and procedures, is hereby amended by deleting subsection (b) in its entirety and replacing the language to read as follows:

Sec. 2-3. Administrative policy and procedures.

- (b) *Department directors.* All department directors shall:
 - (1) Be responsible to the City Manager for the effective administration of their respective department and all activities assigned thereto;
 - (2) Keep informed as to the latest practices in their particular field and inaugurate, with the approval of the City Manager, such new practices as appear to be of benefit to the service and to the public;
 - (3) Have power, when authorized by the City Manager, to appoint and remove, subject to personnel regulations, all subordinates under him; and

- (4) Be responsible for the proper maintenance of all City property and equipment used in their respective departments.

Section 6:

That Sec. 2-26, related to qualifications for office, is hereby amended by deleting Sec. 2-26 in its entirety and replacing the language to read as follows:

Sec. 2-26. Qualifications for office.

The qualification fee for candidates filing a notice of candidacy in any general or special election shall be set by the Mayor and Council in accordance with State law. Fees are covered in Elections portion of the Code, Chapter 16. Qualifications for office are set out in the City Charter.

Section 7:

That Sec. 2-27, related to meetings, is hereby amended by deleting Sec. 2-27 in its entirety and replacing the language to read as follows:

Sec. 2-27. Meetings.

The City Council shall hold regular meetings as prescribed annually by ordinance adopted by the City Council. The City Council shall hold work session meetings as prescribed annually by ordinance adopted by the City Council. A special called meeting of the City Council may be convened at any time in accordance with Georgia law. All meetings at which official actions are to be taken shall be open to the public in accordance with the Open Meetings Act, O.C.G.A. § 50-14-1 et seq.

Section 8:

That Sec. 2-29, related to rules for the conduct of business, is hereby amended by deleting Sec. 2-29 in its entirety and replacing the language to read as follows:

Sec. 2-29. Rules for the conduct of business.

Robert's Rules of Order, most recent edition, may be used as a guide to govern the conduct of Council meetings.

Section 9:

That subsection (c) of Sec. 2-49, related to city attorney, is hereby amended by deleting subsection (c), in its entirety and replacing the language to read as follows:

Sec. 2-49. City Attorney.

- (c) *Powers and duties.* The City Attorney shall be the legal advisor and representative of the

City and in such capacity shall:

- (1) Advise the City Council or its committees or any City Official, when thereto requested, upon all legal questions arising in the conduct of City business;
- (2) Prepare or revise ordinances when so requested by the City Council or any City Official;
- (3) Give his opinion upon any legal matter or question submitted to him by the City Council, or any of its committees, or by any City Official;
- (4) Prepare for execution all contracts and instruments to which the City is a party and approve, as to form, all bonds required to be submitted to the City;
- (5) Prepare, when authorized by the City Council, all charges, and complaints against, and appear in the Municipal Court in the prosecution of, every person charged with a violation of this Code or of a City ordinance or of any regulations adopted under authority of the Charter, and see to the full enforcement of all judgments or decrees rendered or entered in favor of the City;
- (6) Defend any and all suits and actions at law or equity brought against the City unless otherwise directed by the City Council;
- (7) Make immediate report to the City Council of the outcome of any litigation in which the City has an interest;
- (8) Make an annual report to the City Council of all pending litigation in which the City has an interest and the status thereof;
- (9) Keep complete and accurate records of the following, which records shall forever remain the property of the City:
 - a. All suits in which the City had or has an interest, giving the names of the parties, the nature of the action, the disposition of the case or its status, if pending, and the briefs of counsel; and
 - b. All written opinions prepared by the City Attorney and all certificates or abstracts of titles furnished by him to the City, or any department or official thereof; and
- (10) Render such other legal services as may be required by the City Council.

Section 10:

That Sec. 2-50, related to city manager, is hereby amended by deleting Sec. 2-50 in its entirety and replacing the language to read as follows:

Sec. 2-50. City Manager.

The City Manager shall have the following powers and duties:

- (1) To be responsible for supervising all paid employees of the City.
 - a. The City Manager shall have the authority to supervise all City employees, and this authority shall include the ability to hire, discipline, or dismiss any such employee within the limits created under the City's personnel policies.
 - b. The City Manager shall be responsible for the supervision and control of the City Clerk, and all employees reporting to the City Clerk. Actions of the City Manager regarding hiring, disciplinary, and termination decisions related to the City Clerk shall be submitted for prior approval by the City Council.
- (2) To sign and execute deeds and bonds of the City duly authorized by the City Council and permitted by the City Charter or by State law.
- (3) To investigate, examine, or inquire into, either personally or by any employee or person designated by the City Manager for that purpose, the affairs or operation of any department of the City, including the power to employ consultants and other professionals, when so authorized by the City Council, to aid in such investigations, examinations, or inquiries.
- (4) To set aside, in his discretion, any action taken by a department head and supersede the department head in the functions of that office.
- (5) To direct any department to perform the work for any other department and to authorize any department head or officer responsible to him to appoint and remove subordinates serving under such person.
- (6) To examine all proposed contracts to which the City may be a party, and to sign and execute or to have signed and executed on behalf of the City any contracts authorized by the City Council, except where the City Council directs that some other office or officer shall do so.
- (7) To assist all boards, authorities, commissions, and committees created by the City Council, as requested by the City Council.
- (8) To perform such other tasks as may be delegated or assigned by the City Council.

Section 11:

That Sec. 2-51, related to city clerk, is hereby amended by deleting Sec. 2-51 in its entirety and replacing the language to read as follows:

Sec. 2-51. City Clerk.

The City Clerk shall have the following powers and duties:

- (1) To prepare and distribute City Council agenda packets, provide notice of all City Council meetings, and publish other public notices that are required by law, including notifying the news media of the same.

- (2) To attend all meetings of the City Council and to take and transcribe minutes of all City Council meetings.
- (3) To catalog and publish City Council minutes and City ordinances and ensure Code books are revised to reflect City Council action.
- (4) To maintain the City Charter.
- (5) To serve as the Municipal Election Superintendent.
- (6) To provide administrative support to the City Council.
- (7) To support the maintenance of City records and public documents and perform certification and recording for the City as required on legal documents.
- (8) To maintain all records and invoices on City quality of life, nuisance and abatement cases, and to coordinate with the City Attorney on the filing of liens and collection of payments.
- (9) To provide public records and information to citizens, civic groups, the media, and other agencies as requested.
- (10) Shall be custodian of the official city seal.

Section 12:

That Sec. 2-78, related to municipal planning commission, is hereby amended by deleting Sec. 2-78 in its entirety and replacing the language to read as follows:

Sec. 2-78. Municipal Planning Commission.

- (a) *Regulations.* The Municipal Planning Commission shall be bound by the rules and ordinances of the Zoning Ordinance of the City of Lawrenceville, as amended. The Municipal Planning Commission shall also abide by the terms and provisions of the Official Code of Georgia Annotated as amended which define the function and regulations of the Municipal Planning Commission.
- (b) *Composition, appointment, and tenure period.* The Municipal Planning Commission shall consist of five members appointed by the Mayor, by and with the consent of the City Council. The terms of the members shall be four years each.
- (c) *Vacancies.* Vacancies shall be filled by appointments for unexpired terms only and in the same manner as for original appointments.
- (d) *Removal.* Members of the Planning Commission serve at the pleasure of the City Council and may be removed for any reason at any time. Any member who misses more than three meetings in any one calendar year without excuse shall be removed from the Commission by the Council. The Chairman of the Commission shall keep an attendance record and report attendance to the Mayor's office on a monthly basis.

- (e) *Compensation.* All members of the Municipal Planning Commission shall receive compensation in an amount to be determined by the Council.
- (f) *Officers and rules of procedure.* The Planning Commission shall elect one of its members as Chairperson, who shall serve for one year or until such person is reelected or a successor is elected. A second appointive member shall be elected as Vice-chairperson and shall serve for one year or until such person is reelected or a successor is elected. The Commission shall appoint a Secretary, who may be an employee of the City or a member of the Planning Commission. The Planning Commission shall meet at least once each month as required at the call of the Chairperson and at such other times as the transaction of business requires. The Planning Commission shall keep a record of its proceedings, which record shall be open to public inspection.
- (g) *Powers and duties.* The Municipal Planning Commission shall make careful and comprehensive surveys and studies of existing conditions and probable future developments and prepare plans for physical, social, and economic growth in an effort to promote the public health, safety, morals, convenience, prosperity, or general welfare of the Municipality. In carrying out its objectives, the Planning Commission shall have the following specific powers and duties:
 - (1) To prepare a master plan or parts thereof for the development of the City;
 - (2) To prepare and recommend for adoption a zoning ordinance and map for the City;
 - (3) To prepare and recommend for adoption regulations for the subdivisions of land within the City limits to administer the regulations that may be adopted; and
 - (4) To prepare and recommend for adoption a plat or an official map showing the exact location of the boundary lines of existing, proposed, extended, unlined or narrowed streets, public open spaces, or public building sites and provide for the regulation of construction of buildings or other structures within such lines.
- (h) *Meetings.* The meetings of the Municipal Planning Commission shall be held once a month as determined by the Planning and Development Director, provided that notification of such is given to the members of the commission by the Director of Planning and Development. Meeting dates shall be available online and in person at the Planning and Development Department. All meetings shall be held in accordance with the Open Meetings Act, O.C.G.A. § 50-14-1 et seq.
- (i) *Quorum.* For the purpose of transacting business, a quorum of the Municipal Planning Commission shall be deemed to be three of the five members.
- (j) *City appointment to Municipal-County Planning Commission.*
 - (1) There is hereby determined and declared to be a present and future need for the City to participate in the Municipal-County Planning Commission established under the Code of Gwinnett County, Georgia.

- (2) There is hereby created and activated in the City a position titled "Representative of the City of Lawrenceville to the Municipal-County Planning Commission."
- (3) The appointed representative for the City shall be the Director of Planning and Development.
- (4) The Board of Commissioners of Gwinnett County shall have the power to remove the representative appointed under this section for cause, after written charges have been drawn and after a public hearing has been held.
- (5) The representative may participate in all discussions before the Municipal-County Planning Commission to represent the interest of the City of Lawrenceville and is hereby empowered to vote in the City's best interest on any issue which affects property within the City limits.
- (6) The representative shall receive all rights and privileges of this position provided by law and shall be reimbursed for expenses incurred in connection with official duties on behalf of the City while serving on the Municipal-County Planning Commission. Compensation shall be set by the Council.

Section 13:

That subsection (b) of Sec. 2-104, related to findings, is hereby amended by deleting subsection (b) in its entirety and replacing the language to read as follows:

Sec. 2-104. Findings.

- (b) A covered account offered to customers for the provision of City services may include gas, sanitation, general billing, and/or electric accounts.

Section 14:

That Sec. 2-106, related to access to covered account information, is hereby amended by deleting Sec. 2-106 in its entirety and replacing the language to read as follows:

Sec. 2-106. Access to covered account information.

- (a) Access to customer accounts shall be limited to authorized city personnel based on software privileges managed by the Information Technology Staff.
- (b) Any unauthorized access to or other breach of customer accounts is to be reported immediately to the City Manager and Chief Financial Officer. Software system and user access shall be updated by changing passwords and access to system modules.
- (c) Personal identifying information included in customer accounts is considered confidential and any request or demand for such information shall be immediately forwarded to the City Manager, Chief Financial Officer, and the City Attorney.

Section 15:

That subsection (b) of Sec. 2-107, related to credit card payments, is hereby amended by deleting subsection (b) in its entirety and replacing the language to read as follows:

Sec. 2-107. Credit card payments.

- (b) All credit card payments made over the telephone or the City's website shall be entered directly into the customer's account information in the computer database.

Section 16:

That Sec. 2-109, related to prevention and mitigation of identity theft, is hereby amended by deleting Sec. 2-109 in its entirety and replacing the language to read as follows:

Sec. 2-109. Prevention and mitigation of identity theft.

- (a) In the event that any City employee responsible for or involved in restoring an existing covered account or accepting payment for a covered account becomes aware of red flags indicating possible identity theft with respect to existing covered accounts, such employee shall use his discretion to determine whether such red flag or combination of red flags suggests a threat of identity theft. If, in his discretion, such employee determines that identity theft or attempted identity theft is likely or probable, such employee shall immediately report such red flags to the Chief Financial Officer. If, in his discretion, such employee deems that identity theft is unlikely or that reliable information is available to reconcile red flags, the employee shall convey this information to a supervisor, who may, in his discretion, determine that no further action is necessary. If the supervisor, in his discretion, determines that further action is necessary, a City employee shall perform one or more of the following responses, as determined to be appropriate by the Chief Financial Officer:
- (1) Contact the customer;
 - (2) Make the following changes to the account if, after contacting the customer, it is apparent that someone other than the customer has accessed the customer's covered account:
 - a. Change any account numbers, passwords, security codes, or other security devices that permit access to an account; or
 - b. Close the account;
 - (3) Cease attempts to collect additional charges from the customer and decline to sell the customer's account to a debt collector in the event that the customer's account has been accessed without authorization and such access has caused additional charges to accrue;

- (4) Notify a debt collector within two business days of the discovery of likely or probable identity theft relating to a customer account that has been sold to such debt collector in the event that a customer's account has been sold to a debt collector prior to the discovery of the likelihood or probability of identity theft relating to such account;
 - (5) Notify law enforcement, in the event that someone other than the customer has accessed the customer's account causing additional charges to accrue or accessing personal identifying information; or
 - (6) Take other appropriate action to prevent or mitigate identity theft.
- (b) In the event that any City employee responsible for or involved in opening a new covered account becomes aware of red flags indicating possible identity theft with respect to an application for a new account, such employee shall use his discretion to determine whether such red flag or combination of red flags suggests a threat of identity theft. If, in his discretion, such employee determines that identity theft or attempted identity theft is likely or probable, such employee shall immediately report such red flags to the Chief Financial Officer. If, in his discretion, such employee deems that identity theft is unlikely or that reliable information is available to reconcile red flags, the employee shall convey this information to the supervisor, who may, in his discretion, determine that no further action is necessary. If the supervisor, in his discretion, determines that further action is necessary, a City employee shall perform one or more of the following responses, as determined to be appropriate by the Chief Financial Officer:
- (1) Request additional identifying information from the applicant;
 - (2) Deny the application for the new account;
 - (3) Notify law enforcement of possible identity theft; or
 - (4) Take other appropriate action to prevent or mitigate identity theft.

Section 17:

That Sec. 2-110, related to updating the program, is hereby amended by deleting Sec. 2-110 in its entirety and replacing the language to read as follows:

Sec. 2-110. Updating the program.

The City Manager shall from time to time have reviewed as deemed necessary and update the Identity Theft Prevention Program along with any relevant red flags in order to reflect changes in risks to customers or to the safety and soundness of the City and its covered accounts from identity theft. In so doing, the City Manager shall have considered the following factors and exercise his discretion in amending the program:

- (1) The City's experiences with identity theft;

- (2) Updates in methods of identity theft;
- (3) Updates in customary methods used to detect, prevent, and mitigate identity theft;
- (4) Updates in the types of accounts that the City offers or maintains; and
- (5) Updates in service provider arrangements.

Section 18:

That Sec. 2-111, related to program administration, is hereby amended by deleting Sec. 2-111 in its entirety and replacing the language to read as follows:

Sec. 2-111. Program administration.

- (a) The City Manager is responsible for oversight of the program and for program implementation. The Chief Financial Officer is responsible for reviewing reports prepared by staff regarding compliance with red flag requirements and with recommending material changes to the program, as necessary in the opinion of the Chief Financial Officer, to address changing identity theft risks and to identify new or discontinued types of covered accounts. Any recommended material changes to the program shall be submitted to the City Council for consideration.
- (b) The Chief Financial Officer at least annually, in compliance with the red flag requirements will review and address material matters related to the program and evaluate issues such as:
 - (1) The effectiveness of the policies and procedures of City in addressing the risk of identity theft in connection with the opening of covered accounts and with respect to existing covered accounts;
 - (2) Service provider arrangements;
 - (3) Significant incidents involving identity theft and management's response; and
 - (4) Recommendations for material changes to the program.
- (c) The Chief Financial Officer is responsible for providing training to all employees responsible for or involved in opening a new covered account, restoring an existing covered account, or accepting payment for a covered account with respect to the implementation and requirements of the Identity Theft Prevention Program. The Chief Financial Officer shall exercise his discretion in determining the amount and substance of training necessary.

Section 19:

That Sec. 2-112, related to outside service providers, is hereby amended by deleting Sec. 2-112 in its entirety and replacing the language to read as follows:

Sec. 2-112. Outside service providers.

In the event that the City engages a service provider to perform an activity in connection with one or more covered accounts, the Chief Financial Officer shall exercise his discretion in reviewing such arrangements in order to ensure, to the best of his ability, that the service provider's activities are conducted in accordance with policies and procedures, agreed upon by contract, that are designed to detect any red flags that may arise in the performance of the service provider's activities and take appropriate steps to prevent or mitigate identity theft.

Section 20:

That Sec. 2-141, related to state income tax withholding, is hereby amended by deleting Sec. 2-141 in its entirety and replacing the language to read as follows:

Sec. 2-141. State income tax withholding.

The City will withhold a percent of an employee's compensation for State income tax if the employee fails to provide a taxpayer identification number, fails to provide a correct taxpayer identification number, or provides a taxpayer identification number issued for nonresident aliens. The percentage shall be consistent with Georgia Code 48-7-20.

Section 21:

That Sec. 2-166, related to recognition of beneficial qualities, is hereby amended by deleting Sec. 2-166 in its entirety and replacing the language to read as follows:

Sec. 2-166. Recognition of beneficial qualities.

The City recognizes that certain targeted businesses in fields, such as healthcare, advanced manufacturing, and technology bring high level jobs to the City and are especially beneficial to the community.

Section 22:

That Sec. 2-170, related to possible inducements for businesses, is hereby amended by deleting Sec. 2-170 in its entirety and replacing the language to read as follows:

Sec. 2-170. Possible inducements for businesses.

The City Council, at the recommendation of City management and economic development staff, shall be authorized to offer inducements to targeted businesses meeting threshold requirements and those inducements may include the following:

- (1) Reduction of development permit fees.
- (2) Reduction of building permit fees.
- (3) Reduction of inspection and re-inspection fees.
- (4) Reduction of application fees for public hearings.

- (5) Reduction of any current or future impact fees.
- (6) Reduction of utilities deposit and/or incremental financing on rates based on forecasted load and/or consumption.
- (7) Acceleration of the plan review and permitting process.
- (8) Reduction in Occupation Tax pursuant to O.C.G.A. 48-13-10(f)

Section 23:

That Sec. 2-171, related to business tier levels and thresholds, is hereby amended by deleting Sec. 2-171 in its entirety and replacing the language to read as follows:

Sec. 2-171. Business tier levels and thresholds.

Inducements may be offered to targeted businesses which meet the following threshold levels:

- (1) *Tier 1.* Targeted business adds at least 25 new jobs, and the jobs pay an average salary at least three times the most recently published Federal Poverty Guidelines as calculated and prepared by the Office of Health Planning, Georgia Department of Community Health. For the purpose of this calculation use a Family Size of two for the Federal Poverty Guideline.
- (2) *Tier 2.* Targeted business adds at least 100 new jobs, and the jobs pay an average annual salary of at least three times the most recently published Federal Poverty Guidelines as calculated and prepared by the Office of Health Planning, Georgia Department of Community Health. For the purpose of this calculation use a Family Size of two for the Federal Poverty Guideline.

Section 24:

That Sec. 2-173, related to requirement for targeted business, is hereby amended by deleting Sec. 2-173 in its entirety and replacing the language to read as follows:

Sec. 2-173. Requirement for targeted business.

The targeted business must build a new building, purchase an existing building and renovate, or make a lease commitment of at least three years for space within the City.

Section 25:

That subsection (h) of Sec. 2-257, related to informal purchases, is hereby amended by deleting subsection (h) in its entirety and replacing the language to read as follows:

Sec. 2-257. Informal purchases.

- (h) *Approval and signing of contracts.* Contracts and agreements required by a purchase of less than \$100,000.00 shall be authorized to be approved and signed by the Purchasing

Manager for values of \$10,000.00 or less and the City Manager for purchases over \$10,000.00. Contracts for purchases over \$100,000.00 require City Council approval prior to signing. All contracts shall be drafted or reviewed by the city attorney and signed by the city attorney to indicate such drafting or review.

Section 26:

That subsection (l) of Sec. 2-258, related to exemptions, is hereby amended by deleting subsection (l) in its entirety and replacing the language to read as follows:

Sec. 2-258. Exemptions.

- (l) Works of art or other creative/artistic endeavors that require a demonstrated skill or talent to include, but not limited to, artists, musicians, and writers.

Section 27:

That Sec. 2-264, related to standardization, is hereby amended by deleting Sec. 2-264 in its entirety and replacing the language to read as follows:

Sec. 2-264. Standardization.

For efficient operations, departments may standardize equipment or supplies. Requests to standardize equipment or supplies shall be submitted to the Purchasing Manager. The requests shall be submitted on the Request to Standardize form created by the Purchasing Manager. The Purchasing Manager shall review the request and document any alternatives not considered. The Request to Standardize Form and Purchasing Manager Review shall be submitted to the Chief Financial Officer to determine the financial impact. The Chief Financial Officer shall submit the Request to Standardize and financial implications to the City Manager for approval. If approved, the standardization shall be reviewed every seven years.

Section 28:

Except as specifically amended as set forth above, all other sections, subsections, sub-subsections, etc. of Chapter 2 shall remain in full force and affect.

Section 29:

All ordinances, regulations, or parts of the same in conflict with this Ordinance are hereby rescinded to the extent of said conflict and only to the extent of said conflict.

Section 30:

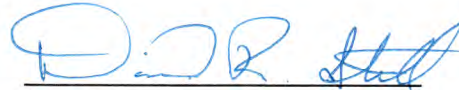
If any section, article, paragraph, sentence, clause, phrase, or word in this ordinance, or application thereof to any person or circumstance is held invalid or unconstitutional by a Court

of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance; and the City Council hereby declares it would have passed such remaining portions of the ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

Section 31:

This ordinance shall become effective upon its adoption by the City Council.

IT IS SO ORDAINED this 22, day of May, 2024.



David R. Still, Mayor

Attest:



Karen Pierce, City Clerk