



LAWRENCEVILLE

GEORGIA

CITY COUNCIL REGULAR MEETING MINUTES

Monday, February 22, 2021
7:00 PM

Council Assembly Room
70 S. Clayton St, GA 30046

Call to Order

PRESENT

Mayor David Still

Council Member Glenn Martin

Mayor Pro Tem Victoria Jones

Council Member Bob Clark

Council Member Keith Roche

Prayer

Mayor David Still turned the meeting over to Mayor Pro Tem Victoria Jones. Mayor Pro Tem Jones introduced Nicole Egwuatu, Junior at Discovery High School, who delivered the prayer.

Pledge of Allegiance

Mayor Still led the group in the Pledge of Allegiance.

Agenda Additions / Deletions

Motion to approve the Agenda as presented made by Council Member Clark, Seconded by Council Member Roche.

Voting Yea: Mayor Still, Council Member Martin, Mayor Pro Tem Jones, Council Member Clark, Council Member Roche

Approval of Prior Meeting Minutes

Motion to approve prior meeting minutes with the amended corrections as presented to the City Clerk by Council Members made today (2-22-2021) made by Mayor Pro Tem Jones, Seconded by Council Member Martin.

Voting Yea: Mayor Still, Council Member Martin, Mayor Pro Tem Jones, Council Member Clark,

Council Member Roche

1. January 13, 2021 Work Session and Executive Session
2. January 22, 2021 Retreat
3. January 25, 2021 Regular Meeting and Executive Session
4. February 10, 2021 Special Call
5. February 10, 2021 Regular Meeting and Executive Session

Announcements

Mayor Still stated a Bicentennial fact that was displayed on the screen for the audience to see and read. The Bicentennial Fact was as follows, "The Hooper-Renwick School, Gwinnett's only African-American public school from 1944-1968, is located in the City of Lawrenceville. Recently, Gwinnett County and the City of Lawrenceville announced plans to preserve the school by creating the first themed library in the southeastern United States, incorporating cultural and historic objects and artifacts with the library's resources and information." Mayor Still also presented the PowerPoint slide that advertises the upcoming City events.

Public Comment

Presentations will be limited to 2 minutes per person and Council will not respond to the comment.

Jake Veit expressed his concerns regarding overnight parking rules in the right of way. Gerold Martin disagreed with Mr. Veit and Mr. Martin also expressed gratitude for the Police Department. Lastly, Mr. Martin announced that the Lawrenceville Neighborhood Alliance (LNA) yearly membership meeting will be March 11, 2021.

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.

Motion to approve the consent agenda as read into record by City Attorney Lee Thompson made by Council Member Roche, Seconded by Council Member Martin.

Voting Yea: Mayor Still, Council Member Martin, Mayor Pro Tem Jones, Council Member Clark, Council Member Roche

6. Disposal of Municipal Solid Waste and C & D Materials on an Annual Contract
7. Purchase of Electrical Materials on a Six-Month Contract
8. Repair of Rear Load Garbage Truck 713

Public Hearing Old 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.

9. ANNX2020-00003; Jackson EMC, Randy Dellinger; 461 & 454 Swanson Drive

Planning and Development Director Hargrave delivered the presentation. Public Hearing was held on this annexation and related rezoning cases and no public comments were made.

Motion to approve ANNX2020-00003 along with related rezoning cases RZC2020-00019 and RZC2020-00020 with staff recommended conditions; Jackson EMC, Randy Dellinger; 461 & 454 Swanson Drive made by Mayor Still, Seconded by Council Member Clark.

Voting Yea: Mayor Still, Council Member Martin, Mayor Pro Tem Jones, Council Member Clark, Council Member Roche

10. RZC2020-00019; Jackson EMC, Randy Dellinger; 461 Swanson Drive

Motion was made in association with the annexation heard as item #9.

11. RZC2020-00020; Jackson EMC, Randy Dellinger; 454 Swanson Drive

Motion was made in association with the annexation heard as item #9.

12. SUP2020-00043; MSM Lawrenceville LLC; 455 Grayson Highway

Planning and Development Director Hargrave delivered the initial presentation. William Deal, Attorney for the applicant, also came up and spoke. Public hearing was held on this SUP and no comments were made.

Motion to deny SUP2020-00043; MSM Lawrenceville LLC; 455 Grayson Highway made by Council Member Roche, Seconded by Mayor Pro Tem Jones.

Voting Yea: Mayor Still, Council Member Martin, Mayor Pro Tem Jones, Council Member Clark, Council Member Roche

Council Business New Business

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

13. Residential Recyclable Materials Collection on an Annual Contract

Assistant City Manager, Public Works Director Barry Mock delivered the presentation.

Motion to approve Residential Recyclable Materials Collection on an Annual Contract made by Council Member Roche, Seconded by Council Member Martin.

Voting Yea: Mayor Still, Council Member Martin, Mayor Pro Tem Jones, Council Member Clark, Council Member Roche

14. Amendment 1 to the IGA with Gwinnett County for Sims and Phillips Street Project

Assistant City Manager, Public Works Director Mock delivered the presentation.

Motion to approve Amendment 1 to the IGA with Gwinnett County for Sims and Phillips Street Project pending review by the City Attorney made by Mayor Pro Tem Jones, Seconded by Council Member Clark.

Voting Yea: Mayor Still, Council Member Martin, Mayor Pro Tem Jones, Council Member Clark, Council Member Roche

15. HVAC and Elevator Air Purification Project

Assistant City Manager, Public Works Director Mock delivered the presentation.

Motion to approve HVAC and Elevator Air Purification Project made by Council Member Martin, Seconded by Council Member Roche.

Voting Yea: Mayor Still, Council Member Martin, Mayor Pro Tem Jones, Council Member Clark, Council Member Roche

16. Letter Agreement with the Cities of Sylvester and Moultrie for Excess Reserve Capacity via MEAG

Deputy City Manager Steve North delivered the presentation.

Motion to approve Letter Agreement with the Cities of Sylvester and Moultrie for Excess Reserve Capacity via MEAG and authorize the City Manager to execute any documents necessary to effectuate any transactions and to also approve the City Manager to have the approval authority in future transactions within his spending authority made by Council Member Roche, Seconded by Mayor Pro Tem Jones.

Voting Yea: Mayor Still, Council Member Martin, Mayor Pro Tem Jones, Council Member Clark, Council Member Roche

17. SPLOST Project Budget Amendments

City Manager Chuck Warbington delivered the presentation.

Motion to approve the 2017 SPLOST Project Budget Amendments and project budgets based on SPLOST collections to date for the 2017 SPLOST Budget made by Council Member Clark, Seconded by Council Member Martin.

Voting Yea: Mayor Still, Council Member Martin, Mayor Pro Tem Jones, Council Member Clark, Council Member Roche

18. City of Lawrenceville Gateway Park Project

Assistant City Manager, Public Works Director Mock delivered the presentation.

Motion to approve City of Lawrenceville Gateway Park Project and award to the lowest bidder, Surfaces Group, LLC in the amount not to exceed \$215,000.00 and authorize the Mayor to execute the contract subject to approval by the City Attorney made by Mayor Pro Tem Jones, Seconded by Council Member Roche.

Voting Yea: Mayor Still, Council Member Martin, Mayor Pro Tem Jones, Council Member Clark, Council Member Roche

19. Abandonment of Water Well Easement

City Manager Warbington delivered the presentation.

Motion to approve the Mayor to execute a quitclaim deed releasing the City's interest in the Well 693H20LLC (Abandonment of Water Well Easement) made by Council Member Roche, Seconded by Mayor Pro Tem Jones.

Voting Yea: Mayor Still, Council Member Martin, Mayor Pro Tem Jones, Council Member Clark, Council Member Roche

Executive Session – Personnel, Litigation, Real Estate

Motion to enter Executive Session made by Council Member Clark, Seconded by Council Member Martin.

Voting Yea: Mayor Still, Council Member Martin, Mayor Pro Tem Jones, Council Member Clark, Council Member Roche

Motion to adjourn Executive Session made by Council Member Clark, Seconded by Council Member Martin.

Voting Yea: Mayor Still, Council Member Martin, Mayor Pro Tem Jones, Council Member Clark, Council Member Roche

Report of items discussed in Executive Session

1 Real Estate

No Votes Taken

Final Adjournment

Motion to adjourn made by Council Member Clark, Seconded by Mayor Pro Tem Jones.

Voting Yea: Mayor Still, Council Member Martin, Mayor Pro Tem Jones, Council Member Clark, Council Member Roche

Minute Signatures

David R. Still, Mayor

Karen Pierce, City Clerk

**ORDINANCE TO ANNEX PROPERTY INTO THE MUNICIPAL LIMITS OF THE
CITY OF LAWRENCEVILLE, GEORGIA**

The Council of the City of Lawrenceville, Georgia hereby ordains:

WHEREAS, the City of Lawrenceville did receive an application to have lands annexed into the existing corporate limits of the City of Lawrenceville, Georgia; and

WHEREAS, it appears to the governing body of the City of Lawrenceville, Georgia, that the area proposed to be annexed is contiguous to the existing corporate limits of the City of Lawrenceville, that the applicants represent one hundred percent (100%) of the owners of the land area proposed to be annexed and that said application complies with the laws of the State of Georgia; and

WHEREAS, the governing body of the City of Lawrenceville, Georgia, has determined that the annexation of the area proposed to be annexed would be in the best interests of the property owners of the area proposed for annexation and of the citizens of the City of Lawrenceville, Georgia;

BE IT, THEREFORE, ordained that the property described on Exhibit A, which is attached hereto and incorporated herein by reference, be and the same hereby is, annexed to the existing corporate limits of the City of Lawrenceville, Georgia, and the same shall hereafter constitute a part of the lands within the corporate limits of the City of Lawrenceville, Georgia.

BE IT FURTHER ORDAINED that the Clerk of the City of Lawrenceville or her designee certify a copy hereof and file such reports as are required by state and federal law.

IT IS SO ORDAINED, this 22ND day of February, 2021.



David R. Still, Mayor

Date Signed: 3/10/2021

Attest:



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 Still</u> , Mayor	<u>YES</u>
<u>Victoria Jones</u> , Mayor Pro Tem	<u>YES</u>
<u>Bob Clark</u> , Council Member	<u>YES</u>
<u>Glenn Martin</u> , Council Member	<u>YES</u>
<u>Keith Roche</u> , Council Member	<u>YES</u>

On motion to approve the request to amend the Official Zoning Map of Mayor Still, seconded by Council Member Clark, which carried 5-0, the following ordinance was adopted:

AN ORDINANCE TO APPROVE AN AMENDMENT TO 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 Gwinnett County M-1 (Light Industry District) to City of Lawrenceville LM (Light Manufacturing District) by Jackson EMC, Randy Dellinger for the proposed use of an Light Industrial Uses on a tract of land described in 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 February 22nd, 2021 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 February, 2021, that the aforesaid application for a amend the Official Zoning Map from Gwinnett County M-1 (Light Industry District) to City of Lawrenceville LM (Light Manufacturing District) is hereby APPROVED.

Approval as LM (Light Manufacturing District), subject to the following enumerated conditions:

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

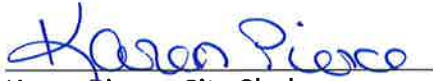
- A. Uses permitted in the LM (Light Manufacturing District).
- B. Current uses shall be considered legal nonconforming if they do not meet the 2020 City of Lawrenceville Zoning Ordinance standards. In the case the current uses cease, the property shall come into compliance.
- C. Must combine all parcels to one.



David R. Still, Mayor

Date Signed: 3/10/2021

ATTEST:



Karen Pierce, City Clerk

MAYOR AND COUNCIL

CITY OF LAWRENCEVILLE, GEORGIA

ORDINANCE

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<u>PRESENT</u>	<u>VOTE</u>
<u>David Still</u> , Mayor	<u>YES</u>
<u>Victoria Jones</u> , Mayor Pro Tem	<u>YES</u>
<u>Bob Clark</u> , Council Member	<u>YES</u>
<u>Glenn Martin</u> , Council Member	<u>YES</u>
<u>Keith Roche</u> , Council Member	<u>YES</u>

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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 February 22nd, 2021 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 February, 2021, that the aforesaid application for a amend the Official Zoning Map from Gwinnett County M-1 (Light Industry District) to City of Lawrenceville LM (Light Manufacturing District) is hereby APPROVED.

Approval as LM (Light Manufacturing District), subject to the following enumerated conditions:

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

- A. Uses permitted in the LM (Light Manufacturing District).
- B. Current uses shall be considered legal nonconforming if they do not meet the 2020 City of Lawrenceville Zoning Ordinance standards. In the case the current uses cease, the property shall come into compliance.
- C. Must combine all parcels to one.

ORDINANCE NO: ZON-ORD-2021-3

CASE NO: RZC2020-00020

A handwritten signature in blue ink, appearing to read "David R. Still", written over a horizontal line.

David R. Still, Mayor

Date Signed: 3/10/2021

ATTEST:

A handwritten signature in blue ink, appearing to read "Karen Pierce", written over a horizontal line.

Karen Pierce, City Clerk

Legal Description

All that tract or parcel of land lying and being Land Lot 12, of the 7th District, City of Lawrenceville, Gwinnett County, State of Georgia and being more particularly described as follows:

Commencing for the same at the intersection of the southerly mitered right-of-way of Swanson Drive (apparent 80' right-of-way) with the easterly right-of-way of Georgia Highway 20 (a.k.a. Buford Drive, variable width right-of-way); thence leaving said Point of Commencement and running easterly along the southerly right-of-way line of Swanson Drive South 78 Degrees 12 Minutes 52 Seconds East a distance of 418.09 feet to a 5/8-inch rebar found and the **True Point of Beginning**; thence continuing along said right-of-way South 78 Degrees 15 Minutes 11 Seconds East a distance of 299.95 feet to a 1-inch open top pipe found; thence leaving said right-of-way South 11 Degrees 27 Minutes 19 Seconds West a distance of 300.07 feet to a 1-inch open top pipe found; thence South 77 Degrees 33 Minutes 07 Seconds East a distance of 199.81 feet to an iron pin set; thence South 05 Degrees 40 Minutes 34 Seconds West a distance of 271.90 feet to an iron pin set; thence South 30 Degrees 24 Minutes 21 Seconds East a distance of 600.85 feet to an iron pin set; thence South 60 Degrees 06 Minutes 51 Seconds West a distance of 435.00 feet to a 1-inch iron rod found; thence North 29 Degrees 50 Minutes 29 Seconds West a distance of 635.53 feet to a point; thence North 29 Degrees 50 Minutes 29 Seconds West a distance of 262.93 feet to a point; thence North 11 Degrees 45 Minutes 10 Seconds East a distance of 622.01 feet to 5/8-inch rebar found at the southerly right-of-way of Swanson Drive; said point being the **True Point of Beginning**.

Said tract or parcel of land containing 13.1067 acres more or less, and being designated as "Lease Parcel" and "Parcel One", on Boundary and Partial Topographic Survey prepared for Jackson Electric Membership Corporation (Gwinnett District Office), prepared by TerraMark Professional Land Surveying, John C. Blount, Georgia Registered Land Surveyor No. 2887, dated January 26, 2015, which plat is incorporated herein by reference for a more particular description.

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 Still</u> , Mayor	<u>YES</u>
<u>Victoria Jones</u> , Mayor Pro Tem	<u>YES</u>
<u>Bob Clark</u> , Council Member	<u>YES</u>
<u>Glenn Martin</u> , Council Member	<u>YES</u>
<u>Keith Roche</u> , Council Member	<u>YES</u>

On motion to deny the requested Special Use Permit of Council Member Roche, seconded by Mayor Pro Tem Jones, which carried 5-0, the following ordinance was adopted:

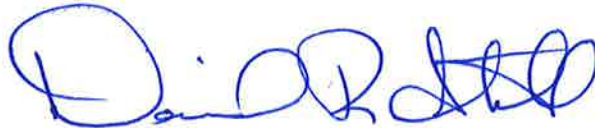
AN ORDINANCE TO DENY A SPECIAL USE PERMIT

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 MSM Lawrenceville, LLC for the proposed use of Smoke and Tobacco Shop on a tract of land described in 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 February 22nd, 2021 and objections were filed.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Lawrenceville this the 22nd day of February, 2021, that the aforesaid application for a Special Use Permit is hereby DENIED.



David R. Still, Mayor

Date Signed: 3/10/2021

ATTEST:


Karen Pierce, City Clerk



THOMPSON
O'BRIEN

Thompson, O'Brien, Kemp & Nasuti, P.C.
Attorneys at Law

William J. Diehl
WDiehl@tokn.com

January 31, 2021

VIA HAND DELIVERY*

The Lawrenceville, Georgia Mayor and City Council
The City of Lawrenceville, Georgia Planning Commission
70 S. Clayton Street
Lawrenceville, Georgia 30046

**Please place this document within the file for the application referenced below and distribute copies to the Planning Commission, Mayor, and City Council*

Re: SUP 2020-00043; MSM Lawrenceville LLC, 455 Grayson Highway; Amended Letter of Intent and Notice of Constitutional Objections

To the City of Lawrenceville, Mayor and City Council, and the Planning Commission,

This office represents the Applicant MSM Lawrenceville LLC. ("MSM"). MSM seeks a Special Use Permit to allow for the operation of a Smoke and Tobacco Store in Suite 101 of 455 Grayson Highway (the "Suite") pursuant to the City of Lawrenceville's Uniform Development Code. The Suite is located within a Shopping Mall on the corner of Gwinnett Drive and Grayson Highway, commonly known as Lawrenceville Town Center. Within that strip-mall is a Kroger Grocery Store and Gwinnett County Buildings (including the Gwinnett County Board of Voter Registration & Elections and the Department of Public Health Services), among other businesses and public services.

As noted in MSM's application, MSM intends to run a tobacco store offering high-end products to its customers. MSM's managing members diligently searched for a location with demographics in-line with its MSM's upscale business plan and have found such a place in Lawrenceville, Georgia. MSM will operate its business with an utmost commitment to the safety of its customers and in full compliance with applicable federal, state, and local laws. In short, MSM is dedicated to being a law-abiding, tax-paying business in Lawrenceville, Georgia.

MSM's intended use is wholly compatible with the 2040 Comprehensive Plan, which places the Property within the Community Mixed Use Character Area. That Character Area envisions building upon existing commercial uses and the "revitalization and re-use of older vacant

structures.” COMPREHENSIVE PLAN, Pg. 60. As the Planning Department alluded to in its recitation of code enforcement actions on the property, the Lawrenceville Town Center Shopping Center has suffered from vacancies common for many aged Shopping Centers in the area. MSM intends to place a business in the shopping center—thereby reducing vacancies, revitalizing under-used space, and increasing the City’s tax base.

The Planning Department notes that both state and local governments have placed restrictions on the use of tobacco products in public spaces and on the sale of vapor products. First, MSM will unwaveringly operate in accordance with Georgia and local law. Second, the City’s well-reasoned prohibition on the use of tobacco products in public spaces should not be read as a wholesale prohibition against businesses primarily selling tobacco products. Such a prohibition would exceed the City’s constitutional authority.

Proper conditions may be imposed upon MSM’s use of the Suite to alleviate the City’s concerns regarding the suitability of the use with nearby properties and the impact the use would have on existing uses. MSM is agreeable to reasonable conditions regarding the types of products sold, minors’ access to the store, and the duration of the permit. MSM looks forward to engaging in a dialogue with the City to address those concerns.

A reasonable economic use of the Suite is doubtful without a special permit. As the City is well aware, aged retail shopping centers are suffering from the growth of e-commerce merchants. Moreover, the COVID-19 pandemic has only further harmed the fragile retail industry. MSM, however, can make use of vacant retail space and thereby alleviate the vacancy issues and increase the City’s tax base.

Constitutional Objections and Ante Litem Notice

MSM anticipates that it will demonstrate the appropriateness of its intended use. However, Georgia law requires that MSM raise its federal and state constitutional objections during the public hearing process to preserve objections. Therefore, considering the foregoing, MSM places the City on notice that the City of Lawrenceville’s UDO and its interpretation and enforcement by the City, its officials, and its departments, would be unconstitutionally applied to the Suite if the application for a Special Use Permit were denied. Such a denial would deprive MSM and the property owner of its property rights without first paying fair, adequate, and just compensation for such rights, thereby violating rights enumerated in Article I, Section I, Paragraph I and Section III, Paragraph I of the Constitution of the State of Georgia of 1983 and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States of America.

A denial of MSM's application would further constitute an arbitrary and capricious act by the City without any rational basis, thereby constituting an abuse of discretion in violation of Article I, Section I, Paragraph I and Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States. A refusal to grant the requested application would lack objective justification, which would constitute an unlawful delegation of the zoning power to non-legislative bodies in violation of the Georgia Constitution, Article IX, Section II, Paragraph 4.

Again, MSM and its counsel hope that conversations regarding the application and MSM's use will be fruitful and that, once MSM's business plan and its commitment to the City and its citizens are known, agreeable conditions can be made to address the City's concerns. We look forward to working with the City in that regard.

Very truly yours,

THOMPSON, O'BRIEN, KEMP & NASUTI, P.C.

A handwritten signature in dark ink, appearing to read 'W. Diehl', with a large, stylized loop at the end.

William J. Diehl

CC: Mehul Patel, MSM Lawrenceville LLC