



LAWRENCEVILLE

GEORGIA

CITY COUNCIL REGULAR MEETING MINUTES

Monday, September 27, 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

Bicentennial Fact

Mayor David Still delivered the Bicentennial Fact. He read, "J. H. McGee Department Store face the Courthouse across Crogan Street in 1906, when the second floor housed the law offices of S. G. Brown, Isaac Oakes, and one of the firm whose name was obscured by reflection. Forty-six years later, the first elevator in Lawrenceville would be installed in this building then occupied by Alford's Store. (GHS-793)

Vanishing Gwinnett II

More Scenes of Bygone Days

W. Dorsey Stancil

This is the building that was burned down due to a young man trying to destroy his criminal record. The build was divided into two buildings in the 80's. He burnt down the wrong building and then went after the other. Now, there is a fountain donated by Emory Morsberger".



Prayer

Pastor Elijah Collins Jr. led the group in prayer.

Pledge of Allegiance

Mayor Still led the group in the Pledge of Allegiance.

Agenda Additions / Deletions

One Community Relations Department recognition was added.

Motion to accept the agenda as amended 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

Approval of Prior Meeting Minutes

Motion to accept the minutes as amended 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

1. August 23, 2021 Regular Meeting and Executive Session
2. September 15, 2021 Work Session and Executive Session

Proclamations

3. Georgia Gwinnett College Men's and Women's Tennis Teams

Mayor Still delivered the proclamation to the Georgia Gwinnett College Tennis men's and women's teams.

4. Georgia Gwinnett College Baseball Team

Mayor Still delivered the proclamation to the Georgia Gwinnett College baseball team.

Recognitions

Community Relations Director Melissa Hardegree introduced Milo Sather, newly hired Event Coordinator in the Community Relations Department.

Announcements

Mayor Pro Tem Victoria Jones announced that the Atlanta International Night Market that took place on September 18th was a huge success. Mayor Still announced that Council Member Bob Clark was presented a picture of 300+ employees of Genesco that was given to him by Emmett Clower, former Mayor of the City of Snellville. Mayor Still also announced that the Slow Pour event was a success, the VFW celebrated their 75th anniversary, and the African American Cultural Arts Festival at Rhodes Jordan Park was also a success. Finally, Mayor Still went over the announcement PowerPoint slide.

Public Comment

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

Mr. Gerold Martin came up and announced that the Lawrenceville Neighborhood Alliance (LNA) candidate forum is on and will be held in the Council Chambers on 10-14-2021 starting at 7pm.

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.

City Attorney Lee Thompson read the consent agenda into record.

Motion to accept the consent agenda 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

5. Steel Gas Replacement Project
6. Natural Gas Plastic Replacement Project
7. Natural Gas Pressure Improvement Project

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.

8. ANNX2021-00005 & RZR2021-00010; Landeavor Acquisitions, LLC c/o Andersen, Tate & Carr, P.C; 606 New Hope Road

Planning and Development Director Todd Hargrave delivered the presentation.

Representative of Anderson, Tate & Carr, Melanie Glouton, also came up and spoke. Ramon Garcia who works with the developer also came up and spoke. Mayor Still opened the public hearing and hearing and seeing no one come forward the public hearing was closed.

Motion to approve ANNX2021-00005 and RZR2021-00010 to allow the annexation of property into the municipal limits of the City of Lawrenceville and rezoning of the subject property to RS-60 (Single-Family Residence District) with the staff recommended conditions presented to the City Council during the Monday, September 27, 2021 Regular Meeting, with includes Condition 1.g., which limits the overall appearance and construction of the Single-Family dwellings to the Zoning Exhibit titled "ANNX2021-00005 & RZR2021-00010_Zoning Exhibits_09222021 dated September 22, 2021." 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

9. RZC2021-00027; James Talbert; Old Norcross Road

Planning and Development Director Hargrave delivered the presentation. James Talbert, employee of Boar's Head, also came up and spoke. Mayor Still opened the public hearing and hearing and seeing no one come forward the public hearing was closed.

Motion to approve RZC2021-00027 to allow the rezoning of the subject property to LM (Light Manufacturing District) with the staff recommended conditions presented to the City Council during the Monday, September 27, 2021 Regular Meeting, which includes Condition 1. A through Y, which reflects a comprehensive list of prohibited uses, and Condition 2.b. which limits the overall appearance and design of the structure to the Zoning Exhibit titled "RZC2021-00027_Zoning Exhibit_09232021 dated September 23, 2021." 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

Council Business Old Business

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

10. Provision of Landscape and Maintenance Services on an Annual Contract

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

Motion to approve the renewal of Provision of Landscape and Maintenance Services on an Annual Contract to Russell Landscape LLC in the amount of \$400,000.00 and the approval of the Change Order to add the additional locations 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

11. False Emergency Services Alarm Ordinance

Police Chief Tim Wallis delivered the presentation.

Motion to approve the False Emergency Services Alarm Ordinance as presented 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
Voting Nay: Council Member Roche

12. Downtown Square Alleyway Name

City Manager Chuck Warbington delivered the presentation.

Motion to name the alleyway Shoe Horn Alley made by Council Member Martin, 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. Downtown Square Alleyway Project

City Manager Warbington delivered the presentation.

Motion to award the Downtown Square Alleyway Project to low bidder, Levco Development, in the amount not to exceed \$259,690.48 and authorize the Mayor to execute contract subject

to to approval by the City Attorney 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

14. Resolution for Acceptance of ReCast Grant

City Manager Warbington delivered the presentation. Marcus Thorne, day to day contract manager (contract employee from Impact 46), also came up and spoke.

Motion to accept the resolution that accepts the grant for substance abuse and mental health services administration to foster resilience in communities after stress and trauma made by Council Member Martin, Seconded by Mayor Pro Tem Jones.

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

15. Approval of Impact 46, Inc. Sub-Recipient Agreement for ReCAST Grant

City Manager Warbington delivered the presentation.

Motion to approve Sub-Recipient Agreement with Impact 46 for the amended amount of \$270,000.00 as part of the ReCAST Grant from the Substance Abuse and Mental Health Services Administration made by Council Member Roche, Seconded by Mayor Still.

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

16. Approval of Families First, Inc. Agreement for ReCAST Grant

City Manager Warbington delivered the presentation.

Motion to approve the su-recupient agreement with Families First as part of the ReCAST Grant from the Substance Abuse and Mental Health Services Administration in the amount of \$350,550.00 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

17. Approval of Georgia Center for Opportunity Agreement for ReCAST Grant

City Manager Warbington delivered the presentation.

Motion to approve the sub-recipient Georgia Center for Opportunity for the ReCAST Grant in the amount of \$110,000.00 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

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 Mayor Pro Tem Jones.

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

Report of items discussed in Executive Session

2 Personnel

4 Real Estate

No Votes Taken

Vote in public meeting:

Motion to appoint Greg Cantrell to Post 7 for the Lawrenceville Development Authority 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

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



Proclamation

Georgia Gwinnett College (GGC) Men's Tennis Team

WHEREAS, the Georgia Gwinnett College (GGC) Men's Tennis Team have been placed into the record books as the winningest college sports team in college sports history winning their 138th straight dual match in March of 2021; and

WHEREAS, during their winning streak the GGC Men's Tennis Team won seven NAIA (National Association of Intercollegiate Athletics) National Championships (2021, 2019, 2018, 2017, 2016, 2015, 2014); and

WHEREAS, the GGC Men's Tennis Team has an all-time record of 180-3 since the program began in 2013; and

WHEREAS, all 180 of their victories have come against challengers from the top NAIA, NCAA Division II, and NCAA Division III teams; and

WHEREAS, the GGC Men's Tennis Team is not only champions on the court, they are champions in life as they uphold the core values of GGC: pursuing excellence, responsibility, sportsmanship, leadership, and service.

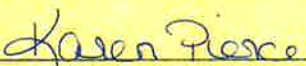
NOW THEREFORE, I, David Still, Mayor of the City of Lawrenceville, do hereby recognize and commend the coaches, and the entire GGC Men's Tennis Team for their outstanding performance, their record breaking number of wins, and their 2021 National NAIA National Championship.

SO PROCLAIMED, this 23rd day of August, 2021.




David R. Still, Mayor

Attest:


Karen Pierce, City Clerk



Proclamation

Georgia Gwinnett College (GGC) Women's Tennis Team

WHEREAS, the Georgia Gwinnett College (GGC) Women's Tennis Team recently won the NAIA (National Association of Intercollegiate Athletics) National Championship for 2021; and

WHEREAS, the 2021 National Championship is their fifth straight championship having also won in 2019, 2018, 2017, 2016; and

WHEREAS, the GGC Women's Tennis Team has a 27-1 match all-time record in postseason play and they have played in the title match each season since 2014, winning six titles overall; and

WHEREAS, the GGC Women's Tennis Team is not only champions on the court, they are champions in life as they uphold the core values of GGC: pursuing excellence, responsibility, sportsmanship, leadership, and service.

NOW THEREFORE, I, David Still, Mayor of the City of Lawrenceville, do hereby recognize and commend the coaches, and the entire GGC Women's Tennis Team for their outstanding performance and their 2021 National NAIA National Championship.

SO PROCLAIMED, this 23rd day of August, 2021.



David R. Still, Mayor

Attest:

Karen Pierce, City Clerk



Proclamation

Georgia Gwinnett College (GGC) Baseball Team

WHEREAS, the Georgia Gwinnett College's (GGC) Baseball Team won the program's first NAIA (National Association of Intercollegiate Athletics) World Series National Championship in 2021; and

WHEREAS, the GGC Baseball Team won all five of their World Series games, outscored their opponents by 52-30, hit nine home runs, and had five quality-starting pitching assignments to capture the title in their first championship round appearance; and

WHEREAS, GGC is the first national collegiate baseball champion from Georgia since 2002; and

WHEREAS, this is only the fourth time a Georgia team has won the NAIA National Baseball Championship and the first Georgia team to win since 1997; and

WHEREAS, the GGC Baseball Team is not only champions on the baseball diamond, they are champions in life as they uphold the core values of GGC, pursuing excellence, responsibility, sportsmanship, leadership, and service.

NOW THEREFORE, I, David Still, Mayor of the City of Lawrenceville, do hereby recognize and commend the coaches, and the entire GGC Baseball Team for their outstanding performance, their resilience, their determination, and their 2021 NAIA World Series Championship.

SO PROCLAIMED, this 27th day of September, 2021.



David R. Still, Mayor

Attest:

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" and Exhibit "B", 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 their designee certify a copy hereof and file such reports as are required by state and federal law.

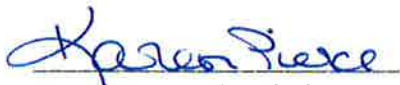
IT IS SO ORDAINED, this 27th day of September 2021.



David R. Still, Mayor

Date Signed: 10/29/2021

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 R. 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 by
Council Member Roche, seconded by Mayor Pro Tem Jones, which carried 5-0, the
following ordinance was ADOPTED:

AN ORDINANCE TO AMEND 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 (City of Lawrenceville Single-Family Residence
District) and R-75 (Gwinnett County Single-Family Residence District) to RS-60

(Single-Family Residence District) by Landeavor Acquisitions, LLC, c/o Andersen, Tate & Carr, P.C.; for the proposed use of Single-Family 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 September 27th, 2021 and objections were filed.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Lawrenceville this the 27th day of September, 2021, that the aforesaid application to amend the Official Zoning Map from RS-180 (City of Lawrenceville Single-Family Residence District) and R-75 (Gwinnett County Single-Family Residence District) (Multifamily Residence District) to RS-60 (Single-Family Residence District) is hereby APPROVED.

Approval of an RS-60 (Single-Family Residential District), subject to the following enumerated conditions:

1. To restrict the use of the property as follows:
 - a. Single-family detached dwellings and accessory uses and structures.
 - b. The minimum heated floor area per dwelling unit shall be 2,000 square feet for one-story homes and 2,200 square feet for two-story homes;

- c. All dwellings shall have at a double-car garage;
- d. All residences shall be constructed primarily of brick or stacked stone on the front facades. The balance shall consist of fiber cement siding and a 24 inch brick water table;
- e. Accessory structures shall be limited to the rear yard area only. Accessory structures shall be limited to 1 per lot maximum.
- f. The development shall be designed in general accordance with the "Rezoning Plan" presented to the Planning Commission on Monday, August 30, 2021, titled "New Hope Road Tract, Phase 1, dated June 28, 2021, prepared by BGE, Inc."
- g. The single-family dwelling structures shall be designed in general accordance with the "Zoning Exhibit" presented to the City Council on Monday, September 27, 2021, titled "ANNX2021-00005 & RZR2021-00010_ZONING EXHIBITS_09222021, dated September 22, 2021" with changes necessary to meet conditions of zoning, requirements of the Building and Building Regulations, Zoning Ordinance and/or Development Regulations, and other minor adjustments as may be approved by the Director of Planning and Development."
- h. The development shall have a mandatory community association(s) to provide maintenance for all common areas (including the maintenance of landscaping within internal rights-of-way and immediately adjacent external rights-of-way), and enforce reasonable and customary property maintenance standards through covenants on all residences within the community. The covenants, conditions, and restrictions that will be recorded with the City prior to the issuance of the first building permit. The covenants will run for 20 years and automatically renew every 20 years unless 51% of the persons owning lots in the subdivision vote to terminate the covenants as governed by O.C.G.A. 44-5-60. Subject to applicable City, local, and federal rules, laws, regulations, and rulings of courts having competent jurisdiction over the subject property, said covenants shall include a restriction that no more than 10% of the single-family units (with an additional 5% hardship) may be leased to third parties by individual owners.

2. To satisfy the following site development considerations:

- a. No direct lot access allowed to New Hope Road;
- b. All grassed areas shall be sodded;
- c. Underground utilities shall be provided throughout the development;
- d. Natural vegetation shall remain on the property until the issuance of a development permit;
- e. Allow an encroachment (grading) into the required 50-foot Undisturbed Buffer and 25-foot Impervious Surface Setback as shown on "Rezoning Plan" presented to the Planning Commission on Monday, August 30, 2021, titled "New Hope Road Tract, Phase 1, dated June 28, 2021, prepared by BGE, Inc."
- f. Provide a 20-foot wide landscape strip along the property line or right-of-way common to New Hope Road. The Landscape Strip shall be planted with 1 Overstory Tree, 1 Understory Tree, 18 Evergreen Shrubs, 18 Ornamental Grasses and 18 Ground Coverings per 100 feet of road frontage along New Hope Road. 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.
- g. Preserved Trees may be counted toward fulfilling the 20-wide landscape tree requirement along New Hope Road. Bradford Pear, Ginkgo (Female), Loblolly, Longleaf, Shortleaf, Slash Pine(s) shall be considered unacceptable trees.
- h. Planted Conifer and Evergreen trees shall be at least six feet in height at time of planting;
- i. Planted Deciduous trees shall be at least three inches caliper at time of planting;
- j. 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;
- k. Provide a 20-foot wide Landscape Strip along the southern and eastern property line common with Cottonwood Cove and Paper Mill single-family subdivision, respectively. The landscape strip

shall be planted where sparsely vegetated with Cryptomeria or Leyland Cypress trees to provide and effective visual screen;

- l. During construction a 5-Foot 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;
- m. 5-foot Construction Setback shall terminate upon each individual lot with the issuance of a Certificate of Occupancy for the principal dwelling.
- n. Provide a left turn lane into the development on New Hope Road, subject to the approval of Gwinnett County Department of Transportation (GCDOT).
- o. Provide a 200-foot deceleration lane with 50 foot taper along the eastern right-of-way of New Hope Road, subject to the approval of Gwinnett County Department of Transportation (GCDOT).



David R. Still, Mayor

Date Signed: 10/29/2021

ATTEST:



Karen Pierce, City Clerk

LEGAL DESCRIPTION

EXHIBIT "A"

SOUTHERN PROPERTY (CITY OF LAWRENCEVILLE)

AREA: 10.2 AC

Beginning at an iron pin on the Northeast right of way of the Lawrenceville – New Hope Road located a distance of 198.9 feet in a southeasterly direction along the northeast right of way of said road from the point where the northeast right of way of said road is intersected by the land lot line common to Land Lots 172 and 173 of said district, said iron pin being a common corner with adjacent property; thence run in a northwesterly direction along the northeast right of way of Lawrenceville – New Hope Road a distance of 290.24 feet ; thence run North 27 degrees 22 minutes 58 seconds East 67.8 feet to a point in the center of the creek; thence run in a northeasterly direction following the meanders thereof a distance of 222 feet more or less, to a point; thence run North 70 degrees 28 minutes 28 seconds West 126.4 feet; thence South 04 degrees 31 minutes 34 seconds West to an iron pin on the Northeast right of way of Lawrenceville – New Hope Road; thence North 55 degrees 25 minutes 26 seconds 699.6 feet to a point in the center of the creek; thence run from the iron pin stake northeast along the center of the creek 505 feet more or less to Lawrenceville City limit boundary; thence run North 54 degrees 49 minutes 00 seconds West 829.7 feet; thence run North 44 degrees 44 minutes 55 seconds 204.5 feet; thence run South 41 degrees 53 minutes 23 seconds 450.7 feet to the point of beginning.

Description obtained from GIS parcel and extracted July 7, 2021. Parcel is approximate based on GIS.

LEGAL DESCRIPTION

EXHIBIT "B"

NORTHERN PROPERTY (GWINNETT COUNTY)

AREA: 29.1 AC

Beginning at an iron pin on the Northeast right of way of the Lawrenceville - New Hope Road located a distance of 198.9 feet in a southeasterly direction along the northeast right of way of said road from the point where the northeast right of way of said road is intersected by the land lot line common to Land Lots 172 and 173 of said district, said iron pin being a common corner with adjacent property; thence run North 41 degrees 53 minutes 23 seconds West 450.7 feet to the point of beginning as Lawrenceville City Limit; thence following said limit North 44 degrees 44 minutes 55 seconds West 204.5 feet; thence North 54 degrees 49 minutes 00 seconds West 829.7 feet to centerline of creek; thence run 1855 feet, more or less, along centerline of said creek; thence run South 29 degrees 46 minutes 52 seconds East 1216.7 feet; thence South 60 degrees 10 minutes 37 seconds West 904.1 feet; thence South 41 degrees 52 minutes 54 seconds West 150.7 feet to point of beginning.

Description obtained from GIS parcel and extracted July 7, 2021. Parcel is approximate based on GIS.

24 HOUR CONTACT INFORMATION
 800.442.6424
 25 054635

POLICE DEPARTMENT
 SUBJECT PROPERTY
 IN 204 N.W. 42ND AVE. S.W. 1,000 COMMUNITY PARK, MIAMI 33120
 MAKE 11-000089 VIN 4N 3D12345 3-11-87 107-1000000 25 200

811

Call today 1-800-368-6272

YES

NOT ISSUED OR
CONSTRUCTED
FOR NUMBER
9245-10

REZONING PLAN

NEW HOPE ROAD TRACT

LANDEAVOR
ACQUISITIONS, LLC
6000 W. CENTRAL EXPRESSWAY
SUITE 1000
DENVER, CO 80202
TEL: 303.733.8800
WWW.LANDEAVOR.COM

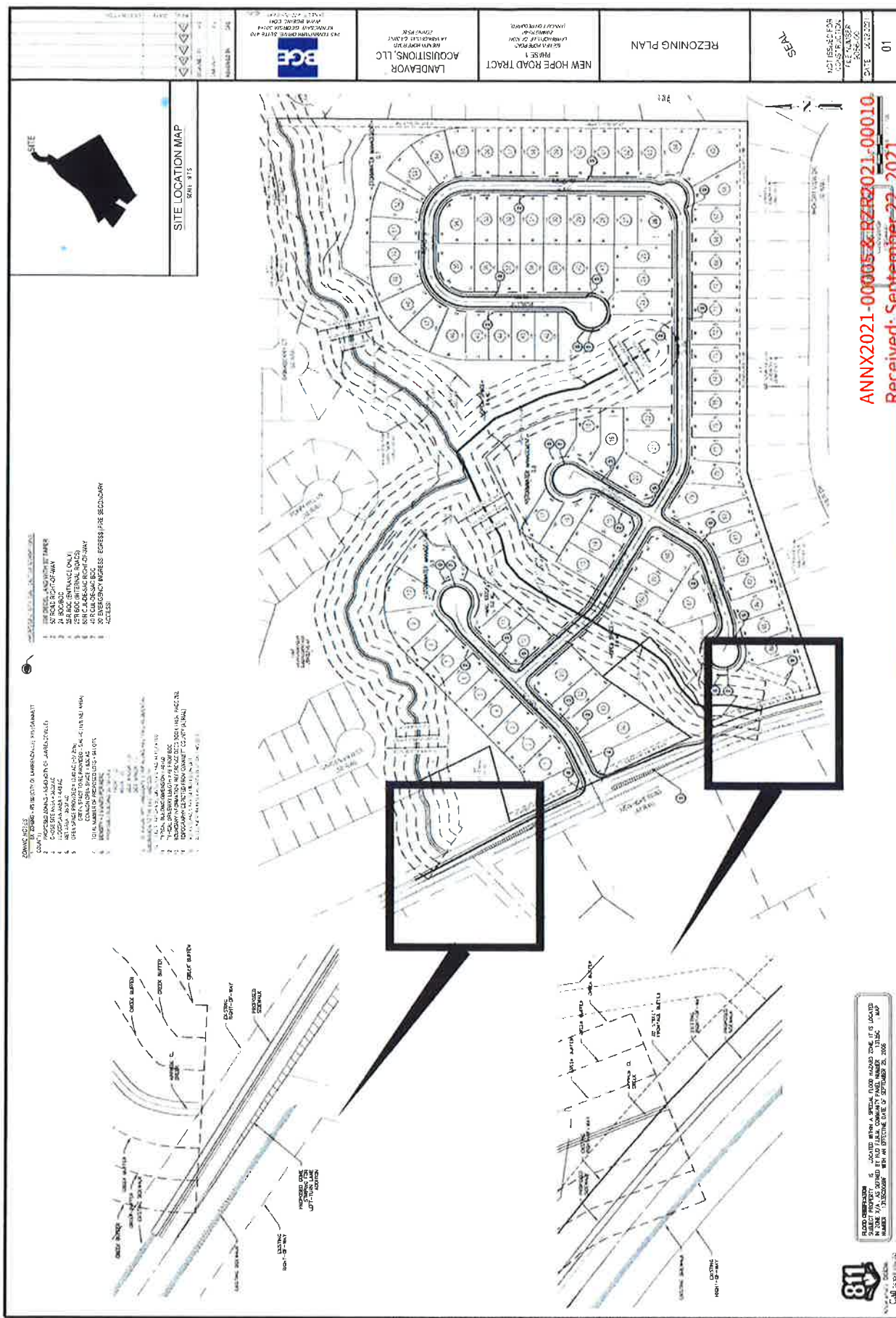
SITE LOCATION MAP

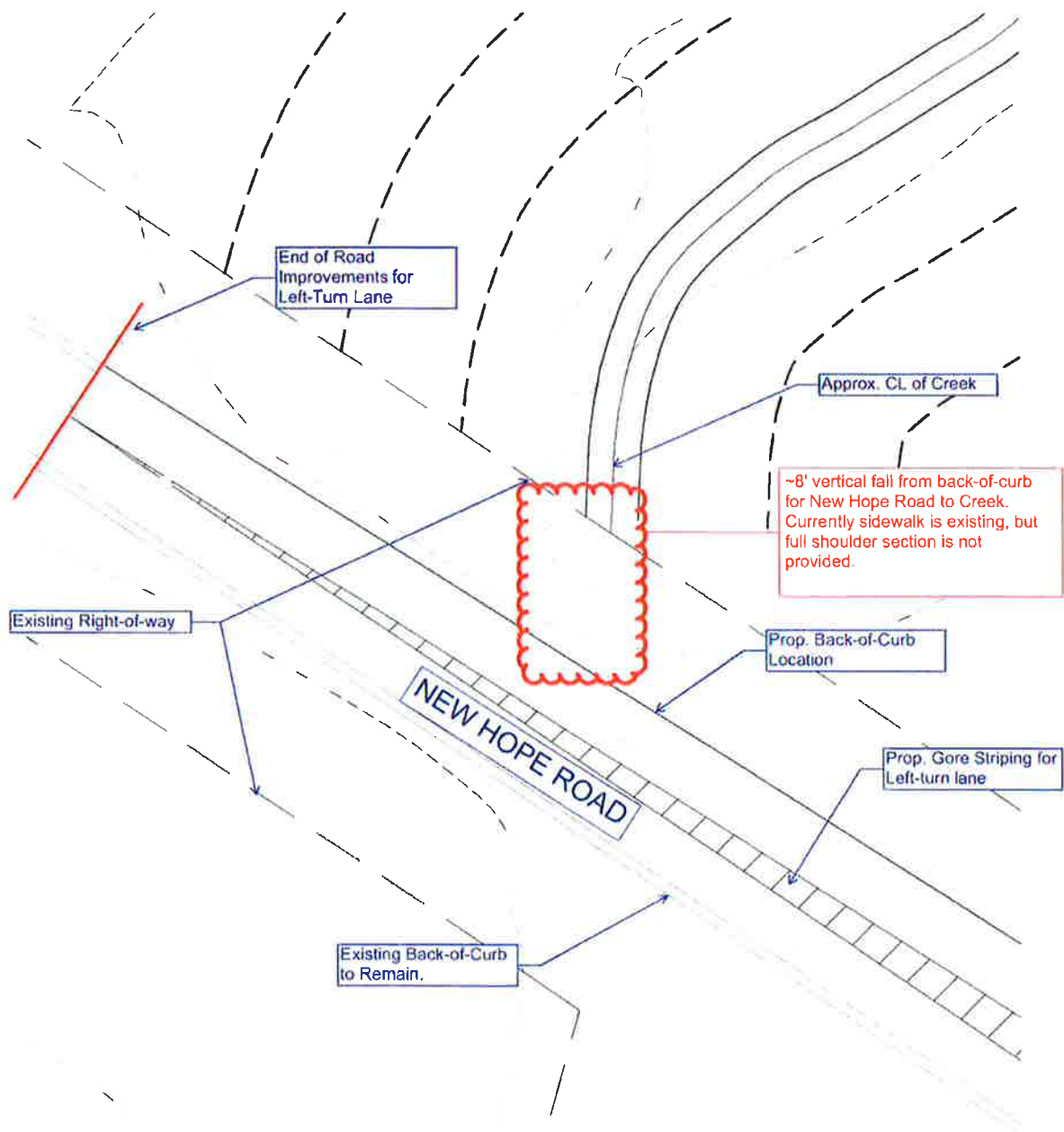
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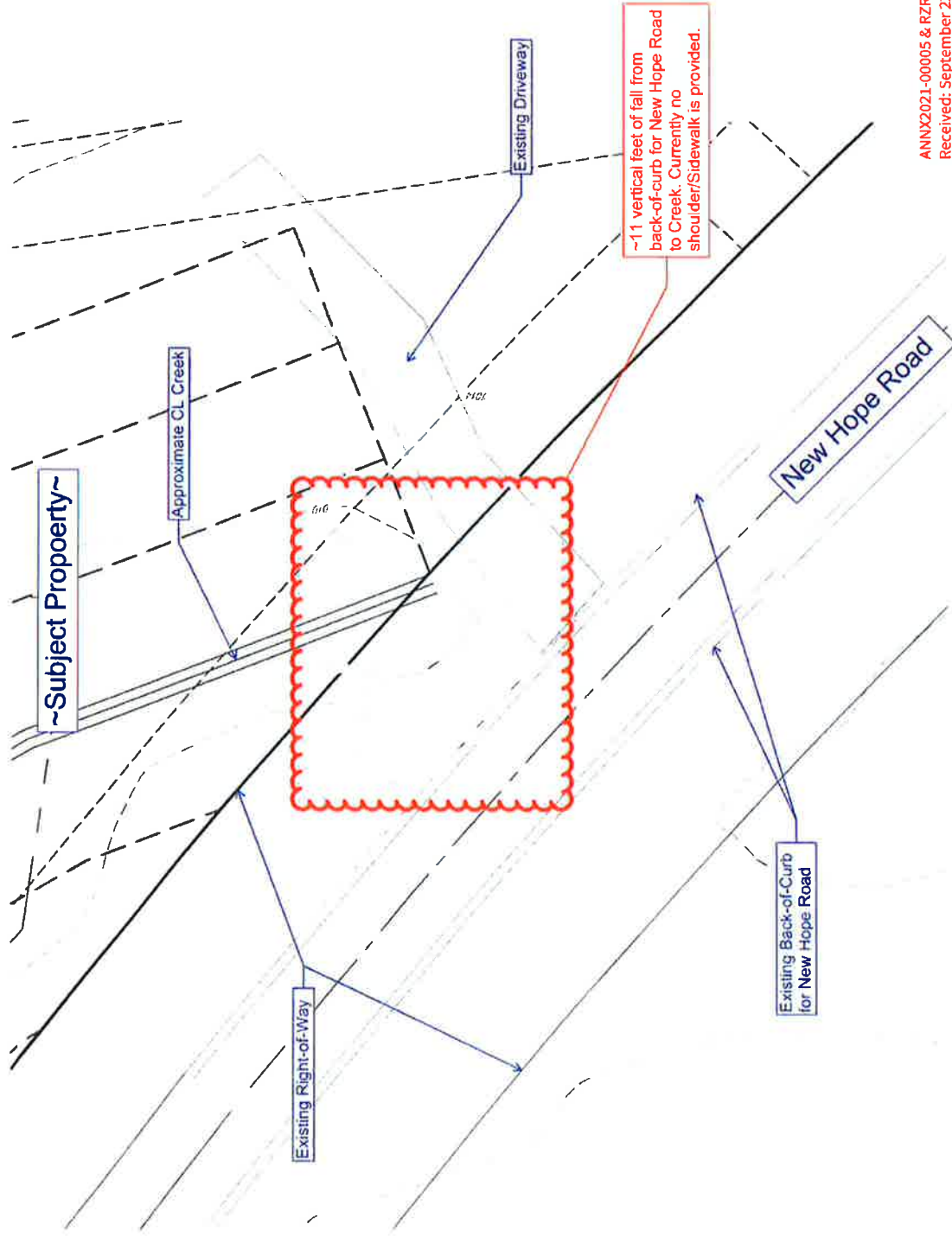


ANNX2021-00005 & RZR2021-00010
 Received: September 22, 2021
 Planning and Development Department

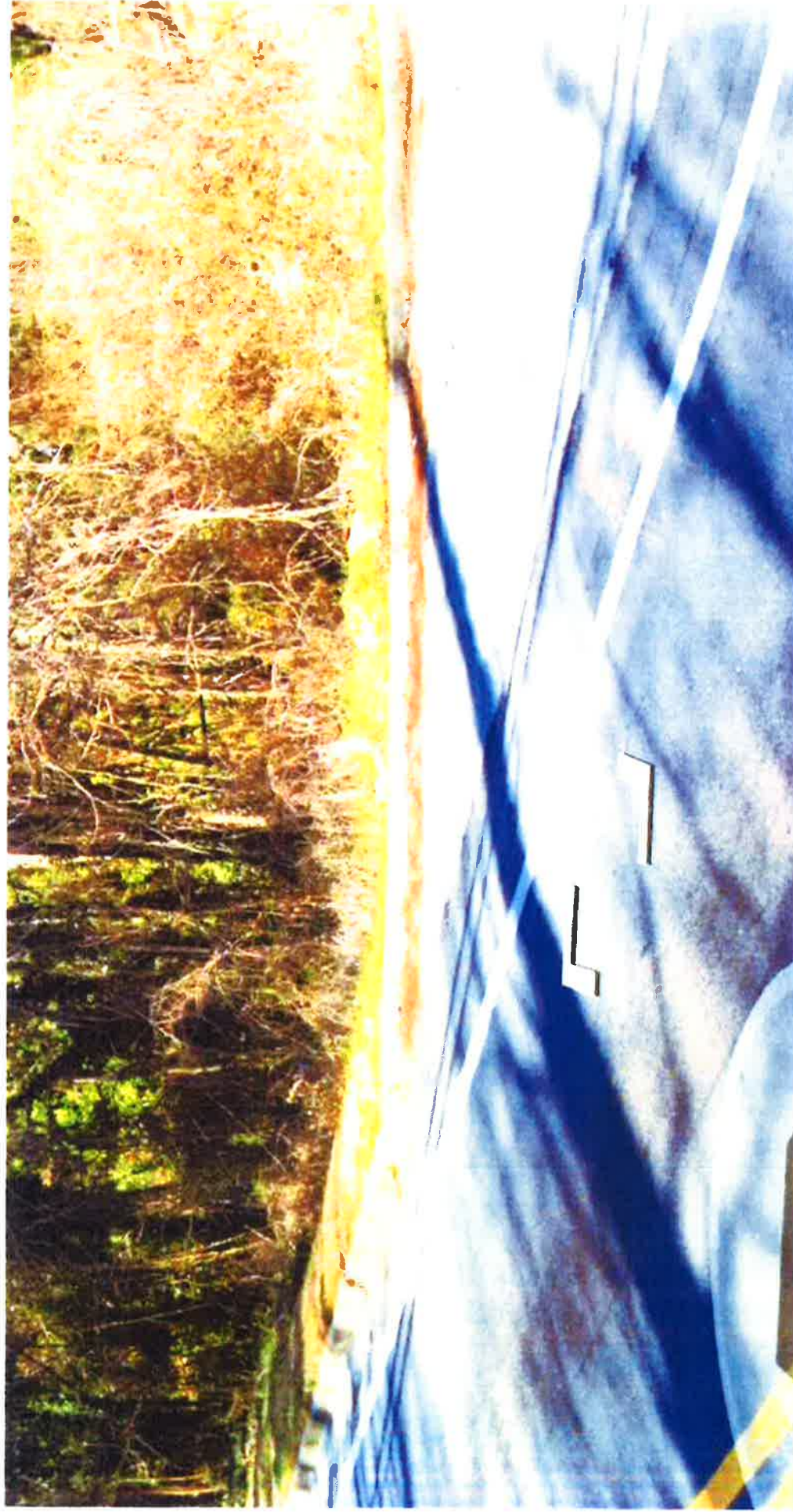




ANNX2021-00005 & RZR2021-00010
 Received: September 22, 2021
 Planning and Development Department



ANNX2021-00005 & RZR2021-00010
Received: September 22, 2021
Planning and Development Department



ANNX2021-00005 & RZR2021-00010
Received: September 22, 2021
Planning and Development Department



AHWX2021-00005 & F2X2021-00010

Received: September 22, 2021

Planning and Development Department

ANDERSEN | TATE | CARR

June 30, 2021

LETTER OF INTENT AND JUSTIFICATION FOR REZONING AND ANNEXATION

Rezoning and Annexation Application City of Lawrenceville, Gwinnett County, Georgia

Applicant:

Landeavor Acquisitions, LLC

Property:

Tax Parcel ID R5173 008A

±38.22 Acres of Land

Located at 606 New Hope Road, Lawrenceville, Georgia

From RS-180 and R-75 to RS-60

Submitted for Applicant by:

Melody A. Glouton, Esq.

ANDERSEN TATE & CARR, P.C.

One Sugarloaf Centre

1960 Satellite Blvd.

Suite 4000

Duluth, Georgia 30097

770.822.0900

mglouton@atclawfirm.com

I. INTRODUCTION

This Application for Rezoning and Annexation is submitted for a 38.22-acre parcel of land located Land Lots 172 and 173 of the 5th District of Gwinnett County, Lawrenceville, Georgia, and known as the property located at 606 New Hope Road (hereinafter the "Property"). The Property is uniquely situated in both the City of Lawrenceville and Gwinnett County. As such, it has split zoning classifications which include RS-180 (Single Family Residential District) within the City of Lawrenceville and R-75 (Single Family Residence District) within Gwinnett County.

The Property is shown on the survey prepared by Higginbotham & James and filed with this Application. The Property that is the subject of this rezoning and annexation application is owned by the Giles M. Cheek Trust, and further identified below from the Gwinnett County Geographical Information System:



As indicated, the Property is currently zoned RS-180 and R-75 pursuant to the City of Lawrenceville Zoning Ordinance (the "Ordinance") and the Gwinnett County Unified Development Ordinance (the "UDO"), respectively. The Applicant, Landcavor Acquisitions, LLC (the "Applicant") now seeks approval to rezone and annex the Property into the City of Lawrenceville, Georgia¹. Specifically, the Applicant is requesting the rezone the Property to RS-60 (Single-Family Residential District), to develop a distinctive and attractive single-family residential community with 94 homes.

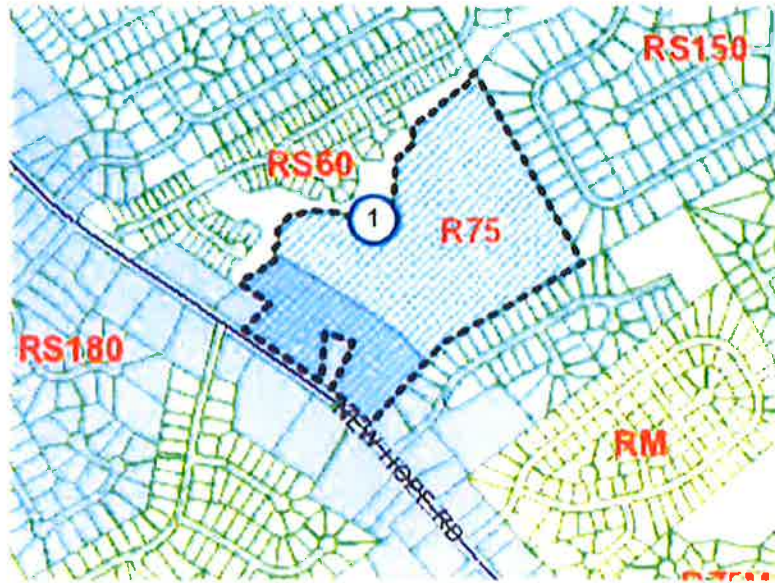
This document is submitted as the Letter of Intent, Response to Standards Governing the Exercise of Zoning Power, and other materials required by the Ordinance.

¹ The Applicant is seeking to annex the portion of the Property currently within Gwinnett County and zoned R-75 into the City of Lawrenceville. The approximate acreage to be annexed into the City of Lawrenceville is 28+/- acres. The remainder of the site is already within the City limits.

II. DESCRIPTION OF THE PROPERTY AND SURROUNDING AREA

The Property is a large tract fronting New Hope Road in Lawrenceville. The adjacent zoning classifications are as follows:

North	RS-60
South	RM
East	RS-150
West	RS-180; R-75



We are respectfully requesting the City of Lawrenceville annex and rezone the Property to allow for a single family, detached residential development. Under its current zoning classifications, RS-180 and R-75, the Property has split zoning and does not have a reasonable economic use. The Property is currently developed with a single family residence and the remainder of the site is heavily wooded and undeveloped. The Property is surrounded by other residential uses and subdivisions, as well as in close proximity to commercial businesses and the downtown Lawrenceville. As such, the Property is ideal for a residential development.

As stated in the City of Lawrenceville's 2040 Comprehensive (the "Comprehensive Plan"), the Property, which lies in the Traditional Residential Character Area, provides an opportunity for the City of Lawrenceville to achieve several guiding principles, goals, and policies it has set forth. The annexation, rezoning and development of the Property, as intended by the Applicant, enhances the surrounding and existing developments, while maximizing green space for residents. Specifically, the proposed development of medium density residential with approximately 13.40 acres of open space provided (5.4 acres consisting of green space and 8.0 acres consisting of common open space), falls within the recommended land use for this area. Further, by providing an assortment of housing options for potential residents, the City of Lawrenceville is encouraging a mix of housing that appeals to a wide variety of target markets.

Further, an annexation and rezoning of the Property to RS-60 is consistent with the guiding principles of the Comprehensive Plan, which specifically states: "Traditional Residential areas are predominately single-family, suburban-style neighborhoods located in the southern half of the city. The purpose of this character area is to preserve these traditional neighborhoods and buffer them from more intense land uses. Density is typically low (less than 2 dwelling units per acre), and most open space is in private yards." Additionally, a development as proposed by the Applicant enhances the City of Lawrenceville's desire to increase the amount and variety of residential options for citizens. Most importantly, the Applicant is committed to the key policies of the Traditional Residential Character Area, which includes preservation of the desired character and value of well-established neighborhoods and high standards for housing conditions.

III. PROJECT SUMMARY

As shown on the site plan by BGE, Inc, dated June 28, 2021, and filed with this Application (hereinafter the "Site Plan"), the Applicant proposes to develop the Property into a distinctive and attractive residential community. The Applicant is proposing to rezone 38.22 acres from RS-180 and R-75 to RS-60 in order to accommodate the development of a single-family residential community with approximately 94 units. This proposal would equate to a net density of 2.6 units per acre. The minimum heated floor area of the homes would be 1,800 square feet (1 story) and 2,000 square feet (2 story). The proposed development would provide attractive, high-end residences with various a centralized mail kiosk, as well as 13+/- acres of the site being maintained as open space within the community. The proposed development will consist of homes at a size, quality, and price point commensurate with or exceeding homes in the surrounding communities. Generally, the architectural style and composition of the exterior of the homes would consist of brick, stacked stoned, cedar and/or cementitious shake, siding board and batten or combinations thereof. The proposed development would be served by one entrance onto New Hope Road which would be landscaped and maintained by a Homeowners Association.

Accordingly, the proposed development would provide attractive, high-quality housing that is compatible with surrounding land use and in conformance with the policies and intent of the Comprehensive Plan.

IV. SITE IMPACT ANALYSIS

The Applicant submits its written impact analysis which shows that rezoning to RS-60 satisfies the "Standards Governing Exercise of the Zoning Power," as follows:

(A) WHETHER A PROPOSED REZONING WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY:

Yes. The proposed rezoning is consistent and suitable with the existing use and development of adjacent and nearby properties. The Property is located along New Hope Road near the intersection of Simonton Road. The proposed residential development is compatible with existing residential uses and will further diversify housing options in the surrounding area.

(B) WHETHER A PROPOSED REZONING WILL ADVERSELY AFFECT THE EXISTING USE OR USEABILITY OF ADJACENT OR NEARBY PROPERTY:

No. The proposed rezoning will not adversely affect the existing use or usability of adjacent or nearby property. In fact, the proposed zoning classification is compatible with existing residential uses of adjacent property and would be a complimentary development.

(C) WHETHER THE PROPERTY TO BE AFFECTED BY A PROPOSED REZONING HAS REASONABLE ECONOMIC USE AS CURRENTLY ZONED:

No, the Applicant submits that due to the size, location, layout, topography, and natural features of the Subject Property, it does not have reasonable economic use as currently zoned. By way of further response, the Applicant submits the rezoning of the Property would develop the site into a more viable and compatible use with surrounding properties.

(D) WHETHER THE PROPOSED REZONING WILL RESULT IN A USE WHICH WILL OR COULD CAUSE AN EXCESSIVE OR BURDENSOME USE OF EXISTING STREETS, TRANSPORTATION FACILITIES, UTILITIES, OR SCHOOLS:

No, the proposed rezoning will not result in an excessive or burdensome use of the infrastructure systems. The Property has convenient access to both New Hope Road and Sugarloaf Parkway. The proposed development would complement the existing and nearby residential uses.

(E) WHETHER THE PROPOSED REZONING IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE LAND USE PLAN:

The proposed rezoning application is in conformity with the policy and intent of the City of Lawrenceville Comprehensive Plan. The subject property is located within the Traditional Residential Character Area. Encouraged land uses for this Character Area specifically include single family detached residential. As such, the proposed development would be compatible with and successfully co-exist with the surrounding uses.

(F) WHETHER THERE ARE OTHER EXISTING OR CHANGING CONDITIONS AFFECTING THE USE AND DEVELOPMENT OF THE PROPERTY WHICH GIVE SUPPORTING GROUNDS FOR EITHER THE APPROVAL OR DISAPPROVAL OF THE ZONING PROPOSAL:

The Applicant submits that the character of the surrounding development and the existing uses in the area provide supporting reasons for approval of the rezoning and annexation application. Anticipated growth in the City of Lawrenceville and Gwinnett County based on the Comprehensive Plan suggests a strong need for this type of housing. In addition, the Applicant submits that the subject Property's location, size, and dimensions, as well as its proximity to downtown Lawrenceville, and Sugarloaf Parkway, provide further support for approval of the proposed rezoning application.

V. JUSTIFICATION FOR REZONING

The Applicant respectfully submits that "City of Lawrenceville Zoning Ordinance" (the "Ordinance"), as amended from time to time, to the extent that it classifies the Property in any zoning district that would preclude development of a single family residential development, under the RS-60 zoning classification, is unconstitutional as a taking of property, a denial of equal protection, an arbitrary and capricious act, and an unlawful delegation of authority under the specific constitutional provisions later set forth herein. Any existing inconsistent zoning of the Property pursuant to the Ordinance deprives the Applicant and Property owner of any alternative reasonable use and development of the Property. Additionally, all other zoning classifications, including ones intervening between the existing classification and that requested herein, would deprive the Applicant and Property owner of any reasonable use and development of the Property. Further, any attempt by the City of Lawrenceville Mayor and Council to impose greater restrictions upon the manner in which the Property will be developed than presently exist would be equally unlawful.

Accordingly, Applicant submits that the current zoning classification and any other zoning of the Property save for what has been requested as established in the Ordinance constitute an arbitrary and unreasonable use of the zoning and police powers because they bear no substantial relationship to the public health, safety, morality or general welfare of the public and substantially harm the Applicant and Property owner. All inconsistent zoning classifications between the existing zoning and the zoning requested hereunder would constitute an arbitrary and unreasonable use of the zoning and police powers because they bear or would bear no substantial relationship to the public health, safety, morality, or general welfare of the public and would substantially harm the Applicant and Property owner. Further, the existing inconsistent zoning classification constitutes, and all zoning and plan classifications intervening between the existing inconsistent zoning classification and that required to develop this Project would constitute, a taking of the owner's private property without just compensation and without due process in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia and the Due Process and Equal Protection Clauses of the Fourteenth Amendment to the Constitution of the United States.

Further, the Applicant respectfully submits that failure to approve the requested rezoning change would be unconstitutional and would discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and Property owner and owners of similarly situated property in violation of Article I, Section III, Paragraph I of the Constitution of the State of Georgia and the Equal Protection Clause of the Fourteenth Amendment of the Constitution of the United States.

Finally, the Applicant respectfully submits that the City of Lawrenceville Mayor and Council cannot lawfully impose more restrictive standards upon the development of the Property than presently exist, as to do so not only would constitute a taking of the Property as set forth above, but also would amount to an unlawful delegation of their authority, in response to neighborhood opposition, in violation of Article IX, Section IV, Paragraph II of the Georgia Constitution.

This Application meets favorably with the prescribed test set out by the Georgia Supreme Court to be used in establishing the constitutional balance between private property rights and zoning and planning as an expression of the government's police power. See Guhl v. Holcomb Bridge Road Corp., 238 Ga. 322 (1977).

VI. CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that this Application to Annex and Rezone from RS-180 and R-75 to RS-60 be approved. The Applicant welcomes the opportunity to meet with the City of Lawrenceville Planning Department staff to answer any questions or to address any concerns relating to this Letter of Intent or supporting materials.

Respectfully submitted this 30th day of June, 2021.

ANDERSEN, TATE & CARR, P.C.

Melody A. Glouton

Melody A. Glouton, Esq.

Enclosures
MAG/ag

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

Victoria Jones, Mayor Pro Tem

YES

Bob Clark, Council Member

YES

Glenn Martin, Council Member

YES

Keith Roche, Council Member

YES

On motion to approve the request to amend the Official Zoning Map by
Council Member Martin, seconded by Council Member Roche, which carried 5-0,
the following ordinance was ADOPTED:

AN ORDINANCE TO AMEND 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 OI (Office Institutional District) to LM (Light Manufacturing
District) by James Talbert, LLC, c/o Hughes Commercial Real Estate; for the

proposed use of Light Manufacturing 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 September 27th, 2021 and objections were not filed.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Lawrenceville this the 27th day of September, 2021, that the aforesaid application to amend the Official Zoning Map from OI (Office Institutional District) to LM (Light Manufacturing District) is hereby APPROVED.

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

To restrict the use of the property as follows:

1. The following uses shall be prohibited:

- a. Auction House
- b. Automobile Accessories Sales and Installation
- c. Automobile Body Repair, Painting or Rebuilding
- d. Automobile Broker
- e. Automobile Manufacturing Plant
- f. Automobile, Truck or Vehicle Storage Lot (excl. junk/wrecked vehicles)
- g. Automobile Parts Store (with/without installation)

- h. Automobile Repair and Maintenance (Principal Use)
- i. Automobile Sales or Auction and Related Service (indoor/outdoor sales)
- j. Automobile Wash (Carwash)
- k. Bail Bonding
- l. Building Materials Sales (indoors/outdoors)
- m. Depot / Passenger Terminal (bus or rail)
- n. Garden Supply Center
- o. Hookah/Vapor Bar or Lounge
- p. Machine Shop
- q. Maintenance Shop (fleet vehicles)
- r. Motorcycle and Personal Watercraft Sales and Related Service
- s. Motorcycle and Personal Watercraft Service and Repair
- t. Motorcycle Parts, Accessories and Apparel Store
- u. Pawn Shop
- v. Smoke or Novelty Shop
- w. Tobacco or Novelty Shop
- x. Tattoo and Body Piercing
- y. Title Loan Facility

2. To satisfy the following site development considerations:

- a. The development shall be designed in general accordance with the "Concept Plan" presented to the Planning Commission on Monday, August 30, 2021, titled "James Talbert, Old Norcross Road, City of Lawrenceville, GA, and dated June 02, 2021, prepared by Reed Planning and Design" with changes necessary to meet conditions of zoning, requirements of the Zoning Ordinance and/or Development Regulations, and other minor adjustments as may be approved by the Director of Planning and Development

- b. The structure shall be designed in general accordance with the "Zoning Exhibit" presented to the City Council on Monday, September 27, 2021, titled "RZC2021-00027_Zoning Exhibit_09232021, and dated September 23, 2021" with changes necessary to meet conditions of zoning, requirements of the Building and Building Regulations, Zoning Ordinance and/or Development Regulations, and other minor adjustments as may be approved 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 building must meet the minimum architectural requirement of the City of Lawrenceville. Final elevations shall be subject to the review and approval of the Director of Planning and Development Department.
3. To satisfy the following site development considerations:
- a. All grassed areas shall be sodded;
 - b. Underground utilities shall be provided throughout the development;
 - c. Natural vegetation shall remain on the property until the issuance of a development permit;
 - d. Allow an encroachment (grading) into the required 50-foot Undisturbed Buffer and 25-foot Impervious Surface Setback as shown on "Concept Plan" presented to the Planning Commission on Monday, August 30, 2021, titled "James Talbert, Old Norcross Road, City of Lawrenceville, GA, and dated June 02, 2021, prepared by Reed Planning and Design".
 - e. Provide a 10-foot wide Landscape Strip along the southern right-of-way of Old Norcross Road.
 - f. Provide a 25-foot wide landscape strip along the along the eastern property line adjacent to Parcel Identification Number R5144039D.

- g. Landscape Strips shall be planted with 1 Overstory Tree, 1 Understory Tree, 18 Evergreen Shrubs, 18 Ornamental Grasses and 18 Ground Coverings per 100 feet of road frontage along New Hope Road. 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.
- h. Planted Conifer and Evergreen trees shall be at least six feet in height at time of planting;
- i. Planted Deciduous trees shall be at least three inches caliper at time of planting;
- j. 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;
- k. Preserved Trees may be counted toward fulfilling the tree requirement within the 25-wide Landscape Strip. Bradford Pear, Gingko (Female), Loblolly, Longleaf, Shortleaf, Slash Pine(s) shall be considered unacceptable trees.
- l. During construction, a 5-Foot 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;
- m. A 5-foot Construction Setback shall terminate with the issuance of a Certificate of Completion, Development Conformance, Occupancy.
- n. Provide a 200-foot deceleration lane with 50 foot taper along the southern right-of-way of Old Norcross Road, subject to the approval of Gwinnett County Department of Transportation (GCDOT).
- o. Ground Signage shall be limited to a maximum height of 12 feet and shall be setback from the right-of-way a minimum of 12 feet from the property line. The maximum sign display area shall be limited to 75 square feet. Wall signage shall be limited 36 square feet per elevation, with a total wall sign area limited to 72 square feet.

- p. 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.
- q. Lighting shall be contained in cut-off type luminaries and shall be directed in toward the property so as not to shine directly into adjacent properties or right-of-ways.
- r. Peddlers and/or any parking lot sales unrelated to the rezoning shall be prohibited.
- s. Outdoor storage shall be limited to the rear yard only and screened from the right-of-way by a solid wood fence, masonry wall or 6-foot high slatted chain-link fence.
- t. Dumpsters shall be screened by solid brick walls, with an opaque metal gate enclosure.
- u. The owner shall repaint or repair any graffiti or vandalism that occurs on the property within 72 hours.



David R. Still, Mayor

Date Signed: 10/29/2021

ATTEST:



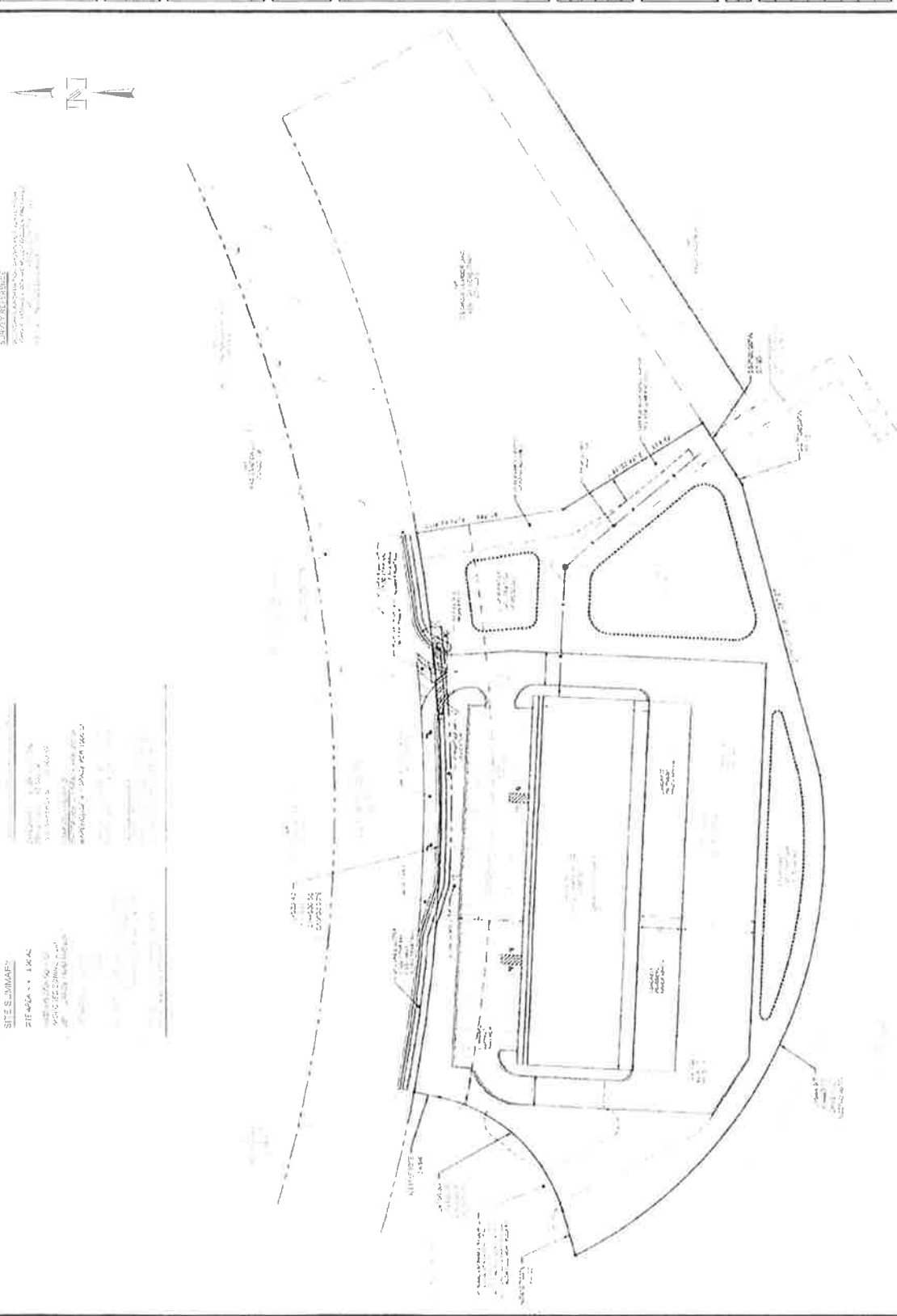
Karen Pierce, City Clerk

**Old Norcross Drive
Parcel No. 5-113-106**

All that tract or parcel of land lying and being in Land Lots 113 and 144 of the 5th Land District, Gwinnett County, Georgia and being more particularly described as follows;

Beginning at the intersection of the southerly right of way of Old Norcross Road (100' right of way) and the Land Lot Line common to Land Lots 113 and 144; THENCE traveling on said right of way along a curve to the left having a radius of 1482.39 feet and an arc length of 95.03 feet being subtended by a chord bearing of North 82 Degrees 01 Minutes 11 Seconds East and a chord distance of 95.02 feet to a point; THENCE leaving said right of way and traveling South 09 Degrees 14 Minutes 17 Seconds East for a distance of 142.38 feet to a point; THENCE South 31 Degrees 57 Minutes 42 Seconds East for a distance of 154.72 feet to a point; THENCE South 57 Degrees 05 Minutes 00 Seconds West for a distance of 57.95 feet to a point; THENCE South 57 Degrees 04 Minutes 59 Seconds West for a distance of 11.12 feet to a point; THENCE South 75 Degrees 01 Minutes 18 Seconds West for a distance of 287.27 feet to a point; THENCE along a curve to the right having a radius of 443.12 feet and an arc length of 544.97 feet being subtended by a chord bearing of North 62 Degrees 40 Minutes 48 Seconds West and a chord distance of 511.27 feet to a point; THENCE North 74 Degrees 07 Minutes 03 Seconds East for a distance of 44.02 feet to a point; THENCE along a curve to the left having a radius of 155.00 feet and an arc length of 166.89 feet being subtended by a chord bearing of North 42 Degrees 27 Minutes 33 Seconds East and a chord distance of 158.95 feet to a point; THENCE North 11 Degrees 15 Minutes 12 Seconds East for a distance of 24.64 feet to a point on the southerly right of way of Old Norcross Road; THENCE on said right of way along a curve to the left having a radius of 1482.39 feet and an arc length of 438.39 feet being subtended by a chord bearing of South 87 Degrees 40 Minutes 18 Seconds East and a chord distance of 436.79 feet to a point, said point being the TRUE POINT OF BEGINNING.

Said property contains +/-5.00 Acres as shown on Concept Plan for James Talbert prepared by Reed Planning & Design, dated 6/02/21.



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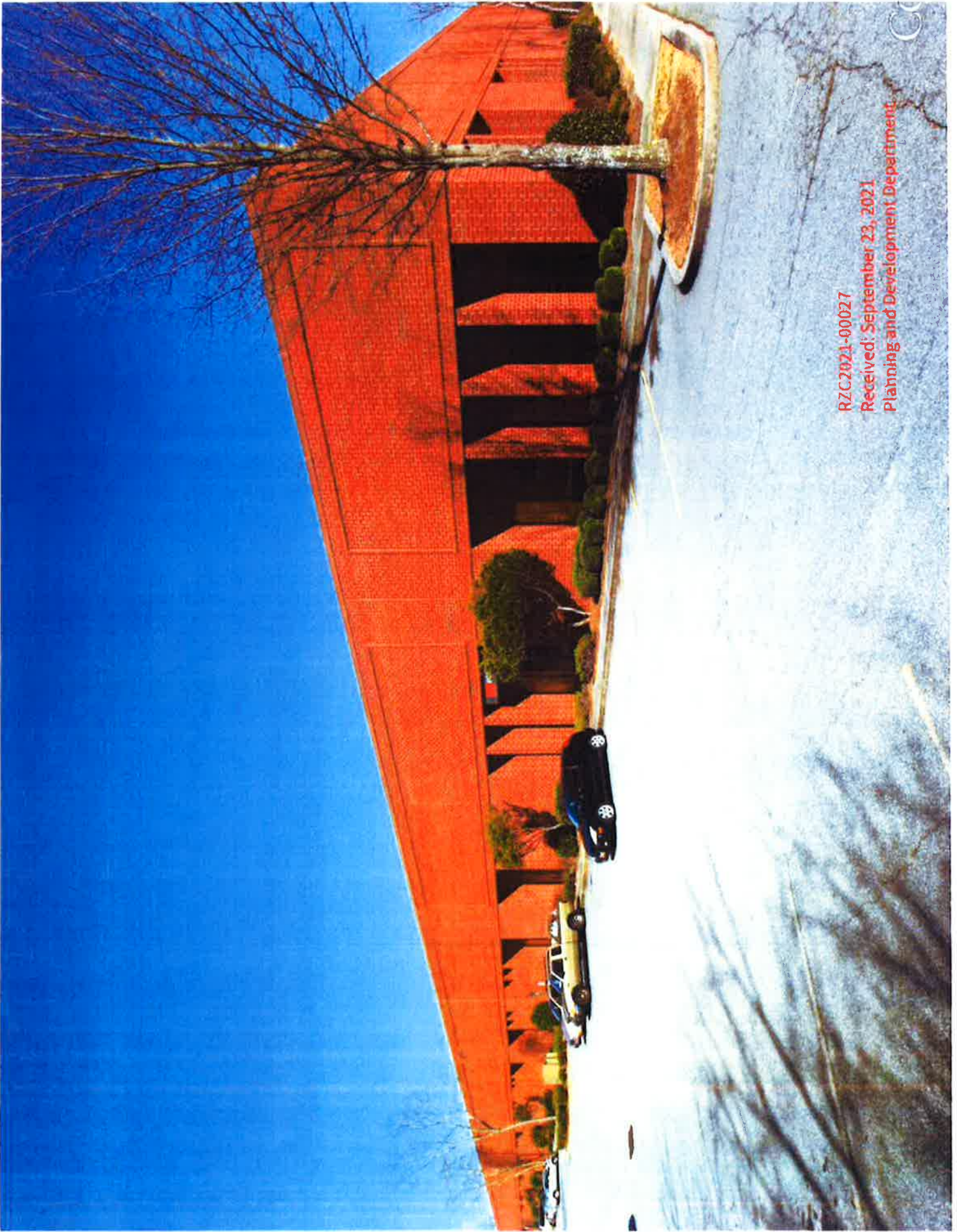
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Received: September 23, 2021
Planning and Development Department

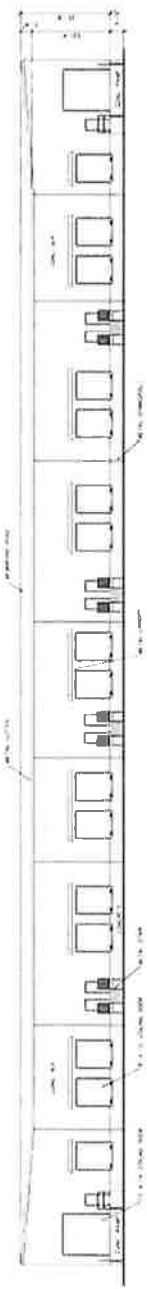
RZC2021-00027
Received: September 23, 2021
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RZC2021-00027
Received: September 23, 2021
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Planning and Development Department



REAR ELEVATION

1/16" = 1'-0"

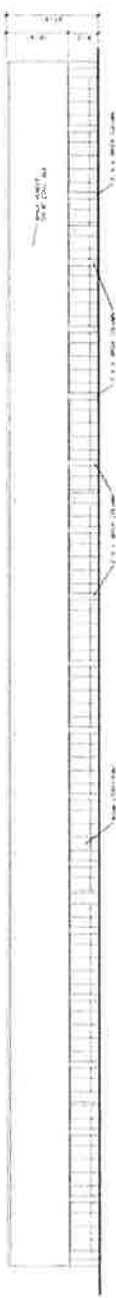


LEFT SIDE ELEVATION

1/16" = 1'-0"

RIGHT SIDE ELEVATION

1/16" = 1'-0"



FRONT ELEVATION

1/16" = 1'-0"

RZC2021-00027
 Received: September 23, 2021
 Planning and Development Department

ORDINANCE ORD-2021-9

AN ORDINANCE TO AMEND ARTICLE 2 (FALSE ALARM) OF CHAPTER 26 (OFFENSES AND MISCELLANEOUS PROVISIONS) OF THE CODE OF THE CITY OF LAWRENCEVILLE, GEORGIA

The City Council of the City of Lawrenceville, Georgia hereby ordains that Article of 2 of Chapter 26 of the Code of the City of Lawrenceville, Georgia is hereby deleted in its entirety and replaced with a new Article 2 which shall read as follows:

ARTICLE II. FALSE EMERGENCY SERVICES ALARM ORDINANCE

Sec. 26-35. Purpose and intent.

- (a) The purpose of this article is to encourage alarm owners and alarm companies to properly use and maintain operational effectiveness of alarm systems in order to improve the reliability of alarm systems and reduce or eliminate false alarms. The City of Lawrenceville finds that excessive false alarms unduly burden the limited resources of the Lawrenceville Police Department.
- (b) This article governs alarm systems intended to summon a public safety department and requires registration, assessment of fees/civil penalties for excessive false alarms, provides procedures for repeat offenders, provides for severability of the parts hereof, and provided an effective date. This article shall apply to calls made to an emergency call center by contracted third parties not physically present at the alarm site.
- (c) This article establishes minimum standards applicable to alarm systems, alarm users and alarm companies as defined herein.

Sec. 26-36. Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them, except where the context clearly indicates a different meaning:

Alarm Administrator means a person or persons designated by the city to administer the provisions of this article. Said alarm administrator may be a vendor contracted by the city to administer the provisions of this article.

Alarm company means a person, company, firm, corporation, or other entity which has the contractual agreement with the alarm user and is subject to the licensing requirements, and engaged in selling, leasing, installing, servicing, or monitoring alarm systems; this entity shall be licensed in compliance with city and state rules, regulations, and laws.

Alarm permit means a permit issued to an alarm user by the city allowing the operation of an alarm system within the city.

Alarm signal means a notification to the city that an alarm has been activated at a particular alarm site and that city emergency service is requested.

Alarm site means a single premises or location served by an alarm system or systems. Each tenancy, if severed by a separate alarm system in a multitenant building or complex, shall be considered a separate alarm site.

Alarm system means a device or series of devices, including, but not limited to, hardwired systems and systems interconnected with a radio frequency method such as cellular or private radio signals, which emit or transmit a remote or local audible, visual, or electronic signal indicating an alarm condition and intended to summon a city emergency service response, including local alarm systems. Alarm system does not include an alarm installed in a vehicle or on someone's person unless the vehicle or the personal alarm is permanently located at a site.

Alarm user means any person, corporation, partnership, proprietorship, governmental or educational entity, or any other entity owning, leasing, or operating an alarm system, or on whose premises an alarm system is maintained for the protection of such premises.

Alarm User Awareness Class means a class conducted for the purpose of educating alarm users about the responsible use, operation, and maintenance of alarm systems and the problems created by false alarms.

Cancellation means termination of response by the Police Department when the alarm company notifies the Police Department that there is not an existing situation at the alarm site requiring emergency services response after an alarm dispatch request. If cancellation occurs within two (2) minutes of dispatch and prior to police arriving at the scene, no penalty will be assessed.

City means the City of Lawrenceville and/or its designee.

Chief of Police means the Chief of Police of the City of Lawrenceville Police Department or his designee.

Compliance Standards means equipment and installation methods shall comply with all appropriate nationally recognized testing laboratories and American National Standards Institute (ANSI) requirements.

Enhanced Call Confirmation (ECC) means an attempt by the alarm system monitoring company to contact the alarm site and/or alarm user by telephone and/or other means, whether or not actual contact with a person is made, to determine whether an alarm signal is

valid before requesting law enforcement response. A second call shall be made to an alternate number provided by the alarm user if the first attempt fails. EXCEPT in case of a fire, panic or robbery-in-progress alarm or in cases where a crime-in-progress has been verified as defined in ANSI/CSAA CS-V-01-2016 (or current version).

False alarm means an alarm dispatch request, that has generated a city emergency service response, which is canceled, or when no emergency condition is found at the alarm site. Notwithstanding the foregoing, a false alarm shall not include an alarm which can reasonably be determined to have been caused or activated by violent conditions of nature, nor does it include other extraordinary circumstances not reasonably subject to the control by the alarm user. In addition, an alarm activated during an alarm system testing procedure shall not be considered a false alarm if the alarm company is notified in advance that the alarm system is being tested and no public safety department response is requested by the alarm company.

Local alarm means an alarm system that emits a signal at an alarm site that is audible or visible from the exterior of a structure and is not monitored by a remote monitoring facility, whether installed by an alarm company or user.

Permit year means a 12-month period beginning on the day and month on which an alarm permit is issued.

Runaway alarm means an alarm system that produces three (3) or more unfounded alarm signals in a twenty-four (24) hour period. The city emergency services may in its discretion discontinue responses to these alarm signals until the alarm system is corrected.

Sec. 26-37. Alarm permit.

(a) *Permit required.* No alarm user shall operate, or cause to be operated, a monitored alarm system at its alarm site without a valid alarm permit. A separate alarm permit is required for each alarm site. An annual permit is required for the initial registration and annual renewals. A fee for registration and renewal may be required. Each alarm permit shall be assigned a unique permit number, and the user shall provide the permit number to the alarm company to facilitate law enforcement dispatch. An alarm permit shall expire twelve (12) months from the date of issuance and must be renewed annually by submitting an updated application and permit renewal fee to the City. Failure to renew will be classified as a non-permitted alarm system and additional fees may be assessed. A late fee will be assessed if the renewal is more than thirty (30) days late. An alarm permit cannot be transferred to another person or alarm site. An alarm user shall inform the City of any change that alters any of the information listed on the alarm permit application within ten (10) business days of such change.

(b) *Application.* The permit shall be requested on an application form provided by the City. An alarm user has the duty to obtain an application from the City within five (5)

business days of the alarm system installation or an alarm system transfer. The completed application shall be filed with the City within ten (10) business days of the alarm system installation or an alarm system transfer.

- (c) *Transfer of possession.* An alarm permit cannot be transferred to another person or alarm site. When the possession of the premises at which an alarm system is maintained is transferred, the person (user) obtaining possession of the property shall file an application for an alarm permit within ten (10) business days of obtaining possession of the property.
- (d) *Multiple alarm systems.* If an alarm user has one or more alarm systems protecting two or more separate structures having different addresses and/or tenants, a separate permit shall be required for each structure and/or tenant.
- (e) *Confidentiality.* In the interest of public safety, all information contained in and gathered through the alarm permit applications and applications for appeals shall be held in confidence by all employees or representatives of the city and by any third-party administrator or employees of a third-party administrator with access to such information to the maximum extent permitted by Georgia law.

Sec. 26-38. Duties of the alarm user.

- (a) Maintain the premises and the alarm system in a method that will reduce or eliminate false alarms.
- (b) Respond or cause a representative to respond to the alarm system's location within thirty (30) minutes when notified by city emergency services.
- (c) Not manually activate an alarm for any reason other than an occurrence of an event that the alarm system was intended to report.
- (d) An alarm user must obtain a new permit and pay any associated fees if there is a change in address or ownership of the location of the alarm-system.
- (e) It shall be unlawful to install, maintain, or use an audible alarm system which can sound continually for more than fifteen (15) minutes.
- (f) An alarm user shall not use automatic voice dialers.
- (g) It shall be unlawful to activate an alarm system for the purpose of summoning law enforcement when no burglary, robbery, or other crime dangerous to life or property is being committed or attempted on the premises, or otherwise to cause a false alarm.

- (h) Alarmed locations are subject to fees for services, as established by the city council, depending on the number of false alarms within the preceding twelve (12) month period.
- (i) An alarm user shall notify the City of any special or dangerous conditions present at the alarm site.

Sec. 26-39. Duties of the alarm company.

- (a) Any person engaged in the alarm business in the city shall comply with the following:
 - (1) Obtain and maintain the required state, county and/or city license(s).
 - (2) Provide name, address, and telephone numbers of the alarm company license holder or a designee who can be called in an emergency, 24 hours a day; and be able to respond to an alarm call, when notified, within a reasonable amount of time.
 - (3) Be able to provide the most current contact information for the alarm user; and to contact a key holder for a response, if requested.
 - (4) Provide new and cancelled alarm sites in the format required by the City every thirty (30) days or upon request by the City.
 - (5) An alarm installation company and/or monitoring company that purchases alarm system accounts from another person shall notify the City of such purchase and provide details as may be requested by the City.
- (b) Prior to activation of the alarm system, the alarm company must provide instructions explaining the proper operation of the alarm system to the alarm user. Ensure that all alarm users of alarm systems equipped with a duress, holdup, or panic alarm are given adequate training as to the proper use of the duress, holdup, or panic alarm.
- (c) After completion of the installation of an alarm system, the alarm company employee shall review with the alarm user the false alarm prevention checklist (Appendix A) or an equivalent checklist approved by the City. The alarm company employee shall complete, sign and date the false alarm prevention checklist and maintain a copy for a period of two (2) years.
- (d) An alarm company performing monitoring services shall:
 - (1) Attempt to confirm, by calling the alarm site and/or alarm user by telephone, to determine whether an alarm signal is valid before requesting dispatch. Telephone confirmation shall require, as a minimum that a second call also known as Enhanced Call Confirmation (ECC), be made to a different number, if the first attempt fails to reach an alarm user who can properly identify themselves to attempt to determine whether an alarm signal is valid, EXCEPT in

case of a fire, panic or robbery-in-progress alarm or in cases where a crime-in-progress has been verified as defined in ANSI/CSAA CS-V-01-2016 (or current version).

- (2) Provide alarm user registration number to the communications center to facilitate dispatch and/or cancellations.
- (3) Communicate any available information about the location of the alarm.
- (4) Communicate a cancellation to the law enforcement communications center as soon as possible following a determination that response is unnecessary.
- (5) Maintain for a period of at least one (1) year from the date of the alarm dispatch request, records relating to the alarm dispatch. Records must include name, address and telephone number of the alarm user, the alarm system zones activated, the time of alarm dispatch request and evidence of an attempt to verify the alarm. The alarm administrator may request copies of such records for individually name alarm users. If the request is made, the alarm monitoring company shall provide requested information within (10) business days of receiving the request.

Sec. 26-40. Enforcement provisions.

- (a) *Excessive false alarms/Failure to register.* All fees and penalties are set by the city council and must be paid before an alarm permit may be issued or renewed. An alarm user shall be subject to fees or penalties, depending on the number of false alarms within any twelve-month period. Any person operating a non-permitted alarm system will be subject to a penalty for each false alarm in addition to any other fees or penalties.
- (b) All fees and penalties are due within thirty (30) days of notification.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

(c) *Fee Schedule.*

(1) **Non-residential Fee Schedule.**

Alarm System Permit Fee:	\$0.00
Alarm System Annual Renewal Fee:	\$0.00
Late Fee after 30 days	\$25.00

False Alarm Fees

1 st alarm	\$No Charge
2 nd alarm	\$50.00
3 rd alarm	\$200.00
4 th alarm and subsequent	\$400.00

Any false alarm occurring without a valid alarm permit will be assessed in addition to the false alarm fee an additional \$100.00 for each false alarm.

Late fee for payment after 30 days	\$25.00
Appeal Hearing Fee*	\$25.00 plus assessed fee
*(Fee and fine shall be refunded in its entirety if appeal is upheld)	

(2) **Residential Fee Schedule.**

Alarm System Permit Fee:	\$0.00
Alarm System Annual Renewal Fee:	\$0.00
Late Fee after 30 days	\$0.00

False Alarm Fees

1 st alarm	\$No Charge
2 nd alarm	\$No Charge
3 rd alarm	\$25.00
4 th alarm and subsequent	\$100.00

Late fee for payment after 30 days	\$25.00
Appeal Hearing Fee*	\$25.00 plus assessed fee
*(Fee and fine shall be refunded in its entirety if appeal is upheld)	

- (d) The response to any alarm signal at any alarm site located within the City shall cause the automatic registration of the alarm system located at said address.

Sec. 26-41. Appeals.

- (a) *Appeals process.* Assessments of fees, civil penalties, or other enforcement decisions made under this article may be appealed by filing a written notice of appeal with the Records Division of the Lawrenceville Police Department within ten (10) business days after the date of notification of the assessment or other enforcement decision. The written notice of appeal shall contain the reason for the appeal, the permit

number, the name of the permit holder, the name of the alarm company, and any other pertinent information relevant to the case. The failure to give notice of appeal within the required time frame shall constitute a waiver of the right to contest the assessment or other enforcement decision. The Chief of Police shall designate a hearing officer from the police department to hear appeals under this article. The hearing officer shall render a decision within five (5) business days and give written notification of the decision. The hearing officer's decision may be appealed to the Chief of Police by filing a written notice of appeal with the Records Division of the Lawrenceville Police Department within ten (10) business days of the date of the hearing officer's decision. The decision of the chief of police is subject to review by the Superior Court of Gwinnett County by a proceeding in the nature of writ of certiorari.

- (b) *Appeal standard.* The hearing officer shall review an appeal using a preponderance of the evidence standard. Notwithstanding a determination that the preponderance of the evidence supports the assessment or other enforcement action(s), the hearing officer shall have the discretion to dismiss or reduce the assessment or reverse any other enforcement action(s) where warranted.
- (c) *Responsibility for fees/costs.* In the event the appeal is not upheld, the owner or alarm company shall also be responsible for any fee assessed to reimburse the city for any costs incurred in hearing an appeal under this article.

Sec. 26-42. Confidentiality, immunity, and severability.

- (a) *Confidentiality.* To the extent allowed by law, information gathered as part of the alarm registration process or contained in any application for a permit will be held in confidence by the city.
- (b) *Governmental immunity.* Alarm registration is not intended to, nor will it, create a contract, duty, or obligation, either express or implied, of response. Any and all liability and consequential damages resulting from the failure to respond to a notification is hereby disclaimed and governmental immunity as provided by law is retained. By applying for an alarm system registration or permit, the alarm user acknowledges that the police department response may be influenced by various factor including, without limitation, the availability of units to respond, staffing levels, priority of calls, emergency conditions, traffic conditions, weather conditions, and prior response history.
- (c) *Severability.* The provisions of this article are severable. If a court determines that a word, phrase, clause, sentence, paragraph, subsection, section, or other provision is invalid or that the application of any part of the provision to any person or circumstance is invalid, the remaining provisions and the application of those provisions to other persons or circumstances are not affected by that decision.

Secs. 26-43—26-68. — Reserved.

IT IS SO ORDAINED this 27th day of September, 2021.

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

David R. Still, Mayor

Attest:

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

Karen Pierce, City Clerk

(Appendix A)

City of Lawrenceville Alarm Installation
Customer Checklist

Yes No

___ ___ 1. I have been made aware of the applicable alarm ordinance and I will comply with its requirements.

___ ___ 2. I understand it is my responsibility to prevent false alarms. I understand it is critical and my responsibility to assure that anyone who has a key to the premises and all users of the alarm system (such as residents, employees, guests, cleaning people, and repair people) are trained on the proper use of the system.

___ ___ 3. I understand that there is a 7-day no dispatch period for intrusion alarms, excluding panic, duress, and holdup signals. During this time the alarm monitoring station will have no obligation to and may not respond to any alarm signal from an alarm site. The alarm monitoring company may not make an alarm dispatch request to law enforcement even if the alarm signal is the result of an actual alarm event.

___ ___ 4. I have been trained in the proper operation of the system. I have been given an operating sheet summarizing the proper use of the system, as well as the security system operating manual.

___ ___ 5. I know how to turn off motion detectors while leaving other sensors on. (Residential Only)

___ ___ 6. I know how to test the system, including the communication link with the monitoring center.

___ ___ 7. I understand that my entry time is _____ and my exit time is _____.

___ ___ 8. I have the alarm company phone number to request repair service or to ask questions about the alarm system.

___ ___ 9. I know how to cancel an accidental alarm activation. I have the system cancellation code or code word.

___ ___ 10. I understand that indoor pets can cause false alarms. I will contact my alarm company to adjust the system if I acquire any additional indoor pets.

___ ___ 11. I understand that the main control panel and transformer are in _____.

___ ___ 12. I have received an alarm sheet, which describes how the alarm company will communicate with me in the event of various alarm signals.

___ ___ 13. I understand the importance of:

- keeping my emergency contact information updated and I know how to do this;
- immediately advising the alarm company if my phone number changes (including area code); and
- immediately advising the alarm company of any other changes to my telephone service such as call waiting or a fax line.

___ ___ 14. I will advise the alarm company if I do any remodeling (such as painting, moving walls, doors, or windows).

___ ___ 15. I understand that certain building defects (such as loose-fitting doors or windows, rodents, inadequate power, and roof leaks) can cause false alarms. I will correct these defects as I become aware of them.

___ ___ 16. The alarm company has given me written false alarm prevention techniques to help me prevent false alarms.

___ ___ 17. I understand that if I utilize special telephone features, such as call waiting, DSL or VoIP, my alarm system may not communicate properly with the central monitoring station and dispatch may not occur.

Comments: _____

ALARM COMPANY

CUSTOMER

Print Name: _____

Print Name: _____

Signature: _____

Signature: _____

Date: _____

Date: _____

RESOLUTION RES-2021-10

**RESOLUTION TO ACCEPT THE GRANT FROM
SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION TO FOSTER
RESILIENCE IN COMMUNITIES AFTER STRESS AND TRAUMA (ReCAST)**

WHEREAS, the Substance Abuse and Mental Health Services Administration (SAMHSA), through its ReCAST Initiative, provides grant funding to local governments in an effort to foster resilience in youth and equity in communities through implementation of evidence-based, violence prevention, and community youth engagement programs, as well as linkages to trauma-informed behavioral health Services;

WHEREAS, based on an array of community wellbeing indicators, the City Manager recommends to accept the ReCAST grant for up to five years, to provide such services in collaboration with a lead action agencies; and

WHEREAS, the grant will fulfill the goals outlined by the ReCAST grant:

- (1) Build a foundation to promote well-being, resiliency, and community healing through community-based, participatory approaches,
- (2) Create more equitable access to trauma-informed community behavioral health resources,
- (3) Strengthen the integration of behavioral health services and other community systems to address the social determinants of health, recognizing that factors, such as law enforcement practices, transportation, employment, and housing policies, can contribute to health outcomes; and
- (4) Create community change through community-based, participatory approaches that promote community and youth engagement, leadership development, improved governance, and capacity building.

NOW, THEREFORE, BE IT RESOLVED, that the City of Lawrenceville Mayor and Council hereby accepts the grant from SAMHSA as set forth herein and to execute on behalf of the City the necessary documents to receive grant funds and support the goals previously outlined in this resolution.

IT IS SO RESOLVED this 27th day of September, 2021.



David R. Still, Mayor

Attest: 
Karen Pierce, City Clerk