



# LAWRENCEVILLE

## GEORGIA

### CITY COUNCIL REGULAR MEETING AGENDA

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Monday, May 22, 2023  
7:00 PM

Council Assembly Room  
70 S. Clayton St, GA 30046

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#### **Call to Order**

#### **Prayer**

#### **Pledge of Allegiance**

#### **Agenda Additions / Deletions**

#### **Approval of Prior Meeting Minutes**

1. April 26, 2023 Special Call and Regular Meeting
2. May 10, 2023 Special Call, Work Session and Executive Session

#### **Announcements**

#### **Public Comment**

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

#### **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.

3. Authorization to sign signature cards and approval of resolution for 2023 SPLOST Bank Account

### **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.

- [4.](#) RZC2023-00046; West Crogan Capital; 439 West Crogan Street
- [5.](#) An Ordinance to Amend the Zoning Ordinance, Article 9, Administration and Enforcement
- [6.](#) FY 2024 Proposed Budget

### **Council Business Old Business**

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

- [7.](#) Resolution of the City of Lawrenceville in support of the application for a Land & Water Conservation Fund Grant through The Georgia Department of Natural Resources

### **Council Business New Business**

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

- [8.](#) Approval of a lease with Impact 46 for 179 Plainview Drive
- [9.](#) Hughes (Benson Street) property acquisition

### **Executive Session – Personnel, Litigation, Real Estate**

### **Final Adjournment**



# LAWRENCEVILLE

## GEORGIA

### AGENDA REPORT

MEETING: REGULAR MEETING, MAY 22, 2023

AGENDA CATEGORY: CONSENT AGENDA

**Item:** Authorization to sign signature cards and approval of resolution for 2023 SPLOST Bank Account

**Department:** Finance

**Date of Meeting:** Monday, May 22, 2023

**Fiscal Impact:** N/A

**Presented By:** Keith Lee, Chief Financial Officer

**Action Requested:** Approval of resolution authorizing the creation of the 2023 SPLOST account and approval for the Mayor and City Manager to sign signature cards.

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**Summary:** We are required to segregate our SPLOST. As such we are asking for approval to set up a new bank account. Our bank requires approval of a resolution and authorization to sign signature cards for the setup of new bank accounts. The attached file contains the resolution and signature cards.

**Fiscal Impact:** N/A

**Attachments/Exhibits:**  
Renasant Bank File with Resolution

RESOLUTION \_\_\_\_\_

RESOLUTION OF THE CITY COUNCIL  
CITY OF LAWRENCEVILLE, GEORGIA  
SPLOST 2023 BANK ACCOUNT RESOLUTION

**WHEREAS**, City of Lawrenceville, Georgia entered into an intergovernmental agreement for SPLOST 2023 funds with Gwinnett County; and

**WHEREAS**, the City is opening a bank depository account with Renasant Bank to separate SPLOST funds from other City Funds; and

**WHEREAS**, Renasant Bank requires a resolution be adopted by the governing board; and

**NOW, THEREFORE**, the City Council of the City of Lawrenceville, Georgia does hereby approve and authorize the Mayor, City Manager, and City Clerk to sign the Renasant Bank Resolution (Attached) and supporting signatory cards.

**IT IS SO RESOLVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
David R. Still, Mayor

ATTEST:

\_\_\_\_\_  
Karen Pierce, City Clerk

# RESOLUTIONS

3.

The Association named on this resolution resolves that,

- (1) The Financial Institution is designated as a depository for the funds of the Association and to provide other financial accommodations indicated in this resolution.
- (2) If this resolution is limited to a specific Deposit Account, then any powers conferred by this resolution are limited to the specific Deposit Account identified on page 1.
- (3) Unless "superseding" is indicated on page 1 of this resolution, any and all prior resolutions adopted by the Association and certified to the Financial Institution as governing the operation of this Association's account(s) individually a "Deposit Account", and collectively the "Deposit Accounts", are in full force and effect, until the Financial Institution receives and acknowledges an express written notice of its revocation, modification, or replacement as provided above. In order for this resolution to supersede previous resolutions in effect, the superseding box on page 1 must be checked and an updated signature card must be completed, signed, delivered to and recorded by the Financial Institution for each existing Deposit Account which Association wishes to supersede by this resolution. If an updated signature card is not completed, signed, delivered to and recorded by the Financial Institution, then the signature card on file with the Financial Institution will continue to govern such Deposit Account. If the Association delivers conflicting resolutions, Financial Institution may look to all resolutions and signature cards as a whole to determine the identity of and authority granted to the Agent(s) named. This resolution shall continue to have effect until superseded by a subsequent resolution as provided above or until express written notice of its rescission or modification has been received and recorded by the Financial Institution. Any revocation, modification or replacement of a resolution must be accompanied by documentation, satisfactory to the Financial Institution, establishing the authority for any changes.
- (4) The signature of an Agent on this resolution is conclusive evidence of their authority to act on behalf of the Association. Any Agent, so long as they act in a representative capacity as an Agent of the Association, is authorized to make any and all other contracts, agreements, stipulations and orders which they may deem advisable for the effective exercise of the powers indicated on page one, from time to time with the Financial Institution, subject to any restrictions on this resolution or otherwise agreed to in writing including without limitation, authorization for those Agents identified as having the authority set forth in Paragraphs (1), (2), and (3) of the Description of Powers on the preceding page 1 to enter into agreements with respect to the issuance of debit cards, internet (online) banking, mobile internet (online) banking, internet (online) bill payment, and related internet (online) banking services.
- (5) All transactions, if any, with respect to any deposits, withdrawals, rediscounts and borrowings by or on behalf of the Association with the Financial Institution prior to the adoption of this resolution are hereby ratified, approved and confirmed.
- (6) The Association agrees to the terms and conditions of any account agreement, properly opened by any Agent of the Association. The Association authorizes the Financial Institution, at any time, to charge the Association for all checks, drafts, or other orders, for the payment of money, that are drawn on the Financial Institution, so long as they contain the signatures of an Agent for this purpose or are otherwise authorized as set forth in this resolution.
- (7) The Association acknowledges and agrees that the Financial Institution may furnish at its discretion automated access devices to Agents of the Association to facilitate those powers authorized by this resolution or other resolutions in effect at the time of issuance. The term "automated access device" includes, but is not limited to, credit cards, automated teller machines (ATM) and debit cards.
- (8) The Association acknowledges and agrees that the Financial Institution may rely on alternative signature and verification codes issued to or obtained from the Agent named on this resolution. The term "alternative signature and verification codes" includes, but is not limited to, facsimile signatures on file with the Financial Institution, personal identification numbers (PIN), digital signatures and electronic signatures, including but not limited to those captured via a digital pen pad device. If a facsimile signature specimen has been provided on this resolution, (or that are filed separately by the Association with the Financial Institution from time to time) the Financial Institution is authorized to treat the facsimile signature as the signature of the Agent(s) regardless of by whom or by what means the facsimile signature may have been affixed so long as it resembles the facsimile signature specimen on file. The Association authorizes each Agent to have custody of the Association's private key used to create a digital signature and to request issuance of a certificate listing the corresponding public key. The Financial Institution shall have no responsibility or liability for unauthorized use of alternative signature and verification codes unless otherwise agreed in writing.
- (9) Without limitation on the authority granted in paragraph (3) above, Agents who are identified as Agents with the powers designated in Paragraphs (1) and (2) of the Description of Powers on the preceding page 1 of this Resolution (individually an "Account Administrator", collectively "Account Administrators") may enter into and close from time to time, certain operating, treasury management, funds transfer, night depository, lockbox, safe deposit box, debit card and other bank services offered by the Financial Institution relating to the Deposit Accounts including, without limitation, wire transfer, internet (online) banking, positive pay, Automated Clearing House (ACH) origination, and remote deposit capture (each a "Bank Service" or collectively "Bank Services"); to execute, amend, supplement, and deliver to the Financial Institution agreements on behalf of the Association related to the Bank Services (each a "Service Agreement" or collectively "Service Agreements") upon such terms and conditions as they may deem appropriate, including, without limitation, such waivers and indemnities as may be requested by Financial Institution and the authority: (a) to appoint and delegate, from time to time, persons or other entities who may act on behalf of the Association pursuant to such Service Agreements irrespective of whether any such person or entity is an Agent for such Association in a resolution adopted with respect to any of the Deposit Accounts; and (b) to delegate or appoint a person or entity who may further initiate transactions or instructions using security procedures applicable to any such Bank Service.
- (10) Any Account Administrator is hereby authorized to appoint, from time to time, additional person(s) who may act on behalf of the Association as an Agent with respect to any of the powers referenced in the Description of Powers on the preceding page 1 of this resolution, such person(s) shall have the same authority as any Agent designated on page 1 of this resolution with corresponding powers, including any Agent with the powers designed in Paragraphs (1) and (2) of the Description of Powers, and any such Agent who is additionally appointed by the Account Administrator with such powers shall also be considered an Account Administrator.
- (11) The Association has from time to time established relationships with other businesses or entities which may or may not be affiliates by common ownership or control, as well as relationships with other persons who may act on behalf of the Association, such as officers, directors, managers, members, accountants, attorneys, or other persons; and it is in the interest of and the Account Administrators are hereby authorized to allow such other organizations, entities, or persons (any one of which will be referenced herein individually as a "Third Party" and collectively as "Third Parties") to have access to and initiate transactions with respect to any of the Deposit Accounts, as well as access to any loan accounts which the Association presently or hereafter has with Financial Institution, via internet (online) banking or any other Bank Service(s), all on such terms and conditions as any Account Administrator may agree. The Association further authorizes the Financial Institution to honor the instruction or authorization of any Account Administrator: (1) to provide complete access by any Third Party to the Deposit Accounts and loan accounts of the Association, and (2) to recognize, accept and effectuate all transactions initiated via any Bank Service(s) by any Third Party with respect to the Deposit Accounts or loan accounts of the Association, all without further inquiry regarding: (a) the authority of the person(s) initiating the transaction(s), and (b) any aspect of the transaction(s) itself. Financial Institution shall not otherwise be deemed to have any knowledge of the provisions of any agreement between the Association and any Third Party respecting such banking or other matters, nor any of their respective duties or authority there under.
- (12) The Association acknowledges and agrees (1) that a change in the Agents or authorized signers or users on any of the Deposit Accounts, any loan account, or any Bank Service; or any renewal, extension, amendment, or replacement of any of the Deposit Accounts, loan accounts or agreements for Bank Service shall have no effect on this resolution or the powers and authority authorized by any Account Administrator; (2) that any internet (online) banking administrator or any other administrator designated by any Third Party in connection with any such Bank Service has the authority to administer all aspects of the powers, authority and access authorized by the Account Administrator including, without limitation, the authority to determine and grant authority for other persons and entities to view or initiate any transactions with respect to the Deposit Accounts and/or loan accounts of the Association.
- (13) With respect to the Bank Services agreed to by an Account Administrator or administrator of any Third Party authorized by the Account Administrator, the initiation of a transaction or instructions using security procedures applicable to any such service constitutes sufficient authorization for Financial Institution to execute such transaction or instruction regardless of whether such transaction or instructions were initiated by an Agent, Third Party, or any administrator of a Third Party, and that the submission of transactions and instructions using such security procedures shall be considered the written signature of an Agent with authority to withdraw and transfer funds on deposit, and the Association shall be conclusively bound by any and all such transactions, regardless of whether the initiator of the transaction was in fact authorized to initiate the transaction.
- (14) The Association has fully advised the appropriate owners, directors, officers, and other personnel of the Association regarding the authority granted to the Account Administrators or any Agent herein, and fully agrees to be bound by the terms hereof in respect of any Service Agreement or linkage or joinder agreement with a Third Party entered into by the Agent and/or Account Administrator with respect to its Deposit Accounts.
- (15) That the Association does hereby further (a) agree that Financial Institution shall have no responsibility with respect to the application of funds pursuant to transactions authorized by Account Administrators or any Agent designated in this resolution, and Financial Institution's obligations with respect to such funds and other matters shall be limited strictly and specifically by the agreements entered into by the Account Administrator or Agent with respect to such Bank Services, and (b) agree to indemnify and save Financial Institution, its officers, directors, employees, affiliates, agents, and service providers harmless from any damage, loss, injury, or claim, of any nature or amount, arising from the authority granted in this resolution or any breach or falsity of the certifications set forth herein.
- (16) Each person who certifies to this resolution on behalf of the Association further certifies: a) that he/she is a person authorized to make the certifications herein and that the foregoing is a complete and correct copy of the resolutions duly adopted by the Association and affirmatively appearing in the permanent records of the Association; b) that the governing documents of the Association provided to the Financial Institution are true and correct and have not been amended as to the date of such resolutions; c) that there is no provision within the governing document of the Association that either restricts the passing of such resolutions or prevents him/her from executing this certification, and that these acts were and are duly approved and authorized in conformity with the governing documents and applicable law; d) that such resolutions (i) have not been modified, amended or rescinded, (ii) are in full force and effect, and (iii) are binding upon the Association; and e) that the Association is duly organized, validly existing and in good standing under the laws governing its creation and existence, and is duly registered in all states which it does business.

Pennsylvania. The designation of an Agent does not create a power of attorney; therefore, Agents are not subject to the provisions of 20 Pa.C.S.A. Section 5601 et seq. (Chapter 56; Decedents, Estates and Fiduciaries Code) unless the agency was created by a separate power of attorney. Any provision that assigns Financial Institution rights to act on behalf of any person or entity is not subject to the provisions of 20 Pa.C.S.A. Section 5601 et seq. (Chapter 56; Decedents, Estates and Fiduciaries Code).

## FOR FINANCIAL INSTITUTION USE ONLY

Acknowledged and received on \_\_\_\_\_ (date) by \_\_\_\_\_ (initials) ☐ This resolution is superseded by resolution dated \_\_\_\_\_.

Comments:

Organization Authorization

VMP® Bankers Systems™ Custom MDF. EMSOA1  
Wolters Kluwer Financial Services ©1985, 2006

OA-1 12/15/2006  
VMPC160 (0612)  
Initials: \_\_\_\_\_ Page 2 of 2



# LAWRENCEVILLE

## GEORGIA

AGENDA REPORT  
MEETING: CITY COUNCIL REGULAR MEETING  
AGENDA CATEGORY: NEW BUSINESS

**Item:** RZC2023-00046; West Crogan Capital; 439 West Crogan Street

**Department:** Planning and Development

**Date of Meeting:** Monday, May 22, 2023

**Applicant Request:** Rezone property from OI (Office Institutional District) to BG (General Business District)

**Presented By:** Todd Hargrave, Planning and Development Director

**Department Recommendation:** **Denial**

**Planning Commission Recommendation:** **Denial**

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**Summary:** The applicant requests the rezoning of an approximately 0.46-acre parcel at 439 West Crogan Street from OI (Office Institutional District) to BG (General Business District). The subject property is located along the northwestern intersection of West Crogan Street (a.k.a. U.S. Highway 29) and Pine Tree Drive. The parcel is currently developed as a two story, 3,484 square foot law office and the applicant intends to add an Electronic Messaging Center (EMC) sign to the existing monument sign on the West Crogan Street frontage.

**Attachments/Exhibits:**

- RZC2023-00046\_Report
- RZC2023-00046\_Application
- RZC2023-00046\_Letter of Intent
- RZC2023-00046\_Legal Description
- RZC2023-00046\_Survey
- RZC2023-00046\_Aerial Map – 1:2,750
- RZC2023-00046\_Aerial Map – 1:5,500

- **RZC2023-00046\_ Character Areas Map – 1:2,750**
- **RZC2023-00046\_ Character Areas Map – 1:5,500**
- **RZC2023-00046\_ DDA Map – 1:2,750**
- **RZC2023-00046\_ DDA Map – 1:5,500**
- **RZC2023-00046\_ Zoning Map – 1:2,750**
- **RZC2023-00046\_ Zoning Map – 1:5,500**



# LAWRENCEVILLE

4.

## Planning & Development

**CASE NUMBER:** RZC2023-00046

**APPLICANT:** ERIC CRAWFORD

**OWNER(S):** WEST CROGAN CAPITAL LLC

**CONTACT:** ERIC CRAWFORD – 678.680.5000

**LOCATION(S):** 439 WEST CROGAN STREET

**PARCEL ID(S):** R5143 162

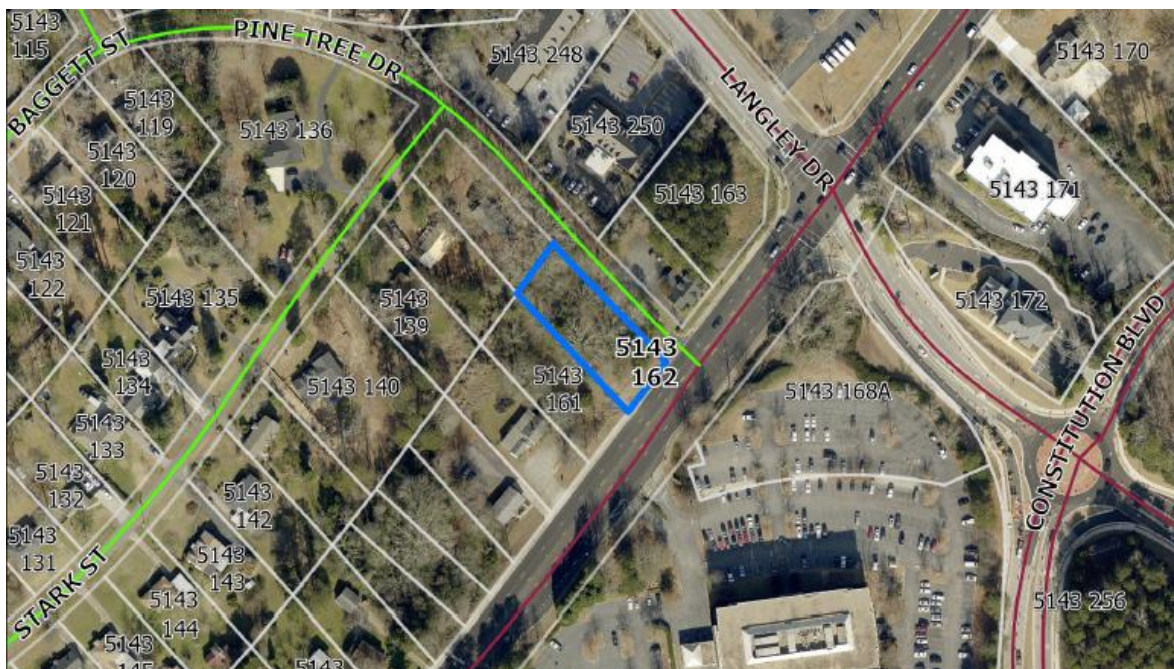
**APPROXIMATE ACREAGE:** 0.46

**ZONING PROPOSAL:** OI (OFFICE INSTITUTIONAL DISTRICT) TO BG (GENERAL BUSINESS DISTRICT)

**PROPOSED DEVELOPMENT:** LAW OFFICE WITH AN ELECTRONIC MESSAGING CENTER (EMC) SIGN

**DEPARTMENT RECOMMENDATION:** DENIAL

### VICINITY MAP





# LAWRENCEVILLE

## Planning & Development

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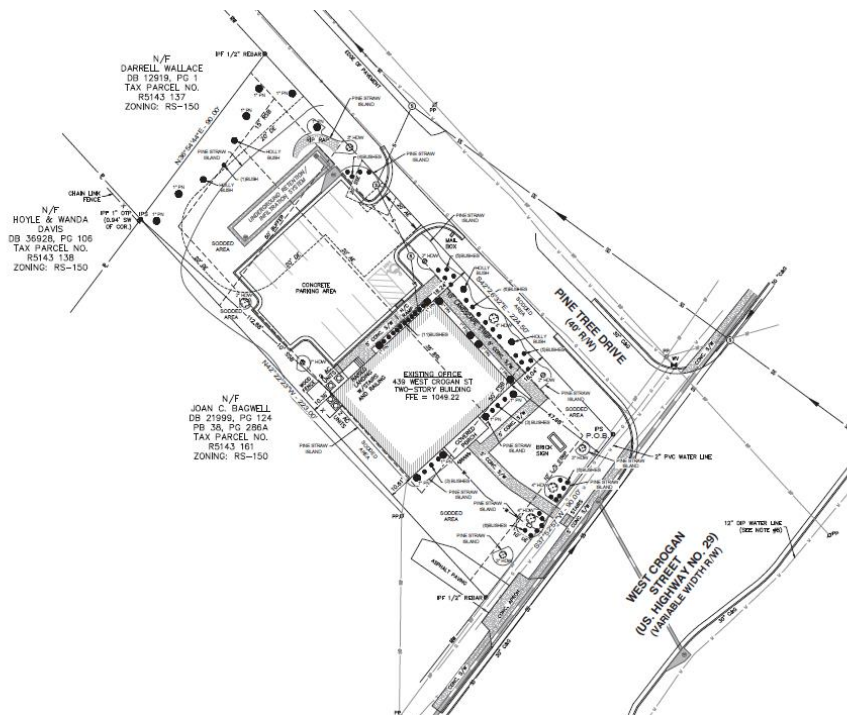
### ZONING HISTORY

The subject property has been zoned OI (Office Institutional District) since 1960.

### PROJECT SUMMARY

The applicant requests the rezoning of an approximately 0.46-acre parcel at 439 West Crogan Street from OI (Office Institutional District) to BG (General Business District). The subject property is located along the northwestern intersection of West Crogan Street (a.k.a. U.S. Highway 29) and Pine Tree Drive. The parcel is currently developed as a two story, 3,484 square foot law office and the applicant intends to add an Electronic Messaging Center (EMC) sign to the existing monument sign on the West Crogan Street frontage.

### LAND SURVEY



### ZONING AND DEVELOPMENT STANDARDS

The existing law office and monument sign conform to the standards of the 2020 Lawrenceville Zoning Ordinance, as both were permitted and constructed within the last year and passed all applicable inspections. The applicant has proposed to



# LAWRENCEVILLE

## Planning & Development

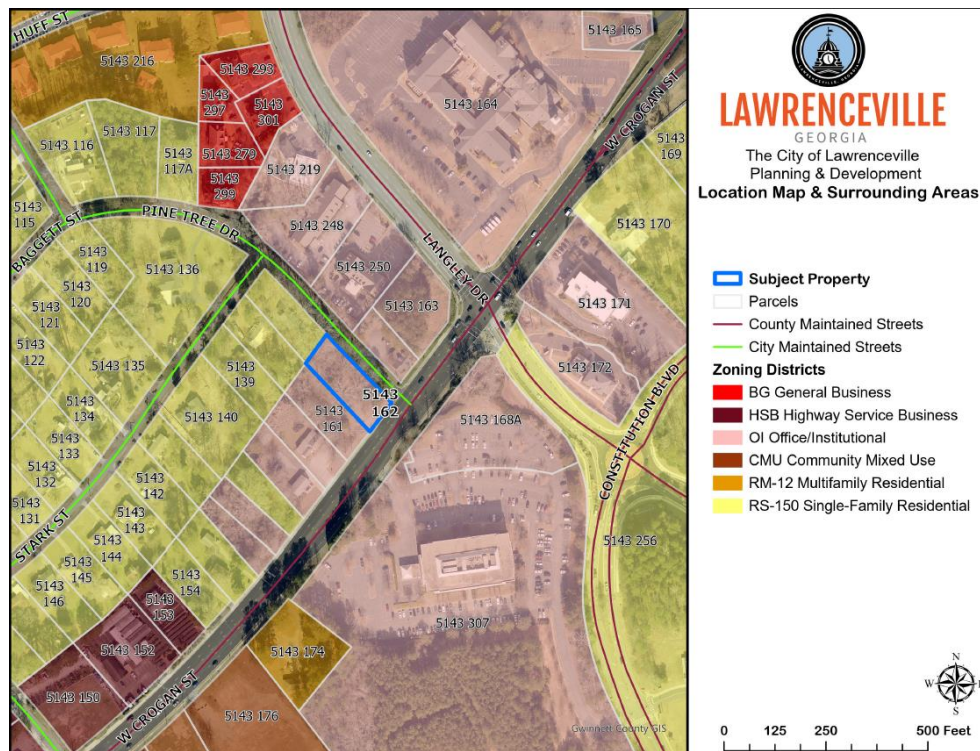
4.

add an Electronic Messaging Center (EMC) panel to the existing ground sign, but such a use is only allowed in BG (General Business District) and HSB (Highway Service Business District) zones.

### SURROUNDING ZONING AND USE

The surrounding area is composed of a mixture of commercial offices and single-family dwellings. The adjacent parcels along West Crogan Street are all zoned OI (Office Institutional District). The parcels immediately across the street are also zoned OI; this includes the Gwinnett County Planning and Development offices at 446 West Crogan Street. The parcels behind the subject property (along Stark Street) are zoned RS-150 and are occupied by single family dwellings; the requisite fifty (50) foot commercial buffer is already in place between the subject property and these residential parcels. There are no other BG (General Business District) parcels in the immediate area, however; approval of this proposal would be an instance of spot zoning and would be inconsistent with existing zoning patterns.

### CITY OF LAWRENCEVILLE OFFICIAL ZONING MAP





# LAWRENCEVILLE

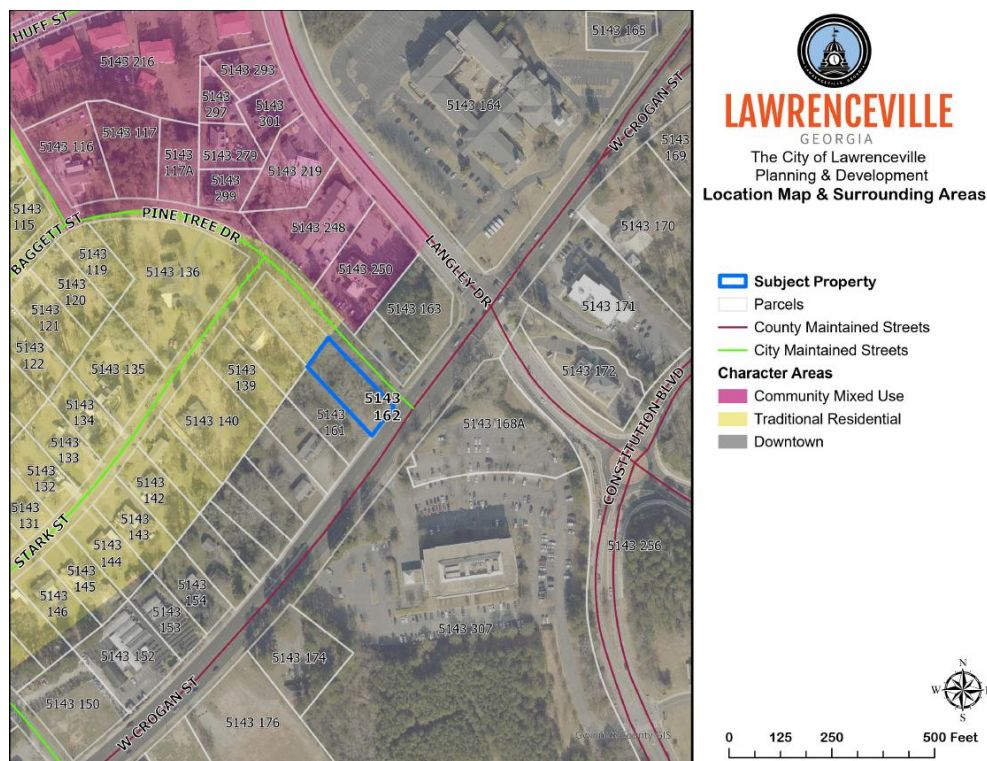
## Planning & Development

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### 2040 COMPREHENSIVE PLAN

The City of Lawrenceville 2040 Comprehensive Plan and Future Development Map indicate the subject property is located within the Downtown Character Area. Downtown is the heart of Lawrenceville, both in terms of its location and level of activity. It is the highest-intensity district in terms of its density and mixture of uses, particularly because of its mix of businesses and single-family uses. This Character Area supports a live-work-play lifestyle, with a variety of housing, employment, and entertainment options. As proposed, the request could be consistent with the intent of the 2040 Comprehensive Plan.

### LAWRENCEVILLE 2040 COMPREHENSIVE PLAN – FUTURE LAND USE PLAN MAP



### STAFF RECOMMENDATION

In conclusion, while the proposal is consistent with the established variety of land uses found in the greater Downtown Lawrenceville area — that is, a fine-grained mixture of single-family residential development, higher density multifamily



# LAWRENCEVILLE

4.

## *Planning & Development*

residential dwellings, and pedestrian-friendly retail and office space — approval of the rezoning would be inconsistent with existing zoning in the immediate area. That is, approval of the proposal would be a tacit endorsement of spot zoning practices. Furthermore, even if the rezoning does proceed as proposed, an EMC sign would not be permitted at the subject property. According to the 2020 Zoning Ordinance, EMC signs are only permitted along certain street frontages in the City, of which this section of West Crogan Street is not included. As such, the Planning and Development Department recommends **DENIAL** of the request.



# LAWRENCEVILLE

4.

## *Planning & Development*

### **CITY OF LAWRENCEVILLE DEPARTMENT COMMENTS:**

#### **ENGINEERING DEPARTMENT**

No comment

#### **PUBLIC WORKS**

No comment

#### **ELECTRIC DEPARTMENT**

No comment

#### **GAS DEPARTMENT**

No comment

#### **DAMAGE PREVENTION DEPARTMENT**

No comment

#### **CODE ENFORCEMENT**

No comment

#### **STREET AND SANITATION DEPARTMENT**

No comment



# LAWRENCEVILLE

## Planning & Development

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### STATE CODE 36-67-3 (FMR.) REVIEW STANDARDS:

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

*As proposed, the plan would be suitable in view of the use and development in the immediate area along West Crogan Street and the greater Downtown Lawrenceville area.*

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

*No; the subject property is already active as a law office, which is consistent with neighboring businesses along West Crogan Street. The rezoning as proposed is intended to allow the business to operate an Electronic Messaging Center (EMC) on their existing monument sign.*

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

*The property has reasonable economic use as currently zoned.*

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

*The rezoning proposal will not induce additional demand on public facilities in the form of traffic, utilities, school system, and stormwater runoff.*

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

*Policies of the City are intended to benefit or enhance the quality of life for existing and potential members of the public choosing to reside within the city limits. The Downtown character area is district composed of a wide variety of uses at differing levels of intensity, so this rezoning conforms with the long-range plan.*



# LAWRENCEVILLE

## Planning & Development

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

*The 2020 City of Lawrenceville Zoning Ordinance limits where Electronic Messaging Center (EMC) signs can be located; the subject property is not located within one of these permitted areas. Furthermore, the proposal would not be suitable with the existing zoning of the immediate area along West Crogan Street, which is composed predominantly of OI and RS-150 parcels. Approval of the proposal would promote spot zoning in the area.*



# LAWRENCEVILLE

## GEORGIA

### REZONING APPLICATION

The application and all required documents must be complete and fees must be paid or the application will not be accepted.

Documents, exhibits and fees required at the time of application submittal:

1. Application Form (signed and notarized)
2. Disclosure of Campaign Contributions Form
3. Letter of Intent describing the proposed zoning change and development
4. Typed, metes and bounds Legal Description
5. Boundary survey (sealed by a Registered Land Surveyor) *7 Accut e 6004*
6. Property tax verification
7. Site Plan/Rezoning Exhibit: *7 Accut e 6004*
  - a. Prepared by a Registered Land Surveyor, Professional Engineer or Landscape Architect
  - b. One full size paper copy drawn to scale of 1"= 50' or greater
  - c. Electronic File (external hard drive)
  - d. Show property line data (metes and bounds) as well as existing infrastructure and existing site conditions, including:
    - i. Existing structures
    - ii. Full width of existing streets and intersecting streets
    - iii. Streams, stream buffers and impervious setbacks
    - iv. Flood hazard zones (reference source of data)
    - v. A vicinity map
  - e. Show proposed improvements, including:
    - i. Proposed buildings, setbacks, buffers and required screening
    - ii. Proposed streets, ingress/egress, driveways, sidewalks and parking
8. Application Fee
  - a. Payment may be made in cash, check or credit card (Visa, MasterCard). Please make checks payable to the City of Lawrenceville. One check is preferred.



# LAWRENCEVILLE

## GEORGIA

### REZONING APPLICATION

| APPLICANT INFORMATION                                                                                                                                                                                  | PROPERTY OWNER INFORMATION*           |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|
| NAME: <u>West Crogan Capital, LLC</u>                                                                                                                                                                  | NAME: <u>West Crogan Capital, LLC</u> |
| ADDRESS: <u>306 S. Hammond Dr.</u>                                                                                                                                                                     | ADDRESS: <u>306 S. Hammond Dr.</u>    |
| CITY: <u>Monroe</u>                                                                                                                                                                                    | CITY: <u>Monroe</u>                   |
| STATE: <u>GA</u> ZIP: <u>30655</u>                                                                                                                                                                     | STATE: <u>GA</u> ZIP: <u>30655</u>    |
| CONTACT PERSON: <u>Eric C. Crawford</u> PHONE: <u>(678) 680-5000</u>                                                                                                                                   |                                       |
| * If multiple property owners, each owner must file an application form or attach a list, however only one fee. Multiple projects with one owner, must file separate applications, with separate fees. |                                       |
| PRESENT ZONING DISTRICT(S): <u>OI</u> REQUESTED ZONING DISTRICT: <u>BG</u>                                                                                                                             |                                       |
| PARCEL NUMBER(S): <u>R5143 162</u> ACREAGE: <u>0.46</u>                                                                                                                                                |                                       |
| ADDRESS OF PROPERTY: <u>439 W. Crogan St., Lawrenceville, GA 30046</u>                                                                                                                                 |                                       |

SIGNATURE OF APPLICANT

DATE

Eric C. Crawford

TYPED OR PRINTED NAME

SIGNATURE OF OWNER

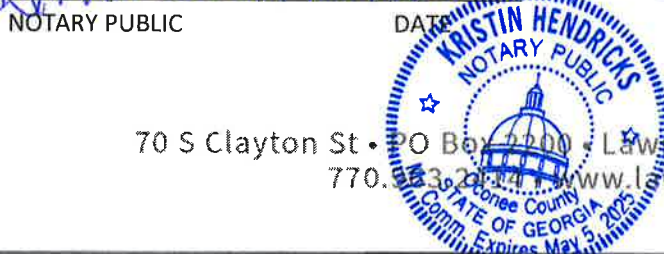
DATE

Eric C. Crawford

TYPED OR PRINTED NAME

NOTARY PUBLIC

DATE



NOTARY PUBLIC

DATE



70 S Clayton St • PO Box 2200 • Lawrenceville, Georgia 30046-2200  
 770.963.2814 • www.lawrencevillega.org



# LAWRENCEVILLE

## GEORGIA

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to the Mayor of the City of Lawrenceville, a member of the City Council, or to a member of the Planning Commission of the City of Lawrenceville?   N   Y/N

If the answer is yes, please complete the following section:

| NAME<br>OF GOVERNMENT<br>OFFICIAL | CONTRIBUTIONS<br>(List all which aggregate<br>to \$250 or more) | DATE CONTRIBUTION WAS MADE<br>(Within last two years) |
|-----------------------------------|-----------------------------------------------------------------|-------------------------------------------------------|
|                                   |                                                                 |                                                       |
|                                   |                                                                 |                                                       |
|                                   |                                                                 |                                                       |
|                                   |                                                                 |                                                       |
|                                   |                                                                 |                                                       |

Have you, within the two years immediately preceding the filing of this application, made gifts having in the aggregate a value of \$250.00 or more to the Mayor of the City of Lawrenceville, a member of the City Council, or to a member of the Planning Commission of the City of Lawrenceville?   N   Y/N

If the answer is yes, please complete the following section:

| NAME<br>OF GOVERNMENT<br>OFFICIAL | CONTRIBUTIONS<br>(List all which aggregate<br>to \$250 or more) | DATE CONTRIBUTION WAS MADE<br>(Within last two years) |
|-----------------------------------|-----------------------------------------------------------------|-------------------------------------------------------|
|                                   |                                                                 |                                                       |
|                                   |                                                                 |                                                       |
|                                   |                                                                 |                                                       |
|                                   |                                                                 |                                                       |
|                                   |                                                                 |                                                       |

Attach additional sheets if necessary to disclose or describe all contributions/gifts.



# LAWRENCEVILLE

## GEORGIA

### VERIFICATION OF CURRENT PAID PROPERTY TAXES FOR SPECIAL USE PERMIT

THE UNDERSIGNED BELOW IS AUTHORIZED TO MAKE THIS APPLICATION. THE UNDERSIGNED CERTIFIES THAT ALL CITY OF LAWRENCEVILLE PROPERTY TAXES BILLED TO DATE FOR THE PARCEL LISTED BELOW HAVE BEEN PAID IN FULL TO THE TAX COMMISSIONER OF GWINNETT COUNTY, GEORGIA. IN NO CASE SHALL AN APPLICATION BE PROCESSED WITHOUT SUCH PROPERTY VERIFICATION.

\*Note: A SEPARATE VERIFICATION FORM MUST BE COMPLETED FOR EACH TAX PARCEL INCLUDED IN THE SPECIAL USE PERMIT REQUEST.

PARCEL I.D. NUMBER: R - 5143 - 162  
(Map Reference Number) District Land Lot Parcel

Signature of Applicant

Date

**Eric C. Crawford, Managing Partner, West Crogan Capital, LLC**

Type or Print Name and Title

\*\*\*PLEASE TAKE THIS FORM TO THE TAX COMMISSIONER'S OFFICE AT THE GWINNETT JUSTICE AND ADMINISTRATION CENTER, 75 LANGLEY DRIVE, FOR THEIR APPROVAL BELOW.\*\*\*

### **TAX COMMISSIONER'S USE ONLY**

(PAYMENT OF ALL PROPERTY TAXES BILLED TO DATE FOR THE ABOVE REFERENCED PARCEL HAVE BEEN VERIFIED AS PAID CURRENT AND CONFIRMED BY THE SIGNATURE BELOW)

Chris Nelson

NAME

Tax Services Associate

TITLE

March 2, 2023

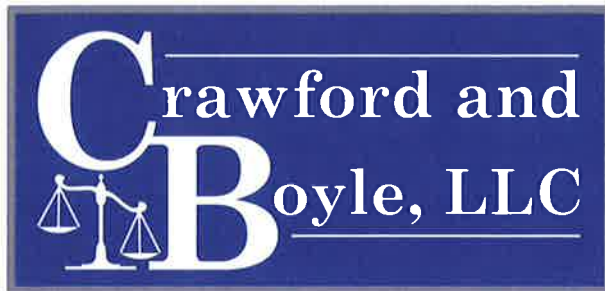
DATE

**Main Office**

306 S. Hammond Drive  
Post Office Box 765  
Monroe, Georgia 30655

(678) 951-8821 [phone]  
(678) 244-3666 [fax]

[www.crawfordboyle.com](http://www.crawfordboyle.com)

**Satellite Offices**  
(by appointment only)

189 W. Pike St. 4.  
Suite 107  
Lawrenceville, GA 30046

337 S. Milledge Avenue  
Suite 220  
Athens, GA 30605

**LETTER OF INTENT****Application for Rezoning****City of Lawrenceville, Georgia**

West Crogan Capital, LLC (the “Applicant/Owner”) requests a rezoning of the approximately 0.46 acres located at 439 W. Crogan Street (Parcel Identification Number R5143 162) (the “Property” from the OI Office Institutional District zone to the BG General Business District zone for the ultimate purpose of installing an Electronic Messaging Center (EMC) sign.

The overall property was a wooded lot on which an office for a law firm is being built. Prior to construction, the lot appears to have been used by Central Gwinnett High Schoolers as a meeting place (due to the trash located in the center of the lot including beer cans and condoms). Now, it is a nicely landscaped, well-manicured, presentable office and lot.

There is minimal difference between the OI and BG zones, and the building and parking lot on the subject property complies with the lot development standards of both OI and BG. As there is a business beside the subject property (a State Farm agency) and government offices across the street, this rezone request will not adversely impact the character of this area. Additionally, because the office on this location has already been constructed, there will be no change in the footprint or the use of the property.

Furthermore, this request is in-line with the policies and objectives of the comprehensive plan. The change in zoning designation will not increase traffic in the area, will not affect storm drainage, will not negatively impact land values, and using the land for a professional law office would fall into the “wide range of retail and service establishments” covered by the BG zoning.

Because this small change in zoning from OI to BG will have minimal to no impact on the surrounding properties, and because this request is consistent with the factors the City is to consider when mulling a zoning change request, the Applicant respectfully asks the City of Lawrenceville to approve the rezoning as requested.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Eric C. Crawford', is written over a large, stylized blue loop.

Eric C. Crawford  
Manager, West Crogan Capital, LLC  
Managing Partner, Crawford and Boyle, LLC

**METES AND BOUNDS LEGAL DESCRIPTION****439 W. CROGAN STREET**

All that tract or parcel of lying and being in the City of Lawrenceville in Land Lot 143 of the 5<sup>th</sup> District of Gwinnett County Georgia and being more particularly described as follows.

Beginning at a 5/8 rebar set at the intersection of the Northerly right of way of U.S. Hwy 29 (aka West Crogan Street) having a variable right of way and the westerly right of way line of Pine Tree Drive having a 40' right of way and thence run along said northern right of way line South 37 degrees 51 minutes 34 seconds West a distance of 90.0 feet to a 5/8-inch rebar set; thence leaving said right of way and run North 42 degrees 23 minutes 46 seconds West a distance of 223.00 feet to a 1-1/2-inch open top found; thence North 36 degrees 53 minutes 21 seconds East a distance of 90.00 feet to a 1/2-inch rebar found on said western right of way line; thence run along said western right of way line South 42 degrees 27 minutes 55 seconds East a distance of 224.50 feet to a 5/8-inch rebar set and the Point of Beginning.

Said Tract or Parcel contains 0.455 Acres.

[illegible]

#### USING A GEOMAX ZOOM 90

**FLOOD HAZARD NOTE**  
BY GRAPHIC PLOTTING ONLY, THIS PROPERTY DOES NOT LIE WITHIN A 100 YEAR FLOOD HAZARD AREA PER THE FEMA FLOOD INSURANCE RATE MAP OF GWINNETT COUNTY, GEORGIA. MAP NUMBER 13135C0086F. DATED SEPTEMBER 29, 2006.

THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS, OR ENTITY NAMED IN THE CERTIFICATE HEREON. SAID CERTIFICATE DOES NOT EXTEND TO ANY UNNAMED PERSON WITHOUT AN EXPRESS RECERTIFICATION BY THE SURVEYOR NAMING SAID PERSON.

N/F  
JOAN C. BAGWELL  
DB 21999, PG 124  
PB 38, PG 286A  
TAX PARCEL NO.  
R5143 161  
ZONING: RS-150

WEST CROGAN  
STREET  
(U.S. HIGHWAY NO. 29)  
VARIABLE WIDTH R/W

|                 |                               |                     |              |
|-----------------|-------------------------------|---------------------|--------------|
| DATE: 4/18/2023 | COUNTY: GWINNETT              | CITY: LAWRENCEVILLE | Sheet Number |
| DISTRICT: 5TH   | LAND LOT: 143                 |                     | 1 of 1       |
| DRAWN BY: BD    | CHECKED BY: BD                |                     |              |
| SCALE: 1" = 20' | DATE OF FIELD WORK: 4/17/2023 |                     |              |

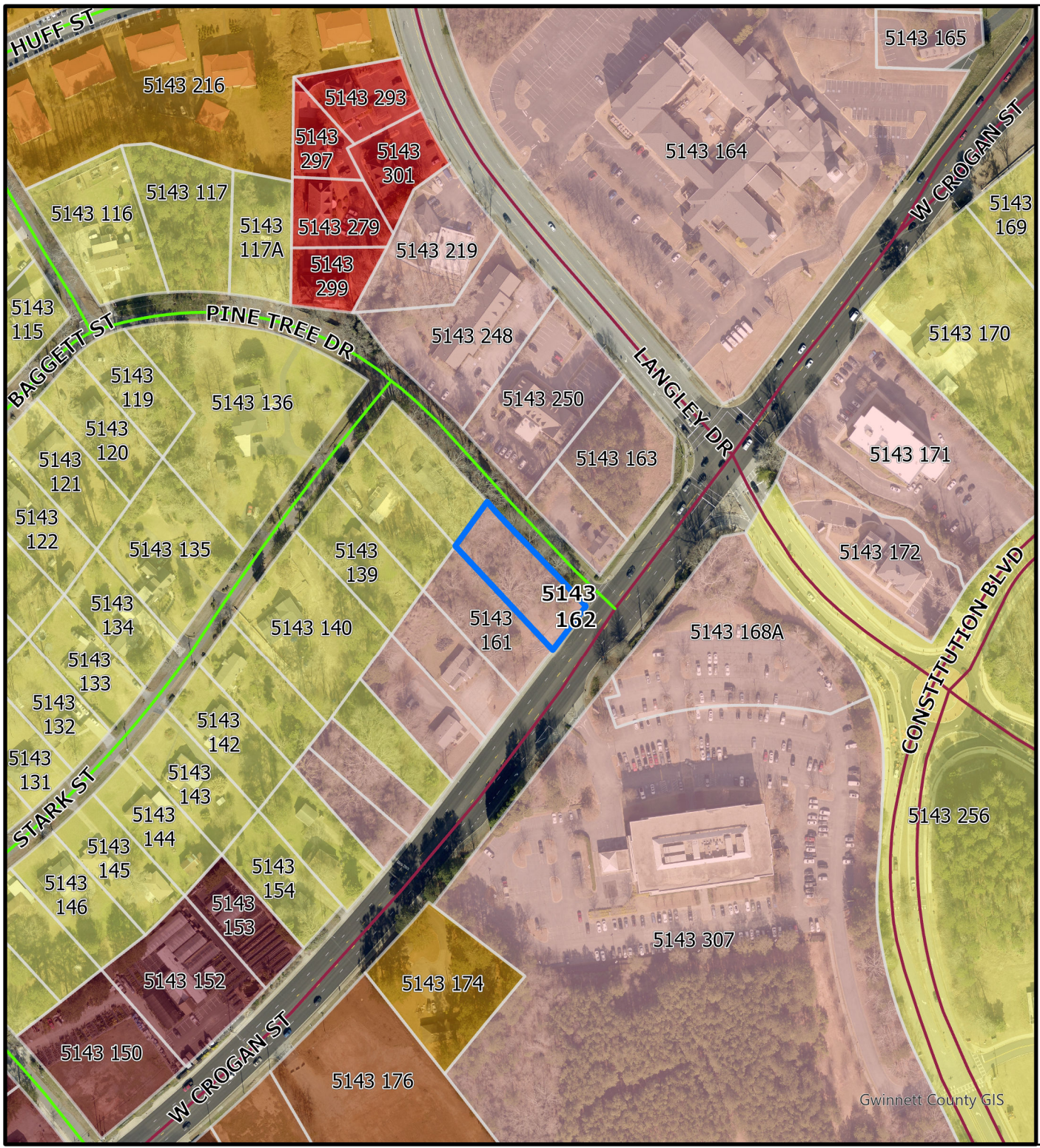




# LAWRENCEVILLE

GEORGIA

The City of Lawrenceville  
Planning & Development  
**Location Map & Surrounding Areas**



**Subject Property**

**Parcels**

**County Maintained Streets**

**City Maintained Streets**

### Zoning Districts

**BG General Business**

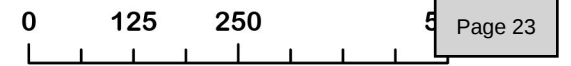
**HSB Highway Service Business**

**OI Office/Institutional**

**CMU Community Mixed Use**

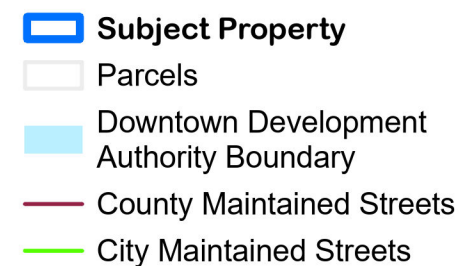
**RM-12 Multifamily Residential**

**RS-150 Single-Family Residential**



## GEORGIA

## Location Map & Surrounding Areas





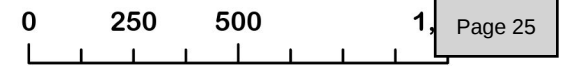
# LAWRENCEVILLE

GEORGIA

The City of Lawrenceville  
Planning & Development  
**Location Map & Surrounding Areas**



- Subject Property**
- Parcels**
- Downtown Development Authority Boundary**
- County Maintained Streets**
- City Maintained Streets**

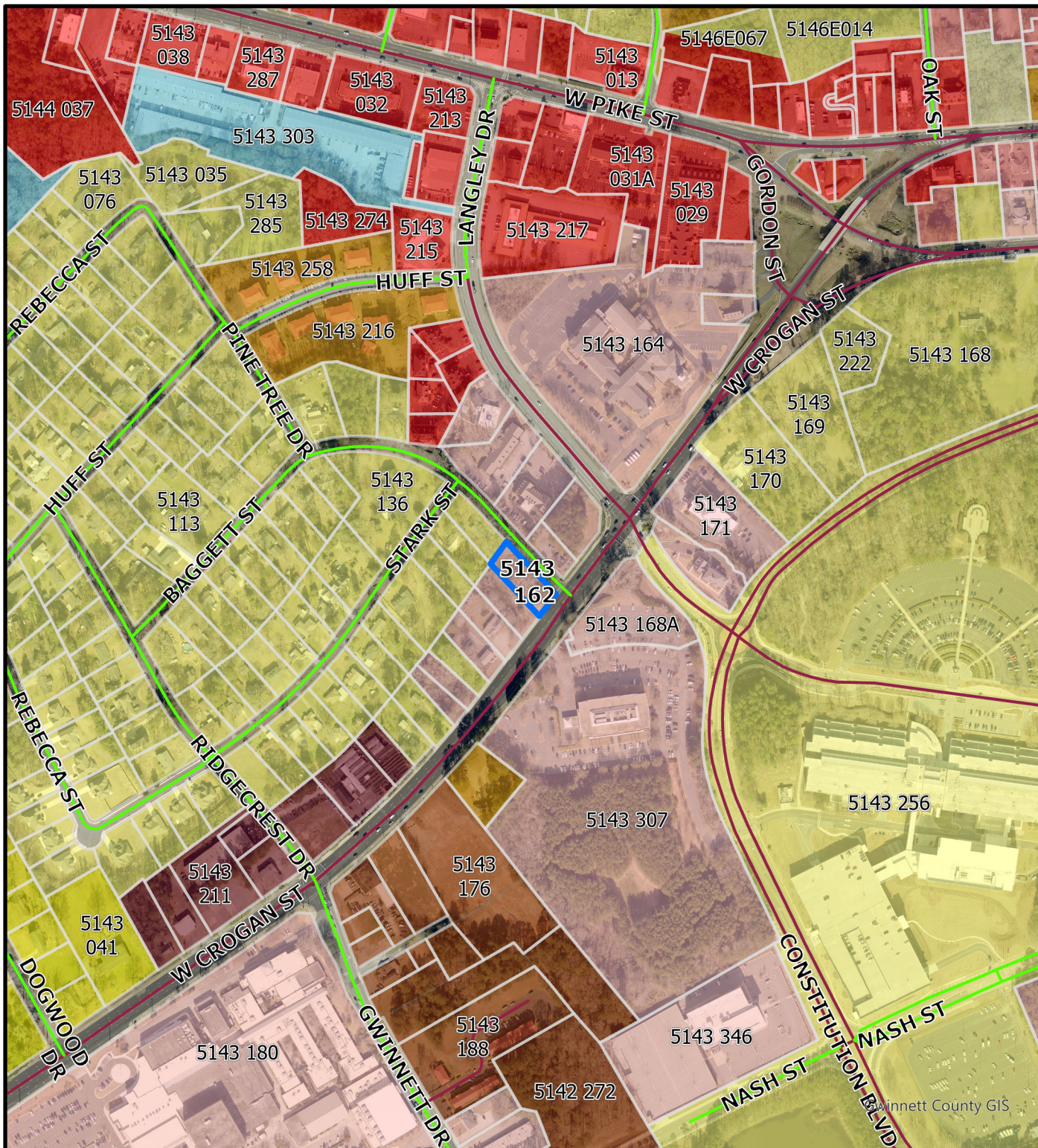




# LAWRENCEVILLE

GEORGIA

The City of Lawrenceville  
Planning & Development  
**Location Map & Surrounding Areas**



**Subject Property**

**Parcels**

**County Maintained Streets**

**City Maintained Streets**

### Zoning Districts

**BG General Business**

**BGC Central General Business**

**HSB Highway Service Business**

**LM Light Manufacturing**

**OI Office/Institutional**

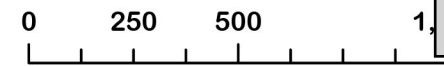
**CMU Community Mixed Use**

**RM-12 Multifamily Residential**

**RS-60 Single-Family Residential**

**RS-150 Single-Family Residential**

**RS-180 Single-Family Residential**





# LAWRENCEVILLE

## GEORGIA

AGENDA REPORT  
MEETING: CITY COUNCIL REGULAR MEETING  
AGENDA CATEGORY: NEW BUSINESS

|                                            |                                                                                       |
|--------------------------------------------|---------------------------------------------------------------------------------------|
| <b>Item:</b>                               | An Ordinance to Amend the Zoning Ordinance, Article 9, Administration and Enforcement |
| <b>Department:</b>                         | Planning and Development                                                              |
| <b>Date of Meeting:</b>                    | Monday, May 22, 2023                                                                  |
| <b>Fiscal Impact:</b>                      | None                                                                                  |
| <b>Presented By:</b>                       | Todd Hargrave, Planning and Development Director                                      |
| <b>Action Requested:</b>                   | <b>Approval of amendment</b>                                                          |
| <b>Planning Commission Recommendation:</b> | <b>Approval</b>                                                                       |

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**Summary:** The recommendation is to eliminate the Architectural Review Board and to provide clarity and eliminate contradicting language for the withdrawal process for public hearings. Staff is building relationships with developers which gives room for conversations about compliance with the rules and better decision making. In 2019, the department received five applications for variances. There were no meetings in 2020 due to the pandemic, and all meetings in 2021 were cancelled due applicants within the Downtown Entertainment District meeting and exceeding architectural design standards set forth in Article 6 of the Zoning Ordinance. The Board has only met once in 2022; in March to go over the responsibilities of the members and sign their commitment to the City. Only three of the seven members were in attendance.

**Attachments/Exhibits:**  
**ARTICLE 9 Amendment Draft**

**AN ORDINANCE TO AMEND  
THE ZONING ORDINANCE OF THE CITY OF LAWRENCEVILLE, GEORGIA**

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

Section 1.      **Delete Article 9, Administration and Enforcement in its entirety and replace it as follows:**

**Administration and Enforcement**

**900. General Provisions**

**A. Decision-Making Responsibilities**

The following table provides a summary of the decisions and applicable decision-makers for each of the determinations to be made in this Article.

| <b>Table 900-1: Summary Table of Procedures and Decision-Making Roles</b> |                                                     |                                 |                                |                         |
|---------------------------------------------------------------------------|-----------------------------------------------------|---------------------------------|--------------------------------|-------------------------|
|                                                                           | <b>Director of<br/>Planning and<br/>Development</b> | <b>Board<br/>of<br/>Appeals</b> | <b>Planning<br/>Commission</b> | <b>City<br/>Council</b> |
| Administrative Variance                                                   | √                                                   |                                 |                                |                         |
| Appeals                                                                   |                                                     | √                               |                                | √                       |
| Building Permit                                                           | √                                                   |                                 |                                |                         |
| Certificate of Occupancy                                                  | √                                                   |                                 |                                |                         |
| Special Uses                                                              |                                                     |                                 | √                              | √                       |
| Temporary Use Permit                                                      | √                                                   |                                 |                                |                         |
| Variances                                                                 |                                                     | √                               | √                              | √                       |
| Zoning Ordinance Enforcement                                              | √                                                   |                                 |                                |                         |
| Zoning Ordinance Text<br>Amendments                                       |                                                     |                                 | √                              | √                       |
| Zoning Map Amendments                                                     |                                                     |                                 | √                              | √                       |

## **901. Policies and Procedures**

### **A. Policies and Procedures Governing Hearings on Zoning Decisions**

For purposes of this section the term “zoning decision” shall have the meanings set forth in O.C.G.A. §36-66-3. Prior to making any zoning decision, the City Council shall conduct a public hearing. The public hearing shall be called, and public notice provided in accordance with the provisions of O.C.G.A §36-66-4. At any such public hearing, the following procedures shall apply:

- 1.** A member of the planning staff will briefly summarize the requested zoning change; and shall respond to any questions from the City Council regarding the staff recommendations related to the proposed zoning change.
- 2.** The applicant shall be provided with an opportunity to be heard, and may present any evidence, information, or materials which the applicant desires for the City Council to consider in arriving at its determination. The applicant’s presentation shall be counted against the time allowed for proponents of the application.
- 3.** Public comments will be accepted and individuals making public comments may present any evidence, information and/or materials the individual desires for the City Council to consider in arriving at its determination.
- 4.** The City Council may place reasonable time limitations on the presentation of the applicant and on public comments by individuals in support of or opposition to the zoning decision. An equal period be allowed for presentation data, evidence, and opinion by proponents of the zoning decision and by opponents of the zoning decision, and in no event shall the minimum time period allowed for presentation be less than 10 minutes per side.
- 5.** Persons speaking either in support of or in opposition to a zoning decision shall be recognized by the mayor, shall state their name and address for the public record, and shall present any written documents which they desire to be included in the record of the meeting to the City Clerk and Director of Planning and Development.
- 6.** All comments shall be directed to the City Council and shall be made in an orderly manner.

7. The applicant and any opponents to the zoning decision shall acquaint themselves with the provisions of §36-67a-3 and shall comply with the provisions of that statute.

#### **B. Policies and Procedures Governing Hearings on Quasi-Judicial Decisions**

For purposes of this section the term “quasi-judicial decision” shall include hearings on appeals of administrative decisions and hearings on applications for variances, special administrative permits, special exceptions, conditional use permits, and other similar permits. Prior to making a quasi-judicial decision, the Zoning Board of Appeals or the City Council shall conduct a public hearing. The public hearing shall be called, and public notice provided in accordance with the provisions of O.C.G.A §36-66-4. At any such public hearing, the following procedures shall apply:

1. A member of the planning staff will briefly summarize the request and shall respond to any questions regarding the staff recommendations related to the request.
2. The applicant shall be provided with an opportunity to be heard, and may present any evidence, information, or materials which the applicant desires for the Board of Appeals or City Council to consider on arriving at its determination. The applicant’s presentation shall be counted against the time allowed for proponents of the application.
3. Public comments will be accepted and individuals making public comments may present any evidence, information, or materials the individual desires for the Board of Appeals or City Council to consider in arriving at its determination.
4. The Board of Appeals or City Council may place reasonable time limitations on the presentation of the applicant and on public comments by individuals in support or opposition to the quasi-judicial matter. An equal period shall be allowed for presentation of data, evidence, and opinion by proponents of the matter and by opponents of the matter, and in no event shall the minimum time period allowed for presentation be less than 10 minutes per side.
5. Persons speaking either in support of or in opposition to a matter shall be recognized by the chairman/mayor, shall state their name for the public record, and shall present any written documents which they desire to be

included in the record of the meeting to the Director of Planning and Development and/or City Clerk.

6. All comments shall be directed to the Zoning Board of Appeals or City Council and shall be made in an orderly manner.
7. The applicant and any opponents to the zoning decision shall acquaint themselves with the provisions of §36-67a-3 and shall comply with the provisions of that statute.

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**902. Planning and Development Director****A. Role of the Director of Planning and Development**

1. The Director of Planning and Development shall administer and enforce this Ordinance with the assistance of the Planning and Development and Code Enforcement staff and other people as designated by the Director of the Planning and Development Department.
2. The Director shall have the authority to approve and issue Administrative Variances, Building Permits, Certificates of Occupancy, and Temporary Outdoor Activity, and to make interpretations and determinations of the Zoning Ordinance and Zoning Map in order to carry out the intent and purpose of this Zoning Ordinance.

**B. ADMINISTRATIVE VARIANCES**

1. The Director shall have the power to grant variances (except for density and use) from the development standards of this Ordinance where, in his or her opinion, the intent of the Ordinance can be achieved, and equal performance obtained by granting a variance. The authority to grant such variance shall be limited to variances from the following requirements:
  - a. Front yard or yard adjacent to a public street - variance not to exceed twenty (20) percent.
  - b. Side yard - Variance not to exceed twenty (20) percent.
  - c. Rear yard - Variance not to exceed twenty (20) percent.

**C. BUILDING PERMITS REQUIRED**

No building or structure shall be erected, moved, added to, or structurally altered without a permit issued by the Director of the Planning and Development Department. No building permit shall be issued except in conformity with the provisions of this Ordinance unless the Director receives a written order from the Board of Appeals in the form of an administrative review or variance as provided by this Ordinance.

**D. APPLICATION FOR BUILDING PERMIT**

1. The applicant for a building permit shall submit plans at a suitable scale showing the shape, size, and location of the lot to be built upon; the

- shape, size, height, use, and location of the buildings to be erected, altered, or moved and of any buildings already occupying the lot; the number of dwelling units the building is designed to accommodate; the setback line of the buildings on adjoining lots; and any other information needed to determine whether the provisions of this Ordinance are being followed.
2. If the plans conform to the provisions of this Ordinance, the City building Ordinances, and other Ordinances of the City, the permit shall be issued upon payment of the required fee. If compliance does not result, the building permit shall be refused by the Planning and Development Director stating such refusal in writing with the cause.
  3. If no visible progress on construction or modification has been made within 12 months of the date that said permit is issued, the permit becomes invalid. The Director may renew the permit pending review and recommendation of the Building Inspector. A renewal fee is required to be paid by the applicant before the permit is renewed.

**E. CERTIFICATE OF OCCUPANCY REQUIRED**

1. It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both until a Certificate of Occupancy has been issued by the Director of Planning and Development or their designee stating that the proposed use of the building or land conforms to the provisions of this Ordinance.
2. A record of all Certificates of Occupancy shall be kept on file in the Planning and Development Department and a copy shall be furnished, upon request, to any person.

**903. Board of Appeals****A. ESTABLISHMENT AND PROCEDURE****1. COMPOSITION, APPOINTMENT, AND TENURE**

The Board of Appeals (BOA) shall consist of five (5) members, appointed by the Mayor and with the consent of the City Council. The terms of the members shall be for four years each with staggered terms. No member of the Board of Appeals may hold any other public office or position in the Municipality.

**2. VACANCIES**

Vacancies shall be filled by appointments for unexpired terms only and in the same manner as the original appointment.

**3. REMOVAL**

Any member of the Board of Appeals may be removed by the Mayor, with the consent of the City Council, for any reason after written notice and a public vote. Any member who misses more than three meetings in any one calendar year without excuse shall be removed from the Board by the City Council. The Director of Planning and Development shall keep an attendance record and report if a member's attendance does not meet this requirement to the mayor's office.

**4. COMPENSATION**

All members of the Board of Appeals shall receive compensation in an amount to be determined by the City Council.

**5. OFFICERS AND RULES OF PROCEDURE**

The Board of Appeals shall elect one of its members as Chairman who shall serve for one year or until such person is reelected or a successor is elected. The Director of the Planning and Development Department or his/her designee shall act as Secretary for the Board of Appeals. Meetings shall be heard regularly, once a month, at the call of the Chairman and at such other times as the Board may determine. The Board of Appeals shall follow the rules adopted by the City Council in accordance with the provisions of this Section; shall keep minutes of its proceedings showing the absence, vote, or the failure to vote of each member; and shall keep records of its examination and other official actions, which minutes and

records shall be filed in the Planning and Development Department and open to the public for inspection.

#### **6. QUORUM**

For the purpose of transacting business, a quorum of the Board of Appeals shall be considered to be three (3) of the five (5) members.

#### **B. BOARD OF APPEALS HEARINGS.**

The Board of Appeals shall conduct public hearings on all applications or referrals, within a reasonable time and place to advertise as required by State law. Any party of interest may appear in person, or by an agent or by an attorney, and be heard. Hearings shall be conducted in accordance with the provisions set for in Article.

#### **C. POWERS AND DUTIES**

The Board of Appeals shall have the following powers and duties:

##### **1. VARIANCES**

If literal enforcement of the provisions of this Ordinance would result in unnecessary hardship due to special conditions and not to the intentional conduct of the requesting party, the Board of Appeals may authorize such variance if it is not contrary to the public interest. A variance from the terms of this Zoning Ordinance shall not be granted by the Board of Appeals unless and until:

- a.** A written application for a variance is submitted demonstrating that:
  - i.** Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.
  - ii.** That the special conditions and circumstances did not result from the actions of the applicant.
  - iii.** No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings on other districts shall be considered grounds for the issuance of a variance.

- b.** Notice of a public hearing shall be given as provided in this Ordinance.
- c.** Where the strict application or literal enforcement of the requirements of this Zoning Ordinance would result in the applicant suffering practical difficulties, the Board of Appeals shall have the power to authorize a variance from the terms of this Zoning Ordinance to relieve such difficulties. In granting a variance, the Board of Appeals may impose such conditions as may be necessary to comply with the factors herein to reduce or minimize potential injurious effects of such variance upon neighboring properties and to carry out the general purpose and intent of this Zoning Ordinance. In making such a determination, the Board of Appeals shall consider all the following factors, including whether:
- i.** The property in question will yield a reasonable return or whether there can be any beneficial use of the property without a variance.
  - ii.** The variance is substantial.
  - iii.** The essential character of the neighborhood would be substantially altered, or adjoining properties would suffer a substantial detriment as a result of the variance.
  - iv.** The variance would adversely affect the delivery of government services (i.e., water, sewer, garbage).
  - v.** The property owner purchased the property with knowledge of the zoning restriction.
  - vi.** The property owner's predicament feasibly can be obviated through some method other than a variance.
  - vii.** The spirit and intent behind the zoning requirement would be observed and substantial justice is done by granting the variance; and
  - viii.** Any other relevant factor to assist the Board of Appeals in weighing and balancing the public and private benefits and harms of the requested relief is necessary.

- d.* In granting any variance, the Board of Appeals may prescribe appropriate conditions and safeguards in conformity with the intent of this Ordinance.
- e.* Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and punishable under the provisions of this Ordinance.
- f.* Under no circumstances shall the Board of Appeals grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or to allow any use expressly or by implication prohibited by the terms of this Ordinance in said district.

## **2. APPEAL OF ADMINISTRATIVE REVIEW:**

### **a. HEARINGS, APPEALS, NOTICE**

- i.* Appeals to the Board of Appeals concerning interpretation or administration of the Zoning Ordinance may be taken by any person aggrieved or by any officer or bureau of the governing body of the City affected by any decision rendered.
- ii.* Such appeals shall be submitted within 30 days of the action by filing with the Director of Planning and Development a notice of appeal specifying the grounds thereof.
- iii.* The Director of Planning and Development or his or her designee shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken. The Board of Appeals shall fix a reasonable time for the hearing of an appeal; give due notice thereof to all parties in interest; and after hearing, decide the same within a reasonable time. At the hearing, any party of interest may appear in person, or by agent or attorney, and be heard by the Board of Appeals.

### **b. STAY OF PROCEEDINGS**

- i.* An appeal stays all proceedings in furtherance of the action appealed from, unless the Director, or other person or agency from whose action the appeal is taken certifies to the Board of Appeals after the notice of appeal is filed that by reason of facts

stated in such certification a stay would, in the opinion of the person making the certification, cause imminent peril to life and property.

- ii.* In such cases, proceedings may be stayed by a restraining order issued by the Board of Appeals, or by a court of record, on the application, on notice to the parties of interest, and for good cause shown.

***c. HEARING OF APPEAL***

The Board of Appeals shall conduct a public hearing.

***d. POWERS TO REVERSE OR AFFIRM***

In exercising the above-mentioned powers so long as such action is in conformity with the terms of this Ordinance, the Board shall have the power to reverse or affirm, wholly or partly, or to modify the order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the Director, or other person or agency from whom the appeal is taken. The concurring vote of three members of the Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination from which the appeal was made, or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance or to affect any variation in the application of the Ordinance.

***e. BOARD OF APPEALS DECISIONS.***

A written version of all Board of Appeals decisions shall be mailed to the applicant and any interested parties who make a written request for a copy of the written decision without unreasonable delay after the close of the hearing. Where an application has been denied, no new application on substantially the same facts shall be filed within twelve months of the date the previous denial, unless the Board of Appeals, for good cause shown by the applicant, grants permission to do so.

***f. APPEALS FROM THE BOARD OF APPEALS TO THE CITY COUNCIL.***

Any person or persons severally or jointly aggrieved by any decision of the Board of Appeals may make an appeal to the City Council. Any

appeal filed by the City shall be filed by the City Manager. Said appeals to the City Council shall be filed within thirty (30) days of the date of the decision of the Board of Appeals. If no appeal of the decision of the Board of Appeals is filed within thirty (30) days, said decision of the Board of Appeals shall be final. Any appeals to the City Council shall be filed with the City Clerk, and upon receipt of the appeal, the City Clerk shall place the matter on the agenda of the next regularly scheduled City Council meeting, which is scheduled at least forty-five (45) days after the date the appeal is received by the City Clerk. The appeal to the City Council shall be a de novo hearing, and the parties to the appeal shall be entitled to present whatever evidence they deem appropriate to the City Council. Evidence submitted to the City Council on the appeal may be in writing or through oral presentation. However, the City Council shall have the right to limit oral presentations to no more than fifteen (15) minutes per side. Upon hearing an appeal, the City Council may render a decision at the meeting or may take the matter under advisement and render a decision at any regularly scheduled or specially called meeting in the next forty-five (45) days. Decisions by the City Council may be in writing or by oral motion but shall be approved at a regular or specially called meeting.

**g. APPEALS FROM THE CITY COUNCIL TO THE SUPERIOR COURT OF GWINNETT COUNTY**

Any person or persons severally or jointly aggrieved by any decision of the City Council on an appeal from a decision of the Board of Appeals may take an appeal to the Superior Court of Gwinnett County. Said appeal to the Superior Court shall be pursuant to the superior court's appellate jurisdiction from a lower judicatory body and shall be brought by way of a petition for such review as provided in Title 5 of the Official Code of Georgia Annotated. Said appeal must be filed within thirty (30) days from the date of the written decision of the City Council. If no appeal of the decision of the City Council is filed within thirty (30) days, the decision of the City Council shall be final. Any appeals to the Superior Court shall be an appeal based on the record created before the City Council and shall be limited to determining whether the City Council acted arbitrarily or capriciously or abused its discretion in exercising the

powers granted to it. Any such appeal shall be served upon the City Clerk who shall have the authority to approve or issue any form or certificate necessary to perfect the appeal petition.

**h. DUTIES OF ADMINISTRATIVE OFFICIAL, BOARD OF APPEALS, CITY COUNCIL AND COURTS ON MATTERS OF APPEAL.**

It is the intent of this Ordinance that all questions of interpretation of this Ordinance shall be first presented to the Director of Planning and Development. Questions of interpretation shall be presented to the Board of Appeals only upon appeals from a decision of the Director of Planning and Development. It is further the intent of this Ordinance that any such decision by the Board of Appeals shall be appealable to the City Council, and that the only recourse from the decisions of the City Council shall be to the Courts as provided by law.

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**904. Planning Commission****A. ESTABLISHMENT AND PROCEDURE.**

The Planning Commission shall consist of five (5) members appointed by the Mayor with consent of the City Council for terms of four (4) years on a rotating basis from and among the qualified electors of the City. Members of the Planning Commission shall not hold any other City office.

1. The Planning Commission may make recommendations to the City Council on all matters affecting the physical growth and development of the City, shall be consulted on the Comprehensive Plan and the implementation or amendment thereof, and shall exercise all other responsibilities as may be provided by the City Ordinance, including, but not limited to, this Zoning Ordinance.
2. Meetings of the Planning Commission shall be held once a month as determined by the Planning and Development Department. Hearing dates will be available online and in-person at the Planning and Development Department.
3. The Planning Commission shall follow the rules and procedures adopted by the City Council and shall keep a record of its proceedings, recording the vote upon each question, and shall also keep records of its hearings and other official actions.
4. Actions of the Planning Commission shall be a public record and all meetings of the Planning Commission shall be open to the public except in those instances when the Planning Commission is acting in a quasi-judicial manner; in which case the Planning Commission shall conduct a record hearing and may deliberate in private, and any matters permitted to be closed to the public under applicable Georgia law.

**B. AMENDMENTS TO THE ZONING ORDINANCE AND MAP (REZONING)**

1. Petitions for amendments to the Zoning Ordinance or Zoning Map shall be made to the Planning Commission and City Council if the petition is City initiated or non-City initiated. If a petition is made for a Zoning Map amendment, the petition shall only be considered if one or more owners of property in the proposed area or an authorized agent are party to the petition.

2. The Planning and Development Department shall create a yearly calendar of all meetings and shall provide notice of each hearing as required by State law.

**C. SPECIAL USES**

The Planning Commission shall review and make a recommendation to the City Council regarding the establishment or material change in Special Uses as regulated in this *Section*.

1. The Planning Commission shall give due regard to the nature and condition of all adjacent uses and structures and in authorizing a special use may impose such requirements and conditions, in addition to those expressly stipulated in this Zoning Ordinance, as it may deem necessary for the protection of adjacent properties and the public interest.
2. In deciding a special use, the Planning Commission may recommend conditions as may be necessary to comply with the standards set forth herein to reduce or minimize potential injurious effects upon neighboring properties and to carry out the general purpose and intent of this Zoning Ordinance.
3. A special use shall become null and void at the expiration date recommended by the Planning Commission; set and approved by the City Council.
4. The Planning Commission shall not recommend a special use unless it, in each specific case, makes specific findings of fact directly based upon credible evidence as to all the following:
  - a. The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, or general welfare.
  - b. The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted or will not substantially diminish and impair property value within the neighborhood.
  - c. The establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.

- d.** Adequate utilities, access roads, drainage, and other necessary facilities have been or are being provided.
  - e.** Adequate measures have been or will be taken to provide ingress and egress so designed to minimize traffic congestion in the public streets; and
  - f.** The special use will be in a district where such use may be permitted and that all requirements set forth in this Zoning Ordinance and applicable to such conditional use will be met.
- 5.** The special use permit is designed to be used when:
  - a.** A special use listed under the zoning district is desired for development in a more intensive zoning district which contains that use as a use by right would not be appropriate for the property; or
  - b.** A special use listed under the zoning district is desired for development and no zoning district contains that use as a use by right; or
  - c.** The height of a building may affect the overall density of development; or
  - d.** The height of any structure may affect neighboring properties; and,
  - e.** The special use would be consistent with the needs of the neighborhood or the community, be compatible with the neighborhood, and would not conflict with the overall objectives of the comprehensive plan.
- 6.** To accommodate these special uses, the special use permit allows the City Council to approve a special use on a particular lot without changing the general zoning district.
- 7.** Such approval shall be subject to the requirements set forth below and any additional conditions deemed necessary to ensure the compatibility of the special use with the surrounding properties.
- 8.** All special use permit applications shall be for planned developments only and shall not be used for securing early zoning for conceptual proposals which may not be undertaken for some time. A special use permit application shall be considered only if it is made by the owner of the property or his/her authorized agent.

9. If a special use permit is granted, any non-conforming use of property shall end within six (6) months of the granting of the special use permit and all non-conforming use rights shall terminate unless otherwise specifically authorized in the conditions granting the special use permit.

**D. DECISIONS OF THE PLANNING COMMISSION**

1. The Planning Commission may, by a vote of not less than a simple majority of the members, present at a meeting:
  - a. Recommendation to City Council that the proposed amendment to the Zoning Map or Zoning Ordinance or a Special Use be **Approved as Requested**; or
  - b. Recommendation to City Council that the proposed amendment to the Zoning Map or Zoning Ordinance or a Special Use be **Approved with Conditions**; or
  - c. Recommend to City Council **Denial** of the proposed amendment to the Zoning Map or Zoning Ordinance or a Special Use; or
  - d. Recommend to City Council to **Table** the proposed amendment to the Zoning Map or Zoning Ordinance or a Special Use.
2. The recommendation shall be forwarded in writing to City Council within 30 days of the Planning Commission's vote, after which a public hearing shall be held by City Council in accordance with its rules of procedure.

**905. City Council**

Under this Ordinance, the City Council shall have only the following duties:

- A.** Considering and adopting or rejecting proposed amendments or the repeal of this Ordinance, as provided by law;
- B.** Hearing and making a final determinations on Special Uses;
- C.** Hearing and making a final determination on appeals related to this Zoning Ordinance or an interpretation of this Zoning Ordinance;
- D.** Hearing and making final determinations on Zoning Map amendments;
- E.** Establishing a schedule of fees and charges as stated in this Ordinance; and
- F.** Such other duties as may be established by laws of the State of Georgia or subsequently enacted Ordinances of the City.

**906. Authority**

The City Council may from time to time amend the boundaries of the zoning districts established on the official zoning map or the regulations set forth in this Ordinance or amend the text of this Ordinance.

- A.** Any proposed amendments shall be submitted to the Planning Commission for its recommendation. The Planning Commission shall make a recommendation to the City Council within thirty (30) days, or the Council shall be free to proceed without further awaiting the report of the Planning Commission.
- B.** When acting on an application for a rezoning or a Special Use Permit, the City Council shall have the right to grant the application, to deny the application, to grant a rezoning to less intense zoning classification than the classification requested, or to grant the application with the appropriate conditions. The City Council may also table the proposal or allow the proposal to be withdrawn without prejudice. In granting a rezoning application or Special Use Permit, in addition to imposing appropriate and necessary conditions, the Council shall have the authority to grant variances of the terms and conditions of this Ordinance if an application is allowed to be withdrawn without prejudice there shall be no waiting period for the filing of a new application.

**907. Rezoning and Special Use Permit Application Public Hearing Process**

The Applicant or representative is encouraged to appear at the Planning Commission Meeting and the City Council Public Hearing. Failure to attend a meeting may result in the tabling of the application until the next meeting of that group. However, the Planning Commission and the City Council may act on the application should they so choose. Meeting dates, times, and locations are available online and in-person at the Planning and Development Department.

**A. Schedule Of Events**

1. At least one week prior to the scheduled Planning Commission Meeting, the Planning Staff Report and Recommendation will be emailed to the applicant and will be available at the Planning and Development office.
2. The applicant is encouraged to appear before the City of Lawrenceville Planning Commission to present their case in support of the rezoning application. The applicant's presentation shall be counted against the time allowed for proponents of the application. The Planning Commission may ask questions of the applicant and the opposition. The Planning Commission is a recommendation body. Their recommendation will be forwarded to the City Council.
3. The applicant is encouraged to be present at the City Council Work Session.
4. The applicant is encouraged to appear before the City Council for the Public Hearing.
5. If the rezoning application is denied by the City Council, no new application shall be submitted unless it meets the requirements for resubmittal as set forth in this Ordinance.

**B. Procedures**

1. In the approval process for a zoning proposal application, the City Council shall consider the policies and objectives of the comprehensive plan, particularly in relation to the proposed site and surrounding area and shall consider the potential adverse impacts on the surrounding area, especially with regard to but not limited to traffic, storm drainage, land values, and compatibility of land use activities.

2. If an application is approved and a zoning proposal is granted, all conditions which may have been attached to the approval are binding on the property. All subsequent development and use of the property shall be in accordance with the approved plan and conditions. All final site plans shall be approved by the Director of Planning and Development or his or her designee prior to the issuance of any permits.
3. Once established, the zoning proposal shall be permanent unless otherwise rezoned. A Special Use Permit may be conditioned in such a manner that it is granted for a limited period of time.
4. Upon approval by the City Council, a zoning proposal shall be identified on the official zoning maps.
5. Upon approval by the City Council of the zoning proposal, the owner of the property shall be issued a notice from the Planning and Development Department, which states the rezoning, the requirements of this section, and any conditions attached to the approval.
6. Any person, persons, or entities jointly or severally aggrieved by any decision of the City Council regarding a zoning proposal application may take an appeal to the Superior Court of Gwinnett County. The appeal must be filed within 30 days of the decision of the City Council, and upon failure of such appeal, the decision of the City Council shall be final.

**C. STANDARDS GOVERNING EXERCISE OF THE ZONING POWER**

The City Council finds that the following standards are relevant in balancing the interest in promoting the public health, safety, morality, or general welfare against the right to the unrestricted use of property and shall govern the exercise of the zoning power.

1. Whether a zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.
2. Whether a zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.
3. Whether the property to be affected by a zoning proposal has a reasonable economic use as currently zoned.

4. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
5. Whether the zoning proposal is in conformity with the policy and intent of the Comprehensive Plan; and
6. Whether there are other existing or changing conditions affecting the use and development of the property, which give supporting grounds for either approval or disapproval of the zoning proposal.

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**908. Variance Public Hearing Procedures**

The Applicant is required to appear at the Board of Appeals Meeting. Failure to attend the meeting may result in the tabling of the application until the next meeting of that group. However, the Board of Appeals may act on the application should they so choose. Meeting dates, times, and locations are available online and in-person at the Planning and Development Department.

**A. SCHEDULE OF EVENTS**

1. After confirming that the conditions for a variance as described in Section 903C.1.a are met, the applicant can apply through the Planning and Development Department.
2. The applicant must post a sign given to them by the Planning and Development Department at least 15 days prior to the public hearing.
3. The applicant shall appear before the City of Lawrenceville Board of Appeals to present their case in support of the variance application. Any opposition to the variance application will be given equal time to present its case.

**B. PROCEDURE**

1. In the approval process for a variance application, the Board of Appeals shall consider all the factors set forth in this Ordinance for the granting of a variance.
2. Once approved, the applicant may begin development. A variance is a permanent entitlement to the land.
3. Upon approval by the Board of Appeals, the variance shall be archived by the Planning and Development Department.
4. Any person, persons, or entities jointly or severally aggrieved by any decision of the Board of Appeals regarding a variance application may take an appeal to the City Council. The appeal must be filed within 30 days of the decision of the Board of Appeals, and upon failure of such appeal, the decision of the Board of Appeals shall be final.

**909. Withdrawal of Application**

Once an application for an amendment to the Official Zoning Map or an application for a Variance or Special Use Permit has been made the applicant may withdraw such application without prejudice at any time until the official withdrawal deadline published in the Public Hearing Schedule maintained by the Department has passed.

An application may not be withdrawn by an applicant or property owner under any circumstance after the official withdrawal deadline. Once past the published withdrawal deadline all applications shall be considered by the City Council or Board of Appeals, as appropriate, and shall receive final action, unless the City Council or the Board of Appeals votes to allow the application to be withdrawn without prejudice. Any application that is allowed to be withdrawn without prejudice shall have no waiting period for filing a new application.

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**910. Lapse of Time for Reapplication and Waiver of said period.**

The following shall apply to the reapplication for a Zoning Map Amendment, Variance or Special Use Permit.

- A.** No application or reapplication for any zoning map amendment affecting the same land or any portion thereof shall be made and accepted within 12 months from the date of last action by the City Council unless such 12-month period is waived by the City Council, and in no case may such an application or reapplication be allowed in less than six months from the date of last action by the City Council.
- B.** No application or reapplication for the same type of Variance or Special Use Permit affecting the same land or any portion thereof shall be made or accepted within 12 months from the date of last action by the City Council or Board of Appeals, as appropriate, unless such 12 month period is waived by the City Council or Board of Appeals as appropriate, and in no case may such an application or reapplication be allowed in less than six months from the date of last action by the City Council or Zoning Board of Appeals, as appropriate.

**911. Appeals to Superior Court*****A. Appeals of Zoning Decision***

Any person or persons severally or jointly aggrieved by any zoning decision, as defined in this Ordinance (also see O.C.G.A. Section 36-66-3) and being legislative in nature, shall have a direct constitutional challenge as set forth in O.C.G.A. Section 36-66-5.1. Such challenges shall be by way of a de novo review by the Superior Court of Gwinnett County. Any such direct challenge to the superior court shall be brought within 30 days of the written decision being challenged.

***B. Appeals of Quasi-Judicial Decision***

Any person or persons severally or jointly aggrieved by any quasi-judicial decision, as defined by this Ordinance, may take an appeal of the quasi-judicial decision to the Superior Court of Gwinnett County. Said appeal to the Superior Court shall be pursuant to the superior court's appellate jurisdiction from a lower judicatory body and shall be brought by way of a petition for such review as provided in Title 5 of the Official Code of Georgia Annotated. Said appeal must be filed within thirty (30) days from the date of the written decision. If no appeal of the quasi-judicial decision is filed within thirty (30) days, the decision shall be final. Any appeals to the Superior Court shall be an appeal based on the record. Any such appeal shall be served upon the City Clerk who shall have the authority to approve or issue any form or certificate necessary to perfect the appeal petition.

IT IS SO ORDAINED, this \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Mayor David R. Still

Attest: \_\_\_\_\_  
City Clerk



# LAWRENCEVILLE

## GEORGIA

### AGENDA REPORT

MEETING: REGULAR MEETING, MAY 22, 2023

AGENDA CATEGORY: COUNCIL BUSINESS PUBLIC HEARING

**Item:** FY 2024 Proposed Budget

**Department:** Finance

**Date of Meeting:** Monday, May 22, 2023

**Fiscal Impact:** N/A

**Presented By:** Keith Lee, Chief Financial Officer

**Action Requested:** Public Hearing of Proposed Budget

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**Summary:** Public Hearing on the Proposed FY 2024 Budget including salary increases, housing initiatives, PHMSA Grant and City Hall Security

**Fiscal Impact:** N/A

**Attachments/Exhibits:**

Power Point Presentation

Fiscal Year 2024

Attachment A

Proposed Budget:

| <b>Fund</b>                              | <b>Segment 3</b>             | <b>FY 2024 Budget</b> |
|------------------------------------------|------------------------------|-----------------------|
| <b>100 - GENERAL FUND</b>                |                              |                       |
|                                          | 110 - LEGISLATIVE            | 251,500.00            |
|                                          | 132 - CITY MANAGER           | 4,795,747.00          |
|                                          | 133 - CITY CLERK             | 481,460.00            |
|                                          | 150 - FINANCE                | 3,683,450.00          |
|                                          | 151 - PURCHASING             | 240,840.00            |
|                                          | 153 - DATA PROCESSING        | 4,333,085.00          |
|                                          | 154 - HUMAN RESOURCES        | 3,227,868.00          |
|                                          | 157 - ENGINEERING            | 336,450.00            |
|                                          | 160 - COMMUNITY RELATIONS    | 5,275,566.00          |
|                                          | 265 - COURT                  | 840,835.00            |
|                                          | 320 - POLICE                 | 13,995,011.00         |
|                                          | 410 - PUBLIC WORKS           | 2,653,320.00          |
|                                          | 420 - STREETS                | 2,268,840.00          |
|                                          | 498 - DAMAGE PREVENTION      | 1,498,990.00          |
|                                          | 741 - PLANNING & DEVELOPMENT | 1,021,135.00          |
|                                          | 745 - CODE ENFORCEMENT       | 635,900.00            |
|                                          | 751 - ECONOMIC DEVELOPMENT   | 854,160.00            |
| <b>100 - GENERAL FUND Total</b>          |                              | <b>46,394,157.00</b>  |
| <b>210 - CONFISCATED ASSETS-FEDERAL</b>  |                              | <b>50,200.00</b>      |
| <b>211 - CONFISCATED ASSETS-LOCAL</b>    |                              | <b>6,100.00</b>       |
| <b>215 - 911 FUND</b>                    |                              | <b>1,364,530.00</b>   |
| <b>270 - TAX ALLOCATION DISTRICT</b>     |                              | <b>200,000.00</b>     |
| <b>275 - HOTEL/MOTEL TAX FUND</b>        |                              | <b>300,000.00</b>     |
| <b>280 - RENTAL MV EXCISE TAX FUND</b>   |                              | <b>140,000.00</b>     |
| <b>285 - SCHOOL ZONE CAMERAS</b>         |                              | <b>474,100.00</b>     |
| <b>326 - 2023 SPLOST FUND</b>            |                              | <b>6,235,811.00</b>   |
| <b>355 - CAPITAL PROJECTS FUND</b>       |                              | <b>6,774,295.00</b>   |
| <b>510 - ELECTRIC FUND OPERATING</b>     |                              | <b>40,739,500.00</b>  |
| <b>511 - ELECTRIC FUND CAPITAL BONDS</b> |                              | <b>8,831,769.00</b>   |
| <b>515 - GAS FUND OPERATING</b>          |                              | <b>51,704,100.00</b>  |
| <b>516 - GAS FUND CAPITAL BONDS</b>      |                              | <b>6,103,379.00</b>   |
| <b>540 - SOLID WASTE FUND OPERATING</b>  |                              | <b>3,057,250.00</b>   |
| <b>541 - SOLID WASTE FUND CAPITAL</b>    |                              | <b>195,000.00</b>     |
| <b>560 - STORMWATER FUND OPERATING</b>   |                              | <b>2,408,500.00</b>   |
| <b>561 - STORMWATER FUND CAPITAL</b>     |                              | <b>2,900,000.00</b>   |
| <b>610 - GROUP HEALTH FUND</b>           |                              | <b>8,830,000.00</b>   |
| <b>615 - WORKERS COMPENSATION FUND</b>   |                              | <b>660,000.00</b>     |
| <b>620 - FLEET SERVICE FUND</b>          |                              | <b>2,263,900.00</b>   |
| <b>625 - RISK MANAGEMENT FUND</b>        |                              | <b>1,512,985.00</b>   |
| <b>Grand Total</b>                       |                              | <b>191,145,576.00</b> |

| Description                                        | Project Number | Requesting Dept | Fund    | Coded Department  | FY 2024     | FY 2025     | FY 2026     | FY 2027     | FY 2028     | FY 2029     |
|----------------------------------------------------|----------------|-----------------|---------|-------------------|-------------|-------------|-------------|-------------|-------------|-------------|
|                                                    |                |                 |         |                   |             |             |             |             |             |             |
| Art Commision Projects                             | 23-002         |                 | General | Communications    | \$150,000   |             |             |             |             |             |
| Locate Equipment                                   |                | NEW             | General | Damage Prevention | \$12,410    | \$6,205     | \$12,410    | \$6,205     | \$12,410    | \$6,205     |
| Department Vehicle                                 |                | NEW             | General | Fleet             | \$0         |             |             |             |             |             |
| Vehicle Replacement Program                        | 05-007         |                 | General | Fleet             | \$1,575,000 | \$1,650,000 | \$1,740,000 | \$1,825,000 | \$1,920,000 | \$2,010,000 |
| 2 Mobile Column Lifts                              | 05-018         |                 | General | Fleet             |             |             |             |             |             | \$25,000    |
| Frame Crane w/Hoist                                |                |                 | General | Fleet             | \$31,000    |             | \$50,000    |             |             |             |
| Metal Brake & Shear                                |                |                 | General | Fleet             | \$20,000    |             |             |             |             |             |
| Drive on lifts (2)                                 |                |                 | General | Fleet             |             | \$40,000    |             |             |             |             |
| Tire Carosel                                       |                |                 | General | Fleet             |             |             | \$50,000    |             |             |             |
| Floors Epoxy                                       |                |                 | General | Fleet             |             |             |             | \$75,000    |             |             |
| Air Compressor                                     |                | NEW             | General | Fleet             |             |             |             |             | \$20,000    |             |
| Stick Welder                                       |                | NEW             | General | Fleet             |             |             |             |             | \$7,500     |             |
| Hydraulic Hose Crimping Machine                    |                | NEW             | General | Fleet             |             |             |             |             | \$5,000     |             |
| New Oil Reel                                       |                | NEW             | General | Fleet             |             |             |             |             | \$20,000    |             |
| Drill Press                                        |                | NEW             | General | Fleet             |             |             |             |             | \$10,000    |             |
| Compressor for Service Truck                       |                | NEW             | General | Fleet             |             |             |             |             |             | \$6,500     |
| Oversize Tire Changer                              |                | NEW             | General | Fleet             |             |             |             |             |             | \$30,000    |
| Plasma Cutter                                      |                | NEW             | General | Fleet             |             |             |             |             |             | \$6,000     |
| New Position Vehicles                              | 05-016         |                 | General | Fleet             |             |             |             |             |             |             |
| Finance ERP                                        | 02-006         |                 | General | IT                | \$50,000    |             |             |             |             |             |
| Fleet Management Software                          | 02-016         |                 | General | IT                |             |             |             |             |             |             |
| GIS Strategic Plan & Implementation                | 02-005         |                 | General | IT                | \$35,000    |             |             |             |             |             |
| Enterprise Asset Management Software               |                | NEW             | General | IT                | \$175,000   | \$75,000    | \$77,250    | \$79,568    | \$81,955    | \$84,413    |
| Fleet- AssetWorks Modules                          |                | NEW             | General | IT                | \$0         | \$25,000    | \$10,000    | \$10,300    | \$10,609    | \$10,927    |
| Munis Inventory Module                             |                | NEW             | General | IT                | \$55,000    | \$15,000    | \$15,450    | \$15,914    | \$16,391    | \$16,883    |
| Replace Switch Room UPS Units                      |                | NEW             | General | IT                | \$16,000    |             |             |             |             |             |
| Computer Upgrades- Planning & Development          |                | NEW             | General | IT                | \$28,000    |             |             |             |             |             |
| Rugged Laptops- Code Enforcement                   |                | NEW             | General | IT                | \$0         |             |             |             |             |             |
| Rugged Laptops- Police Motorcycles                 |                | NEW             | General | IT                | \$37,500    |             |             |             |             |             |
| Work Order Software                                |                | NEW             | General | IT                |             | \$175,000   | \$75,000    | \$77,250    | \$79,568    | \$81,955    |
| Safety Management Software                         |                | NEW             | General | IT                | \$25,385    | \$17,385    | \$17,385    | \$17,385    | \$17,385    | \$17,385    |
| Upgrade Phone System                               | 02-0112        |                 | General | IT                | \$75,000    | \$75,000    | \$75,000    | \$75,000    | \$75,000    | \$75,000    |
| Vulnerability Management Solution                  | 02-030         |                 | General | IT                | \$0         | \$0         | \$0         | \$0         | \$0         | \$0         |
| Audito Visual Upgrades                             | 02-031         |                 | General | IT                | \$25,000    | \$1,000     | \$1,000     | \$1,000     | \$1,000     | \$1,000     |
| Planning & Development Software (Operating Budget) | 02-023         |                 | General | IT                | \$0         | \$0         | \$0         | \$0         | \$0         | \$0         |
| New Fire Walls                                     | 02-032         |                 | General | IT                |             |             | \$60,000    | \$60,000    | \$60,000    |             |
| IT Compliance Program                              | 02-033         |                 | General | IT                | \$15,000    | \$15,000    | \$15,000    | \$15,000    | \$15,000    | \$15,000    |
| Speed Detection Devices (LIDAR)                    | 09-008         |                 | General | Police            |             | \$2,100     | \$2,100     | \$2,100     | \$2,100     | \$2,100     |
| Speed Detection Devices (RADAR)                    | 09-010         |                 | General | Police            |             | \$8,849     | \$8,849     | \$8,849     | \$8,849     | \$8,849     |
| Body Armor                                         | 09-011         |                 | General | Police            |             | \$9,000     | \$9,000     | \$9,000     | \$9,000     | \$9,000     |
| Taser                                              | 09-012         |                 | General | Police            |             | \$11,000    | \$11,000    | \$11,000    | \$11,000    | \$11,000    |
| Primary Pistols Weapons                            | 09-020         |                 | General | Police            |             | \$3,225     | \$3,225     | \$3,225     | \$3,225     | \$3,225     |
| Backup Pistol Weapons                              | 09-020         |                 | General | Police            |             | \$3,225     | \$3,225     | \$3,225     | \$3,225     | \$3,225     |
| Police Radios                                      | 09-015         |                 | General | Police            |             | \$69,650    | \$69,650    | \$69,650    | \$69,650    | \$69,650    |
| CCTV Video Cameras for PD Building                 | 09-018         |                 | General | Police            |             | \$9,000     | \$9,000     | \$9,000     | \$9,000     | \$9,000     |
| Body Worn Camera Replacements                      | 09-017         |                 | General | Police            |             | \$36,075    | \$36,075    | \$36,075    | \$36,075    | \$36,075    |
| Flock Safety Cameras                               | 09-019         |                 | General | Police            |             | \$24,000    | \$24,000    | \$24,000    | \$24,000    | \$24,000    |
| Police Parking Lot Expansion                       | 09-025         |                 | General | Police            | \$15,000    |             |             |             |             |             |
| FIRST Project                                      | 09-026         |                 | General | Police            | \$500,000   | \$17,600    | \$19,360    | \$21,296    | \$23,425    | \$25,768    |
| Speed Camera Expenditures                          | 09-027         |                 | General | Police            |             |             |             |             |             |             |
| W.Pike @ Culver Parking Lot                        |                | NEW             | General | PW                | \$300,000   |             |             |             |             |             |
| Downtown S/W/Brick Impr/Repair                     | 15-003         |                 | General | PW                | \$100,000   | \$100,000   | \$100,000   | \$100,000   | \$100,000   | \$100,000   |
| Sidewalk Maintenance and Infill                    | 08-005         |                 | General | PW                | \$50,000    | \$50,000    | \$50,000    | \$50,000    | \$50,000    | \$50,000    |
| Facilities - HVAC Upgrades (Citywide)              | 15-025         |                 | General | PW                | \$121,000   | \$80,000    | \$80,000    | \$80,000    | \$80,000    | \$106,000   |
| Facilities - Grounds Maintenance                   | 15-026         | Revised         | General | PW                | \$45,000    | \$170,000   | \$20,000    | \$20,000    | \$20,000    | \$85,000    |
| Facilities - Exterior Maintenance (Citywide)       | 15-026         |                 | General | PW                | \$55,000    | \$60,000    | \$60,000    | \$102,000   | \$60,000    | \$102,000   |

| Description                                  | Project Number | Requesting Dept | Fund     | Coded Department | FY 2024     | FY 2025     | FY 2026     | FY 2027     | FY 2028      | FY 2029      |
|----------------------------------------------|----------------|-----------------|----------|------------------|-------------|-------------|-------------|-------------|--------------|--------------|
| Faciliites - Interior Maintenance (Citywide) | 15-027         |                 | General  | PW               | \$100,000   | \$60,000    | \$40,000    | \$40,000    | \$40,000     | \$40,000     |
| Pressure Washer                              |                | NEW             | General  | PW               | \$15,000    |             |             |             |              |              |
| Floor Machine                                |                | NEW             | General  | PW               |             | \$30,000    |             |             |              |              |
| Trailer for Scissor Lift                     |                | New             | General  | PW               |             | \$20,000    |             |             |              |              |
| Public Works Facility Improvements           | 15-030         |                 | General  | PW               | \$750,000   |             |             |             |              |              |
| City Hall Security                           |                |                 |          | PW               | \$250,000   |             |             |             |              |              |
| Street Resurfacing                           | 26-005         | REVISED         | General  | Streets          | \$1,200,000 | \$1,400,000 | \$1,946,160 | \$1,985,093 | \$2,024,785  | \$2,065,280  |
| Pavement Condition Assessment                | 26-021         |                 | General  | Streets          |             |             | \$40,000    |             |              |              |
| On-Call Striping                             | 26-014         |                 | General  | Streets          | \$30,000    | \$30,000    | \$30,000    | \$30,000    | \$30,000     |              |
| Sidewalk Infill, Citywide                    | 08-005         |                 | General  | Streets          | \$250,000   | \$250,000   | \$250,000   | \$250,000   | \$250,000    | \$250,000    |
| Scenic Hwy @ Jackson Street                  | 26-012         |                 | General  | Streets          |             |             |             |             |              |              |
| Regal Dr (County Reimb)                      |                | NEW             | General  | Streets          | \$315,000   |             |             |             |              |              |
| Camelot Subdivision (County Reimb)           |                | NEW             | General  | Streets          |             | \$400,000   |             |             |              |              |
| Downtown Raised Intersections                |                | NEW             | General  | Streets          |             | \$1,200,000 |             |             |              |              |
| Meadow Grove Entrance                        |                | NEW             | General  | Streets          | \$75,000    |             |             |             |              |              |
| Traffic Safety Trailer                       |                | NEW             | General  | Streets          | \$20,000    |             |             |             |              |              |
| Wood Grinder at Mulch Yard (replacement)     |                |                 | General  | Streets          |             |             |             |             |              | \$2,000,000  |
| Enclosed Cab Mini Excavator                  |                | NEW             | General  | Streets          | \$70,000    |             |             |             |              |              |
| Rubber Tire Loader                           |                | NEW             | General  | Streets          |             | \$170,000   |             |             |              |              |
| Leaf Truck                                   |                | NEW             | General  | Streets          |             |             | \$252,000   |             |              |              |
| Sand Spreader                                |                | NEW             | General  | Streets          |             |             |             | \$7,000     |              |              |
| Backhoe                                      |                | NEW             | General  | Streets          |             |             |             |             | \$85,000     |              |
| Honest Alley Improvements                    | 15-012         | NEW             | General  | Streets          | \$50,000    | \$300,000   |             |             |              |              |
| Calaboose Alley Improvements                 |                | NEW             | General  | Streets          | \$100,000   |             |             |             |              |              |
|                                              |                |                 |          |                  | \$6,736,295 | \$6,608,314 | \$5,262,139 | \$5,119,135 | \$5,291,152  | \$7,386,440  |
|                                              |                |                 |          |                  |             |             |             |             |              |              |
| ARPA                                         |                |                 |          |                  |             |             |             |             |              |              |
| Co-Responder                                 | 10-001         |                 | ARPA     | Police           | \$120,000   |             |             |             |              |              |
| Utilitiy Assistance-Round Up Admin           | 10-001         | NEW             | ARPA     | City Manager     | \$35,000    |             |             |             |              |              |
| Supplement to Staff                          |                |                 | ARPA     | HR               | \$750,000   |             |             |             |              |              |
| Outdoor Dining                               |                |                 | ARPA     | PW               | \$197,000   |             |             |             |              |              |
| Sandalwood HP Steel Replacement              |                | NEW             | ARPA     | Gas              | \$2,910,150 |             |             |             |              |              |
| Sandalwood Improvement Project               |                | NEW             | ARPA     | Engineering      | \$840,000   |             |             |             |              |              |
| Sandalwood Improvement Project               |                | NEW             | ARPA     | Undefined        | \$36,182    |             |             |             |              |              |
|                                              |                |                 |          |                  | \$4,888,332 | \$0         | \$0         | \$0         | \$0          | \$0          |
| Electric Fund                                |                |                 |          |                  |             |             |             |             |              |              |
| Overhead Maintenance                         | 06-037         | Revised         | Electric | Electric         | \$628,069   | \$1,265,000 | \$1,535,000 | \$1,580,000 | \$1,700,000  | \$1,875,000  |
| Infrastructure Improvements                  | 06-038         | Revised         | Electric | Electric         | \$3,392,602 | \$2,750,000 | \$2,845,000 | \$2,120,000 | \$1,975,000  | \$2,100,000  |
| Underground Maintenance                      | 06-039         | Revised         | Electric | Electric         | \$1,195,922 | \$2,850,000 | \$3,430,000 | \$4,335,000 | \$5,450,000  | \$6,100,000  |
| New Services (Reimbursable)                  | 06-040         | Revised         | Electric | Electric         | \$3,205,176 | \$2,350,000 | \$1,700,000 | \$1,000,000 | \$1,000,000  | \$1,500,000  |
| Equipment (New and Replacement)              | 06-041         | Revised         | Electric | Electric         | \$410,000   | \$215,000   | \$225,000   | \$125,000   | \$500,000    | \$550,000    |
|                                              |                |                 |          |                  | \$8,831,769 | \$9,430,000 | \$9,735,000 | \$9,160,000 | \$10,625,000 | \$12,125,000 |

| Description                                   | Project Number | Requesting Dept | Fund        | Coded Department | FY 2024     | FY 2025     | FY 2026     | FY 2027     | FY 2028     | FY 2029     |
|-----------------------------------------------|----------------|-----------------|-------------|------------------|-------------|-------------|-------------|-------------|-------------|-------------|
|                                               |                |                 |             |                  |             |             |             |             |             |             |
| Gas Fund                                      |                |                 |             |                  |             |             |             |             |             |             |
| Pressure Improvements                         | 11-023         | REVISED         | Gas         | Gas              | \$0         | \$949,000   | \$1,232,000 | \$2,783,000 | \$825,000   | \$390,000   |
| Steel Replacement                             | 11-028         | REVISED         | Gas         | Gas              | \$0         | \$342,000   | \$223,000   | \$327,000   | \$1,268,000 | \$796,800   |
| Plastic Replacement                           | 11-038         | REVISED         | Gas         | Gas              | \$0         | \$314,000   | \$275,000   | \$500,000   | \$300,000   | \$500,000   |
| Propress Tooling (Commercial Meters)          |                | NEW             | Gas         | Gas              | \$15,000    |             |             |             |             |             |
| Ozora @ 81 Roundabout DOT Project #16363      | 11-048         | NEW             | Gas         | Gas              | \$116,000   |             |             |             |             |             |
| Meter Change-Outs                             | 11-043         | REVISED         | Gas         | Gas              | \$236,354   | \$514,000   | \$514,000   | \$257,000   | \$257,000   | \$257,000   |
| New Mains & Services                          | 11-029         | REVISED         | Gas         | Gas              | \$713,527   | \$1,835,520 | \$1,835,520 | \$1,835,520 | \$2,025,000 | \$2,025,000 |
| Cedars Rd to Sugarloaf DOT Project #13895     | 11-045         | NEW             | Gas         | Gas              | \$853,438   |             |             |             |             |             |
| Hurricane Shoals @ Hwy 316 DOT Project #13893 | 11-047         | NEW             | Gas         | Gas              | \$3,004,260 |             |             |             |             |             |
| Hwy 81/138 Roundabout DOT Project #           | 11-049         | NEW             | Gas         | Gas              | \$1,164,800 |             |             |             |             |             |
| Station Valve Installation                    |                | NEW             | Gas         | Gas              |             |             | \$350,000   | \$100,000   | \$100,000   | \$100,000   |
| Emergency Trailer                             |                | NEW             | Gas         | Gas              |             | \$45,000    |             |             |             |             |
| Ground Bed Updates                            |                | REVISED         | Gas         | Gas              |             | \$65,000    | \$65,000    |             |             |             |
| Excavator Replacement                         |                | REVISED         | Gas         | Gas              |             | \$95,000    |             |             |             | \$150,000   |
| CNG Station Rehab/CNG Trailer                 |                | REVISED         | Gas         | Gas              |             |             |             |             |             | \$350,000   |
| Case Backhoe Replacement                      |                | REVISED         | Gas         | Gas              |             |             | \$90,000    |             |             |             |
| Tencher (Replacement)                         |                | REVISED         | Gas         | Gas              |             |             | \$120,000   |             |             |             |
| ERT Replacement                               |                | REVISED         | Gas         | Gas              |             |             | \$400,000   |             |             |             |
| Series 3 Snap Prover                          |                | REVISED         | Gas         | Gas              |             |             |             |             | \$70,000    |             |
| TD Williams Tapping Equipment                 |                | REVISED         | Gas         | Gas              |             |             |             |             | \$90,000    |             |
| Regulator Station Upgrades                    |                | REVISED         | Gas         | Gas              |             |             |             |             | \$650,000   | \$650,000   |
| Dump Trailer                                  |                | REVISED         | Gas         | Gas              |             |             |             |             |             | \$15,000    |
| Coil Trailer/Line Tamer                       |                | REVISED         | Gas         | Gas              |             |             |             |             |             | \$56,000    |
| Rectifier Replacements                        |                |                 | Gas         | Gas              |             | \$25,000    | \$25,000    |             |             |             |
|                                               |                |                 |             |                  | \$6,103,379 | \$4,184,520 | \$5,129,520 | \$5,802,520 | \$5,585,000 | \$5,289,800 |
|                                               |                |                 |             |                  |             |             |             |             |             |             |
| Solid Waste Fund                              |                |                 |             |                  |             |             |             |             |             |             |
| Recycle Bins                                  |                | NEW             | Solid Waste | Sanitation       | \$195,000   |             |             |             |             |             |
| Cart Tippers                                  |                | NEW             | Solid Waste | Sanitation       |             | \$28,000    |             |             |             |             |
|                                               |                |                 |             |                  | \$195,000   | \$28,000    | \$0         | \$0         | \$0         | \$0         |
|                                               |                |                 |             |                  |             |             |             |             |             |             |
| Storm Water Fund                              |                |                 |             |                  |             |             |             |             |             |             |
| Storm Water Maintenance                       | 25-002         | Reduced         | Stormwater  | Stormwater       | \$1,300,000 | \$1,300,000 | \$1,300,000 | \$1,300,000 | \$1,300,000 | \$1,300,000 |
| Sandalwood Project                            |                |                 |             |                  | \$1,600,000 |             |             |             |             |             |
|                                               |                |                 |             |                  | \$2,900,000 | \$1,300,000 | \$1,300,000 | \$1,300,000 | \$1,300,000 | \$1,300,000 |

|     |                                                                    | FY 2024    |           | FY 2023    |           | FY 2022    |           | FY 2021    |           | FY 2020    |           |
|-----|--------------------------------------------------------------------|------------|-----------|------------|-----------|------------|-----------|------------|-----------|------------|-----------|
|     | <b>General Fund</b>                                                | Full-Time  | Part-Time | Full-Time  | Part-Time | Full-Time  | Part-Time | Full-Time  | Part-Time | Full-Time  | Part-Time |
| 100 | City Manager                                                       | 3          | 0         | 3          | 1         | 3          | 1         | 3          | 1         | 3          | 1         |
| 100 | Clerk                                                              | 3          | 1         | 2          | 1         | 2          | 1         | 2          |           | 2          |           |
| 100 | Communications                                                     | 6          |           | 6          |           | 6          |           | 6          |           | 5          |           |
| 100 | Damage Prevention                                                  | 13         |           | 13         |           | 13         |           | 13         |           | 14         |           |
| 100 | Engineering                                                        | 3          |           | 3          |           | 3          |           | 3          |           | 3          |           |
| 100 | Finance                                                            | 11         | 1         | 10         | 1         | 10         | 1         | 10         | 1         | 12         | 1         |
|     | Customer Service                                                   | 9          |           | 10         |           | 10         |           | 10         |           | 6          |           |
|     | Meter (Field Customer Service)                                     | 7          |           | 7          |           | 7          |           | 8          |           | 8          |           |
| 100 | Human Resources                                                    | 4          | 1         | 4          | 1         | 4          |           | 4          |           | 3          |           |
| 100 | IT/Data Processing                                                 | 16         |           | 16         |           | 14         |           | 14         |           | 10         |           |
| 100 | Court                                                              | 6          |           | 6          |           | 7          |           | 7          |           | 7          |           |
| 100 | Police                                                             | 91         | 4         | 91         | 4         | 89         | 4         | 89         |           | 85         |           |
| 100 | Purchasing                                                         | 2          |           | 2          |           | 2          |           | 2          |           | 2          |           |
| 100 | Public Works                                                       | 5          |           | 5          |           | 3          |           | 3          |           | 6          |           |
| 100 | Planning & Development                                             | 8          |           | 12         |           | 11         |           | 10         |           | 13         |           |
| 100 | Code Enforcement (previously recorded with Planning & Development) | 5          |           |            |           |            |           |            |           |            |           |
| 100 | Street                                                             | 21         |           | 21         |           | 22         |           | 22         |           | 19         |           |
|     | <b>Total 100 Fund</b>                                              | <b>213</b> | <b>7</b>  | <b>211</b> | <b>8</b>  | <b>206</b> | <b>7</b>  | <b>206</b> | <b>2</b>  | <b>198</b> | <b>2</b>  |
|     | <b>E-911 Fund</b>                                                  |            |           |            |           |            |           |            |           |            |           |
| 215 | E-911                                                              | 13         |           | 13         |           | 13         |           | 13         |           | 13         |           |
|     | <b>Water Fund</b>                                                  |            |           |            |           |            |           |            |           |            |           |
| 505 | Water                                                              | 0          |           | 0          |           | 0          |           | 9          |           | 9          |           |
|     | <b>Electric Fund</b>                                               |            |           |            |           |            |           |            |           |            |           |
| 510 | Electric                                                           | 19         |           | 20         |           | 20         |           | 18         |           | 17         |           |
|     | <b>Gas Fund</b>                                                    |            |           |            |           |            |           |            |           |            |           |
| 515 | Gas                                                                | 43         |           | 43         |           | 43         |           | 43         |           | 43         |           |
|     | <b>Solid Waste Fund</b>                                            |            |           |            |           |            |           |            |           |            |           |
| 540 | Sanitation                                                         | 12         |           | 12         |           | 12         |           | 12         |           | 12         |           |
|     | <b>Stormwater Fund</b>                                             |            |           |            |           |            |           |            |           |            |           |
| 560 | Sanitation                                                         | 2          |           | 2          |           | 2          |           | 2          |           | 1          |           |
|     | <b>Fleet Fund</b>                                                  |            |           |            |           |            |           |            |           |            |           |
| 620 | Fleet                                                              | 8          |           | 8          |           | 8          |           | 8          |           | 6          |           |
|     | <b>Total FTE's</b>                                                 | <b>310</b> | <b>7</b>  | <b>309</b> | <b>8</b>  | <b>304</b> | <b>7</b>  | <b>311</b> | <b>2</b>  | <b>299</b> | <b>2</b>  |

**New Postions:**

Assist City Manager- Community Development  
 Director of Economic Development  
 Community Relations- Social  
 Media Specialist  
 Deputy Court Clerk  
 Electric- AMI Specialist  
 Police- Sergeant  
 Police- 2 Officers- Bike Patrol  
 Police- PT Community Engagement  
 IT- Senior Systems Analyst  
 Sanitation- Recycle Driver  
 Sanitation - (2) Refuse Collector  
 Streets Maint Worker

FY 2024  
Attachment D

CITY STRATEGIC PRIORITIES

- Encourage and Support Local Business
- Encourage High Quality Housing
- Enhance Mobility
- Enhance Public Safety
- Ensure Responsive, Efficient, and Transparent Operations
- Foster Development (including Community Development)
- Infuse and Embrace the Arts

FY 2024 OBJECTIVES

- Enhance Assistance with Homelessness and Mental Health
  - FIRST Transitional Housing project, police co-responder program
  - *Addresses “Enhance Public Safety” and “Foster Community Development”*
- Encourage redevelopment and infill development with an emphasis on safe, livable, and balanced housing
  - *Addresses “Foster Community Development” and “Encourage High Quality Housing”*
- Encourage small business success
  - Staff reorganization to include a new economic development position, small business forums/expos, incentives for new business in strategic locations
  - *Addresses “Encourages and Supports local businesses”*
- Enhance Assistance with Homelessness and Mental Health
  - FIRST Transitional Housing project, police co-responder program
  - *Addresses “Enhance Public Safety” and “Foster Community Development”*
- Encourage redevelopment and infill development with an emphasis on safe, livable, and balanced housing
  - *Addresses “Foster Community Development” and “Encourage High Quality Housing”*
- Encourage small business success
  - Staff reorganization to include a new economic development position, small business forums/expos, incentives for new business in strategic locations
  - *Addresses “Encourages and Supports local businesses”*

FY 2024  
Attachment E

Revenue

|                                           |       |           |                  |
|-------------------------------------------|-------|-----------|------------------|
| PHMSA Grant                               | Staff | 7,726,600 |                  |
| Hi Hope Road Gas Relocation               | Staff | 435,500   |                  |
| Additional Tax Revenue from Digest Growth | Staff | 272,000   |                  |
| Honest Alley Activation Grant             | Staff | 80,000    |                  |
|                                           |       |           | <b>8,514,100</b> |

Expense

|                                                                                  |                 |           |                  |
|----------------------------------------------------------------------------------|-----------------|-----------|------------------|
| Feasibility Study on 2nd Floor unfinished space in the Lawrenceville Arts Center | Martin          | 30,000    |                  |
| City Issued phones for City Council                                              | Martin          | 2,700     |                  |
| Adjustment in Mayor and City Council Salaries                                    | Martin          | 20,000    |                  |
| Conversion of Solar Camera Stations to an electric grid solution                 | Martin          | 100,000   |                  |
| Evaluate / Study bike lanes in and around the City                               | Taylor-Crawford | -         |                  |
| Expand Homelessness solution to include more community partners                  | Taylor-Crawford | TBD       |                  |
| Convert PT Community Engagement Position / PT Administrative Assistant to FT     | Staff           | -         |                  |
| Change AMI Specialist hire date to July 2023                                     | Staff           | 56,620    |                  |
| Lawrenceville Suwanee Road median Landscaping                                    | Staff           | 100,000   |                  |
| Lawrenceville Suwanee Road ROW Maintenance                                       | Staff           | 55,000    |                  |
| City and Partners Housing Initiative                                             | Staff           | 50,000    |                  |
| Honest Alley Activation Grant                                                    | Staff           | 80,000    |                  |
| Hi Hope Road Gas Relocation                                                      | Staff           | 435,500   |                  |
| PHMSA Grant                                                                      | Staff           | 7,726,600 |                  |
| Salary increases from 4% to 5%                                                   | Staff           | 240,500   |                  |
| LAC Outparcel Improvements                                                       | Staff           | 350,000   |                  |
| Health Insurance Expense                                                         | Staff           | (500,000) |                  |
|                                                                                  |                 |           | <b>8,746,920</b> |

TOTAL (232,820)

## RESOLUTION \_\_\_\_\_

**A RESOLUTION ADOPTING A BUDGET FOR THE FISCAL YEAR 2024 FOR EACH FUND OF THE CITY OF LAWRENCEVILLE, APPROPRIATING THE AMOUNTS SHOWN IN THE FOLLOWING SCHEDULES FOR SELECTED FUNDS; ADOPTING THE ITEMS OF ANTICIPATED FUNDING SOURCES BASED ON THE ESTIMATED FISCAL YEAR 2024 REVENUES; AFFIRMING THAT EXPENDITURES IN EACH DEPARTMENT MAY NOT EXCEED APPROPRIATIONS; AND PROHIBITING EXPENDITURES FROM EXCEEDING ANTICIPATED FUNDING SOURCES.**

**WHEREAS**, the Mayor and Council of the City of Lawrenceville ("Council") is the governing authority of said City; and

**WHEREAS**, the City Manager has presented a Proposed Budget which outlines the City's financial plan for said fiscal year which includes all projected revenues and allowable expenditures; and

**WHEREAS**, advertised public hearings have been held on the Fiscal Year 2024 Proposed Budget, as required by State and Local Laws and regulations; and

**WHEREAS**, the Mayor and Council decrees that the Fiscal Year 2024 Proposed Budget and changes presented in Attachment D shall in all cases apply to and control the financial affairs of City departments and all other agencies subject to the budgetary and fiscal control of the governing authority; and

**WHEREAS**, the Mayor and Council may authorize and enact adjustments and amendments to appropriations as to balance revenues and expenditures; and

**WHEREAS**, each of the funds has a balanced budget, such that Anticipated Funding Sources equal Proposed Expenditures;

**NOW, THEREFORE, BE IT RESOLVED** that this Budget is hereby adopted specifying the Anticipated Funding Sources for each Fund and making Appropriations for Proposed Expenditures to the Departments or Agencies named in each Fund as specified in Attachment A; and

**BE IT FURTHER RESOLVED** that Expenditures of any Operating Budget Fund shall not exceed the Appropriations authorized by this Budget Resolution and any Amendments thereto or Actual Funding Sources, whichever is less; and

**BE IT FURTHER RESOLVED** that all Expenditures of any Operating Budget Fund are subject to the policies as established by the Mayor and Council and City Manager; and

**BE IT FURTHER RESOLVED** that the Five-Year Capital Project Plan as specified in Attachment B is accepted, as specified herein, with multiple-year project budgets

as provided for in Official Code of Georgia Annotated Section § 36-81-3(b)(2); and

**BE IT FURTHER RESOLVED** that transfers of appropriations in any Fund among the various categories within a Department shall require only the approval of the City Finance Director so long as the total budget for each Department is not increased; and

**BE IT FURTHER RESOLVED** that the 2024 Budget shall be amended so as to adapt to changing governmental needs during the fiscal year as follows: Any increase in Appropriations in any Fund for a Department, whether through a change in Anticipated Revenues in any Fund or through a transfer of Appropriations among Departments, shall require the approval of the Mayor and Council, except in the following cases where authority is granted to:

**I. The City Manager to:**

- (a) set fee structures provided that they are not restricted by rate setting policies and agreements approved by the Mayor and Council;
- (b) transfer funds from Department budgets to establish Capital Projects;
- (c) transfer funds within a capital project from fund or program contingencies and/or savings in existing projects to establish new projects;

**II. The City Finance Director to:**

- (a) allocate funds to the appropriate Department or fund from insurance proceeds and/or from the Casualty and Liability Insurance fund for the replacement or repair of damaged equipment items within existing approved policies and procedures;
- (b) allocate funds to the appropriate Department or Agency or Fund from insurance proceeds and/or from the Worker's Comp and/or Health Insurance funds for the payment of claims as approved by the appropriate adjusting third party management company;
- (c) allocate funds from the established contingency to the appropriate Department or Agency for required expenses as approved by Mayor and Council;
- (d) allocate funds from Non-Departmental contingencies and reserves to cover existing obligations/expense in accordance with the intent and actions of the Mayor and Council; however, in no case shall appropriations exceed actual available funding sources; allocate funds from established reserves for leave balances at retirement; transfer funds resulting from salary savings or transfer balances resulting from under expenditures in

operating accounts into contingencies or reserves;

- (e) authorize preparation and submission of applications for grant funding; however, acceptance of all grant awards is subject to the approval of the Mayor and Council
- (f) adjust revenue and appropriation budgets to capital projects as necessary to incorporate grant awards previously approved by the Mayor and Council;
- (g) adjust revenue and appropriation budgets to incorporate collected revenue for confiscated assets as approved by Mayor and Council;

**BE IT FURTHER RESOLVED** that such amendments shall be recognized as approved changes to this resolution in accordance with O.C.G.A. 36-81-3. These authorities for transfers of appropriations shall not be used as an alternative to the normal budget process and are intended to be used only when necessary to facilitate the orderly management of projects and/or programs; transfers approved under these authorities may not be used to change the approved scope or the objective of any capital project; and

**BE IT FURTHER RESOLVED** that the compensation for city appointments by the Mayor and Council to the various Boards and Authorities has been set. This does not preclude any department from reimbursing those members for actual expenses incurred in the performance of duty as approved by law or City Ordinance or Policy; and

**BE IT FURTHER RESOLVED** that the budget authorizes the City Manager to implement the salary adjustments through either a merit, cost of living, or a combination up to an average increase of four percent for employees with more than six months service with the City; and

**BE IT FURTHER RESOLVED** that the following new positions are authorized as of July 1, 2023:

- Assistant City Manager – Community Development;
- Economic Development Director;
- Street Maintenance Worker;
- Recycle Truck Driver;
- Recycle / Refuse Collector (2); and
- Community Engagement Officer (part-time).

**BE IT FURTHER RESOLVED** that the following new positions are authorized as of October 1, 2023:

- Senior System Analyst; and
- Social Media Specialist

**BE IT FURTHER RESOLVED** that the following new positions are authorized as of January 1, 2024:

- Police Sergeant;
- Police Officer (2);
- Advanced Metering Infrastructure Specialist; and
- Deputy Court Clerk

**BE IT FURTHER RESOLVED** that the City Council hereby approves allocated positions as outlined in Attachment C and shall approve increases in total City authorized positions. Vacant positions and associated budget may be reallocated within the same Department or reassigned to another Department and filled authorized positions and associated budget may be reassigned at the same grade level between Departments with authorization of the City Manager. All changes are authorized within the pay and classification plan and the City Manager is authorized to approve changes in individual salaries in conformity with the adopted plan and existing City policies.

**BE IT FURTHER RESOLVED** that the City Council hereby approves retaining one surplus vehicle from the Vehicle Replacement Program for use by the Special Events Division.

**BE IT FURTHER RESOLVED** that the City Council intends to maintain the City’s Maintenance and Operations millage rate at 2.228; however, for Fiscal Year 2025 the City Council intends to increase the millage by 1.0 mils.

**BE IT FURTHER RESOLVED** the City Council intends to issue revenue bonds for capital purchases.

**BE IT FURTHER RESOLVED** that the City Council hereby approve the Initiatives outlined in Attachment D.

**BE IT FURTHER RESOLVED** that the City Council hereby approve the add and delete items listed in Attachment E as part of the Fiscal Year 2024 Budget.

IT IS SO RESOLVED THIS \_\_\_\_\_ day of \_\_\_\_\_, 2023

\_\_\_\_\_  
Mayor David Still

ATTEST:

\_\_\_\_\_  
Karen Pierce, City Clerk



# LAWRENCEVILLE

## GEORGIA

### AGENDA REPORT

MEETING: REGULAR MEETING, MAY 22, 2023

AGENDA CATEGORY: COUNCIL BUSINESS OLD BUSINESS

|                          |                                                                                                                                                                      |
|--------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Item:</b>             | Resolution of the City of Lawrenceville in support of the application for a Land & Water Conservation Fund Grant through The Georgia Department of Natural Resources |
| <b>Department:</b>       | Engineering                                                                                                                                                          |
| <b>Date of Meeting:</b>  | Wednesday, March 22, 2023                                                                                                                                            |
| <b>Fiscal Impact:</b>    | \$0.00                                                                                                                                                               |
| <b>Presented By:</b>     | Jim Wright, P.E., City Engineer                                                                                                                                      |
| <b>Action Requested:</b> | Approve the resolution in support of the application for a Land & Water Conservation Fund Grant through The Georgia Department of Natural Resources                  |

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**Summary:** The Georgia Department of Natural Resources has an open call for applications for the Land & Water Conservation Fund Grant. The grant is for projects that provide outdoor recreation or conservation areas. The City has identified a general corridor for a greenway along Shoal Creek between E. Crogan Street and Paper Mill Rd. Pre-applications are due May 31, 2023 and if successful, funding would be available in the Fall of 2024. Grant funding can be used for Design, Construction and Right-of-Way acquisitions. The City application will be requesting funding for R/W acquisitions.

**Attachments/Exhibits:** Resolution

# RESOLUTION \_\_\_\_\_

## RESOLUTION OF THE CITY OF LAWRENCEVILLE IN SUPPORT OF THE APPLICATION FOR A LAND & WATER CONSERVATION FUND GRANT THROUGH THE GEORGIA DEPARTMENT OF NATURAL RESOURCES

**WHEREAS**, the City of Lawrenceville supports greenway projects that improve the quality of life for our citizens and has identified various corridors for future greenways; and

**WHEREAS**, the City of Lawrenceville agrees to submit a application for funding from the Land and Water Conservation Fund. The City of Lawrenceville further agrees that in the event the City of Lawrenceville's application is recommended for funding by the Department of Natural Resources, the City of Lawrenceville certifies and assures that it has the ability and intention to finance their 50 percent of the total project cost and will move forward with due diligence to prepare appropriate documentation required for a formal LWCF application.; and

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Lawrenceville authorizes filing a grant application with the Georgia Department of Natural Resources in an amount not to exceed \$1,000,000.00, with the commitment to a local match not to exceed \$500,000.00.

1. The City Manager is authorized to execute and file an application for assistance on behalf of the City of Lawrenceville with the Georgia Department of Natural Resources.
2. The City Manager is authorized to execute any necessary documents the Georgia Department of Natural Resources may require before awarding a Land and Water Conservation Fund grant.
3. The City Manager is authorized to execute the grant and other agreements with the Georgia Department of Natural Resources on behalf of the City of Lawrenceville.

**IT IS SO RESOLVED** this 22nd day of May, 2023.

**CITY OF LAWRENCEVILLE, GEORGIA  
A GEORGIA MUNICIPAL CORPORATION**

ATTEST:

\_\_\_\_\_  
David R. Still, Mayor

\_\_\_\_\_  
Karen Pierce, City Clerk



# LAWRENCEVILLE

## GEORGIA

### AGENDA REPORT

MEETING: COUNCIL MEETING, MAY 22, 2023

AGENDA CATEGORY: COUNCIL BUSINESS NEW BUSINESS

|                          |                                                                                                           |
|--------------------------|-----------------------------------------------------------------------------------------------------------|
| <b>Item:</b>             | Approval of a lease with Impact 46 for 179 Plainview Drive                                                |
| <b>Department:</b>       | City Manager                                                                                              |
| <b>Date of Meeting:</b>  | Wednesday, September 14, 2022                                                                             |
| <b>Fiscal Impact:</b>    | TBD                                                                                                       |
| <b>Presented By:</b>     | Steve North, Deputy City Manager                                                                          |
| <b>Action Requested:</b> | Approval of a lease with Impact 46 for 179 Plainview Drive pending final approval by the Impact 46 Board. |

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**Summary:** The City and Impact 46 have partnered to utilize an existing City building to expand the City co-responder program. Impact 46 has received a grant for the renovation of the property for this project and a lease is needed as part of the process to move forward. There will be additional agreements needed later such as an agreement for renovation and an operations agreement. Staff is recommending approval of this lease pending final approval by the Impact 46 Board.

**Fiscal Impact:** TBD

**Attachments/Exhibits:** Draft lease

AGREEMENT FOR USE  
OF PROPERTY AT 179 PLAINVIEW DRIVE BY IMPACT 46

WHEREAS, the City has a property located at 179 Plainview Drive, Lawrenceville, GA, a/k/a as Tax Parcel R5142 117 (hereinafter "PROPERTY"), that is currently not being used by the City for operational purposes and the PROPERTY owned by the CITY OF LAWRENCEVILLE, GEORGIA (hereinafter "CITY") is available for lease; and

WHEREAS, documentation of ownership is attached hereto and incorporated herein as Exhibit A by reference, and;

WHEREAS, Impact 46, Inc., (hereinafter "TENANT") is a partner of the City in coordinating efforts in the CITY's program to address homelessness; and

WHEREAS, the CITY and TENANT seek to use PROPERTY for the creation and operation of a transitional housing center to be known as the F.I.R.S.T. (For Intensive Response and Supportive Transitions) housing center; and

WHEREAS, TENANT and CITY desire to memorialize the terms and conditions of TENANT utilizing PROPERTY in a written document; and

WHEREAS, the CITY and TENANT acknowledge and agree that further operational agreement(s) will be entered into to facilitate the renovation of the PROPERTY and the F.I.R.S.T. housing center operations which may reference or incorporate the terms of this lease.

NOW THEREFORE in consideration of the partnership with CITY by TENANT for services to be provided, the payment of Ten Dollars the receipt and sufficiency of which is hereby acknowledged, and other good and valuable consideration, TENANT and CITY hereby agree as follows:

1. TENANT shall have the right to use the Subject Property, through and until December 31, 2024 at which time this lease shall automatically renew on a year-to-year basis unless terminated by either party on ninety (90) days' written notice to the other party. There shall be no automatic renewal beyond December 31, 2034.
2. TENANT shall pay no rent as the services provided through the partnership for use of the PROPERTY for the F.I.R.S.T. housing center shall benefit the CITY sufficiently.

Notice to the TENANT shall be delivered to:

Ms. Jen Young, Executive Director  
Impact 46  
P.O. Box 565  
Lawrenceville, Georgia 30046

Notice to the CITY shall be delivered to:

Mr. Chuck Warbington, City Manager  
P.O. Box 2200  
Lawrenceville, Georgia 30046

TENANT agrees to carry at its own expense, public liability insurance covering the TENANT's use thereof, in a form satisfactory to CITY with minimum of \$1,000,000.00 for liability and bodily injuries to and death of more than one person as a result of any one accident or disaster and to deposit said policy or policies (or certificates thereof) with CITY prior to the date of any use or occupancy of the Premises by TENANT; said policy shall protect TENANT and CITY, as their interest may appear (including but not limited to naming CITY as an additional insured party).

3. The CITY shall be responsible for maintaining property insurance on the PROPERTY and structures thereon, but shall not be responsible for maintaining any insurance on any personal property or contents belonging to TENANT. TENANT shall be responsible for obtaining renters' insurance or other appropriate insurance if TENANT desires for personal property and contents to be insured during time of use. In the event of fire or other casualty or such other governmental ordinance, rule regulation or law that renders the PROPERTY uninhabitable, the right of TENANT to use the PROPERTY shall terminate immediately and the CITY shall have the right to immediate possession of the PROPERTY.

4. Should TENANT fail to vacate use of PROPERTY on or before any date of termination given in compliance with this lease, the CITY shall have the right to immediate possession of the PROPERTY. Should TENANT not have vacated the PROPERTY on or before such date and time, TENANT shall be considered a TENANT at sufferance and may be immediately removed from the premises. Any property of TENANT remaining on the PROPEERTY as of such date and time, shall be considered abandoned, and the CITY shall have the right to remove the property and dispose of said property in any manner deemed appropriate, and shall owe absolutely no duty to TENANT regarding the abandoned property.

5. CITY shall own and operate the PROPERTY as the CITY best decides and is in no way obligated to TENANT beyond providing space for uses as outlined in this agreement or any subsequent operating or associated agreement. Nothing prevents TENANT and CITY from agreeing to other uses of PROPERTY from time to time.

6. Upon mutual agreement of the CITY and TENANT, a portion of the facility may be used by other entities so long as any such use does not interfere with the TENANT's use of PROPERTY. CITY and TENANT. shall coordinate any such use so as not to interfere with operations.

7. TENANT shall not sublet, assign, or otherwise convey the right to use PROPERTY without the express written approval of CITY prior to any such sublet or assignment.

8. Indemnity and Hold Harmless. TENANT shall indemnify and save harmless the CITY from and against any and all loss, cost (including reasonable attorney's fees), damage, expense and liability in connection with any and all claims for damages as a result of injury or death of any person or property damage to any property sustained by TENANT or TENANT's clients, guests, invitees, etc., regardless and irrespective of the cause of such claims for damages.

It is so agreed this \_\_\_\_\_ day of May 2023.

LAWRENCEVILLE IMPACT 46

CITY OF LAWRENCEVILLE, GEORGIA

By: \_\_\_\_\_

Jen Young, Executive Director

By: \_\_\_\_\_

David R. Still, Mayor

ATTEST: \_\_\_\_\_

Karen Pierce, City Clerk



# LAWRENCEVILLE

## GEORGIA

### AGENDA REPORT

MEETING: REGULAR MEETING, MAY 22, 2023

AGENDA CATEGORY: COUNCIL BUSINESS NEW BUSINESS

**Item:** Hughes (Benson Street) property acquisition

**Department:** City Manager

**Date of Meeting:** Monday, May 22, 2023

**Fiscal Impact:** \$140,000.00

**Presented By:** City Manager, Chuck Warbington

**Action Requested:** Approve the purchase and sale agreement for 125 Benson Street with William R Hughes in the amount of \$140,000.00.

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**Attachments/Exhibits:**  
PSA 125 Benson Street

## CONTRACT FOR PURCHASE AND SALE

STATE OF GEORGIA  
GWINNETT COUNTY

THIS IS A CONTRACT for the purchase and sale of certain real estate by and between **WILLIAM R HUGHES** (hereinafter called "Seller"), and the **CITY OF LAWRENCEVILLE, GEORGIA** (hereinafter called "Buyer" or "Purchaser") a Georgia Municipal Corporation.

In consideration of the amounts set forth herein, the mutual covenants herein contained, and other good and valuable considerations, the receipt and sufficiency of which is hereby acknowledged, the parties hereby agree as follows:

1. Agreement to Buy and Sell.

(a) Seller hereby agrees to sell and Buyer hereby agrees to buy approximately 1.102 acres of property known as 125 Benson Street represented Tract 2 and Tract 3B in "Exhibit A" together with all rights, members, appurtenances and improvements thereto set forth herein.

2. Purchase Price.

(a) The purchase price for the said property shall be ONE HUNDRED AND FORTY THOUSAND DOLLARS AND ZERO CENTS (\$140,000.00).

(b) The purchase price shall be paid in all cash at closing. Buyer shall receive credit for the earnest money paid hereunder.

3. Seller's Warranties and Representations.

(a) Seller hereby warrants and represents that to the actual knowledge of the seller, without any independent investigation (which warranties and representations shall be effective as of the date of Closing) the following: That

- i) Seller has good, insurable and marketable title to the Property, free and clear of all liens, encumbrances and restrictive covenants other than zoning ordinances affecting said property and general utility easements serving the property.
- ii) there are no special assessments against or relating to the Property.
- iii) no goods or services have been contracted for or furnished to the Property which might give rise to any mechanic's liens affecting all or any part of the Property.
- iv) Seller has not entered into any outstanding agreements of sale,

leases, options or other rights of third parties to acquire an interest in the Property other than disclosed herein.

Seller shall not further encumber the Property or allow an encumbrance upon the title to the Property, or modify the terms or conditions of any existing leases, contracts or encumbrances, if any, without the written consent of Buyer. Buyer acknowledges that Seller may encumber the Property provided that the encumbrance contains a provision that the Property will be released free and clear of encumbrance at or before closing for an amount less than the Purchase Price.

- v) Seller has not entered into any agreements with any state, county or local governmental authority or agency which are not of record with respect to the Property, other than those approved in writing by Buyer.
- vi) there are no encroachments upon the Property.
- vii) there are no deed restrictions or covenants that affect or apply to the Property.
- viii) Seller has full power to sell, convey, transfer and assign the Property on behalf of all parties having an interest therein.
- ix) Seller has disclosed to Buyer any and all known conditions of a material nature with respect to the Property which may affect the health or safety of any tenant or occupant of the Property or the use of the Property for the purposes intended by Buyer.
- x) to the best of Seller's knowledge, no investigation, administrative order, consent order or agreement, litigation or settlement with respect to hazardous materials or hazardous materials contamination is proposed, threatened, anticipated, or in existence with respect to the Property and Seller has not received any notice of violation or any laws, rules or regulations regulating hazardous materials or any request for information from any federal, state or local governmental authority concerning hazardous materials and hazardous materials contamination on the Property. The Property neither is currently on, nor has the Property ever been on, any federal or state "Superfund" or "Superlien" list.
- xi) the Property contains no burial ground, burial object or cemetery as defined in O.C.G.A. § 36-72-2 which would subject the Property to the provisions of the Abandoned Cemeteries and Burial Grounds Act (O.C.G.A. § 36-72-1 et seq.). There are no burial grounds, burial objects, cemeteries, sites or structures of historical significance

located on or in such close proximity to the Property that development of the Property would be restricted or require any special approval.

- xii) the execution nor delivery of this Agreement or the consummation of the transactions completed by this Agreement will (i) conflict with or result in a breach of the terms, conditions, or provisions of or constitute a default under any agreement or instrument to which Seller is a party; or (ii) violate any restriction to which Seller is subject; or (iii) result in the creation of any lien, charge, or encumbrance on the Property.

The purchase of the Property is contingent upon the substantial accuracy of the Seller's material representations and warranties.

#### 4. Inspection and Deliverables.

(a) For a period from the Effective Date of this Agreement through and until June 16, 2023, Buyer and Buyer's engineers, surveyors, agents and representatives shall have the right to go on the property to inspect, examine and survey the same and otherwise do what is reasonably necessary to determine the boundaries of the property and to make all necessary tests to verify the accuracy of the warranties of Seller with respect to the condition of the property and to determine the suitability of the property for Buyer's intended use. To the extent permitted by law, if any, Buyer shall indemnify and hold Seller harmless from all losses, claims, damages and suits resulting from Buyer or Buyer's agents inspecting or testing the property pursuant to this paragraph. This period shall be deemed the Inspection Period.

(b) Seller shall provide Buyer copies of all engineering reports, soil and percolation test reports, environmental studies or analyses, feasibility studies, surveys, and other documents, permits, title and hazardous insurance policies, or agreements affecting the Property to the extent that Seller has any of these in its possession within seven (7) business days following the Effective date of the Agreement.

#### 5. Objections to Title.

On or before June 16, 2023 Buyer shall deliver to Seller a statement of any objections to Seller's title and Seller shall have a reasonable period of time, not to exceed thirty days, to cure any such objections. In the event that Seller fails to cure such objections, Buyer may terminate this Agreement and recover the earnest money or waive the objections and proceed to close. Marketability of the title herein required to be conveyed by the Seller shall be determined in accordance with Georgia law as supplemented by the Title Standards of the State Bar of Georgia.

6. Closing.

(a) The purchase and sale hereunder shall be closed no later than June 30, 2023, time being expressly made of the essence of this Contract. The closing shall be conducted in Lawrenceville, Georgia, or such other place as may be agreed to by the parties.

(b) At closing, Seller shall execute and deliver or cause to be delivered to Buyer the following original documents:

- i) A good and marketable limited warranty deed.
- ii) Owner's Affidavit and additional documents as may be required in such form as is necessary to enable the Buyer to remove any liens and parties in possession exceptions. The affidavit or such additional documents shall run to the benefit of the Buyer and Buyer's Attorney and/or Title Company, be in such form and content acceptable to Buyer and Buyer's Attorney and/or Title Company and contain without limitation the following information: That:
  - a) there are no outstanding unrecorded contracts of sale, options, leases or other arrangements with respect to the Property to any person other than Purchaser.
  - b) the Property is being conveyed unencumbered except for the Permitted Exceptions, if any.
  - c) no construction or repairs have been made by Seller nor any work done to or on the Property by Seller which have not been fully paid for, nor any contract entered into, nor anything done the consequence of which could result in a lien or a claim of lien to be made against the Property.
  - d) there are no parties in possession of the Property being conveyed other than Seller.
  - e) there are no filings in the office of the Clerk of the Courts of Gwinnett County, nor in the office of the Secretary of State which indicate a lien or security interest in, on or under the Property which will not be released or terminated at Closing.
- iii) Affidavit in compliance with the Foreign Investment in Real Property Tax Act of 1980, as amended, affirming that the Seller is not a "foreign person" as defined by the Internal Revenue Code.
- iv) All other documents as may be required to be executed and delivered

to complete this transaction as contemplated hereunder.

(c) Ad valorem taxes shall be prorated as of the date of closing.

(d) All closing costs involved in the purchase of this property (other than attorney's fees incurred by Seller) shall be paid by Buyer.

7. Conditions to Closing.

The obligation of Buyer under this Agreement to purchase the Property is hereby expressly made subject to the truth and accuracy as of the date of this Agreement and as of the date of closing of each and every warranty or representation herein made by Seller, and the suitability of the inspections and tests set forth in Paragraph 4. If the results of the inspections and tests indicate any difficulty of Buyer to develop the Property, including rock, water, environmental hazards, hazardous materials, hazardous materials contamination, asbestos or other problems, then this Agreement shall be null and void and all earnest money shall be refunded to Buyer. Buyer must furnish Seller written notice of cancellation by the end of the Inspection Period if Buyer desires to cancel the contract based on this condition.

8. Earnest Money.

Contemporaneously with the execution of this Agreement Buyer has paid as Earnest Money the sum of FIVE THOUSAND DOLLARS (\$5,000.00). The Earnest Money shall be paid to the law firm of Pereira, Kirby, Kinsinger & Nguyen, LLP and held in escrow. At the closing hereunder said earnest money shall be applied against the purchase price provided herein. If Seller refuses to or cannot convey unencumbered marketable fee simple title to the Property as provided herein, or in the event any condition set forth herein is not met within the time provided, such condition not having been waived by Buyer, then said earnest money shall be returned to Buyer and this Contract shall terminate. Should Sellers refuse to close and Buyer desires to close, Buyer should have the right to pursue specific performance. If the purchase and sale hereunder is not closed due to default hereunder by Buyer, the Earnest Money shall be paid to Seller as Seller's sole remedy as full and complete liquidated damages for such default. The parties acknowledge damages caused by the default of the Buyer would be difficult or impossible to ascertain and agree that the payment of the Earnest Money represents a fair and equitable remedy for the Seller.

9. Broker.

The Seller and Buyer hereby warrant and covenant that they do not have any real estate brokers or agents involved in this transaction representing either party. To the extent allowed by law, Buyer and Seller agree to indemnify and hold the other party harmless against any claim, suit, or action for a real estate brokerage commission as a result of their actions in the sale and purchase of the property, including reasonable attorney's fees and costs.

10. Notices.

Any notices required or permitted to be given under this Contract to Seller or to the Buyer shall be in writing, postage pre-paid and will be sent by fax transmission, overnight delivery by courier of choice or registered or certified mail to:

BUYER: City of Lawrenceville, Georgia  
70 S Clayton St  
P.O. Box 2200  
Lawrenceville, Georgia 30046  
Attention: Chuck Warbington, City Manager

Copy To: Pereira, Kirby, Kinsinger & Nguyen, LLP  
P.O. Box 1250  
Lawrenceville, GA 30046  
Attention: Lawrenceville City Attorney  
Email: [fhartley@pkknlaw.com](mailto:fhartley@pkknlaw.com) and [ltompson@pkknlaw.com](mailto:ltompson@pkknlaw.com)

SELLER: William R Hughes  
125 Benson Street  
Lawrenceville, Ga 30043

11. Miscellaneous.

(a) Interpretation. In this Agreement, the neuter gender includes the feminine and masculine, and the singular number includes the plural, and the words "person" and "party" include corporation, partnership, individual, form, trust, or association wherever the context so requires.

(b) Attorney's Fees. In the event it becomes necessary for either Buyer or Seller to bring an action at law or other proceeding to enforce any of the terms, covenants or conditions of this Contract, the prevailing party in any such action or proceeding shall be entitled to recover its costs and expenses incurred in such action from the other party, including without limitations reasonable attorney's fees as determined by the court without a jury. As used herein, the term "prevailing party" shall mean as to the plaintiff, obtaining substantially all relief sought, and such term shall mean as to the defendant, denying the obtaining of substantially all relief sought by the plaintiff.

(c) Time of Essence. Buyer and Seller hereby agree that this Agreement was entered into with the understanding that time is of the essence.

(d) Severability. In the event any provision, or any portion of any provision, of this Contract shall be deemed to be invalid, illegal, or unenforceable by a court of competent jurisdiction, such invalid, illegal or unenforceable provision or portion of a provision shall not alter the remaining portion of any provision or any other provision, as each provision of this Agreement

shall be deemed to be severable from all other provisions.

(e) **Inurement.** This Agreement shall be binding upon and inure to the benefit of the successors and assigns, if any, of the respective parties hereto.

(f) **Effective Date.** The Effective Date of the Agreement shall be the date the last party signs a fully executed copy of the Contract for Purchase and Sale.

12. **Modification of Contract.**

No modification of this Agreement shall be deemed effective unless in writing and signed by the parties hereto, and any waiver granted shall not be deemed effective except for the instance and in the circumstances particularly specified therein and unless in writing and executed by the party against whom enforcement of the waiver is sought.

13. **Entire Contract.**

This Agreement constitutes the entire agreement between the parties for the purchase and sale of the Property. All terms and conditions contained in any other writings previously executed by the parties regarding the Property shall be deemed to be superseded.

14. **Mutual Drafting.**

Each party has participated in the drafting of this Agreement and the provisions of this Agreement shall not be construed against or in favor of either party.

15. **Survival of Contract.**

This Agreement shall not be merged into the documents executed at the closing, and any representations and warranties regarding title and right of possession of the property shall survive the closing.

16. **Special Stipulations**

(a) This Contract is contingent on the final approval of this Contract in a public meeting by the Buyer in accordance with the provisions of the Georgia Open Meetings Act and compliance with all purchase and sale procedures of the Buyer.

This Contract is agreed to this  
5<sup>th</sup> day of May, 2023.

William R. Hughes  
WILLIAM R HUGHES

This Contract is agreed to this  
9<sup>th</sup> day of May, 2023.

CITY OF LAWRENCEVILLE, GEORGIA

By: Ann W.

Title: CITY MANAGER

