

PUBLIC HEARING – MILLAGE RATE DISCUSSION

Mayor Millsaps called the Public Hearing to order at 3:00 P.M. with all Council Members, the City Clerk and the City Attorney present. No members of the public were present for the public hearing. Mayor Millsaps stated that the City staff calculated the current millage rate at 2.16. He informed the council that this would leave the City tax revenues in a neutral position. Mayor Millsaps then adjourned the public hearing.

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Rex Millsaps, Mayor

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Robert P. Baroni, City Clerk

Mayor Millsaps called the Special Call meeting to order at 3:00 P.M. with all Council Members present.

PUBLIC HEARING – OLD BUSINESS

Mayor Millsaps called for the rezoning request on the Quinn House located at 555 Hurricane Shoals Road. Mayor Millsaps stated that the applicants are requesting that the property be rezoned from RS-150 to BG with a Special Use Permit for a group home for the Quinn House to be established at this location. Mr. Tony Powell previously volunteered to assist the parties in trying to resolve the rezoning issue and come up with a plan recommendation that would be amenable with all parties. Mr. Charles Whitehead spoke in opposition to approval of the request. Mr. Whitehead stated he opposed this rezoning change due to concerns about safety of the area residents from the tenants. After some discussion, Mr. Martin made a motion to approve the rezoning and Special Use Permit with the following stipulations: start phasing out the Perry Street Group Home within two years and being finalized in four years from issuance of Special Use Permit, (This location could still be utilized as a corporate office); Culver Street to be relocated within six months of the approval; grant a variance to the 1,000 ft. restriction for a group home; and

Restrictions defining the Special Use Permit in RS-150:

1. All conditions that are required of group homes in the definitions section of the City Zoning Code are incorporated into this special use except that a state license is not required.
2. Only one such facility per gender shall be allowed within the City limits.
3. Only members of the same gender may live in this type of care home.

Conditions placed on this particular Special Use Permit:

1. A specific landscape plan shall be presented to the planning commission for approval and modification prior to the issuance of a certificate of occupancy. The landscape plan shall incorporate the following: 1) The landscaping in the front of the existing home shall be improved, but shall remain strictly residential in character. 2) The back yard shall show that the existing plant buffer surrounding the back of the lot shall be enhanced so that visibility is limited into the backyard of the house. 3) The plan shall also provide for the maintenance and improvement of the existing fence so that it is improved to be a solid 8' high fence and shall remain in good repair throughout the term of the applicant's operation of this care home.
2. Residents and staff shall not congregate in the front of the facility and all outdoor gathering shall be inside the fence in the backyard. It is the intent of this condition and condition 1 above that the facility shall have the appearance of a single-family residence.
3. No staff person or resident of this care home shall be: 1) A person currently charged with a crime that may result in a designation as a sex offender; 2) A person that has a conviction as a sex offender; or 3) A person with a record of a conviction of any

violent crime. This condition shall be enforced by requiring all persons applying to join the staff or to become a resident to sign as part of the application a release allowing the City Police Department to conduct a criminal background check. If in the opinion of the Chief of Police or his designee, a person does not satisfy this requirement, the individual shall not be allowed to work or live at the facility.

4. The maximum number of occupants shall be 16 people composed of no more than 12 male residents and 4 staff members. The residence shall meet the occupancy requirements of Section 21.22.1 of the Property Maintenance Ordinance of the City and shall be required to meet all the requirements of the Gwinnett County Fire Marshall and Fire Code prior to issuance of a Certificate of Occupancy.
5. There shall be no signage at the property and the parking shall be maintained as currently fixed. No more than 6 vehicles shall be parked at the facility.
6. Residents and staff shall have written agreements that evidence their right to stay in the facility. The agreement shall require and the applicant shall enforce a standard in the agreement that any conviction of a City ordinance violation by the resident or staff shall result in immediate expulsion from the facility.
7. This special use permit is conditioned on attaching the home to the Gwinnett County Sewer System.
8. Applicant agrees to close the Culver Street facility and move its residents to the residence that is the subject of this application within 6 months.
9. No additional accessory uses shall be allowed on the property.
10. Conditions 1 through 9 are all material requirements of this Special Use Permit and any violation of any of these conditions may result in revocation of this Special Use Permit after a hearing before the City Council. These conditions are to be strictly enforced.

The motion was seconded by Mr. Clark. Mr. Clark also asked that Mr. Martin amend the motion to include the following:

1. Remove the words "per gender" from restriction 2 above.
2. Remove restriction 3 above.
3. Remove the word "male" from condition 4 above.
4. Remove the words "and staff" from condition 6 above.
5. Applicant agrees to waive any right to outdoor storage or display at its Crogan Street thrift store location and shall immediately stop moving items for sale outside the building.
6. The Mayor and Council shall have the right to modify or revoke this Special Use Permit if, in the sole discretion of the City Council, appropriate efforts are not being made to satisfy these conditions.

Mr. Martin agreed. The motion passed with Mr. Clark, Mr. Crow and Mr. Martin voting for the motion; Dr. Johnson voted in opposition to the motion. (See Exhibit File)

Mayor Millsaps explained to the council and members of the audience that the next item on the agenda is to set the millage rate for the upcoming year. Mayor Millsaps stated that the City calculated the current tax year's millage rate at 2.16 which would

mean that the City will be revenue neutral in terms of the tax digest. Dr. Johnson then made a motion to approve the millage rate at 2.16 mills. The motion was seconded by Mr. Clark. The motion carried unanimously. (See Exhibit File)

Officer Byers presented emergency nuisance complaints at the Saddle Shoals Commons area, 650 Paper Creek Drive; 147 Caldwell Road; and 522 Stark Street. Officer Byers explained in detail the existing conditions of each location. Mr. Martin then made a motion to proceed with the nuisance complaints. The motion was seconded by Dr. Johnson. The motion carried unanimously.

There being no further business, council adjourned into the Work Session. After the Work Session, Dr. Johnson made a motion to adjourn into Executive Session to discuss three real estate issues, three matters of litigation and one personnel issue. The motion was seconded by Mr. Martin. The motion carried unanimously. After the Executive Session, Mr. Powell explained all items that were discussed in Executive Session.

There being no further business, the meeting was adjourned.

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Rex Millsaps, Mayor

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Robert P. Baroni, City Clerk