

GWINNETT COUNTY
BOARD OF COMMISSIONERS
LAWRENCEVILLE, GEORGIA

ORDINANCE ENTITLED: Municipal-Gwinnett County Planning Commission

READING AND ADOPTION: July 16, 2024

At the regular meeting of the Gwinnett County Board of Commissioners held in the Justice and Administration Center, Auditorium, 75 Langley Drive, Lawrenceville, Georgia.

	<u>Present</u>	<u>Vote</u>
Nicole L. Hendrickson, Chairwoman	Yes	Aye
Kirkland Carden, District 1	Yes	Aye
Ben Ku, District 2	Yes	Aye
Jasper Watkins, III, District 3	Yes	Aye
Matthew Holtkamp, District 4	Yes	Aye

On motion of Commissioner Ku, which carried by a 5-0 vote, the Gwinnett County Board of Commissioners hereby amends Article II of Chapter 74 of the Code of Ordinances of Gwinnett County, entitled "Municipal-Gwinnett County Planning Commission," by repealing Section 74-21 in its entirety, and by replacing that repealed section with a new Section 74-21.

WHEREAS, the Municipal-Gwinnett County Planning Commission serves a vital function in assisting the Board of Commissioners by making recommendations concerning approval or denial of zoning and special use permit requests, as well as any conditions to be imposed in association with such requests, and

WHEREAS, the current eligibility requirements for the nine members of the Municipal-Gwinnett County Planning Commission who are appointed by members of the Board of Commissioners are that they are residents of Gwinnett County and residents of the district from which they are appointed; and

WHEREAS, the current eligibility requirement for any members of the Municipal-Gwinnett County Planning Commission who are appointed by a municipality in Gwinnett County is that they are residents of the appointing municipality; and

WHEREAS, the Board of Commissioners has determined that the best interests of the citizens of Gwinnett County would be served by revising the eligibility requirements of the members of the Municipal-Gwinnett County Planning Commission; and

WHEREAS, the Board of Commissioners has determined that no person who holds elective public office shall be eligible to serve as a member of the Municipal-Gwinnett County Planning Commission during the term of such office, and that the position of membership of any member shall be deemed vacant upon such member qualifying as a candidate for an elective office; and

WHEREAS, the Board of Commissioners finds that it is in the best interest of Gwinnett County to adopt the amendments to the Code of Ordinances of Gwinnett County as set forth in Exhibit A, attached hereto and incorporated herein by reference.

NOW, THEREFORE, BE IT RESOLVED by the Gwinnett County Board of Commissioners, that Article II of Chapter 74 of the Code of Ordinances of Gwinnett County is hereby amended by repealing Section 74-21 in its entirety, and by replacing that repealed section with a new Section 74-21 as set forth in Exhibit A attached hereto.

NOW, THEREFORE, BE IT FURTHER RESOLVED that this ordinance shall become effective upon adoption.

BE IT FURTHER RESOLVED that all ordinances, regulations, or parts of the same in conflict with this Resolution are hereby rescinded to the extent of said conflict.

GWINNETT COUNTY BOARD OF COMMISSIONERS

By: Nicole L. Hendrickson
NICOLE L. HENDRICKSON, CHAIRWOMAN

ATTEST:

By: Tina M. King
TINA M. KING, COUNTY CLERK



APPROVED AS TO FORM:

By: Samuel Cortez
DEPUTY COUNTY ATTORNEY

Exhibit A

Chapter 74 – Planning and Development

Article II – Municipal-Gwinnett County Planning Commission

Section 74-21 shall be repealed in its entirety and replaced with a new Section 74-21 to read as follows:

Sec. 74-21. – Municipal-County Planning Commission

- (a) *Participating jurisdictions.* Any municipality in the county that wishes to participate in the Municipal-County Planning Commission may do so by enacting an appropriate ordinance. Thereafter, a member appointed by the municipality may participate in all discussion before the commission and may vote on any issue which affects property within the city limits.
- (b) *Planning commission membership.*
 - (1) The Municipal-County Planning Commission shall consist of nine members who are residents of the county and residents of the district from which they are appointed and who shall be appointed by the county commissioners as outlined in this subsection (b), and one member who is a resident of each of the participating municipalities and who shall be appointed by the governing authority of the municipality as outlined in this subsection.
 - (2) Each incumbent district commissioner shall appoint two members who shall reside in their respective districts, and the commission chairperson shall appoint one member who resides in any district of the county to the Planning Commission. These members of the Planning Commission shall serve one-year terms. The Board of Commissioners, by majority vote, may act to remove a member of the Planning Commission appointed by the Board of Commissioners at any time, as such members of the Planning Commission serve at the pleasure of the Board of Commissioners. A member of the Planning Commission shall continue to serve until such Planning Commission member's successor is appointed. Any action to remove a member of the Planning Commission shall only be initiated by the appointing county commissioner.
 - (3) No person who holds elective public office shall be eligible to serve as a member of the Planning Commission during the term of such office, and commencing on January 1, 2025, the position of membership of any member of the Planning Commission shall be deemed vacant upon such member qualifying as a candidate for an elective office.

(c) *Organization, rules, staff and finances.*

- (1) The Planning Commission shall elect its chairperson and vice-chairperson from among its members. The chairperson and vice-chairperson shall serve for one year or until reelected or until a successor is elected. The Planning Commission shall appoint a secretary, who may be an officer or employee of the county or of one of the participating municipalities.
- (2) The Planning Commission shall adopt its own rules of procedure. It shall meet at least once each month at the call of the chairperson and at such other times as the chairperson or the members shall determine. All meetings of the Planning Commission at which official action is taken shall be open to the public. The Planning Commission shall keep a record of its resolutions, transactions, findings and determinations, and all of its records shall be public records.
- (3) The Planning Commission may appoint such employees and staff as it may deem necessary for its work and may contract with or accept funds from federal, state or local public or semipublic agencies or private individuals or corporations. It may contract with city planners and other consultants for such services as it may require. Its expenditures, exclusive of gifts, shall be within the amounts appropriated for the purpose by the governing authorities of the county and participating municipalities.