

**CITY OF SUWANEE, GEORGIA  
CITY COUNCIL MEETING  
AUGUST 17, 2004**

*Meeting Location: Suwanee City Hall*

Present: Carol Hassell, Mayor Pro Tem  
Jace Brooks, Councilmember  
Jimmy Burnette, Councilmember  
Alan Landers, Councilmember  
Jeannine Rispin, Councilmember  
Hardin Watkins, City Manager  
Elvira Rogers, City Clerk  
Gregory Jay, City Attorney

Absent: Nick Masino, Mayor

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**6:30 P.M.  
PUBLIC HEARING**

The Public Hearing was opened by Mayor Pro Tem Hassell at 6:35 P.M. City Manager, Hardin Watkins, read the procedures for public meetings for the record.

- 1. RZ-2004-006 - Applicant: Summerall Development Co., LLC. Owner: Olde Towne Suwanee, LLC. Requests rezoning from C-1 (Neighborhood Commercial District) to C-1 (Neighborhood Commercial District) with a change of conditions to allow for a shopping center. Site is located in Land Lot 236 of the 7th District on the northeast corner of the intersection of Suwanee Dam Road and Brogdon Road and contains approximately 2.80 acres.**

Josh Campbell, City Planner, presented the staff analysis as follows: The applicant requests a change in zoning conditions on an approximately 2.8 acre C-1 zoned tract to develop an approximately 21,000 square foot retail/commercial center. The subject property is located on the northwest corner of Suwanee Dam Road and Brogdon Road at the edge of the City's designated Old Town district. The subject property was rezoned from M-1 to its current C-1 designation with conditions in May of 2001 (RZ-2001-005).

RZ-2001-005 was approved with conditions requiring four sided brick construction, traditional architecture; monument style ground signs; a unified wall signage plan; buildings pushed up to the front of the site with parking at the rear; and interparcel vehicular access. The applicant seeks to remove the condition of zoning requiring buildings to be pushed to the front of the site. The condition the applicant is requesting the City to remove reads as follows: "With the exception of requirements to meet local development, building and fire regulations, parking areas shall be provide internal to the site. Commercial building(s) should be pushed to the front of the tract."

The current applicant proposes a different plan that would require a change of conditions. The proposed plan is for a 21,000 square foot commercial/retail center with parking located along Suwanee Dam Road. Access is still proposed onto both Brogdon and Suwanee Dam Road. The proposed site plan includes 98 parking spaces most of which would be located in front of the building. The applicant provided color renderings of the style of architecture they would like to use for the building which seeks to emulate the architecture of historic small town train depots. The building includes a sharply pitched roof, a clock tower and a combination of brick and siding.

The subject property is an approximately 2.8-acre tract located on the northwest side of the intersection of Brogdon Road and Suwanee Dam Road. The applicant proposes a 21,000 square foot commercial/retail center with adequate parking to support the use. The property has been partially cleared. A large power line easement extends along the rear of the property. The subject property is suitable for a small retail shopping center project.

The surrounding area consists of a mixture of commercial, industrial and undeveloped land. Adjoining the property to the north and west is undeveloped M-1 zoned property. To the east, across Brogdon Road and the railroad, is a C-2A zoned barbeque restaurant and an M-1 zoned lumber yard. To the south, across Suwanee Dam Road, are numerous C-2 zoned commercial uses including Suwanee Realty. Farther south is the location of the Gwinnett County library currently under construction and the Suwanee City Hall Complex. With appropriate conditions, a C-1 zoned shopping center would be compatible with existing nearby uses.

The City of Suwanee Future Land Use recommends light industrial uses for the site. However, the Comprehensive Plan also includes policies designed to strengthen the Old Town area. Since the property was rezoned to its current C-1 classification in 2001, the parcel was added into the study area for the Old Town Master Plan and the associated Old Town Design Guidelines. The Guidelines strongly encourage placing parking to the sides and rear of buildings.

A number of shopping centers have been constructed in the City of Suwanee in the last few years. The Atlanta Bread Company shopping center, the Tanner's shopping center, and the shopping center across Suwanee Dam Road are all examples where parking lots along the road have been minimized. The applicant proposes four rows of parking adjacent to Suwanee Dam Road. However, the shopping centers listed above all provide only two rows of parking adjacent to the road. The shopping centers also have parking available to the rear and/or sides of the buildings. Like the proposed shopping center, the cited shopping centers are also located along major arterials.

The subject property is located at the far edge of the Old Town District. It is separated from other similar uses by roads and a railroad track. Flexibility of some of the stringent Old Town Design standards may be warranted and likely would not negatively impact the intention of the City's overall goals for the area.

It is apparent that minimizing parking in front of shopping centers is possible more than is being proposed by the applicant. However, these examples also show that a certain amount of “teaser parking” is required for successful shopping centers along major arterials. Therefore, a change of conditions would be appropriate. The subject property is located within the Old Town area, which means parking to the front of the building should be minimized. However, some amount of parking in the front would be consistent with similarly situated shopping centers throughout the City. The subject property is located within the Old Town area; therefore, particular attention should be paid to the design of the project. Therefore, the Planning Department recommends **APPROVAL** of the request with conditions that allow limited off-street parking in the front of the building. Staff recommended striking condition #4 and adding the following: ~~“With the exception of requirements to meet local development, building and fire regulations, parking areas shall be provide internal to the site. Commercial building(s) should be pushed to the front of the tract.~~ **Commercial buildings shall be pushed to the front of the tract as much as practicable. A maximum of two rows of parking may be provided between the building and any right-of-way.**

At the Planning Commission Meeting, the applicant brought to the Commission’s attention that they would have to place the detention in the front of the site that would impact their ability to move parking to the rear. The Planning Commission took that into consideration and struck the last part of condition #4: ~~“With the exception of requirements to meet local development, building and fire regulations, parking areas shall be provide internal to the site. Commercial building(s) should be pushed to the front of the tract.~~ **Commercial buildings shall be pushed to the front of the tract as much as practicable. A maximum of two rows of parking may be provided between the building and any right-of-way.”** and added condition #6: **“The site shall provide reciprocal access to the adjacent property to the north.”**

[Strikethrough indicates deletions (~~Strikethrough~~), Bold indicates additions (**Bold**)]

The applicant was not present and there was no audience participation. The Public Hearing closed at 6:40 P.M.

**7:00 P.M.**  
**CITY COUNCIL MEETING**

**1. Call To Order**

The meeting was called to order by Mayor Pro Tem Hassell at 7:02 P.M.

**2. Announcements**

- The Suwanee-Duluth **Farmers Market** will continue this Saturday, August 21 and next Saturday, August 28 at Town Center Park. The market starts at 8:00am and goes until noon.

- Wild Wing Café will start it's Thursday **"Party in the Park"** Concert Series this Thursday, the 19<sup>th</sup>. It will be at Town Center Park each Thursday through September 9<sup>th</sup> from 5:30pm to 9:30pm.
- The Suwanee Business Alliance will hold it's **Music Main Street Concert** on Saturday, August 28<sup>th</sup> at Town Center Park. The concert will run from 7:00pm to 10:00pm and will feature Soul Purpose.
- Star 94 and Cingular will host **Movies Under the Stars** on Saturday, September 4. We will be showing Secondhand Lions at Town Center Park starting at 7:00pm.
- The **Suwanee Day Festival** is Saturday, September 18 at Town Center Park. The festivities will begin on Friday night with the annual 5K Classic sponsored by BodyPlex, starting at 7:00pm. Saturday will get started with the Suwanee Day Parade at 10:00am and vendor booths will be open until 5:00pm. A special evening concert will start at 8:00pm featuring Rupert's Orchestra and a fireworks display.
- Police Department is sponsoring Georgia Teens Ride with Pride (Parents Reducing Incidence of Driving Error) on Saturday, October 16. See Sgt. Casanas for more information.
- Police Department is sponsoring the Citizens Police Academy to begin on November 9. See Sgt. Casanas for more information.

### 3. Pledge of Allegiance

### 4. Approval of Minutes

#### A. 7/8/04 Called Meeting

**Motion by Councilmember Burnette to approve 7/8/04 Called Meeting Minutes, second by Councilmember Landers. Hassell called for discussion to amend the minutes to reflect the following change: "... approve the Mayor to enter into Agreement with BellSouth for an easement at Main Street Corners, with additional consideration for appropriate landscaping to be approved by the Planning Director ..."** Councilmember Burnette amended the motion, second amended by Councilmember Landers and so carried 3-0-2 (Abstain: Councilmember Rispin and Councilmember Brooks).

#### B. 7/20/04 Council Meeting

**Motion by Councilmember Burnette to approve 7/20/04 Council Meeting Minutes, second by Councilmember Brooks and so carried 4-0-1 (Abstain: Councilmember Rispin).**

### 5. Adoption of Agenda as Presented

**Motion by Councilmember Rispin to adopt the agenda as presented, second by Councilmember Burnette and so carried 5-0.**

## **6. Special Presentations**

### **A. Certificate of Appreciation to Wal-mart for Monetary Donation to Police Department**

Mayor Pro Tem Hassell, Chief Jones and Sgt. Casanas presented a certificate to Wal-Mart for contributions made to the City over the past four months.

### **B. Certificate of Achievement for Excellence in Financial Reporting, Government Finance Officers Association (GFOA)**

Kay Love, GFOA, stated the National Office developed the Reporting Program to recognize excellence in financial reporting. This program was implemented to encouraging state and local governments to participate in the program and take their financial abilities to the next level. In order to qualify for this prestigious award, a government has to publish an easily readable and efficiently organized Comprehensive Annual Financial Report (CAFR). It must satisfy all accounting principles and legal requirements. The document is reviewed by the GFOA Board. The City of Suwanee received this award after the first submission, which is not the norm. She also stated that this is the second CAFR the City has submitted. Ms. Love extended thanks to the following City staff members who were responsible for the recent submission: Hardin Watkins, Amie Sakmar, Gloria Wyatt, Billie Marshall, Josh Campbell, Kathy Jones, Taranta Anderson, Mac Hackney and Tracy Hilliard. He presented a certificate to the City and stated that a plaque would be received later.

### **C. PACT Neighborhood Recognition: Brushy Creek Subdivision and Chattahoochee Run/Chattahoochee Point Subdivision**

Brushy Creek recognition by Councilmember Jace Brooks, Chief Mike Jones, and Sgt. Elias Casanas. Chattahoochee Run recognition by Chief Mike Jones, Sgt. Elias Casanas, Officer Stewart, and Hardin Watkins. Chief Jones stated to become a PACT Neighborhood, the neighborhood must complete three meetings. Signs will be posted in these neighborhoods soon.

### **D. Christopher Hansard: Report of Activities Performed during Summer Internship**

Mr. Hansard, 17 year old senior from NGHS, has worked with the City this summer. He provided an overview of projects he has completed and/or been involved with over the summer, including PlayTown Suwanee and creating a database for Council Minutes.

## **7. Appointments**

### **A. Municipal Court Judge, Primary Associate**

The City Charter states that anyone who qualifies for a primary election cannot hold city office. Judge Lewis qualified for the primary election of Magistrate Judge and resigned his position as Primary Associate Municipal Court Judge. He did not win the primary and would like to be reappointed to the Primary Associate Municipal Court Judge position.

**Motion by Councilmember Rispin to re-appoint Mark Lewis as Primary Associate Municipal Court Judge, second by Councilmember Burnette and so carried 5-0.**

**8. Audience Participation**

- Andrea Acker, resident of Caswyck McGinnis, thanked the Council for the Town Center Park Event held on August 14. She stated it was a well-planned event and that it was thoroughly enjoyed by all. The entertainment was great and public safety kept everyone safe.

**9. OLD BUSINESS**

- A. RZ-2004-006 - Applicant: Summerall Development Co., LLC. Owner: Olde Towne Suwanee, LLC. Requests rezoning from C-1 (Neighborhood Commercial District) to C-1 (Neighborhood Commercial District) with a change of conditions to allow for a shopping center. Site is located in Land Lot 236 of the 7th District on the northeast corner of the intersection of Suwanee Dam Road and Brogdon Road and contains approximately 2.80 acres.**

This item was postponed at the July 20, 2004 Council Meeting. Staff Recommendation: Approval with conditions. Planning Commission Recommendation: Approval with conditions. ACTION: Consider the rezoning.

**Motion by Councilmember Burnette to postpone RZ-2004-006 to the September 21, 2004 Council Meeting, second by Councilmember Brooks and so carried 5-0.**

**10. NEW BUSINESS**

- A. Consideration of a Resolution to Amend the Short Term Work Program to Include the Smithtown Lane Project Under Drainage Improvement Projects**

Hardin Watkins stated that staff has identified three drainage projects to be funded in the FY 04-05 budget: Sharon Industrial Way, Lansfaire Terrace and White Street. Since the time these projects were identified on the Short Term Work Program and added to the priority list, a fourth drainage project has been brought to the attention of the Public Works staff. This drainage problem is on Smithtown Lane and affects a residence located in Pierce Point. Staff prioritizes drainage projects based on documented damage to residential structures, damage to business structures, and damage to other property. Based on these criteria, staff is recommending that Sharon Industrial Way and Lansfaire Terrace remain the top two priorities and that the Smithtown Lane project become the third priority over the White Street project. The Short Term Work Program needs to be amended to include this project. ACTION: Consider the resolution.

**Motion by Councilmember Landers to approve the Resolution to Amend the Short Term Work Program to Include the Smithtown Lane Project Under Drainage Improvement Projects, second by Councilmember Burnette and so carried 5-0.**

**B. Authorization for the Mayor to Enter into Agreement with Caldwell Tanks, Inc. for Construction of a New Water Tank**

Hardin Watkins stated that Caldwell Tanks, Inc. issued the lowest bid for the construction of the new water tank. Staff has been working with Caldwell to reduce the bid price in an effort to get closer to the budgeted amount for this project. The new price has been negotiated to an amount below the bid amount of \$324,000 and includes demolition of the existing tank and fencing the entire site. Staff has also agreed to additional days to complete the project. Staff is recommending entering into an agreement with Caldwell Tanks, Inc. ACTION: Consider authorizing the Mayor to enter into agreement with Caldwell Tanks, Inc. for construction of a new water tank.

**Motion by Councilmember Brooks to authorize the Mayor to Enter into Agreement with Caldwell Tanks, Inc. for Construction of a New Water Tank, second by Councilmember Burnette and so carried 5-0.**

**C. Authorization for the Mayor to Enter into Agreement with Wall Asphalt Services for Crack Sealing Services**

Bids were requested for Crack Sealing services and Wall Asphalt Services returned the lowest bid. This is the same company that was used last year and staff has been satisfied with their quality of service. Staff is recommending entering into agreement with Wall Asphalt Services. ACTION: Consider authorizing the Mayor to enter into agreement with Wall Asphalt Services for crack sealing services.

**Motion by Councilmember Burnette to authorize the Mayor to Enter into Agreement with Wall Asphalt Services for Crack Sealing Services, second by Councilmember Rispin and so carried 5-0.**

**D. Authorization for the Mayor to Enter into Agreement with Gwinnett County for the Town Center Park Interactive Fountain Construction Assistance Grant**

Hardin Watkins stated in April, the City requested funds from the Gwinnett County/Gwinnett Municipal Association's City Assistance Program to help fund the construction of the interactive fountain at Town Center Park. The City Assistance Fund Committee recommended approval of \$20,833 for this project and the Gwinnett County Board of Commissioners approved this appropriation on July 6, 2004. The County has issued a contract for these funds. Total raised to date for the project exceed \$200,000. \$300,000 will fully fund the project. ACTION: Consider authorizing the Mayor to enter into agreement with Gwinnett County for the Town Center Park Interactive Fountain Construction Assistance Grant.

**Motion by Councilmember Rispin to authorize the Mayor to Enter into Agreement with Gwinnett County for the Town Center Park Interactive Fountain Construction Assistance Grant, second by Councilmember Brooks and so carried 5-0.**

**E. Authorization for the Mayor to Enter into Agreement with Gwinnett County for Fuel Usage**

This item is primarily administrative upkeep as requested by Gwinnett County. On June 14, 2004, the Gwinnett County Board of Commissioners approved the County's fuel system usage with various municipalities and agencies. The County has issued an agreement to these municipalities and agencies that outlines the policies for fuel usage. The agreement will be in effect for one year. ACTION: Consider authorizing the Mayor to enter into agreement with Gwinnett County for fuel usage.

**Motion by Councilmember Brooks to authorize the Mayor to Enter into Agreement with Gwinnett County for Fuel Usage, second by Councilmember Landers and so carried 5-0.**

**F. Consideration of Change Order #3 for the Suwanee Creek Park**

ValleyCrest has submitted change order #3 for Suwanee Creek Park. They are asking for an increase of \$32,604.81. Additions to the contract include: a pedestrian bridge along Buford Highway, additional asphalt for the road, additional guardrail along the trail, increased size of guardrail posts as mandated by DOT, additional rip rap to prevent erosion in several areas, extra gravel to add parking spaces, and additional sod, pine straw, and dirt. Credits to the City include a smaller amount of concrete needed for a sidewalk and a smaller amount of wood guardrail needed along the road. The Park opened on August 7, 2004. ACTION: Consider approval of change order #3.

**Motion by Councilmember Brooks to approve ValleyCrest Change Order #3 for the Suwanee Creek Park, second by Councilmember Rispin and so carried 5-0.**

**G. Consideration of Change Order #1 for PlayTown Suwanee**

Hardin Watkins stated that ValleyCrest has submitted change order #1 for the Playground site work. They are asking for an increase of \$13,425.01. The following were deleted from the contract, resulting in a credit: deletion of a French drain, a drop inlet, a fence, electrical work, a gravel blanket, and removal of the greenhouses and their concrete foundation. Additions to the contract include: additional gravel for the parking area, an additional manhole in the road, an extra headwall, extra corrugated metal pipe, additional fill dirt, repair to the shoulder of the road, stump removal, and removal and filling of multiple trash pits. ACTION: Consider approval of change order #1.

**Motion by Councilmember Brooks to approve ValleyCrest Change Order #1 for the PlayTown Suwanee project, second by Councilmember Landers and so carried 5-0.**



**H. Consideration of an Ordinance to Allow for the Use of Special Response Vehicles on Roadways within the City Limits by the Police Department**

Staff discussed the difficulty that the City is having getting the proper vehicle registration for the newly acquired Polaris Police utility vehicle for park patrol at the most recent dinner session. Gregory Jay has been working on a City Ordinance that needs to be adopted in order to provide some clear direction should the vehicle be involved in an accident on the roadways. Section 40-7-5 of OCGA addresses this type of vehicle. ACTION: Consider the ordinance.

**Motion by Councilmember Landers to approve the Ordinance to Allow for the Use of Special Response Vehicles on Roadways within the City Limits by the Police Department, second by Councilmember Brooks and so carried 5-0.**

**11. City Manager's Report – No Report**

**12. Land Acquisition Update (Possible Executive Session) – No items for Executive Session.**

**13. Adjournment – Time: 7:35 P.M.**

**Motion by Councilmember Rispin to Adjourn, second by Councilmember Burnette and so carried 5.0.**

*Approved 09/21/04*