

**MINUTES  
CITY OF SUWANEE, GEORGIA  
CITY COUNCIL MEETING  
MARCH 15, 2005**

*Meeting Location: Suwanee City Hall*

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

Absent: Carol Hassell, Councilmember

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**5:30 P.M.  
DINNER SESSION**

City Council Informal Session

Informal discussion among City Councilmembers and staff. Food provided for Elected Officials and staff. No action to be taken during session.

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

The Public Hearing opened at 6:34 P.M. City Manager, Hardin Watkins, read the procedures for public meetings for the record.

- 1. RZ-2005-001 – Applicant/Owner: Carlos Herrera. Requests rezoning from R-140 (Residential Single-Family District) to R-100 (Residential Single-Family). Site is located in Land Lot 276 of the 7<sup>th</sup> District and contains approximately 0.57 acres.**

Marty Allen presented the staff analysis as follows: The applicant requests a rezoning on an approximately 0.57 acre (24,800 square foot) tract from R-140 to R-100 to allow for the construction of a single-family residence. The subject property is located at 30 Abbey Hill Road on the corner of Tench Road and Abbey Hill Road.

The R-140 zoning district requires a minimum lot size of 30,000 square feet. The proposed R-100 category has a minimum lot size of 18,500 square feet. The applicant proposes a single-family lot containing approximately 24,800 square feet.

The subject property is surrounded by single-family residential uses with nearby civic and office uses. To the north of the subject property, on the west side of Tench Road, are single family uses with R-140 zoning. To the east of the subject property are several large R-100 lots developed with single-family residences. Immediately to the south of the subject property is a small R-75 zoned single-family residential subdivision (Tench Place). And farther south along Tench Road is Level Creek

Elementary and a developing office-condominium project. The proposed R-100 district would not be out of character for the area.

The City of Suwanee Future Land Use Plan recommends single-family residential uses for the site. The proposed request is consistent with this designation.

In conclusion, the subject property developed as a R-100 lot would not be out character for the area. There is a significant amount of R-100 property and more intensive uses fronting on Trench road. Additionally, the subject property backs up to an R-75 subdivision. Therefore, the Planning Department recommends approval of the request. The Planning Commission review the case and recommended approval of the request.

Carol Roussie, 1948 Day Drive, Duluth, GA 30096, REMAX agent, represented the applicant. She stated that the builder is Jim Kinnett. Ms. Roussie stated that the property was sub-divided a while ago. When Mr. Kinnett came to the City to obtain the building permit, he was informed that the property needed to be rezoned.

There was no opposition to this case.

2. **AMD-2005-001 - The City will consider adoption of an amendment to the City of Suwanee Zoning Ordinance as part of an overall update of the Zoning Ordinance. These changes will include, but are not limited to, amendments to Article III. Definitions, Article IV. Zoning Districts and Zoning Maps Establishment, Article V. Zoning District Development and Use Regulations, Article VI. General Development Regulations, Article VII. Permit Procedure and Requirements, Article XI. Floodplain General Regulations, Article XV. Parking Requirements, Article XVII. Tree Preservation, Article XVIII. Administration, Enforcement, Penalties, and Remedies, Article XX. Zoning Board of Appeals, Article XXI. Amendments, and other changes or amendments to the text of the City of Suwanee Zoning Ordinance as proposed. [P12]**

Staff Recommendation: See attached document. Planning Commission Recommendation: The Planning Commission voted 5-0 to recommend approval of AMD-2005-001 with the following change (addition/deletion):

Decorative Fence. Decorative fencing may be constructed of brick columns, wood, simulated wood, wrought iron, anodized aluminum or polyvinyl chloride. The distance between fence pickets must be a minimum of from 2 to 4 inches apart.

Marty Allen stated every year the Planning Department undertakes annual updates to the Zoning Ordinance to make sure that any inconsistencies in the Ordinance are revised and incorporated. There are no new rules or regulations incorporated in this document. All changes are of an administrative nature. The Planning Commission reviewed all of the requests. The Planning Commission recommended approval. There is one clarification change related to decorative fencing.

There was no audience participation.

3. **2004-2005 Comprehensive Plan Update**

This is the second public hearing for the annual Comprehensive Plan Update.

Marty Allen stated this item is for the transmittal of the Comprehensive Plan Update. Every year staff reviews and updates the Comprehensive Plan. The largest part is the short-term work program update and demographic information from the previous year. This would authorize transmittal of that

update to the Atlanta Regional Commission (ARC). They would review the document and return it to the City, hopefully with no comments, and the document will be presented for final adoption prior to submittal to the ARC.

Mayor Masino commended Mr. Allen on behalf of the Council for going through the process each year.

There was no audience participation.

**4. Application for License to Sell Beer, Wine, and Distilled Spirits to be Consumed on Premises: Acuariu's Bar and Grill, 2955 Lawrenceville-Suwanee Road. Applicant: Ismail Amin Sirdah.**

Hardin Watkins stated Acuariu's Bar and Grill has applied for a license for beer, wine, and distilled spirits to be consumed on the premises. The GBI and FBI prints for the licensee and the registered agent have been returned showing no violations.

Mr. Ismail Amin Sirdah, 2170 Lockett Court, Duluth, 30097 was present.

There was no audience participation.

The Public Hearing closed at 6:40 P.M.

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

**1. Call To Order**

The meeting was called to order by Mayor Masino at 7:01 P.M.

**2. Swearing In Ceremony for Judge Laura Tate**

Mayor Masino performed the Swearing-in Ceremony for Judge Laura Tate, Municipal Court Judge appointed in January 2005. This ceremony is in accordance with the City Charter which mandates a swearing-in ceremony prior to the Municipal Court Judge taking the bench in Suwanee Municipal Court.

**3. Announcements**

- Suwanee Parish United Methodist Church and the City of Suwanee are hosting an April 23rd **Caribbean Festival at Town Center Park** to raise funds to support both the Jackson Street Cemetery and the Haitian Flood Relief effort. The main highlight of the festival will be Caribbean-flavored music, but food and art vendors also will be on hand.
- The **2005 COOL 105.7 Legends Concert Series** stops in Suwanee on May 21 when America performs at the Town Center Park amphitheater. Legends Concert festivities will begin at 4 p.m., with an opening act performing at 6:30 p.m. and America taking the stage around 7:30 p.m. Feel free to bring lawn chairs, blankets, and picnic dinners, but no alcohol please. Food also will be available for purchase.

- The **2005 Suwanee Day** planning committee is seeking submissions of original artwork or graphic design for use on its festival t-shirts and posters. The artist/designer of the selected work will receive a \$500 cash prize. The submission deadline is June 1; the annual Suwanee Day “Celebration of Community” will be held Saturday, September 17, at Town Center Park. For more information go to [www.suwanee.com](http://www.suwanee.com). Vendors can access the application/registration form on-line at [www.suwaneeday.com](http://www.suwaneeday.com).
- **Trendsetter Award Video**  
The audience viewed the video shown at the January Awards Banquet where the City received the Trendsetter Award. Georgia Trend Magazine and Georgia Municipal Association presented this award for the overall design of the Town Center Park.

#### 4. Pledge of Allegiance

#### 5. Approval of Minutes

##### A. 2/15/05 Council Meeting

*Motion by Councilmember Rispin to approve the 2/15/05 Council Meeting Minutes, second by Councilmember Burnette and so carried 5-0.*

##### B. 2/19/05 Called Meeting

*Motion by Councilmember Burnette to approve the 2/19/05 Called Council Meeting Minutes, second by Mayor Pro Tem Brooks and so carried 5-0.*

#### 6. Adoption of Agenda as Presented

*Motion by Councilmember Landers to adopt the Agenda adding item 11.D. Authorization to transmit the Comprehensive Plan Update to Atlanta Regional Commission (ARC), second by Mayor Pro Tem Brooks and so carried 5-0.*

#### 7. Special Recognition

##### A. Officer Allan Blain, Georgia POST Certified

Police Chief, Mike Jones, and Major Howard Beers of Gwinnett County Police Academy, recognized Officer Allan Blain for his efforts to complete the training to become a Certified Georgia Police Officer. Officer Blain was a certified officer with the California Highway Patrol.

Officer Blain completed 303 hours of training. Major Beers stated if Officer Blain had completed the full regiment of classes, he would have been the academic honor graduate of the academy.

Officer Blain stated he had been a part of an agency of 7,000 officers where he was a number. When he looked at Suwanee, he wanted to be a part of this organization.

##### B. Riverside Elementary School, Georgia School of Excellence

Dr. Barlow, Principal at Riverside Elementary School was present. Mayor Masino read and presented a Proclamation to Dr. Barlow recognizing Riverside Elementary School as a Georgia School of Excellence and proclaiming March 16, 2005 as Riverside Elementary School Day.

Dr. Barlow stated it was a school goal to be a Georgia School of Excellence. The next goal is to be a Georgia School of Excellence.

### **C. Week of the Young Child Proclamation**

Don Webster, Director of Legacy Academy, was joined by staff members Joan Webster and Lynn Turner. Mayor Masino presented a Proclamation proclaiming April 3-9, 2005 as Week of the Young Child.

## **8. Appointments to Boards**

### **A. Downtown Development Authority**

The DDA has recommended that Kevin McOmber and David Sergio both be reappointed. Their terms will expire in January 2009.

*Motion by Councilmember Burnette to re-appoint Kevin McOmber and David Sergio to the Downtown Development Authority for a term to expire January 2009, second by Mayor Pro Tem Brooks and so carried 5-0.*

## **9. Audience Participation – None.**

## **10. OLD BUSINESS – None.**

## **11. NEW BUSINESS**

### **A. RZ-2005-001 – Applicant/Owner: Carlos Herrera. Requests rezoning from R-140 (Residential Single-Family District) to R-100 (Residential Single-Family). Site is located in Land Lot 276 of the 7<sup>th</sup> District and contains approximately 0.57 acres.**

Staff Recommendation: Approval. Planning Commission Recommendation: Approval.  
ACTION: Consider the rezoning.

*Motion by Mayor Pro Tem Brooks to approve RZ-2005-001, second by Councilmember Landers and so carried 5-0.*

### **B. AMD-2005-001 - The City will consider adoption of an amendment to the City of Suwanee Zoning Ordinance as part of an overall update of the Zoning Ordinance. These changes will include, but are not limited to, amendments to Article III. Definitions, Article IV. Zoning Districts and Zoning Maps Establishment, Article V. Zoning District Development and Use Regulations, Article VI. General Development Regulations, Article VII. Permit Procedure and Requirements, Article XI. Floodplain General Regulations, Article XV. Parking Requirements, Article XVII. Tree Preservation, Article XVIII. Administration, Enforcement, Penalties, and Remedies, Article XX. Zoning Board of Appeals, Article XXI. Amendments, and other changes or amendments to the text of the City of Suwanee Zoning Ordinance as proposed.**

Staff Recommendation: Document proposed by staff. Planning Commission Recommendation: Approval with one change. ACTION: Consider the amendment.

*Motion by Councilmember Rispin to approve AMD-2005-001 with the change, second by Councilmember Burnette and so carried 5-0.*

**C. Consideration of the Issuance of an Alcohol License: Acuarius Bar and Grill. Applicant: Ismail Amin Sirdah.**

Acuarius Bar and Grill has applied for a license for beer, wine, and distilled spirits to be consumed on the premises. The GBI and FBI prints for the licensee and the registered agent have been returned showing no violations. Finance staff is recommending approval of the alcohol license. ACTION: Consider issuing the alcohol license.

*Motion by Councilmember Burnette to approve Issuance of an Alcohol License: Acuarius Bar and Grill. Applicant: Ismail Amin Sirdah, second by Councilmember Rispin and so carried 5-0.*

**D. Consideration to Authorize Transmittal of the Comprehensive Plan Update to Atlanta Regional Commission (ARC)**

*Motion by Councilmember Landers to Authorize Transmittal of the Comprehensive Plan Update to Atlanta Regional Commission (ARC), second by Mayor Pro Tem Brooks and so carried 5-0.*

**12. CONSENT AGENDA**

**A. Consideration of Adoption of the Stream Buffer Ordinance**

The State is requiring local jurisdictions to adopt a stream buffer ordinance as stringent as the model ordinance created by the Metropolitan North Georgia Water Planning District. Two different options were discussed at the Workshop. ACTION: Consider adopting the stream buffer ordinance.

**B. Consideration of a Resolution to Prohibit Commercial Truck Traffic on Martin Farm Road from Golden Meadows Lane to King Street**

Martin Farm Road narrows from 24 feet to 13 feet at King Street, causing commercial trucks to get stuck if attempting turns in this area. This area is primarily residential in nature; thereby access by commercial trucks for business deliveries is not needed. Staff is requesting that commercial truck traffic be prohibited in this area. ACTION: Consider the resolution.

**C. Authorization for the Mayor to Enter into Agreement with Public Financial Management for Independent Financial Advisory Services**

Staff is seeking approval of a contract with Public Financial Management to provide independent financial advisory services. ACTION: Consider authorizing the Mayor to enter into agreement with Public Financial Management.

**D. Consideration of Approval of Budget Adjustments**

This adjustment transfers \$500,000 out of fund balance to the Downtown Development Authority as start-up resources. ACTION: Consider the budget adjustments.

*Motion by Mayor Pro Tem Brooks to approve the Consent Agenda, second by Councilmember Rispin and so carried 5-0.*

**13. City Manager's Report – None.**

**14. Executive Session (Real Estate Issues)**

*Motion by Councilmember Burnette to ENTER Executive Session, second by Councilmember Rispin and so carried 5-0. Time: 7:31 P.M.*

*Motion by Councilmember Burnette to EXIT Executive Session, second by Councilmember Rispin and so carried 5-0. Time: 8:41 P.M.*

*No action Taken.*

**15. Adjournment – Time: 8:42 P.M.**

*Motion by Councilmember Burnette to adjourn, second by Mayor Pro Tem Brooks and so carried 5-0.*

*Approved 04/19/2005*