

**CITY OF SUWANEE, GEORGIA
CITY COUNCIL MEETING
SEPTEMBER 19, 2006**

Meeting Location: *Crossroads Center (323 Highway 23)*

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

**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**

Mayor Masino opened the Public Hearing at 6:30 P.M. City Manager, Hardin Watkins, read the procedures for Public Meetings for the record.

- 1. RZ-2006-013 - Applicant: OPUS South Corporation. Owner: Opus South Corporation/Falcon Nest I, LTD. Applicant requests rezoning from M-1, C-2, C-3, and O-I to PMUD to allow for a multiple use project including commercial/retail, offices, multi-family, townhomes, and single family detached uses. Site is located in Land Lots 152 and 169 of the 7th District on south west side of Lawrenceville-Suwanee Road and north Burnette Road and contains approximately 148.32 acres. [P2]**

Marty Allen stated that the applicant has requested a 30-day postponement, due to knowledge of I-85 development plans.

Support: Mike Tenant, 1201 West Peachtree Street, Atlanta, GA represented the applicant. Mr. Tenant stated that his client requests postponement as a result of recent Georgia DOT plans to increase lanes along I-85 that will impact the property. The site plan will need to be

altered to address this pending project. A draft plan is expected this week. Redesign of the project is necessary.

Councilmember Foster asked if the staff conditions would be addressed in the revised plan. Mr. Tenant stated yes. These areas will be addressed in a very comprehensive way.

Opposition: None

- SUP-2006-003 - Applicant/Owner: John Blake. Applicant requests a special use permit to allow for used car sales in the C-2 zoning district. Site is located in Land Lots 151 and 152 of the 7th District at 80 Crestridge Drive and contains approximately 0.96 acres.**

Marty Allen presented the staff analysis as follows: The applicant requests a Special Use Permit on an approximately 0.96 acre tract to allow for used car sales at an existing auto service facility. The subject property is a C-2 zoned tract located on the north side of Crestridge Drive. The site is developed with an existing auto repair facility. The site was annexed into the City in 2000 and rezoned from C-2 (unincorporated Gwinnett) to C-2 (City of Suwanee).

The surrounding area is located on the southern edge of the I-85 Business District and is characterized by heavy commercial and manufacturing uses and zoning districts. The subject property is a C-2 zoned parcel and is bordered to the north by a large parcel zoned C-2 which contains a grocery store, a bank, fast food restaurants, and retail stores. To the east, in unincorporated Gwinnett County, the subject property abuts a large parcel zoned M-1 that contains an office/warehouse building. The proposed special use is unlikely to negatively impact the intensive commercial and light industrial development in the surrounding area.

The City's Future Land Use Plan recommends commercial uses for this site. The existing use (automotive repair) and the proposed special use (used car sales) are consistent with this designation. Furthermore, the site is in an intensive commercial area that is generally well-suited to such vehicle service establishments.

In conclusion, the requested Special Use Permit for automotive sales would be appropriate at this location. The City's policies generally attempt to guide automotive sales and service uses to the more commercially intensive areas of the City. The subject property is located in the I-85 business district and is surrounded by intensive commercial and industrial development. It is unlikely approval of the request would have a negative impact on the surrounding area. However, if approved, conditions should be included to ensure the effects of the used car facility are minimized. As such, the Planning Department recommends approval with conditions of the request. The Planning Commission reviewed the special use permit and recommended approval with conditions.

Support: John Blake, 1330 T Drive, Suwanee, Georgia. Mr. Blake stated the primary business will be auto repair with occasional sales.

Opposition: None

3. AMD-2006-005 - A proposed amendment to the City of Suwanee Zoning Ordinance to modify Article V. Zoning District Development and Use Regulations to repeal the Infill Residential District.

Marty Allen stated that Planning Commission voted 4-0 with one member recusing himself (John Gorman) to deny the repeal of AMD-2006-005.

Support to Repeal: Linda Fleming, 6795 Bass Circle, Buford, GA. Ms. Fleming stated she is glad to see the brakes are on and the study committee has been established. She stated she would like to see some old town residents represented on the committee.

Mayor Masino stated that the Planning Commission has commissioned a study group but they have not announced the names of the study group participants.

Opposed to Repeal: Kevin McOmber, 230 Roberts Road, Suwanee, GA. Mr. McOmber stated he would like to commend the Mayor and Council on the community activities and development. He stated that he agrees that preservation of the area and trees is important but the zoning rules should not be thrown out. The City has received ARC awards for projects in the old town area. The City is on the right track with zonings. Mr. McOmber submitted a letter written by DDA Manager, Jane Keegan (copy attached).

Jerry Little, 3321 Danielle Way, Suwanee, GA. Many are looking for an area with small lots. This will be in demand in the years to come.

Steve Gilliam, 301 Green Street, Suite 200, Gainesville, GA. Support infill residential development. Requests council not vote to repeal AMD-2006-005.

Mayor Masino shared with the audience that the City has received awards related to hearing the voice of the community.

4. Application for License to Sell Beer, Wine, and Distilled Spirits to be Consumed on the Premises: Ippolito's Restaurant, 3890 Lawrenceville-Suwanee Road, Suite 1-4. Applicants: Richard L. Cunningham and Frank J. Genovese.

City Manager, Hardin Watkins, stated that Ippolito's has requested an alcohol license for beer, wine and distilled spirits to be consumed on the premises. Richard Cunningham and Frank J. Genovese will be the licensees. Staff has performed the appropriate background checks and there are no concerns.

There was no audience participation.

5. Application for License to Sell Beer, Wine and Distilled Spirits to be Consumed on the Premises: Antigua Tex Mex Restaurant, 415 Peachtree Industrial Blvd, Suite 100. Applicant: Ronald D. Elrod.

City Manager, Hardin Watkins, stated that Antigua Tex Mex has requested an alcohol license for beer, wine and distilled spirits to be consumed on the premises. This request is due to change in ownership. Ronald D. Elrod will be the licensee.

Mr. Watkins stated there have been concerns over the past 15 months regarding activity at Antigua Tex Mex property (i.e., parking police response, etc.) but those items have been addressed by Police Chief Mike Jones and management at Antigua Tex Mex. Staff has performed the appropriate background checks and there are no concerns.

There was no audience participation.

7:00 P.M.
CITY COUNCIL MEETING

1. Call To Order

Mayor Masino called the meeting to order at 7:02 P.M.

2. Announcements

- Don't miss the last two Farmer's Market of the season this Saturday, September 23 and next Saturday, September 30. Farmer's will be available at Town Center Park from 8:00 am to 12:00 noon.
- The City of Suwanee is seeking input as it creates an Alternative Transportation Master Plan that will utilize sidewalk, greenway, and bike path systems to connect Suwanee locations both within the City limits and in a regional context. An open house is scheduled for Thursday, October 26 from 5:00 pm to 7:00 pm at North Gwinnett High School to allow citizens to provide input.
- The City of Suwanee Financial Services Department has been recognized for the third consecutive year for excellence in financial reporting. The Government Finance Officers Association of the United States and Canada (GFOA) has presented Suwanee with a Certificate of Achievement for Excellence for its comprehensive annual financial report (CAFR) for the fiscal year ending in 2005.
- Good Samaritan – Last month there was a (Gwinnett Daily Post) news article about a Good Samaritan who lives in Rivermoore Park on Moore Road, not officially within the City of Suwanee limits, but we'd be happy to claim this particular gentleman as an honorary citizen. This Good Samaritan, who prefers to remain anonymous, returned almost \$4,000 in cash that he found blowing in the wind at the Rivermoore subdivision entrance.

The money belonged to a Southern Polytechnic State University student, who also is a Rivermoore resident. He forgot – for a brief time – that he had left a banking envelope with the cash on the top of his girlfriend's car. She had left his house without realizing it either. Our Good Samaritan responded to a "Lost Cash" sign that was posted in the neighborhood.

We're so inspired by this example of "paying it forward" that we'd like to invite Suwanee residents who have been the benefactor of someone else's act of kindness to let us know about it. Perhaps we can share these stories in the City's official newsletter, CrossRoads. If you'd like to share a story, please e-mail it to info@suwanee.com.

- Mayor Masino thanked staff and the Suwanee Day Committee for a job well done for this year's Suwanee Day celebration.

3. Pledge of Allegiance

4. Approval of Minutes

A. 8/3/06 Called Meeting

Motion by Councilmember Burnette to approve the 8/3/06 Called Meeting Minutes, second by Mayor Pro Tem Rispin and so carried 6-0.

B. 8/15/06 Council Meeting

Motion by Mayor Pro Tem Rispin to approve the 8/15/06 Council Meeting Minutes, second by Councilmember Burnette and so carried 4-0-2 (Abstentions – Councilmembers Brooks & Foster).

5. Adoption of Agenda as Presented

Motion by Councilmember Brooks to Adopt the Agenda as presented, second by Councilmember Foster and so carried 6-0.

6. Special Recognition

A. Jerry Little, Former Chairman of the Downtown Development Authority

Mr. Little, resident and business owner in Suwanee served as the founding chair of the Suwanee Downtown development Authority. Mayor Masino presented Mr. Little with a proclamation recognizing his efforts and proclaimed Wednesday, September 20, 2006 as Jerry Little Day.

B. Atlanta Vision, ABA Basketball Team

Member of Atlanta Vision and Suwanee Sports Academy officials were present and accepted a proclamation read by Mayor Masino recognizing the semi-pro team coming to Suwanee. Mayor Masino proclaimed Thursday, September 21, 2006 as Atlanta Vision Day.

7. Audience Participation

8. OLD BUSINESS – None.

9. NEW BUSINESS – None.

- A. RZ-2006-013 - Applicant: OPUS South Corporation. Owner: Opus South Corporation/Falcon Nest I, LTD. Applicant requests rezoning from M-1, C-2, C-3, and O-I to PMUD to allow for a multiple use project including commercial/retail, offices, multi-family, townhomes, and single family detached uses. Site is located in Land Lots 152 and 169 of the 7th District on south west side of Lawrenceville-Suwanee Road and north Burnette Road and contains approximately 148.32 acres.

The applicant has requested a 30-day postponement. Staff Recommendation: Denial. Planning Commission Recommendation: Tabled to the 10/3/06 meeting. ACTION: Consider postponing the rezoning.

Motion by Councilmember Brooks to table RZ-2006-013 to October 3, 2006, second by Councilmember Burnette and so carried 6-0.

- B. SUP-2006-003 - Applicant/Owner: John Blake. Applicant requests a special use permit to allow for used car sales in the C-2 zoning district. Site is located in Land Lots 151 and 152 of the 7th District at 80 Crestridge Drive and contains approximately 0.96 acres.

Staff Recommendation: Approval with conditions. Planning Commission Recommendation: Approval with conditions. ACTION: Consider the special use permit.

Motion by Councilmember Foster to approve SUP-2006-003, second by Councilmember Burnette and so carried 6-0.

- C. AMD-2006-005 - A proposed amendment to the City of Suwanee Zoning Ordinance to modify Article V. Zoning District Development and Use Regulations to repeal the Infill Residential District.

Staff Recommendation: Denial. Planning Commission Recommendation: Denial. ACTION: Consider the amendment.

Motion by Councilmember Burnette to deny AMD-2006-005, second by Councilmember Foster and so carried 6-0.

- D. Consideration of Issuance of an Alcohol License: Ippolito's Restaurant. Applicants: Richard L. Cunningham and Frank J. Genovese.

Ippolito's has requested an alcohol license for beer, wine and distilled spirits to be consumed on the premises. Location: 3890 Lawrenceville-Suwanee Road, Suite 1-4. Applicants: Richard L. Cunningham and Frank J. Genovese. Mr. Cunningham's fingerprint reports have been returned from GBI and the FBI with a clean record. Mr. Genovese's report did return showing a record that he did not disclose. Staff followed up and he explained that the charges had been dropped. The Finance Department is recommending approval. ACTION: Consider issuance of the alcohol license.

Motion by Councilmember Foster to approve Issuance of an Alcohol License: Ippolito's Restaurant. Applicants: Richard L. Cunningham and Frank J. Genovese, second by Councilmember Burnette and so carried 6-0.

E. Consideration of Issuance of an Alcohol License: Antigua Tex Mex Restaurant. Applicant: Ronald D. Elrod.

Antigua Tex Mex has requested an alcohol license for beer, wine and distilled spirits to be consumed on the premises. Location: 415 Peachtree Industrial Blvd., Suite 100. Applicant: Ronald D. Elrod. The current licensee, Richard Orban, Jr. has sold his share of the business to Ronald Elrod, who was already part owner. Mr. Elrod's fingerprint reports have been returned from GBI and FBI showing a record that he did not disclose. Staff followed up and he explained that it happened 20 years ago. The Finance Department is recommending approval. ACTION: Consider issuance of the alcohol license.

Motion by Councilmember Foster to approve Issuance of an Alcohol License: Antigua Tex Mex Restaurant. Applicant: Ronald D. Elrod, second by Councilmember Burnette and so carried 6-0.

10. CONSENT AGENDA

A. Authorize the Mayor to Enter into Agreement with Time Warner Telecom of Georgia, L.P. Telecommunications Franchise Agreement

The Georgia Municipal Association has negotiated a franchise agreement with Time Warner for several communities, including Suwanee. Time Warner has paid the \$5,000 application fee. ACTION: Authorize the Mayor to enter into agreement with Time Warner Telecom of Georgia, L.P. Telecommunications Franchise Agreement.

B. Adopt a New Floodplain Ordinance and Repeal the Current Floodplain Ordinance

Planning Department staff has drafted a new Floodplain Ordinance based on a new Gwinnett County Ordinance. The current ordinance was modeled after the North Georgia Metropolitan Planning District ordinance and FEMA found that ordinance to be non-compliant. Changes had to be made for the district, and thereby the municipalities, to remain eligible for the flood insurance program. The current ordinance will need to be repealed and the new ordinance adopted. ACTION: Adopt the new floodplain ordinance and repeal the current floodplain ordinance.

Motion by Councilmember Brooks to approve the Consent Agenda, second by Mayor Pro Tem Rispin and so carried 6-0.

11. City Manager's Report – None.

12. Adjournment – Time: 7:16 P.M.

Motion by Councilmember Burnette to Adjourn, second by Councilmember Brooks and so carried 6-0.

Approved 10/17/2006