

**CITY OF SUWANEE, GEORGIA  
CITY COUNCIL MEETING  
FEBRUARY 27, 2007**

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

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

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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**

Mayor Masino opened the Public Hearing at 6:32 P.M. Hardin Watkins, City Manager read the procedures for Public Hearings for the record.

1. AMD-2007-001 - A proposed amendment to the City of Suwanee Zoning Ordinance relating to the Infill Residential District to modify Article III. Definitions to add new definitions; Article V. Zoning District Development and Use Regulations to amend the district name, certain district development standards, and create additional district requirements; and Article XXI. Amendments to create procedures for Community Input Meetings; and other related items.

Marty Allen presented the staff analysis. He stated this is an amendment proposed by the Planning Commission. This is an amendment to the Infill Residential District, as we know it. The Planning Commission created a sub-committee to review potential changes to the IRD District. The subcommittee made recommendations to the Planning Commission that now come before the Council. To summarize, the IRD is a residential classification that would permit residential development in the residential Old Town District. This amendment would do a number of things including create certain procedures regarding community input meetings for use of this district, change the title from Infill Residential to Old Town

Residential Community District; tract size would be limited to two acres with a limitation of ten houses, it would prohibit historic structures from being removed that are part of this new classification. There would be changes to other requirements to include building heights would be limited to a maximum of two stories and maximum house size of 3,000 square feet. This amendment would also establish procedures of how a community input meeting would occur. The Planning Commission voted 3-1 to recommend approval.

Councilmember Brooks asked if there is still a legal procedure/lawsuit related to the IRD. Mr. Allen stated yes there is a lawsuit pertaining to one tract that was rezoned IRD.

Councilmember Brooks stated he is not comfortable proceeding to act on this request with a pending lawsuit. Gregory Jay, City Attorney, stated the lawsuit not only deals with the specific zoning but also goes to the heart of the substance of the IRD zoning category at least how we apply it. So, I do think it is probably not prudent to deal with this issue because you have this pending litigation that goes to the zoning category. You could easily have a situation where if you act on this depending on the outcome of the litigation, you could prejudice people's rights, you could have different sets of rules for different parties, and there are cautions deeming it not prudent to move forward at this time.

**Support:** None.

**Opposed:**

- Steve Gilliam, 301 Green Street, Suite, 200, Gainesville GA 30501 – Mr. Gilliam, representing Main Street Builders, stated he would like to file a list of constitution objections to the amendment (copy attached). The limitation of 2.0 acres limits the current zoning of 2.5 acres that is currently under litigation. Residential housing is lowered to 10 in the amendment. The rezoning in litigation is approved for 14 houses. It would be imprudent and improper for Council to approve this amendment. Approval would violate the client's constitutional rights. They also have another piece of property that has not been rezoned. It has not been challenged. This amendment could create non-conforming uses with respect to the property. If there is a house fire, etc., this amendment would affect what could be rebuilt or what the owner could do in the future on the property. It is requested this item not be approved or tabled.
- Mike Kramer, UAW Legal Office, 2200 Century Parkway, Suite 950, Atlanta, GA 30345, representing Mary Williams who lives on Main Street. Under the Equal Protection Act, all persons should be treated alike under similar circumstances and conditions. The proposed restriction in 512.2, number 4 under Article V of the Amendment, restricts the ability of the individual applying for the IRD zoning to tear down a historic structure if there are two acres or less. While the preservation of the historic property is a legitimate goal, the current proposal does not lead to the desired legislative objectives. Unintended consequences under the proposed amendment would lead to a historic property being bounded on three sides by higher density development. This could result in inverse condemnation of the historic property thereby decreasing its value. Wouldn't a fair and rational proposal allow such an affected property owner an ability to opt out if that situation arises? Better yet, the City can still meet its legislative

objectives and preserve historic properties simply by deleting the provision of proposed 512.2, number 4, and allow the zoning process to assess each project on a case by case basis and thereby treat every property owner in the historic old town area in the exact same manner going forward. The City could also take the time with staff to identify potential properties that could be subject to similar inverse condemnation situations and possible de-list them from the Old Town Master Plan and not classify them as historic properties. As some of you know, not all the historic properties in historic Old Town are in the best of shape at the current time. Third, any historic property that is abounded by two or more non-historic properties could be made exempt to the proposed language. This would also eliminate potential inverse condemnation litigation down the road. Fourth, the City could look at passing a preservation ordinance. Thereby going through a thorough methodical way of categorizing and listing every approved historic property. He stated he didn't know if the Old Town Master Plan currently sets for the criteria as to what is or what is not a historic property.

- Valerie Gorman, 4015 Stonecypher Road, Suwanee, GA 30024 – Mrs. Gorman stated that 2 acres, 10 house criteria is too large for Old Town. It doesn't fit the scale. From Stonecypher Road to Pierce's Corner is 1.75 acres. If all that is destroyed with infill, the peaceful character will be disrupted. She stated she also challenges the constitutionality of the Amendment. Since the staff cannot justify what is historic and what isn't in the Old Town Master Plan, the whole category of historic is flawed. Some houses on the list no longer exist. Some are in really bad shape. In the Old Town Master Plan, one house is discussed as historic and does not exist. Basically, the entire list is capricious and arbitrary.
- Chuck Smiley, 3816 Whitlock Avenue, Suwanee, GA 30024 – Mr. Smiley stated he objects to this rezoning due to potential discrimination issues since he owns two tracts of land over the 2 acres. One tract is 6.4 and one 2.1 that were currently being considered for IRD zoning. If the zoning were to go through, it should be extended to larger tracts of land also.

The Public Hearing closed at 6:46 P.M.

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

**1. Call To Order**

Mayor Masino called the meeting to order at 7:04 P.M.

**2. Announcements**

- The City of Suwanee's 2006 Art on a Limb program took first place in the Best Event Within an Event category (under \$75,000) in the Southeast Festivals and Events Association's annual Kaleidoscope Awards program. The award was presented during

the association's fourth annual conference in Nashville February 19-21. Art on a Limb is a month-long City of Suwanee initiative designed to celebrate and bring attention to the arts as well as the natural beauty of the four-mile Suwanee Creek Greenway. Throughout the month of May, two or more pieces of original artwork are placed along the Suwanee Creek Greenway each day. Greenway-users who find the art pieces get to keep the unique trail treasures. Last year's program featured original paintings, by local artist Melody Orr, on small pieces of Suwanee's old water tower. Art on a Limb culminates each year with the annual Arts in the Park celebration held at Town Center Park the first Saturday of June. Look for this program to start again on May 1.

- Volunteers with good organizational and people skills, lots of energy, and a healthy sense of fun are needed to help plan the 2007 Suwanee Day festival, a daylong celebration of community to be held at Suwanee's Town Center Park Saturday, September 15. This year marks the 24<sup>th</sup> celebration of Suwanee Day. Volunteer opportunities are available in a variety of areas, including parade, exhibitors, marketing/promotion, sponsors, set up and clean up, volunteer organization, and transportation. A high degree of community commitment is preferred! To sign up, contact Amy Doherty or go to [www.suwanee.com](http://www.suwanee.com).

### **3. Pledge of Allegiance**

### **4. Approval of Minutes**

#### A. 1/11/07 Called Meeting

*Motion by Councilmember Foster to approve the 1/11/07 Called Meeting Minutes, second by Mayor Pro Tem Burnette and so carried 6-0.*

#### B. 1/23/07 Council Meeting

*Motion by Councilmember Foster to approve the 1/23/07 Council Meeting Minutes, second by Councilmember Brooks and so carried 6-0.*

### **5. Adoption of Agenda as Presented**

*Motion by Mayor Pro Tem Burnette to adopt the Agenda with the addition of New Business Item 10H Referencing SR 248, second by Councilmember Brooks and so carried 6-0.*

### **6. Special Recognition**

#### A. Chairman Won S. Lee, Chief of the Korean-American Community Patrol

On behalf of the City, Council and Police Department, Chief Mike Jones welcomed Chairman Won Lee and Sue Chey for their efforts in bridging the gap between the City of Suwanee and the Korean Community. Chief Jones presented Mr. Lee a certificate of appreciation.

#### B. Ted Krotz, Past President, Suwanee Business Alliance

Mayor Masino and City Manager Watkins recognized Ted Krotz for his support of the City of Suwanee during his tenure as President of the Suwanee Business Alliance. Mr. Krotz was presented a Proclamation and Thursday, March 1, 2007 was declared Ted Krotz Day.

C. Touchstone Homes

Bryan Cohen, UGI President/Touchstone Homes recently received the Homebuilder Recognition award. Mr. Cohen was presented a Proclamation and Thursday, February 28, 2007 was declared Touchstone Homes Day.

**7. Appointments to Boards: Downtown Development Authority and Open Space Citizen Advisory Committee**

The terms of five DDA members expired in January. The DDA is recommending that all five members be reappointed for a four-year term, expiring in 2011. They are: Jimmy Burnette, James Davenport, Beau Fields, Jon Highfield, and Kevin O'Brien.

*Motion by Councilmember Landers to appoint Jimmy Burnette, James Davenport, Beau Fields, Jon Highfield and Kevin O'Brien to the Open Space Citizen Advisory Committee, second by Councilmember Brooks and so carried 6-0.*

There are currently two positions that need to be filled on the Open Space Citizen Advisory Committee. Joy Mitchell, the business representative, had to step down after being appointed to the Planning Commission. Christy Howard of the Suwanee Sports Academy is interested in filling this position. The term expires in November 2008. Marcie Diaz had to resign from the committee as she moved out of the city limits. Bob Hogberg is interested in filling this position. The term expires in November 2007.

*Motion by Councilmember Rispin to appoint Christy Howard to the Open Space Citizen Advisory Committee to fill the unexpired term of Joy Mitchell (expires November 2008), second by Mayor Pro Tem Burnette and so carried 6-0.*

*Motion by Councilmember Foster to appoint Bob Hogberg to the Open Space Citizen Advisory Committee to fill the unexpired term of Marcie Diaz (expires November 2007), second by Mayor Pro Tem Burnette and so carried 6-0.*

**8. Audience Participation**

- Richard Trice, 5155 Meadowbrook Circle, Suwanee, GA 30024 – Mr. Trice presented a written request to Council to pass an amendment to the sign ordinance (copy attached).

**9. OLD BUSINESS**

- A. AMD-2007-001 - A proposed amendment to the City of Suwanee Zoning Ordinance relating to the Infill Residential District to modify Article III. Definitions to add new definitions; Article V. Zoning District Development and Use Regulations to amend the district name, certain district development standards, and create additional district requirements; and Article XXI. Amendments to create procedures for Community Input Meetings; and other related items**

Planning Commission Recommendation: Approval. ACTION: Consider the amendment. *Motion by Councilmember Brooks to TABLE AMD-2007-001 until the conclusion of litigation regarding IRD or on advice of the City Attorney, second by Mayor Pro Tem Burnette and so carried 6-0.*

## **10. NEW BUSINESS**

### **A. Consideration of Authorizing the Mayor to Enter into Agreement with Cerulea for Professional Design Services of Sims Lake Park**

The City is moving forward with the design of Phase I of Sims Lake Park. The City requested a proposal from Cerulea, the firm that Master Planned the park. The proposal is for \$241,700. These fees are in line with industry standards for this type of work and the money is included in the capital project budget. The professional design services will take approximately 6 months to complete. ACTION: Consider authorizing the Mayor to enter into agreement with Cerulea for professional design services.

*Motion by Councilmember Foster to authorize the Mayor to enter into agreement with Cerulea for professional design services for Sims Lake Park, second by Councilmember Rispin and so carried 6-0.*

### **B. Consideration of Authorizing the Mayor to Enter into Agreement with Information Technologies, Inc. for Records Management and Computer Aided Dispatch Software**

The Police Department issued RFQ's for records management software including computer aided dispatch and wireless connectivity to MDT's. Five proposals were received. Staff has reviewed the proposals and is recommending Information Technologies, Inc. (ITI). The total project cost is \$143,900. There is currently \$110,000 budgeted for this project. The difference (\$33,900) will either be budgeted in next year's budget as the number one capital project priority or taken from the SPLOST Police Communications capital budget. ACTION: Consider authorizing the Mayor to enter into agreement with Information Technologies, Inc. for records management and computer aided dispatch software.

*Motion by Councilmember Landers to authorize the mayor to enter into agreement with Information Technologies, Inc., for Records Management and Computer Aided Dispatch Software subject to City Attorney and staff approval, second by Councilmember Brooks and so carried 6-0.*

### **C. Consideration of Budget Adjustments**

This set of budget adjustments include revenue offsets, a general fund transfer, and reallocation of 2004 SPLOST Funds and allocation of 2001 SPLOST Funds. The revenue offset is to account for a Justice Assistance Grant (\$12,000) and a monetary donation (\$1,500) received by the Police Department. The general fund transfer out is

\$500,000 to the Public Works Yard Expansion, as identified in the CIP. This also includes related adjustments to the Town Center Facility Fund (New City Hall) for the bond proceeds and interest earnings. The SPLOST adjustments include reallocation for certain storm drainage projects to provide adequate funding for them to be completed, resulting in three of the projects going to the future projects list. Additional 2001 SPLOST funds were received and are proposed for allocation into the Main Street Road Repairs project, Pedestrian Bridge project, Pedestrian Underpass project, and a soft surface trails project at Suwanee Creek Park. ACTION: Consider the budget adjustments.

***Motion by Councilmember Brooks to approve the Budget Adjustments as listed, second by Mayor Pro Tem Burnette and so carried 6-0.***

**D. Consideration of Adoption of the 2007-2008 Budget Schedule**

ACTION: Consider approval of the 2007-2008 budget schedule.

***Motion by Councilmember Foster to adopt the 2007-2008 Budget Schedule, second by Councilmember Brooks and so carried 6-0.***

**E. Consideration of Issuance of a Temporary Alcohol Permit to Premier Events for the Smooth Jazz 107.5 Concert Series**

The City is co-sponsoring a Jazz Concert Series with the Smooth Jazz 107.5 WJZZ Radio Station. The series begins in April and will be held the first Friday of each month through October. City Council has to approve the license for alcohol to be sold at events. This approval includes all 7 jazz concerts. The radio station plans to use Premier Events as the vendor for alcohol this year. ACTION: Consider issuing a temporary alcohol permit to Premier Events for the Smooth Jazz 107.5 concert series.

***Motion by Councilmember Rispin to issue a Temporary Alcohol Permit to Premier Events for the Smooth Jazz concert series, second by Councilmember Foster and so carried 6-0.***

**F. Consideration of a Resolution to Change the Location of the City of Suwanee Municipal Election Polling Place from City Hall to the Suwanee Crossroads Center**

Since the City Council Meeting Room at City Hall has been converted into office space, it can no longer serve as an adequate polling place during municipal elections. Gregory Jay, City Attorney, has drafted a resolution to change the location of the polling place to the Suwanee Crossroads Center. ACTION: Consider the Resolution.

***Motion by Mayor Pro Tem Burnette to approve the Resolution to change the location of the City of Suwanee Municipal Election Polling Place from City Hall to the Suwanee Crossroads Center, Councilmember Brooks and so carried 6-0.***

**G. Consideration of Rescheduling the June 26, 2007 City Council Meeting to June 28, 2007**

June 26<sup>th</sup> is the last day of the GMA Annual Convention in Savannah, so Council may want to consider moving the Council Meeting to Thursday, June 28<sup>th</sup>. ACTION: Consider rescheduling the June 26, 2007 Council Meeting to June 28, 2007.

*Motion by Councilmember Rispin to reschedule the June 26, 2007 City Council Meeting to June 28, 2007, second by Mayor Pro Tem Burnette and so carried 6-0.*

**H. Adopt text of letter to Senator David Shafer regarding support of SR 248**

*Motion by Mayor Pro Tem Burnette to approve sending the letter to Senator Shafer, second by Councilmember Brooks and so carried 6-0.*

**11. CONSENT AGENDA**

**A. Authorize Mayor to Enter into Lease Agreement with Georgia Municipal Association for Three Police Patrol Vehicles**

The Police Department received approval for three new police vehicles in this year's budget. These vehicles are leased through the Georgia Municipal Association. ACTION: Authorize the Mayor to enter into lease agreement with Georgia Municipal Association for three patrol vehicles.

**B. Authorize Mayor to Enter into Agreement with RDS for Collection of Delinquent Fines**

There are currently almost 750 outstanding red light camera citations. The Administrative Services Department researched collection companies and found that GMA recommends Revenue Discovery Systems (RDS). They currently provide collection services for eight other cities in Georgia, including Duluth and Buford. ACTION: Authorize the Mayor to enter into agreement with RDS for collection of delinquent fines.

*Motion by Councilmember Foster to approve the Consent Agenda, second by Councilmember Rispin and so carried 6-0.*

**12. City Manager's Report – None.**

**13. Executive Session: Legal Issues and Personnel Issues (Conduct Periodic Performance Review of Appointed Staff)**

*Motion by Councilmember Foster to ENTER Executive Session to discuss Legal Issues and Personnel Issues, second by Councilmember Rispin and so carried 6-0. 7:30 PM*

Note: Councilmember Rispin had to leave during Executive Session.



*Motion by Councilmember Foster to EXIT Executive Session, second by Mayor Pro Tem Burnette and so carried 5-0. 10:30 P.M.*

**14. Adjournment**

*Motion by Councilmember Landers to adjourn, second by Mayor Pro Tem Burnette and so carried 5-0. 10:30 P.M.*

*Approved 03/27/2007*