

**CITY OF SUWANEE, GEORGIA
CITY COUNCIL MEETING
JUNE 28, 2007**

Meeting Location:

Dinner Session – City Hall Conference Room (373 Highway 23)

Public Hearing and City Council Meeting - Crossroads Center (323 Highway 23)

Attendees: Nick Masino, Mayor
Jimmy Burnette, Mayor Pro Tem
Jace Brooks, Councilmember
Dan Foster, Councilmember
Kevin McOmber, Councilmember
Kristi McCarley, Interim City Manager
Elvira Rogers, Administrative Services Director
Gregory Jay, City Attorney

Absent: Jeannine Rispin, Councilmember

**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 PM. Kristi McCarley, Interim City Manager, read the procedures for Public Meetings for the record.

1. Proposed FY 2007-2008 Budget and FY 2009-2013 Capital Improvement Program

Mayor Masino stated this is the second of two public hearings for the proposed FY 2007-2008 Budget and FY 2009-2013 Capital Improvement Program. Kristi McCarley presented a PowerPoint presentation to cover the highlights of the budget and CIP. Ms. McCarley informed the attendees that a copy of the budget will be available online as well as copies being available at City Hall and a copy for viewing at the Suwanee Library tomorrow. There was no audience participation.

2. Public Hearing on the Occupation Tax for FY 06-07 in Accordance with Georgia Law 48-13-28

Mayor Masino stated, Georgia Law states that any year that revenue generated from occupational taxes is greater than revenue generated from the preceding year, a public hearing must be held. This hearing is to satisfy that requirement. There was no audience participation.

3. **AN-2007-002 - Applicant: Mahaffey Pickens Tucker, LLP. Owner: Lawrenceville Suwanee Associates, Inc. Requests annexation and rezoning from R-100 (Unincorporated Gwinnett County, Single Family Residential District) to R-100 (City of Suwanee, Residential Single Family District) for a single family residence. Site is located on parcels 023 and 026 in Land Lot 168 of the 7th District on Burnette Road west of Autumnbrooke Way and contains approximately 4.59 acres.**
4. **RZ-2007-004 - Applicant: Mahaffey Pickens Tucker, LLP. Owner: Lawrenceville Suwanee Associates, Inc. Requests annexation and rezoning from R-100 (Unincorporated Gwinnett County, Single Family Residential District) to R-100 (City of Suwanee, Residential Single Family District) for a single family residence. Site is located on parcels 023 and 026 in Land Lot 168 of the 7th District on Burnette Road west of Autumnbrooke Way and contains approximately 4.59 acres.**

Marty Allen, Planning & Economic Development Director, stated the applicant has requested these items be postponed for sixty days. There was no audience participation.

5. **AN-2007-003 - Applicant: Mahaffey Pickens Tucker, LLP. Owner: Jun & Jenny Investment, LLC and Suwanee Station Group, LLC. Requests annexation and rezoning from C-2 (Unincorporated Gwinnett County, General Business District) to C-2A (City of Suwanee, Special Commercial District - Alcoholic Beverage Sales) to allow for an existing commercial center. Site is located on a portion of parcel 040 in Land Lot 152 of the 7th District at the intersection of Lawrenceville-Suwanee Road and Old Peachtree Road and contains approximately 8.0 acres.**
6. **RZ-2007-005 - Applicant: Mahaffey Pickens Tucker, LLP. Owner: Jun & Jenny Investment, LLC and Suwanee Station Group, LLC. Requests annexation and rezoning from C-2 (Unincorporated Gwinnett County, General Business District) to C-2A (City of Suwanee, Special Commercial District - Alcoholic Beverage Sales) to allow for an existing commercial center. Site is located on a portion of parcel 040 in Land Lot 152 of the 7th District at the intersection of Lawrenceville-Suwanee Road and Old Peachtree Road and contains approximately 8.0 acres.**

Marty Allen, Planning & Economic Development Director, stated the applicant has requested these items be postponed for sixty days. There was no audience participation.

7. **Application for License to Sell Beer, Wine, and Distilled Spirits to be Consumed on the Premises: Mu Lan Chinese & Sushi Restaurant, 3370 Lawrenceville-Suwanee Road. Applicant: Hoi Kok Au.**

Kristi McCarley stated, Mu Lan Chinese & Sushi Restaurant has requested an alcohol license for beer, wine and distilled spirits to be consumed on the premises. Hoi Kok Au will be the licensee. The applicant, Hoi Kok Au was present. There was no audience participation.

8. **Application for License to Sell Beer, Wine, and Distilled Spirits to be Consumed on the Premises, Change in Licensee: Outback Steakhouse Restaurant, 145 Gwinco Blvd. Applicant: Yanis Latsis.**

Kristi McCarley stated, Outback Steakhouse Restaurant has requested a change in licensee for their alcohol license for beer, wine and distilled spirits to be consumed on the premises.

Yanis Latsis will be the licensee. All reports have been run and the findings support this license. There was no audience participation.

Public Hearing closed at 6:55 P.M.

7:00 P.M.
CITY COUNCIL MEETING

1. Call To Order

Mayor Masino called the meeting to order at 7:00 P.M.

2. Announcements

- This Saturday, The Atlanta Symphony Orchestra will perform at 8 p.m. The ASO is one of the country's premiere orchestras—an icon of great music in Atlanta. Bring your blankets, low-back chairs, picnics, and friends. Food and beverages, including beer and wine, will be available for purchase; however, no outside alcohol may be brought into Town Center Park. Members of the Greater Atlanta Christian School orchestra will be taking the stage for an opening performance at 7 p.m. Limited parking is available at Town Center. Off-site parking and a complimentary shuttle to and from the park will be available at Shawnee North Business Center, 305 Lawrenceville-Suwanee Road, beginning at 6:30 p.m.
- The Suwanee Smooth Jazz Concert Series continues next Friday, July 6th, featuring *Madoca & Company* at 7 p.m. at Town Center Park. Bring blankets, chairs, picnics, and friends to the concert; however, no alcohol may be brought into Town Center Park. Food, beer, and wine will be available for purchase, with vendors set to open at 5:30 p.m.
- We have a new art exhibit here in this room. This is the “Impressions of Summer” exhibit of 21 paintings in a variety of styles and mediums that celebrates the artists' surroundings. The seven local artists featured in the exhibit are Sally Evans, Nancy Everett, Cathy Fowler, Robin Garrison, Kay Hibbard, Maggie Mayer, and Judi Moore. The exhibit will run through August and is open for public viewing from 8 a.m.-5 p.m. weekdays.
- Also, the Farmer's Market continues this Saturday and every Saturday though the summer at Town Center Park from 8 a.m.-noon.

For information on all upcoming events, please visit www.suwanee.com

- Mayor Masino announced he attended the Ribbon Cutting for Rita's and was presented the Golden Scoop Award for the City.
- Mayor Masino announced the City of Suwanee received the City of Ethics Designation at the GMA Annual Conference.
- Mayor Masino announced that the 2005-2006 Census update reflected Suwanee is the fastest growing city in the state.

3. Pledge of Allegiance

4. Approval of Minutes

A. May 22, 2007 Council Meeting

Motion to approve the May 22, 2007 Council Meeting Minutes by Councilmember Foster, second by Councilmember Brooks and so carried 4-0-1 (McOmber abstained).

5. Adoption of Agenda as Presented

Motion to Adopt the Agenda as presented adding New Business Item 9.O. Authorizing the Mayor to enter into an Agreement with Trail Design Specialists, LLC for construction of soft surface trails in Suwanee Creek Park, by Councilmember Brooks, second by Mayor Pro Tem Burnette. Mayor Masino called for discussion. The motion carried 5-0.

6. Appointments to Boards: Urban Redevelopment Agency

Bill Thee, Sandra Watson, and Carol Hassell of the Urban Redevelopment Agency are all serving terms that expire in August 2007. All three have expressed an interest in continuing to serve on this board. As per the URA by-laws, the Mayor designates the chairperson and vice-chairperson. Alex Stone is the current chairperson and Bill Thee the vice-chairperson. Both are interested in continuing in these roles. ACTION: Consider re-appointing Bill Thee, Sandra Watson, and Carol Hassell with terms to expire in August 2009 and designating Alex Stone as chairperson and Bill Thee as vice-chairperson.

Motion by Councilmember Foster to re-appoint Bill Thee, Sandra Watson and Carol Hassell to the Urban Redevelopment Agency with terms to expire August 2009 and designating Alex Stone as chairperson and Bill Thee as vice-chairperson, second by Councilmember McOmber and so carried 5-0.

7. Audience Participation – None.

8. OLD BUSINESS – None.

9. NEW BUSINESS

A. AN-2007-002 - Applicant: Mahaffey Pickens Tucker, LLP. Owner: Lawrenceville Suwanee Associates, Inc. Requests annexation and rezoning from R-100 (Unincorporated Gwinnett County, Single Family Residential District) to R-100 (City of Suwanee, Residential Single Family District) for a single family residence. Site is located on parcels 023 and 026 in Land Lot 168 of the 7th District on Burnette Road west of Autumnbrooke Way and contains approximately 4.59 acres. ACTION: Consider the annexation.

B. RZ-2007-004 - Applicant: Mahaffey Pickens Tucker, LLP. Owner: Lawrenceville Suwanee Associates, Inc. Requests annexation and rezoning from R-100 (Unincorporated Gwinnett County, Single Family Residential District) to R-100 (City of Suwanee, Residential Single Family District) for a single family residence. Site is located on parcels 023 and 026 in Land Lot 168 of the 7th District on Burnette Road west of Autumnbrooke Way and contains approximately 4.59 acres.

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

Motion by Councilmember Brooks to table AN-2007-002 and RZ-2007-004 to the August 2007 City Council Meeting, second by Mayor Pro Tem Burnette and so carried 5-0.

- C. AN-2007-003 - Applicant: Mahaffey Pickens Tucker, LLP. Owner: Jun & Jenny Investment, LLC and Suwanee Station Group, LLC. Requests annexation and rezoning from C-2 (Unincorporated Gwinnett County, General Business District) to C-2A (City of Suwanee, Special Commercial District - Alcoholic Beverage Sales) to allow for an existing commercial center. Site is located on a portion of parcel 040 in Land Lot 152 of the 7th District at the intersection of Lawrenceville-Suwanee Road and Old Peachtree Road and contains approximately 8.0 acres. ACTION: Consider the annexation.
- D. RZ-2007-005 - Applicant: Mahaffey Pickens Tucker, LLP. Owner: Jun & Jenny Investment, LLC and Suwanee Station Group, LLC. Requests annexation and rezoning from C-2 (Unincorporated Gwinnett County, General Business District) to C-2A (City of Suwanee, Special Commercial District - Alcoholic Beverage Sales) to allow for an existing commercial center. Site is located on a portion of parcel 040 in Land Lot 152 of the 7th District at the intersection of Lawrenceville-Suwanee Road and Old Peachtree Road and contains approximately 8.0 acres.

Please review Planning Commission Report included in your packet. Staff Recommendation: Approval. Planning Commission Recommendation: Approval. ACTION: Consider the rezoning.

Motion by Councilmember Foster to table AN-2007-003 and RZ-2007-005 to the August 2007 City Council Meeting, second by Mayor Pro Tem Burnette and so carried 5-0.

- E. Consideration of a Resolution to Adopt the Budget for the City of Suwanee for Fiscal Year 2007-2008

Council has received a copy of the budget for FY 2007-2008. The required two public hearings have been held (with the scheduled Public Hearing for June 28th). Staff is seeking approval. A copy of the resolution is in your packet. ACTION: Consider the resolution.

Motion by Mayor Pro Tem Burnette to approve consideration of a Resolution to adopt the Budget for the City of Suwanee for Fiscal Year 2007-2008, second by Councilmember Brooks and so carried 5-0.

- F. Consideration of Resolution to Authorize Staff Positions and Pay & Classification System Assignments for FY 2007-2008 as Outlined in the FY 2007-2008 Budget Document

These positions have been discussed in budget workshops and are outlined in the budget document. The list includes the addition of an Administrative Assistant for Finance, one part-time Administrative Assistant for Economic and Community Development, a Police Detective, a Police Sergeant, an Assistant to the Public Works Director and two Equipment Operators. A copy of the resolution is included in your packet. ACTION: Consider the resolution.

Motion by Councilmember Foster to approve a Resolution to authorize Staff Positions and Pay & Classification System Assignments for FY 2007-2008 as Outlined in the FY 2007-2008 budget document, second by Councilmember Brooks and so carried 5-0.

G. Consideration of Adoption of Capital Improvement Program for Fiscal Years 2009-2013

Council has received a copy of the CIP for FY 2009-2013. Staff is seeking approval.
ACTION: Consider adoption of the CIP.

Motion by Councilmember Brooks to approve the CIP for FY 2009-2013, second by Mayor Pro Tem Burnette and so carried 5-0.

H. Consideration of Application for License to Sell Beer, Wine, and Distilled Spirits to be Consumed on the Premises: Mu Lan Chinese & Sushi Restaurant, 3370 Lawrenceville-Suwanee Road. Applicant: Hoi Kok Au

Mu Lan Chinese & Sushi Restaurant has requested an alcohol license for beer, wine and distilled spirits to be consumed on the premises. Location: 3370 Lawrenceville-Suwanee Road. Applicant: Hoi Kok Au. Mr. Au's fingerprint report has been returned with a clean record and the Finance Department is recommending approval. ACTION: Consider the application.

Motion by Mayor Pro Tem Burnette to approve the application for License to sell beer, wine and distilled spirits to be consumed on premises: MuLan Chinese & Sushi Restaurant, 3370 Lawrenceville Suwanee Road, Applicant: Hoi Kok Au, second by Councilmember Foster and so carried 5-0.

I. Consideration of Application for License to Sell Beer, Wine, and Distilled Spirits to be Consumed on the Premises, Change in Licensee: Outback Steakhouse Restaurant, 145 Gwinco Blvd. Applicant: Yanis Latsis

Outback Steakhouse Restaurant has requested an alcohol license for beer, wine and distilled spirits to be consumed on the premises. Location: 145 Gwinco Blvd. Applicant: Yanis Latsis. Mr. Latsis's fingerprint report has been returned with a clean record and the Finance Department is recommending approval. ACTION: Consider the application.

Motion by Councilmember Foster to approve the application for License to sell beer, wine and distilled spirits to be consumed on premises: Outback Steakhouse Restaurant, 145 Gwinco Boulevard, Applicant: Yanis Latsis, second by Mayor Pro Tem Burnette and so carried 5-0.

J. Consideration of Fourth Quarter Budget Adjustments

The 4th quarter budget adjustments were distributed and discussed at the Workshop. These items are to clean up the budget to prepare for year-end. The changes are summarized in a cover memo included in your packet followed by the detailed spreadsheets. ACTION: Consider approval of the 4th quarter budget adjustments.

Motion by Councilmember Brooks to approve the 4th Quarter Budget Adjustments, second by Mayor Pro Tem Burnette and so carried 5-0.

- K. Consideration of Authorizing the Mayor to Enter into Agreement with Bleakly Advisory Group Regarding Implementation of a Tax Allocation District

Staff is proposing to use Bleakly Advisory Group to assist with implementation of a Tax Allocation District. This will include the creation of a redevelopment plan. A copy of the contract is included in your packet. These services are included in the budget.

ACTION: Consider authorizing the Mayor to enter into agreement with Bleakly Advisory Group.

Motion by Councilmember McOmber to approve the Mayor to enter into agreement with Bleakly Advisory Group regarding Implementation of a Tax Allocation District, second by Councilmember Foster and so carried 5-0.

- L. Consideration of Adoption of the Alternative Transportation Plan

The Alternative Transportation Plan has been completed. Streetsmarts, one of the City's designated engineering firms, presented the plan and answered questions at the June Workshop. ACTION: Consider adoption the Alternative Transportation Plan.

Motion by Councilmember Brooks to postpone the Alternative Transportation Plan to the July Council Meeting, second by Councilmember McOmber and so carried 5-0.

- M. Consideration of Adoption of the Outdoor Water Use Ordinance

The Georgia Environmental Protection Division (EPD) classifies drought in four levels of severity; currently Georgia is a Declared Drought Response Level 2. A local ordinance is needed to enforce water use restrictions and outline associated penalties. City Attorney Gregory Jay has drafted an Outdoor Water Use Ordinance. A copy of the ordinance has been provided in your packet. ACTION: Consider the Outdoor Water Use Ordinance.

Motion by Mayor Pro Tem Burnette to adopt the Outdoor Water Use Ordinance, second by Councilmember McOmber and so carried 5-0.

- N. Consideration of Acceptance of Resignation from MaLisa McOmber from the Ethics Board

With Kevin McOmber being the successful candidate in the June 19th Special Election, his wife, MaLisa McOmber has submitted her resignation from the Ethics Board. A copy of her letter is included in your packet. ACTION: Consider acceptance of resignation.

Motion by Councilmember Foster to accept the resignation of MaLisa McOmber from the Ethics Board, second by Mayor Pro Tem Burnette and so carried 4-0-1 (Councilmember McOmber abstained).

- O. Add: Authorization for Mayor to Enter into Agreement with Trail Design Specialists, LLC for Soft Surface Trail construction in Suwanee Creek Park

Motion by Mayor Councilmember Brooks to approve the Mayor to enter into Agreement with Trail Design Specialists, LLC for soft surface trail construction in Suwanee Creek Park, second by Councilmember Foster and so carried 5-0.

- P. Moved from Consent Agenda: Approve the Pedestrian Safety Ordinance

Motion by Councilmember McOmber to table approval of the Pedestrian Safety Ordinance to the August meeting, second by Councilmember Burnette and so carried 5-0.

10. CONSENT AGENDA

- A. Authorize the Mayor to Renew Contract with Southeast Corrections, LLC for Professional Probation Services

It is the recommendation of Chief Judge Mark Lewis and Administrative Services/Municipal Court that the one-year contract with Southeast Corrections, LLC, to provide Probation Services to Suwanee Municipal Court be renewed. Judge Lewis informed Council at the April Workshop that the company has performed well in its first year with the City. A copy of the contract has been provided in your packet.

ACTION: Authorize the Mayor to enter into the agreement with Southeast Corrections, LLC.

- B. Authorize the Mayor to Renew Contract with Gwinnett Technical College for an Adult Literacy Program

The City entered into agreement with Gwinnett Tech in February 2006 to provide adult literacy classes for employees. Currently three employees are participating in the program and it has been a success. As a result of these classes, one employee has successfully passed the Commercial Drivers License (CDL) Test. Staff is requesting authorization to renew the agreement with Gwinnett Tech for this service, which will enhance employee productivity and our service to the community. A copy of the contract has been provided in your packet.

ACTION: Authorize the Mayor to enter into the agreement with Gwinnett Technical College.

- C. Approve the Pedestrian Safety Ordinance

This item was discussed at the Workshop in relation to pedestrian safety at Town Center. Gregory Jay has drafted an ordinance to address these issues. A copy is included in your packet.

ACTION: Approve the Pedestrian Safety Ordinance.

- D. Authorize the Mayor to Execute Corrective Limited Warranty Deeds for the November 11, 2004 Water Tank Property Transfer Deeds Between the City of Suwanee and Ernest and Gay Brooks

The Limited Warranty Deed that was executed and recorded from the City of Suwanee to Ernest and Gay Brooks has four errors in the property line bearing descriptions. The Limited Warranty Deed that was executed and recorded from Ernest and Gay Brooks to the City of Suwanee has five errors in the property line bearing and length descriptions.

Approval/acceptance and recording these two Corrective Deeds will provide a permanent record of the accurate property line and property transfer that occurred for the November 11, 2004, water tank property transfer. Gregory Jay prepared the Corrective Deeds utilizing the revised legal descriptions. A copy of both Corrective Deeds is provided in your packet.

ACTION: Authorize the Mayor to execute the corrective deeds.

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

11. City Manager's Report

Ms. McCarley announced that construction has begun on the pedestrian bridge over Suwanee Creek.

12. Executive Session: Legal Issues

Motion to ENTER Executive Session by Mayor Pro Tem Burnette, second by Councilmember McOmber and so carried 5-0. Time: 7:30 P.M.

Motion to EXIT Executive Session by Councilmember Foster, second by Councilmember Brooks and so carried 5-0. Time: 7:54 P.M.

No Action Taken

13. Adjournment – Time: 7:54 P.M.

Motion to Adjourn by Councilmember McOmber, second by Councilmember Brooks and so carried 5-0.

Approved July 24, 2007