

**CITY OF SUWANEE, GEORGIA  
CITY COUNCIL MEETING  
JULY 24, 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  
Jace Brooks, Councilmember  
Dan Foster, Councilmember  
Kevin McOmer, Councilmember  
Jeannine Rispin, Councilmember  
Kristi McCarley, Interim City Manager  
Elvira Rogers, Administrative Services Director

Absent: Jimmy Burnette, Mayor Pro Tem  
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 6:35 P.M. Kristi McCarley, Interim City Manager read the Procedures for Public Meetings for the record.

**1. Proposed FY 2007-2008 Millage Rate**

This is the third of three public hearings required by state law on the proposed FY 2007-2008 Millage Rate. Consideration of voting on the millage rate is scheduled for tonight's July 24, 2007 Council Meeting. Though the millage rate will stay the same at 5.77 mills, property taxes will increase by 4.36% due to reassessments.

Audience Participation:

- Mark Joshi, 400 Surveyor's Point, Suwanee, GA. Mr. Joshi asked why this was needed and where does the money go? Mayor Masino informed Mr. Joshi that

the full budget document is available online and at the Suwanee Library. Also, staff is available to answer questions.

- 2. RZ-2007-006 - Applicant and Owner: Moore Partners Suwanee II, LLC. Requests rezoning from C-2 (General Commercial District) to C-2A (Special Commercial District - Alcoholic Beverage Sales) to allow for retail uses including restaurants with alcohol sales. Site is located in Land Lots 238 and 250 of the 7th District near the corner of Peachtree Industrial Boulevard and Moore Road and contains approximately 2.47 acres**

Marty Allen presented the staff analysis as follows: The applicant requests rezoning on approximately 2.47-acres from C-2 (General Commercial District) to C-2A (Special Commercial District-Alcohol Sales) to allow for commercial/retail uses including potentially a restaurant(s) with alcohol sales. The applicant proposes to construct a 13,400 square foot building and provide approximately 109 parking spaces. The site is located on Peachtree Industrial Boulevard just north of Moore Road. The 2.47-acre subject property is part of a larger 5.1-acre tract that is being developed with C-2 zoned commercial/retail uses.

The subject property is located along the developing Peachtree Industrial Boulevard commercial corridor between existing commercial nodes at Suwanee Dam Road and McGinnis Ferry Road. There are also residential in the surrounding area. North of the subject property, along Peachtree Industrial Boulevard, is the Forest Plantation subdivision zoned R-85. To the east of the subject property, along Moore Road, is the Lansfaire subdivision zoned R-75. A 50-foot wide buffer is proposed where the property abuts residential uses. To the south of the subject property, across Moore Road, is a shopping center that is currently under development zoned C-2A. It was rezoned to C-2A in April of 2006 pursuant to case number RZ-2006-007. With appropriate conditions, the site is suitable for commercial uses including restaurants with alcohol sales.

It should be noted that the City's Alcohol Beverage Regulations require distance separation requirements from places that sell alcohol and certain other land uses. There do not appear to be any uses in the area that would affect the ability of the subject property to include alcohol sales.

The City of Suwanee Future Land Use Plan indicates the subject property is part of the Chattahoochee Crossing Character Area and is designated as a mixed-use center. With appropriate conditions that provide for an appropriate transition from Peachtree Industrial Boulevard to the residential area along Moore Road, approval of this request could be appropriate.

In conclusion, the subject property is located on the rapidly developing Peachtree Industrial Commercial corridor. The site is appropriate for a commercial development with alcohol sales, but conditions should be included to mitigate the

impacts of the commercial uses and require the project to incorporate the character of the area. Therefore, the Planning Department recommends approval with conditions. The Planning Commission also recommended approval.

Councilmember Foster asked if just the shaded area in the packet would be C-2A and the remainder C-2. Mr. Allen stated this is correct. Councilmember Foster requested clarification on the tract. Mr. Allen stated the marketing plan shows four parcels.

Mayor Masino asked if the entire area is being zoned. Mr. Allen stated that only the hatched area on the plan is being addressed with this rezoning.

Applicant – Corbitt Woods, 6650 Sugarloaf Parkway, Duluth, Georgia. Mr. Wood stated the rezoning is to allow for alcohol sales. Feedbacks received from the neighbors are supportive of a sit down restaurant in the area.

There was no audience participation.

**3. Application for License to Sell Beer, Wine, and Distilled Spirits to be Consumed on the Premises: Cheeky Taqueria Restaurant, 1039 Peachtree Industrial Blvd., Suite 122A. Applicants: Jose Hevia and Maher M. Alboumeh**

Kristi McCarley stated Cheeky Taqueria Restaurant has requested an alcohol license for beer, wine and distilled spirits to be consumed on the premises. Jose Hevia and Maher M. Alboumeh will be the licensees.

Applicant – Jose Hevia, 860 Yosemite Drive, Suwanee, GA. Mr. Hevia stated the menu is authentic Mexican chef driven with an outdoor patio. Mr. Hevia stated he would like to be open by September 1, 2007.

There was no audience participation.

The Public Hearing closed at 6:47 P.M.

**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**

- Congratulations, Suwanee! Not only is Suwanee Gwinnett County's fastest-growing community but we are also one of the nation's best small cities in which to live, according to *Money Magazine*. Suwanee is ranked number 10 in the magazine's 2007 list of best places to live. *Money* initially considered a list of 3,000 small cities with populations between 7,500 and 50,000. The 100 finalists

are included and top 10 “winners” are featured in the magazine’s August issue. Factors considered by *Money* included economic opportunity, good schools, safe streets, things to do, and a real sense of community.

- The Suwanee Smooth Jazz Concert Series continues next Friday, August 3<sup>rd</sup>, with *Antoine Knight and Steve Oliver* 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.
- Saturday, August 18<sup>th</sup>, the City of Suwanee is hosting *Sister Hazel* in concert at Town Center Park at 7 p.m. Food, beer, and wine will be available for purchase, with vendors set to open at 5:30 p.m.
- Farmer’s Market will be every Saturday, 8 AM to Noon.

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

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

#### A. June 14, 2007 Called Meeting

*Motion by Councilmember Foster to approve the June 14, 2007 Called Meeting Minutes, second by Councilmember Brooks and so carried 4-0-1 (McOmber).*

#### B. June 22, 2007 Called Meeting

*Motion by Councilmember Brooks approve the June 22, 2007 Called Meeting Minutes, second by Councilmember McOmber so carried 3-0-2 (Masino, Rispin).*

#### C. June 28, 2007 Council Meeting

*Motion by Councilmember Foster to approve the June 28, 2007 Meeting Minutes, second by Councilmember Brooks and so carried 4-0-1 (Rispin).*

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

*Motion by Councilmember Brooks to adopt the agenda with the following change: Move Consent Agenda item 11A to New Business item 10H, second by Councilmember Foster and so carried 5-0.*

### **6. Special Recognition**

New PACT Neighborhood—Town Center/Madison Retail

Captain Clyde Byers and Sergeant Chris Robinson recognized the Town

Center/Madison Retail PACT Neighborhood. This is the first community of this type in the program.

### **7. Appointments to the Public Art Ordinance Committee**

Dick Goodman, Debra Smith, Vanessa Boggs, Nick Keith, Linnea Miller, and Bryan Cohen were identified to serve on the Public Art Ordinance Committee. All six have

expressed an interest in serving on the committee. Mayor Masino stated the committee would recommend certain percentage of construction costs go into a public art fund. (Recommendation by November Council Meeting?)

**8. Audience Participation – None.**

**9. OLD BUSINESS**

**A. Consideration of Adoption of the Alternative Transportation Plan and Authorizing Staff to Proceed with Identified Projects**

Final comments and adjustments to the Alternative Transportation Plan have been completed and the plan is ready for consideration. At the July Workshop, Council discussed beginning implementation of appropriate projects. Staff has identified a list of projects that could be funded with the current SPLOST funds. A copy of that list is included in your packet, along with the resolutions. A bound copy of the final plan will be provided to you on the night of the Council Meeting. ACTION: Consider adoption the Alternative Transportation Plan and authorizing staff to proceed with identified projects.

*Motion by Councilmember Brooks to Adopt the Alternative Transportation Plan and authorize staff to proceed with identified projects, second by Councilmember Foster and so carried 5-0.*

**B. Consideration of the Pedestrian Safety Ordinance**

The pedestrian safety ordinance was postponed at the June Council Meeting. The draft ordinance is included in your packet. ACTION: Consider the ordinance.

*Motion by Councilmember Rispin to adopt the Pedestrian Safety Ordinance, second by Councilmember Brooks and so carried 5-0.*

**10. NEW BUSINESS**

**A. RZ-2007-006 - Applicant and Owner: Moore Partners Suwanee II, LLC. Requests rezoning from C-2 (General Commercial District) to C-2A (Special Commercial District - Alcoholic Beverage Sales) to allow for retail uses including restaurants with alcohol sales. Site is located in Land Lots 238 and 250 of the 7th District near the corner of Peachtree Industrial Boulevard and Moore Road and contains approximately 2.47 acres**

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

*Motion by Councilmember Rispin to approve RZ-2007-006 with Planning Commission conditions and one change to condition #6 where we read*

*dumpster shall be located in front of the shopping center to be changed to “dumpster location shall be subject to the review and approval of the Planning Department to minimize the impact of the surrounding residential area,” second by Councilmember McOmber and so carried 4-0-1 (Foster).*

**B. Consideration of Ad Valorem Tax Ordinance for Fiscal Year 2007-2008**

The required public hearings were held on July 10<sup>th</sup>, 12<sup>th</sup>, and 24<sup>th</sup>. The millage rate is proposed at 5.77 mills to be levied and assessed on property. Though the millage rate will stay the same at 5.77 mills, property taxes will increase by 4.36% due to reassessments. ACTION: Consider the ordinance.

*Motion by Councilmember McOmber to approve the Ad Valorem Tax Ordinance for Fiscal Year 2007-2008, second by Councilmember Foster and so carried 5-0.*

**C. Consideration of Application for License to Sell Beer, Wine, and Distilled Spirits to be Consumed on the Premises: Cheeky Taqueria Restaurant, 1039 Peachtree Industrial Blvd., Suite 122A. Applicants: Jose Hevia and Maher M. Alboumeh**

Cheeky Taqueria Restaurant has requested an alcohol license for beer, wine and distilled spirits to be consumed on the premises. Location: 1039 Peachtree Industrial Blvd., Suite 122A. Applicants: Jose Hevia and Maher M. Alboumeh. Mr. Hevia's and Mr. Alboumeh's fingerprint reports has been returned with clean records and the Finance Department is recommending approval. ACTION: Consider the application.

*Motion by Councilmember Foster to approve the application of License to sell beer, wine and distilled spirits to be consumed on premises: Cheeky Taqueria Restaurant, 1039 Peachtree Industrial Boulevard, Suite 122A. Applicants: Jose Hevia and Maher M. Alboumeh, second by Councilmember Rispin and so carried 5-0.*

**D. Consideration of Declaration of Surplus Items**

The City Manager's Office and Finance Department have collected a list of surplus items from the Hewell House on the Sims Lake Park property and surplus items from other departments. Council needs to declare all the items as surplus before they can be auctioned. ACTION: Consider declaring the list of items as surplus.

*Motion by Councilmember Foster to declare the list of items surplus, second by Councilmember Brooks and so carried 5-0.*

**E. Consideration of Authorizing Mayor to Enter into Contract with Anne's Estate Auctions for Public Auction of Surplus Items**

Staff is proposing to use Anne's Estate Auctions to facilitate an auction of surplus items from the Hewell House on the Sims Lake Park property and surplus items from other departments. The auction can be held as early as the beginning of August but given the events schedule, staff is recommending the auction be held Saturday, August 25<sup>th</sup> at Pierce's Corner. A copy of the contract is included in your packet. ACTION: Consider authorizing the Mayor to enter into agreement with Anne's Estate Auctions.

*Motion by Brooks to authorize the Mayor to enter into contract with Anne's Estate Auctions for Public Auction of Surplus Items, second by Councilmember Rispin and so carried 5-0.*

**F. Consideration of Authorizing the Mayor to Enter into Agreement with Partnership Gwinnett, Inc.**

The Gwinnett Chamber of Commerce, along with partners in government, education, healthcare and business, has developed Partnership Gwinnett: A Shared Vision for the Future. Partnership Gwinnett is developing a long-term strategic community and economic development plan for Gwinnett County. The City has budgeted \$10,000 in financial assistance to support the functions and objectives of the Partnership. A copy of the agreement is included in your packet. ACTION: Consider authorizing the Mayor to enter into agreement with Partnership Gwinnett.

*Motion by Councilmember Foster to authorize the Mayor Pro Tem to enter into Agreement with Partnership Gwinnett, Inc., second by Councilmember Rispin for discussion - In the absence of the Mayor Pro Tem table this item. Motion amended by Councilmember Foster to table Item 10.F, amended second by Councilmember Rispin and so carried 5-0.*

**G. Consideration of Approval of an Ordinance to Regulate and Provide for the Calling of the General Municipal Election to Fill the Expired Terms of the Mayor and Councilmember Posts 1 & 2; and, a Special Municipal Election Pursuant to Local Act for Approval or Rejection of the Voters on Tuesday, November 6, 2007**

This ordinance would regulate and provide for the calling of the General Municipal Election to fill the expired terms of the Mayor and Councilmember Posts 1 & 2 and a Special Municipal Election to consider Tax Allocation Districts. This ordinance would also establish poll hours, qualifying period and fees, the voter registration deadline, and equipment. ACTION: Consider the ordinance to regulate and call for the General Municipal Election to fill the expired terms of the Mayor and Councilmember posts 1 & 2; and a Special Municipal Election

pursuant to Local Act for Approval or Rejection of the Voters on Tuesday, November 6, 2007.

*Motion by Councilmember Brooks to approve an Ordinance to Regulate and Provide for the Calling of the General Municipal Election to Fill the Expired Terms of the Mayor and Councilmember Posts 1 & 2; and, a Special Municipal Election Pursuant to Local Act for Approval or Rejection of the Voters on Tuesday, November 6, 2007, second by Councilmember Foster and so carried 5-0.*

**H. Authorize the Mayor to Renew Contract with American Integrated Services for Information Technology Services**

Staff recommends that the one-year contract with American Integrated Services to provide Information Technology Service to the City of Suwanee be renewed. This annual contract renewal is included in the FY 2007-2008 Budget. The company has performed well and the contract includes expanded hours of service at the request of staff. ACTION: Authorize the Mayor to enter into the agreement with American Integrated Services.

*Motion by Councilmember Brooks to Table item 10.H. until the August Council Meeting, second by Councilmember Rispin and so carried 5-0.*

**11. CONSENT AGENDA**

**A. Authorize the Mayor to Execute the Community Development Block Grant Program Subrecipient Agreements with Gwinnett County for Sidewalk Accessibility Improvements**

The Gwinnett County Board of Commissioners has approved an award from the 2007 Community Development Block Grant (CDBG) Program totaling \$66,000 for Sidewalk Accessibility Improvements. This money will be used in conjunction with the pedestrian improvement project on Lawrenceville-Suwanee Road and Buford Highway, funded by SPLOST. The first step is the execution of the CDBG Program Subrecipient agreements as required by HUD. ACTION: Authorize the Mayor to execute the agreements with Gwinnett County.

**B. Authorize the Mayor to Enter into Agreement with Georgia Department of Transportation for the Pedestrian Underpass Project**

The Georgia Department of Transportation has issued the contract for the City to proceed with the Pedestrian Underpass Project. Once the City has executed these contracts, DOT will execute them and then authorize us to advertise for bids. ACTION: Authorize the Mayor to enter into agreement with Georgia Department of Transportation.



**C. Authorize the Mayor to Execute all Relevant Documents to the State of Georgia and Gwinnett County for the Construction of Sims Lake Park**

Several documents have to be submitted to the State of Georgia and Gwinnett County for the City to proceed forward with the construction of Sims Lake Park. The documents include, but are not limited to: stormwater discharge permit to Georgia EPD, traffic signal development review form to Gwinnett County DOT, and water meter easement forms to Gwinnett County Water and Sewerage Authority. ACTION: Authorize the Mayor to execute all relevant documents to the State of Georgia and Gwinnett County.

*Motion by Councilmember McOmber to approve the Consent Agenda, second by Councilmember Foster and so carried 5-0.*

**12. City Manager's Report – None.**

**13. Executive Session: Personnel Issues**

*Motion by Councilmember Rispin to ENTER Executive Session, second by Councilmember McOmber and so carried 5-0. Time: 7:35 P.M.*

*Motion by Councilmember Rispin to EXIT Executive Session, second by Councilmember Foster and so carried 5-0. Time: 8:10 P.M.*

*No action taken.*

**14. Adjournment – Time: 8:10 P.M.**

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

**Approved 08/28/2007**