

**CITY OF SUWANEE, GEORGIA
CITY COUNCIL MEETING
DECEMBER 20, 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

Jeannine Rispin, Councilmember

Marty Allen, City Manager

Elvira Rogers, Administrative Services Director/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 6:31 PM. City Manager, Marty Allen, read the procedures for public meetings for the record.

1. **RZ-2007-008 - Applicant: Mahaffey Pickens Tucker, LLP. Owner: S & P Castellum Group, Inc. Requests a rezoning from C-2 (General Commercial District) to C-2A (Special Commercial District) to allow for a restaurant with alcohol sales. Site is located in Land Lot 152 of the 7th District on Gwinco Boulevard near the intersection with Lawrenceville-Suwanee Road and contains approximately 3.88 acres.**

Josh Campbell, Planning Division Director, stated that the applicant has requested postponement of this case to February 2008.

Applicant:

- Beth Blalock, 1550 North Brown Road, Lawrenceville, GA, represented the applicant and supported the request for postponement.

There was no opposition or additional audience participation.

2. **RZ-2007-011 - Applicant: Horizon Development, LLC and RLB Friendship LLC. Owner: Joe Bajjani. Requests a rezoning from C-2A (Special Commercial District) to C-2A with a change of conditions to allow for a tire store. The site is located in Land Lot 151 of the 7th District at the intersection of Old Peachtree Road and Horizon Drive and contains approximately 7.75 acres.**
3. **SUP-2007-005 - Applicant: Horizon Development, LLC and RLB Friendship LLC. Owner: Joe Bajjani. Requests a special use permit to allow for a tire store in the C-2A zoning district. The site is located in Land Lot 151 of the 7th District at the intersection of Old Peachtree Road and Horizon Drive and contains approximately 7.75 acres.**

Josh Campbell, Planning Division Director, presented the staff analysis for items 2 & 3 as follows: The applicant seeks a change in zoning conditions and a special use permit on an approximately 7.75 acre tract in order to allow for an automotive service / repair facility (a tire shop) in the southeast corner of an office/retail development. The applicant proposes to operate an approximately 6,700 square foot automotive service center directly on the corner of Old Peachtree Road and Horizon Drive. The subject property was rezoned to the Special Commercial District – Alcoholic Beverage Sales (C-2A) in 2006 per RZ-2006-002 with two conditions of approval, one of which prohibited vehicular sales/services. The applicant seeks to relocate the tire store from an existing location directly across the street, in the former Publix shopping center. The C-2A District does not permit automotive sales or service / repair use without a Special Use Permit.

The subject property totals approximately 7.75 acres. Currently, the site has an approved development permit and has been cleared and graded. The existing business would relocate from the shopping center across Horizon Drive to the proposed office / retail center. Access is available via a right-in/right-out drive off Horizon Drive and a full access drive off Old Peachtree Road. The site is capable of supporting an automotive service establishment. The site is located at the intersection of Old Peachtree Road and Horizon Drive. The surrounding area consists of commercial, retail, and light industrial uses.

The City's Future Land Use Plan recommends commercial / retail uses for this site. The proposed use of a portion of the site for automotive service is consistent with this designation. The proposed rezoning would allow for a special use that is within the parameters of the current zoning of the site.

In 2004, the City approved an amendment to the comprehensive plan which recommended steering automotive related uses away from more residential areas and towards more heavily commercial areas, such as the I-85 Business District. However, the proposed special use is inconsistent with the 2006 rezoning of the property, including a condition to prohibit vehicular sales and repair/service uses. The rezoning occurred more recently than the comprehensive plan amendment and is site specific; therefore, vehicular service and repair is not an appropriate use for the property.

In conclusion, the applicant wishes to relocate an existing business from an unanchored shopping center to a new location. Although the requested rezoning (change of conditions) with a Special Use Permit to allow for an automotive service is consistent with the Comprehensive Plan and existing uses in the area, the more recent rezoning of the property including a prohibition of auto sales and services is an applicable statement against allowing such uses on the property. As such, the Planning Department recommends denial of both RZ-2007-011 and SUP-2007-005. The Planning Commission recommended approval of these cases with conditions.

Applicant:

- Charles Richards, 420 Robertson Road, Dawsonville, GA represented the applicant. Mr. Richardson stated the reason they feel this request is appropriate is that Kauffman is currently across the street from the site. Just across the street in the other direction is a service station. The area is not totally residential. There is residential, commercial and industrial surrounding this site.

There were no questions, opposition or additional audience participation.

4. **SUP-2007-006 - Applicant: The Hertz Corporation. Owner: Suwanee Tool Rental, Inc. Requests a special use permit to allow for an automobile rental facility. The site is located in Land Lot 211 of the 7th District at the intersection of Lawrenceville-Suwanee Road and Sharon Industrial Way and contains approximately 0.53 acres.**

Josh Campbell, Planning Division Director presented the staff analysis as follows: The applicant requests a Special Use Permit to operate a vehicle rental center on a 0.53 acre M-1 (Light Manufacturing) zoned site. The applicant proposes to operate a vehicle rental facility in an existing 5,000 square foot building located at the intersection of Sharon Industrial Way and Lawrenceville-Suwanee Rd.

The building formerly contained a tool rental operation. The tool rental facility no longer operates in the building which has subsequently been divided into two 2,500 square foot units, both of which are currently unoccupied. The site also includes a striped asphalt parking area with 10 parking spaces and an approximated 7,500 square foot fenced-in storage area on the side and rear of the building that is a mixture of asphalt, gravel, and dirt surfaces. The applicant proposes to use a portion of the rear storage area (closest to Lawrenceville-Suwanee Road) for customer parking only. The building on the site has access onto Sharon Industrial Way via two driveways. A vehicle rental facility is allowed only as a special use within the M-1 zoning district.

The subject property is an approximately 0.53 acre developed site. The applicant proposes to locate a vehicle rental facility in an existing older concrete block building. The site could be appropriate for a vehicle rental facility if adequate customer parking and rental vehicle storage space is provided.

The subject property is surrounded by a mixture of established office and light-industrial uses. The proposed use could be consistent with the surrounding area given the existing industrial uses and the absence of nearby residential uses.

The City's Future Land Use Plan recommends commercial uses for this site. The proposed use of the site for vehicle rental is consistent with this designation, as vehicle rental is also a special use in the commercial zoning districts. In 2004, the City approved an amendment to the comprehensive plan which recommended steering automotive related uses away from more residential areas and towards more heavily commercial areas. The proposed special use appears to be consistent with these policies.

In conclusion, the requested Special Use Permit to allow for a vehicle rental service is consistent with the intent of the Comprehensive Plan and existing uses in the area. The site is surrounded entirely by office and industrial uses. There are no residential uses in the immediate area. Because the site is along a major arterial if approved conditions should be included to mitigate the potential negative impacts of the proposed special use. Additionally, the previous use was substantially different than the proposed special use. As such, if approved conditions should be included to require the site be updated to adequately serve the proposed special use. Therefore, the Planning Department recommends approval with conditions of SUP-2007-006. The Planning commission recommended approval with conditions.

Applicant:

- Tommy Johnson 2969 Grayhawk Lane, Cumming, GA represented the applicant. Mr. Johnson stated the applicant would like the opportunity to open a branch in the City of Suwanee in order to provide the residents as well as business a choice of rental/leasing companies. Mr. Johnson states the applicant has no problem with the conditions.

Council Questions:

Mayor Masino – Will the applicant own or lease the property? Mr. Johnson – Lease.

Councilmember Foster – What building improvements or site improvements are being planned? Mr. Johnson – The building will be repainted; Condition #3 will be met, any existing equipment will be removed from the property.

Mayor Masino – What color will the building be painted? Mr. Johnson – In the last meeting with the applicant, a white and yellow color palette was discussed.

There was no opposition and no further discussion of this case.

The Public Hearing closed at 6:45 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

- The City of Suwanee will host the Stage 5 start of the 2008 Tour de Georgia. Suwanee is among a dozen communities throughout the state to host the sixth annual Tour de Georgia, considered the premier professional cycling event in North America, scheduled April 21-27. Stage 5 of the race will begin in Suwanee on Friday, April 25, as cyclists wind their way toward Dahlonega. This is the first time that Suwanee will host the Tour.
- The first-ever Swan-ee Awards have been presented to six individuals for their efforts to transform four “ugly duckling” projects into architectural swans, making the City of Suwanee a more attractive community. The 2007 award winners are: Jimmy and Caron Burnette for restoration of their residence at 571 Main Street; Bob Bretschneider for creation of a dimensional gold leaf sign that was donated to Pierce’s Corner; Andrei Mastrogiovanni the owner, and Earl Mitchell the architect, for design and renovation of the historic Oakley Building at 677 Main Street; and Sidney Mozayyani for design and renovation of Suwanee Plaza at 3580 Lawrenceville-Suwanee Road.
- Beginning December 26th, the City of Suwanee will recycle Christmas trees as part of Gwinnett Clean and Beautiful’s annual “Bring One of the Chipper” program. The resulting mulch will be used throughout Suwanee’s parks. Christmas trees, stripped of all decorations and lights, may be dropped off at Town Center, in the undeveloped area adjacent to the new City Hall site, beginning December 26th through Saturday, January 5th. Those who drop off their trees from 9 a.m.-4 p.m. on January 5th will receive seedlings. Adult volunteers are needed that day to help unload trees from vehicles. If you’d like to help, contact Tammy Hiler at City Hall.

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

3. Pledge of Allegiance

Mayor Masino was joined by Girl Scouts (Hannah Doherty, Polly Ouellette and Sarah Parks).

4. Approval of Minutes

A. November 27, 2007 Council Meeting

Motion by Mayor Pro Tem Burnette to approve the November 27, 2007 Council Meeting Minutes, second by Councilmember McOmber and so carried 6-0.

5. Adoption of Agenda as Presented

Motion by Councilmember Brooks to adopt the Agenda with the following modification: Remove current Item 10G. Consideration of Authorizing the Mayor to Enter into Agreement with the Lowest Responsible Bidder for the Pedestrian Underpass Project and replacing it with Item 10G. Consideration of changing the job title of the Special Projects

Manager to Assistant to the City Manager, second by Councilmember Rispin and so carried 6-0.

6. Special Recognition

Amy Doherty was recognized for her efforts coordinating this past year Events. She received the Hardin Watkins Suwanee Star Award. This is the highest award a City employee can achieve.

7. Annual Appointments for 2008

A. Planning and Zoning Commission

Last December, Council appointed all five members of the Planning Commission. In order to achieve staggered terms, three members of each were appointed to one-year terms instead of the traditional two-year terms. Accordingly, Joy Mitchell, Earl Mitchell, and Jodi Nevels are now up for re-appointment to two-year terms. ACTION: Consider re-appointment of Joy Mitchell, Earl Mitchell, and Jodi Nevels to the Planning and Zoning Commission for two-year terms to expire in December 2009.

Motion by Councilmember McOmber to re-appoint Joy Mitchell, Earl Mitchell and Jodi Nevels to the Planning and Zoning Commission for two-year terms to expire in December 2009, second by Councilmember Brooks and so carried 6-0.

B. Zoning Board of Appeals

Last December Council also appointed all five members of the Zoning Board of Appeals. In order to achieve staggered terms, three members of each were appointed to one-year terms instead of the traditional two-year terms. Accordingly, Paula Hill, Tucker Balch, and Herb Godfrey of the Zoning Board of Appeals are now up for re-appointment to two-year terms. ACTION: Consider re-appointment of Paula Hill, Tucker Balch, and Herb Godfrey to the Zoning Board of Appeals for two-year terms to expire in December 2009.

Motion by Councilmember Brooks to re-appoint Paula Hill, Tucker Blach and Herb Godfren to the Zoning Board of Appeals for two year terms to expire in December 2009, second by Councilmember Rispin and so carried 6-0.

C. Municipal Court

The Suwanee Municipal Court is appointed on an annual basis. The following re-appointments are recommended:

- A. Chief Judge: Mark Lewis
- B. Assistant Chief Judge: William Brogdon
- C. Associate Judge: Claude Mason
- D. Associate Judge: Laura Tate
- E. Chief Solicitor: Julie Potts
- F. Solicitor: Shawn Bratton
- G. Solicitor: Paul Groth
- H. Solicitor: Jennifer White

- I. Solicitor: Lisa Moultrie
- J. Solicitor: Elizabeth Marie Reisner*
- K. Solicitor: Luther Beck

*Chief Solicitor Potts recommends adding Elizabeth Marie Reisner to the list of appointed Solicitors for 2008. Staff concurs with this recommendation. ACTION: Consider appointing the Suwanee Municipal Court *as discussed*.

Motion by Councilmember Foster to consider the Suwanee Municipal Court annual appointments as discussed, second by Councilmember Burnette and so carried 6-0.

D. City Attorney

The City Attorney is appointed on an annual basis. Staff recommends the re-appointment of Gregory Jay as City Attorney. ACTION: Consider re-appointing Gregory Jay as City Attorney.

Motion by Councilmember Mayor Pro Tem Burnette to re-appoint Gregory Jay as City Attorney, second by Councilmember McOmber and so carried 6-0.

8. Audience Participation – None.

9. OLD BUSINESS

- A. RZ-2007-008 - Applicant: Mahaffey Pickens Tucker, LLP. Owner: S & P Castellum Group, Inc. Requests a rezoning from C-2 (General Commercial District) to C-2A (Special Commercial District) to allow for a restaurant with alcohol sales. Site is located in Land Lot 152 of the 7th District on Gwinco Boulevard near the intersection with Lawrenceville-Suwanee Road and contains approximately 3.88 acres.

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

Motion by Mayor Pro Tem Burnette to postpone RZ-2007-008 to the February 2008 Council Meeting, second by Councilmember Brooks and so carried 6-0.

10. NEW BUSINESS

- A. RZ-2007-011 - Applicant: Horizon Development, LLC and RLB Friendship LLC. Owner: Joe Bajjani. Requests a rezoning from C-2A (Special Commercial District) to C-2A with a change of conditions to allow for a tire store. The site is located in Land Lot 151 of the 7th District at the intersection of Old Peachtree Road and Horizon Drive and contains approximately 7.75 acres.

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

Motion by Councilmember Foster to deny RZ-2007-011 with conditions, second by Mayor Pro Tem Burnette and so carried 6-0.

- B. SUP-2007-005 - Applicant: Horizon Development, LLC and RLB Friendship LLC. Owner: Joe Bajjani. Requests a special use permit to allow for a tire store in the C-2A zoning district. The site is located in Land Lot 151 of the 7th District at the intersection of Old Peachtree Road and Horizon Drive and contains approximately 7.75 acres.

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

Due to denial of 10A, 10B needs no vote.

- C. SUP-2007-006 - Applicant: The Hertz Corporation. Owner: Suwanee Tool Rental, Inc. Requests a special use permit to allow for an automobile rental facility. The site is located in Land Lot 211 of the 7th District at the intersection of Lawrenceville-Suwanee Road and Sharon Industrial Way and contains approximately 0.53 acres.

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

Motion by Councilmember Rispin to deny SUP-2007-006, second by Mayor Pro Tem Burnette and so carried 5-1 (Foster).

- D. Consideration of Adoption of Resolution for the 10-Year Update to the Comprehensive Solid Waste Management Plan

The 10-year update to the Comprehensive Solid Waste Management Plan has been completed in conjunction with Gwinnett County. Gwinnett Clean and Beautiful led the plan development and the final public hearing was conducted on December 10th. Gwinnett Clean and Beautiful requests submission of the documents to the Atlanta Regional Commission and the State of Georgia, Department of Community Affairs. ACTION: Adopt the resolution for the 10-year update to the comprehensive solid waste management plan.

Motion by Councilmember Brooks to adopt the Resolution for the 10-year update to the comprehensive solid waste management plan, second by Councilmember McOmer and so carried 6-0.

- E. Consideration of Authorizing Mayor to Execute Documents Related to Selling Town Center Tract II approximately 0.93 acres to Madison Retail, LLC

The City is under contract to sell Town Center Tract II approximately 0.93 acres at Town Center. Council agreed to sell the tract to Madison Retail, LLC. ACTION: Consider authorizing the Mayor to execute documents related to selling Town Center Tract II

approximately 0.93 acres to Madison Retail, LLC.

Motion by Mayor Pro Tem Burnette to authorize the Mayor to execute documents related to selling Town Center Tract II approximately 0.93 acres to Madison Retail, LLC, second by Councilmember Brooks and so carried 6-0.

- F. Consideration of City Council Meeting Calendar for 2008

ACTION: Consider adopting the proposed City Council meeting calendar for 2008.

Motion by Councilmember Brooks to adopt the proposed City Council meeting calendar for 2008, second by Mayor Pro Tem Burnette and so carried 6-0.

- G. Consideration of a title change: Change the Special Projects Manager position title to Assistant to the City Manager

ACTION: Consider approval of the title change.

Motion by Councilmember Foster to approve the position title change, second by Councilmember McOmber and so carried 6-0.

11. CONSENT AGENDA

- A. Accept \$3,000 Donation for Shadowbrook Cemetery

Staff received a request from Mrs. Elizabeth Rhodes regarding donation of funds to the City for Shadowbrook Cemetery. The funds were left in trust for her husband to care for family plots in the cemetery. As Mr. Rhodes is no longer able to maintain the upkeep of the plots, the family would like to donate \$3,000 to the City of Suwanee towards upkeep and maintenance of the cemetery. ACTION: Accept the donation for Shadowbrook Cemetery

- B. Approve Hotel/Motel Budget Adjustment to Implement Suwanee Gateway Branding Campaign

Staff requests that \$75,000 be transferred from the Hotel/motel fund balance to implement the first phase of the Suwanee Gateway Branding Campaign. ACTION: Approve the budget adjustment.

- C. Authorize the Mayor to Renew Agreement with Georgia Municipal Association for Cable and Telecommunications Management Service Program (CTMS)

Staff recommends the one-year contract with Georgia Municipal Association for Cable and Telecommunications Management Service Program (CTMS) be renewed. As a member of the program, the City receives assistance with all aspect of federal and state cable and video franchising, including franchise renewals and modifications, state

franchise application process, franchise fee reviews and resolution of customer service issues. ACTION: Authorize the Mayor to renew agreement with GMA for CTMS.

- D. Adopt Ordinance and Resolution to Establish the City's Cable and Video Franchise Fee at 5%

Legislation allowing state-issued franchises for cable and video takes effect January 1, 2008. The Georgia Municipal Association recommends that the City adopt an ordinance and resolution which establishes the City's cable and video franchise fee in preparation for the possibility of working with a state-issued franchise. ACTION: Adopt the ordinance and resolution to establish the City's cable and video franchise fee at 5%.

- E. Authorize the Mayor to Enter into Agreement with Georgia Power for Site Lighting for New City Hall

Staff recommends entering into agreement with Georgia Power Company to provide site lighting for new City Hall. ACTION: Authorize the Mayor to enter into agreement with Georgia Power Company to provide site lighting for new City Hall.

- F. Authorize the Mayor to Execute Documents for Official Project Closeout for Pedestrian Bridge including Final Change Order #4 (\$19,500.00) and Task Work Order No. KCI-005a (\$5,950.00) and Associated Budget Adjustment

The Pedestrian Bridge project has been completed and the official ribbon-cutting ceremony was held Friday, December 14th. The official project closeout includes Change Order #4 for SunBelt Construction Services, Inc., Task Work Order No. KCI-005a for KCI Technologies, Inc., and the associated budget adjustments. ACTION: Authorize the Mayor to execute documents for official project closeout for the pedestrian bridge.

- G. Approve Change Order #1 in the Sims Lake Park Contract with Astra Group, Inc.

Change order #1 for Sims Lake Park would add additional trees and add a water feature back into the project. ACTION: Approve the change order.

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

12. City Manager's Report – None

Mayor Pro Tem Burnette respectfully requested to chair the meeting for the last item on the agenda. So granted. Mayor Pro Tem Burnette called for adjournment.

13. Adjournment – Time: 7:23 P.M.

Motion by Mayor Masino to adjourn, second by Councilmember Brooks and so carried 6-0.

Approved 01/22/2008