

**CITY OF SUWANEE, GEORGIA
CITY COUNCIL MEETING
FEBRUARY 26, 2008**

Meeting Location:

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

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

Attendees: Dave Williams, Mayor
Jace Brooks, Councilmember
Jimmy Burnette, Mayor Pro Tem
Dan Foster, Councilmember
Kevin McOmber, Councilmember
Jeannine Rispin, Councilmember
Marty Allen, 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 Williams opened the Public Hearing at 6:30 P.M. Mayor Williams 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, City Planner, stated this item has been on the agenda for several months. It was originally proposed as a restaurant off Gwinco Boulevard. Staff recommended approval with conditions as did the Planning Commission. The applicant subsequently changed the proposal a number of times and asked for postponement repeatedly. There are no firm plans for this site, therefore staff

recommends denial at this time. Should the applicant come forward with a firm plan there is no objection to a waiver of the time period to reapply.

Support:

- Beth Blalock, 1550 North Brown Road, Lawrenceville, GA represented the applicant. Ms. Blalock stated there has been an issue with communication as the owner is out of the country. She thanked Council for their patience in dealing with this case and stated the applicant is in agreement with denial of the case without prejudice and requests to be able to come before Council for a waiver to reapply within six months.

Opposition: None.

- 2. SUP-2008-001 - Applicant: KOA Hotels, LLC. Owner: Sang Y. So. Requests a special use permit for to allow a building height increase for a hotel in the C-2 Zoning District. The site is located in Land Lot 152 of the 7th District along Gwinco Boulevard and contains approximately 3.88 acres**

Josh Campbell, City Planner, stated this is the same property as the previous request. There has been a change to the site plan as a result of some of the property owners' change of intentions. At this time staff recommends denial of this request. Planning Commission recommended approval. The original staff recommendation was for approval with conditions. Should the applicant request a waiver to have the case reheard in six months, staff is agreeable.

Support:

- Ken Gladney, 1652 Crumbley Road, McDonough, GA. Mr. Gladney stated he is the architect on the project. Mr. Gladney stated the project to be developed is 4-story with approximately 105 parking spaces. There will be trees breaking up the lot so there is not a sea of asphalt. There will be detention areas as required by code. The detention will be used for aesthetic purposes also. Architectural standards will be met with quality – tile roofs with stucco walls. The plans have been developed.

Opposition: None.

- 3. SUP-2008-002 - Applicant: North Gwinnett Church of Christ. Owner: Phijo II Investments, LLC. Requests a special use permit to allow for a church in the M-1 (Light Industrial) Zoning District. The site is located in Land Lot 209 of the 7th District along Swiftwater Park Drive and contains approximately 7.37 acres**

Josh Campbell, City Planner, presented the staff analysis as follows: The applicant requests a Special Use Permit on an approximately 7.49-acre site to allow for a church in the M-1 (Light Industrial) zoning district. The proposed special use would be located at 3665 Swiftwater Park Drive, the intersection of Swiftwater Park Drive and Buford Highway in the Swiftwater Business Park. The subject property is

developed with an approximately 33,000 square foot retail / office / warehouse facility facing Buford Highway (Building 2) and an approximately 23,000 square foot office / warehouse facing Swiftwater Park Drive (Building 3). The applicant is proposing to finish 2,300 square feet in the M-1 portion of Building 3 as a place of worship for their 30-35-person congregation. The site includes approximately 176 parking spaces with access available via three drives onto Swiftwater Park Drive. Churches are allowed in the M-1 zoning district with the approval of a Special Use Permit.

A shell certificate of occupancy has been issued for Building 3, but a tenant finish Certificate of Occupancy has not been issued yet. Before the unit can be used as a church, the City of Suwanee and the Gwinnett County Fire Marshall will each require a Certificate of Occupancy (C.O.) for assembly occupancy. The applicant should be prepared to meet the requirements for assembly occupancy.

The subject property contains an approximately 23,000 square foot office / warehouse facility and approximately 33,000 retail/office/warehouse facility. Non-industrial uses will be used on a portion of the site. The site is suitable for a church.

The surrounding area is predominantly light industrial including the Swiftwater, McGinnis and Windsor Business Parks. Although the property is surrounded by industrial uses it is important to note that a portion of the subject property is zoned for commercial uses (C-2).

The City's Future Land Use Plan recommends light industrial uses for the property. The existing zoning on the site is consistent with this designation. The proposed use of the property is not entirely consistent with this designation. Industrial parks are generally inconsistent with assembly uses and introducing non-industrial uses into industrial areas can create conflicts. However, provided the assembly will occur primarily on weekends or off normal business hours, the use could be appropriate. The applicant states that the church would hold services on Wednesday evenings and Sundays.

In conclusion, the requested special use permit could be appropriate at this location. The subject property is partially zoned C-2 which means that site will be accommodating non-industrial users. The interior finish for the proposed church has not been completed yet, so the City Inspections Department and Gwinnett County Fire Marshall will have ample opportunity to ensure that the facilities tenant finish meets assembly occupancy requirements. Provided that the tenant space is finished to meet assembly requirements and the assembly use will occur primarily on weekends the use should be appropriate at this location. Therefore, staff recommends approval with conditions of the Special Use Permit request. The Planning Commission recommended approval with conditions.

Support: The applicant was present but chose not to speak.

Opposition: None.

4. **SUP-2008-003 - Applicant: Kum Do, Inc. Owner: Phijo II Investments, LLC. Requests a special use permit to allow for a martial arts studio in the M-1 (Light Industrial) Zoning District. The site is located in Land Lot 209 of the 7th District along Swiftwater Park Drive and contains approximately 7.37 acres**

Josh Campbell, City Planner, stated this request is the same site as the previous case. The applicant seeks to establish a martial arts school in an existing office/warehouse building on Swiftwater Park Drive. Schools are allowed in the M-1 zoning district with the approval of a Special Use Permit.

The owner states that the location of the school is temporary until the final building of the site is constructed. The final building is proposed to be located closest to the intersection of Swiftwater Park Drive and Buford Highway and is zoned C-2.

The requested special use permit could be appropriate at this location. The subject property is partially zoned C-2 which means that non-industrial users will be using a large portion of the site. Therefore, staff recommends approval with conditions of the Special Use Permit request. The applicant indicates the hours of operation include classes from 4 PM – 8 PM. Staff recommended a condition that would limit classes to after 5 PM during the workweek. The Planning Commission recommended approval but did strike that condition (Condition #4).

Councilmember Foster asked staff to clarify the location where the applicant planned to move to. Mr. Campbell stated the building the applicant plans to relocate to has not been constructed at this time.

Mayor Williams asked staff to clarify the time of proposed classes. Mr. Campbell stated the Planning Commission struck the condition in light of information provided by the property owner that there will not be a significant amount of industrial users to cause a conflict between industrial and non-industrial users.

Support: Mickey Jones, 1144 Bend Creek Trail, Suwanee, GA. Mr. Jones stated that next door to the proposed church and Kwon Do Studio are 1650 square foot offices. Two of the three are leased. There is not a lot of traffic. He stated he has seen one tractor trailer around 6:30 in the morning and the driver was lost.

Opposition: None.

5. **Application for License to Sell Beer, Wine, and Distilled Spirits to be Consumed on the Premises: DJ Southern Cooking DBA Astoria Restaurant, 95 Crest Ridge Drive, Suite 600. Applicant: John Baleanu**

DJ Southern Cooking has applied for an alcohol beverage license for on-premise consumption of beer, wine, and distilled spirits at the Astoria Restaurant, 95 Crest

Ridge Drive, Suite 600. Reports from the FBI and GBI have been returned for the proposed licensee, John Baleanu, and no violations are on file. The Finance Department recommends issuance of the license.

The applicant, John Baleanu was present. There was no audience comment.

6. Application for License to Sell Beer, Wine, and Distilled Spirits to be Consumed on the Premises, Change in Licensee: Jeffrey's Sports Grill, 105 Horizon Drive. Applicant: Carla Malerba

Due to new management, Jeffrey's Sports Grill has applied for a new license for the existing alcohol beverage license at their 105 Horizon Drive location. Reports from the FBI and GBI have been returned for the proposed licensee, Carla Malerba, and no violations are on file. The Finance Department recommends issuance of the license.

The applicant was present. There was no audience comment.

7. Application for License to Sell Beer, Wine, and Distilled Spirits to be Consumed on the Premises: Choco Latte Café, Inc., 3930 Charleston Market, Suite B4. Applicants: Stephanie Jordan and Kiwanis Tomeka Thomas

Choco Latte Café, Inc. has applied for an alcohol beverage license for on-premise consumption of beer, wine, and distilled spirits at 3930 Charleston Market, Suite B4. Reports from the FBI and GBI have been returned for the licensees, Stephanie Jordan and Kiwanis Tomeka Thomas. The Finance Department recommends issuance of the license.

Stephanie Jordan, 3930 Charleston Market, Suwanee, GA was present. There was no audience comment.

The Public Hearing closed at 6:51 P.M.

7:00 P.M.

CITY COUNCIL MEETING

1. Call To Order

Mayor Williams called the meeting to order at 7:05 P.M.

2. Announcements

- If you are looking for an opportunity to become more involved in our community, look no further! We are currently looking for volunteers to help plan and staff the following events that will occur in the upcoming months:
 - o Stage 5 of North America's premier professional cycling event, the Tour de Georgia, will begin in Suwanee on Friday, April 25. Route marshals

and other volunteers are needed to assist on race day as well as during events the evening before.

- o The City of Suwanee will host a Life is Good festival at Town Center Park on June 14.
 - o Suwanee's annual "celebration of community", Suwanee Day, turns 25 this year, and you're invited to help plan "the party."
 - o How about a way to get involved AND win \$500?! Help Suwanee Day celebrate its 25th year by creating a 2008 festival logo as part of the annual Suwanee Day design competition. The winning design will be used on 2008 Suwanee Day t-shirts, posters, and other promotional materials, and the winning artist/designer will win \$500.
 - o For more information or to volunteer for any or all of these events, please visit www.suwanee.com or contact Amy Doherty at 770.945.8996.
- In celebration of Arbor Day and Suwanee's 18th year as a Tree City USA, City staff and community members planted 12 trees on February 15 by the Suwanee Greenway Pedestrian Bridge. The mixture of water-loving trees included Bald Cypresses, River Birches, Overcup Oaks, and Red Maples. Special thanks to former Mayor Richard Trice, Mayor Pro-Tem Jimmy Burnette, and staff members Jane Keegan, Lynne DeWilde, Gilbert Aldridge, Daniel Sutton, Robert Davis, and Wes Rogers for their help in planting the trees.

3. Pledge of Allegiance

Forrest Huffman, a student at Lanier Middle School and is working on his Merit Badge.

4. Approval of Minutes

A. January 10, 2008 Called Meeting

Motion by Councilmember Foster to approve the January 20, 2008 Called Meeting Minutes, second by Mayor Pro Tem Burnette. Councilmember McOmer called for discussion. The date on the Minutes should reflect 2008 instead of 2007. Councilmember Foster amended the motion to approve the minutes with the recommended change, Mayor Pro Tem Burnette amended the second and the vote carried 6-0.

B. January 22, 2008 Council Meeting

Motion by Councilmember McOmer to approve the January 22, 2008 Council Meeting Minutes, second by Councilmember Brooks and so carried 6-0.

5. Adoption of Agenda as Presented

Motion by Councilmember Foster to adopt the agenda as presented, second by Councilmember Rispin for discussion. Modify Item #13 to include Real Estate, Legal and Personnel Matters. Councilmember Foster amended the motion to adopt the agenda with the recommended change, Councilmember Rispin amended the second and so carried 6-0.

6. Special Recognition

- A. North Gwinnett High School Football Team
Coach Spire, Coach Moore and representatives of the North Gwinnett football team were recognized for representing Suwanee in the State play-offs in Lyons. Mayor Williams read a Proclamation recognizing the team and declared February 27, 2008 as North Gwinnett High School Varsity Football Day.

7. Consideration of Appointments to Water System Committee

The Council agreed at the work retreat and after further discussion at the February 14 workshop to move forward with appointing a Water System Committee. Per discussion at the workshop, Council will present the list of appointees at the February 26 meeting. ACTION: Consider appointing the proposed members of the Water System Committee.

Mayor Williams appointed the following to the Water System Focus Group: Dick Goodman, Bill Johnsa, Jerry Little, Pamela Reeves, and David Pierce.

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 deny without prejudice RZ-2007-008, second by Councilmember McOmer and so carried 6-0.

10. NEW BUSINESS

- A. **SUP-2008-001 - Applicant: KOA Hotels, LLC. Owner: Sang Y. So. Requests a special use permit for to allow a building height increase for a hotel in the C-2 Zoning District. The site is located in Land Lot 152 of the 7th District along Gwinco Boulevard and contains approximately 3.88 acres**

Staff Recommendation: Approval with conditions. Planning Commission Recommendation: Approval with conditions. ACTION: Consider the Special Use Permit.

Motion by Mayor Pro Tem Burnette to deny without prejudice SUP-2008-001, second by Councilmember Brooks and so carried 6-0.

- B. SUP-2008-002 - Applicant: North Gwinnett Church of Christ. Owner: Phijo II Investments, LLC. Requests a special use permit to allow for a church in the M-1 (Light Industrial) Zoning District. The site is located in Land Lot 209 of the 7th District along Swiftwater Park Drive and contains approximately 7.37 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-2008-002, second by Mayor Pro Tem Burnette. Councilmember Brooks asked for clarification if the stated conditions are included in the motion. Councilmember Foster restated his motion to include approval with conditions, Mayor Pro Tem Burnette restated the second and so carried 6-0.

- C. SUP-2008-003 - Applicant: Kum Do, Inc. Owner: Phijo II Investments, LLC. Requests a special use permit to allow for a martial arts studio in the M-1 (Light Industrial) Zoning District. The site is located in Land Lot 209 of the 7th District along Swiftwater Park Drive and contains approximately 7.37 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-2008-003 with Planning Commission conditions changing condition #2 to reflect 2400 square feet instead of 1600 square feet, second by Councilmember Brooks. Councilmember Rispin called for discussion to clarify that Planning Commission condition #4 remains deleted. There being no further discussion the motion carried 6-0.

- D. Application for License to Sell Beer, Wine, and Distilled Spirits to be Consumed on the Premises: DJ Southern Cooking DBA Astoria Restaurant, 95 Crest Ridge Drive, Suite 600. Applicant: John Baleanu**

Staff Recommendation: Issuance of the Alcohol Beverage License. ACTION: Consider issuing the Alcohol Beverage License.

Motion by Councilmember Rispin to approve the license to sell beer, wine, and distilled spirits to be consumed on the premises: DJ Southern Cooking DBA Astoria Restaurant, second by Mayor Pro Tem Burnette and so carried 6-0.

- E. Application for License to Sell Beer, Wine, and Distilled Spirits to be Consumed on the Premises, Change in Licensee: Jeffrey's Sports Grill, 105 Horizon Drive. Applicant: Carla Malerba**

Staff Recommendation: Issuance of the Alcohol Beverage License. ACTION:

Consider issuing the Alcohol Beverage License.

Motion by Mayor Pro Tem Burnette to approve the license to sell beer, wine, and distilled spirits to be consumed on the premises, change in licensee: Jeffrey's Sports Grill, second by Councilmember Rispin and so carried 6-0.

F. Application for License to Sell Beer, Wine, and Distilled Spirits to be Consumed on the Premises: Choco Latte Café, Inc., 3930 Charleston Market, Suite B4. Applicants: Stephanie Jordan and Kiwanis Tomeka Thomas

Staff Recommendation: Issuance of the Alcohol Beverage License.

ACTION: Consider issuing the Alcohol Beverage License.

Motion by Councilmember Rispin to approve the license to sell beer, wine, and distilled spirits to be consumed on the premises: Choco Latte Café, Inc., Applicants: Stephanie Jordan and Kiwanis Tomeka Thomas, DJ Southern Cooking DBA Astoria Restaurant, second by Mayor Pro Tem Burnette and so carried 6-0.

G. Consideration of Adoption of the FY 2009 Budget Schedule

Based on discussion at the February 14 workshop, the schedule has been updated as follows:

- o The special workshop for the budget review has been scheduled for Monday, April 28 at 5:30 pm.
- o The 2nd public hearing on the budget and CIP, public hearing on occupational taxes, and budget adoption have been scheduled for Thursday, June 26.

ACTION: Consider approval of the FY 2009 budget schedule.

Motion by Councilmember Foster to adopt the FY 2009 Budget Schedule, second by Councilmember McOmber and so carried 6-0.

H. Consideration of 2nd Quarter and Capital Projects Budget Adjustments

ACTION: Consider approval of the budget adjustments.

Motion by Councilmember Brooks to approve the 2nd Quarter and Capital Projects Budget Adjustments, second by Councilmember Rispin and so carried 6-0.

I. Consideration of Authorizing the Mayor to Enter into Agreement with JJE Constructors, Inc. for Construction of the Pedestrian Underpass

The City has secured bids twice for the construction of this project. Two bids were received in the most recent bid opening on December 18, 2007. JJE Constructors was the low bidder at \$1,550,000. After the bid opening, staff engaged in discussions with JJE about value engineering ideas; these solutions

have reduced the cost to \$1,274,210. Norfolk Southern has approved in concept these solutions but engineered drawings will need to be prepared and approved by the railroad. According to the proposed contract, construction will be substantially complete within five months of the Notice to Proceed. ACTION: Consider authorizing the Mayor to enter into agreement with JJE Constructors, Inc. for construction of the pedestrian underpass.

Motion by Mayor Pro Tem Burnette to authorize the Mayor to enter into agreement with JJE Constructors, Inc., for construction of the pedestrian underpass, second by Councilmember Brooks and so carried 6-0.

J. Consideration of Budget Approval for the Downtown Development Authority

The DDA is requesting formal Council adoption of its budget. More specifically, they would like to be able to receive donations and other revenues. ACTION: Consider approving the proposed budget.

Motion by Councilmember Rispin to approve the budget for the Downtown Development Authority, second by Mayor Pro Tem Burnette and so carried 6-0.

11. CONSENT AGENDA

A. Approval of the Proposed Multi-jurisdictional Debris Management Agreement for Emergency Debris Response Efforts

The Gwinnett County Homeland Security and Emergency Management Agency has prepared a draft Multi-jurisdictional Debris Management Plan. The proposed plan would provide the City with direction on how to proceed in the event of an incident where debris removal exceeded the City's capabilities. This plan has been given to all Gwinnett municipalities with a request for formal approval within 60 days if possible. Upon Council approval, a Memorandum of Agreement will be executed with Gwinnett County. ACTION: Approve proposed agreement and authorize Mayor to enter into a Memorandum of Agreement with Gwinnett County.

B. Rescheduling of the June 24, 2008 Council Meeting to June 26, 2008

The June 24, 2008 meeting will be rescheduled to June 26, 2008 due to the annual GMA conference in Savannah. ACTION: Approve the rescheduling.

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

12. City Manager's Report

- Please note, one item on tonight's consent agenda is to reschedule the June 24 City Council meeting to Thursday, June 26. This rescheduling is necessary due to conflict with the Georgia Municipal Association annual conference in Savannah.

- Pedestrian Underpass project will be underway soon as the contract was awarded tonight.
- New City Hall project is moving forward.
- Sims Lake project is progressing.

13. Executive Session: Real Estate, Legal and Personnel Issues

Motion by Councilmember McOmber to Enter Executive Session, second by Mayor Pro Tem Burnette, and so carried 6-0. Time: 7:36 P.M.

Motion by Mayor Pro Tem Burnette to Exit Executive Session, second by Councilmember McOmber and so carried 6-0. Time 7:59 P.M.

No Action Taken.

14. Adjournment – Time: 7:59 P.M.

Motion by Councilmember Foster, second by Councilmember Brooks and so carried 6-0.

Approved 03/25/2008