

**CITY OF SUWANEE, GEORGIA
PUBLIC HEARING & CITY COUNCIL MEETING
MAY 27, 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
Jimmy Burnette, Mayor Pro Tem
Jace Brooks, Councilmember
Dan Foster, Councilmember
Kevin McOmber, Councilmember
Jeannine Rispin, Councilmember
Marty Allen, City Manager
Elvira Rogers, City Clerk
Gregory Jay, City Attorney

Note: In addition to seating within the Crossroads Center public meeting room (capacity 60+), audio speakers were installed and placed within the lobby and immediate grounds of the building to broadcast the meeting to those not in the room.

**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 PM
PUBLIC HEARING**

Mayor Williams called the public hearing to order at 6:31 P.M. and read the Procedures for Public Meetings for the record.

- RZ-2008-001 – Applicant: James C. Morris, Jr. Owner: James C., Jr. and Brenda Morris.** *Requests rezoning from R-140 to R-100 to allow for the creation of an additional residential parcel. The site is located in Land Lot 192 of the 7th District at 138 Timberlost Trail and contains approximately 1.38 acre*

Josh Campbell, Planning Director presented the staff analysis as follows: The applicant requests a rezoning on 1.38 acres of an approximately 3.464 acre tract from R-140 to R-100 to allow for the creation of an additional residential single family lot. The subject property is

located on Timberlost Trail off Smithtown Road. The applicant proposes to subdivide the property into two lots, one R-140 zoned lot and one R-100 zoned lot.

The R-140 zoning district requires a minimum lot size of 30,000 square feet with 140 foot wide lots. The proposed R-100 district requires a minimum lot size of 22,000 square feet for a septic tank lot and a minimum lot width of 100 feet.

The subject property is an approximately 1.38 acre, heavily wooded parcel located along Timberlost Trail. The subject property is located in Timberlost Acres subdivision and is surrounded by single-family residential uses (zone R-140).

The subject property is located in a low density residential single family area. To the north of the subject property are two lots that front onto Westbrook Road developed with single family residences. They are both zoned R-140 and are 4.5 and 3.8 acres. To the east of the subject property, along Timberlost Trail, is a 5.1 acre lot developed with a single family residence and zoned R-140. To the south of the subject property, across Timberlost Trail, are two single family residential lots developed with homes on 2.69 acres and 2.9 acres. Both lots are zoned R-140. To the west of the subject property is a single family residence zoned R-140 located on a 2.86 acres lot. All of the lots with frontage on Timberlost Trail are zoned R-140 and average 3.39 acres. The Character of the street is consistent with the adjacent Leaf Lake Lane and Suwanee Creek Court. The proposed rezoning is not consistent with the character of the surrounding large lot single family lots.

The 2020 Comprehensive Plan anticipates single family residential uses for the subject property. During the course of the 2030 Comprehensive planning process significant input was received regarding the preservation of the character of established neighborhoods, such as Smithtown Road. A new Smithtown Road character area is proposed in the 2030 Comprehensive Plan which includes all of Timberlost Trail. In discussing the vision for development in this area, the plan states that “future development in this area should be limited and should reinforce the existing residential and institutional nature that is predominant. The suburban residential character should be maintained. Future lots should not be dramatically different than those in the area at this time.” The proposed request is inconsistent with this vision.

In conclusion, rezoning from R-140 to R-100 for a 1.38 acre portion of a 3.46 acre residential lot would is not appropriate for this area. Those properties zoned R-100 in the area have frontage on a collector street. The surrounding area has been historically zoned R-140 and contains large lots in a rural setting. Therefore, the Planning Department recommends **DENIAL** of the RZ-2008-001. The Planning Commission voted 3-1 to approve with conditions. There was a fifth staff condition added: No clearing, grubbing or grading allowed within 25 feet of the property line of 158 Timberlost Trail.

SUPPORT:

- James C. Morris, Jr. and wife Ruth, 138 Timberlost Trail, Suwanee, GA. Mr. Morris stated he purchased the property in 1984 and occupied the property in 1986. At the time the property was purchased, it was composed of 2 tracts, according to the survey. Both were 125 feet across. The property was not part of a subdivision. Gwinnett County had

the property zoned R-100 before it became R-140. There was no known compelling reason for the change. Mr. Morris stated for financial reasons, he is requesting the property be rezoned to R-100. Mr. Morris stated that surrounding areas include R-100, R-140 and R-85. Mrs. Morris stated they have tried to be good neighbors. A neighbor encroached on their property. They tried to sell a portion to the neighbor who declined the offer.

Councilmember Foster requested clarification of the statement Mr. Morris made regarding R-85 zoned properties.

OPPOSITION:

- Martha Madigan, 117 Timberlost Trail, Suwanee, GA. Ms. Madigan read from a prepared statement requesting Council vote no and protect the area.
- Robert Niebling, 158 Timberlost Trail, Suwanee, GA. Mr. Niebling stated he does not want the area to change.
- Michael Pharr, 98 Timberlost Trail, Suwanee, GA. Mr. Pharr stated he purchased his property in 1986 and the property is on file in Gwinnett County as part of Timberlost Acres subdivision.
- Mike Southerland, 4668 Settles Bridge Road, Suwanee, GA. Mr. Southerland stated Timberlost Trail and Leaf Lake Drive are kindred to where he lives on Settles Bridge Road with large lots. He stated he feels that passing this rezoning may have a detrimental affect on the area where he lives. He would like to see areas with large lots maintained. Requests rezoning be denied.
- Brent Alexander, 3420 Smithtown Road, Suwanee, GA. Representing Smithtown Corridor Association, which is comprised of about 30 homeowners. The group will continue to fight to preserve community in its existing condition. Hopeful Council will choose preservation of the community as the Plan says over the financial challenge of the applicant.
- Rick Welsch, 3350 Westbrook Road, Suwanee, GA. Moved to Suwanee in 1993 as a result of looking at 158 Timberlost Trail. We love the area and tree canopy it offers. The Comprehensive Plan has dozens of references to maintaining the area as it is today. Change is not recommended at all. Requests Council leave this area as R-140 like the Settles Bridge area.

Mr. Morris was allowed to speak in response to the opposition and read from the “Suwanee Town Master Plan”, page 1012 quoting “by the later portion of the 20 year plan year period, Suwanee will run out of residential land.” Next he made comments related to tax bases. He stated he would be happy to sell the land to Suwanee or the people next door.

2. **SUP-2008-005 – Applicant: Zebra Construction Company, Inc. Owner: Zebra Holdings, LLC.** *Requests a special use permit to allow executive quarters in the M-1 zoning district. The site is located in Land Lots 196 and 209 of the 7th District at 3620 Swiftwater Park Drive and contains approximately 2.43 acres. [Please insert in Tab J]*

Josh Campbell, Planning Director, presented the staff analysis as follows: The applicant requests a Special Use Permit on an approximately 2.4-acre site to allow for an

approximately 990 square foot executive quarters suite in an M-1 (Light Industrial) zoning district. The subject property is located within the Swiftwater Industrial Park and contains an approximately 33,000 square foot office building and an approximately 6,300 square foot warehouse building, both nearing completion. The applicant proposes to use a portion of the interior of the office building as an executive quarters suite. The proposed suite takes up an approximately 3 percent of the overall building and is proposed to be located on the second floor. The property location is 3620 Swiftwater Park Drive.

The Special Use Permit process allows the City to review whether an Executive Quarters Suite is an appropriate use for an interior portion of an existing facility. A Special Use Permit does not change the underlying zoning of property, but grants the property an additional specified use.

The Special Use Permit process was created by the City Council in 2001 to better handle certain land uses. A Special Use Permit is commonly used when a special use under the zoning district is desired for development, but it may also be used when no zoning district contains that use as a use by right.

An executive quarters suite is different from a residential unit or hotel. Executive quarters suite is defined as follows: an accessory residential use within a non-residential building that is clearly subordinate and incidental to the primary use of the building, is not used as a permanent residence, is used only by employees or clients of the primary building occupant, no traditional hospitality services are provided, the structure is built to the same standards as the rest of the building and no rent or fees are charged, collected or paid for its use. Because this type of use is not specifically listed in a zoning district a special use permit is required.

The proposed Executive Quarter Suite is a 990 square foot suite composed of a living room and kitchenette combination, a den/study, and a bedroom with a full bathroom. The applicant states that the proposed kitchenette is not equipped with any range or stove and no “cooking” will occur in this suite. The executive suite will only be used on an occasional and infrequent basis and then by only Zebra Construction Company’s management employees who work late or visiting executives.

The subject property is located within a business park and is surrounded by a mixture of uses. 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 special use is an accessory use that is incidental to the primary use of the property.

In conclusion, the requested special use permit is an accessory or incidental use and located in a 33,000 square foot building. The applicant clearly states that they do not intend to use the structure as a permanent residence, to charge rent or a fee, and are not providing any cooking facilities. The proposed Executive Quarters Suite would be appropriate at this location. Provided the suite meets the requirements of the Gwinnett County Fire Marshall and the City of Suwanee Inspectors, approval would be warranted. Therefore, staff recommends **APPROVAL WITH CONDITIONS** of the Special Use Permit request. The Planning Commission recommended approval unanimously with staff conditions.

SUPPORT: Rick Thacker, 3620 Swiftwater Park Drive, Suwanee, GA. Mr. Thacker stated the executive quarter suite is a 900 sq. ft. executive area on the second floor. It has it's own emergency escape. Occasionally there are employees who have to work late. This will allow the employee occasional sleeping quarters.

OPPOSITION: None

3. **AMD-2008-001 – Proposed amendment to “Article XVI. Signs” of the City of Suwanee Zoning Ordinance.**

A proposed amendment would modify the regulations regarding exempt signs, window signs and other related changes as may be necessary.

Josh Campbell, Planning Director, stated this amendment is straightforward. It would increase the size of exempt signs from 2-1/2 sq. ft. to 5 sq. ft. and eliminate potential set backs off the right-of-way to simplify enforcement of this regulation. It also includes clarification of the window signs requirements. Planning Commission recommended approval 4-0.

SUPPORT: None

OPPOSITION: None

4. **AMD-2008-002 - Proposed amendment to the City of Suwanee Zoning Ordinance to modify Article V. Zoning District Development and Use Regulations including, but not limited to, Section 500. R-140 Residential Single Family District, Section 501. R-100 Residential Single Family District, Section 501A. R-85 Residential Single Family District, 502. RMD Residential Multi-Family Duplex District, 502A. R-75 Single Family Residence District, and 512.2 IRD Infill Residential District to regulate the scope and scale of certain uses in residential zoning districts by incorporating standards for Special Use Permit requirements and procedures for such uses and other related changes as may be necessary.**

Josh Campbell, Planning Director, stated that input received during the 2030 Comprehensive Plan process reflects a consensus to minimize change in certain areas defined primarily by their single family residential character

Many existing single family residential districts are created to allow primarily single family residential uses, but also allow for certain non-residential uses.

As land is being consumed in Suwanee, growth pressure is increasing in residential areas. This pressure could result in more intensive non-residential uses than originally anticipated and the assemblage of lightly developed residential lots with the intent to subdivide at a more intensive level.

Therefore staff recommends amending the Zoning Ordinance to require projects that meet certain thresholds in single-family residential districts obtain a Special Use Permit.

Projects that would exceed the threshold would include:

- a. Projects with buildings totaling more than 20,000 cumulative square feet.
- b. Projects with disturbed acreage exceeding 5 acres.
- c. Subdivisions with more than 7 lots.

Districts that are impacted: R-140, R-100, R-85, RMD, R-75, and IRD.

The special use permit process allows projects to be reviewed in more detail by the Planning Department, Planning Commission and City Council and make determinations about the appropriateness of the level of intensity of development, recommend conditions to mitigate potential adverse impacts or deny projects that are not appropriate.

Staff recommends amending the Zoning Ordinance. Planning Commission recommended approval 3-1.

SUPPORT:

- Roy Cannon, 5035 Meadowbrook Circle, Suwanee, GA. Mr. Cannon stated he is representing Suwanee Farms and is requesting that the area be preserved. He provided a petition containing signatures from 70 residents requesting approval of the amendment.
- Richard Trice, 5155 Meadowbrook Circle, Suwanee, GA. Mr. Trice stated he speaks on behalf of the residents of the Suwanee Farms area including Moore Road and Settles Bridge Road who are in favor of passage of the proposed zoning ordinance amendment. This amendment would impact all areas of the City should a special use permit be requested.
- John Gorman, 4015 Stonecypher Road, Suwanee, GA. Mr. Gorman stated this amendment would be favorable to the preservation of Old Town where he lives. He requested Council pass the amendment and support the character of Suwanee. Mr. Gorman stated that he is the owner of a 10 acre residentially zoned parcel and has been approached by several developers for non-residential type uses. Thus, if anything, he has a financial disincentive for the amendment to be approved, but he feels strongly about protecting the character of our residential areas.

OPPOSITION:

- Matt Reeves, 1505 Lakes Parkway, Lawrenceville, GA. Mr. Reeves stated he is representing Notre Dame Academy, Inc. "Denial of the amendment is requested to the extent that the amendment applies to the 36.5 acre property that Notre Dame has under contract as Settles Bridge Farm, LLC. As a religious school, Notre Dame has rights under the Religious Land Use and Institutionalized Persons Act of 2000 (known as RLUIPA). Two weeks ago, Notre Dame filed a lawsuit against the City of Suwanee, here in Gwinnett County. Last week the City had its day in court on this matter and on Friday

a Superior Court Judge ruled the City had violated RLUIPA in the way the City had treated Notre Dame so far. RLUIPA prohibits the City from imposing burdens on Notre Dame efforts to open a Catholic school on the property and prohibits other efforts by the City to exclude Notre Dame from the City. The Superior has already ruled that the City has imposed burdens on Notre Dame in violation of Notre Dame's rights under RLUIPA. The Court specifically found that the way, expense and uncertainty which is injected into the zoning process by the City which hinders Notre Dame's efforts to locate on the property violates RLUIPA. The proposed amendment will continue that path the City has taken so far as injecting delay, uncertainty and expense in Notre Dame's effort to locate on this property in the City." Mr. Reeves continued that by taking action tonight concerning the Notre Dame school proposal, the City is incurring an even larger amount of financial liability to Notre Dame under RLUIPA. As was discussed in Court last week, RLUIPA has an attorney's fee component as well as a damages component. An injunction has already been issued under RLUIPA and the case has just begun. Financially related to the Notre Dame property the City will dig itself even deeper into a legal hole that the City has already dug itself into." Mr. Reeves distributed constitutional objections to the Council. Mr. Reeves continued to state references RLUIPA and violations. Mr. Reeves ending comments included: "In order to avoid any further RLUIPA, you could simply exempt this small 36.5 acre piece of property out of the 7000 or so acres in the City or you can exempt religious schools. Notre Dame requests that the amendment be denied as applies to Notre Dame property or carve out Notre Dame's property from the scope of the amendment."

Mr. Reeves stated that a large number of people were outside and unable to get into the meeting and requested the ability to serve an objection to the meeting under the Open Meetings Act.

Councilmember Foster asked Mr. Reeves if he realized that certain building codes prevent a large number of people from being in a particular area for public safety reasons for fire or emergency reasons which would prevent emergency personnel from coming into a very crowded room that would therefore aggravate a situation as such. The County Fire Code would prevent us from packing everyone logistically into the room.

Mr. Reeves responded from time to time governments move their meetings to accommodate the Open Meetings Act, which is a requirement of Georgia law.

- Andy Stancil, 5515 North Brown Road, Lawrenceville, GA, attorney with Mahaffey, Pickens, Tucker and representing Settles Bridge Farms, LLC. Settles Bridge Farm suffered damages as a result of the City's action regarding the moratorium and the pending amendment. A recording of injunctive action took place, as a result constitutional objectives were served on the City. Mr. Stancil requested the 36.5 acres be exempt.

City Attorney Gregory Jay stated since this is an amendment proposed by staff and there is no applicant, there is no rebuttal. In accordance with Public Hearing rules rebuttal on an Amendment to the Zoning Ordinance would not be appropriate.

5. **Request by Nolboo Bossam Restaurant for an Alcohol Beverage License.**

Request for on-premise consumption of beer, wine, and distilled spirits at 302 Satellite Blvd., Su. 125C.

City Manager, Marty Allen, stated staff has reviewed the application and recommend approval.

SUPPORT:

- Applicant: Alex Song and Lydia Song, 302 Satellite Boulevard

OPPOSITION – None.

The Public Hearing Closed at 7:30 P.M. Mayor Williams stated there would be a 5-8 minute recess before the City Council Meeting started.

7:00 P.M.
CITY COUNCIL MEETING

1. Call To Order

Mayor Williams called the meeting to order at 7:46 P.M.

2. Announcements

- *Big Splash, our interactive fountain, is back on in time for the summer heat .As long as drought conditions don't worsen and the state and county continue to permit it, the fountain will be run daily with new hours of operation from 10:30 am to 9:30 pm. Georgia EPD ruled that recirculating fountains, such as our fountain, are classified as zero-depth swimming pools. Such facilities are permitted to operate at this time. Gwinnett County, our water provider, has also granted approval. The state has established a 10% water use reduction goal. In an effort to recognize this, the city reduced the number of hours the fountain will operate by more than 10% over last year. The fountain does recycle most of the water used, but still some water is lost due to evaporation and carry off.*
- *The Farmer's Market is back in Suwanee. The Suwanee Farmers Market will be open in Town Center Park from 8 a.m.-noon every Saturday morning through October 11, except for September 20.*
- *This month you may have noticed some new additions to the Suwanee Greenway. This year's Art on Limb features gourds painted to represent some of the birds that naturally inhabit the Greenway. The birds have been created exclusively for Suwanee's Art on a Limb by local artist Ingrid Bolton. Each day throughout the month of May, the City of Suwanee will hide two pieces somewhere along the greenway. Whoever finds a piece of artwork may keep it. Those not lucky enough to sight one of Bolton's birds may purchase one beginning June 2nd for \$25 at*

Suwanee City Hall or the “Life is good” festival at Town Center Park on June 14th.

- *For our upcoming, June 14th, “Life is Good” Festival, we are looking for a few good men and women to compete for the World’s Greatest Backyard Athlete designation in Suwanee’s “front yard,” Town Center Park. The deadline to enter the “Life is Good” competition is June 2nd. Each would-be champion must raise \$500.00 to be donated to Project Joy, a non-profit organization dedicated to fostering the healthy development of young children who have been deeply impacted by violence, loss, and other traumatic experiences. Also we are seeking volunteers to help out at the “Life is good” Festival. The day will include laid-back yet interactive events like sack races, a whiffle ball homerun derby, and watermelon seed spitting.*

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

3. Pledge of Allegiance

Mayor Williams was joined by third grader, Jake Adams and Hunter Carter of Troop 827 (St. Monica’s).

4. Approval of Minutes

A. April 22, 2008 Council Meeting

Motion by Councilmember Foster to approve the April 22, 2008 Council Meeting minutes, second by Mayor Pro Tem Burnette and so carried 6-0.

5. Adoption of Agenda as Presented

Motion by Councilmember Rispin to adopt the Agenda as presented, second by Mayor Pro Tem Burnette and so carried 6-0.

6. Special Recognition

A. *Wayne Shackelford – “Friend of Suwanee”*

Former Gwinnett County Commission Chairman, Wayne Hill, and Joy Still, Mr. Shackelford’s assistant, joined Mayor Williams in recognizing former DOT Chairman Wayne Shackelford. Mayor Williams read a Proclamation in honor of Mr. Shackelford contributions to the City and proclaimed Wednesday, May 28, 2008 as Wayne Shackelford Day. In addition, Mayor Williams presented Mr. Shackelford with the “Friends of Suwanee” award. Mr. Shackelford reflected on projects that were coordinated efforts between GaDOT, Gwinnett County and the City of Suwanee.

A quote from Mr. Shackelford: “Things don’t happen in a vacuum. As long as you don’t care about who gets the credit, there is no limit in how far a community can go. You folks are a living example of a community that wants to be good and makes it happen and I am humbled to be the recipient of this recognition. God bless you all.”

- B. *Mariza Abdeljawad – Georgia Council of Court Administrators’ (GCCA) Certificate*
Elvira Rogers, Administrative Services Director, joined Mayor Williams in recognizing Mariza Abdeljawad, Court Services Supervisor, for her accomplishment in receiving the Georgia Council of Court Administrators Certificate. This Certificate program is a 40-hour training course. Mariza is the first Gwinnett County Court Clerk to receive this certification.

7. Audience Participation

- Maurice Cook, 1342 Riverview Run Road, Suwanee, GA. Mr. Cook thanked Mr. Allen for getting the Moore Road area construction site cleaned up. He spoke of comparison of Police data of other agencies as it relates to the City of Suwanee. Mr. Cook stated the matrix used for the police department budget is in error and recommended the City move forward with increasing the PD from 25 to 35, filling 30 by the end of December. This will ensure the City is safe and the crime under control.
- Richard Trice, 5155 Meadowbrook Circle, Suwanee, GA. Mr. Trice stated that McGinnis Ferry in Suwanee was made possible by the efforts of Wayne Shackelford and Wayne Hill.
- Matt Reeves, 1505 Lakes Parkway, Lawrenceville, GA, representing Notre Dame Academy, Inc., referencing item F & G on the agenda. Mr. Reeves stated he wanted to reiterate the remarks made earlier related to AMD-2008-002 and restate constitutional objections to these two items which also may impact Notre Dame’s religious school proposal. Mr. Reeves referenced the Court’s order entered on Friday – the Supreme Court’s limited stay – would prevent reenactment of the moratorium at this time.
- Roy Cannon, 5035 Meadowbrook Circle, Suwanee, GA. Requested that Mr. Reeves comments be stricken from the official record, because his statement referenced matters addressed in the Public Hearing.

City Attorney, Gregory Jay, stated that Mr. Reeves couched his comment in response to items F & G on the agenda.

8. OLD BUSINESS

A. Consideration of Appointments to the Suwanee Public Arts Commission

The recommendations of the ad-hoc committee, formed to consider these appointments, were presented at Workshop. Councilmember Foster stated the selection committee was comprised of Councilmembers Brooks, Foster, McOmber and Rispin.

Motion by Councilmember Foster to approve appointments to the Public Arts Commission, second by Councilmember Rispin and so carried 6-0.

*Appointments: Vanessa Boggs, term to expire December 31, 2009
Dick Goodman, term to expire December 31, 2009
Vickie Johnson, term to expire December 31, 2008
Linnea Miller, term to expire December 31, 2009
Earl Mitchell, term to expire December 31, 2009
Alison Nalley Starnes, term to expire December 31, 2008
Jim Rodeghiero, term to expire December 31, 2008*

9. NEW BUSINESS

- A. RZ-2008-001 – Applicant: James C. Morris, Jr. Owner: James C., Jr. and Brenda Morris. Requests rezoning from R-140 to R-100 to allow for the creation of an additional residential parcel. The site is located in Land Lot 192 of the 7th District at 138 Timberlost Trail and contains approximately 1.38 acres.**

Motion by Mayor Pro Tem Burnette to deny RZ-2008-001 w/conditions, second by Councilmember Brooks and so carried 5-0-1 (McOmber).

- B. SUP-2008-005 – Applicant: Zebra Construction Company, Inc. Owner: Zebra Holdings, LLC. Requests a special use permit to allow executive quarters in the M-1 zoning district. The site is located in Land Lots 196 and 209 of the 7th District at 3620 Swiftwater Park Drive and contains approximately 2.43 acres.**

Motion by Councilmember Rispin to approve SUP-2008-005, second by Councilmember Foster. Call for discussion to include conditions. Councilmember amended the motion to approve with conditions, amended second by Councilmember Foster and so carried 6-0.

- C. AMD-2008-001 – Proposed amendment to “Article XVI. Signs” of the City of Suwanee Zoning Ordinance. A proposed amendment would modify the regulations regarding exempt signs, window signs and other related changes as may be necessary.**

Motion by Councilmember Foster to approve AMD-2008-001 w/conditions, second by Councilmember Brooks and so carried 6-0.

- D. AMD-2008-002 - Proposed amendment to the City of Suwanee Zoning Ordinance to modify Article V. Zoning District Development and Use Regulations including, but not limited to, Section 500. R-140 Residential Single Family District, Section 501. R-100 Residential Single Family District, Section 501A. R-85 Residential Single Family District, 502. RMD Residential Multi-Family Duplex District, 502A. R-75 Single Family Residence District, and 512.2 IRD Infill Residential District to regulate the scope and scale of**

certain uses in residential zoning districts by incorporating standards for Special Use Permit requirements and procedures for such uses and other related changes as may be necessary.

Motion by Brooks to approve AMD-2008-002 as presented by staff and the Planning Commission, 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: Nolboo Bossam Restaurant, 302 Satellite Blvd., Suite 125C. Applicant: Alex Y. Song**
Staff recommends approval of this application.

Motion by Councilmember Foster to approve License to sell beer wine and distilled spirits to be consumed on the premises: Nolboo Bossam Restaurant, Applicant: Alex Y. Song, second by Councilmember Rispin and so carried 6-0.

- F. Consideration of Status of Interim Moratorium Related to 2030 Comprehensive Plan.**

The moratorium is set to expire on May 29. Should the Council wish to repeal it, this would provide such an opportunity.

Motion by Councilmember Rispin to repeal the Interim Moratorium related to the 2030 Comprehensive Plan, second by Councilmember Foster and so carried 6-0.

- G. Consideration of Transmitting the 2030 Comprehensive Plan to the Department of Community Affairs for Regional Review.**

DCA requires the City to submit a transmittal resolution with the Plan.

Motion by Councilmember McOmber to approve transmittal of the 2030 Comprehensive Plan to DCA for Regional Review, second by Councilmember Brooks and so carried 6-0.

- H. Consideration of GDOT City Contract Proposal LAU09-S011-00(335)**

GaDOT proposed to provide LARP funding up to \$56,191.95 to assist the City in resurfacing approximately 1.16 miles along Dollar Circle, Rising Fawn Trail, and Swiftwater Park Drive. Upon the Contract being fully executed by both the City of Suwanee and GaDOT, they will issue a Notice to Proceed letter to the City so the project may begin. [Tab B]

Motion by Councilmember Brooks to approve the GDOT contract for LARP funding, second by Mayor Pro Tem Burnette. Call for discussion by Councilmember Foster. Foster stated the contract is for resurfacing of Dollar Circle, Rising Fawn Trail and Swiftwater Park Drive. The motion carried 6-0.

I. Consideration of Authorizing Mayor to Execute Change Order for Playground Addition to Sims Lake Park Playground

As presented at Workshop, staff continues to work with the contractor to finalize change orders for the Sims Lake Park Playground. More information will be available on May 27.

Motion by Councilmember Foster to postpone this item to the June 12, 2008 Called Council Meeting, second by Councilmember Brooks and so carried 6-0.

10. CONSENT AGENDA

A. Adoption of Comprehensive Solid Waste Management Plan

The proposed plan has been reviewed by the regional agencies and must be adopted by the various local jurisdictions before being submitted to the State.

B. Authorize the Mayor to Execute Agreement with Caretaker for Sims Lake Park

Staff proposes entering into an agreement with Public Works employee Daniel Sutton to serve as the caretaker.

Motion by Mayor Pro Tem Burnette to approve the Consent Agenda, second by Councilmember McOmber and so carried 6-0.

11. City Manager's Report – None.

City Attorney, Gregory Jay, provided an update on the matter pending in Superior Court.

12. Executive Session: Real Estate and Legal Issues

Motion by Councilmember Brooks to Enter Executive Session, second by Councilmember Foster and so carried 6-0. Time: 8:43 P.M.

Motion by Councilmember Brooks to EXIT Executive Session, second by Councilmember Foster and so carried 6-0. Time: 9:40 P.M.

No Action Taken.

13. Adjournment – Time: 9:40 P.M.

Motion by Councilmember Burnette to Adjourn, second by Councilmember Foster and so carried 6-0.

Approved 06/26/2008