

**MINUTES  
CITY OF SUWANEE, GEORGIA  
PUBLIC HEARING & CITY COUNCIL MEETING  
JULY 22, 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  
Dan Foster, Councilmember  
Kevin McOmber, Councilmember  
Jeannine Rispin, Councilmember  
Marty Allen, City Manager  
Elvira Rogers, City Clerk  
Gregory Jay, City Attorney

Absent: Jace Brooks, Councilmember

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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 PM  
PUBLIC HEARING**

Mayor Williams opened the Public Hearing at 6:32 P.M. and read the Procedures for Public Meetings for the record.

- SUP-2008-007 - Applicant: Mammoth Holdings, LLC. Owner: Suwanee Depot Partners, LLC. Requests a special use permit to allow for a carwash in the C-2A Zoning District. The site is located in Land Lot 169 of the 7th District at 3121 Lawrenceville-Suwanee Road and contains approximately 0.94 acres.**  
*The Planning Department recommends approval with conditions and the Planning Commission recommends approval with revised staff conditions.*

City Planner Josh Campbell presented the staff analysis as follows: The applicant requests a Special Use Permit on an approximate 0.94 acre tract to allow for a car wash facility. The site is located on Lawrenceville-Suwanee Road just west of the Northbound I-85 Exit ramp

in the Suwanee Depot shopping center. Access is proposed via a single driveway from an internal drive within the shopping center. The subject property is a C-2A zoned tract. The applicant proposes to construct an approximate 4,600 square foot, completely contained, car wash facility with outdoor vacuuming facilities.

The Special Use Permit process was created by the City Council in 2001 to better handle certain land uses.

The subject property is an approximate 0.94 acres. The site has previously been graded, but is currently undeveloped. This site would be appropriate for the proposed use.

The subject property is located in the highly commercialized I-85 business district. Uses in the general area and on the west side of I-85, include: a package store, gas stations, an emission testing facility, fast food restaurants, and hotels.

The City's Future Land Use Plan recommends commercial use for this site. The Comprehensive Plan specifically recommends locating automotive related uses to the I-85 Business District.

The subject property is located in what the 2030 Comprehensive Plan designates as the Suwanee Gateway Character Area. It is recommended that the Suwanee Gateway present a strong, positive image of the city that is forward looking and progressive.

In conclusion, the requested Special Use Permit for a carwash facility would be appropriate at this location. The City's policies generally attempt to guide automotive sales and service uses to the more commercially intensive areas of the City. The subject property is located in the heart of the I-85 business district and is surrounded by intensive commercial uses. Special attention should be given to ensure that the operation does not provide garish signage or other exterior attention-grabbing features in order to respect the intentions of the Gateway Character Area. The Planning Department recommends **APPROVAL WITH CONDITIONS** of the request. The Planning Commission voted 3-0 to also recommend approval and proposed some modifications to the staff recommended conditions in response to concerns stated by the applicant.

**Support:**

- Brad Thomas 6180 Overcreek Point , Sandy Springs, GA represented the applicant. This will be an express exterior car wash. Basically, the customer pulls up to a computer screen (user friendly), swipe a credit card or pay with cash, select the type of car wash, drive around to a tunnel, the car is loaded onto a conveyor belt and is pulled through the carwash. There will be 2-3 employees. The carwash is environmentally friendly – approximately 99% of the water is recaptured. The car wash is very clean. Vacuum systems will have devices to reduce the amount of energy consumption. Mr. Thomas stated the applicant is in agreement with the Planning Commission recommendations. He stated the design complies with the Cities request. There are two locations currently in Gwinnett County – Lilburn and Lawrenceville.

### **Opposition:**

- Kimberly Kinair (representing Ruby Tuesday), 150 West Church Street, Murrayville, TN – Ms. Kinair stated they are the parcel in the shopping center adjacent to the applicants parcel. They just learned of the application and are opposed to the Special Use Permit and as that the Council defer the decision until additional information can be obtained from their buyer - Tidal Wave Carwash. Ruby Tuesday believes that Tidal Wave would be a perfect fit for the Suwanee Gateway. Ms. Kinair shared many accolates for the Tidal Wave owner (Scott Blackstock).
- Scott Blackstock, 1839 Woodland Road, Thomaston, GA. Mr. Blackstock distributed copies of photos for the Tidal Wave carwash. He stated he has been unable to speak with the City or staff regarding his car wash. He stated his business would not just meet the City's standards but would exceed the standards. He stated the citizens of Suwanee deserve the most attractive facility. He continued to tout his carwash.
- Mitch Jacoby, 218 Shire Way, Lawrenceville, GA. Mr. Jacoby stated he is the owner of the shopping center. There are three outparcels. Mr. Jacoby stated Mr. Blackstock submitted a proposal to him which was denied based on covenants. Councilmember Foster what is the issue with Mr. Blackstock? Mr. Jacoby responded the ECR requires two uses.

Councilmember Foster inquired about the issues Mr. Jacoby had with Mr. Blackstock. Mr. Jacoby stated there were three uses to include a carwash, oil change and insurance sales. The ECR requires no more than two uses. City Attorney, Gregory Jay, intervened and stated it is the obligation of Council to hear and act on the case before them.

Mr. Thomas responded that his company has been in operation for four years. He stated that the City's criteria will be met. He stated, "The better the facility looks, the more business we have."

## **2. FY 2008-09 Proposed Millage Rate**

Amie Sakmar stated this is the final of three public hearings required by the Tax Payer Bill of Rights for setting the millage rate; the first two were held on July 9 and July 10. The millage rate is proposed to remain at 5.77 mills, though property taxes may increase due to reassessments. The millage rate has either remained the same or been reduced for each of the past six years.

### **Audience Participation**

- Sandra Larson, 977 Mill Creek Run, Suwanee, GA. Ms. Larson requested clarification of whether the millage rate would increase. Mayor Williams stated the millage rate would remain the same, 5.77 mills. The millage rate has been the same for several years. Ms. Larson inquired about the word increase used in the published information. Mayor Williams explained that with the increase in the tax base, 5.77 mills would generate more tax dollars this year than last year.

The Public Hearing closed at 6:59 P.M. with the Council Meeting to convene in approximately five minutes.

**7:00 PM**  
**COUNCIL MEETING**

**1. Call To Order**

Mayor Williams called the meeting to order at 7:11 P.M.

**2. Announcements**

- Friday, July 11, was a monumental day in the construction of the new City Hall. The City held a topping ceremony to commemorate the final stages of the steel framing. Crews will begin “drying-in” the building soon with construction of the exterior façade. To celebrate this phase, the commemorative beam with over 200 signatures from community members, Council, and staff was draped with an American flag. Construction is proceeding well, with a targeted opening date of late 2008 or early 2009.
- Join us this Saturday, July 26th, for “Dr. Strangelove, Or How I Learned to Stop Worrying and Love the Bomb.” The movie will be shown at dusk at the Burnette-Rogers Pavilion on Main Street in historic Old Town. This Stanley Kubrick-directed 1964 film satirically recalls the tensions of the Cold War days.
- Next Friday, August 1st, the Suwanee Smooth Jazz Concert Series continues with Eric Essix and Melvin Miller, well-known Atlanta-based jazz performers. They will take the Town Center stage at 7 p.m. Bring blankets, chairs, picnics, and friends to the concert; however, no alcohol may be brought into Town Center Park.
- Be a part of the 25<sup>th</sup> celebration of Suwanee Day! Suwanee’s annual “Celebration of Community,” which includes a parade, arts and crafts exhibitors, children’s activities, a 5K/10K race, and all-day on-stage entertainment, will take place Saturday, September 20, at Town Center Park. Applications for arts and craft exhibitors, parade participants, runners for the Suwanee Day 5K and 10K Classic, and festival volunteers are now available at [www.suwaneeday.com](http://www.suwaneeday.com).
- The Suwanee DDA is implementing a Façade Improvement Grant Program that will provide grants for exterior improvements to buildings in downtown Suwanee, which encompasses Town Center as well as historic Old Town. The program is funded through a generous contribution from the Suwanee branch of BB&T bank, located in Suwanee’s Town Center. The first round of applications will be accepted through September 2. For more information or to receive an application please contact Downtown Manager Jane Keegan

For information on all upcoming events, please visit [www.suwanee.com](http://www.suwanee.com)

**3. Pledge of Allegiance**

Mayor Williams was assisted by Tyler Egg, Troop 1830, Latter Day Saints Church.

**4. Approval of Minutes**

- a. June 12, 2008 Called Council Meeting

*Motion by Mayor Pro Tem Burnette to approve the June 12, 2008 Called Council Meeting Minutes, second by Councilmember McOmber and so carried 5-0.*

- b. June 26, 2008 Public Hearing and Council Meeting

*Motion by Councilmember Foster to approve the June 26, 2008 Council Meeting Minutes, second by Mayor Pro Tem Burnette and so carried 5-0.*

**5. Adoption of Agenda as Presented**

*Motion by Councilmember Foster to adopt the Agenda removing Executive Session, second by Councilmember Rispin and so carried 5-0.*

**6. Special Recognition**

**a. Life is good Festival Volunteers and World's Greatest Backyard Athlete**

*There were a number of community organizations and businesses that helped with the Life is good Festival, particularly by providing volunteers to work at the event. All of the organizations were invited to the meeting and representatives from Shadowbrook Baptist Church (Pastor Bobby Linkus), and Suwanee Parish United Methodist Church (Cynthia Vassell, Danielle Vassell and Eric Wright) were in attendance. Additionally, Scott Dovel, the World's Greatest Backyard Athlete was present. Competitors in the events had to raise a minimum of \$500 to donate to the non-profit Project Joy.*

**b. Police Chief Mike Jones**

*Chief Jones has taken helm as President of the 500-member Georgia Association of Chiefs of Police (GACP). Chief Jones was sworn in July 15 at the GACP summer conference in Savannah. As GACP president, Chief Jones will represent chiefs of state, county, municipal, college, and other law enforcement agencies throughout Georgia. Jones worked for 24 years with the Rome Police Department, where his father also was an officer, before becoming Suwanee's chief 10 years ago. He is an adjunct professor at Columbus State University, Georgia POST (Peace Officer Standard Training) instructor, emergency vehicle operations and firearms instructor, and Georgia-certified assessor. He has a Bachelor of Science degree in interdisciplinary studies from Berry College and a master's of public administration from Columbus State University. Chief Jones stated "a person cannot be what they are without the support group and the support they have."*

*Mayor Williams presented Chief Jones with a Proclamation and Wednesday, July 23, 2008 was proclaimed Chief Jones Day.*

**7. Consider Appointment of Additional Solicitors to Municipal Court**

**a. Mihae Park**

**b. Matthew Crosby**

*Julie Potts, Chief Solicitor, has requested to include two additional candidates on the list of appointed solicitors.*

***Motion by Councilmember Rispin to appoint Mihae Park and Matthew Crosby as additional Solicitors to Municipal Court, second by Councilmember Foster and so carried 5-0.***

**8. Audience Participation – None.**

**NEW BUSINESS**

- 9. SUP-2008-007 - Applicant: Mammoth Holdings, LLC. Owner: Suwanee Depot Partners, LLC. Requests a special use permit to allow for a carwash in the C-2A Zoning District. The site is located in Land Lot 169 of the 7th District at 3121 Lawrenceville-Suwanee Road and contains approximately 0.94 acres.**

*The Planning Department recommends approval with conditions and the Planning Commission recommends approval with revised staff conditions.*

***Motion by Councilmember McOmber to approve SUP-2008-007 with Planning Commission conditions #1 and #2, deleting condition #3 and adding a new condition #3 to read: “The architecture for all structures and landscaping of the site shall be subject to the approval of the Planning Director. The architecture, landscaping and lighting shall exceed current City standards”, second by Mayor Pro Tem Burnette and so carried 5-0.***

- 10. Consider Authorizing Mayor to Execute Contract with Rindt-McDuff Associates, Inc. in an Amount Not to Exceed \$29,090 for Phase II of the Water System Study**  
*Rindt-McDuff Associates, Inc. has substantially completed Phase I of the Water System Study. The initial RFP included a second phase of work with a defined scope of work to include additional distribution system analysis, development of a conservation program, training staff to conduct regular water audits, recommending system performance measures, performing a financial analysis, and concluding with a rate study and recommending a commodity rate structure. The proposed Contract for Phase II is structured by the hour with a not-to-exceed amount of \$29,090.00.*

***Motion by Mayor Pro Tem Burnette to authorize the Mayor to execute a contract with Rindt-McDuff Associates, Inc. in an amount not to exceed \$29,090 for Phase II of the Water System Study, second by Councilmember McOmber and so carried 5-0.***

- 11. Consider Approval of the City’s Application to the Atlanta Regional Commission for Funding of a Supplemental LCI Study**  
*ARC has announced a second call for 2008 LCI studies. Applications are due by August 1 and funded studies must be completed by May 2009. Staff proposes requesting funding for completion of the Old Town Master Plan five-year update. With an estimated cost of \$80,000, the City will request \$40,000 for a 50% match. If approved, the included resolution*

*will be submitted with the application, to confirm the Council's commitment to completing the update and funding the match.*

***Motion by Councilmember Foster to approve the City's Application to the Atlanta Regional Commission for funding of a supplemental LCI study, second by Councilmember McOmber and so carried 5-0.***

**12. Consideration of Ordinance for FY 2008-09 Ad Valorem Tax**

*The City has conducted the three necessary public hearings required for setting the millage rate. The millage rate will remain at 5.77 mills, though property taxes may increase due to reassessments. The millage rate has either remained the same or been reduced for each of the past six years.*

***Motion by Mayor Pro Tem Burnette to adopt an Ordinance for FY 2008-09 Ad Valorem Tax, second by Councilmember Rispin and so carried 5-0.***

**13. Consent Agenda**

**a. Accept Donation to the Suwanee Police Department for the Explorers Program from Suwanee Academy of the Arts**

*The Suwanee Academy of the Arts is interested in donating \$750 to the Police Department for the Explorers program. In exchange for the donation, the Explorers would, along with one officer, provide assistance during a private event to be held in August.*

**b. Adopt Resolution to Change Plan Coordinator for the ICMA-RC Employee Retirement Plan**

*ICMA-RC manages the City's employee retirement plan. They still have Hardin Watkins listed as the Plan Coordinator and need a resolution to make this update.*

**c. Approval of Proposed Funding Categories for 2009 SPLOST**

*Gwinnett County has announced its intention to call a referendum for continuation of the SPLOST program. Based on discussion at workshops, staff has prepared a list of proposed uses for the anticipated revenue and estimated costs of projects. Upon approval by Council of this list, it will be forwarded to Gwinnett County for insertion into the draft City-County Intergovernmental Agreement (IGA). The IGA will then be placed on Council's agenda for a consideration at a called meeting during the August workshop. Upon approval by Council, the IGA be executed on August 15 by all the municipalities and the County and approved by the Board of Commissioners on August 19.*

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

Mayor Williams highlighted the donation to the Suwanee Police Department by the Suwanee Academy of the Arts.

**14. City Manager's Report – None.**

**15. Executive Session: Legal, Personnel, and/or Real Estate Issues (if necessary)**

*Removed from Agenda.*

**16. Adjournment – Time: 7:44 P.M.**

*Motion by Councilmember Rispin to Adjourn, second by Councilmember Foster and so carried 5-0.*

*Approved 08/26/2008*