

**MINUTES  
CITY OF SUWANEE, GEORGIA  
PUBLIC HEARING & CITY COUNCIL MEETING  
AUGUST 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  
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

---

**5:30 P.M.  
DINNER SESSION**

**1. 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.

**2. SUP-2008-008 - Applicant/Owner: Suwanee Plaza, LLC. Requests a special use permit to allow for automotive service repair in the C-2 Zoning District. The site is located in Land Lot 211 of the 7th District at 3580 Lawrenceville-Suwanee Road and contains approximately 4.6 acres.**

*Staff and Planning Commission both recommend approval with conditions.*

Planning Director, Josh Campbell, presented the staff analysis as follows: The applicant requests a Special Use Permit on an approximately 2.73 acre tract to allow for a 3,173 square foot automotive service facility. According to the applicant, this facility will be utilized by an existing body shop located on an adjacent parcel. The site is located at 3580 Lawrenceville-Suwanee Road near the intersection of Lawrenceville-Suwanee Road and Smithtown Road in the Suwanee Plaza Shopping Center. Two existing access points are

proposed to be extended to the rear of the site: one access point is provided through the Suwanee Plaza Shopping Center and one is provided through the adjacent parcel where the existing body shop is located. The subject property is a C-2 zoned tract. A Special Use Permit would be required for automotive repair.

The site includes an existing 15,547 square foot, one story, commercial building. The building is currently configured into 9,700 square feet of retail/office space and 5,847 square feet of storage space. The proposed automotive repair facility would be located to the rear of the existing building. The two adjacent parcels to the west of the subject property also belong to the property owner/applicant. There is currently no direct access to these parcels from the shopping center. Access is provided by two separate entrances along Lawrenceville-Suwanee Road. The adjacent parcel includes two one story buildings totaling 16,812 square feet. The proposed occupant of the new automotive service facility maintains a business within an existing building located on the adjacent lot. (The existing body shop located on the adjacent lot is within the M-1 zoning district and is a permitted use.) According to the applicant's letter of intent the new facility will be used for alignments and general mechanical inspections conducted as a result of body work completed in the primary body shop. This site would be appropriate for the proposed use.

The subject property is located along a highly commercialized section of Lawrenceville-Suwanee Road. The City's Future Land Use Plan recommends commercial use for this site. The proposed use is consistent with this designation. The site is in a highly commercialized area that is generally suitable for vehicle service establishments. The proposed special use is also located to the rear of a shopping center, which should minimize the negative visual impacts normally associated with automotive uses.

The 2030 Comprehensive Plan recommends Mixed Use Center for the subject property, which is part of the Satellite North Character Area. The proposed special use is not entirely consistent with this designation, but the addition will unlikely harm the future long-term redevelopment of the area. The proposed automotive repair facility is a minor addition and should not compromise the future redevelopment of Sharon Industrial Way.

In conclusion, the requested Special Use Permit for an automotive service facility could 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 along a commercialized section of Lawrenceville-Suwanee Road and is surrounded by intensive commercial and industrial uses. Also, the proposed special use will be located to the rear of an existing building. Special attention should be given to ensure that the operation does not compromise the vision of the Satellite North Character Area. The Planning Department recommends **APPROVAL WITH CONDITIONS** of the request. The Planning Commission also voted 4-0 recommending approval with conditions. They did add a fourth condition that would require the applicant to address any stormwater issues that may be impacting the adjacent sites.

## **Support**

- Sidney Mozayyani, Suwanee Plaza LLC, 105 Satellite Boulevard, Suwanee, GA. Mr. Mozayyani stated one of their tenants is requesting additional space for an auto body shop. He stated they are in the process of permitting and getting some new buildings built in the back end of the Suwanee Plaza. Recently, in 2006 the front end of the shopping center was refurbished and received an award from the City of Suwanee. They are trying to do the same project in the back, with a front brick building. The three units at the corner has been requested by the auto body tenant. After the body work is complete, the tenant will have a space to finish up the job (i.e., changing tires, brakes, etc.). There have been discussions with Gwinnett County and Susan Carpenter (city staff) to ensure the development issue are addressed. There has been a clean-up program

### **Opposition**

- John Buonomia, 3600 Lawrenceville-Suwanee Road, Suwanee, GA. Mr. Buonomia stated his business, J&L Automotive. His objection is that some things are not adding up. The building does not include parking, there are drainage issues on the property and he believes the body shop will also become a repair shop.
- Dick Carothers, Carothers & Mitchell Attorneys at Law, 278 W. Main Street, Buford, GA representing John Buonomia and J&L Automotive. Mr. Carothers states he believes the intended use for the site is a stand alone automotive repair facility, which would not otherwise be approved by this Council, unless they say it is in conjunction with a body shop. Mr. Carothers asked if Council intends to approve the request is to modify condition number one to read: “Special uses on the site shall be limited to automotive services including alignments and general vehicle inspections as a direct result of body work performed at the body shop on the site.” This request is to make it clear that if others come in for automotive work not a direct result of body work, it will be a violation of the condition of zoning.

Mr. Mozayyani stated he has accommodated Mr. Buonomia. The pipe mentioned was damaged by the prior owner and has been repaired. As for the housekeeping issues stated by Mr. Buonomia, there is trash and debris on Mr. Buonomia’s property. Mr. Mozayyani stated his tenant needs to be accommodated to support his business.

There being no additional discussion, the Public Hearing closed at 6:52 P.M.

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

### **3. Call To Order**

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

### **4. Announcements**

- *We would like to recognize one of our Police Officers, Joe Carter, who is currently serving in the U.S. Marine Corps as a Staff Sergeant. Officer Carter’s unit was deployed to Iraq this week, after spending the past three months in pre-deployment training. This*

*is Officer Carter's second tour of duty in Iraq. Officer Carter has worked for the City of Suwanee since June 2007. We appreciate Officer Carter's service to our country and wish for the safe return of his unit.*

- *The City's newly appointed Public Arts Commission is off to a great start and has held two official meetings. Congratulations to commission members Dick Goodman and Vanessa Boggs who were elected Chair and Vice-Chair respectively. The Commission is currently working on a plan for artwork in the new City Hall building, as well as a program to encourage the incorporation of public art into private development projects. We appreciate the service of this Commission and look forward to their success.*
- *The City is currently accepting letters of interest from residents who would like to serve on one of the City's planning and zoning boards. The Planning and Zoning Commission hears all planning and zoning matters, including all rezoning and special use permit requests, and makes recommendations to City Council on these matters. The Zoning Board of Appeals considers and rules on all variance requests, which are required when a developer or property owner wishes to do something not ordinarily allowed by the City's zoning ordinances or when the City's zoning ordinances create a hardship. Both groups meet on a monthly basis, and the five members of each board are appointed by City Council to two-year terms. Appointees must reside in the City of Suwanee. To be considered, send a resume and letter of interest by September 30 to Planning Director Josh Campbell at Suwanee City Hall, 373 Buford Highway, Suwanee, GA 30024 or e-mail these items to him at [campbell@suwanee.com](mailto:campbell@suwanee.com).*
- *The Police Department's PACT program (Police and Citizens Together), formed in 2002, is expanding to create the first-ever commercial PACT in the Suwanee Gateway – the commercial area surrounding the I-85 interchange. Suwanee's residential PACT program is designed to build relationships between citizens and the police department and to resolve quality-of-life issues before they become criminal problems. Neighborhoods meet with their PACT officer three times each year, and officers are always available to "their" residents via phone and e-mail. Last year, more than 1,000 residents attended some 78 PACT meetings. The same strategies will be applied to the approximately 400 businesses in the Gateway area, with Sgt. Chris Robinson and the three detectives in Suwanee's criminal investigation department – Lt. Dan Clark, Sgt. Det. Shane Edmisten, and Det. Rob McCoy – serving as Gateway liaisons. The first Gateway PACT meeting will be Tuesday, September 16. Six meetings will be offered each year with participating businesses required to attend three of those meetings. For more information, please contact Sgt. Chris Robinson at (770) 945-8995 or [robinson@suwanee.com](mailto:robinson@suwanee.com).*
- *Two members of the Suwanee team have been recently appointed to Georgia Municipal Association committees. Mayor Dave Williams has been appointed to the Legislative Policy Council. The council is responsible for proposing the association's legislative platform and engaging other city officials in the legislative process in order to help advance GMA's platform. City Manager Marty Allen has been appointed to the City Managers Advisory Group. Allen is one of 21 city managers from around the state to*

*serve on the advisory group. GMA is the statewide organization that represents over 500 municipal governments in Georgia, providing legislative advocacy, educational, employee benefit and technical consulting services.*

**5. Pledge of Allegiance**

**6. Approval of Minutes**

**a) July 10, 2008 Called Council Meeting**

*Motion by Mayor Pro Tem Burnette to approve the July 10, 2008 Called Council Meeting Minutes, second by Councilmember Foster and so carried 6-0.*

**b) July 22, 2008 Public Hearing and Council Meeting**

*Motion by Councilmember Foster to approve the July 22, 2008 Public Hearing and Council Meeting Minutes, second by Councilmember McOmber and so carried 5-0-1 (Councilmember Brooks abstained).*

**7. Adoption of Agenda as Presented**

*Motion by Councilmember Rispin to adopt the Agenda as presented removing item 21. Executive Session, second by Councilmember Brooks and so carried 6-0.*

**8. Special Recognition**

**a) Jeffrey Angell**

*Jeffrey Angell (pronounced like "angel") is a senior at North Gwinnett H.S. and received a perfect score of 36 on his ACT, as well as a 2350 on the SAT. Jeffrey recently completed the 2008 Governor's Honors Program, with an emphasis in Math. Jeffrey is currently the only student at NGHS to participate in a dual enrollment program at Georgia Tech. He takes Calculus 2 and 3 there, having completed the highest level of math classes offered at NGHS. In addition to his joint enrollment, Jeffrey is also taking 5 AP classes this year and will have completed 12 AP classes by the time he graduates. Jeffrey is the captain of the NGHS Math Team and has won many competitions and scholarships through that involvement. Jeffrey plans to attend Brigham Young University next year to double major in Math and Computer Science and will enter with enough credits to be a junior. In addition to his academic activities, Jeffrey also plays the piano and organ for his church and sings in the choir. Jeffrey is the son of Greg and Lauralee Angell.*

**b) Collin Jones**

*Collin is a 2008 graduate of North Gwinnett High School. While at North Gwinnett, he served as the Student Body President and was a member of the Gwinnett Student Leadership Team. Collin was the founder of the North Gwinnett Student Leadership Team that hosted the 2008 Leadership Summit. As founder of this team, Collin helped lead the group of rising upper classmen to organize and create the 2008 Summit, attaining speakers, preparing the curriculum, and coordinating over 100 of the North Gwinnett student*

*attendees from all grade levels. Collin will be attending Harvard University this fall and plans to study philosophy or religion. He is the son of Jeff and Ilia Jones.*

**9. Appointments to Boards/Committees**

**a) Steering Committee for Old Town Master Plan Update**

Mayor Williams stated approximately ten years ago, the City embarked on a program of creating a vision for and defining what the future for our old town district would be. That's roughly the district along Buford Highway on both sides from McGinnis Ferry Road to Lawrenceville Suwanee Road and bordered on the south by Suwanee Creek. This area encompasses a lot of Historic Old Town Suwanee and Town Center Park. Much of what was envisioned in the original plan has taken place. There is still a lot of work to do in the future. The Steering Committee is a representative sample of citizens from the community to help lead the process. The steering committee will be made up of persons living in the Old Town District, people with business interests in the district, people who own property in the district and those who have the best interest of Suwanee in mind.

The following were appointed to the Steering Committee: Mark Brock, James Davenport, Dick Goodman, Kevin O'Brien, Leah Cunningham, Toby Blackwell, Wayne Hill, Pam Reeves, Ryan Neilan, Hilda Roberts, Burcher Gammage, Steve Brooks, Brian McDonald and Jodi Nevels.

Work will begin in September. The first public meeting will be held in October.

**b) Cemetery Preservation Committee**

Mayor Pro Tem Burnette stated the committee started out as the Jackson Street Cemetery Committee. After realizing that the Shadowbrook Cemetery needed to be included the committee was renamed the Cemetery Preservation Committee. In that, the committee will be looking at identifying graves, historic preservation of the area, restoring some of the tombstones, looking for a consultant to assist with managing the program and honoring the sacred sites to name a few things.

The following were appointed to the Cemetery Preservation Steering Committee: Catherine Taylor, James Davenport, Telesa Jakes, Cindee Wiley, Phyllis Garner-Davis (Gwinnett Historical Society), Sandra Watson.

**c) Urban Redevelopment Agency**

*The terms for members Alex Stone (Chair) and Jerry Little expire this month. Denise Brinson has confirmed their interest in being reappointed.*

Alex Stone and Jerry Little were reappointed to the Urban Redevelopment Agency for two year terms to expire August 2010.

## 10. Audience Participation

Adam Zappia, NGHS graduate, 4928 Moore Road, Suwanee, GA. Mr. Zappia stated he and his business partner will be shooting a full length feature, independently financed film in April 2009 in Suwanee. The film will be a slice of comedy titled Exit 111 (which is our exit off I-85). He stated he wanted to make the City aware and request city, local business owners and the community be involved. He and his partner are currently working on a website. They will be conducting site scouting on or around September 19-21.

## *NEW BUSINESS*

11. **SUP-2008-008 - Applicant/Owner: Suwanee Plaza, LLC. Requests a special use permit to allow for automotive service repair in the C-2 Zoning District. The site is located in Land Lot 211 of the 7th District at 3580 Lawrenceville-Suwanee Road and contains approximately 4.6 acres.**

*Staff and Planning Commission both recommend approval with conditions.*

*Motion by Councilmember McOmber to approve SUP-2008-008 with staff conditions, modifying condition #1 to read: "Special uses on the site shall be limited to automotive services including alignments and general vehicle inspections as a direct result of body work performed on site. No other vehicular services or other special uses are allowed under this special use permit." and adding condition #4 as recommended by the Planning Commission, second by Councilmember Brooks and so carried 6-0.*

12. **Consider Acceptance of Donation from Suwanee Depot for the Police Explorers Program**

*Brett Summer and Mitch Jacoby of the Suwanee Depot Shopping Center presented a donation to Chief Jones in the amount of \$1,000 to the Explorers program.*

*Motion by Mayor Pro Tem Burnette to accept donation from Suwanee Depot for the Police Explorers Program, second by Councilmember Foster and so carried 6-0.*

13. **Consider Approval of Two Purchase Orders for the Purchase of Communications Equipment for the Police Department**

- a) **\$23,642.00 to Motorola, Inc. for 4 XTL 5000 Consolettes**
- b) **\$11,616.60 to Mobile Communications of Gwinnett for an 8-channel Hybrid Combiner for Antennas**

*Proposed purchase is for the continued implementation of the Police Communications project and will allow the department to communicate with neighboring jurisdictions. It includes four additional radio consolettes and antenna equipment. The total purchase is \$35,258.60 and has been allocated from 2005 SPLOST funds.*

*Motion by Councilmember Rispin to approve two purchase orders for the purchase of communications equipment for the Police Department, second by Councilmember Brooks and so carried 6-0.*

**14. Consider Authorizing Mayor to Execute Contract with Ecos Environmental Design, Inc. in an Amount Not to Exceed \$85,000.00 for Preparation of the Old Town Master Plan Update**

*The Consultant Selection Team has reviewed the submitted proposals and met with the top-ranked firms. The team recommends awarding the contract to Ecos Environmental Design, Inc. for \$85,000. Gregory Jay has reviewed the contract and the final draft is included in the packet.*

***Motion by Councilmember McOmber to authorize the Mayor to execute a contract with Ecos Environmental Design, Inc, in an amount not to exceed \$85,000 for preparation of the Old Town Master Plan Update, second by Mayor Pro Tem Burnette and so carried 6-0.***

**15. Consider Authorizing Mayor to Execute Contract with M.C. Dean, Inc. in an Amount Not to Exceed \$530,556.00 for Low Voltage Work at New City Hall**

*At the June 26 meeting, Council authorized staff to negotiate a final scope of work and contract price with M.C. Dean, Inc. for low voltage work at the new City Hall. The final price is \$530,556.00, which includes the following components:*

- *A/V equipment - \$125,181.00*
- *Telephone system - \$158,923.00*
- *Cabling - \$92,908.00*
- *Card readers/security/cameras - \$105,374.00*
- *Fiber connection - \$48,170.00*

***Motion by Councilmember Foster to authorize the Mayor to execute a contract with M.C. Dean, Inc. for an amount not to exceed \$530,556 for low voltage work at the New City Hall, second by Councilmember McOmber and so carried 6-0.***

**16. Consider Authorizing Mayor to Execute Contract with Office Interiors in an Amount Not to Exceed \$291,757.86 for Purchase and Installation of Furniture at New City Hall**

*The City issued a Request for Qualifications for the purchase and installation of furniture at the new City Hall. Five proposals were received. After careful review and evaluation of the scope of work, staff has determined that Office Interiors was the lowest responsive bidder at \$291,757.86.*

***Motion by Councilmember Brooks to authorize the Mayor to execute a contract with Office Interiors in an amount not to exceed \$291,757.86 for purchase and installation of furniture at the New City Hall, second by Councilmember Rispin and so carried 6-0.***

**17. Consider Authorizing Mayor to Execute Change Order #3 in the Amount of \$71,167.20 to Turner Construction Company for Changes in Scope of Construction Work at New City Hall**

*Staff recommends approval of Change Order #3 to Turner Construction Company in the amount of \$71,167.20.*

***Motion by Mayor Pro Tem Burnette to authorize the Mayor to execute Change Order #3 in the amount of \$71, 167.20 to Turner Construction Company for changes in scope of***



*construction work at the New City Hall, second by Councilmember Brooks for discussion. Councilmember Brooks asked if this Change Order is within budget for the project. City Manager, Marty Allen, stated yes. The motion carried 6-0.*

**18. Consider Authorizing Mayor to Enter into Purchase and Sale Agreement for the Purchase of Real Property and Improvements to House the City's Public Works Facility**

*At the July 10 called meeting, Council authorized staff to proceed with this real estate purchase. The City has put a contract on the property and staff has negotiated a final price with the sellers. Staff recommends proceeding with the purchase.*

*Motion by Councilmember Foster to authorize the Mayor to enter into a Purchase and Sale Agreement for the purchase of real property and improvements to house the City's Public Works facility, second by Councilmember McOmber and so carried 6-0.*

City Manager, Marty Allen, stated that for some time there has been a project to expand the Public Works facility. We've been looking at various options and have identified an ideal piece of property with an existing building that will be able to house public works facility for many years to come.

**19. Consent Agenda**

**a) Authorize Mayor to Execute Contract with C. W. Matthews Contracting Company, Inc. in an Approximate Amount of \$302,162.87**

*The Public Works Department proposes to resurface approximately 1.165 miles on Dollar Circle, Rising Fawn Trail, and Swiftwater Park Drive. Twelve bids were received for this project. C.W. Matthews Contracting Company, Inc., of Marietta, was the lowest responsive bidder at \$302,162.87. The City will receive \$56,191.95 in LARP funding to be applied to this project. Gregory Jay has reviewed the proposed contract and staff recommends approval. Please see Tab C in the workshop packet for more information.*

**b) Authorize Mayor to Execute Intergovernmental Fuel Usage Agreement with Gwinnett County Board of Commissioners**

*The City currently has an Intergovernmental Agreement (approved August 17, 2004) with Gwinnett County that allows for refueling of our fleet vehicles at the County's fueling stations. Presently, Gwinnett County has requested to secure new agreements from all parties that utilize their stations. Using these stations allows us to acquire our fuel at a reduced rate compared to retail stations. The agreement is not binding but does have an automatic yearly renewal clause for a period up to 50 years. Gregory Jay has reviewed the agreement and the Public Works Department recommends approval. Please see Tab G in the workshop packet for more information.*

**c) Authorize Mayor to Execute Settlement and Release Agreement with Charter Communications**

*GMA conducted a regular audit of Charter Communications' franchise fees for the period from January 2004 to December 2007. The audit revealed that Charter owes the City \$8,027.88 in unreported revenues and interest. Charter has agreed to pay the*

*amount owed upon execution of a settlement and release agreement, which will release Charter from any monies allegedly owed to the City during this reporting period. Gregory Jay has reviewed the agreement and does not have any objections to the City executing it. Please see Tab H in the workshop packet for more information.*

**d) Adoption of Gwinnett Public Health Environmental Ordinances as Local Ordinances of the City of Suwanee**

*The Gwinnett County Board of Health has requested that Suwanee adopt the following ordinances:*

- 1. Food Service: Gwinnett County Code 54-1*
- 2. Tourist Accommodations: Gwinnett County Code 54-2*
- 3. Swimming Pools, Public Spa Pools, Bathhouses: Gwinnett County Code 54-3*
- 4. Vector Control: Gwinnett County Code 54-4*
- 5. Onsite Sewage Management Systems: GA Department of Human Resources Code 290-5-26*

*The Gwinnett County Board of Health enforces these ordinances in the City. Adoption of the proposed ordinances will allow for a seamless enforcement process in Suwanee, since they would be the same ordinance enforced in unincorporated Gwinnett. Staff recommends adoption of the ordinances as proposed.*

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

**20. City Manager's Report – None.**

**21. Executive Session: Legal, Personnel, and/or Real Estate Issues (if necessary) – Removed from the agenda.**

**22. Adjournment – Time: 7:45 P.M.**

***Motion by Mayor Pro Tem Burnette to Adjourn, second by Councilmember McOmber and so carried 5-1 (Mayor Williams).***

***Approved 9/23/2008***