

**MINUTES
CITY OF SUWANEE, GEORGIA
CITY COUNCIL PUBLIC HEARING AND COUNCIL MEETING
OCTOBER 27, 2009**

Meeting Location: City Hall, 330 Town Center Avenue

Attendees: Dave Williams, Mayor
Jimmy Burnette, Mayor Pro Tem
Jace Brooks, Councilmember
Kevin McOmer, Councilmember
Marty Allen, City Manager
Elvira Rogers, City Clerk
Gregory Jay, City Attorney

Absent: Daniel F. Foster, Councilmember

**5:30 P.M.
DINNER SESSION
Room 2302**

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 P.M.
PUBLIC HEARING
Council Chambers – Room 2101**

Mayor Williams opened the Public Hearing and read the Public Meeting Procedures for the record.

2. AMD 2009-006: A Proposed Amendment to the City of Suwanee Zoning Ordinance to Modify Article III Definitions and Article V Zoning District Development and Use Regulations in order to Modify the Permitted, Special and Conditional Uses in All Zoning Districts and Amend Definitions to Clarify Some Uses

This is a proposed amendment to the Zoning Ordinance to modify Article III Definitions and Article V Zoning District Development and Use Regulations in order to modify the permitted, special and conditional uses in all zoning districts and amend definitions to clarify some uses.

Josh Campbell, Planning Director, stated the intent of these amendments is to go through the districts to insure they are internally consistent with each other. Staff and the Planning Commission have made recommendations. P&Z voted 3-0 to recommend

approval. Mr. Campbell stated if Council desired to take action on this Amendment, they would need to specify which version of the Amendment is being adopted.

Maurice Cook, 1342 Riverview Run Lane, Suwanee, GA. Wanted to clarify that the item is to amend definitions to clarify some uses. Mayor Williams stated yes.

3. RZ-2009-001 – Applicant: Quantum National Bank. Owner: Grand Center C&D Inc. Rezoning Request from PMUD (Planned Mixed Use Development) to PMUD with Change of Conditions to Allow for an Additional Amount of Commercial Uses on the 3.12-acre Site Located in Land Lot 252 of the 7th District Along Suwanee Dam Road North of Peachtree Industrial Boulevard in Village Grove

The applicant has submitted a rezoning application in order to request a change of conditions for the 3.12-acre site located in Land Lot 252 of the 7th District along Suwanee Dam Road north of Peachtree Industrial Boulevard in Village Grove. The requested application would allow for an additional amount of commercial uses. Staff and the Planning Commission both recommend approval with conditions.

Josh Campbell, Planning Director, stated the request is to amend the conditions of zoning for the Village Grove development, which included a limitation of 40,000 sq. ft. for commercial retail. The applicant is requesting to modify that to 43,200 sq. ft. Staff recommended approval with conditions. P&Z recommended approval with conditions.

Support

Bryan Cohen, Quantum National Bank President. Quantum Bank main building is located at the corner of Peachtree Industrial Boulevard and Suwanee Dam Road. This site would be the operations center for the corporate campus in Suwanee and will include a building that is 2 stories. The massing of the building will match the TouchStone building next door.

There was no audience comment.

The Public Hearing closed at 6:42 PM with the Council Meeting to begin at approximately 7:00 P.M.

7:00 P.M.
COUNCIL MEETING
Council Chambers – Room 2101

4. Call to Order

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

5. Announcements

- a. *We are proud to announce that in a regular re-evaluation, Fitch Ratings has affirmed the City of Suwanee's general obligation bond rating at AA- and defined*

the City's rating outlook as "stable." Fitch Ratings' most recent review, which is conducted every two to three years, looked at Suwanee's outstanding general obligation bonds, used to finance our award-winning open space and to partially fund construction of the new City Hall. Fitch Ratings noted that the City of Suwanee "historically budgets very conservatively" and that its current fund balance is "very strong." An AA- is considered an excellent rating for a community of our size.

- b. Boys and ghouls can get a head start on Halloween fun at the City of Suwanee's annual Trek or Treat event this Saturday, October 31, at Suwanee Creek Park. Princesses, monsters, superheroes and villains alike will want to join us from 11 a.m.-1 p.m. for games, activities, free hot dogs, and trek or treating along the Suwanee Creek Greenway. Activities will include face-painting, fall festival games, crafts, pumpkin hunting, trail trivia, and a costume parade. Prizes and hot dogs will be available while supplies last. This event is free and open to the public.*
- c. On Thursday, November 5th, the City will host a brand new event. Toast @ Town Center is designed to encourage patrons to enjoy good meals, good deals, and good times. From 5-10 p.m., merchants at Town Center will offer special deals, entertainment, and in-store events. During Toast @ Town Center, patrons will be able to bring drinks purchased at Town Center restaurants - coffee, sodas, beer, and wine - from shop to shop and within the park. The idea is to create a fun, street festival-type atmosphere. Another Toast @ Town Center event is planned for Thursday, December 3rd.*

6. Pledge of Allegiance and Flag Ceremony

American Heritage Girls Troop #827 from St. Monica's Catholic Church will conduct a flag ceremony.

7. Approval of Minutes

a. September 10, 2009 Called City Council Meeting

Motion by Councilmember Brooks to approve, second by Mayor Pro Tem Burnette and so carried 4-0.

b. September 22, 2009 City Council Meeting

Motion by Mayor Pro Tem Burnette to approve, second by Councilmember McOmber and so carried 4-0.

8. Special Recognition

a. Suwanee Day Sponsors

b. Suwanee Day Committee Members

Amy Doherty was present to assist in this recognition.

Mayor Williams thanked all Suwanee Day participants for braving the elements for a successful Suwanee Day event.

9. Adoption of Agenda as Presented

Motion by Councilmember Brooks to approve, second by Councilmember McOmber and so carried 4-0.

10. Appointment to Downtown Development Authority

There are currently three vacancies on the DDA. The DDA has nominated Beth Hilscher to fill the unexpired term of Scott Spooner. This term will end in ~~January~~ December 2013. At the workshop, there was consensus that the DDA will nominate candidates for the other two positions at a later date.

Motion by Mayor Pro Tem Burnette to approve appointment of Beth Hilscher to the Downtown Development Authority to fill the unexpired term of Scott Spooner – term to expire December 31, 2013, second by Councilmember Brooks and so carried 4-0.

Mayor Williams announced there are two additional vacancies for the Downtown Development Authority.

11. Audience Participation

- Maurice Cook, 1342 Riverview Run Lane, Suwanee, GA. Mr. Cook stated for the past 3 years he has discussed the way the budget is presented with the City. Mr. Cook made additional comments related to the presentation of the City budget and strongly requested the City form a committee to redo the way the budget is presented in a manner easier for the citizens to understand.
- Richard Trice, 5155 Meadowbrook Circle, Suwanee, GA. Requests the fountain be turned off on October 1. No one is using it.

NEW BUSINESS

12. AMD 2009-006: A Proposed Amendment to the City of Suwanee Zoning Ordinance to Modify Article III Definitions and Article V Zoning District Development and Use Regulations in order to Modify the Permitted, Special and Conditional Uses in All Zoning Districts and Amend Definitions to Clarify Some Uses

Motion by Councilmember Brooks to postpone AMD-2009-006 to the November Council Meeting, second by Councilmember McOmber. Mayor Williams called for the date of the November Meeting. Councilmember Brooks amended the motion to include the meeting date of November 24, 2009, Councilmember McOmber amended the second and the vote carried 4-0.

13. RZ-2009-001 – Applicant: Quantum National Bank. Owner: Grand Center C&D Inc. Rezoning Request from PMUD (Planned Mixed Use Development) to PMUD with Change of Conditions to Allow for an Additional Amount of Commercial Uses on the 3.12-acre Site Located in Land Lot 252 of the 7th District Along Suwanee Dam Road North of Peachtree Industrial Boulevard in Village Grove

Motion by Councilmember McOmber to approve RZ-2009-001 with Planning Commission conditions, second by Mayor Pro Tem Burnette and so carried 4-0.

14. Authorize Mayor to Execute a Contract for Construction of a Test Well and Water Main Replacement

Staff has released a bid for the test well and water main replacement project. Bids were due on October 23.

Motion by Mayor Pro Tem Burnette to authorize the Mayor to execute a contract with Reeves Contracting Company for a Test Well and Water Main Replacement - not to exceed \$205,868.00, second by Councilmember Brooks and so carried 4-0.

15. Authorize Mayor to Execute a Contract for the Design and Build of the White Street Park Barn, PlayTown Suwanee Pavilion, and Martin Farm Park Restroom

Staff released an RFQ for the design-build of the White Street barn, PlayTown Suwanee pavilion, and Martin Farm Park restroom facility. Six proposals were received.

Motion by Councilmember McOmber to execute a contract with Mathias Construction for design and build of the PlayTown Suwanee Pavilion and Martin Farm Park Restroom – omitting the Community Garden (White Street Park) Barn, not to exceed \$346,168.00, second by Mayor Pro Tem Burnette and so carried 4-0.

16. Consent Agenda

a. Approve Declaration of Surplus Items and Authorize Mayor to Execute a Sellers Agreement with GovDeals, Inc. to host an Internet-based Public Auction of Surplus Items

Staff has done further evaluation of auction options and recommends executing a contract with GovDeals for an Internet-based auction, rather than an in-person sale. This should expand the number of potential purchasers. Items for sale include the remaining furniture from the old City Hall (that Police is not able to use) and other miscellaneous items.

b. Adoption of FY 2010 1st Quarter Budget Adjustments

Staff has prepared the draft 1st quarter FY 10 budget adjustments, which include: revenue offset adjustments of \$48,230; adoption of a budget for the Public Arts Campaign; and reclassification of 2005 SPLOST storm drainage expenditures.

c. Authorize Mayor to Execute an Application and Permit for Special Encroachment, Gateway Grant Mowing and Maintenance Agreement, and Indemnity Agreement with Georgia Department of Transportation for Construction of the I-85 Streetscape Project

In order to proceed with the streetscaping project at the I-85 interchange, the City must submit an application for a Special Encroachment Permit to Georgia DOT. The City must also execute an Indemnity Agreement for future maintenance and

liability related to the project.

d. Authorize Mayor to Execute a Pre-Emption Agreement with Norfolk Southern Railway Company and Gwinnett County for the Traffic Signal at Suwanee Dam Road and Buford Highway

In order to finalize activation of the new signal at Buford Highway and Lawrenceville-Suwanee Road, the City must execute a three party Pre-Emption Agreement with Norfolk Southern Railway Company and Gwinnett County. Because multiple parties have been and will be involved in varying capacities for both the construction and maintenance of this signal, this agreement has been slow to complete.

e. Approval of Alcohol Beverage Sales for the Open Air Events to Take Place on November 5, 2009 and December 3, 2009 on Town Center Avenue

Formal planning is underway for these events, scheduled for the first Thursdays of November and December (Nov. 5 and Dec. 3) from 5-10 p.m. Per the City's Alcohol Beverage Ordinance, Council must approve alcohol sales for these events.

f. Authorize Mayor to Execute the Gwinnett Municipal Police Agencies Mutual Aid Agreement

The municipal police departments in Gwinnett have drafted a mutual aid agreement, which would provide for the pooling of resources in order to maximize available resources and provide adequate levels of police service. The agreement has been forwarded to the Mayors and Chiefs of Police in each of the participating cities for their execution. The City attorneys have recommended some minor revisions to the agreement.

Motion by Councilmember Brooks to approve the Consent Agenda, second by Mayor Pro Tem Burnette and so carried 4-0.

17. City Manager's Report

- GaDOT will host a Public Hearing/Open House on November 12, 2009 to discuss HOV to HOT lane conversions along I-85 between 3 PM-8 PM at the Gwinnett Center on Sugarloaf Parkway.

18. Executive Session: Legal, Personnel, and/or Real Estate Issues – no items

19. Adjournment – 7:48 P.M.

Motion by Councilmember McOmber Adjourn, second by Councilmember McOmber and so carried 4-0.

Approved November 24, 2009