

**MINUTES
CITY OF SUWANEE, GEORGIA
PUBLIC HEARING AND CITY COUNCIL MEETING
NOVEMBER 24, 2009**

Meeting Location: City Hall, 330 Town Center Avenue

Attendees: Dave Williams, Mayor
Jimmy Burnette, Mayor Pro Tem
Jace Brooks, Councilmember
Daniel F. Foster, Councilmember
Dick Goodman, Councilmember
Kevin McOmber, Councilmember
Marty Allen, City Manager
Elvira Rogers, City Clerk
Gregory Jay, City Attorney

**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 called the public hearing to order at 6:38 P.M. and read the procedures for public meetings 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

Per discussion at workshop, Josh Campbell and Kevin McOmber agreed to discuss potential changes to the Planning Commission recommendation with Pete Charpentier. Josh and Kevin will provided an update at the dinner session.

Josh Campbell, Planning Director, presented the staff analysis as follows: This item has been on the agenda for several months. The intent of this amendment is for administrative clean up for the Zoning Ordinance to clarity definitions and uses. The Planning Commission recommended approval 3-0. Planning Commission and legal

council recommended minor revisions. Mr. Campbell requested that should council approve the amendment, that the version being adopted be included in the motion. There were no questions from Council and no audience participation.

3. Request for Change in Licensee for the Alcohol Beverage License for Cinco Mexican Cantina, 1500 Peachtree Industrial Blvd., Suite 100

Cinco Mexican Cantina, located at 1500 Peachtree Industrial Blvd, Suite 100, has applied for a change in licensee for their alcohol beverage license. Staff recommends approval.

Mr. Allen stated the application is in order. Background checks in order and approval recommended. The applicant was present, but did not speak. There was no audience participation.

7:00 P.M.

CITY COUNCIL MEETING
Council Chambers – Room 2101

4. Call to Order

Mayor Williams called the meeting to order at 7:08 P.M.

5. Announcements

- a. We're proud to announce that Suwanee is the recipient of multiple recent awards for a variety of our projects and services. The PEDS pedestrian advocacy organization recently recognized Suwanee for our new HAWK (High-Intensity Activated Crosswalk) pedestrian signal installed at Town Center Avenue and Buford Highway, the first of its kind to be used in Georgia. At the PEDS' 10th annual Golden Shoe Awards celebration on November 10, Suwanee received one of eight awards presented for outstanding pedestrian-friendly initiatives.*

In addition, Suwanee's FY 2010 budget document was awarded the Distinguished Budget Presentation Award from the Government Finance Officers Association for the fourth consecutive year. According to GFOA, the Distinguished Budget Presentation Award represents a significant achievement and reflects the commitment of the governing body and staff to meeting the highest principles of governmental budgeting. Those agencies receiving the award have satisfied nationally recognized guidelines for effective budget presentation.

- b. We're calling on talented Suwanee photographers to enter our 2010 Snap Suwanee photo competition. Snap Suwanee is an ongoing contest of photos taken at identifiable Suwanee locations that convey a sense of the community. To be considered for the 2010 exhibit, entries must be received by December 31. Applications must accompany entries and are available on our website. The competition is open to amateur and professional photographers. Approximately a*

dozen winning photos will be selected and exhibited at City Hall throughout most of 2010. On your way out this evening, check out the 2009 exhibit, displayed in the central hallway off the first floor lobby. For more details and the application, please visit the What's New/Events section at www.suwanee.com.

- c. Parents can give their teens the gift of safe driving a bit early this holiday season. The City of Suwanee will offer Georgia Teens Ride with PRIDE (Parents Reducing Injuries and Driver Error), in cooperation with the Georgia Traffic Injury Prevention Institute, from 2-4 p.m. Saturday, December 5. The two-hour program is designed to help parents model safe driving behaviors and attitudes for their new teen drivers. Class space is limited and advanced registration is required. For more information, including the application, visit the Hot Links section at www.suwanee.com or contact Ofc. Elias Casanas at elias@suwanee.com or 770/945-8995. The registration deadline is tomorrow November 25.*

6. Pledge of Allegiance

7. Approval of Minutes

a. October 27, 2009 Council Meeting

Motion by Mayor Pro Tem Burnette to approve the October 27, 2009 Council Meeting Minutes, second by Councilmember Brooks and so carried 4-0-2 (Foster and Goodman abstained).

8. Special Recognition

a. Jeanne Rispin Haynes

Former Councilmember Jeanne Rispin Haynes resigned her post on Council due to moving outside the municipal limits. Council and staff recognized Ms. Rispin-Haynes with kind words and gifts. Among her parting gifts were the first plot in the Harvest Farm at White Street Park, a Mayor Williams presented Ms. Rispin-Haynes with a proclamation and proclaimed Wednesday, November 25, 2009 and Jeanne Rispin Haynes Day.

b. Suwanee Gateway PACT

Business owners of the Suwanee Gateway area were recognized for completing 3 or more meetings of the 6 meetings provided to become a Suwanee Gateway PACT community. The business owners received a certificate.

c. North Gwinnett Varsity Girls Cross Country Team

The North Gwinnett Varsity Girls Cross Country Team was recognized for their accomplishment as State Champions. Mayor Williams presented a proclamation and proclaimed Monday, November 30, 2009 as North Gwinnett Varsity Girls Cross Country Team Day.

9. Adoption of Agenda as Presented

Motion by Councilmember Foster to adopt the agenda as presented, second by Councilmember Brooks and so carried 6-0.

10. Audience Participation

- Jimmy Spiro, 895 Landover Crossing. Mr. Spiro stated that shortly after he moved here Suwanee was the fastest growing City in Gwinnett County. Mr. Spiro asked for clarification of meeting locations. He stated there is an asterisk by City Council Meeting. Unless otherwise noted meetings are at City Hall - Where else would they be? Gregory Jay, City Attorney, stated that Georgia has a very liberal open meetings law and a quorum would constitute a meeting. Mayor Williams stated that notices of meetings are posted on the City website and on the front glass of the building.

NEW BUSINESS

11. Consider Adoption of 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 McOmber to adopt AMD-2009-06 with the November 24, 2009 version of Attachment A, second by Councilmember Brooks and so carried 6-0.

12. Consider Request for Change in Licensee for the Alcohol Beverage License for Cinco Mexican Cantina, 1500 Peachtree Industrial Blvd., Suite 100

Motion by Councilmember Foster to approve the change in licensee for the alcohol beverage license for Cinco Mexican Cantina, second by Mayor Pro Tem Burnette and so carried 6-0.

13. Consider Adoption of Harvest Farm Rules and Plot Application

The Community Garden Founders Committee (CGFC) has researched the rules and plot assignment procedures for various community gardens across the country. They have prepared a draft set of rules and a plot application, which were distributed at the workshop. The rules incorporate the Council's direction for the garden to be organic and for City residents to receive a priority in plot assignments, as well as a 25% discount on the annual fee. The proposed rules are for the community garden only; Council will adopt a separate set of rules that applies to White Street Park.

Motion by Councilmember Goodman to adopt the Harvest Farm Rules and Plot Application, second by Councilmember Foster and so carried 6-0.

Mayor Williams stated these are rules to govern the operation of Harvest Farm garden and the assignment of plots.

14. Consider Authorizing Mayor to Execute a Contract with FOSCO, Inc. of Duluth, GA in an Amount Not to Exceed \$100,000 for Construction of Harvest Farm Community Garden

The City received seven bids for this project. FOSCO, Inc. was the lowest, responsible bidder. Staff and SEI have engaged in multiple discussions with FOSCO about the project scope, as well as checked their references, and recommends awarding the contract to FOSCO in an amount not to exceed \$100,000

Motion by Mayor Pro Tem Burnette to authorize the Mayor to execute a contract with FOSCO, Inc., of Duluth in an amount not to exceed \$100,000 pending final permitting, second by Councilmember Goodman, and so carried 6-0.

Mayor Williams clarified this action is for the construction of the garden area.

15. Consider Approval of an Adjustment to the FY10 Budget to Reduce the Budget for Harvest Farm Community Garden and Create a Capital Budget for White Street Park

The construction bids for Harvest Farm Community Garden came in lower than budgeted. This agenda item will reduce the construction budget for Harvest Farm and create a separate capital budget for construction of Phase 1 of White Street Park. This adjustment will reduce the Community Garden budget from \$285,946 to \$160,000 and create a new budget for White Street Park at \$430,000. The remaining funds from the Garden will be transferred to White Street, along with other Open Space funds.

Motion by Councilmember Foster to approve and adjustment to the FY10 Budget to reduce the budget for Harvest Farm Community Garden and create a Capital Budget for White Street Park pending final permitting, second by Mayor Pro Tem Burnette, and so carried 6-0.

16. Consider Authorizing the Mayor to Execute a Contract with FOSCO, Inc. of Duluth, GA in an Amount Not to Exceed \$152,032 for Construction of Phase 1 of White Street Park, Formerly Known as the Buford Highway/Farm Site

The City received seven bids for this project. FOSCO, Inc. was the lowest, responsible bidder. Staff and SEI have engaged in multiple discussions with FOSCO about the project scope, as well as checked their references, and recommends awarding the contract to FOSCO in an amount not to exceed \$152,032. The property is located at 752 White Street, between Buford Highway and White Street, in Old Town. This contract includes construction of trails, bridges, etc.

Motion by Councilmember McOmber to authorize the Mayor to execute a contract with FOSCO, Inc, of Duluth, GA in an amount not to exceed \$152,032 pending final permitting, second by Councilmember Goodman, and so carried 6-0.

17. Consider Authorizing the Mayor to Execute a Contract with Mathias Corporation of Duluth, GA in an Amount Not to Exceed \$134,003 for the Design/Build of the Barn at White Street Park, Formerly Known as the Buford Highway/Farm Site

Staff released an RFQ for the design-build of the barn at White Street Park. Six proposals were received. Staff recommends awarding the contract to Mathias Corporation, who was the highest rated firm and was also awarded the design/build contract for the PlayTown Suwanee pavilion and Martin Farm Park restroom facility at the October 27 meeting.

Motion by Councilmember Brooks to authorize the Mayor to execute a contract with Mathias Corporation, of Duluth, GA in an amount not to exceed \$134,003 pending final permitting, second by Mayor Pro Tem Burnette, and so carried 6-0.

18. Consider Authorizing the Mayor to Execute a Contract with Total Technology Group, LLC of Flowery Branch, GA in an Amount Not to Exceed \$197,316.00 for Provision and Installation of Voice, Data, Security and Audio/Visual Systems for the Police Station and Crossroads Renovation

The City received five responses to this Request for Qualifications (RFQ). After review of the responses, staff recommends awarding the contract to Total Technology Group, LLC.

Motion by Councilmember Foster to authorize the Mayor to execute a contract with Total Technology Group, LLC of Flowery Branch, GA in an amount not to exceed \$197,316, second by Councilmember McOmber and so carried 6-0.

19. Consider Adoption of Consent Agenda

a. Approval of Revised Fee Schedule for Municipal Court

In conjunction with the FY 10 budget, staff completed an analysis of the City's fees, with the Council adopting revisions to the fee schedule at the July 28 meeting. At that time, staff recommended increasing the Municipal Court administrative fee. The fee is currently \$4.00 and helps to offset expenses associated with operating the Court, namely the current software system. Staff recommends increasing the Court's administrative fee to \$13.00. This increase of \$9.00 will not only fund the Court's new software system, but will also help to offset expenses in the Police Department for software and technology.

b. Adoption of Revised Illicit Discharge and Illegal Connection Ordinance

The Georgia Environmental Protection Division (GaEPD) periodically reviews each jurisdiction that holds a National Pollution Discharge Elimination System (NPDES) Phase 1 Permit for the separate storm sewer system (MS4). GaEPD has requested that the City amend our Illicit Discharge and Illegal Connection Ordinance in order to remove the section that allows for the consideration and granting of variances. Staff has prepared the necessary amendments, along with some clerical revisions.

c. Approval of a Change Order to the Contract with Blue Frog Construction for an Addition of \$21,692.40 for Carpet Replacement at the Police Station

Staff originally recommended utilizing the existing carpet in the former City Hall.

After the furniture was removed and the condition of the carpet was more fully exposed, staff determined it would be more prudent in the long run to replace the carpet at this time. Staff recommends approving a change order to the contract with Blue Frog Construction, Inc. in an amount not to exceed \$21,692.40 to complete this work.

d. Adoption of 2010 Council Schedule

Staff has prepared a draft schedule of workshops and Council meetings for 2010.

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

Mayor Williams stated the project remains within budget.

20. City Manager's Report

- December 5th Caboose Lighting will be in Old Town on Main Street
- December 3rd Toast of Town Center has been postponed until warmer weather (Spring or Summer)

21. Executive Session: Legal, Personnel, and/or Real Estate Issues

There were no items for Executive Session.

22. Adjournment – 8:19 P.M.

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

Approved 12/22/2009