

**MINUTES
CITY OF SUWANEE, GEORGIA
PUBLIC HEARING & CITY COUNCIL MEETING
MAY 24, 2011**

Meeting Location: City Hall, 330 Town Center Avenue

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

Absent: Dave Williams, Mayor

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

Mayor Pro Tem Brooks opened the Public Hearing at 6:30 P.M. and read the procedures for public hearings for the record.

- 2) RZ-2011-002 – Applicant: Davis Development. Owner: SLF-III Suwanee Gateway, LLC. Requests a rezoning from PMUD (Planned Mixed Use Development) to PMUD to modify the conditions of zoning related to the multifamily and townhome component of the overall project. The site is located at the intersection of Wanstead Park Drive and Northolt Parkway and contains approximately 21.58 acres.**

Josh Campbell, Planning Director, stated that the applicant has requested postponement of this rezoning.

Support/Applicant: Heath Hawkins, Davis Development 1050 Eagles Landing Parkway, Stockbridge, GA. Mr. Hawkins requested postponement of the rezoning to the June 21 Council Meeting in order to address staff comments.

There was no audience comment.

- 3) **SUP-2011-001 – Applicant: Pacific Investors Forum, LLC. Owner: Chevron Food Mart. Requests a special use permit to allow for an emissions testing facility. The site is located at 310 Peachtree Industrial Boulevard and contains approximately 1.02 acres.**

Josh Campbell, Planning Director, presented the staff analysis. This request is for an emissions testing facility located at the Chevron located at 310 Peachtree Industrial Boulevard. The applicant proposes to take approximately 900 sq. ft. of an existing vacant carwash facility and convert it to an emissions testing site. All aspects of emission testing would be contained within the former carwash bay. The area is surrounded by commercial uses. The Future Land Use Plan calls for commercial uses at this location. This request is consistent with the Future Land Use Plan. Staff recommends approval with conditions of the request adding a condition to insure queuing for emissions testing will be at the back of the building so it screens the vehicles waiting to be tested.

Councilmember Goodman asked if this facility is an addition. Mr. Campbell stated that the applicant will be using the existing structure.

Councilmember Foster asked if advertising and signage would comply with the sign regulations. Mr. Campbell stated that the applicant will comply with the sign regulations.

Mr. Yusuf Ali, 527 Reba Road, Lawrenceville, GA 30046, represented the applicant. He stated they are leasing the carwash from existing Chevron and would like to use the space as an emissions testing station. There will be very little impact and will provide a service of convenience for the residents of Suwanee. He stated the applicant is in agreement with staff recommendations and conditions.

There was no audience comment.

The Public Hearing closed with the Council Meeting to reconvene at approximately 7:00 PM.

7:00 P.M.
COUNCIL MEETING
COUNCIL CHAMBERS

Prior to the meeting members of Miss Suwanee and North Gwinnett High School presented a check for Relay for Life in the amount of \$11,241.00.

4) Call to Order

Mayor Pro Tem Brooks called the meeting to order at 7:00 P.M.

5) Announcements

- a. *Come raise a toast...dance to a favorite tune...enjoy a good meal or a great deal this Thursday as **Toast @ Town Center** celebrates the fact that “School’s (Almost) Out for Summer!” As part of the festivities from 6-10 p.m., Gwinnett Church is hosting a free concert by the A-Town A-List band on the Town Center stage. A metro variety band, A-Town A-List performs pop music from the past 60 years, from the Temptations to Black-Eyed Peas, Frank Sinatra to Michael Buble, and CCR to Train.*
- b. *On Friday night, with the help of the Gwinnett Community Band and Silver Wings parachute demonstration team, the City of Suwanee will kick off **Memorial Day** weekend with a patriotic concert beginning at 7 p.m. at Town Center Park. Sponsored by the Gwinnett Daily Post, this event is free and open to the public. Canned good donations will be accepted on behalf of area food co-ops. Those who donate five non-perishable food items will receive a City of Suwanee reusable bag.*
- c. *Fifteen sculptures are now on exhibit throughout Downtown through March of next year. This outdoor exhibit of sculptures, entitled Suwanee **SculpTour**, is part of the City’s public arts initiative, and is funded by generous private sponsors: Georgia Natural Gas, Peoples Bank & Trust, Ssam’s Grill + Café, Gwinnett Convention and Visitors Bureau, and Ippolito’s Italian Restaurant. The SculpTour sculptures – and other pieces of existing permanent public art – have been arranged as an approximately one-mile walking tour; a brochure with a map and information about each of the pieces will be available at City Hall. Citizens will be invited to vote for their favorite sculpture beginning in July; the sculpture with the most votes at the end of the exhibit in March will be purchased as the “People’s Choice”. Look for more information about how to vote at www.suwanee.com.*
- d. *The **20/20 Vision** – the community-led creation of a shared, inclusive, and exciting 10-year strategic plan - is officially underway. Interface Studios, the Philadelphia-based planning firm hired to guide the community through the process, spent last week in Suwanee interviewing community members, gathering data, and doing other work to launch the plan. They also led the first meeting of the Steering Committee, a group of approximately two dozen community members who will help design, facilitate, and advocate for the planning process. Make plans to participate in our Visioning Happy Hour, from 6-9 p.m. during the June 23rd Toast @ Town Center at 3930 Charleston Market Street in Town Center, at the location of the former Smitten shop in Suite B1. The Visioning Happy Hour will be the grand opening of a five-week community open house where community members can drop in to offer input and participate in visioning exercises, enjoy a Suwanee photo and art exhibit, and learn more about the 20/20 Vision strategic plan. Sign up to be a part of the plan at www3.suwanee.com.*
- e. *Finally, we’re pleased to announce that the City closed on an approximately one-acre parcel in the Suwanee Gateway last week. The blighted property, located at the I-85 interchange, currently houses an abandoned BP gas station, car wash, and Waffle*

*House. The City will demolish the existing structures and construct a new **Police substation** and training facility. The ability to enhance and provide a visible police presence in the Gateway is a key component to ensuring the area's long-term viability. Design of the facility is currently underway and construction will begin later this year, with a targeted opening date of 2012. The City purchased the property for \$750,000 and will receive income of approximately \$320,000 from lease payments on an existing billboard that will remain on the property. After income is taken into consideration, the City will have paid \$430,000 for the property.*

6) Pledge of Allegiance

7) Approval of Minutes

a. April 26, 2011 Council Meeting

Motion to approve by Councilmember Goodman, second by Councilmember Burnette and so carried 5-0.

8) Special Recognition

a. Police Department Annual Awards

Chief Jones, Deputy Chief Moon & Captain Byers presented the awards as follows:
Merit Awards (recognition of actions beyond the call of duty)

- Officer Robert Stewart assisted an officer with a DUI along the interstate. The vehicle was on fire and he was able to assist with removing 2 adults and a 3 year old from the vehicle. This is Officer Stewart's 4th Merit Award.
- Officer Elton Hassell was able to write a grant securing \$10,000 from the Governor's Highway Safety Council. This is Officer Hassell's 4th Merit Award
- Corporal Susan Roetzer and Officer Michael Troutman – earlier this year during normal call investigation, a meth lab was identified in one of the local hotels. Further investigation discovered another lab in a tractor trailer.
- Lieutenant Dan Clark was recognized for volunteering to head up the CALEA Accreditation process after the resignation of the individual responsible for this process.
- Captain Clyde Byers was recognized for his efforts in preparing the budget.

Chief's Award – this award recognizes staff who work behind the scenes on a day-to-day basis.

- Sergeant Nick Jacobs – Sgt. Jacobs led the Selective Enforcement Unit (SEU) last year which included staffing the events. He is a “utility” person and is recognized for his leadership abilities
- Sergeant Robert Thompson was recognized for field patrol officer; ALPR; innovative enforcement leadership

Top Gun Award – best shooter in the department

- Sergeant Nick Jacobs

Civilian of the Year – Gwen Franklin, Records Evidence Technician

Officer of the Year – Officer Kevin Skinner

(Civilian of the Year and Officer of the Year awards are determined by peer nominations.)

Lieutenant Dan Clark was recognized for 20 years of service to the City of Suwanee.

City Manager, Marty Allen, presented Dan Clark with the Hardin Watkins Suwanee Star Award - this award is presented to City employees for their contributions to the City with long lasting achievements and is the highest honor a City employee can receive. Lieutenant Clark received this award for his work in helping the Police Department achieve International Accreditation through CALEA (Commission on Accreditation for Law Enforcement Agencies, Inc.)

9) Adoption of Agenda

Motion by Councilmember Foster to adopt the agenda with modifications as follows: Drop item #16 and remove item 15c from the Consent Agenda and add after New Business item 14, second by Councilmember Goodman and so carried 5-0.

10) Audience Participation

- a. Dan Pitman, 1373 Riverview Run, Suwanee, GA. Mr. Pitman expressed his thoughts and concerns regarding public parks, sidewalk initiatives, LEED certifications, city retirement plan; police precinct, project spending, community garden tree house and the community garden. He closed stating, “We all need to pay attention to how our tax money is being spent.”
- b. Linda Fleming, 527 Main Street, Suwanee, GA. Ms. Fleming expressed thoughts and concerns regarding In-Fill Residential Districts (IDR), historic preservation (HP) – she provided names on a petition in opposition to this subject, façade grant program, master plans, Stonecypher project that was never completed, zonings (referenced mega church). Ms. Fleming stated the City Manager has taught her to bring a recommended solution – “the solution, stop the process.”
- c. Maurice Cook, 1342 Riverview Run Lane, Suwanee, GA. Mr. Cook expressed thoughts and concerns regarding who can run for Mayor, GaDOT project wish list, Buford Highway plan that benefits merchants in Town Center, Pedestrian Bicycle Plan. He also stated he feels the Community Garden plots in the City duplicate services in the County.
- d. Miles Williams, 740 Highway 23, Suwanee, GA. Mr. Williams expressed the following: Suwanee is great the way it is. Suwanee was a farming community 100 years ago. He stated he believes the City is going in a poor direction with historic

preservation. Citizens don't need any more constraints. He stated that Norcross has had failures with their historic preservation project.

NEW BUSINESS

- 11) Consider RZ-2011-002 – Applicant: Davis Development. Owner: SLF-III Suwanee Gateway, LLC. Requests a rezoning from PMUD (Planned Mixed Use Development) to PMUD to modify the conditions of zoning related to the multifamily and townhome component of the overall project. The site is located at the intersection of Wanstead Park Drive and Northolt Parkway and contains approximately 21.58 acres**

Motion by Councilmember Foster to postpone to June 21, 2011 Council Meeting, second by Councilmember Goodman and so carried 5-0.

- 12) Consider SUP-2011-001 – Applicant: Pacific Investors Forum, LLC. Owner: Chevron Food Mart. Requests a special use permit to allow for an emissions testing facility. The site is located at 310 Peachtree Industrial Boulevard and contains approximately 1.02 acres.**

Motion by Councilmember Goodman to approve SUP-2011-001, second by Councilmember McOmber for discussion. There were 3 conditions recommended by staff and Planning Commission. Councilmember McOmber requested to add condition #4 to read: Prior to issuance of a business license for an emissions testing facility, sidewalks along Peachtree Industrial Boulevard shall comply with the current sidewalk standards. *Friendly amendment by Councilmember Goodman and second by Councilmember McOmber.* Councilmember Foster expressed concern that the owner may not be in agreement. *Motion carried 5-0.*

- 13) Consider Adoption of Revised Ethics Ordinance**

Suwanee is certified by the Georgia Municipal Association as a City of Ethics. The City must re-certify by May 20, 2011. Per the re-certification process, the Short Term Work Program identified that the City would review the current ordinance. During the March workshop, Mayor Williams created a working committee to evaluate the ordinance. The committee has recommended revisions to the current ordinance.

For the record, the Committee was announced as follows: Judge Pam South, Gwinnett County State Court, Pastor Bobby Linkous, Shadowbrook Baptist Church, Councilmember Kevin McOmber, Mayor Dave Williams, Gregory Jay, City Attorney, and Marty Allen, City Manager.

Motion to approve the revised Ethics Ordinance by Councilmember Foster with the following change: Page 5, (iv)(1) strike the words “or private” and in the same section add “and/or” to the end of numbers (1) and (2), second by Councilmember Goodman and so carried 5-0.

14) Consider Adoption of an Ordinance and/or Resolution to Call a Special Municipal Election on November 8, 2011 Regarding the Issue of Local Authorization and Regulation of Alcoholic Beverage Package Sales on Sundays

Per discussion at the workshop and in accordance with Senate Bill 10 of the 2011 General Assembly session, Council will consider an ordinance to call for a referendum during the November election regarding Sunday package sales of alcoholic beverages.

Motion to adopt by Councilmember Burnette, second by Councilmember Goodman and so carried 5-0.

14.5) Approve Issuance of Temporary Alcohol License for the July 23rd Suwanee Beerfest
Council needs to issue a temporary alcohol license for the July 23rd Beerfest. Dick Cunningham from Ippolito's will be the licensee.

Motion to approve by Councilmember Burnette, second by Councilmember Goodman and so carried 4-0-1 (Foster abstained).

15) Consent Agenda

a. Adopt 2011 Council Retreat Report

Walt McBride, who facilitated the February 2011 Council work retreat, has prepared a draft report to summarize the retreat.

b. Adopt Ordinance to Impose License Fees on Insurers Conducting Business within the City

O.C.G.A. Section 33-8-8 permits Georgia municipalities to charge an annual fee to insurance companies that do business within the City limits. The amount of the fee is determined by state law and is based on the population of the City. Since the City's population increased from 8,725 to 15,355 in the 2010 Census, the City may now increase its fee from \$50 to \$75. The Georgia Municipal Association has prepared a sample ordinance to adopt this adjustment; staff and Gregory Jay have reviewed and recommends adopting.

c. Moved to New Business

d. Adopt FY 11 Budget Adjustments

Adjustments are needed to the FY 11 budget and the SPLOST capital funds in order to address some issues related to the SPLOST. The first is to correct a coding error that was made by Gwinnett County, which results in the need to transfer \$79,349 from the 2005 SPLOST program to the 2009 program. The second is to address lower-than-anticipated SPLOST receipts due to the current economy. Staff recommends decreasing the 2009 SPLOST program by \$752,346. In order to minimize the impact of this decrease to affected projects, staff proposes transferring \$887,680 from the FY 11 general fund to the capital projects. In addition to helping to "keep these SPLOST projects whole," this transfer will also fund a new capital project to landscape the medians on Peachtree Industrial Blvd.

Motion by Councilmember McOmber to approve, second by Councilmember Burnette and so carried 5-0.

16) Executive Session - Removed from Agenda

17) Adjournment

Motion to adjourn by Councilmember Foster, second by Councilmember McOmber and so carried 5-0.

Approved 06/21/2011