

**CITY OF SUWANEE, GEORGIA
CITY COUNCIL MEETING
NOVEMBER 21, 2006**

Meeting Location: Crossroads Center (323 Highway 23)

Attendees: Nick Masino, Mayor
Jeannine Rispin, Mayor Pro Tem
Jace Brooks, Councilmember
Dan Foster, Councilmember
Alan Landers, Councilmember
Hardin Watkins, City Manager
Elvira Rogers, City Clerk
Gregory Jay, City Attorney

Absent: Jimmy Burnette, Councilmember

**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 P.M.
PUBLIC HEARING**

Mayor Masino opened the Public Hearing at 6:35 P.M. City Manager, Hardin Watkins, read the procedures for public meetings for the record.

- 1. RZ-2006-013 - Applicant: OPUS South Corporation. Owner: Opus South Corporation/Falcon Nest I, LTD. Applicant requests rezoning from M-1, C-2, C-3, and O-I to PMUD to allow for a multiple use project including commercial/retail, offices, multi-family, townhomes, and single family detached uses. Site is located in Land Lots 152 and 169 of the 7th District on south west side of Lawrenceville-Suwanee Road and north Burnette Road and contains approximately 148.32 acres.**

Marty Allen, Planning Director, stated this is the OPUS project that has been on the agenda for a few months. Just prior to the Planning Commission meeting OPUS provided a revised plan and staff had not had an opportunity to revisit the site plan and revise the staff report. The Planning Commission tabled this request in order for staff to revise the staff report to incorporate the new changes.

Support: Harold Buckman, Alston Bird Attorneys, 1201 W. Peachtree Street, Atlanta, represented the applicant. Mr. Buckman stated his client has been working to revise the master plan in relation to staff recommendations in addition to negotiations with Georgia DOT regarding signalization and access issues to the site. Both issues were addressed during the last deferral period and staff was provided a revised plan.

Opposition: None.

2. **RZ-2006-017 - Applicant: Pat Korb, Owner: KPS Investment Group. Applicant requests rezoning from R140 (Single Family District) to R100 (Single Family District) to allow the property to be split into two parcels. Site is located in Land Lot 276 of the 7th District on the corner of Tench Road and Abbey Hill Road and contains approximately 1.23 acres.**

Marty Allen, Planning Director presented the staff analysis as follows: The applicant requests a rezoning on an approximately 1.23 acre tract from R-140 to R-100 to allow for the construction of 2 single-family houses. The subject property is located on the corner of Tench Road and Abbey Hill Road. The subject property is currently occupied by a trailer. The applicant proposed to remove the existing trailer, subdivide the property into two parcels, and build a single-family residence on each of the parcels.

The site is currently wooded and is surrounded by single-family residential uses as well as a nearby elementary school. To the north of the subject property, along Abbey Hill Road, is an R-140 zoned parcel developed with a recently constructed single-family residence. To the east, across Abbey Hill Road, is an R-100 zoned parcel developed with a single family residence (RZ-2005-001). To the south is a small neighborhood that was rezoned to TRD (Transitional Residential District) in 2002 (RZ-2002-015). To the west of the subject property, along Tench Road, is an R-140 zoned parcel developed with a single family residence. Southwest of the subject of the subject property, along Tench Road, is the recently opened Level Creek Elementary School.

The Future Land Use Plan indicates single family residential uses for the property. The proposed request is consistent with this designation.

In conclusion, rezoning from R-140 to R-100 for two residential lots would be appropriate. Therefore, the Planning Department recommends approval with conditions of the request. The Planning Commission reviewed the case and also recommends approval with conditions.

Support: Pat Cort, KBS Investment Group, 3829 Song River Circle, Duluth, GA 30097, represented the applicant. Mr. Cort stated that the lots will be approximately ½ acre and ¾ acre respectively. Mr. Cort distributed copies of photos which reflect the current state of the lot, a sample of homes in the area and a replica of the homes proposed to be built on the site. The proposed homes are between 3,000 sq. ft. –3,400 sq. ft. Mr. Cort stated after the survey was complete the property was deemed to be 1.23 acres, which constituted the rezoning. He stated the lots will be beautiful wooded lots with frontage.

Support: Richard Trice, 5155 Meadowbrook Circle, Suwanee, GA. Mr. Trice stated a similar project is underway in the area where he lives. Larger lots are being considered to be carved into smaller lots. He requested the Council keep this future project in mind.

Opposition: None.

3. **RZ-2006-018 - Applicant: Gwinnett Community Bank, Owner: Elizabeth Payne. Applicant requests rezoning from R-100 (Single Family District) to OTCD (Old Town Commercial District) to allow for a commercial banking institution. Site is located in Land Lot 212 of the 7th District at the intersection of Lawrenceville-Suwanee Road and Suwanee Avenue and contains approximately 1.7 acres.**

Marty Allen, Planning Director, presented the staff analysis as follows: The applicant requests rezoning on a 1.7-acre parcel from R-100 (Single-Family Residential) to OTCD (Old Town Commercial District) to develop an approximately 3,500 square foot bank (building “A”) and a future

7,000 square foot commercial/retail building (building "B"). The property is located within the Old Town Overlay District on the northwest corner of the intersection of Highway 317 and Suwanee Avenue.

Full vehicular access is proposed via a driveway onto Suwanee Avenue and a right-out exit only driveway onto Highway 317. Ninety parking spaces are proposed for the site with most of that parking being located to the rear of the two buildings which front directly onto Lawrenceville-Suwanee Road.

The Old Town Overlay District includes a number of design standards regarding sidewalks, landscape strips, and other similar site features. The subject property is a 1.7 acre parcel developed with a single family residence. The site is lightly vegetated and contains several specimen trees. The topography of the site is sloped towards the intersection of Suwanee Avenue and Highway 317. The subject property is suitable for the commercial/retail/office uses as proposed by the applicant.

The surrounding area is characterized by existing residential uses and emerging commercial uses. To the north of the subject property are several developed single family residential parcels located with Suwanee Lake Estates. To the west of the subject property, along Highway 317, is a commercially zoned parcel developed with a single family residence. To the south of the subject property, across Highway 317, is the commercial component of a mixed use project (Shadowbrook at Town Center) which is still under development. To the east of the subject property, across Suwanee Avenue, are two single family residential parcels (R-100) one of which is undeveloped. The proposed commercial/retail/bank uses, developed consistent with the newly created Old Town Overlay District standards and with appropriate conditions, should be compatible with the uses in the surrounding area.

The City's Future Land Use Plan recommends commercial/retail uses for the property. The requested zoning district and proposed development are consistent with this designation.

The subject property is located in the study area of a Small Area Study conducted as part of the 2003-2004 Comprehensive Plan Update. The Small Area Study specifically recommended commercial/retail uses along Highway 317 and heightened design standards for the area.

The OTCD allows for the reduction of residential buffers where adjacent to residential uses. The applicant proposes enhanced 20-40 foot landscape strips. The smaller 20 foot wide landscape strip is proposed adjacent to a parcel that the future land use plan shows as commercial. The larger 40-foot wide buffer is shown against parcels that are designated as residential on the Future Land Use Plan.

In conclusion, with appropriate conditions approval of the request would be suitable. The City's Future Land Use Plan recommends a project similar to that being proposed. The applicant proposes sufficient mitigation where adjacent to existing residential uses. Therefore, the Planning Department recommends approval with conditions of the request. The Planning Commission reviewed the case at the regular meeting and recommended approval of conditions with modifications which were included in the Council packet.

Councilmember Foster asked if the applicant has determined when the future 7,000 sq. ft building would go up. Mr. Allen stated the bank proposed for the site would be the first building. Mayor Masino asked how the sidewalks in the Old Town Overlay District differ from other parts of the City. Mr. Allen stated regulation from the back of the curb to the front of the building is regulated differently in this character area. In areas such as this the sidewalks are typically wider when

compared to the suburban landscape strip. Sidewalks are addressed on a project by project basis and are addressed during the engineering phase.

Support: Tom Martin, CEO, Gwinnett Bank, 4775 Buford Highway, Duluth, GA. Mr. Martin stated he would like to build a bank in the City. He is working with staff to comply with conditions.

Councilmember Foster asked the timeframe of future building, Building B". Mr. Martin stated there is no status at this time on the construction of this building. Councilmember Foster inquired about the plans for the undeveloped land once the Bank building is complete. Mr. Martin stated the land will be landscaped and preserved. The plan is to save as many trees as possible or replace with specimen trees.

Opposition: None.

- 4. SUP-2006-004 - Applicant: The Rock Presbyterian Church, Owner: Dennis Taylor. Applicant requests a special use permit for a church. Site is located in Land Lot 209 of the 7th District on McGinnis Park Drive and contains approximately .045 acres.**

Marty Allen, Planning Director, presented the staff analysis as follows: The applicant requests a Special Use Permit on an approximately 1.01-acre site to allow for a church in an M-1 (Light Industrial) zoning district. The subject property contains an existing approximately 12,000 square foot office/warehouse facility. The applicant is currently using a 2,000 square foot suite in the building as a place of worship for a 25-member congregation. The church is located at 3631 McGinnis Park Drive in an office/warehouse building within an industrial park.

Churches are allowed in the M-1 zoning district with the approval of a Special Use Permit. The applicant has already obtained a Certificate of Occupancy from the Gwinnett County Fire Marshall's office to allow for assembly occupancy at the subject location. The Fire Marshall limits the occupant load to 50 people within the 2,000 square foot suite.

The surrounding area consists of developed light industrial properties. One of the principal concerns with locating church within existing buildings relates to building and fire codes. In this case, the applicant has been able to address concerns of the Gwinnett County Fire Marshall. They have received a C.O. for assembly purposes. However, during normal business hours (8 a.m. to 5 p.m.) the site could have insufficient parking for the church. If the request is approved conditions should be included to address this issue.

In conclusion, churches can cause conflicts when located in industrial areas. Oftentimes, building are not constructed in a manner that permits assembly occupancy. Additionally, parking arrangements can also cause conflicts with business operators. However, it appears that the applicant has undertaken efforts to address and manage most of the common conflicts. If the suite is only used for assembly purposes during off-business hours and weekends, then potential parking conflicts could be avoided or reduced. Therefore, staff recommends approval with conditions of the Special Use Permit request.

The Planning Commission reviewed the request at the regular meeting and recommended approval with conditions.

Support: Mr. Chen Lee, 2669 Churchill Lane, Tucker, GA represented the church. Councilmember Foster requested clarification of the name of the church. Mr. Lee stated the church name is The Rock Presbyterian Church.

There was no opposition to the request.

5. AMD-2006-006 - A proposed amendment to Article XX. Zoning Board of Appeal of the City of Suwanee Zoning Ordinance to amend certain policies, procedures, terms, and other related items pertaining to the structure and organization of the Zoning Board of Appeals.

Marty Allen, Planning Director, stated the proposed amendment to the Zoning Ordinance, which establishes standards of conduct procedures related to attendance and other related items. This would make changes to the Zoning Ordinance applicable to the Zoning Board of Appeals. Two year terms will be established. The Planning Commission reviewed the amendment and recommended approval with one change as documented in the Council packet. Staff and the City Attorney agree that the proposed change is consistent with the City Charter.

Councilmember Foster requested information on the typical terms in the State of Georgia. City Attorney, Gregory Jay, stated four-year terms are rare. A number of jurisdictions in the State have terms of 1 year, 2 years or 3 years. From research 2 years seems to be a good median.

Audience Comment: John Gorman, 4015 Stonecypher Road, Suwanee, GA. Mr. Gorman stated the context as explained to him was to address Ethics. The changes that appear in the ordinance, only one is relevant to ethics. A number of other changes are of concern as follows: (1) reducing terms; (2) removal for cause vs. serving at the pleasure of Mayor & Council – removal should be for cause, with charges, with a public hearing and a vote of 3 members of City Council to remove the member as outlined in the City Charter. Mr. Gorman stated to do otherwise would effectively limit the independence of the Board and limit the ability of people to speak out. If a decision is made not in agreement with the Council, then they displease the Council and can be removed without cause. This is cause for concern. Mr. Gorman stated he is in favor of the Ethics change and attendance change. Council must retain removal for cause.

6. City of Suwanee 2030 Comprehensive Plan: Joint Community Assessment and Community Participation Program

The community assessment for the joint comprehensive planning process with Gwinnett County has been completed. A community participation program has also been developed that exceeds the minimum standards established by the Standards and Procedures for Local Comprehensive Planning. This is the public hearing for both documents before they are considered by Council. Mr. Allen stated that the City of Suwanee has partnered with other municipalities and Gwinnett County to work on the 2030 Comprehensive Plan. Items to be noted include the City is one of the fastest growing in Gwinnett; Suwanee's population is projected at 24,000 in 2030; Suwanee has the youngest population and the largest number of school aged children; we have a 1% unemployment rate; and, Suwanee has the highest percentage of workers who drive to work. The documents are proposed for additional public comment. Gwinnett County will be revising the documents, holding public hearings and adopting a resolution to transmit the document the DCA. The documents are on the County website in their current form.

Mayor Masino asked based on approval when can information go out to the community for the public information process. Mr. Allen stated once the consultants are on board (December or January) there will be a kick-off in late winter or early spring.

There was no audience participation.

7. Exemption of the City Manager's City Vehicle from OCGA Section 36-80-20 Regarding a Door Sticker

City Attorney, Gregory Jay, reported OCGA Section 36-80-20 states that all city-owned vehicles should have a decal that identifies the government entity it belongs too. To be exempt from this section, a public hearing has to be held to notify the public that a certain vehicle will not have the decal. This public hearing is to take comment on exempting the City Manager's vehicle from having a decal.

There was no audience participation.

8. Application for License to Sell Beer, Wine and Distilled Spirits to be Consumed on the Premises: Chili's Grill and Bar, 3433 Lawrenceville-Suwanee Road. Applicant: Robert A. Calderhead, Jr.

City Manager, Hardin Watkins, stated Chili's Grill and Bar has requested an alcohol license for beer, wine and distilled spirits to be consumed on the premises. Robert A. Calderhead, Jr. will be the licensee. Staff is awaiting receipt of suitable fingerprint reports from the FBI. At that time staff recommends approval.

Applicant: Robert Calderhead, 1401 Luke Paul Way, Braselton, GA was present.

There was no audience participation.

7:00 P.M.

CITY COUNCIL MEETING

1. Call To Order

Mayor Masino called the meeting to order at 7:20 P.M.

2. Announcements

- Mayor Masino recognized Taylor and Nikki who were attending the meeting as a Government Class requirement.
- Suwanee's annual Caboose Lighting event will be **Saturday, December 2**, 5:00pm at the red caboose on Main Street in historic Old Town. Music will be provided by Level Creek, Riverside, and Suwanee Elementary schoolchildren. S'mores, coffee and wassail will be available for free along with holiday craft activities for the kids. And, as always, Santa will arrive in his tractor-drawn sleigh.
- The 2005-06 ABA Division Champion Atlanta Vision already has begun defending its title at its new home venue at the Suwanee Sports Academy. On Saturday, December 16th at 7:30pm, the team will host Suwanee Night where Mayor Nick Masino will dress for the game as the "celebrity 11th man." And, with the purchase of an adult ticket, a free general admission ticket will be available to those who bring a donation to support Suwanee's sister city, Long Beach, Mississippi. Among items that would be helpful to Long Beach and that will allow you to score a free game ticket are:
 - Sporting equipment, including baseballs, softballs, footballs, and Nerf balls.
 - Arts and craft supplies, including ceramics, paints, canvas, brushes, etc., for senior citizens.

- Gift certificates for stores at which the following items may be purchased: office supplies; paper goods; cleaning supplies; and bottled water.
- The City is accepting applications and interviewing for the Zoning Board of Appeals and Planning Commission. Eligibility for consideration include being a resident of the municipality and at least 18 years of age. Persons interested may contact Marty Allen, Planning Director

3. Pledge of Allegiance

4. Approval of Minutes

A. 10/17/06 Council Meeting

Motion by Councilmember Foster to approve the 10/17/06 Council Meeting Minutes, second by Councilmember Brooks and so carried 4-0-1(Alan Landers abstained).

5. Adoption of Agenda as Presented

Motion by Councilmember Foster to adopt the agenda as presented, second by Councilmember Brooks and so carried 5-0.

6. Special Recognition: Suwanee Star Awards

City Manager, Hardin Watkins, presented the Suwanee Star Award to Gwen Jones, Inspections Assistant and Tammy Hiler, Public Works Administrative Assistant, for their work in coordinating functions to build team morale, promote team spirit, and promote and build harmony between our co-workers. This past summer we had our third family fun day. For the past two years Suwanee has been the only City in Gwinnett County to participate in the Gwinnett Corporate Challenge organized by the Gwinnett County Parks & Recreation Department. This award is the highest award a city employee can obtain. The award is given to staff who make lasting and outstanding contributions to the City.

7. Special Presentation: Report from the City Auditors, Mauldin and Jenkins

Joel Black of Mauldin & Jenkins presented the 2006 Audit Report. The Municipal Court was looked at closer than in past years, due to problems which have risen recently in other municipalities in this area. There are some opportunities for improvement in the segregation of duties. Mr. Black stated with small staff segregation of duties is often difficult to accomplish. Mr. Black stated that Suwanee excels in recordkeeping related to SPLOST in comparison to other Gwinnett cities. A copy of the report is attached.

8. Annual Appointments for 2007

The following are the recommended appointments that were discussed at the November Workshop:

- A. City Attorney: Gregory Jay
- B. Municipal Court Judge, Chief: Mark Lewis
- C. Municipal Court Judge, Assistant Chief: William Brogdon
- D. Municipal Court Judge, Associate: Claude Mason
- E. Municipal Court Judge, Associate: Laura Tate
- F. Chief Solicitor: Julie Potts
- G. Solicitor: Shawn Bratton
- H. Solicitor: Paul Groth
- I. Solicitor: Jennifer White

J. Solicitor: Luther Beck (as a substitute)

Motion by Councilmember Landers to approved the Annual Appointments for 2007, second by Councilmember Foster and so carried 5-0.

9. Audience Participation

John Gorman, 4015 Stonecypher Road, Suwanee, GA. Mr. Gorman stated that Item K is similar to an item on the Public Hearing. He asked that Council consider the same comments he made for the Public Hearing item for Item K regarding ethics and attendance. A number of other changes are of concern as follows: (1) reducing terms; (2) removal for cause vs. serving at the pleasure of Mayor & Council – removal should be for cause, with charges, with a public hearing and a vote of 3 members City Council to remove the member as outlined in the City Charter. Mr. Gorman stated to change from removal for cause to serving at the pleasure will serve to stifle the expression of alternate opinions. “If a member displease you, those members can be gone. Gone without public process and without a vote. That in and of itself is dangerous.” Mr. Gorman stated this ordinance should be changed to remove serving at the pleasure of the Mayor and City Council and reflect removal for cause and with a vote of three Councilmembers.

10. OLD BUSINESS

A. RZ-2006-013 - Applicant: OPUS South Corporation. Owner: Opus South Corporation/Falcon Nest I, LTD. Applicant requests rezoning from M-1, C-2, C-3, and O-I to PMUD to allow for a multiple use project including commercial/retail, offices, multi-family, townhomes, and single family detached uses. Site is located in Land Lots 152 and 169 of the 7th District on south west side of Lawrenceville-Suwanee Road and north Burnette Road and contains approximately 148.32 acres.

Staff Recommendation: Denial. Planning Commission Recommendation: Tabled to the 12/5/06 meeting. ACTION: Consider the rezoning.

Motion by Councilmember Landers to TABLE to December RZ-2006-013, second by Mayor Pro Tem Rispin and so carried 5-0.

11. NEW BUSINESS

A. RZ-2006-017 - Applicant: Pat Korb, Owner: KPS Investment Group. Applicant requests rezoning from R140 (Single Family District) to R100 (Single Family District) to allow the property to be split into two parcels. Site is located in Land Lot 276 of the 7th District on the corner of Tench Road and Abbey Hill Road and contains approximately 1.23 acres.

Staff Recommendation: Approval with conditions. Planning Commission Recommendation: Approval with conditions. ACTION: Consider the rezoning.

Motion by Councilmember Brooks to approve RZ-2006-018 with conditions, second by Councilmember Foster. Mayor Masino called for discussion – is it clear that this contains the staff and Planning Commission Conditions. Mr. Allen responded yes. Motion carried 5-0.

B. RZ-2006-018 - Applicant: Gwinnett Community Bank, Owner: Elizabeth Payne. Applicant requests rezoning from R-100 (Single Family District) to OTCD (Old Town Commercial District) to allow for a commercial banking institution. Site is located in Land Lot 212 of the 7th District

at the intersection of Lawrenceville-Suwanee Road and Suwanee Avenue and contains approximately 1.7 acres.

Staff Recommendation: Approval with conditions. Planning Commission Recommendation: Approval with conditions and changes. ACTION: Consider the rezoning.

Motion by Councilmember Rispin with staff conditions as modified by Planning and Zoning shown on page 65 of the packet along with two typographical changes – Item #3: Dumpster shall be limited to the hours of 8 AM to 10 PM and Item #9b: Evergreens tree should be changed to Evergreen tree, second by Councilmember Brooks and so carried 5-0.

- C. SUP-2006-004 - Applicant: The Rock Presbyterian Church, Owner: Dennis Taylor. Applicant requests a special use permit for a church. Site is located in Land Lot 209 of the 7th District on McGinnis Park Drive and contains approximately .045 acres.

Staff Recommendation: Approval with conditions. Planning Commission Recommendation: Approval with conditions. ACTION: Consider the special use permit.

Motion by Councilmember Foster to approve SUP-2006-004 with conditions and modify staff condition #3 to read: “The Special Use Permit is non-transferable to other organization or applicants. This Special Use Permit shall immediately become invalid should the current applicant The Rock Presbyterian Church) cease operations at this location”, second by Councilmember Brooks and so carried 5-0.

- D. AMD-2006-006 - A proposed amendment to Article XX. Zoning Board of Appeal of the City of Suwanee Zoning Ordinance to amend certain policies, procedures, terms, and other related items pertaining to the structure and organization of the Zoning Board of Appeals. [P90]

Staff Recommendation: Drafted by staff. Changes noted in the document. Planning Commission Recommendation: Approval with modifications. ACTION: Consider the amendment.

Motion by Councilmember Foster to AMD-2006-006 with the following change: pg. 95 Section 2002 Terms of Office, Vacancies and Removal, strike the last sentence and substitute with: “A member of the board may be removed for cause provided Board member shall receive written notification of the charge or charges and shall be furnished an opportunity to address City Council prior to any vote removing such member.” second by Councilmember Brooks and so carried 5-0.

- E. Consideration of a Resolution to Transmit the Gwinnett/Municipal Joint Community Assessment and Community Participation Program to the Atlanta Regional Commission and Georgia Department of Community Affairs

The community assessment for the joint comprehensive planning process with Gwinnett County has been completed. A community participation program has also been developed that exceeds the minimum standards established by the Standards and Procedures for Local Comprehensive Planning. The required public hearing for both was held at 6:30pm to take public comment. ACTION: Consider the resolution.

Motion by Mayor Pro Tem Rispin to approve a Resolution to Transmit the Gwinnett/Municipal Joint Community Assessment and Community Participation Program to the Atlanta Regional

Commission and Georgia Department of Community Affairs, second by Councilmember Landers and so carried 5-0.

- F. Consideration of Exempting the City Manager's City Vehicle from OCGA Section 36-80-20 Regarding a Door Sticker

OCGA Section 36-80-20 states that all city-owned vehicles should have a decal that identifies the government entity it belongs too. To be exempt from this section, a public hearing has to be held to notify the public that a certain vehicle will not have the decal. A public hearing was held at 6:30pm to exempt the City Manager's vehicle from having a decal. This exemption will be good for one year. ACTION: Consider exempting the City Manager's city vehicle from OCGA Section 36-80-20.

Motion by Councilmember Landers to approve Exempting the City Manager's City Vehicle from OCGA Section 36-80-20 regarding a door sticker, second by Mayor Pro Tem Rispin and so carried 4-1 (Councilmember Foster).

- G. Consideration of Issuance of an Alcohol License: Chili's Grill and Bar. Applicant: Robert A. Calderhead, Jr.

Chili's has requested an alcohol license for beer, wine and distilled spirits to be consumed on the premises. Location: 3433 Lawrenceville-Suwanee Road. Applicant: Robert A. Calderhead, Jr. Mr. Calderhead's fingerprint reports have been returned from GBI showing one charge that he disclosed on his application. The FBI fingerprint reports have not been returned to date. Pending return of the FBI report, the Finance Department is recommending approval. ACTION: Consider issuance of the alcohol license.

Motion by Councilmember Foster to approve issuance of an Alcohol License: Chili's Grill and Bar. Applicant: Robert A. Calderhead, Jr., second by Mayor Pro Tem Rispin and so carried 5-0.

- H. Consideration of a Bond Ordinance to Award the Refinancing of the 2002 General Obligation Bonds to the Responsible Bidder and to Authorize the Mayor to Execute all Relevant Documents

The general obligation (open space) bonds will be competitively sold on November 21st, prior to the Council Meeting. The responsible bidder will be determined and presented to Council prior to the meeting. Council will need to consider awarding the bonds and authorize the Mayor to execute all relevant documents at closing. ACTION: Consider the bond ordinance to award the refinancing of the 2002 general obligation bonds and authorize the Mayor to execute all relevant documents.

Motion by Councilmember Foster to approve consideration of a Bond Ordinance to award the refinancing of the 2002 General Obligation Bonds to Citigroup Corp., the responsible bidder and to authorize the Mayor to execute all relevant documents, second by Councilmember Brooks and so carried 5-0.

- I. Consideration of an Ethics Ordinance to Establish an Ethics Board and Other Procedures

This ordinance outlines prohibited conduct (i.e. conflicts of interest, use of public property, etc) by elected officials, planning commission members, zoning board of appeals members, and city staff. It creates an Ethics Board and establishes procedures for dealing with ethics complaints.

The Board is independent of the City and is comprised of twelve (12) members. Of the twelve five (5) are randomly drawn to sit and hear an Ethics complaint, if one is lodged against one of three parties. The parties subject to this ordinance are City Council, Planning Commission and the Zoning Board of Appeals. Should there be a complaint, it could possibly result in the reprimand or removal of a Councilmember or a member of one of the Boards. ACTION: Consider the ordinance.

Motion by Councilmember Landers to approve an Ethics Ordinance to establish an Ethics Board and other procedures, second by Mayor Pro Tem Rispin and so carried 5-0.

- J. Consideration of a Resolution to Adopt Standards of Conduct for Appointed Boards and Commissions

Standards of Conduct have been created for the Planning Commission and Zoning Board of Appeals to outline attendance requirements, decorum at meetings, training requirements, etc. to help maintain the integrity and dignity of public office. There is one language change that has been recommended. Staff will provide that change to Council at the dinner session prior to the meeting on November 21st. ACTION: Consider the resolution.

Motion by Councilmember Landers to approve a Resolution to adopt Standards of Conduct for Appointed Board and Commissions with the following change – “Page 151 in the packet, Section 2 Reprimands/Removal add the following language to create a new paragraph at the end of Section 2: “The City Council shall strive to meet or exceed the standards of conduct set forth herein in the governance of its affairs and in conducting its meetings.”, second by Councilmember Foster and so carried 5-0.

- K. Consideration of an Ordinance to Repeal Ordinance #1027 (Planning and Zoning) and to Reconstitute the City of Suwanee Planning Commission as Outlined in the New Planning and Zoning Ordinance

The original Planning and Zoning Ordinance was adopted in 1981 and the nature and complexity of issues has changed over time. Mayor and Council thought it best at this time to amend said ordinance to change term lengths, outline training requirements, and refer to the newly created Standards of Conduct. A copy of the new ordinance is included in your packet. There is one language change that has been recommended. Staff will provide that change to Council at the dinner session prior to the meeting on November 21st. ACTION: Consider the ordinance.

Motion by Councilmember Landers to approve an Ordinance to Repeal Ordinance #1027 (Planning and Zoning) and to Reconstitute the City of Suwanee Planning Commission as outlined in the New Planning and Zoning Ordinance along with the following change – “Page 156, Section 2. Planning Commission Created, alter the sentence that reads “The members of the Planning Commission shall serve at the pleasure of the Mayor and Council of the City of Suwanee” and replace with: “The members of the Planning Commission shall serve at the pleasure of the Mayor and Council of the City of Suwanee and may be removed from office for cause provided a Commission Member shall first receive written notification of the charge(s) and shall be furnished an opportunity to address City Council prior to any vote removing such member.”, second by Councilmember Brooks and so carried 5-0.

City Attorney Gregory Jay stated it is worth noting that the Charter does require an affirmative vote of the majority of Council to remove a Board member for cause. Nothing herein changes the Charter.

- L. Consideration of an Ordinance to Revise the Regular Meeting Schedule of Mayor and City Council

Mayor and Council revisited their meeting schedule and in an effort to provide more time between Planning Commission meetings and Council Meetings, adjusted the schedule. Regular Council Meetings will be changed to the fourth Tuesday of each month. **ACTION: Consider the ordinance.**

Motion by Councilmember Brooks to approve an Ordinance to Revise the Regular Meeting Schedule for Mayor and City Council, second by Mayor Pro Tem Rispin and so carried 5-0.

- M. Consideration of Authorizing the Mayor to Enter into Agreement with the Recommended Firm for the Sewer Line Trench Repair and Resurfacing Project on Main Street

Bids were due for the Main Street Project on November 16, 2006. Five bids were received and the lowest, responsible bidder was A & S Paving, Inc. at \$140,257.08. The project generally consists of advanced street closure notification signage, detour signage, removal and re-compaction of the materials in much of the sewer line trench along Main Street from Stonecypher Road to Scales Road, asphalt patching of other failed areas between Scales Road and Scales Street, resurfacing, pavement striping, grassing, etc. No construction activities are scheduled during the caboose lighting event to be held on Saturday, December 2, 2006. **ACTION: Consider authorizing the Mayor to enter into agreement with A & S Paving, Inc. to complete the sewer line trench repair and resurfacing project on Main Street.**

Motion by Mayor Pro Tem Rispin to authorize the Mayor to enter into Agreement with A & S Paving, Inc, to complete the sewer line trench repair and resurfacing on Main Street, second by Councilmember Landers and so carried 5-0.

- N. Consideration of Authorizing the Mayor to Enter into Agreement with Precision Paving, Inc. for General Resurfacing Projects

Precision Paving, Inc. of Hoschton Georgia is in agreement to perform resurfacing work for the City of Suwanee in accordance with the bid prices, specification, etc. of the Gwinnett County resurfacing bid. Projects included for resurfacing are Cherokee Trail and St. Martin Drive that GaDOT is participating in as well as Lambton Cir. off St. Martin Drive, some streets in the newly annexed area of Avonlea Crossing Subdivision, and some streets in Lansdowne Subdivision. Contractual repair and resurfacing work on the 18 various City streets is estimated to cost approximately \$347,005.90. GaDOT has approved State funding assistance in the amount of approximately \$32,838.54 for resurfacing work on Cherokee Trail and Saint Martin Drive as part of the 2006 LARP (Local Assistance Resurfacing Program). The additional resurfacing work will be funded by SPLOST. **ACTION: Consider authorizing the Mayor to enter into agreement with Precision Paving, Inc. for general resurfacing projects.**

Motion by Councilmember Brooks to authorize the Mayor to enter into agreement with Precision Paving, Inc. for general resurfacing projects, second by Councilmember Foster and so carried 5-0.

12. CONSENT AGENDA

- A. Approve the First and Second Quarter Budget Adjustments

These are first and second quarter budget adjustments to include revenue offset adjustments and general fund expenditure line item adjustments. The revenue offset is to increase the revenue and expenditure line items to reflect special event fees collected. The general fund adjustments are the reclassification of line items that do not increase or decrease total expenditures. A memo and spreadsheet are included in your packet detailing the recommended adjustments. ACTION: Approve first and second quarter budget adjustments.

B. Approve Execution of Documents Regarding the Stormwater MS4 Report

Georgia EPD requires that the Mayor sign the annual MS4 Report or that the Mayor execute a letter to be on file authorizing the City Manager to sign the document on behalf of the City. This action would allow either the Mayor or the City Manager to execute these documents. ACTION: Approve execution of documents regarding stormwater MS4 report.

C. Adopt Approval Process for Contract Change Orders under \$10,000

This would allow the City Manager to approve various future contract change orders up to \$10,000 provided that the project is within budget. This will assist in keeping construction projects moving forward on schedule without having to wait for a Council Meeting to approve the minor items that inevitably arise. ACTION: Adopt approval process for contract change orders under \$10,000.

D. Authorize the Mayor to Execute the Third Amendment to the 2001 Special Purpose Local Option Sales Tax City Assistance Agreements for Transportation and Parks and Recreation Facility Programs

Gwinnett County is planning to send cities a check for the remainder of their 2001 SPLOST dollars and allow all cities to certify that the money has properly been spent. A copy of the Third Amendment to the 2001 SPLOST City Assistance Agreement with Gwinnett County is included in your packet and will need to be formally accepted. ACTION: Authorize the Mayor to execute the third amendment to the 2001 SPLOST City Assistance agreements for transportation and parks and recreation facility programs.

Motion by Councilmember Brooks to approve the Consent Agenda, second by Councilmember Landers and so carried 5-0.

13. City Manager's Report

Approved Workshop dates available upon request.

14. Executive Session: Personnel Matters (Interview candidates for Planning Commission and ZBA)

Motion by Councilmember Foster to ENTER Executive Session, second by Mayor Pro Tem Rispin and so carried 5-0 – Time: 8:20 P.M.

Note: Councilmember Brooks had to leave.

Motion by Mayor Pro Tem Rispin to EXIT Executive Session, second by Councilmember Foster and so carried 4-0 – Time: 10:12 P.M.

15. Adjournment

Motion by Councilmember Landers to Adjourn, second by Councilmember Foster and so carried 4-0.

Approved 12/19/2006