

MINUTES
CITY OF SUWANEE, GEORGIA
CITY COUNCIL MEETING
MAY 20, 2003

Present: Jace Brooks, Councilmember
Jimmy Burnette, Councilmember
Carol Hassell, Councilmember
Alan Landers, Mayor Pro Tem
Jeannine Rispin, Councilmember
Gregory Jay, City Attorney
Hardin Watkins, City Manager
Elvira Rogers, City Clerk

Absent: Nick Masino, Mayor

6:30 P.M.
PUBLIC HEARING

The Public Hearing was opened at 6:30 P.M. by Mayor Pro Tem Landers. City Manager, Hardin Watkins, read the procedures for public meetings.

- 1. RZ-2003-005 - Applicant: Peachtree/Suwanee Inc. Owner: Peachtree/Suwanee Properties, Ltd. Requests rezoning from M-1 (Light Industrial District) to RM-8 (Residential Multi-Family Duplex District) to allow for fee simple townhomes. Site is located in Land Lot 252 of the 7th District west of Peachtree Industrial Boulevard near the intersection with Tench Road and contains approximately 20.67 acres.**

Marty Allen stated the applicant my request postponement of the case. He presented the staff analysis as follows: The applicant requests rezoning of an approximately 20.67 acre tract from M-1 (Light Industry District) to RM-8 (Multi-Family Residence District) to develop a 166-unit fee-simple townhouse project. The subject property is located on the north side of Peachtree Industrial Boulevard between the intersections with Suwanee Dam Road and Tench Road. The applicant initially applied for 166 townhouse units on 20.67 acres. The applicant has recently modified the application to reduce the number of units to 116.

The subject property was zoned from R-100 (Single-Family Residence District) and C-2 (General Business District) to its current M-1 classification in December of 1987 per RZ-87-026. The current M-1 classification would permit offices, office parks, light manufacturing, distribution and other similar uses.

Access is proposed via a single entrance onto the Peachtree Industrial Boulevard; although the applicant also shows right-of-way running up to an adjacent parcel with frontage on Suwanee Dam Road. As shown, the project would include two tennis courts and a clubhouse/pool facility. The proposed development appears to be a conventional suburban townhouse development. Access to the units is provided at the front of the units. The units are proposed to be 3 stories in height and vary in size from 1400 to 2200 square feet.

The subject property is an approximately 20.6 acre undeveloped tract. The site contains areas of significant topography, but does not appear to contain any streams. Access is provided via Peachtree Industrial Boulevard.

The surrounding area consists of a mixture of commercial and single-family residential zoning districts. To the west and north of the subject site are two substantially undeveloped R-100 sites of the approximate size of the subject parcel. To the east of the subject parcel are several C-2 zoned parcels. The largest parcel is currently being developed with an elementary school that will access Tench Road. The remaining commercial parcels are undeveloped. To the south of the subject parcel, on the north side of Peachtree Industrial Boulevard, are several additional commercially zoned tracts. One of the commercial tracts is currently under development with a shopping center. To the south of the subject parcel, across Peachtree Industrial Boulevard, are several more commercial sites developed with two shopping centers, a gas station/convenience store, and a package store in a mixture of C-2, C-2A and C-3 zoning districts.

The City of Suwanee 2020 Future Land Use Plan recommends a planned mixed-use village for the subject property as part of the Suwanee Junction Character area. The Comprehensive Plan recognizes that this parcel should service as a transitional use from the developing commercial corridor along Peachtree Industrial Boulevard to the existing large-lot single family zoning districts to the north.

This particular mixed-use village has a recommended maximum density of 4 units per acre. This density is intended to allow the site to be developed with greater density near Peachtree Industrial Boulevard that gradually reduces as the project nears the surrounding large lot residential sites. The proposed project offers twice the recommended density with a 50 foot wide buffer serving as a transition.

The Comprehensive Plan standards for planned mixed-use district call for significant attention to detail to encourage well-designed and highly-integrated projects. In conclusion, approval of the requested RM-8 zoning district for a conventional townhouse project would not be suitable at this location. The proposed development is inconsistent with the City of Suwanee Comprehensive Plan and does not offer an adequate transition for the commercial located on Peachtree Industrial Boulevard to the larger lot residential lots further up Suwanee Dam Road. Additionally, at 8 units per acre, the proposed density is far greater than the 4 units per acre recommended by the Comprehensive Plan under a well designed mixed-use project. Staff recommended denial of the request. The Planning Commission reviewed the case and recommended denial of the request.

SUPPORT

- Kathy Zickert, Attorney representing the property owner, 1230 Peachtree Street, Atlanta, GA. Ms. Zickert stated the request would be for postponement or withdrawal. She stated she has recently been involved in this case and spoke with Mr. Allen for the first time on yesterday (Monday). She complimented the City's Comprehensive Plan and Architectural Guidelines and stated understanding that M-1 was not a suitable zoning for the property. She stated her client would like to amend the application or withdraw without prejudice due to not having the appropriate documents submitted to the City for review (i.e., project master plan, landscape plan). She stated that the property owner would like an opportunity to bring back a product that reflects a true PMUD.

OPPOSITION – None.

2. **RZ-2003-010 – Applicant: Suwanee Creek Station, LLC. Owner: Sidel, Inc. Requests rezoning from M-1 (Light Industrial District) to C-2A (Special Commercial District) to allow for a shopping center. Site is located in Land Lots 193 and 194 of the 7th District**

on the northeast side of Lawrenceville-Suwanee Road near the intersection with Satellite Boulevard and contains approximately 3.89 acres.

- 3. RZ-2003-011 – Applicant: Suwanee Creek Station, LLC. Owner: Sidel, Inc. Requests rezoning from M-1 (Light Industrial District) to RM-8 (Residential Multi-Family District) to allow for single family attached development. Site is located in Land Lot 193 of the 7th District on the northeast side of Lawrenceville-Suwanee Road near the intersection with Satellite Boulevard and contains approximately 20.57 acres.**

Marty Allen stated that the applicant requested that the Planning Commission postpone these cases at their May Meeting. The Planning Commission postponed the cases.

The Public Hearing closed at 6:45 P.M.

7:00 P.M.
CITY COUNCIL MEETING

1. Call To Order

Meeting called to order by Mayor Pro Tem, Landers at 7:00 P.M.

2. Announcements

- Movies
The City of Suwanee' s Movies Under the Stars series is going BIG this summer. The first movie night will be Saturday, May 31 featuring “Big.” The movie will begin around 8:45 p.m. or as soon as it is dark enough at the Burnette-Rogers Pavilion on Main Street in historic Old Town. Pre-movie activities will begin around 7:30 p.m. Bring chairs or blankets and snacks, but no alcohol please.
- Concerts
The next Music Main Street Concert will be Saturday, June 14th featuring Legend, a Southern Rock Band. The second semi-final installment of the **Suwanee SuperStar** karaoke competition will begin at 7 p.m., with Legend taking the stage about 7:30 p.m.
- Farmer’s Market
Suwanee and Duluth have partnered to bring a Farmer’s Market to both cities this summer. Starting June 7, Suwanee will host the Market the first two Saturday’s of the month in the City Hall Parking Lot. Duluth will then host on the remaining Saturday’s on their Main Street. It begins at 8:00am and lasts until around noon.
- Councilmember Burnette announced that Jerry Little and his tennis team won the GA State Championship in the Adult Men USTA Level 3.0 Tournament. The tournament was open to all city champions from the various city tennis leagues throughout the state. They will compete in the Southeast Regional in SC in July.

3. Pledge of Allegiance

Alex Lyons, Troop #21, assisted Mayor Pro Tem Landers.

4. Approval of Minutes

A. 4/15/03 Council Meeting

Motion by Councilmember Hassell to approve Minutes with correction: Attendees: Jimmy Burnette, ~~Mayor Pro Tem~~ Councilmember, second by Councilmember Burnette and so carried 5-0.

B. Adoption of Agenda as Presented

Motion by Councilmember Rispin to adopt the agenda deleting #6 and New Business item D, second by Councilmember Hassell and so carried 5-0.

6. Audience Participation

Mary Warren, 4532 Treadstone Court, and Patty Etherton, 5245 Overbend Trail, presented information regarding *Suwanee Stars*. They asked Council to consider co-sponsoring a program to recognize the talent in Suwanee.

7. OLD BUSINESS

A. RZ-2003-005 - Applicant: Peachtree/Suwanee Inc. Owner: Peachtree/Suwanee Properties, Ltd. Requests rezoning from M-1 (Light Industrial District) to RM-8 (Residential Multi-Family Duplex District) to allow for fee simple townhomes. Site is located in Land Lot 252 of the 7th District west of Peachtree Industrial Boulevard near the intersection with Tench Road and contains approximately 20.67 acres. Staff Recommendation: Denial; Planning Commission Recommendation: Denial

Motion by Councilmember Hassell to approve applicant withdrawing RZ-2003-005 without prejudice, second by Councilmember Brooks and so carried 5-0.

8. NEW BUSINESS

A. RZ-2003-010 – Applicant: Suwanee Creek Station, LLC. Owner: Sidel, Inc. Requests rezoning from M-1 (Light Industrial District) to C-2A (Special Commercial District) to allow for a shopping center. Site is located in Land Lots 193 and 194 of the 7th District on the northeast side of Lawrenceville-Suwanee Road near the intersection with Satellite Boulevard and contains approximately 3.89 acres. Staff Recommendation: Denial; Planning Commission Recommendation: Postponed

Motion by Councilmember Burnette to postpone RZ-2003-010 to the June 17, 2003 Council Meeting, second by Councilmember Brooks and so carried 5-0.

B. RZ-2003-011 - Applicant: Suwanee Creek Station, LLC. Owner: Sidel, Inc. Requests rezoning from M-1 (Light Industrial District) to RM-8 (Residential Multi-Family District) to allow for single family attached development. Site is located in Land Lot 193 of the 7th District on the northeast side of Lawrenceville-Suwanee Road near the intersection with Satellite Boulevard and contains approximately 20.57 acres. Staff Recommendation: Denial; Planning Commission Recommendation: Postponed

Motion by Councilmember Burnette to postpone RZ-2003-011 to the June 17, 2003 Council Meeting, second by Councilmember Rispin and so carried 5-0.

C. Open Sealed Bids for Road Repair and Patching Services, Crack Sealing Services, and Microsurfacing Services

Bids were requested from contractors for three separate services: road repair and patching, crack sealing, and microsurfacing.

Bidders on 2003-001

Bidder	1	2	3	4	5	6	7
AAMCO Paving	\$39.75 ton	\$85.00 ton	\$75.00 ton	\$65.00 ton	\$60.00 ton	\$20.00 ton	\$20.00 foot
APAC-GA, Inc.	\$57.16 ton	\$226.49 ton	\$243.96 ton	\$167.06 ton	\$105.79 ton	\$45.30 Ton	\$12.60 foot
GA Paving, Inc.	\$178.00 ton	\$225.00 ton	\$148.00 ton	\$75.00 ton	\$64.00 tone	\$22.00 ton	\$19.00 foot

Bidders on 2003-002

Bidder	1	2	3
Wall Asphalt Services, Inc.	\$0.23 linear foot	\$0.23 linear foot	\$0.23 linear foot
E. J. Breneman L.P.	\$0.84 linear foot	\$0.84 linear foot	\$0.84 linear foot

Bidders on 2003-003

Bidder	1	2	3	4
E. J. Breneman L.P.	\$1.95 sq. yd.	\$150.00 ton	\$2.20 sq. yd.	\$150.00 ton

Motion by Councilmember Hassell to authorize the Mayor to enter into an agreement with the lowest responsible bidder upon staff review and recommendation, second by Councilmember Brooks and so carried 5-0.

D. Removed from Agenda.**E. Authorization for the Mayor to Enter into Agreement with LNB Construction of Marietta, GA for the Construction of Moore Road and Settles Bridge Road Sidewalks**

Sealed bids were opened at the May 8th Called Council Meeting. The request for bids included a base bid and an additive alternate. The lowest base bid was provided by LNB Construction at \$159,690. Their additive alternate bid was \$29,700 for a total of \$189,390. The current balance in the Settles Bridge Road Capital Account is \$184,647. If City Council wishes to proceed with the additive alternate, additional funding will be needed.

Motion by Councilmember Rispin authorizing the Mayor to enter into an agreement LNB Construction of Marietta, GA, for the construction of Moore Road and Settles Bridge Road Sidewalks to include base bid only, second by Councilmember Burnette and so carried 5-0.

F. Consideration of a Resolution to Adopt the Permit Fee Schedule

Public Works and Inspections Director, Rich Edinger, is requesting that the water system tap fee schedule be revised to align with the recent County adjustments. There are three recommended adjustments to be phased in over time: the first effective June 1, 2003; the second effective January 1, 2004; and the third effective January 1, 2005.

Motion by Councilmember Burnette to adopt the Permit Fee Schedule Resolution, second by Councilmember Hassell and so carried 5-0.

G. Consideration of an Ordinance Relating to Day and Health Spas

The City currently does not have a tool to regulate massage and spa type businesses. City Attorney, Gregory Jay, has drafted an ordinance that establishes a defined application

process and numerous operating requirements for such businesses. The ordinance also gives both code enforcement and law enforcement discretion to inspect the premises during operational hours.

Motion by Councilmember Hassell to adopt the Ordinance relating to Day and Health Spas, second by Councilmember Brooks and so carried 5-0.

H. Consideration of a Resolution to Renew the City's Participation in Gwinnett County's Community Development Block Grant Program

The City currently participates in the Gwinnett County Urban County CDBG and HOME Program. Every three years, the City has to renew its membership to remain a part of the program. This item was discussed at the workshop and the consensus was that the City should continue to participate in the County program. Action has to be taken by Council by May 30, 2003 to continue membership.

Motion by Councilmember Brooks to adopt a Resolution to Renew the City's Participation in Gwinnett County's Community Development Block Grant Program, second by Councilmember Rispin and so carried 5-0.

I. Consideration of Approval of Budget Adjustments

There are four adjustments that need to be made to the budget regarding capital projects. The first is for the Arbor Day Fund. Council decided to move funds from this fund to the Open/Green Space Fund to enhance the selection and size of trees to be planted at Town Center Park. This change is reflected in both funds. Another adjustment to the Open Space Fund is to create an account for the Super Playground. The third one is the URA Town Center Fund. Funds were received from LCI to pay for the market analysis and the adjustment reflects this revenue. The last one is for the Trice Trail Fund. The City Council decided to use bond proceeds to help pay for the greenway extension. The budget adjustment reflects this change.

Motion by Councilmember Brooks to approve the Budget Adjustments as presented, second by Councilmember Hassell and so carried 5-0.

J. Authorization for the Mayor to Transfer the Agreement with BI, Inc. for Probation Supervision and Rehabilitation Services to Maximus, Inc.

Council approved an agreement with BI, Inc. for probation services at the April Council Meeting. BI, Inc. has been bought out by Maximus, Inc. BI agreed to transfer and assign the Agreement to Maximus and Maximus agreed to assume all of the duties and obligations of BI under the agreement. Maximus is seeking approval for transferring the agreement.

Motion by Councilmember Hassell to authorize May to enter into agreement to transfer the BI, Inc. Agreement for Probation Supervision and Rehabilitation Services to Maximus, Inc., second by Councilmember Rispin and so carried 5-0.

K. Consideration of a Resolution to Authorize Staff to Submit a Grant Application for Mobile Data Terminals from Federal Homeland Security Funds

The Homeland Security Department has made funds available through the State for public safety agencies to purchase equipment that will enhance regional response capabilities to incidents involving weapons of mass destruction and hazardous materials.

Grants must be submitted to the Georgia Emergency Management Agency by May 23rd. The Police Department is requesting funds for Mobile Data Terminals to be placed inside the patrol vehicles. These units will allow officers to access NCIC/GCIC and GISAC from the field, providing them with immediate access to vital information. They will also enhance communication with other municipalities and agencies in the event of a critical incident. Suwanee is requesting 18 units at a cost of \$162,000. The grant does not require a match, covering 100% of the cost. Staff is seeking authorization to submit the application.

Motion by Councilmember Brooks to adopt the resolution to authorize staff to submit a Grant Application for Mobile Data Terminals from Federal Homeland Security Funds, second by Councilmember Burnette and so carried 5-0.

L. Consideration of Ratifying the Agreement with Neal Loia Construction Company for Completion of the Suwanee Crossroads Center Project

Since Telpro defaulted on the Suwanee Crossroads Center project, a new agreement is needed for the work to be completed. The agreement is between Hanover Insurance Company (Telpro's Surety), Neal Loia (the completion contractor) and the City. Neal Loia replaces the former contractor and has 100 days to complete the project. The Surety remits the sum of \$88,674.56 which accounts for liquidated damages under the performance bond and the difference in the price to complete the job. The Surety is still liable for any hidden defects which may arise under the project.

Motion by Councilmember Rispin to approve Ratifying the Agreement with Neal Loia Construction Company for Completion of the Suwanee Crossroads Center Project, second by Councilmember Burnette and so carried 5-0.

9. City Manager's Report

- A. FY 2003-2004 Budget Document distributed to Council. Copies available to the public on 5/21/03 at 8 AM.
- B. April Financial Reports

10. Land Acquisition Update (possible Executive Session) – 7:30 P.M.

Motion by Councilmember Brooks to enter Executive Session to discuss Land Acquisition, second by Councilmember Hassell and so carried 5-0.

Motion by Councilmember Burnette to exit Executive Session, second by Councilmember Hassell and so carried 5-0.

No action taken.

11. Adjournment – 8:30 P.M.

Motion to adjourn by Councilmember Burnette, second by Councilmember Brooks and so carried 5-0.