

Minutes
CITY OF SUWANEE, GEORGIA
CITY COUNCIL MEETING
SEPTEMBER 16, 2003

Meeting Location: *Suwanee City Hall*

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

6:30 P.M.
PUBLIC HEARING

Hardin Watkins, City Manager, read the procedures for Public Meetings.

- 1. RZ-2003-015: Applicant: Guynn-McGowan Developments, LLC. Owner: Madison Ventures, Ltd. Requests a rezoning from PMUD (Planned Mixed Use Development District) to PMUD for a change of conditions to eliminate a required sidewalk. The site is located in Land Lots 197, 198, 207 and 208 of the 7th District on the northwest side of Buford Highway across from Suwanee Creek Road and contains approximately 59.9 acres.**

Marty Allen presented the staff analysis as follows: The applicant requests a change in conditions from a previously approved PMUD (Planned Mixed Use Development) project for the purposes of eliminating or modifying a condition requiring a sidewalk along Buford Highway. The applicant seeks relief from a condition requiring the construction of a sidewalk along Buford Highway during the first phase of construction. Condition four (4) of RZ-2003-002 reads as follows:

“Provide 5-foot wide sidewalks along both sides of all publicly dedicated two-way streets. Consistent with the development regulations the 5-foot wide sidewalks shall be provided along the entire frontage along Buford Highway. The required sidewalk along Buford Highway shall be constructed within in the first phase of development. Its construction shall be coordinated with any nearby sidewalk projects undertaken by the City of Suwanee.”

The applicant states that placing the sidewalk along Buford Highway would require impacting wetlands. This level of disturbance would require an individual permit from the Army Corps of Engineers. Obtaining this permit would require considerable time (approximately 1 year), which would substantially delay the overall project.

The City of Suwanee policies strongly encourage alternative transportation facilities. The City’s Development Regulations have required sidewalks within new subdivisions and along existing roadways in front of new nonresidential and residential projects for over a decade.

It should be noted that in addition to being required by Condition four (4) of RZ-2003-002, the development regulations also require the construction of the sidewalk.

The subject property is located in a low-lying area that has numerous topographic challenges. The applicant has expressed a willingness to explore alternative alignments, however, timing is an important consideration. It is apparent that the approvals necessary to begin sidewalk construction along Buford Highway will create significant delays to the applicant's proposed development. However, the City's policy of constantly expanding its pedestrian facilities is well documented. The condition of zoning requiring the sidewalk to be constructed during the first phase of development could be amended to allow the project to proceed while the sidewalk construction project obtains the necessary approvals. Therefore, the Planning Department recommends approval with conditions of the request. Mr. Allen stated that the Planning Commission recommended approval of this request.

Applicant: Mike Guynn, 4154 Silver Peak Parkway, Suwanee, GA. Mr. Guynn stated that Mr. Allen's comments accurately covered the request. There is a time issue with the sidewalks. It could be 16-18 months.

Councilmember Hassell asked Mr. Guynn if he understood the conditions. Mr. Guynn stated yes. But he needs additional information regarding the cost of sidewalks.

Mayor Masino asked Mr. Guynn if the case should be tabled. Mr. Guynn stated no. He is ready to begin the project.

Marty Allen stated that the conditions call for alternate alignments for sidewalk or boardwalk in the wetlands. It is likely that a boardwalk would be the less expensive alternative. The City is undertaking a boardwalk. This cost information has been shared with the applicant.

Opposition: None.

- 2. AN-2003-003 & RZ-2003-016: Applicant: Suwanee Land Partners, LLC. Owner: Motorola, Inc. Requests annexation and rezoning from R-100 (Unincorporated Gwinnett County) and M-1(City of Suwanee - Light Industry District) to PMUD (Planned Mixed Use Development District) to allow for a planned mixed use development including 435 multi-family units, 762,500 square feet of office/distribution uses, and approximately 252,000 square feet of commercial/retail uses. Site is located in Land Lots 168 and 169 of the 7th District on the west side of Lawrenceville-Suwanee Road south of the intersection with Satellite Boulevard and contains approximately 111.16 acres.**

Marty Allen stated that the Planning Commission postponed this case for a month at the request of the applicant. Council agreed to forego hearing the staff analysis.

The applicant deferred to present their case until next month.

The Public Hearing closed at 6:42 P.M.

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**7:00 P.M.
CITY COUNCIL MEETING**

1. Call To Order

Meeting called to order by Mayor Masino at 7:05 P.M.

2. Announcements

• **Suwanee Library**

The Suwanee Library groundbreaking was held this afternoon on Main Street. It is anticipated to open in Spring 2005. A rendering of the library can be found on our website.

• **Suwanee Day**

This September 20 marks the 20th celebration of Suwanee Day. Suwanee Day activities actually begin on September 19 with BodyPlex' s annual Suwanee Day 5K Classic. The festival itself begins in historic Old Town at 9 a.m. Saturday morning with a parade and continues with free entertainment, arts & crafts, rides and children' s activities, and food will be available throughout the day until 6 p.m.

• **Town Center Park Hard Hat Tour**

You' re invited to take an inside-the-park glimpse of construction of Suwanee' s Town Center Park when the City hosts a Hard Hat Tour at 4 p.m. Sunday, October 5th. This visual progress report will offer a peek at the park when it is about 75 percent complete.

• Councilmember Rispin announced that Suwanee Farms has held their second PACT meeting.

• Mayor Masino sated Forest Plantation/Stoneridge has held their second PACT meeting.

3. Pledge of Allegiance

Kassie Dunn, Buford High School Explorer, assisted Mayor Masino.

4. Approval of Minutes

A. 8/7/03 Called Council Meeting

Motion by Councilmember Hassell to approve 8/7/03 Called Council Meeting Minutes, second by Councilmember Rispin and so carried 5-0-1 (Councilmember Burnette abstained).

B. 8/19/03 Council Meeting

Motion by Councilmember Hassell to approve 8/19/03 Council Meeting Minutes, second by Councilmember Burnette and so carried 6-0.

5. Adoption of Agenda as Presented

Motion by Councilmember Hassell to add New Business item N. Bid Opening, Well Rehabilitation Project and adopt the agenda as presented, second by Mayor Pro Tem Landers and so carried 6-0.

6. Special Presentations

A. Police Department Special Olympics Recognition

The Police Department would like to recognize 3 staff persons and six businesses for their outstanding support for the Special Olympics. The staff persons are Sgt. Casanas, Officer Roberts, and Lisa Pendley. They will receive a Special Olympics polo shirt and backpack. The businesses are Global Computers, Wal-mart, Outback Steakhouse, the Dize family, A.L. Grading, and Beef O'Brady's. They will receive a personalized plaque. Awards were presented by Officer Stewart and Sgt. Robinson.

B. George Pierce Park Baseball Teams

Due to football season underway, no award was presented.

Mayor Masino announced that Lynne DeWilde attended a conference in California where she received the 3CMA Award of Excellence for the City's newsletter.

7. Audience Participation – None.

8. OLD BUSINESS – None.

9. NEW BUSINESS

A. RZ-2003-015: Applicant: Gynn-McGowan Developments, LLC. Owner: Madison Ventures, Ltd. Requests a rezoning from PMUD (Planned Mixed Use Development District) to PMUD for a change of conditions to eliminate a required sidewalk. The site is located in Land Lots 197, 198, 207 and 208 of the 7th District on the northwest side of Buford Highway across from Suwanee Creek Road and contains approximately 59.9 acres.

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

Motion by Mayor Pro Tem Landers to approve RZ-2003-015 with staff recommended conditions, second by Councilmember Brooks and so carried 6-0.

- B. AN-2003-003: Applicant: Suwanee Land Partners, LLC. Owner: Lawrenceville-Suwanee Associates, LLC. Requests annexation and rezoning from R-100 (Unincorporated Gwinnett County) to PMUD (Planned Mixed Use Development District). Property consists of two tracts totaling 4.59 acres located on Burnette Road known as parcels 7-168-004 and 7-168-005.**

The property is proposed to be combined with the adjoining 110 acre tract (Motorola site) and rezoned from R-100 to PMUD. The site is approximately 4.59 acres. The zoning for this tract was postponed by the Planning Commission for one month. ACTION: Postpone the item to the October 21 Council Meeting.

- C. RZ-2003-016: Applicant: Suwanee Land Partners, LLC. Owner: Motorola, Inc. et al. Requests annexation and rezoning from R-100 (Unincorporated Gwinnett County) and M-1(City of Suwanee - Light Industry District) to PMUD (Planned Mixed Use Development District) to allow for a planned mixed use development including 435 multi-family units, 762,500 square feet of office/distribution uses, and approximately 252,000 square feet of commercial/retail uses. Site is located in Land Lots 168 and 169 of the 7th District on the west side of Lawrenceville-Suwanee Road south of the intersection with Satellite Boulevard and contains approximately 111.16 acres.**

Staff Recommendation: Denial. Planning Commission Recommendation: Postpone to the October 7 meeting. ACTION: Postpone the item to the October 21 Council Meeting.

Motion by Councilmember Burnette to postpone AN-2003-003 and RZ-2003-016 to the October 21, 2003 Council Meeting, second by Councilmember Rispin and so carried 6-0.

- D. Consideration of a Rezoning Time Waiver Request: Applicant: Jim Harris. Site: Corner of McGinnis Ferry Road and Scales Road. [P69]**

Jim Harris has requested a waiver of the 6-month waiting period to allow submittal of a rezoning request on a tract that was denied less than 12 months ago. Mr. Harris proposes to submit an application to rezone a tract located at the intersection of Scales Road and McGinnis Ferry Road from M-1 to C-2A to develop a commercial/retail project. The site was denied rezoning less than 12 months ago for a landscape supply and sales business. ACTION: Consider the rezoning time waiver request.

Motion by Councilmember Hassell to grant the Rezoning Time Waiver Request, second by Councilmember Rispin and so carried 6-0.

- E. Consideration of Approval of Change Order #1 for the Suwanee Crossroads Center Project**

Change order #1 for the Suwanee Crossroads Center construction is for an increase of \$6,600.50 and an additional 2 days. The additional cost covers the removal of concrete underneath the existing entrance, installation of an additional yard inlet, installation of additional irrigation, and installation of additional square footage of sod. A copy of the change order is included in your packet. ACTION: Consider approving the change order.

Motion by Councilmember Rispin to approve Change Order #1 for the Suwanee Crossroads Center Project, second by Councilmember Burnette and so carried 6-0.

F. Consideration of Approval of Change Order #4 for the Town Center Park Project

Change order #4 for the Town Center Park construction is for an increase of \$20,885.20 and an additional 2 days. The changes include: utility additions to provide water and sewer to the bathrooms, addition of granite wall columns in the retaining wall, reduction in the roadside sidewalk width, modification in the brick paver selection, and additional granite accent strips in the planter walls. The completion date as of this change order is October 30, 2003.

ACTION: Consider approving the change order.

Motion by Councilmember Hassell to approve Change Order #4 for the Town Center Park, second by Mayor Pro Tem Landers and so carried 6-0.

G. Consideration of a Resolution to Adopt a Drug and Alcohol Free Workplace Policy

Elvira Rogers, Administrative Services Director, has drafted a drug and alcohol free workplace policy for the City. The policy clearly states that the use of illegal drugs and the abuse of alcohol and prescription drugs will not be tolerated. A copy of the policy is included in the packet with a letter that will be distributed to all employees. ACTION: Consider the resolution.

Motion by Councilmember Brooks to approve the Resolution to Adopt a Drug and Alcohol Free Workplace Policy, second by Mayor Pro Tem Landers and so carried 6-0.

H. Consideration of a Resolution to Adopt a Safety Policy

When the City changed its liability insurance provider to GMA, they sent out a representative to walk through our facilities and identify safety concerns. As a result, several recommendations were made to improve the safety of employees and facilities. One recommendation was to form a Safety Committee. City staff that make up this committee include Rodney Beck, Sierra Nobles, Tammy Hiler, Lieutenant Matt Scott, Elvira Rogers and David Maddox. ACTION: Consider the resolution.

Motion by Mayor Pro Tem Landers to approve the Resolution to Adopt a Safety Policy, second by Councilmember Hassell and so carried 6-0.

I. Appointments to the Downtown Development Authority

There is currently one vacant position on the DDA left open by Bill Thee's resignation to serve on the URA. The current membership is recommending Kevin O'Brien for this position. Toby Blackwell's term is expiring (and he has moved out of Gwinnett County) and the membership is recommending James Davenport to fill his position. Both terms will expire in January 2007. ACTION: Consider the appointments.

Motion by Councilmember Burnette to approve the appointment of Kevin O'Brien and James Davenport to the Downtown Development Authority with terms to expire in January 2007, second by Councilmember Rispin and so carried 6-0.

J. Authorization for the Mayor to Enter into Agreement with Ross Consulting Engineers for the Sims Lake Dam Rehabilitation

A professional services agreement is needed for a plan specification and bid package for the rehabilitation work on Sims Lake Dam. Staff is recommending Ross Consulting, who conducted the original dam study during the due diligence on the Hewell Property. The contract price is \$40,300. ACTION: Consider authorizing the Mayor to enter into agreement with Ross Consulting Engineers.

Motion by Councilmember Hassell to approve Authorization for the Mayor to Enter into Agreement with Ross Consulting Engineers for the Sims Lake Dam Rehabilitation, second by Councilmember Brooks and so carried 6-0.

K. Authorization for the Mayor to Enter into Agreement with Gwinnett County for the Town Center Park Interactive Fountain Construction Assistance Grant

In November, the City requested funds from the Gwinnett County/Gwinnett Municipal Association's City Assistance Program to help fund the construction of the interactive fountain at Town Center Park. The City Assistance Fund Committee recommended approval of \$30,000 for this project and the Gwinnett County Board of Commissioners approved this appropriation on August 5, 2003. The County has issued a contract for these funds, which needs Council approval and the Mayor's signature. ACTION: Consider authorizing the Mayor to enter into agreement with Gwinnett County.

Motion by Councilmember Rispin to approve Authorization for the Mayor to Enter into Agreement with Gwinnett County for the Town Center Park Interactive Fountain Construction Assistance Grant second by Councilmember Burnette and so carried 6-0.

L. Authorization for the Mayor to Enter into an Intergovernmental Agreement with Gwinnett County Regarding the Suwanee Library Property Transfer

Gregory Jay, City Attorney, has completed the necessary documentation to memorialize the City's agreement with Gwinnett County concerning the library property transfer. There is an intergovernmental agreement between the City and County that outlines both parties' obligations and responsibilities for construction of the library. There are two quit claim deeds: one in favor of the City and the other in favor of the County, for the specific parcels that are being transferred. There is also an easement from the County for the City to use the library driveway and parking lot. ACTION: Consider authorizing the Mayor to enter into an intergovernmental agreement with Gwinnett County.

Motion by Councilmember Burnette to approve Authorization for the Mayor to Enter into an Intergovernmental Agreement with Gwinnett County Regarding the Suwanee Library Property Transfer second by Councilmember Brooks and so carried 6-0.

M. Consideration of a Resolution Concerning Marketing of Water Rights and the Need for Statewide Water Planning

This item was introduced at the workshop by Councilmember Hassell. Water legislation was introduced and defeated during the 2003 General Assembly. The legislation contained a number of provisions, including one that would allow entities that hold water withdrawal permits, including private interests, to sell their water permits to the highest bidder. ACTION: Consider the resolution.

Motion by Councilmember Hassell to approve the Resolution Concerning Marketing of Water Rights and the Need for Statewide Water Planning, second by Councilmember Landers and so carried 5-0-1.

N. Bid Opening, Well Rehabilitation Project

<i>Contractor</i>	<i>Total Bid</i>
Miller Drilling Company	\$19,920.00
Johnson Concrete Company	\$21,651.00
Virginia Well Company	\$10,188.00
Fortson Well Drilling Environmental Services, Inc.	\$18,442.50
Layne Centera	\$21,126.00

Motion by Councilmember Rispin to Authorize May to enter into agreement with lowest responsive bidder pending staff review and recommendation, second by Councilmember Burnette and so carried 6-0.

10. City Manager's Report

- A. August Financial Reports
- B. Police Monthly Report

11. Land Acquisition Update (possible Executive Session) – No Executive Session.

12. Adjournment - 7:30 P.M.

Motion by Councilmember Hassell to adjourn, second by Councilmember Burnette and so carried 6-0.