

**CITY OF SUWANEE, GEORGIA
CITY COUNCIL MEETING
JANUARY 20, 2004**

Meeting Location: Suwanee City Hall

**6:30 P.M.
PUBLIC HEARING**

Present: 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

Mayor Masino opened the Public Hearing at 6:30 PM. City Manager, Hardin Watkins, read the procedures for public meetings for the record.

- 1. RZ-2004-001 – Applicant: Hisham K. Saad. Owner: Manshukhlal V. Patel. Requests a rezoning from C-2 (General Commercial District) to C-2A (Special Commercial District) to allow for a restaurant with alcohol sales. The site is located in Land Lot 251 of the 7th District on Peachtree Industrial Boulevard near Silver Peak Parkway and contains approximately 1.1 acres.**

Marty Allen presented the staff analysis as follows: The applicant requests rezoning on a 1.1-acre undeveloped site from C-2 (General Commercial District) to C-2A (Special Commercial District-Alcohol Sales) to allow for development of a restaurant with alcohol sales. The applicant proposes to construct a 7,000 square foot building that will include a diner with alcohol sales and potentially other small retail uses. The subject property is located on the west side of Peachtree Industrial Boulevard near Silver Peak Parkway. The applicant is proposing a single access point onto Peachtree Industrial Boulevard.

The site is currently partially wooded and undeveloped. Access is proposed via a single right-in/right-out driveway onto Peachtree Industrial Boulevard. The subject property could support a restaurant with alcohol sales.

The subject property is located along the emerging Peachtree Industrial Boulevard commercial corridor between existing commercial nodes at Suwanee Dam Road and McGinnis Ferry Road. The subject property is surrounded by commercially zoned tracts. The site to the south is developed with a C-2 zoned multi-story office building. Across Peachtree Industrial Boulevard, to the west, is the Stonecypher/Forest Plantation subdivisions zoned R-85. To the north is a C-2 zoned veterinary clinic. To the east is a C-2 zoned undeveloped tract. The Peachtree Industrial Boulevard corridor contains a variety of existing commercial uses including convenience stores, restaurants and grocery stores that sell alcoholic beverages. Given the commercial character of the surrounding area and considering other similar uses in the area, with suitable conditions approval of the subject request would be appropriate.

The subject parcel adjoins an undeveloped C-2 zoned tract to the east that has limited commercial accessibility. The property owner for the subject tract (Mr. Manshukhlal Patel) was party to the adjoining rezoning application in 1999. When that tract was rezoned, the submitted concept plan provided access via an interparcel easement through the subject property. Without this access point, the adjoining tract would be cut-off from Peachtree Industrial Boulevard. If this current rezoning request is approved, conditions should be included to provide access to the abutting property.

It should be noted that the City's Alcohol Beverage Regulations require distance separation requirements from places that sell alcohol and certain other land uses. No other uses currently exist near the subject property that would prohibit such sales.

The City of Suwanee Future Land Use Plan recommends commercial/retail uses for the subject property. The proposed C-2A zoning and planned use of the property as a restaurant with other commercial uses is consistent with this designation.

In conclusion, with appropriate conditions the requested C-2A zoning would be appropriate at this location. The zoning request is consistent with the Future Land Use Plan and the other uses in the area. There are no extraordinary conditions present that should prohibit such a use. However, special conditions should be included to insure access exists for abutting tracts. Therefore, the Planning Department recommends approval with conditions. The Planning Commission voted 3-1 to recommend approval of the request at the monthly meeting.

SUPPORT:

- Mr. Bruce Alderman, 1380 Cambridge Court, Atlanta, GA 30319 represented the applicant. He stated that this rezoning is for a proposed 3,000-4,000 sq. ft. restaurant.

OPPOSITION – None.

The Public Hearing closed at 6:35 PM.

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

1. Call To Order

Meeting called to order by Mayor Masino at 7:00 P.M.

2. Swearing in of Newly Elected Councilmembers

Judge William Coolidge performed the swearing in ceremony for Mayor Nick Masino and Councilmembers Jimmy Burnette and Jeanne Rispin

3. Organizational Matters for 2004

A. Selection of Mayor Pro Tem

Motion by Councilmember Hassell to postpone this item to February 2004, second by Councilmember Burnette and so carried 6-0.

B. Adoption of Rules of Procedure

The Rules of Procedure for adoption will be Robert's Rules of Order, 10th Edition.

Motion by Councilmember Rispin to adopt Robert's Rules of Order, 10th Edition as the official rules of procedure, second by Councilmember Brooks and so carried 6-0.

4. Announcements

- **Town Center Park**

Town Center Park opened on December 24th for the public to enjoy. The City of Suwanee will host a grand opening ceremony for the Park in the summer, after construction of the amphitheater stage is completed. Because construction of the 1,500 square-foot stage will continue through the spring, visitors are encouraged to enter Town Center Park from Lawrenceville-Suwanee Road and park along the new road on the southeast edge of the park.

- **Art Exhibit**

An exhibition of oil paintings by local artist Ingrid Bolton is bringing a bit of Suwanee' s natural beauty indoors. The exhibit at the City of Suwanee Crossroads Center features ten 30-by-36-inch paintings, bold in their use of color and texture, that depict scenes from along the Suwanee Creek Greenway and trails at George Pierce Park. A Suwanee area resident, Ms. Bolton derived her ideas for the paintings from Sunday morning walks along Suwanee' s multipurpose trail. The exhibit is in the Crossroads Center meeting room. The City of Suwanee plans to display works by local artists in the meeting room on a regular basis.

- **Suwanee Day Committee 2004**

Kathy Davis has been appointed the Suwanee Day Committee Chair for 2004. She chaired last year's event and we are looking forward to another successful Suwanee Day this year. Suwanee Day will be held the third Saturday in September.

- **Read Across America**

Read across America will be celebrated on March 2, 2004.

- **Arbor Day**

March 13, 2004 will be celebrated as Arbor Day in the City of Suwanee. Volunteers will plant trees and shrubs rescued from the Town Center Park site.

5. Pledge of Allegiance

Mayor Masino assisted by Scout Troops 827 and 552.

6. Approval of Minutes

A. 11/1/03 Called Meeting

Motion by Councilmember Hassell to approve 11/1/03 Called Meeting Minutes, second by Councilmember Brooks and so carried 6-0.

B. 12/2/03 Called Meeting

Motion by Councilmember Hassell to approve 12/2/03 Called Meeting Minutes, second by Councilmember Brooks and so carried 6-0.

C. 12/4/03 Called Meeting

Motion by Mayor Pro Tem Landers to approve 12/4/03 Called Meeting Minutes, second by Councilmember Burnette and so carried 5-0-1 (Councilmember Hassell).

D. 12/16/03 Council Meeting

Motion by Councilmember Hassell to approve 12/16/03 Called Meeting Minutes, second by Councilmember Brooks and so carried 6-0.

7. Adoption of Agenda as Presented

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

8. Annual Appointments for 2004

- A. City Attorney**
- B. City Solicitor, Lead**
- C. City Solicitor, Assistants**
- D. Municipal Court Judge, Chief**
- E. Municipal Court Judge, Primary Associate**
- F. Municipal Court Judge, Associates**

Individuals currently serving in these roles that have indicated that they wish to continue serving:

- A. City Attorney: Gregory Jay
- B. City Solicitor, Lead: Luther Beck
- C. City Solicitor, Assistants: Zeb Meadows, Jason Thompson, Julie Prokopovich
- D. Municipal Court Judge, Chief: William Coolidge
- E. Municipal Court Judge, Primary Associate: Mark Lewis
- F. Municipal Court Judge, Associates: William Brogdon, Claude Mason

Motion by Councilmember Rispin to approve the 2004 Annual Appointments as presented, second by Councilmember Burnette and so carried 6-0.

9. Special Presentations

- A. PACT Neighborhood Recognition
The Barrington/Rosemoore Subdivision will be recognized as a PACT Neighborhood. Officer George Gordon is their Police liaison.

Motion by Councilmember Rispin to postpone this recognition to February due to officer illness, second by Councilmember Hassell and so carried 6-0.

10. Audience Participation

Former Mayor, Richard Trice, Suwanee Circle, presented information regarding the Suwanee Business Alliance charity golf tournament scheduled for 4/27/04 at Lanier Golf Course/

11. OLD BUSINESS – None.

12. NEW BUSINESS

- A. RZ-2004-001 – Applicant: Hisham K. Saad. Owner: Manshukhlal V. Patel. Requests a rezoning from C-2 (General Commercial District) to C-2A (Special Commercial District) to allow for a restaurant with alcohol sales. The site is located in Land Lot 251 of the 7th District on Peachtree Industrial Boulevard near Silver Peak Parkway and contains approximately 1.1 acres.**

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

Motion by Councilmember Burnette to approve RZ-2004-001 with conditions, second by Councilmember Hassell and so carried 5-1 (Mayor Masino).

B. Consideration of Approval of Change Order #1 for the Suwanee Creek Park Project

Change Order #1 for Suwanee Creek Park increases the contract price by \$14,293.64. Increased fees are due to a modification of the DOT entrance, the addition of a gravel blanket at the entrance to attempt to save a large tree, an adjustment to the hand rail height, the addition of 8" PVC pipe, the addition of storm water utilities, and the addition of trash and debris haul off. There were two deductions, one for silt fence and one for deleting a wooden guard rail.

ACTION: Consider approval of Change Order #1.

Motion by Councilmember Brooks to approve Change Order #1 for the Suwanee Creek park Project, second by Mayor Pro Tem Landers and so carried 6-0.

C. Consideration of Approval of Change Order #2 for the Suwanee Creek Greenway Project

Change Order #2 for Suwanee Creek Greenway increases the contract price by \$26,609.35. Additional costs are due to new stabilized concrete trail at McGinnis Ferry, a new boardwalk ramp at Martin Farm, a new board with anchor posts at Martin Farm, the addition of poor subgrade concrete trail at Swift Water, the widening of boardwalk ramp the entire distance at McGinnis Ferry from 8' to 10', and adding a boardwalk ramp over a drainage swell. Decreases in cost were due to removing boardwalk ramp at McGinnis Ferry, removing and deducting poor subgrade concrete trail at Martin Farm, deducting boardwalk ramp at McGinnis Ferry, and deducting erosion control on the north side. ACTION: Consider approval of Change Order #2.

Motion by Councilmember Hassell to approve Change Order #2 for the Suwanee Creek Greenway Project, second by Councilmember Burnette and so carried 6-0.

D. Consideration of Approval of Second Quarter Budget Adjustments

Second quarter budget adjustments fall into 3 categories: expenditure reclassifications, revenue offsets, and budgeted fund balance. The expenditure reclassifications move money from one function to another for the purchase of PACT signs and mid-year expenditures within the Public Information function. The revenue offsets are used to increase expenditure line items. The proposed changes are to fund an increase in the American Integrated Services contract, supplies for the Police Department, an increase in the Paved Streets function, and an increase to complete funding for the Crossroads Center Renovations. There are two items related to budgeted fund balance. One transfers the remaining Stein Funds out of fund balance into the Suwanee Greenway Fund. The other transfers money out for the match required for the Pedestrian Underpass project. ACTION: Consider approval of the second quarter budget adjustments.

Motion by Councilmember Brooks to approve Second Quarter Budget Adjustments, second by Councilmember Hassell and so carried 6-0.

E. Consideration of the Handbill Ordinance

Gregory Jay stated that pamphletting or handbilling is a form of communication protected by the First Amendment. A government is somewhat limited in its ability to restrict this form of speech while protecting legitimate concerns such as litter and privacy. This ordinance imposes time, place and manner restrictions and generally forbids handbilling on light poles, trees, railings, telephone poles, etc. and upon parked vehicles. It also imposes restrictions on the distribution of handbills on private premises in light of recent case law. Changes have been made per the discussion at the Workshop. ACTION: Consider the ordinance.

Motion by Councilmember Brooks to adopt the Handbill Ordinance, second by Councilmember Burnette and so carried 6-0.

F. Consideration of the Website Link Policy

The website link policy was discussed at the December Workshop. City Attorney Gregory Jay and Public Information Officer Lynne DeWilde have made changes to the previous draft. ACTION: Consider the policy.

Motion by Councilmember Hassell to approve the Website Link Policy, second by Councilmember Brooks and so carried 6-0.

G. Arbor Day Proclamation

March 13th is proposed as Arbor Day in Suwanee. ACTION: Consider adoption of the Proclamation.

Motion by Councilmember Burnette to adopt the Arbor Day Proclamation and recognize March 13, 2004 as Arbor Day in Suwanee, second by Councilmember Rispin and so carried 6-0.

H. Consideration of Acceptance of Real Property Donation

Richard Chandler is donating his 1/32 undivided interest in the 49 acres adjacent to Suwanee Creek. Council accepted Cecil Breedlove's 1/8 interest in this same property at the December Council Meeting. ACTION: Consider acceptance of the real property donation.

Motion by Councilmember Rispin to accept Richard Chandler donation of 1/32 interest of real property adjacent to Suwanee Creek, second by Councilmember Burnette and so carried 6-0.

13. City Manager's Report

A. December Financial Reports

14. Land Acquisition Update (possible Executive Session)

No items for Executive Session.

15. Adjournment – Time: 7:30 PM

Motion by Councilmember Brooks, second by Councilmember Hassell and so carried 6-0.

Approved 02/17/04