

**CITY OF SUWANEE, GEORGIA
CITY COUNCIL MEETING
JUNE 15, 2004**

Meeting Location: Suwanee City Hall

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

Present: Nick Masino, Mayor
Carol Hassell, Mayor Pro Tem
Jace Brooks, Councilmember
Alan Landers, Councilmember
Jeannine Rispin, Councilmember
Hardin Watkins, City Manager
Billie Marshall, Office Administrator
Gregory Jay, City Attorney

Absent: Jimmy Burnette, Councilmember
Elvira Rogers, City Clerk

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

1. Proposed FY 2004-2005 Budget and FY 2006-2010 Capital Improvement Program

This was the second of two public hearings for the Proposed FY 2004-2005 Budget and FY 2006-2010 CIP. Hardin Watkins summarized and reported that this budget has a modest 3.6% increase over last year's budget and provides a decrease in the millage rate by .08 to make the millage rate 5.81 mils. The budget is just over a \$7.5 million dollar budget. This is the second consecutive year that the City has reduced its millage rate providing for a small amount of property tax relief. The significant expenditures this year include new staff positions and three major studies that will deal with how the City will grow and improve its services. The three new staff positions that will start July 1 include an additional Park Patrol Officer, Human Resource Analyst and a part time Public Works administrative position. Other new positions are an additional Public Works Parks maintenance worker and a Police Officer that will be assigned to the Gwinnett Drug Task Force. These two positions will start in early 2005. New studies include a Master Plan for the 61 acre Hewell property, and an economic development analysis to create strategies that will promote the economic prosperity of the I-85 business district. In addition, funds have been allocated for additional road surfacing and repairs, storm drainage issues, and \$123,000 for Town Center Park maintenance and a signage program for our newly developed parks.

The floor was opened for comments. There was none.

2. Public Hearing on the Occupational Tax for FY 2003-2004 in Accordance with Georgia Law 48-13-28

Georgia Law states that any year that revenue generated from occupational taxes is greater than the revenue generated from the preceding year, a public hearing must be held. This hearing was to satisfy that requirement. Hardin Watkins reported that for Fiscal Year ending June 30, 2003, the City collected \$610,000 in business and insurance occupational taxes. For the Fiscal Year ending June 30, 2004 (as of June 15, 2004), the City has collected \$628,214 in business and insurance occupational taxes. In summary, for Fiscal Year 2004, the City received \$18,188 over the amount received in Fiscal Year 2003. Therefore, during the budget process, for Fiscal Year ending 2005, the City took into consideration the additional revenues generated by the Occupational taxes and have applied this to the General Fund and will allocate to all programs in the General Fund Budget.

The floor was opened for comment(s). There was none.

3. RZ-2003-022 - Applicant: Jolly Development. Owner: Peachtree/Suwanee Properties, Ltd et al. requests rezoning from R-100 (Single Family Residential District), M-1 (Light Industry District), C-2 (General Commercial District), and C-3 (Special Commercial District) to PMUD (Planned Mixed-Use Development District) to allow for a planned mixed-use development including 157 single family residential attached units, 118 single family residential detached units and 145,500 square feet of commercial and office uses. The site is located in Land Lot 252 of the 7th District north and east of the Peachtree Industrial Boulevard/Suwanee Dam Road intersection and contains approximately 61.54 acres.

Marty Allen stated that he had given Council a full analysis/report at their May meeting. The applicant is asking for a rezoning located at the intersection of Suwanee Dam and Peachtree Industrial Boulevard, 61 acres, where they seek rezoning from R-100, C-2, C-3, M-1 to PMUD for a larger master plan mixed-use project. The project would contain a mixture of single-family detached, single-family attached, commercial retail and office uses. The project has been reviewed by the Atlanta Regional Commission and the Georgia Regional Transportation Authority and they have recommended approval. The Planning Commission recommended denial of this request as proposed at their June meeting. Staff recommends denial of the request as proposed.

Support:

Renee M. L'Eplattenier, Attorney at Law, Smith, Gambrell & Russell, LLP, Promenade II, Suite 3100, 1230 Peachtree Street, NE, Atlanta, Georgia 30309-3592. Ms. L'Eplattenier represents the applicant. This was formerly presented by Attorney Kathy Zickert who asked for a 30-day deferral, which was granted. The purpose for this deferral was to allow time to incorporate comments from Planning staff and the Planning Commission. These comments have since been taken into account and the result is a new site plan that has been changed and is substantially different from the one previously submitted.

Therefore, Ms. L'Eplattenier asked Council for another 30-day deferral to allow time to take the revised site plan, submit it to the Planning staff, get new input and hopefully a new recommendation. She further asked to go before the Planning Commission to get their input.

Mayor Masino said that the previous deferral was due to the fact that the Atlanta Regional Commission recommendations had not been received.

Councilmember Rispin asked Ms. L'Eplattenier if she planned to take the revised site plan back to the homeowners. Ms. L'Eplattenier said that Warren Jolly would be making a presentation to the homeowners.

Opposition:

None

- 4. RZ-2004-003 - Applicant: Southeastern Freight Lines. Owner: KT & C, Ltd. Requests rezoning from C-3 (Special Commercial District) to M-1 (Light Industry District) to expand an existing truck terminal. The site is located in Land Lot 209 of the 7th District on the west side of Buford Highway just south of the intersection with McGinnis Ferry Road and contains approximately 1.12 acres.**

- 5. SUP-2004-001 - Applicant/Owner: Southeastern Freight Lines. Requests a special use permit in the M-1 (Light Industry District) District to allow for the expansion of an existing truck terminal. The site is located in Land Lot 209 of the 7th District at 3655 Windsor Park Drive NW and contains approximately 13.87 acres.**

- 6. RZ-2004-004 - Applicant: Southeastern Freight Lines. Owner: KT & C, Ltd. Requests rezoning from M-1 (Light Industry District) to C-2A (Special Commercial District) to allow for a convenience center. The site is located in Land Lot 209 of the 7th District at the southwest corner of the intersection of Buford Highway and McGinnis Ferry Road and contains approximately 1.61 acres.**

Marty Allen presented the staff analysis as follows: The applicant requests two rezonings and a special use permit to allow for the expansion of an existing truck terminal (Southeastern Freight Lines) covering an approximately 13.87 acre area and to allow for the development of a 10,000 square foot convenience store. To accomplish this, the applicant requests rezoning of a 1.12 acre parcel from C-3 (Special Commercial District) to M-1 (Light Industry District) with a special use permit over 13.87 acres to allow for the expansion of a currently legal non-conforming truck terminal. The applicant also requests rezoning from M-1 to C-2A (Special Commercial District) on another portion of the property for a convenience store with alcohol sales. The convenience store would be located directly on the southwest corner of Buford Highway and McGinnis Ferry Road. The truck terminal would occupy the land west of the convenience store on McGinnis Ferry Road and south of the convenience store on Buford Highway.

The subject property totals nearly 50 acres and currently contains an existing Southeastern Freight Lines truck terminal. The proposed truck terminal would add a total of 44 truck doors and additional parking, storage, and maneuvering space for the trucks. This would include adding 16,200 square feet to an existing metal building (truck dock). The applicant proposes to add a new right-in/right-out access point onto McGinnis Ferry Road that would include an access gate. The proposed parking/storage/ maneuvering area covers 13.87 acres of the site.

The applicant also seeks to develop a 10,000 square foot convenience store. The conceptual plan indicates one access drive onto McGinnis Ferry Road and one driveway onto Buford Highway. The requested C-2A district would allow for a convenience store, gasoline sales, and alcohol sales.

The entire tract covers nearly 50 acres. The subject expansion area consists of an approximately 13.87 acre truck terminal area and a 1.61 acre convenience store site at the southwest intersection of Buford Highway and McGinnis Ferry Road. The site slopes steadily and significantly from the western most portion of the site along McGinnis Ferry Road to the southern most corner of the property along Buford Highway.

The subject property is located at the intersection of the lightly developed McGinnis Ferry Corridor and the industrially developed Buford Highway corridor. The Buford Highway corridor south of McGinnis Ferry Road includes some of the City's more intensive light industry projects zoned M-1. A number of light industrial parks are located on both sides of Buford Highway south of Burnette Road.

All of the proposed subject property is shown as light industrial on the City's Future Land Use Map. However, it should be noted that McGinnis Ferry is being planned to extend over I-85. Major intersections of roads that eventually cross I-85 have been identified as an appropriate location for commercial uses in previous rezoning decisions.

It should also be noted that the Future Land Use Plan recommends office/professional uses for the property on the opposite side of McGinnis Ferry Road. While the more intensive industrial uses (such as a truck terminal) are appropriate along the Buford Highway, the Future Land Use Plan clearly indicates that the McGinnis Ferry corridor is intended to serve as a transitional line. This means that uses along McGinnis Ferry Road should be more consistent with the office/warehouse type of uses seen along Satellite Boulevard. Expansion of a the truck terminal requiring extensive grading making it visible along McGinnis Ferry Road would be inconsistent with the goals of the plan to protect the integrity of the corridor for such uses.

Mr. Allen stated that within the last 30 days, it was brought to staff's attention that there was a previous condemnation and court case that was on the subject property that impacted the staff's previous recommendation. Approximately in the mid-1990's, the subject property was impacted by the taking of McGinnis Ferry Road right-of-way. A subsequent court order gave the property owner the ability to expand their site by more than 44 bays as proposed today. In light of that court order, staff has revised their previous denial recommendation to approval with conditions recommendation. However, staff has also proposed to revise the recommended conditions in an effort to reduce the

potential visual impact from McGinnis Ferry Road, Buford Highway, as well as from Suwanee Station project which is across Norfolk Southern railway.

RZ-2004-003 RECOMMENDATION:

In light of the fact the Future Land Use Plan and the surrounding uses along Buford Highway support light industrial uses, approval of the rezoning to a light industrial use would be appropriate. Therefore, the Planning Department recommends **APPROVAL** of RZ-2004-003.

RZ-2004-004 RECOMMENDATION:

The City of Suwanee Future Land Use Plan recommends industrial uses for the subject property. However, commercial zoning districts are generally appropriate at the intersections of major roads such as McGinnis Ferry Road and Buford Highway. Buford Highway is a state highway and McGinnis Ferry Road is planned to extend across I-85. Additionally, the area contains similarly zoned property. As such, the intersection of the two roads is a major intersection, which would be an appropriate location for commercial uses. Therefore, the Planning Department recommends **APPROVAL WITH CONDITIONS** of RZ-2004-004

SUP-2004-001 RECOMMENDATION:

Buford Highway, south of McGinnis Ferry Road, contains existing industrially developed property. The subject property is located within the McGinnis Ferry Road corridor that serves a transitional line between two areas. The subject property currently contains a very large slope and wooded area along the McGinnis Ferry Road that effectively buffers the subject property protecting the character and integrity of the area. Removal of this sloped area, and introduction of more truck traffic to the road system, would permanently alter the character of the area negatively impacting current and future development along McGinnis Ferry Road and Buford Highway north of the intersection. All of these factors would negatively impact the usability of nearby residentially zoned parcels. The applicant's proposal to provide a 50-foot wide buffer along McGinnis Ferry Road would be insufficient to overcome this impact. The metal buildings, large truck parking area and trucks storage would be visible from and permanently alter the character of the McGinnis Ferry Road corridor. Therefore, the Planning Department recommends **APPROVAL WITH REVISED CONDITIONS** of SUP-2004-001.

Mayor Masino invited Gregory Jay to review the issues before Council regarding this case. Mr. Jay said that it is important to point out that when examining the context of this case, the decision before Council is not necessarily yes or no to a truck terminal. The applicant started to assemble parcels in the late 1980's for a truck terminal. Based on the law that was in effect at that time, there is a principal that if one acquires property and relies on the zoning making a substantial investment (this is the case before Council), the owner becomes vested or entitled to that expansion. This is an intricate legal principal, but this case is unique with the general vesting principals. There is also a consent order that essentially recognizes Southeastern Freight's right to expand on the property which was zoned M-1 when acquired and has continued to be zoned M-1. The City can enforce existing development regulations to lessen negative impacts.

Mayor Masino said that having been given this information, a meeting ensued between planners and conditions were drawn up.

Support:

Andrea Jones, Attorney, Dillard and Gallaway, 3500 Lenox Road, Suite 760, Atlanta, Georgia 30326. Ms. Jones stated that she had represented Southeastern Freight Lines in the 1996 case which Gregory Jay had referred. A number of agreements were reached in order to comply with the law as related to the taking of Southeastern's property to widen McGinnis Ferry Road. Ms. Jones brought documentation to Council (attached) for record and reference outlining consent judgments and orders.

She presented a plan with four conditions that are identical to planning staff conditions. She stated that Southeastern Freight wants to be a "good neighbor" and feel that the conditions provide for sheltering concerns, keeping trees and adding trees. The consent order allows expansion to 68 bays. Southeastern is asking to expand by 44 bays.

Opposition:

Yvonne McGowan, 1091 Scales Road, Suwanee, Georgia 30024. Ms. McGowan stated that she has lived in Suwanee Station for one year. Her property faces the buffer that's directly behind Southeastern Freight terminal. From her house, she can hear trucks, intercoms, paging systems, phones, etc., which existed when she moved in and is acceptable. She is concerned that the increase in operation would negatively affect value of property and quality of life. She asked Council to take these things into consideration when making their decision.

Susan Eller, 1077 Scales Road, Suwanee, Georgia 30024. Her property looks directly out on the terminal. She asked to hear the conditions and asked for the current number of bays in order to get a feel for how 44 more bays will impact her property. She reiterated that she hears the same noises as mentioned previously. One of the entrances into the subdivision goes to the other end of Peachtree Industrial and she feels that this expansion would have a negative effect on future home sales. She was also concerned about the wildlife (hawks, rabbits, etc).

Ms. Jones, spokesperson for the applicant stated that currently there are 121 bays.

Mayor Masino said that the conditions will be read into the record during the Council meeting.

- 7. RZ-2004-005 - Applicant: J. Thad Joiner. Owner: Scallions, Inc. Requests rezoning from C-1 (Neighborhood Commercial District) to C-2A (Special Commercial District) to allow for a restaurant/banquet facility with alcohol sales. The site is located in Land Lot 236 of the 7th District at 597 Main Street and totals approximately 0.3 acres.**

Marty Allen presented the staff analysis as follows: The applicant requests rezoning on an approximately 0.35-acre parcel from C-1 (Neighborhood Commercial District) to C-2A (Special Commercial District-Alcohol Sales) to allow for a restaurant and banquet facility with alcohol sales. The site is currently occupied by a 2 story, 8,000 square foot building at the corner of Scales Road and Main Street (Pierce's Corner).

The subject property is zoned C-1. It has been zoned C-1 since at least 1986 – the earliest zoning map available for the site. Because this is a redevelopment of an existing building in the Old Town Area there are a number of issues that would need to be resolved related to the site plan. It is important to note that the purpose of the Planning Commission’s review and City Council’s decision is to determine if the proposed use is consistent with the City’s Plans, existing uses, and future the Future Land Use Plan. Issues related to the development plan - although important for contextual information, would generally be addressed during the normal development review process.

The subject property totals 0.35 acres and is proposed to include redevelopment of an approximately 8,000 square foot building with a restaurant and banquet facilities. The applicant is interested in selling alcohol, which requires the C-2A zoning category. The site contains limited opportunities for parking. The applicant is proposing 20 on-site parking spaces with access via Jackson Street and Scales Road. The subject property could support a restaurant with alcohol sales. However, the applicant needs to make suitable arrangements for enough offsite parking.

The subject property is located in the heart of Suwanee’s historic downtown. The subject property is surrounded by residential and commercial uses. To the north of the subject property, across Jackson Street and up Scales Road, are several single-family residential parcels (R-100). To the east of the subject property is a parcel containing a single-family residence zoned for commercial uses (C-1). The owner is currently marketing the property to commercial users. West of the subject property, across Scales Road and along Main Street, is Suwanee’s historic commercial district. Current uses in the area include professional offices, an antique store, and a park

The City’s Alcohol Beverage Regulations require establishments selling alcohol to be located at least 300 feet from churches and 600 feet from schools. There are no schools in the area. There are two churches in proximity to the subject parcel, but the building appears to be more than 300 feet from the churches.

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 Old Town Master Plan. The Old Town Design Guidelines provide the standards needed to develop the site in a manner consistent with older downtown areas. There are no extraordinary conditions present that should prohibit such a use. Therefore, the Planning Department recommends **APPROVAL WITH CONDITIONS**.

Support: Thad Joiner, applicant, 995 Campbell Gate Road, Lawrenceville, Georgia 30045. Scallions wants to open a restaurant called “Bogeys” at Pierces Corner. It would be an upscale, casual restaurant with a southern-inspired menu. It would have 100-150 seats in the main dining room downstairs and 150-seat banquet room upstairs and two other small banquet rooms that would seat 10-25 upstairs. There will be a small 25-seat bar that

basically would serve as part of the restaurant, not as a bar. The applicant wants to restore the facility keying on its historic value. Pierce's Corner has been host to a lot of interesting things. It opened originally as a silent movie theatre. It has also been a cotton storage facility. The goal is to be the number one destination restaurant and banquet facility in Gwinnett County.

Opposition:

None

8. Application for License to Sell Beer, Wine, and Distilled Spirits to be Consumed on Premises: Antigua Tex Mex Restaurant, 415 Peachtree Industrial Boulevard, Suite 100. Applicant: Richard Orban, Jr.

Hardin Watkins reported Antigua's previous licensee, Louis Cotu, passed away earlier this year. They are requesting that Richard Orban, Jr. be approved as the new alcohol licensee. Staff has completed the background check and is recommending that Mr. Orban be approved as the licensee.

Comments: Scott Kothenbeutel, 440 Buford Highway, Suwanee, Georgia 30024. Mr. Kothenbeutel inquired as to how many restaurants in Suwanee currently serve alcohol.

Mayor Masino pointed out that this restaurant currently serves alcohol. They are in accordance with the current law. The restaurant was jointly owned, but only one owner had the permit under his name.

The Public Hearing closed at 7:13 P.M.

7:00 P.M.
CITY COUNCIL MEETING

1. Call To Order

The meeting was called to order by Mayor Nick Masino at 7:25 P.M.

2. Announcements

Farmers Market

The Farmers Market will debut in Suwanee this Saturday, June 19 in the City Hall parking lot. Vegetables, plants, flowers, herbs and home-baked good will be available. The Market opens at 8:00 a.m. and runs until noon. It will also be held in Suwanee the following Saturday, June 26.

Music Main Street

On the evening of June 19, Fish Tank will take the stage at the Burnette-Rogers Pavilion as part of the Suwanee Business Alliance's Music Main Street concert series. Suwanee-based Fish Tank, which plays pop rock hits from the '70s through today including music by the Beatles, Billy Joel, Hootie & the Blowfish, Dave Matthews, and the Rolling Stones,

will perform from 7:00 until 10:00pm. The concert is free and open to the public. Music Main Street performances are sponsored by Primrose Schools of Suwanee and several other SBA member businesses.

Family Day at Town Center Park

Suwanee's Better Hometown Marketing Committee is hosting a Family Day at Town Center Park on Saturday, July 17 from 10am to 2pm. The day will start with a Wee Parade of bikes, wagons, big wheels and strollers. No pre-registration is necessary. Various activities like karate and bike demonstrations, rollerblade instruction, and more will be available for entertainment. Bring a snack or picnic lunch and enjoy a fun day at the Park.

PlayTown Suwanee

PlayTown Suwanee is now open. Construction is still ongoing on the parking lot and the bathroom facility. Parking is available at Evergreen Presbyterian Church. The playground will be closed intermittently to finish up the driveway and parking lot. Signs will be posted at the site on these days. Kristi McCarley, PlayTown Suwanee Project Director, then showed Council a Power Point presentation from Ridgid Tools (major sponsor) recounting the construction of the playground.

Councilmember Rispin

Councilmember Jeannine Rispin has been chosen to attend the 2004 session of the Regional Leadership Institute.

3. Pledge of Allegiance

Suwanee Police Officer Tory Bell joined Mayor Masino in leading the Pledge of Allegiance.

4. Approval of Minutes

A. 5/12/04 Called Meeting

Motion to approve 5/12/04 Called Council Meeting Minutes by Mayor Pro Tem Hassell second by Councilmember Landers and so carried 4-0-1 (Masino abstained).

B. 5/18/04 Council Meeting

Motion to approve 5/18/04 Council Meeting Minutes by Mayor Pro Tem Hassell second by Councilmember Brooks and so carried 4-0-1(Rispin abstained).

5. Adoption of Agenda as Presented

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

6. Special Presentations

A. Old Suwanee PACT Neighborhood Recognition

Captain Janet Moon and Office Tory Bell recognized the Old Suwanee neighborhood as a PACT Neighborhood. Accepting the PACT plaque were Margery Childs, Beverly Williamson, Dianne Didio, Jen Robinson, Mickey Williamson, Sean Smith and Rose Gibbs.

7. Audience Participation

None

8. OLD BUSINESS

- A. **RZ-2003-022 - Applicant: Jolly Development. Owner: Peachtree/Suwanee Properties, Ltd et al. requests rezoning from R-100 (Single Family Residential District), M-1 (Light Industry District), C-2 (General Commercial District), and C-3 (Special Commercial District) to PMUD (Planned Mixed-Use Development District) to allow for a planned mixed-use development including 157 single family residential attached units, 118 single family residential detached units and 145,500 square feet of commercial and office uses. The site is located in Land Lot 252 of the 7th District north and east of the Peachtree Industrial Boulevard/Suwanee Dam Road intersection and contains approximately 61.54 acres.**

Motion to postpone RZ-2003-022 to the July Council Meeting by Mayor Pro Tem Hassell second by Councilmember Brooks and so carried 5-0.

9. NEW BUSINESS

- A. **RZ-2004-003 - Applicant: Southeastern Freight Lines. Owner: KT & C, Ltd. Requests rezoning from C-3 (Special Commercial District) to M-1 (Light Industry District) to expand an existing truck terminal. The site is located in Land Lot 209 of the 7th District on the west side of Buford Highway just south of the intersection with McGinnis Ferry Road and contains approximately 1.12 acres.**

Motion to approve RZ-2004-003 by Councilmember Landers second by Councilmember Brooks and so carried 5-0.

- B. **SUP-2004-001 - Applicant/Owner: Southeastern Freight Lines. Requests a special use permit in the M-1 (Light Industry District) District to allow for the expansion of an existing truck terminal. The site is located in Land Lot 209 of the 7th District at 3655 Windsor Park Drive NW and contains approximately 13.87 acres.**

Motion to approve SUP-2004-001 with revised conditions by Mayor Pro Tem Hassell. Mayor Pro Tem Hassell then read the revised conditions for the record:

- 1) Develop the site in accordance with the site plan submitted dated 6/15/04 prepared by Arcadis which is attached and herein incorporated by reference. Provide an earthen berm a minimum of 6-feet in height along McGinnis Ferry Road.**
- 2) Said berm shall be landscaped with two rows of trees at the top of the berm. The first row shall consist of 3" caliper large canopied shade trees planted on 40-foot centers. The second row shall consist of Eastern Red Cedars planted on 30-foot centers. Additional plantings may be provided on slopes and berms to meet the City's Landscape Ordinance requirements as necessary.**

- 3) **Along Buford Highway, provide a minimum 50-foot wide landscape strip containing a minimum of two rows of trees. The first row shall consist of 3" caliper large canopied shade trees planted on 40-foot centers. The second row shall consist of Eastern Red Cedars planted on 30-foot centers. Additional plantings may be provided on slopes and berms to meet the City's Landscape Ordinance requirements as necessary.**
- 4) **Except as shown on the previously referenced site plan, maintain a minimum 50-foot wide undisturbed buffer along the entire length of the property on the west side on the existing and proposed dock area adjacent to the Norfolk Southern Rail Line.**

Second by Councilmember Brooks and so carried 5-0.

- C. RZ-2004-004 - Applicant: Southeastern Freight Lines. Owner: KT & C, Ltd. Requests rezoning from M-1 (Light Industry District) to C-2A (Special Commercial District) to allow for a convenience center. The site is located in Land Lot 209 of the 7th District at the southwest corner of the intersection of Buford Highway and McGinnis Ferry Road and contains approximately 1.61 acres.**

Motion to approve RZ-2004-004 with conditions by Councilmember Brooks second by Mayor Pro Tem Hassell and so carried 5-0.

- D. RZ-2004-005 - Applicant: J. Thad Joiner. Owner: Scallions, Inc. Requests rezoning from C-1 (Neighborhood Commercial District) to C-2A (Special Commercial District) to allow for a restaurant/banquet facility with alcohol sales. The site is located in Land Lot 236 of the 7th District at 597 Main Street and totals approximately 0.3 acres.**

Motion to approve RZ-2004-005 with conditions by Councilmember Brooks second by Councilmember Rispin and so carried 5-0-1 (recusal by Councilmember Burnette was provided in written form prior to the meeting).

- E. Consideration of Resolution to Adopt the Budget for the City of Suwanee for Fiscal Year 2004-2005**

Motion to approve a Resolution to Adopt the Budget for FY 2004-2005 by Mayor Pro Tem Hassell second by Councilmember Brooks and so carried 5-0.

- F. Consideration of Resolution to Authorize Staff Positions and Pay & Classification System Assignments for FY 2004-2005 as Outlined in the FY 2004-2005 Budget Document**

These positions have been discussed in budget workshops and are outlined in the budget document. The list includes the addition of a park patrol officer, a human resources analyst, and a part-time administrative position in Public Works. It also includes two positions to start in early 2005: an equipment operator and a police officer for the Gwinnett County Drug Task Force.

Motion to approve a Resolution to Authorize Staff Positions and Pay & Classification System Assignments for FY 2004-2004 as Outlined in the FY 2004-2005 Budget by Councilmember Rispin second by Mayor Pro Tem Hassell and so carried 5-0.

G. Consideration of a Resolution to Set the Water Rates for FY 2004-2005 as Outlined in the FY 2004-2005 Budget Document

An increase in the base rate has been discussed in the various budget workshops. The base rate for 0 to 3000 gallons will increase from \$7.80 to \$8.19 a month. The Capital Improvement Fee will remain at \$2.60 per customer per month. Staff recommends approval.

Motion to approve a Resolution to Set the Water Rates for FY 2004-2005 by Mayor Pro Tem Hassell second by Councilmember Landers and so carried 5-0.

H. Consideration of Adoption of Capital Improvement Plan for Fiscal Years 2006-2010

Council has received a copy of the CIP for FY 06-10. Staff recommends approval.

Motion to adopt the Capital Improvement Plan for Fiscal Years 2006-2010 by Councilmember Rispin second by Mayor Pro Tem Hassell and so carried 5-0.

Hardin Watkins issued a special thank you to Amie Sakmar, Financial Services Director and Kristi McCarley, Special Projects Manager for their work in putting together the FY 04-05 budget documents.

I. Consideration of the Revised Purchasing Policy

The Finance Department has drafted a new purchasing policy regarding the procurement of supplies, materials, equipment, and contractual services.

Motion to approve the Revised Purchasing Policy by Councilmember Landers second by Councilmember Brooks and so carried 5-0.

J. Authorization for the Mayor to Enter into Agreement with Ross Associates and Tischler Associates for a Fiscal Analysis and Annexation Study

Staff recommends that the City enter into agreement with Ross Associates/Tischler Associates to perform a fiscal analysis and annexation study.

Motion to authorize the Mayor to enter into Agreement with Ross Associates and Tischler Associates for a Fiscal Analysis and Annexation Study by Mayor Pro Tem Hassell second by Councilmember Brooks and so carried 5-0.

K. Consideration of Approval of the 2004 Comprehensive Plan Update

The Comprehensive Plan Update has been returned and approved by the Atlanta Regional Commission.

Motion to approve the 2004 Comprehensive Plan Update by Councilmember Brooks second by Councilmember Rispin and so carried 5-0.

L. Consideration of 4th Quarter Budget Adjustments

These adjustments are end of the year adjustments to clean up the line items. The final copy was distributed prior to the Council Meeting. Hardin Watkins read these adjustments into the record:

In the General Fund, the proposal includes expenditure line item reclassifications that cross departmental function areas. However, we are not increasing the total budgeted expenditures. Revenue projections have been adjusted to actual collections and the budgeted fund balance has been reduced from \$210,310.00 to \$90,421.00, a reduction of approximately \$120,000. In the Suwanee Day Fund, we are proposing an increase in supplies for sponsors. This increase has been offset by an increase to projected revenues. In the Confiscated Asset Fund, due to the nature of this fund, no operating budget is established until year-end. We are proposing a balanced operating budget of \$5,850 for Police Equipment Expenditures purchased from this fund. Hotel-Motel Tax Fund shows a reduction of projected revenues and expenditures based on the actual revenue collections to-date. We have increased projected expenditures in the Water Fund to include depreciation expense on the water system. This increase was offset by increase in revenue projections for charges for service. Finally, in the Municipal Court Fund, Court revenues and expenditures were adjusted to actual collections and expenditures. The net receipts for this agency fund were transferred to the General Fund.

Motion to approve the 4th Quarter Budget Adjustments as detailed in the handouts provided by Councilmember Rispin second by Mayor Pro Tem Hassell and so carried 5-0.

M. Consideration of an Amendment to the Erosion and Sedimentation Control Ordinance

The State amended their Erosion Control Ordinance towards the end of last year. They gave local governments a deadline of July 1 to amend their ordinances to align with the State Ordinance.

Motion to approve the Amendment to the Erosion and Sedimentation Control Ordinance by Mayor Pro Tem Hassell second by Councilmember Rispin and so carried 5-0.

N. Consideration of Adoption of the County-Wide Solid Waste Management Plan

Gwinnett Clean and Beautiful is the lead agency for the county-wide Solid Waste Management Program. Every five years, an update to the Short Term Work Program has to be conducted and submitted to DCA for approval. Gwinnett Clean and Beautiful and the participating governments (we have been represented by Public Works Director Rich Edinger) have updated the Short Term Work Program. This item was discussed at the May Workshop.

Motion to adopt the County-Wide Solid Waste Management Plan by Councilmember Brooks second by Councilmember Landers and so carried 5-0.

O. Consideration of the Wine Tasting Ordinance

This item was discussed at the April and May Workshops. City Attorney Gregory Jay has made revisions to the last draft ordinance. Gregory Jay said that this ordinance would provide, on a very limited basis, present entities that are licensed to sell alcoholic beverages and retail wine to have wine tastings under various restrictions. It is important to note this is separate from restaurants, which may have consumption on the premises and for retail businesses that sell alcohol. This is not intended to turn a package store or a wine store into a restaurant. This is a limited event for educational instructional purposes. It would be segregated in the case of a package store and literally not be held in the building. It would be on an adjacent and separate site.

Motion to adopt the Wine Tasting Ordinance by Mayor Pro Tem Hassell second by Councilmember Rispin and so carried 5-0.

P. Consideration of the Issuance of an Alcohol License: Antigua Tex Mex Restaurant. Applicant: Richard Urban, Jr.

Antigua's previous licensee, Louis Cotu, passed away earlier this year. They are requesting that Richard Urban, Jr. be approved as the new alcohol licensee. The GBI fingerprint search reported a 1997 conviction for shoplifting. City Attorney Gregory Jay reviewed the information and found the City does not have grounds to deny the license application based on that alone.

Motion to approve the Issuance of an Alcohol License: Antigua Tex Mex Restaurant. Applicant: Richard Urban, Jr. by Councilmember Rispin second by Mayor Pro Tem Hassell and so carried 5-0.

10. City Manager's Report

- A. May Financial Reports
- B. Other Updates

11. Land Acquisition Update (Possible Executive Session)

No executive session.

12. Adjournment – Time: 8:05pm

Motion to Adjourn by Councilmember Rispin second by Councilmember Brooks and so carried 5-0.

Approved 07/20/04