

**CITY OF SUGAR HILL
COUNCIL MEETING MINUTES
MONDAY, DECEMBER 13, 2004
7:30 PM CITY HALL ANNEX
4988 WEST BROAD STREET, SUGAR HILL**

Call to Order – Mayor Pirkle called the meeting to order at 7:30 p.m. Present were Mayor Gary Pirkle, Mayor Pro Tem Ron Johnson, Council Members Marc Cohen, Steve Edwards, Clint Thompson and Nick Thompson. Also present were City Manager Bob Hail, City Clerk Jane Whittington and City Attorney Lee Thompson.

Pledge of Allegiance to the Flag

Invocation – Pastor Arthur Sutherland gave the invocation. He was the pastor of Ernest Ward recently deceased City of Sugar Hill employee. He reflected on when he met Mr. Ward and the experiences he had with him.

Approval of Agenda – The Agenda was amended to add tabling items AX-04-025, AX-04-026, AX-04-027, RZ-04-007 and after Public Hearing for Budget add adoption of Budget. The ones tabled are items 4-7 on the agenda. Council Member Johnson motioned to approve the agenda as amended. Council Member N. Thompson seconded for discussion. He wanted to add H&I provision but there was not unanimous consent so he withdrew his second. Council Member Cohen seconded the motion. Approved 5-0.

Approval of Minutes - Minutes of the Council Meeting of November 8, 2004. Council Member Edwards motioned to approve the Minutes as written. Council Member Johnson seconded. Approved 5-0

City Attorney's Report – The City Attorney Lee Thompson had no report for regular session but he had an update on pending litigation for Executive Session.

Council Reports

Council Member Clint Thompson had no report but a comment on the passing of another community member his daughter's preschool teacher Jennifer Corbin, who has been on the news lately. This is a great opportunity for the community to come together and support her two boys. Sugar Hill Methodist Church is taking donations. The Mayor requested that the information be available at the City for the public to be aware of.

Council Member Marc Cohen reported that a lot has been going on lately especially in Planning & Zoning. There have been a number of meetings regarding the design of the downtown area as well as the Land Use Plan where the public could get involved. There was a meeting this past Saturday where 40+ members of the community came out and there was a lot of brainstorming. They drew on maps what they would like for their downtown to be. This was very important because the community took an active interest. The Planning Department has been very busy this past month they issued 41 building permits and performed 170 construction and erosion inspections. He gave thanks to the

incredible residents of Sugar Hill who came together for a cause he and the City Clerk were involved in the Mayor's Motorcade. They received a check and a large bag of goods from Council Member Johnson's business Colonial Pontiac GMC. All items were delivered to the Georgia Regional Hospital in Atlanta. The patients at this mental health hospital would otherwise be forgotten. He introduced Major Davis of the Gwinnett County Police Department in attendance tonight. He also wants to address another facet of Public Safety the fire department. Last week Council Members Clint Thompson and Ron Johnson attended the groundbreaking of the new fire station #26 in Sugar Hill across from the golf course. This fire station would not be possible without the diligent efforts of Council Member Ron Johnson. He wished everyone a healthy happy holiday season and New Year.

Council Member Nick Thompson reiterated what Council Member Cohen said regarding the brainstorming session last Saturday. It was interesting to see what common ideas were shared. The attendees ranged in age all the way to a 15 year old giving his thoughts on the downtown area. The plan for the Downtown District Overlay will be rolled out in January or February and posted on the website where everyone can see it and copies will be available in City Hall. The next meeting of the DDA and Downtown Business Alliance will be the fourth Thursday in January or January 27th, 6:30 p.m. at the Sugar Hill Golf Course Banquet facility. This is a great networking opportunity for business owners. It has been one year since 4 of the Council Members have been on Council. They have worked through a lot of issues and he wants to be more vocal this upcoming year.

Council Member Ron Johnson echoed the positive comments regarding the Downtown brainstorming activity this past Saturday. He is happy that the citizens are getting involved in this. Last week representatives from Cambridge College came to visit our city. Dr. Anthony Demateo and Dr. Charlotte Evans evaluated our city for purposes of their college. A commitment has been made by the college to locate in the City of Sugar Hill. They have a graduate program for teachers. The classes are specifically designed for working adults and the average student age is 39 and they are mostly educators. He thanked Council Members Cohen and Edwards, DDA Members Robert Kauffman, Alan Jorgenson, Dawn Gober, and Tom Baughman, City Manager Bob Hail and staff, City Clerk, Sugar Hill Elementary Principal Sandra Levine and staff and Buice School Principal and Vice Principal Joy Young and Kim Holland and their staff, Gwinnett County Coordinator for Special Ed Classes Dr. Sherri Thurman, First Baptist Church Pastor Richard Lee and staff, Dr. Bridgett Jorgenson, Fred Skiba, Joe Clarino, Rose Ann Teda, and Judy Johnson for showing them Sugar Hill and making a positive image for them. Thanks to this group the college made a commitment. There has already been one informational meeting at the Sugar Hill Elementary this past Friday. He wished everyone a Merry Christmas, Happy Hanukkah and Happy Holidays.

Council Member Steve Edwards summarized the accomplishments for 2004 that they have seen as a Council. As a whole in 2004 he feels they have done a pretty good job as a team. He listed eight things that are near and dear to his heart that they did as a team. They are: July 3rd Fireworks, Downtown Development Master Plan, the Post Office installation, a Land Use Plan, Holiday Celebration, Fire Station #26, and the Business Alliance. He thinks that they can all be proud of these things.

Mayor's Report Mayor Gary Pirkle echoed what they said about the Saturday meeting. It was a very good turnout and he appreciates people giving up part of their Saturday to come and have their input in the City's future. Thanks to the Planning staff for their work. Recently the Recreation staff

helped them participate in a Holiday Christmas program. There were several churches and the school was represented. The City opened up the Community Center to have pictures with Santa, cookies and hot chocolate. It was a great success and helped build the community spirit that we have growing here. He thanked the citizens who came out in droves to donate to the Mayor's Motorcade and the North Gwinnett Co-op. He was in City Hall this morning when the Clerk showed him all the things collected for the Co-op. He thanked the community for going beyond to help spread holiday cheer for those less fortunate than themselves.

City Clerk's Report – City Clerk Jane Whittington reported that the Clerk's office issued 14 Businesses Licenses in the month of November. Out of the 14 licenses 5 were home based and one was a change of ownership. The revenue for November was \$1,250 and for the year to date \$230,209. The renewal process for business licenses is underway and the response has been very good. The businesses understand what we need on the forms much better this year. We sent out 11 Alcohol/Beer/Wine renewals and have received 2 back so far. They are due December 31st and Business Licenses are due January 31st. We received \$564,880 from Gwinnett County in the month of November for current property tax and \$1,790 for prior year's taxes. Year to date totals are for current property tax \$1,356,655 and prior years \$63,895. She also thanked the community, staff and Mayor and Council for the donations to the Mayor's Motorcade and North Gwinnett Co-op.

City Manager's Report - City Manager Bob Hail reported (see attachment #1)

Unfinished Business

Citizens and Guests Comments

Mike Induni, 529 Emerald Lakes Lane, stated that the Emerald Lakes Subdivision elected him to make comments regarding rezonings because of his extensive background. He has a civil engineering degree and 20 years of experience in the industry. The residents of Emerald Lakes fully support growth in the city but want the Council to adhere to smart growth and land use plan management. One of the big issues of the variances is setbacks. The typical rear setback at Emerald Lakes is 35' and they would like to keep it at 30' for the proposed homes that border Emerald Lakes. Once inside variances on setbacks are ok. Also expressed concerns about proposed roadway grading and its safety. Also there is a proposed variance on the lot square footage from 10,000 sq ft to 8,000 sq ft. They asked that this not occur on the homes that border Emerald Lakes. They are also concerned about reduction in setbacks along the commercial zoned side.

New Business:

1. **PUBLIC HEARING -AX-04-021, Tax Parcel portion of 7-233-008, Roberts Road Ventures, LLC, annex 4.73 acres off Roberts Rd. near Westbrook Rd. Zoned R-75 in Gwinnett proposed for City RM.** – Mr. Bedi explained the application for annexation and rezoning. It is for townhomes. The Public Hearing was opened and Michael Sullivan spoke for the applicant. He explained the variance request for reduced setbacks. They agree with all of the staff conditions except they object to the decal lane on Roberts Rd. Mr. Garland Hitchcock spoke in opposition for the application. There are too many homes within the ¼ mile area. He is also concerned that the school system is being turned into trailer parks. Several residents of Ruby Forest subdivision spoke in opposition to the project: Franklin Murphy, Faye Webb, Don Fields, Doug Butler expressed concerns such as decreased value of their properties, traffic,

drainage, and the natural area. Mr. Sullivan spoke again in rebuttal to the comments. As far as traffic concerns townhomes are marketed more to single young people without children. Single family homes would impact traffic and schools more. Also the people who own this property were here before all their neighborhoods so they have property rights too. There are adjoining townhomes. Council Member Johnson stated he would like to see RS-100, which would allow 21 units. The applicant Fred Skiba stated that he could be willing to amend it to RS-100/PRD but the City Attorney stated that it was large enough for PRD because it is not 5 acres. Michael Sullivan asked if the two sides of the road projects could be combined for PRD. The City Attorney stated that it could but would require a site plan and have to be tabled. Mr. Sullivan requested that the Council approve it with a site plan to be submitted within 90 days to the Planning & Development. The Mayor stated that they needed to table it because they do not have the site plan in front of them and do not know what it is. Council Member Johnson motioned to approve AX-04-021 as RS-100 with the staff conditions, removing #5. Council Member Cohen seconded the motion. Approved 5-0.

2. **PUBLIC HEARING - AX-04-022, Tax Parcel 7-233-008, Roberts Rd Ventures, LLC annex 18.46 acres off Roberts Rd. near Westbrook Rd. Zoned R-75 in Gwinnett proposed for City RS-100/PRD – Mr. Bedi explained the application.** Mr. Bedi explained the application. The Planning Commission recommended RS-100 with conditions and the staff agrees and has attached 10 conditions. Council Member N. Thompson asked what the proposed density is. The staff recommendation is 3.9 with 72 units and the request is 4.6 with 85 units. The Public Hearing was opened. Michael Sullivan spoke representing the applicant. This application is across the street from AX-04-021. It is over 18 acres and they are proposing to develop it as RS-100 PRD. Their original application had too many units and one of the underlying features of PRD is that you can't request more density than the zoning allows. At a density of 4.3 it allows 79 units and they are not in favor of condition #1 which decreases their density by 7 units. They are projecting price of the units at mid to high 200's. They requested 5 variances and are still requesting 2-5. The property is currently R-75 in the County and this is in line with this. They object to the following conditions, #1 the density, #3 for a gazebo, benches, #4 bus shelters and object to the turn lane on Roberts Rd. Several citizens spoke in opposition to the application. They are Garland Hitchcock, Dan Fields, Robin Waller and Franklin Murphy. Their concerns include: density, runoff/water (Ruby Forest would take the blunt of the water runoff), density/lot size and square footage of the homes. Sharon Strewby representing Ms. Nelms who has requested that a privacy fence be put up as a buffer of the construction. This is condition #9 of the staff conditions. Michael Sullivan reiterated that this project is consistent with the surrounding subdivision as far as price point, density. He stated that the drainage and water runoff would improve because there will be control. Council Member Cohen asked what amenities package was included. Fred Skiba explained that he was going to leave it up to the builders to see what could be done and what the market called for. Council Member N. Thompson questioned why the site plan presented had an incorrect density. Mr. Sullivan explained that it is less than a 25% deviation and could be approved. Council Member Cohen motioned to approve as RS-100/PRD with conditions, dropping 1, 3, 4, 5 and adding Amenity package be required. Council Member Johnson seconded the motion. Approved 3-2 with Council Member Edwards and C. Thompson voting nay. Mayor stated he intends to veto.
3. **PUBLIC HEARING - AX-04-023, Tax Parcels 7-347-004, 035, 136 & 138, Showcase Communities, annex 13.27 acres off Suwanee Dam Rd. Zoned R-100 in Gwinnett**

proposed for City BG. – Mr. Bedi explained the application. Staff added a condition #7 that is a 20’ buffer that must be left outside the annexation or it would create an island. If they wanted to do anything within this portion of the property they would have to go to Gwinnett County. The Public Hearing was opened and Don McFarland spoke for the applicant Mr. Novdin. Council Member Johnson motioned to table this until the retaining walls are shown on the site plan to protect the streams. The motion died for lack of a second. Council Member Cohen motioned to approve AX-04-023 as BG with conditions dropping #7 and amending the legal to show a 10’ buffer strip instead of 25’. Council Member Johnson seconded for discussion and requested no fast food restaurants with outdoor speakers. Council Member Cohen amended the motion to include no fast food restaurants. Council Member Johnson seconded the motion. Approved 5-0.

4. **PUBLIC HEARING - AX-04-026, Tax Parcels 7-320-037, 7-320-039, GA 20 Ventures, LLC, annex 3.13 acres off GA Hwy. 20. Zoned R-75 in Gwinnett proposed for City RS-100.** – Tabled.
5. **PUBLIC HEARING -AX-04-027, Tax Parcel 7-320-004, GA 20 Ventures, LLC, on behalf of LightHouse Baptist Church, annex 5.45 acres off GA Hwy. 20. Zoned R-75 in Gwinnett proposed for City RS-100.** – Tabled.
6. **PUBLIC HEARING -AX-04-025, Tax Parcels 7-320-017, 015, 015A, 015B, 016, 018, 018A, 019, 020, 021, 022, 024, 027, 030, 031, 035, 043, 7-320A-001, 001A, 003, 004, 005, 007, 020, 024, 026, GA 20 Ventures North, LLC, annex 14.993 acres off GA Hwy. 20. Zoned C-1, C-2 and R-75 in Gwinnett proposed for City BG.** – Tabled.
7. **PUBLIC HEARING -RZ-04-007, Tax Parcels 7-339-068, 069, 071, 079 0142, GA Ventures North, LLC, rezone 7.207 acres off GA Hwy 20. Currently zoned OI proposed BG.** – Tabled.
8. **VAR-04-005, 5587 Suwanee Dam Rd. Variance Request** – Mr. Bedi explained this application for a variance. This property was annexed into the City and rezoned RS-100 this past year. Presently the property is not being used residentially. The staff brought the outdoor storage and other violations to their attention and they fixed some of the issues. The Mayor asked the City Attorney if the Council could grant a variance for an illegal use of the current zoning. Lee Thompson stated that his legal opinion we could not grant a variance for an illegal use of the current zoning. Council Member Johnson motioned to deny this variance and asked to continue the enforcement right away. Council Member Cohen seconded the motion. Approved 5-0.
9. **VAR-04-006, 7-272A-015, Alan Harkins Variance Request Lois Dr.** – Mr. Bedi explained the application for a variance. The applicant is requesting to build a quadraplex on the property. The property is too small for this structure and would require a variance of 7,600 feet. The Mayor stated that it seemed excessive to grant a variance from 21,600 sq. ft. to 14,000 sq. ft. The Public Hearing was opened and Mr. Harkins, the applicant, spoke in favor of the variance. This quadraplex would be consistent with the properties adjoining it that were built and are grandfathered in. They have the same size lots with quadraplexes on them. He explained that he would not be able to build a duplex on the lot because he got a good deal on the prefab structure because of the hurricanes. Douglas Butler, who lives across the street and owns the property that the quadraplex is on, spoke in opposition of absentee landlords and the trash and parking on the street. He was told to contact the code enforcement and report these issues. He requested that an ordinance be put on the books to limit the number of residents that could live in a unit. The Public Hearing was closed. Council Member Cohen motioned to

approve with conditions as recommended by staff. Council Member N. Thompson seconded the motion. Approved 3-2 with Council Members Johnson and Edwards voting nay.

- 10. PUBLIC HEARING, 2005 Budget (#3 of 3 Hearings)** – The Public Hearing was opened. The City Manager explained that all changes from the Work Session have been made to the Budget. Council Member Johnson asked about the Council training budget line item. The City Manager explained that it stayed at \$18,000 total. The Mayor had some questions about the drainage issues. The City Manager explained that there is \$250,000 in the budget now and they should get an RFP for a multi-year fix. Council Member Johnson motioned to approve the Budget as presented. Council Member Cohen seconded the motion. Approved 5-0.
- 11. Ordinance - 2004 Floodplain Management** – Mr. Bedi explained that this ordinance would put us within the requirements of Gwinnett County. Council Member C. Thompson motioned to approve the ordinance. Council Member Cohen seconded the motion. Approved 5-0.
- 12. Hazardous Waste Trust Fund Application Reimbursement** – The City Manager explained that the Council needed to adopt this Resolution so the City could obtain reimbursement from this fund. Council Member Cohen motioned to approve the Resolution and to allow the City Manager to sign the appropriate documents. Council Member Johnson seconded the motion. Approved 5-0.
- 13. Ordinance – Municipal Court Fees** – The City Clerk explained that this Ordinance is necessary to bring the Court Fees in line for Municipal Court. Council Member Johnson motioned to approve the Ordinance. Council Member Cohen seconded the motion. Approved 5-0.
- 14. 2003 Audit Acceptance** – The City Manager explained the 2003 Audit procedure. Council Member Cohen motioned to accept the 2003 Audit. Council Member Johnson seconded the motion. Approved 5-0.
- 15. Email Policy Amendment** – Council Member Cohen motioned to approve the Policy amendment and it is to read three (3) or more members. Council Member Johnson seconded the motion. Approved 5-0. Effective date January 1, 2005.

Executive Session: Legal, Real Estate and/or Personnel: Council Member Cohen motioned to enter Executive Session at 11:00 p.m. Council Member Johnson seconded the motion. Approved 5-0.

Adjournment: The meeting was reconvened at 11:45 p.m. There was no action by the Council from Executive Session so the meeting was adjourned at 11:45 p.m.

Gary Pirkle, Mayor

Jane Whittington, City Clerk