CITY OF SUGAR HILL COUNCIL MEETING MINUTES MONDAY, MAY 10, 2004 7:30 PM COMMUNITY CENTER 4988 WEST BROAD STREET, SUGAR HILL

Call to Order – Mayor Pirkle called the meeting to order at 7:35 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 Attorney Lee Thompson and City Clerk Jane Whittington.

Pledge of Allegiance to the Flag - Mayor led the pledge.

Invocation - Pastor Nathan Young of Live Oak Baptist Church gave the invocation.

Approval of Agenda – Council Member Edwards motioned to approve the agenda. Council Member Johnson seconded the motion. Council Member Cohen requested to table item #16 Leadership Gwinnett Funding. Council Member Edwards amended the motion to table item #16. Council Member Johnson seconded the motion. Approved 5-0.

Approval of Minutes

Minutes of the Council Meeting of April 12, 2004 - Council Member Cohen motioned to approve the minutes with an amendment. Council Member Edwards seconded the motion. Approved 5-0. Minutes of Special Called Meeting April 27, 2004 - Council Member Edwards motioned to approve the minutes as written. Council Member Cohen seconded the motion. Approved 5-0.

City Attorney's Report - no report in regular session.

Council Reports

Council Member Clint Thompson reported that it is good to see everyone tonight. He would like to see people come out for not only the tough issues but the day to day issues also. There are some major developments going on and also major issues such as the logo that public input in needed. The gas department continues to be a stable source of revenue as we continue to grow. He recognized Bob Hail for his leadership in the gas department. The City was recognized by the Municipal Gas Authority of Georgia and received a Marketing Award for the efforts in Budget/Level Billing. We are the only city in the state to offer this service. Also, we have one of the lowest gas rates.

Council Member Marc Cohen reported that education helps us to grasp concepts and makes us more aware of the things we did not know. It is very important because it is one of the few things that cannot be taken away from you. You see it everyday in the children at the Buice Center, the children at Sugar Hill Elementary and also North Gwinnett High School. They have all been a factor recently and he wishes them well as go forth in their lives and also in their future education. Education and pride in our community can be seen all around us in Sugar Hill. Our symbols need to include the past, present and future and help promote that sense of community. Take that with you as you tell people you live in Sugar Hill as it is a great to place to live and a great place to do business. It concerns him

when things that he or other members of the Council say are misconstrued. If you ever have a question about anything coming before the Council email them or call them. They want to hear what you have to say and make sure you have the facts. Having the facts is very important. The end of this month is Memorial Day and he thanked and saluted all of the ones who have done their part to ensure our democracy. He congratulated Council Member Johnson on his recent appointments, First Vice Chair of the Republic Veterans of Georgia, and the Intergovernmental Committee for Cities Assistance Grants of the Gwinnett Municipal Association. As the liaison of the Planning Department there are a number of signs going up around the city. We are annexing land and rezoning land and bringing in new businesses. The planning department has issued over 124 new permits, performed over 235 inspections, and accepted 5 annexation requests this month.

Council Member Nick Thompson echoed what Clint Thompson had to say and welcomed everyone to the meeting and hopes that they get involved in all the positive and negative issues that are impactful events. He stated that we all hold a special place in our hearts for those who are defending our freedom and are not with their families right now. He will turn over to Council Member Clint Thompson the appointment of a new DDA member tonight. This will bring the total to 7 voting members again. Their goal for this summer will be to become an integral part of creating the district overlay or a game plan for the downtown or West Broad Street corridor. There will be public hearings and meetings and he invited everyone to come and be involved in what downtown Sugar Hill will look like.

Council Member Ron Johnson reported that the newsletter goes out monthly to the residents and if you aren't receiving one please let us know. The Council and City is reaching out to the citizens through this newsletter to find out what they want for their city. He thanked Clint Thompson for introducing the Junior Achievement. The kids were great. He congratulated north Gwinnett High School students for the recreation survey in which each Council Member has a copy of the results. They did this survey on their own. The "Reels at Robinson" is underway and on the 21st *My Big Fat Greek Wedding* will be playing. There will be one a month until September. There will also be a summer concert series with 4 concerts. One is country, one rock/pop, one jazz and one cover songs/original rock. The new community center will be opening soon and he thanked Bob Hail and Kelly Rumrill for their work. It is gorgeous and there will be a grand opening the first of June. Kelly has already set up activities there. These are all activities the city has never had before and it will be getting better. Recreation is growing in this city. Everyone on this Board is pushing and coming together to see that recreation is successful.

Council Member Steve Edwards stated that he usually does not say a lot during Council Member comments but something happened over the weekend at his pool that he wanted to mention. He lives in Secret Cove Subdivision and an accident occurred at the pool. He wants to thank Gwinnett EMS and the Fire Department and the Gwinnett Police. They had a little girl that almost drowned and they responded within 3 to 5 minutes. He was there and it was a horrible thing. He would like for something to go into the next newsletter about how fast a drowning can occur.

Mayor's Report – **Mayor Gary Pirkle** followed up with what Council Member Edwards had to say about the quick response of the Gwinnett Fire Department. A few months ago they delivered his son and he appreciates the work they do. There were 2 SPLOST meetings this past month with the Mayors and City Managers getting together to discuss the city's allocation of the upcoming SPLOST. As a

result of the first meeting the Council held a Special Called Meeting on April 27th to discuss projects they would like to see included in that. There was a second meeting of the Mayors and they will probably continue meeting up until about August discussing this issue. The Mayor thanked everyone for coming out tonight and letting their opinions be known.

City Clerk's Report

We have collected \$215,332.25 in Occupation Tax revenue so far this year. For the month of April the collections were \$47,651.91. There were 35 new businesses opened in April with 26 of them being home businesses. We are still working with Creative Logic to obtain the reports we need. When they are through we will be able to report businesses in a wide variety of ways. Any business that has not renewed now owes a 10% penalty.

It is time to set the millage rate for 2004. As soon as the digest from Gwinnett County comes preparation of all of the advertisements and public hearings will begin.

City Manager's Report –

Annexation Applications: Bob Hail read the following applications that will be heard at the Planning & Zoning Commission meeting on May 17th and if they are going forward and not tabled they will be heard at the June 14th Council Meeting.

- 1. AX-04-006, Miles Montgomery/Grady Howington, Buford Hwy 23, 24 acres from R-100 to HSB Retail/Office/Warehouse in the Rear
- 2. AX-04-007, Jeff Coughey & Rex Nelson, Suwanee Dam Rd, 1.142 acres, from R-100 to HSB Existing Use
- 3. AX-04-008, Terry Cohron, Suwanee Dam Rd, .57 acres, from R-100 to HSB Existing Use
- 4. AX-04-009, Michael Aliguera, Suwanee Dam Rd, .57 Acres, from R-100 to HSB Existing Use
- **5. AX-04-010**, LBGM Associates, Inc., Suwanee Dam Rd, 7.004 Acres, from R-100 to HSB Retail Strip Center

Bob Hail City Manager reported that the contract for the 2004 Road Resurfacing Program will be signed in two weeks. All of the roads on the list will be resurfaced if there is enough money in the budget. Installation of drainage pipe and sidewalks on portions of Roberts Dr. will begin in the next two weeks. Protective fencing has been installed behind City Hall. Coordination for the Contract Postal Unit to be located in the City Hall complex has begun. We are anticipating a June opening date. There were 124 construction permits issued by the Planning and Zoning department during the month of April. Also 235 building inspections were performed and 5 annexation applications were received. Construction of the new Community Center will be completed this month. On June 10^{th} from 10 - 12noon there will be a Grand Opening Ceremony. This year there will be a series of 6 free movies and 4 free musical concerts and a fireworks display on the 3rd of July at E.E. Robinson Park. Research for other recreational opportunities continues. All new fencing at the ball fields is complete, concrete floors for the dugouts have been installed and benches will be installed in the next two weeks. Concrete pads for the batting cages have been poured, netting will be installed later this week. Construction of the first nine holes of the golf course is going very well. Many drainage issues have been corrected, rebuilt a 40 foot retaining wall, built 3 new tee boxes and installed over 200 feet of cart paths that had been washed out for several years. Construction of the new restrooms and shelters should begin within two weeks. Resurfacing of the golf cart paths will begin when the restrooms are complete and weather permits.

The City received a Marketing Excellence Award for being the first and only municipal gas utility to offer a Budget/Level Billing option in the State of Georgia. We installed over 4,000 feet of new service lines in March and installed over 8,000 feet of 2" and 4" main delivery lines. There were 59 new services in April. The price per therm for April – May is \$.79.

Unfinished Business

Citizens and Guests Comments

Hope Curtis, 1272 Sadie Court, Sugar Hill spoke regarding safety at E. E. Robinson Park – at the last movie she fell and twisted her ankle because the lighting was not good on the steps. She requested that the City look at putting in better lighting there.

Judy Ball, 1141 Pine Acre Drive, spoke regarding the railroad crossing at Pinecrest and North Price Rd. She requested that the Council close the crossing due to the noise. At the last public hearing it was discussed that about 29 trains a day cross there and it is going to increase to over 50 and it is a detriment to their quality of life. Council Member Johnson explained to her that closing the crossing will not stop the trains from coming on the tracks. They will not be blowing their horns there. Council Member Cohen explained the "Quiet Zone" concept.

Pat Longo, North Point subdivision, asked why people living outside of the city pay more for gas than people living in the city limits. The Mayor explained to him that they do not pay more. It is the same rate.

Lauren Nall, resident on Pinecrest Drive, spoke against closing the crossing. It is the only ingress and egress for Pinecrest Drive and if it was blocked on the other end emergency vehicles could get through. It would block her from getting to her job.

Thomas Nall, 4654 Pinecrest Drive, asked Council to consider looking at closing that crossing. If you do not spend the money now you will have to spend it in the future. A house should have more than one entrance to it. If you approve the other subdivision before you tonight, there will 3 on that street and you need more than one way to get to them.

Dave Watkins, 885 Secret Cove Drive, stated that he only has one egress and ingress because he lives in a cul-de-sac. He did not come to the last meeting but he understands that it will cost over \$300,000 and now with cost overruns it could cost over \$400,000. It would make more sense to close the road. There is another crossing 1,000 feet up on First Avenue. Most people like their convenience and like to get somewhere fast. It would make more sense to petition DOT to put a light at Pinecrest and Peachtree Industrial Blvd. People could still go 1,000 feet down to First Avenue to cross the tracks and get around.

Jerry Helton, 4678 Pinecrest Drive, stated that the other man does not live on the street so he should not have any comments. If you block the street it will become a garbage dump. He has lived there for 30 years and no one has ever been killed there. He did not buy a house on a dead end street. If you spend money in the parks and other areas of the city, you can spend it on his street. He wants it left as it is.

Montene Moore, Old Atlanta Hwy, asked about selling the vegetables at her house. The Council explained that she would have to get a variance. The City Manager explained that he could not do an Administrative Variance. It would have to come before Council. She needs to see Mr. Bedi and apply for the variance.

New Business:

Plaque Presentations Zoning Board of Appeals – Mayor presented plaques to Bill Parker, Lisa Ramsey, Bill Storbeck, Hope Curtis and thanked them for their service.

DDA Appointment – Clint Thompson nominated Lisa Rose as the new DDA member. There were no other nominations so the Mayor swore her in.

The Trout Co., 429 Buford Hwy., Beer/Wine Retail sales – The City Clerk reported that the Trout Co. met all the requirements for this license. The survey, square footage requirements and all background investigations were within the guidelines. Council Member Edwards motioned to approve the license. Council Member Cohen seconded the motion. Approved 5-0.

Eckerd Drugs, 4470 Nelson Brogdon Blvd., Beer/Wine Retail Sales – The Mayor reported that the application came before the Council before but was withdrawn because the applicant left Eckerds so they applied through their corporate office. The City Clerk reported that they met all the requirements for issuance of this license. The survey, square footage requirements and background investigations all were within the guidelines. Council Member Cohen motioned to approve this license. Council Member Johnson seconded the motion. Approved 5-0.

PUBLIC HEARING - City of Sugar Hill, Case: AX 04 004, Annex & Rezone, Along Austin Garner Rd., 13.817 Acres, to RS-100 for Public Use – Mr. Bedi explained that the City purchased this property and now wishes to annex it into the city limits and keep the zoning from R-100 in County to the equivalent zoning RS-100 in city. City does not have specific plans at this time for the property. Public Hearing was opened and there was no public comment so the Mayor closed the public hearing. Council Member Johnson motion to approve this annexation and rezoning application. Council Member Cohen seconded the motion. Approved 5-0.

PUBLIC HEARING - Bayou Scapes Landscaping, Inc., AX 04 005, Annex, Richland Creek Rd., 16.5Acres to HM-1 for Landscaping Business – Mayor opened the Public Hearing. Mr. Bedi explained the annexation and rezoning is located next to BFI landfill. Land is vacant now and wants to use for landscape business. The current zoning is R-100 and the application is to convert it to HM-1 or light industrial. Applicant has requested variances including a metal building, and a variance on Section 1701 (h) that requires the 29 application conditions. Staff recommends approval with conditions. The Planning Commission also recommended approval with staff conditions, including variances. The City Manager explained that metal building is for dry storage for his plants, no utilities in this building. Public Hearing closed. Council Member Cohen motioned to approve the annexation and rezoning with conditions and variances as outlined by staff. Council Member N. Thompson seconded the motion. Approved 5-0.

PUBLIC HEARING -AX 04 002, Annex & Rezone, Gary Gettis - Whitehead Rd., 32.06 acres, 80 units, Single Family Detached – Rezone to RS100/PRD – Mayor opened the Public Hearing. Mr. Bedi explained that the applicant requested to annex the 32 acres and rezone it from R-100 in County to RS100/PRD (Planned Residential Development) in the City. Mr. Bedi explained that PRD or Planned Residential Development was for a citizen in the audience who asked for clarification of what it was. They are requesting 80 single-family homes. The applicant had requested to table this at the last meeting so they could resolve some issues. The staff recommends approval with 21 conditions and variances. The Planning Commission recommended approval with staff conditions and variances. Mr. Gettis spoke regarding the application. He explained that 9.4 acres of the development would be open space or 29%. The variances are so they can increase the footprint size of the home and offer a larger home. Peter Steinberg of 5021 Lenox Park Place asked the builder the price range of the homes and he stated they started at \$200,000. Mr. Steinberg asked if there would be a swimming pool and Mr. Gettis said there would only be passive recreation with gazebo, walking trails, etc. Mayor closed the public hearing. Council Member Johnson asked Mr. Gettis if it would be agreeable to take out item #4, vinyl siding. Mr. Gettis responded that it would not be a problem. Council Member Johnson motion to approve with modifications to #4 taking out vinyl siding and with all the other staff recommendations. Council Member Edwards seconded the motion. Approved 5-0.

PUBLIC HEARING - T & B, LLC, RZ-04-001, Rezone 23.717 Acres from LM & RS-100 to RS-100/PRD, For Single Family Residential Subdivision Development. Located near Pinecrest Rd. & Peachtree Ind. Blvd. – Mr. Bedi explained he received revised plans and he submitted to the council and an official copy to the City Clerk for the record. There were no changes in the plans only minor corrections. This application dates back to last year case no. RZ-03-008. The front portion of the property was rezoned commercial last year. The application is for 120 single family homes on 23.7 acres with 4.31 acres of open space. The Planning Commission recommended approval with the 22 staff conditions.

Mayor opened the Public Hearing. Matt Reeves, Attorney of the law firm Anderson, Tate, Mahaffey & McGarity represented the applicant T&B, LLC and Carol Robinson Weeks and Donald Robinson. The case coming before you tonight was because of a consent order signed by Gwinnett Superior Court Judge Turner. If the rezoning application is approved with the 22 conditions as Mr. Bedi outlined then the lawsuit ends. If it is denied or the conditions vary then the lawsuit continues. The original application was for townhomes. It was approved by the Planning Commission and a majority of the City Council but was vetoed and ended up in litigation. Council Member Johnson asked if they would be willing to omit the vinyl siding also. Mr. Reeves stated he would have to check with his client. Mr. Tony Anglin, who resides in Bethlehem but has investment property in this area and his sister lives off Pinecrest, spoke in opposition to the rezoning. He had researched the Zoning Ordinance and did not believe that the Council could grant a variance to the density. He stated that even with the PRD overlay the density could only be 4 per acre. The only way to change the density is to change the zoning and have a public hearing on that particular zoning. The Mayor stated that at the Work Session Mr. Anglin did bring up several issues, in particular the density and variance, and they were referred to the City Attorney and Planning Director. The City Attorney stated that what Mr. Anglin has said about PRD is correct that with the RS-100 zoning with PRD overlay the density comes to 4.3 per acre. The only way that the Council could approve the application as presented is to grant variances on the density and the yard requirements. Under Section 1705 the Council is given a broad discretion of authority in granting variances on rezonings. Mr. Anglin stated that under Article 15 the property could not change in intensity. The property is split with two different zonings, one being light

manufacturing. The Council could grant a variance because the RS-100 instead of light manufacturing would be a less intense use of the property with it being immediately adjacent to the residential property.

Mr. Reeves checked with his client and they could not omit the vinyl siding because of the other 21conditions and the size of the homes.

Mr. Sheppard of Pine Acre Circle asked the price range of the homes, and what will be done about the traffic coming out on Peachtree Industrial Blvd. now that these homes will be built? Thomas Nall also asked about the traffic of three subdivisions on this road. Would the road be widened and the people living there now lose a portion of their yard? Laura Nall also spoke about the road especially in the wintertime. Jennifer Hinkle spoke regarding spot manufacturing zoning. Mr. Reeves responded to the size of the homes and traffic. If there are more homes there maybe DOT would consider a light. Council Member Johnson motioned to approve as submitted with conditions and variances. Council Member Cohen seconded the motion. Approved 4-1 with Council Member N. Thompson voting no.

PUBLIC HEARING - SKA Development, LLC, Case: AX 04 003, Annex & Rezone, Along Westbrook Rd., 12.41 Acres, to RS-100/PRD for Single Family Residential – The Mayor explained that the applicant amended the application to RM zoning instead of RS-100 with a PRD overlay. Mr. Bedi explained that the City informed Gwinnett County (as per state law) about this annexation and the

Bedi explained that the City informed Gwinnett County (as per state law) about this annexation and the County wrote a letter from Deputy Chief Operating Officer and they asked that it be read during public hearing and be a part of the minutes. Mr. Bedi read the letter. He then explained the application. The applicant is proposing RM zoning with a PRD overlay. They are requesting 67 units on 12.41 acres. The Planning Commission has recommended approval as outlined by staff. The staff recommended only 60 homes, or a 4.3 per acre density. The minimum square footage shall be 1,600 for one story and 1,800 for two stories. There will be a 5' sidewalk and a mandatory Homeowner's Association, a dense buffer, a deceleration lane on Westbrook, and a pavilion area in the subdivision. Council Member C. Thompson asked if the county objected very often to rezonings. The Mayor stated not since he has been there. The City did object twice to county's and one they turned down and one is still under review. Lee Thompson said that this is the first one he is aware of but the county has been objected to annexation and or rezonings a lot more throughout the county.

Lee Tucker spoke on behalf of the applicant. He stated they are requesting 60 single family detached homes on 12.41 acres to RM zoning with a PRD overlay. They amended the rezoning after the Work Session and are not asking for a density variance.

Council Member Johnson asked if the vinyl siding could be omitted. Applicant agreed to the vinyl siding being. Mr. Hitchcock asked the Council to not put less valuable houses in there but rather ones with greater value. The density is the issue. They want a density of 4.1 per acre. Mayor closed the Public Hearing. Council Member Johnson motioned to approve the annexation and rezoning application with staff conditions to remove #5, vinyl siding. Council Member Cohen seconded the motion. Approved 4-1 with Council Member C. Thompson voting no. Mayor Pirkle stated that he plans to veto this. The City Attorney explained that it will come up at the next meeting and if the Council wish to override the veto it would take a vote of 4 to do so.

Railroad Crossing Pinecrest Estimates – Cohen explained that they met with Norfolk Southern Railroad and there is a problem with the crossing itself. It is what is known as a hump crossing. The railroad gave additional estimates. It is over the \$300,000 approved at the April meeting to repair this crossing, so it needs to be readdressed. The hump crossing requires more work and the City would have to do additional work to the road itself not just the crossing as previously thought. With the additional costs it would be around \$400, 000 not \$300,000 as previously thought and with cost overruns it could be more. Council Member Cohen stated that personally he could not see spending that kind of money. There is public safety and fiscal responsibility to consider. Council Member Johnson motioned to close the crossing and direct the City Manager to begin by June 30th. Council Member N. Thompson seconded for discussion. Council Member N. Thompson asked why the railroad was changing an estimate that they guaranteed for a year. The Council voted according to that estimate that they gave. Cohen explained that the hump crossing makes the difference. Council Member N. Thompson withdrew his second. Council Member Cohen seconded the motion. Approved 4-1 with Council Member N. Thompson voting no.

Email Policy – Cohen explained what the policy would entail. It would allow the City to store emails only amongst 3 or more of Council and Mayor, to be archived for 5 years. Two or more Council Members for a total of three. This would make the emails available for open record. Council Member Cohen motioned to adopt the policy as written. Council Member Johnson seconded the motion. Approved 4-1 with Council Member N. Thompson voting no.

Sugar Hill Logo – Cohen explained that the current city logo is the sun rising over the mountain with the tag line "The Sweet Life". He is requesting that we go back to the logo of the tree. City Seal is a branding statement of the past, present of the City of Sugar Hill. In house we created a rough draft of the city seal. Take rough draft and give to a designer and bring back to the Council for a vote. Council Member Cohen motioned to go back to the historic tree logo and go forward and use it as identity of everything that signifies Sugar Hill. Council Member Johnson seconded for discussion. He showed the sample boards of what we spent \$10,000 for. The market analysis surveyed 52 people, 31 from Sugar Hill. He made his second for approval. Council Member C. Thompson stated that logically we should change it only once instead of changing everything until the research has been completed. Council Member Cohen suggested that now that we have a newsletter let's ask the citizen's opinion through it. Council Member Johnson withdrew his second and Cohen withdrew his motion. Council Member Cohen made a motion to put a survey questionnaire in the next newsletter. Council Member Edwards seconded the motion. He had concerns about one person responding over and over. At the next month's meeting the response to the survey will be brought forward. The survey should consist of three questions; do you like the current logo, do you like the old logo, if not other choice? Approved 5-0.

Moratorium – West Broad Street – Council Member Johnson motioned to approve a six month moratorium on West Broad Street while the Town Center Master Plan study is being completed. Council Member C. Thompson seconded the motion. Approved 5-0. City Attorney will rework a couple of things on the wording and get it to the City Clerk.

Sports Complex – Council Member Edwards would like to authorize the City Manager to get with an architect and get a starting point for a sports complex. Council Member Edwards motioned to approve the City Manager get an architect to do a rendering of a sports complex on the 13 acres on Austin

Garner that the City purchased for recreation. Council Member Johnson seconded for discussion. The surveys from the North Gwinnett High School Students have indicated sports/gym. Council Member Edwards amended the motion to state that the cost be under \$2,400. Council Member Johnson seconded the motion. Approved 5-0.

Gwinnett Clean & Beautiful – Council Member Edwards motioned to get with Gwinnett Clean & Beautiful and designate a road that the Council could help to keep cleaned with the road to be named at a later date. Council Member Cohen seconded the motion. Approved 5-0.

Leadership Gwinnett Funding- tabled until the next meeting.

Town Center Master Plan RFP Selection/Presentation Date – Mr. Bedi reported that we need to set a date for interviewing and selection of a vendor for the Master Plan. Council Member Johnson asked what the cost would be? Bedi around \$80,000 to \$100,000. Johnson we have the tools and the experience from Bedi and Hail to do this plan. Bedi can prepare a scope of work. The City Manager recommended that they set the date for interviewing and presentations regardless. This is important for a long time in the future. The Date for interviewing the top 5 candidates set for Monday, May 24th at 6:00 p.m.

Executive Session: Legal, Real Estate and/or Personnel: No Executive Session was held.

Adjournment: Council Member Johnson motioned to adjourn the meeting at 11:05. Council Member Cohen seconded the motion. Approved 5-0.

Date Submitted and Signed by Mayor: _____

Gary Pirkle, Mayor

Jane Whittington, City Clerk