

**MINUTES OF CITY OF SUGAR HILL
COUNCIL MEETING
MONDAY, AUGUST 9, 2004
7:30 PM CITY HALL ANNEX
4988 WEST BROAD STREET, SUGAR HILL**

Call to Order – Mayor Pirkle called the meeting to order at 7:33 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 Pirkle led the pledge.

Invocation – The invocation was given by Matt Wethington, Associate Pastor of the First Baptist Sugar Hill.

Approval of Agenda – Council Member Cohen motioned to approve the agenda as written. Council Member C. Thompson seconded the motion. Approved 5-0.

Approval of Minutes - Council Meeting July 12, 2004 - Council Member N. Thompson motioned to approve the Minutes as written. Council Member Cohen seconded the motion. Approved 5-0.

Minutes of Special Called Meeting July 14, 2004 – Council Member Johnson motioned to amend the Agenda to include these Minutes. The motion was seconded by Council Member Cohen. Approved 5-0. Council Member Edwards motioned to approve the Minutes as written. Council Member C. Thompson seconded the motion. Approved 5-0.

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

Council Reports

Council Member Clint Thompson congratulated and recognized Steve Edwards for being selected for the Leadership Gwinnett program. Each year about a dozen are selected to complete this program about how our County operates. This will be good for the City.

Council Member Marc Cohen reported that this is the first day back to school. We as parents and leaders have an active role in our children's development. Suggested we all pull together and form a Community Watch Program or Community Orientation program. When we all look out for each other it makes Sugar Hill a better place to live and work. This is your community so get your thoughts together and get involved. Get out and vote in the Primary Runoff tomorrow. The outcome will have a real impact on the City of Sugar Hill. Congratulated John Postell, Planning & Zoning Commission Member, and his wife Lisa had a baby girl Friday. Congratulations on their daughter Brook. The planning department issued 203 construction permits, 159 building inspections were performed, and for the first time in a while received no annexation applications.

Council Member Nick Thompson congratulated Council Member Edwards also. Not everyone is nominated for this and it will be good to have a representative from our city involved. Everyone please exercise your right to vote tomorrow. The DDA will try to have one member present at every Council meeting and tonight Dawn Gober is present. The Business Alliance will have a mixer next Wednesday, August 18th at Applebees. This will informal come as you are between 5:00 to 7:00 p.m.

Council Member Ron Johnson reported that he had just finished a Georgia Municipal Association Leadership Training. Council Member Cohen completed the training with him. They learned a lot about other cities and how they are doing things. In recreation he recognized Kelly Rumrill and the City Manager for doing a great job in getting new programs introduced. The concerts in the park have been great. As far as a recent editorial in the paper, he does not want to be police chief if Sugar Hill gets a police department. This is the farthest from his mind. He is retired from police work. He also congratulated Steve Edwards for being selected to the Leadership course. He encouraged everyone to get out and vote. Georgia has one of the lowest voter turnout ratios.

Council Member Steve Edwards had no report.

Mayor's Report – Mayor Pirkle reported that the result of the SPLOST meetings he has been reporting on is item # 6 on the agenda tonight. This is an Intergovernmental Agreement between the municipalities of Gwinnett and Gwinnett County. This will allow the City to collect the proceeds if passed at the November election. All the Mayors will meet Wednesday morning at 10:00 a.m. at the Justice Center to sign the documents. The election tomorrow has two important races, the County Commission Chair and the State House of Representatives. He attended a meeting last month where two Eagle Scouts were honored. Last month we honored Jeremy Rollison with a proclamation and this month we will honor Mikhail Bondarew. They are both Sugar Hill residents and the first Eagle Scouts to come out of this troop at the Sugar Hill Methodist Church. He thanked all the Scouts who volunteer for us including their efforts at he Fall Festival.

City Clerk's Report - We issued 24 Businesses Licenses in the month of July. The Code Enforcer, Donna McDaniel did visit some of the delinquent businesses this month and they complied and obtained their renewals. She also visited some that did not have a Sugar Hill license, especially in the newly annexed areas. The revenue was just under \$4,000. The Property tax bills have gone out and the first installment is due September 15th. If you have not received your tax bill call Gwinnett County Tax office for amount due. Payments can also be made on line at the county's web site.

City Manager's Report - See attachment #1.

The Mayor added that the markings that you see on Level Creek Road are patching and sealing to prepare for repaving. This is a County maintained road and they should be repaving this portion soon. He also commented about the new recreational programs. He saw the mailer that was sent out and was surprised at the quality and quantity of the programs that we have scheduled.

UNFINISHED BUSINESS

PUBLIC HEARING - RZ-04-004, Tax ID 7-306-064A, Frederick T. Jones, Jr., Appling Rd & Sycamore Rd., 4.14 Acres, From HM-1 to HSB for Retail Strip Center – Applicant modified Application to BG Zoning – Mr. Bedi explained the application. The existing zoning is HM1 or light manufacturing and they are requesting HSB highway service business. This case has been tabled several times. The property is vacant and the proposed use is for a retail center. The Council had questions from the Work Session regarding the proposed billiards establishment. There is new paperwork in front of Council tonight regarding this and the other updates. The staff received a letter from the applicant requesting to rezone BG instead of HSB. The staff and the Planning Commission both recommend HSB zoning for this property. The uses match HSB better than BG. There are a number of staff stipulations placed on this zoning. One of the stipulations is a lot of prohibited uses. The applicant submitted the rendering attached to the packet today. The staff recommends approval of the rezoning from HM-1 to HSB with stipulations. There is a convenience store not to exceed 2,500 feet in this project but it is not a gas station. Also the billiard room would pay \$50 per table fee to the city along with their license and whether the alcohol is permitted or if the billiards are allowed could be controlled by the Council conditions. The Public Hearing was opened. The applicant Fred Jones spoke in favor of the project. Mr. Jones stated that he had a local architect Steve Bray do the rendering for him. He was trying to come up with an old town county look of about 200 years ago with the awnings and the old eaves. Some of the businesses would be small convenience store without gas, Latin grocery store, cell phone store, pizza hut, coin laundry, beauty salon, barber shop, nail shop, and a billiards establishment. He is fond of billiards himself, and he has been playing for years. He wants to get away from the old pool room style. This would be a nice business with around regulation size pool tables and other games like darts or backgammon. They would hope to attract the 30's and 40's crowd that play in leagues. He wants this to be a family atmosphere and is considering table tennis. He brought in some pictures of a place he frequents. They would like to serve either beer or wine or mixed drinks. Council Member C. Thompson asked Mr. Jones how many pool tables he envisioned. He said that they wanted it to be a 5,000 square foot facility with around 12 to 14 pool tables. Council Member Johnson asked Mr. Jones how the alcohol and smoking would be handled since he wanted this to be a family place. Mr. Jones is not familiar with the smoking laws in the city's jurisdiction. He suggested that he might make smoking in an area with a lot of exhaust. No one spoke in opposition and the Public Hearing was closed. Council Member C. Thompson stated that he has not seen this type of facility being able to hold up with just pool tables. Some of the successful local places have made a smaller area with pool tables included. With that many tables it is hard to see a family atmosphere. He is not opposed to pool tables but thinks it would be better to restrict the number. Council Member Cohen asked Mr. Jones if they had considered food, etc. He stated that they have considered a small kitchen. The Mayor stated that he finds himself looking at this project like a similar one last month on Suwannee Dam Road. It is clearly a nice project but does not fit the location. This should be in a more visible area where police could patrol. It is on Sycamore Road which is a residential road. Mr. Jones stated that the billiards establishment is not critical to the project. Council Member Edwards motioned to deny RZ-04-004. Council Member Johnson seconded the motion. Council Members Edwards and Johnson voted yes for the motion, Council Members

Cohen and C. Thompson voted no for the motion, Council Member N. Thompson abstained due to conflict of interest because he has partial interest in a parcel of land 500 yards West by Southwest of this property and would not want it to be misconstrued as competing retail. The Mayor broke the tie with a vote of yes to deny the application.

Citizens and Guests Comments

Scott Benson, 5385 Cumming Highway, Sugar Hill, spoke regarding his application for rezoning last month. He had to call and stop by City Hall many times and this could be frustrating for the employees but they always took the time to answer his questions. He thanked the City Manager, Harmit Bedi and Kim Landers for their help with this project. Sometimes these things go without saying and he wanted to let them know he appreciates it.

New Business:

PUBLIC HEARING, AX-04-014, Premier Planning & Development Group LLC, 7-337-039, 4.96 Acres, Currently R-100 in County to RS-100, 1125 Riverside Rd, Single Family – Mr. Bedi explained the application. This property is currently in Gwinnett County zoned R-100 and the request is to annex into the City and rezone RS-100 to build 14 single family homes. The Planning Commission recommended approval of the application with conditions as presented. The staff has recommended a 10' undisturbed buffer where it abuts residential areas along with other stipulations. This would preserve as many existing trees in this area as possible. Staff recommends approval of annexation and rezoning to RS-100 with conditions. The applicant requested a few variances, one is for the rear set back to be reduced from 30' to 25'. The other variance is to reduce the front setback from 35' to 17.5', which is half. This is because of the shape of the lots. They are narrow and they still meet the 10,000 square foot minimum. Council Member Edwards asked what would happen if the developer accidentally cut down trees in the buffer. M. Bedi explained that the applicant would have to submit a plan with the existing trees and the trees that would be undisturbed. They have to orange tape the trees and then an inspector is sent to make sure this meets the plan. There is also a pre-construction meeting with the contractor where all the conditions, rules and ordinances are explained. Council Member Nick Thompson asked if the landscaping around the detention pond would be inside or outside of the fence. Mr. Bedi explained that they work with the engineer to decide which one looks better. The City Manager explained that historically they are outside so the detention pond can be maintained and kept clean. Council Member N. Thompson asked if the project of this size could have gotten by with only one detention pond. This is due to the topography. Council Member Johnson asked why only the front yards were sodded. Mr. Bedi stated because of the mature trees and the shade. The Mayor opened the Public Hearing. Applicant Harold Tripp spoke in favor of the application. He explained that he thought the Planning Commission's recommendation was to sod the front and sides and seed the back. There are certain lots that the topography will make it difficult to maintain a 10' undisturbed buffer. There would need to be a retaining wall. This would be the westerly side in the area of more extreme topography. No one spoke in opposition so the Public Hearing was closed. Council Member Johnson motioned to approve AX-04-014 with the following changes to the conditions: #8 add sod to sides, #14 School Board Notification, #12 10' buffer should be along all property lines with exception not to exceed 5 lots. Where it is an engineering issue and it is determined that the undisturbed buffer cannot be complied with, the staff can do an administrative variance with notification to the Mayor and Council as long as it does not exceed 5 lots. Council

Member Cohen seconded for discussion. He asked if this included the two variances and the Council concurred. The second stands. Motion approved 5-0.

Proclamation Mikhail Bondarew, Eagle Scout – Council Member Cohen read the proclamation honoring Mikhail Bondarew becoming an Eagle Scout and motioned to approve the proclamation. Council Member Johnson seconded the motion. Approved 5-0.

Proclamation Sugar Hill Citizen – Council Member Johnson read the proclamation honoring Hope Curtis for her volunteer efforts with the City and motioned to approve the proclamation. Council Member Cohen seconded the motion. Approved 5-0.

DDA Appointment – Mayor opened the floor for nominations. Council Member Cohen nominated Laura Allen. There were no other nominations so Mayor Pirkle administered the Oath of Office.

School Board Notification – Council Member Johnson read the notification that he would like to see placed on all new houses and developments. The builder should notify Gwinnett County Schools that: The applicant, in order to provide to school authorities detailed information on the impact the development may have on the school system, shall notify the School Board and School Board Planning Staff in writing, the number of units in the development and the type of housing, the number of bedrooms per house, and the phasing of the development, prior to the issuance of a Development Permit. He motioned to require this condition on all housing and development applications. Council Member N. Thompson seconded for discussion. The second stands and the motion was approved 5-0. The Planning Commission is to be notified of this.

SPLOST Agreement – City Manager Bob Hail explained the 2001 SPLOST and the revenue the City received (\$2 million). He is requesting the Council authorize the Mayor to sign the Intergovernmental Agreement with Gwinnett County for the 2005 SPLOST. The 14 Cities in Gwinnett have spent over 4 months discussing this agreement. This will be on the ballot in the November election. The Mayor stated that with this agreement the City will receive over \$8 million. Council Member Edwards motioned to authorize the Mayor to sign this Intergovernmental Agreement. Council Member Johnson seconded the motion. Approved 5-0.

September Work Session Rescheduled – Council Member Cohen suggested because the September Work Session date is scheduled on Labor Day it be rescheduled to Wednesday, September 8th at 7:00 p.m. and motioned to post this change. Council Member Johnson seconded the motion. Approved 5-0.

RR Provision – Nick Thompson introduced this provision that elected officials should make no motions for rezoning without discussion for the record. There should always be a group discussion before anything is rezoned. Council Member N. Thompson motioned to approve the RR Provision to begin effective date September 1 this year. Council Member Johnson seconded for discussion. He questioned the relevance of this at this time and withdrew the second. Council Member C. Thompson seconded the motion. Approved 5-0.

Executive Session: Legal, Real Estate and/or Personnel: Council Member Edwards motioned to enter Executive Session. Council Member Cohen seconded the motion. Approved 5-0.

Adjournment: The Mayor reconvened the meeting at 9:12 p.m. Council Member Cohen motioned to adjourn at 9:12 p.m. Council Member C. Thompson seconded the motion. Approved 5-0.

Gary Pirkle, Mayor

Jane Whittington, City Clerk