

**CITY OF SUGAR HILL
COUNCIL MEETING MINUTES
MONDAY, NOVEMBER 14, 2005
7:30 PM CITY HALL ANNEX
4988 WEST BROAD STREET, SUGAR HILL**

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

Pledge of Allegiance to the Flag

Invocation was given by Pastor Richard Lee of the First Baptist Church of Sugar Hill.

Approval of Agenda The following amendments were made to the Agenda: Items # 6 & 7 were requested to be tabled by the applicant; item #8 tabled by the City. Council Member Cohen motioned to approve the amended agenda. Council Member Johnson seconded the motion. Approved 5-0.

Approval of Minutes - Minutes of Council Meeting October 10, 2005, Council Member Edwards motioned to approve the minutes as written. Council Member C. Thompson seconded the motion. Approved 5-0.

City Attorney's Report – City Attorney Lee Thompson had no report for regular session but had updates for Executive Session.

Council Reports

Council Member Clint Thompson congratulated all the candidates for running good clean campaigns, and congratulated all that were elected. He recognized all the volunteers that put a lot of their free time into the election and go unnoticed.

Council Member Marc Cohen thanked everyone for coming out to the meeting. Input from the general public makes their jobs easier and is integral to the process. He congratulated the Mayor and Council Member Nick Thompson for being reelected. He also congratulated Mike Sullivan who will join them in January. He is confident that this group is going to do great things. Friday was Veteran's Day and he would like to request that everyone go out of your way to thank veterans. If it wasn't for what the veterans did, like going and fighting on our behalf, we would not be able to sit here and do a lot of the things that we are doing. He is proud that for the second year in a row, the City is participating in the Mayor's Motorcade. The Mayor's Motorcade is a charity fundraiser put on by the Georgia Municipal Association. They collect toiletries and sundries for the patients in the Georgia Regional Hospitals. Look on the City's website for more information. Thanksgiving is coming up and on behalf of his family to your family, he hopes that you have a joyous and thankful Thanksgiving. Think about all the things you have to be thankful for. On the Planning & Zoning perspective they issued 52 construction permits, 279 combined building & erosion inspections, 28 erosion control

inspections, and the Town Center Master Plan will be submitted to the Atlanta Regional Commission on November 18th.

Council Member Nick Thompson reported that the last Tuesday of this month on November 29th the Downtown Development Authority will be meeting at the Community Center. It is at 7:00 p.m. and everyone is invited to attend. He recognized Tom Baughman, DDA member present tonight.

Council Member Steve Edwards had no report.

Council Member Ron Johnson congratulated Nick Thompson on his win and for running a very professional race. Some of the other races he had problems with, signage etc. He stated that anyone who stands in a cemetery and waves political signs is desecrating the cemetery. He has formed a committee Citizens for Responsible Government and wants to make sure that candidates keep their promises. He expressed concerns of spending 3.5 million on the street improvements. The developers will build that street as they build on the road. He was disgusted that we were one city in the United States that did not fly a flag on Veteran's Day. We have a lot of veterans in this city like Sgt. Major Bill Pennington. The Council should be accountable for all the money that the city has in the bank.

Mayor's Report – Mayor Gary Pirkle reported that he was sad to report the passing of former Council Member Tubby Cronick. He was responsible for donation of the park land at E.E. Robinson Park and personally raising money for seeing that the ball fields were built. Later in his honor, one of the ball fields was named after him.

City Clerk's Report – City Clerk Jane Whittington reported that the City's Election was held on November 8th and went very well. She thanked Jeanne Ferguson, Election Superintendent and Stella January, Poll Manager. They did an exceptional job during this election process. There is a lot of training and work done long before the actual Election Day. Their efforts along with all the poll workers are appreciated. Alcohol License renewals went out and must be renewed by December 31st. If you have any questions regarding alcohol licenses, taxes or business licenses contact the City Clerk at City Hall or email.

City Manager's Report - City Manager Bob Hail reported the following: **See Attachment #1**

Election Superintendent Report on 2005 Election – Jeanne Ferguson, Election Superintendent requested that the Council certify the election results as presented. Council Member Cohen motioned to certify the election results. Council Member Johnson seconded the motion. Approved 5-0.

Proclamations:

Proclamation First Baptist Church Festival Participation – Mayor Pirkle read the proclamation and presented it to Pastor Lee and Jeff Garvin.

Proclamation Ceramic Surfaces, Inc. Renovations – Mayor Pirkle read the proclamation and presented it to James Hillman, owner of Ceramic Surfaces, Inc.

Consent Agenda:

RZ-05-007 TAX PARCEL ID: 7-346-001 & 002, Property Owner Wayne Vashaw requesting to rezone 79.8 acres off Nelson Brogdon Boulevard (Highway 20) in Sugar Hill. Property currently zoned RS-150 (Low Density Single Family Residential District) and the applicant is requesting a CSD (Conservation Subdivision District) for 119 Single Family Dwellings - **Applicant is requesting to “WITHDRAW WITHOUT PREDJUDICE”**

Movie Projector Authorization to Purchase

Mayor Pirkle explained the items on the Consent Agenda. Council Member Cohen motioned to approve the Consent Agenda. Council Member Johnson seconded the motion. Approved 5-0.

Unfinished Business:

RZ-05-004 & AX-05-007 to be Heard Together as a Joint Project – Public Hearing

RZ-05-004, Tax Parcel Id 7-322-014; A-Will-A-Way Construction Inc. requesting to rezone 2.64 acres off Sycamore Rd to be included as a portion of the PRD or case AX-05-007; property currently zoned RS-100 requested RS-100/PRDSingle Family Planned Residential Development; overall development 53 units.

AX-05-007, Tax Parcel Id’s 7-322-010, 011, 059 &112; A-Will-A-Way Construction Inc. requesting to annex 14.04 acres off Sycamore Rd. to be included as a PRD with Case RZ-05-004; property currently zoned R-100 in Gwinnett County proposed for city RS-100/PRD Single Family Planned Residential Development for total of 53 units – Schultz explained the applications. He explained the Planning Commission recommendations and the Staff recommendations. The applicant requested variances on the interior lots only.

Council Member Cohen asked if another entrance could be included in the plans. The roads would be too close together for this to occur. Council Member Johnson questioned the total square footage and the required greenspace included within the new ordinance passed by the Council earlier. Dan Schultz stated that this application was in before the new greenspace requirements were passed.

Scott Smith of Diversified Technical Group spoke for the applicant.

Mr. Frady, 5518 Sycamore Rd. requested a privacy fence within a foot of his existing metal fence and a buffer zone on the easement.

Rosanna Teta asked the Council to consider overcrowding in the schools. Let the schools catch up.

Council Member Edwards motioned to deny RZ-05-004 and AX-05-007. Council Member Cohen seconded the motion. Approved 5-0.

Citizens and Guests Comments:

Rosanna Teta, 271 Double Gate Court, stated that there is a House Bill 58 that would do away with residential property tax for schools and rely on sales tax for school funding. She asked the Council to oppose this legislation before it gets to the floor. We should show support on our website as other organizations have. She requested that when there are Council and Mayor updates that there be an update on Education and the DDA.

Council Member Johnson asked the City Clerk that these updates be added to the Work Session agenda for next month.

New Business:

Public Hearing RZ-05-010, Tax Parcel: Portion of 7-291-029, Clay Kirkley, PCH Development request to rezone 15.13 acres on Peachtree Industrial Blvd. to RS-100/PRD (Medium Density Single Family Residential Development for 59 Single Family Units. Currently zoned RS-100 (Medium Density Single-Family District and LM (Light Manufacturing District. – **Tabled at Applicant's Request**

Public Hearing, RZ-05-009, Tax Parcel: Portion of 7-291-029, Clay Kirkley, PCH Development requesting to rezone 3.41 acres on Peachtree Industrial Blvd. to BG (General Business) for Commercial/Retail Use, currently zoned LM (Light Manufacturing) – **Tabled at Applicant's Request**

VAR-05-007, Linda Knyff, Storage Building in Front Yard – **Tabled by City's Request**

VAR-05-008, Delmar Reidelberger, Suzy's Cottage 112 Sq. Ft. Sign – Schultz explained the variance request. The staff conditions are that it be a pressure treated wood sign, painted. Council Member Johnson asked if they had obtained DOT permission. Mr. Schultz explained that it is not a billboard or within the right of way. It would be located 10' back, not where the existing sign is located.

Clint Thompson expressed concerns about it being located within the line of sight when pulling out. The existing road Old Cumming Rd. is still open and not closed off. Council Member Johnson stated that it should have been closed when the new neighborhood went under construction. A condition of the zoning was supposed to be to close that road before construction began.

The applicant, Dale Reidelberger explained that the sign is 10' in from the right of way and should not block traffic pulling out.

Council Member Cohen requested that the sign Variance be tied to the business, Suzy's Cottage not the property.

Council Member Cohen motioned to approve VAR-05-008 with the following conditions: 1) the sign would be tied to the business not the property; 2) the 4' X 6' sign is to be constructed of pressure treated wood, 3) the variance approval is pending outcome of the closing of the road. Council Member Edwards seconded for discussion. He requested that this be tabled to check with DOT, check on the closing of the road and what the sign would look like. He withdrew his second.

The City Manager asked the City Attorney if the Council could extend a banner permit for 30 days to allow them a temporary sign until this was reviewed. Mr. Reidelberger stated that it would be a real hardship in the business owner if she cannot get a sign put up and open the business. The original motion stands.

Council Member Johnson seconded and the motion died for lack of second.

Council Member Edwards made a substitute motion to grant the business a 30 day banner permit and table this variance for 30 days to allow for more review of these conditions. Council Member Johnson seconded. Approved 5-0.

Employee End of Year Salary Adjustment – Hail explained that this adjustment is for full time employees that were hired prior to July 1 of this year. The employees would receive a 2% one time adjustment funded from the Contingency Fund Account. The City has had another good year of providing service to its citizens. Through diligent use of the bidding process and conservation of assets the budgetary outlays were controlled while providing this service.

Mayor Pirkle expressed concerns that this would conflict with the state laws prohibiting gratuities. He prefers a higher salary levels.

The City Attorney Lee Thompson explained that under state laws gratuities are not allowed to government employees. This is a salary adjustment not a bonus or gratuity. The City Manager prefers this to control the salary levels from adjusting permanently. If the City experiences years that are not as exceptional then the salaries would not be a high.

Council Member Johnson motioned to approve the Employee End of the Year Salary Adjustment. Council Member Cohen seconded the motion. Approved 5-0.

Executive Session – Legal, Real Estate, and/or Personnel - Council Member Cohen motioned to enter Executive Session at 8:50 p.m. Council Member Edwards seconded the motion. Approved 5-0.

Adjournment – There was no action taken out of Executive Session so Council Member Cohen motioned to adjourn at 9:18 p.m. Council Member N. Thompson seconded the motion. Approved 5-0.

Gary Pirkle, Mayor

Jane Whittington, City Clerk