

**CITY OF SUGAR HILL  
COUNCIL MEETING MINUTES  
MONDAY, JANUARY 12, 2004  
7:30 PM COMMUNITY CENTER  
4988 WEST BROAD STREET, SUGAR HILL**

**Call to Order** – Mayor Pirkle called the meeting to order at 7:30 p.m. Present were Council Members Steve Edwards, Ron Johnson, Nick Thompson and newly elected Council Members Marc Cohen and Clint 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 of allegiance and gave the invocation.

**Oath of Office – Council Members Marc D. Cohen and Clint Thompson** were sworn in by Mayor Gary Pirkle.

**Approval of Agenda** – Council Member Edwards motioned to approve the agenda as submitted. Council Member Johnson seconded the motion. Approved 5-0.

**Approval of Minutes** - The Minutes of the December 8, 2003 Council Meeting were approved as written. Council Member Johnson motioned to approve the minutes. Council Member N. Thompson seconded the motion. Approved 5-0.

**City Attorney’s Report** - City Attorney Lee Thompson had no report in Regular Session.

### **Council Reports**

**Council Member Marc Cohen** spoke regarding items not included on the agenda. He understood after the Work Session that several items would be included on tonight’s agenda and they were not. He asked for a clear understanding of how items come forward on the agenda.

**Council Member Nick Thompson** stated that he thought goals and objectives of the DDA would also be brought forward on tonight’s agenda. There were fifteen or twenty things that the council wanted to discuss but it got late and they had to adjourn at 11:00 p.m. He asked for patience and they will get to all of them.

**Council Member Ron Johnson** welcomed all the new Council Members and congratulated Nick Thompson on the birth of their new baby girl two weeks ago. He asked all new Council Members to look to the past before looking to the future. He moved here in 2000 and since then there has been 10 council members, 2 mayors, 2 city managers, 2 city clerks, 2 planning directors and this is not stable government. There was a petition to dissolve the city with over 1,800 signatures of people unhappy with city services. We as city leaders are elected to provide better services. We are the 4<sup>th</sup> largest city in Gwinnett and the 7<sup>th</sup> fastest growing city in Georgia. We should make our city the diamond in Gwinnett. We need to bring businesses in. We are 99% residential. It will be the Council’s responsibility to make this happen and bring businesses and quality restaurants to the city to help support the infrastructure and tax base. Research projects and be ready to vote on them at upcoming meetings. Work to make it right and do not let personal beliefs stand in the way of making correct

decisions. He welcomed the opportunity to work with each of the new members and welcomed them to the council.

**Council Member Steve Edwards** reported on the golf course. Over 13,000 rounds of golf were played this year even though we were closed for five months. There will be some improvements to the greens and surrounding areas including drainage, cart paths and shelters. The work is to start next month. He is also looking forward to working with this team. It will be a team effort and he will do his best to vote with his heart.

**Mayor's Report** – Mayor Pirkle had no report.

**City Clerk's Report** – Jane Whittington, City Clerk reported that the occupation tax software is up and running. The renewal applications have been sent out to all 635 businesses in Sugar Hill. As soon as they have all been received the invoices will be sent out for payment for the 2004 Business Licenses and gross receipts. All the Alcohol/Beer/Wine License renewals have been returned except one. We will stay on top of that. We have a new employee in City Hall Martha Enriquez, Administrative Assistant who is the City Manager's assistant.

**City Manager's Report** – City Manager Bob Hail gave his year-end report and highlighted some of the accomplishments we achieved this year. The city resurfaced 21 city streets and patched 12 streets: Arbor View Way, Ashton Lake Ct., Diggers Way, Gold Mine Dr., Gold Nugget Way, Level Creek Road, Mountain Ridge Way, Silk Oak Way, Snowy Orchid, Star Flower, Sweet Fern and Under Hill Court. Over one mile of curb, drainage and sidewalk systems were constructed on Whitehead Road and Frontier Dr. Drainage pipe was replaced on Old Spring Way. Spring Hill was rebuilt with curb, gutter drainage and sidewalks from Whitehead Rd to Level Creek. All of the following roads will be resurfaced if there is enough money in the budget for 2004: Allison Way, Appling Rd., Bath Gate Ct., Cardigan Trace, Cheeley Dr., Elizabeth Heights, River Ridge Ln., Riverside Walk Crossing, Riverside Walk Dr., White Oak Dr., White Oak Way. The backup roads for 2004 are: Emory Dr., Owens Circle, Maltdie Ct, Secret Tr., and Sycamore Summit Dr.

City Hall – we constructed and renovated over 6,000 square feet for ADA compliance, including an elevator. Planning & Development is now located on the second floor. The city's website is operational and almost all required forms are available for downloading.

Planning & Zoning – Harmit Bedi was hired as Director of Planning & Development in September. 2,089 construction permits were issued. 3,600 building inspections were performed.

Recreation – Kelly Rumrill was hired as the Recreation Coordinator. The demolition and construction of the new Community Center has begun. We have purchased four Automatic External Defibrillators (AEDs). These are for emergencies and will be placed in City Hall, the maintenance complex, the golf course and the new community center. Over 150 memorial bricks have been installed on the Town Green. We completed construction of the amphitheater at EE Robinson Park. Began the city's Reels at Robinson free family movie series. The City's Fall Festival was a great success. Completed installation of the new Musco lighting for the ball fields and soccer fields. Installed new fencing on one ball field. The other will be installed this year. Installed new lighting and completed renovations of the tennis, volleyball and basketball courts.

Golf – The golf course was closed until May due to heavy rains (>59") in 2003. There were over 1,300 rounds of golf played this year even though the course was closed for almost five months. The analysis and prioritization of improvements for the greens and surrounding areas is complete.

Improvements on the greens, drainage, cart paths, shelters and restrooms will begin in February.

Gas – We installed over three miles of high-pressure steel gas pipe and over three miles of low-pressure pipe. Also installed new utility invoicing software with a more informative invoice, return

envelope and offered level/budget-billing option to customers. There are now over 8,500 gas customers and over 700 new services. We installed over six miles of new service lines and located over 1,000 utility lines to protect against construction damage. The city had 12 straight months of lower bill comparisons to the major gas marketer (SCANA, Georgia Natural, Shell, and Southern Gas companies).

### **Unfinished Business**

**PUBLIC HEARING, RZ-03-011**, Ruby-Forest, Ltd. – Bedi

**Map Reference #:** R7-305-185 & 7-292-156, 1373 & 1375 Hillcrest Dr, 8.74 Acres

**Current Zoning:** RS-100 & LM, **Requested Zoning:** RM

The Applicant requested to be placed at the end of the agenda. Council Member Johnson motioned to move this to the end of the agenda as Number 12. Council Member Cohen seconded the motion.

Approved 5-0.

### **Citizens and Guests Comments**

Wayne Ballew, 5267 Pass Court, thanked Council Member Johnson for taking the interest and the time regarding the zoning case for Hillcrest Drive tabled tonight. Everyone is not happy with the decision reached but they can live with it.

Bob Scott, 4383 White Oak Drive, welcomed the new Council and stated he looked forward to the next four years.

Bob Wagner, 4969 Hidden Branch Drive stated that he was taken aback about what Council Member Johnson said. He has lived here since 1991 and has seen 23 council members, 4 mayors, 5 city clerks, and 9 city managers. Stability would be nice. This is the best-educated council he has seen since he's been here. He wants the council to know that they are really up here for the people and we lack in services compared to other cities.

### **New Business:**

**Appointment of Mayor Pro Tem** – Council Member Cohen nominated Council Member Johnson. There were no other nominations. Mayor Pirkle swore him in as Mayor Pro Tem.

**PUBLIC HEARING SUP-04-001**, Chris Cowart, 185 Peachtree Industrial Blvd.

Council Member Johnson motioned to enter and **combine this public hearing with item #2., SUP-04-002**. Council Member N. Thompson seconded the motion. Approved 5-0.

Mr. Bedi explained the Special Use Permits. Mr. Chris Cowart has an active business license for 185 Peachtree Industrial Blvd. and has been located there for a number of years. The two properties are next to each other and abut Peachtree Ind. Blvd. They have received no comments from the public and the Planning Commission recommended approval. Mr. Cowart wants to expand his business on this adjoining property and it requires a Special Use Permit. Meg Avery questioned the background of the application. Mr. Cowart explained that they have an existing building on the one piece of property and he has purchased the adjoining 9 acres to expand his business. They recycle stumps and tree limbs in mulch to sell to companies like Home Depot.

Council Member N. Thompson motioned to exit public hearing. Council Member Cohen seconded the motion. Approved 5-0.

Council Member Edwards motioned to approve SUP-04-001. Council Member N. Thompson seconded the motion. Approved 5-0.

**PUBLIC HEARING SUP-04-002**, Chris Cowart, 185 Peachtree Industrial Blvd. – Council Member Edwards motioned to approve SUP-04-002. Council Member Cohen seconded the motion. Approved 5-0.

**PUBLIC HEARING Zoning Ordinance Amendments** – Council Member Johnson motioned to enter public hearing. Council Member N. Thompson seconded the motion. Approved 5-0. The Mayor stated that there are three different things to consider with these amendments. The first is amendments in Article 17, Section 1701.B. The second is a Conservation Overlay District which would be an overlay on the RS-100 Zoning. The third is RZT zoning with zero lot lines.

**Article 17, Section 1701.B amendments** – Mr. Bedi explained that right now Planning & Development has an extended application for all types of rezonings and variances. This change in the application will simplify it for small lots, single lots and encourage annexation. The Mayor summarized that the major changes are for request for rezoning for residential property if it is less than three building lots, you would be exempted from some paperwork, as was previously required. Also if it is one acre or less that is being developed for nonresidential or if it is a nonresidential of less than 10,000 you would not be required to have some of the previous information. Outside of that you would still be required to have information such as flood plains, density, site plans and other information. Council Member Johnson asked Mr. Bedi if this took away the city's right to ask for more if they feel it necessary. Mr. Bedi responded that it did not.

**Conservation Overlay District** – Mr. Bedi explained the purpose of the ordinance is to encourage more open space, density and provide a more efficient design. This ordinance is patterned after Gwinnett County's Ordinance. The City Manager explained that a lot of the flat land is gone within the County and we have hills and creeks and to protect that property this ordinance allows for the same number of houses to be built on less area to conserve that green space. The purpose of the ordinance is to protect those green areas so you have natural areas.

**Single Family Residence Zero Lot Line/Townhome District (RZT) Ordinance** – Mr. Bedi explained the RZT, single family residential zero lot line ordinance. At present the City does not have zero lot line ordinance or townhomes in a row that have more explanations of side, rear and front setbacks. It allows developers to be a little more creative and innovative to come up with designs to fit the ordinance and bring it to the Council so we can be clearer. This is also based on Gwinnett County's RZT Ordinance. Council Member Edwards asked if we are behind other cities, do they have this ordinance in place. Mr. Bedi responded that Suwanee has one in place. Sugar Hill does not have much available land left but for annexation purposes and other developments, we want to give them the same options the County has. Someone from the audience asked about square footage requirements and would like a copy. Council Member Johnson stated that he asked Mr. Bedi to come up with this zoning classification to encourage single family homes on small lots as opposed to townhomes. The Mayor read the setback requirements of single family verses townhomes. Mr. Bedi explained why no square footage requirements for the homes were put in. This limits the creativity and if you have 1,200 minimums that is what you could get. Council Member N. Thompson stated that he agrees with Council Member Johnson that single family homes detached with small yards is better than townhomes. He understands that the County has had problems with this zoning classification. There is mixed reviews and they have a track record of denial in the County.

Council Member N. Thompson motioned to exit public hearing. Council Member Edwards seconded the motion. Approved 5-0.

**Article 17, Section 1701.B Amendments** – Council Member Edwards stated that it simplifies the application process and encourages growth. Council Member N. Thompson stated that it puts us more in line with a developer friendly city. It places more responsibility on Mr. Hail and Mr. Bedi. They have to review the applications two or three times and go back and forth with the developers instead of just giving them a list of 27 things they are required to have. It shows that we are willing to work with developers to help minimize the paperwork if it is not necessary. The Mayor stated that it is for smaller tracks of land that want to be annexed or developed in the city. The larger tracts will still have to meet the stricter requirements. Council Member Johnson motioned to approve this Ordinance. Council Member N. Thompson seconded the motion. Approved 5-0.

**Conservation Overlay District** – The Mayor stated that he had some questions regarding the next two ordinances. During the Work Session it was his understanding that they were to be tabled allowing more time to review and amend them. Council Member N. Thompson motioned to table this ordinance and the RZT Ordinance until after the Council retreat to allow more time to discuss them. Council Member C. Thompson seconded the motion. Motion fails 2-3 with Council Members Johnson, Edwards and Cohen voting against the motion.

**There were several changes to the ordinance as submitted by the Mayor and agreed between the Council Members.** Council Member N. Thompson motioned to approve the Conservation Overlay District Ordinance as amended. Council Member Edwards seconded the motion. Approved 4-1 with Council Member C. Thompson voting against the motion.

**RZT Ordinance** - Council Member N. Thompson motioned to table the ordinance. Council Member C. Thompson seconded the motion. Motion fails 2-3 with Council Members Johnson, Edwards and Cohen voting against the motion.

**After considerable discussion the RZT Ordinance was tabled until the February meeting.** Council Member Edwards motioned to table this ordinance until the next meeting. Council Member Johnson seconded the motion. City Manager asked that concerns/changes be given to staff before the next meeting. Approved 5-0.

**Eckerd Drugs, Beer/Wine Retail License** – The Applicant Requested to Table – Council Member Edwards motioned to table this until the applicant refiles the application. Council Member Johnson seconded the motion. Approved 5-0.

**Dos Amigos Check Cashing, Beer Retail License – Denied does not meet the minimum requirements.** The City Clerk researched the application after the Work Session and this does not meet the minimum square footage requirements of 2,000 square feet. Their store only has 1,500 square feet. Council Member Johnson motioned to deny the license. Council Member Edwards seconded the motion. Approved 5-0.

**Reschedule February Council Meeting** – The meeting is in conflict with new Council Member's mandatory training. Council Member Cohen motioned to reschedule the meeting for Wednesday, February 11, 2004 at 7:30 p.m. Council Member Johnson seconded the motion. Approved 5-0.

**Appoint Judge & Associate Judge** – The City Manager reported that he received letters from Judge Margaret Gettle Washburn and Associate Judge Williams Coolidge, III requesting that they be reappointed for another term. The staff recommendation is to reappoint both judges. Council Member Edwards motioned to reappoint Margaret Gettle Washburn as Municipal Judge and William Coolidge, III as Associate Municipal Judge. Council Member Johnson seconded the motion. Approved 5-0.

**Appointments Planning & Zoning Commission** – Council Member Johnson nominated **David Lamb** for Post #1. Approved 5-0.

Council Member Cohen nominated **John Postell** for Post #2. Approved 5-0.

**Appointments Downtown Development Authority** – Council Member C. Thompson nominated **Jeff Fair**. Approved 5-0.

Council Member N. Thompson nominated **Allen Jorgensen**. Approved 5-0.

**CPU Post Office** – Council Member Johnson motioned to approve at Contract Post Office with funding for this year not to exceed \$30,000. He thanked former Council Member Meg Avery for her efforts with trying to get this approved while she was on Council. Council Member Cohen seconded the motion. Approved 3-1-1 with Council Member N. Thompson voting nay and Council Member C. Thompson abstaining.

**RZ-03-011** – Council Member Johnson motioned to table this rezoning. Council Member N. Thompson seconded the motion. Applicant looking at possible RZT Zoning and single family homes. Approved 5-0.

Council Member Johnson motioned to amend the agenda to **swear in the two new DDA members appointed at tonight’s meeting**. Council Member Edwards seconded the motion. Approved 5-0. Mayor Pirkle swore in the new members Allen Jorgensen and Jeff Fair.

**Executive Session: Legal, Real Estate and/or Personnel:** Council Member Edwards motioned to adjourn into Executive Session at 9:20 p.m. Council Member Johnson seconded the motion. Approved 5-0.

**Adjournment:** Mayor Pirkle reconvened the meeting at 10:45 p.m. There was no Council action from Executive Session. Council Member Johnson motioned to adjourn. Council Member Cohen seconded the motion. Approved 5-0.

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Gary Pirkle, Mayor

Date Submitted and Signed by Mayor: \_\_\_\_\_

ATTEST:

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Jane Whittington. City Clerk