

**MINUTES  
CITY OF SUGAR HILL  
COUNCIL MEETING  
MONDAY, OCTOBER 11, 2004  
7:30 PM CITY HALL ANNEX  
4988 WEST BROAD STREET, SUGAR HILL**

**Call to Order** by Mayor Pirkle at 7:32 p.m. Present were Mayor Gary Pirkle, Mayor Pro Tem Ron Johnson, Council Members Steve Edwards, Clint Thompson, and Nick Thompson. Council Member Marc Cohen was not present. 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** Mayor Pirkle gave the invocation.

**Approval of Agenda** City Manager requested to add Construction Easement for Sewer. Council Member N. Thompson motioned to approve this addition. Council Member Edwards seconded the motion. Approved 4-0.

**Approval of Minutes**

**Minutes of Council Meeting September 13, 2004**, Council Member Edwards motioned to approve the minutes as written. Council Member N. Thompson seconded the motion. Approved 4-0.

**Minutes of Special Called Meeting Tuesday, September 21, 2004**, Council N. Thompson motioned to approve the minutes as written. Council Member Johnson seconded the motion for discussion but withdrew his second because he was not present at the meeting. Council Member C. Thompson seconded the motion. Approved 3-0-1 with Council Member Johnson abstaining.

**City Attorney's Report** – Lee Thompson had no report for regular session.

**Council Reports**

**Council Member Clint Thompson** had no report.

**Council Member Nick Thompson** reported that the Downtown Development Authority will have a booth at the Fall Festival if you would like to learn more about what they are doing. He also reminded everyone to get out and vote in the November Election.

**Council Member Ron Johnson** stated that he would also like to remind everyone to get out and vote. This is an important election. He reported that the Post Office is now open in City Hall and their hours right now are Monday through Friday 8:30 a.m. to 5:00 p.m. As soon as the contracts with the Postal Service are complete they will have normal post

office hours including Saturdays. He is proud to have been a part of bringing this service to the city. Council Member Meg Avery was instrumental in getting it here. He encouraged all Council Members to support it. He requested that the concert with John Berry be advertised more. This is the finale at the Fall Festival and he is a chart stopper with many great recordings. Teresa Wade, another country artist will also be performing. She grew up in Stone Mountain and now lives in Nashville. This years festival beginning with a 5K run/walk will be one of the best ever. The Festival is Saturday, October 23 from 11 – 5 followed by the concerts. Gwinnett County Chairman Wayne Hill contacted him to let him know that the groundbreaking for the new fire station in Sugar Hill will be December 8<sup>th</sup>. He has negotiated with Chairman Hill and the County for more public safety services. The new fire station will be #26 and he can't thank Chairman Hill enough for his efforts in getting this station in Sugar Hill. It will be located across from the entrance to the City's Golf Course. The opening should be in about 6 months.

**Council Member Steve Edwards** reported that on September 24<sup>th</sup> they had a golf tournament at the Sugar Hill Golf Course. It was to raise money for the Sugar Hill Elementary PTA. They raised about \$6,000 for a computer lab. He thanked Council Members Ron Johnson, Nick Thompson and Clint Thompson for their help. Council Member Johnson helped to attain some good sponsors. His team, which included Bob Hail, won and they donated their prizes back to the PTA.

**Mayor's Report** – Mayor Pirkle reminded everyone also of the Fall Festival on Saturday, October 23<sup>rd</sup>. The walk/run begins at 8:30 a.m. The John Berry concert will be at 7:00 p.m. to cap off the Festival. There will be a meeting of the volunteers this Thursday, October 14<sup>th</sup> at 7:00 p.m. We are still looking for volunteers. He thanked Hope Curtis, Volunteer Coordinator and the City's Recreation staff for the fine job they are doing in putting this together.

**City Clerk's Report** – The Clerk's office issued 12 Businesses Licenses in the month of October. Out of the 12 licenses 7 were home based, and 2 were change of ownership, and 1 renewal. The revenue for September was \$973.75. In Property Tax revenue we received \$584,145.50 from Gwinnett County. The first installment due date was September 15<sup>th</sup> and the second installment is due November 15<sup>th</sup>.

Voter registration for the November 2<sup>nd</sup> election ended October 4<sup>th</sup>, but you can still stop by City Hall and register for future elections.

**City Manager's Report** - See Attachment #1. The City Manager reported that the following Annexation application would be presented to the Planning Commission October 18<sup>th</sup> and be on the November 8<sup>th</sup> Council Agenda for consideration.

**Annexation of Islands -AX 04 020**, T&B, LLC, 23.51 acres, Tax ID 7-337-024 & 7-338-015, Austin Garner Rd., R-100 in County to RS-100 PRD for Single Family Residential

**Unfinished Business** – No Unfinished Business

**Citizens and Guests Comments – No Citizen or Guest Comments**

**New Business:**

**PUBLIC HEARING - AX-04-015** TAX PARCEL ID'S: 7-273-008, 7-273-010, & 7-273-012, Island Annexation initiated by the City of Sugar Hill. Properties currently zoned 7-273-008 R-100, 7-273-010 RA-200, & 7-273-012 M1 in Gwinnett County, proposed zoning for City 7-273-008 RS-100, 7-273-010 RS-200, & 7-273-012 HM-1. Located along North Price Road. The City Manager explained the application. It was initiated by the City because it is an island. The Mayor opened the Public Hearing. There was no opposition or public comments so the Public Hearing was closed. Council Member Edwards motioned to approve AX-04-015. Council Member C. Thompson seconded. Approved 4-0.

**PUBLIC HEARING – AX-04-016**, TAX PARCEL ID'S: 7-290-015 & 7-290-016 Island Annexation initiated by the City of Sugar Hill. Properties currently zoned R-75 in Gwinnett County, proposed zoning for City is RS-100. Located along Level Creek Road. The City Manager explained the application. The Public Hearing was opened and there were no public comments or opposition so the Public Hearing was closed. Council Member N. Thompson stated that he received a call from the property owner Mr. Tatum and he was opposed to the annexation. Council Member Edwards motioned to approve AX-04-016. Council Member N. Thompson seconded the motion. Approved 4-0.

**PUBLIC HEARING – AX-04-017**, TAX PARCEL ID'S: 7-290-001 Island Annexation initiated by the City of Sugar Hill. Property currently zoned R-75 in Gwinnett County, proposed zoning for the City is RS-100. It is located along Level Creek Road. The City Manager explained the application. The Public Hearing was opened. The City Manager stated that he had received a call from Mr. Mim, the property owner, and he opposed to the annexation. He asked to see the State law regarding island annexations. The City Manager will begin dialogue with and obtain copies of the state law for him. There were no public comments or opposition so the Public Hearing was closed. Council Member N. Thompson motioned to approve AX-04-017 with the staff recommendations. Council Member C. Thompson seconded the motion. Approved 4-0.

**PUBLIC HEARING – RZ-04-006**, TAX PARCEL ID'S: Portion of 7-274-002, The Myrick Company is requesting to rezone 45.53 acres at Peachtree Industrial Blvd. The property is currently zoned HM-1 (Light Industrial) and the applicant is requesting RM (Multi-Family Residential). The City Manager explained the application. This has been with the City for over 2 years now. It went through the rezoning process and it was appealed in court. The court remanded it back to the City. We have been through the rezoning process. It is now up to the Mayor and Council to have a Public Hearing, which was advertised. The original application requested rezoning from HM1 light industrial to RM. The staff is now recommending O&I with conditions such as a 175' buffer along Mr. Breedlove's property. The applicant agreed in the original process to overbuild the retention ponds 1-1/2 times what the hydrology study called for to help alleviate the water flow to bordering Park Mine residents. The conditions are in the packet before the

Council tonight. The Planning Commission met September 20<sup>th</sup> and with a vote of 3-2 recommended to rezone it RM with conditions. The location of the property in this application is behind the commercial property bordering Peachtree Industrial Blvd. Council Member Johnson asked about the buffer in the other area other than bordering Mr. Breedlove's property. The City Manager stated the closest the building line for the rest of the project would be 300'. There is a creek there and it is at least 200' from the creek. The staff recommendation of O&I is with the same buffers.

The Mayor opened the Public Hearing. Mr. Doug Dillard, Dillard & Galloway, Attorney for the applicant, spoke regarding the details of the application. He stated that they are there seeking a reasonable use of their property. He stated that the court has asked the City to give the property a constitutional zoning. They do not understand and O&I zoning as the staff recommends. In the spirit of cooperation, and in the spirit of what the courts has asked them to do, they do not understand a nonresidential zoning. Mr. Dick Myrick also spoke in favor of the application and explained that they are requesting RM and would accept the Planning Commission's recommendation and the conditions with some changes to and excluding some of the conditions. He stated he thinks that office is not a constitutional use of the property. They started at 320 apartment units. They looked at townhomes, condos and he is convinced the only feasible constitutional use is an RM zoning. The Planning Commission has recommended a density and structure that they can live with. The RM component is part of the project. They have 300,000 square feet of commercial and office on the front. Mr. Stark has another investment with 45 acres adjacent to this property currently zoned BG which would allow 400,000 square feet of commercial and office.

Several residents spoke against the RM zoning. Tammy Wright, 4591 Gold Mine Drive, brought pictures. She is concerned about flooding and water problems this development could bring to her property. Does not want multi family in her backyard. It would affect the schools. Elizabeth Jones, 4730 Gold Mine Drive, asked if they would go over the conditions the Planning Commission put on the RM zoning. The City Manager read the conditions that they placed first, then the ones that the applicant did not want or wanted changed. She does not understand why the court action turned out like it did. She just wants the decisions of the council to be in the best interest and protection of the citizens. The City Attorney, Lee Thompson explained the ruling of the court and the action now required. They ruled the zoning unconstitutional and the City must now come back and put a constitutional zoning on the property. The Mayor explained that the original application for rezoning was denied so it left the property zoned HM1 which was appealed to court and that zoning was found unconstitutional.

The applicant used the remainder of his time to rebut some of the issues regarding the RM zoning and the resident's issues that they expressed. The applicant requested that the Council postpone the vote until Council Member Cohen was present. They would not accept anything but a residential zoning and would have to go back to court. The Mayor closed the Public Hearing.

Council Member Johnson requested that the Council to postpone the vote on this application until Council Member Cohen could be present. He will return from a business trip later this week. The Mayor explained that at the Work Session the Council tried to reach a date that would be amenable to everyone and they were unable to.

Council Member C. Thompson motioned to **rezone RZ-04-006 as O&I with the staff conditions**. Council Member N. Thompson seconded the motion. The motion was approved 3-1 with Council Member Johnson voting nay.

**Ordinance Courtesy/Decorum Public Meetings** – Council Member N. Thompson explained that this ordinance set the ground rules for Council Meetings and it applies to both citizens and public officials. The City Manager will act as a bailiff to keep the meetings under control. It will be handled by the City Court is they receive a citation and fines can be assessed. Council Member C. Thompson motioned to approve this ordinance. Council Member N. Thompson seconded the motion. Approved 4-0.

**Construction and Permanent Sewer Easement** – The staff believes that Gwinnett Public Utilities already has this authority through the blanket Quit Claim from when the City sold the Water System to them. The request is that the City Manager and City Attorney be authorized to review research and sign any applicable documents to approve this construction easement and transfer of property to Gwinnett County, as intended during the sale of the Sugar Hill Water System. The Council was concerned over the construction times. Council Member Edwards motioned to approve this easement adhering to the city’s noise ordinance. Council Member C. Thompson seconded. Approved 4-0.

**Executive Session: Legal, Real Estate and/or Personnel: Not necessary**

**Adjournment:** Council Member C. Thompson motioned to adjourn at 9:05 p.m. Council Member Edwards seconded the motion. Approved 4-0.

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Gary Pirkle, Mayor

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Jane Whittington, City Clerk