

**MINUTES OF SUGAR HILL
COUNCIL MEETING
MONDAY, FEBRUARY 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, Council Members Steve Edwards, Marc Cohen, Ron Johnson, 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

Invocation – Mayor gave the invocation.

Approval of Agenda Council Member Johnson motioned to approve the Agenda as submitted. Council Member Cohen seconded the motion. Approved 4-0.

Approval of Minutes - Minutes of the Council Meeting of January 10, 2005 – Council Member Edwards motioned to approve the Minutes as written. Council Member Johnson seconded the motion. Approved 5-0.

City Attorney's Report – The City Attorney reported that there is an item that requires the Council to go into Executive Session to discuss tonight. It is for both potential litigation and personnel and requires action by the Council out of the Executive Session. There is also an agreement of transfer of rights that all parties are in agreement about. It is regarding property that the City owns out on Austin Garner Rd. The owner is transferring rights to move some dirt and the City Attorney stated he had drafted an agreement and sent it to the City Manager and all parties were in agreement. The only part that needs to be worked out is the grading plan. If the Council will give the City Attorney and City Manager the authority they will negotiate the last of the agreement. The Council needs to amend the Agenda by unanimous consent and vote on this matter. Council Member Johnson motioned to amend the agenda to grant Mr. Lee Thompson and Mr. Hail authority to negotiate this agreement. Council Member Cohen seconded the motion. Approved 5-0. The Mayor clarified that this will now be item #8 on the Agenda.

Council Reports

Council Member Clint Thompson had no report.

Council Member Marc Cohen thanked everyone for spending their Valentines Day with them. The American Public Gas Association recently appointed Bob Hail to the Public Gas Policy Council, which is an organization made up of elected and appointed officials of public gas systems across the nation. He congratulated him and stated he was sure he would serve the City well. Also in January some of the Council went to GMA training at Mayor's Day in Atlanta. Council Member Edwards, Johnson and City Manager Bob Hail along with himself attended. During that session Council Member Johnson received a certificate of merit for 72 hours of training and congratulations to him. The other thing he

wants to talk about that is near and dear to his heart is the American Red Cross. Last year the City Council, city staff and other citizens took an active part in the Heroes Campaign. This is different than other fundraising because it is for people right here in Gwinnett County. They help with fire victims and disaster awareness. He is challenging anyone to help raise funds to top last year's amount of \$1,000. In Planning & Zoning they issued over 140 inspection permits, 16 erosion inspections, 17 construction permits and one annexation. Happy Valentines Day.

Council Member Nick Thompson reported that one week from tonight at the Sugar Hill Golf Course they are having the initial deployment of the Sugar Hill Business Alliance. This is a catered event starting at 6:30 p.m. If you are a business owner, manager or even a business patron in the City please attend. There will be two keynote speakers there. First and foremost Honorable Chairman of Gwinnett County Charles Bannister and also Jim Moran CEO of the Gwinnett Chamber of Commerce. They will share some of their time and hopefully give some guidance on how to start the Business Alliance and be successful.

Council Member Steve Edwards thanked Council Member Clint Thompson for getting everyone involved in Junior Achievement again. HE also thanked County Commissioner Kevin Kennerly for getting involved in their Junior Achievement as well. Mitch Peavey, a former City Manager for Buford is also involved. He thanked his fellow Council Members for the vote of confidence in making him Mayor Pro Tem this year.

Council Member Ron Johnson also thanked Clint Thompson for the involvement in Junior Achievement. This is the fourth class he has taught. They are doing it at Sycamore and Sugar Hill Elementary and he hopes that Clint will keep expanding it to the other schools. He thanked Chris Cowart of Cowart Mulch. He called him at the beginning of the week because Lanier Middle School needed quite a bit of ADA approved chips and he called Chris. He took them over there the same day and donated them to the school. Marc Cohen also received an award for the first stage of training. There are three stages to the GMA training for City leaders. Clint Thompson and Steve Edwards are going to the next training and taking Municipal Finance I & II. This will be useful during budget time. There will be a reading week at the Buice School February 28 – March 4th. If you have not been to this school please go check it out it is a wonderful school. If you want to get involved please email him. For recreation he would like to welcome Meghan Klinefelter she is the new Recreation Specialist.

Mayor's Report – Mayor Gary Pirkle reiterated what Council member Johnson said about the Read Across America program. They are focusing especially on reading to younger students and reading Dr. Seuss. He will be reading at the Buice Center and the Buford/Sugar Hill Branch of the Gwinnett Public Library. If you can't make it out then read to your children.

Council Member Johnson added that there are two more people that are going to join them in reading to the children. They are Brian Feneran of the Atlanta Falcons and also Alan Rosman of the Falcons.

City Clerk's Report – The City Clerk Jane Whittington reported the following: We issued 32 new Businesses Licenses in the month of January. The renewal process is going well and we collected \$99,434 in January for 278 businesses. February will be a good collection month because the businesses are still not acclimated to the January 31st due date. They still think March so we have to put this date out consistently. There are 858 businesses but this total includes Insurance Licenses and

Home Occupations. If you are a business and have not sent your gross receipts or have not renewed for 2005 please contact City Hall and submit all necessary paperwork.

City Manager's Report - See Attachment #1

Annexations to go to Planning Commission - AX-04-030, Tax Parcels: 7-339-140, 015, 016, 017, 018, 046 & 065, Jamie Stahulak request to annex 6.361 acres off Hwy. 20, currently zoned R-100 in Gwinnett County proposed in City HSB for Commercial Use.

Unfinished Business

Citizens and Guests Comments

New Business:

PUBLIC HEARING - Land Use Plan Update – PBS&J Paige Hatley presented the draft of the Land Use Plan Update with the three proposed maps. Council had concerns about the commercial that they had included in the future map all the way down Georgia Highway 20. The Public Hearing was opened and Kim Mitchell, 545 Emerald Lakes Parkway, voiced concerns about green space. The Public Hearing was closed. Council Member Johnson motioned to table this until the Council has more time to look at it. Council Member C. Thompson seconded the motion. Approved 5-0.

Council Member Nick Thompson presented the City Clerk with a written memo disclosing his representation interest in a property that lies close in geographic proximity to properties that will be the subject of deliberation and vote here this evening. To avoid all appearances of impropriety, he removed himself from any discussion and vote for agenda items 2, 3 and 4. He left the room at this time.

PUBLIC HEARING - RZ-04-007 – Tax Parcel Id's: R7-339-068, 069, 071, 079 & 142. GA 20 Ventures North, LLC requesting to rezone 7.207 acres off GA Hwy 20, currently zoned OI, proposed BG. – Hail explained the application. The Public Hearing was opened and Michael Sullivan spoke for the applicant. It was agreed between the Emerald Lake Subdivision representation of concerned residents that a 40' buffer and an additional 20' be made between the commercial structures and the yards of the residents. The 40' is undisturbed with a fence running through the middle of it and the 20' would be opaque. Council member Cohen motioned to approve RZ-04-007 with change condition #1 to reflect 60' instead of 40' total, change condition #4 to allow dumpsters to be serviced between the hours of 8:00 a.m. to 8:00 p.m. and change condition #16 to make the detention area fences 8' instead of 6'. Council Member Edwards seconded the motion. Approved 4-0.

PUBLIC HEARING - AX-04-025, Tax Parcel Id's 7-320-017, 015, 015A, 015B, 016, 018, 018A, 019, 20, 021, 022, 024, 027, 030, 031, 035, 043, 7-320A-001, 001A, 003, 004, 005, 007, 020, 024, 026, GA 20 Ventures North, LLC requesting to annex 14.993 ???? acres off GA Hwy 20, currently zoned C-1, C-2 and R-75 in Gwinnett County, proposed in City BG. – Hail explained the application and stated that the above conditions would be reflected on this also since it is one project. The Public Hearing was opened and Michael Sullivan spoke for the applicant. He explained that this is the same project only this portion had to be annexed. There were no comments from the public so the Public Hearing was closed. Council Member Cohen motioned to approve AX-04-025 with the

conditions as discussed changing #4 to 8:00 .m. to 8:00 p.m. and #16 change the detention area fence from 6' to 8' vinyl coated chain link. Council Member Edwards seconded the motion. Approved 4-0.

PUBLIC HEARING - AX-04-029, Tax Parcel: 7-320-017, 015, 015A, 015B, 016, 018, 018A, 019, 020, 021, 022, 024, 027, 030, 031, 035, 043, 7-320A-001, 001A, 003, 004, 005, 007, 020, 024, 026, GA 20 Ventures North, LLC, 29.963 acres along Hwy. 20, C-1, C-2 & R-75 in Gwinnett requesting RS-100/PRD to develop 79 single family homes. – Hail explained that the applicant reduced the lots by one to add an amenity package. It is being annexed by the 60% method of annexation. He explained the conditions with one being a 30' buffer with 5' undisturbed where the lots border Emerald Lake subdivision. Mayor requested that the City Attorney explain the 60-40 method of annexation. The Mayor stated that this poses a problem with the 2.07 acre piece that is not in the project by GA Ventures. The City Attorney explained that they would need to place a different zoning on this piece and add conditions. As long as it is not PRD it would be legal. The Public Hearing was opened and Michael Sullivan explained the project for the applicant. No one spoke in opposition so the Public Hearing was closed. Council Member Cohen motioned to approve AX-04-029 with conditions with the exception of the parcel R7-320-020, 2.07 acres to be zoned RS-100 with the following conditions: this property may only be used as a single residential lot and any subdivision of this property shall require a rezoning application and the specific approval of the subdivision plan by the Mayor and Council subject to any conditions and restrictions the Mayor and Council shall deem appropriate and allowed by law. Council Member Edwards seconded the motion. Approved 4-0. Mayor Pirkle stated that he plans to veto this Ordinance.

Council Member Nick Thompson returned to the room at this time. He will continue discussions and voting from this point on.

2005 Budget Amendment IT Personnel – Hail explained that the Network Administrator has taken more responsibilities with the growth of the City and the increased staff requirements and this position would be assistance and back up for her. The staff recommendation is to adjust the 2005 Budget to increase the Administrative Fund 100 by one employee and to increase the salary line item by \$30,000 and associated benefits to support this adjustment within the current budget limits. Council Member Edwards motioned to approve the staff recommendation. Council Member Johnson seconded the motion. Approved 5-0.

Ordinance Consent Agenda – Council Member Cohen wanted to introduce this ordinance to help expedite the meetings and allow the less controversial items to be placed on the consent agenda. Council Member Edwards motioned to approve the Consent Agenda Ordinance and begin using it at the March Work Session. Council Member Cohen seconded the motion. Approved 5-0.

Ordinance Annexation/Rezoning Application Limits – Mayor Pirkle requested that the City Attorney draft this ordinance to limit the annexation and rezoning applications presented to Council each meeting to six. Language was added to require that applications which are changed within one week of the Planning meeting or the Council meeting are to be tabled. Council Member Johnson expressed concerns that some applications are linked as one project and an assemblage of applications could not come up together. Council Member Edwards motioned to approve the ordinance. Council Member C. Thompson seconded the motion. Approved 5-0.

Agreement for moving dirt on the City's property at Austin Garner Rd. – This will allow the City Attorney and the City Manager to negotiate an agreement to allow this dirt to be moved off the City's property by a third party. Council Member Johnson asked if there would be a bond and a time limit. The City Attorney responded that there will be a performance bond and a payment bond and the project has a time limit of July 1st. The City Manager stated that there will be a grading plan. They have to comply with all land disturbance regulations and soil erosion requirements. Council Member C. Thompson motioned to allow the City Manager and City Attorney to enter into an agreement allowing the moving of dirt off this City property. Council Member Johnson seconded the motion. Approved 5-0.

Executive Session: Legal, Real Estate and/or Personnel: Council Member Cohen motioned to enter Executive Session at 10:05 p.m. Council Member C. Thompson seconded the motion. Approved 5-0.

The meeting was reconvened at 10:33 p.m. Council Member Clint Thompson motioned to accept the Consulting Agreement with Harmit Bedi. Council Member Edwards seconded the motion. Approved 3-2 with Council Member Johnson and Cohen voting nay.

Council Member C. Thompson motioned to ratify the action taken on Bob Hail as stated in the Work Session Minutes (Attachment #2). Council Member Johnson seconded the motion. Approved 4-1 with Council Member Cohen voting nay.

Adjournment: Motion was made and seconded to adjourn.

Gary Pirkle, Mayor

Jane Whittington, City Clerk