

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

**Call to Order** - Mayor Pirkle called the meeting to order at 7:30 p.m. Present were Mayor Gary Pirkle, Council Members Marc Cohen, Steve Edwards, 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** - Webalos Troup 522 with their leader Chris Kubick led the pledge of allegiance.

**Invocation** - Mayor gave the invocation.

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

**Approval of Minutes** - Minutes of Council Meeting February 14, 2005 – Council Member Edwards motioned to approve the Minutes as written. Council Member Cohen seconded the motion. Approved 5-0.

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

### **Council Reports**

**Council Member Clint Thompson** congratulated Council Member Nick Thompson as well as the Downtown Development Authority for the Business Alliance Kick off a few weeks ago. Jim Moran and Charles Bannister were there and there was a lot of energy amongst the businesses that attended. That energy as well as the Land Use Planning and Downtown Master Plan are good synergy for the City right now.

**Council Member Marc Cohen** asked everyone to observe a moment of silence for Superior Court Judge Roland Barnes, Fulton County Sheriff Dwight Teasley, Court Reporter Julie Brandeau and Ice Agent David Wilhelm who all lost their lives this past week. He congratulated Gwinnett County Police Department and SWAT team for bringing this situation to a peaceful and safe conclusion. The Fire Department was also very busy with grass land fires and residential fires in Gwinnett County. When these people lost everything in the fires the American Red Cross stepped in. They provided food, clothing, shelter and comfort. That is important because of the Heroes Campaign. They raise money for these disasters and the like through this campaign. He asked everyone to please donate to the Heroes Campaign if you can. Their goal is to raise \$75,000 to be used right here in Gwinnett County. This past month the Council had the opportunity to read Dr. Seuss books at the Buice Center and the Gwinnett Public Library. They also have been teaching Junior Achievement to third graders. He had the opportunity to be a judge for the high school State DECA competition. Gwinnett County has a county wide smoking ban and anyone caught smoking gets a ticket and fined. The ticket is

supposed to be for \$50. The tickets were being written and the residents were being charged \$135. One of his neighbors brought it to his attention and working through Kevin Kennerly's office he was put in touch with the court clerk's office. The County researched this and are going to issue refunds to all the residents who were overcharged. That is going over and beyond so you should be proud of your city and county government. For Planning and Zoning the City issued 35 permits, 111 inspections were performed and they received one annexation application.

**Council Member Nick Thompson** congratulated the Sugar Hill Business Alliance for the excellent turn out at the February 21<sup>st</sup> kickoff. They elected board members and one is present tonight Bridgett Jorgenson. When all was said and done they ended up with 72 registered members and that number is growing everyday. If you are interested in joining the Business Alliance you can go to the website [DowntownSugarHill.com](http://DowntownSugarHill.com) or contact one of the 11 board members.

**Council Member Steve Edwards** had no report.

**Council Member Ron Johnson** would like to echo that the Business Alliance meeting went well. He sat next to Jim Moran and he did not know that we had a golf course that looked that nice. This is the second year that they have done the reading program to the children. He brought Brian Fenneran of The Atlanta Falcons to read to the children at the Buice Center. He has been going in about 3 or 4 times a month and encourages anyone who has the time to get involved. Contact the Principal or Assistant Principal and they will let you read to a class. They also have a garden and are looking for people to show them how to garden. He attended something on Saturday; Council Member Cohen went with him, called Confetti Celebrations. Their mission is to provide weekend spa retreats to women with cancer along with their girl friends. They can refresh physically, restore emotionally and rejuvenate spiritually. They want to celebrate life, friendship and hope. These are 2 women who are from Sugar Hill that started this. The first fundraiser raised over \$10,000. Anyone interested in getting involved, nominating guests for weekends, or to partner with them in any way, this is a great organization. Their website is [confetticelebrations.org](http://confetticelebrations.org).

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

**City Clerk's Report** – The City Clerk Jane Whittington reported that they issued 25 new business licenses in February with 20 being home businesses. The business license renewal process is going well with over \$221,000 in revenue to date. Over 500 of the 700 businesses have renewed.

**City Manager's Report** - See Attachment #1.

**1. Annexations to go to Planning Commission 3/21/05 & City Council 4/11/05.**

- a. Annexation AX-05-001: 23.5 acres on Hwy 20 for County R-75 to City RS-100/PRD  
(Part of a larger 65 acre rezoning for RS-100/PRD Single Family Development)

**Consent Agenda** - Mayor Pirkle explained the issues before the Council on the Consent Agenda and how they will be approved with one motion.

- 1. Ordinance Adoption of City Code** – Approval of City Code received from Municipal Code Corporation that the City has been working on since 2000.
- 2. Ordinance Vector Control** – Updates current City ordinance bringing it into compliance and making it more enforceable by the Gwinnett County Health Department and the City.

**3. Election Polling Location Change** – Changes the polling location for City elections from the City Hall Annex to the Community Center, 1166 Church Street.

Council Member Johnson motioned to approve the Consent Agenda. Council Member Cohen seconded the motion. Approved 5-0.

**Unfinished Business**

**Citizens and Guests Comments** – No citizen comments.

**New Business:**

**Council Member Nick Thompson** submitted a letter to the City Clerk and excused himself from vote and discussion of Agenda item #1 under New Business Veto by Mayor AX-04-029. It disclosed his representation interest in a property that lies close in geographic proximity this property.

**Veto by Mayor – AX-04-29** – Mayor Pirkle explained the veto. Council Member Cohen motioned to override the veto. Council Member C. Thompson seconded the motion. Approved 4-0-1. Council Member N. Thompson abstained at the previous meeting from voting on this issue.

**PUBLIC HEARING - AX-04-028, Tax Parcel 7-319-023, 7-319-024 & 7-319-025, Plantation Associates, LLC request to annex 8.67 acres off Suwanee Dam Rd., currently zoned R-100 in Gwinnett proposed zoning in City RS-100/PRD, for 38 single Family Residential Homes.** – Hail explained the application. This will be a small gated community with 34 homes. The Council had concerns regarding the type of fence that would be installed. The City Manager explained that it would be shadow box style. Mr. Bondi explained that it would be made of cedar on site construction by a professional fence company. Council Member Johnson stated concerns regarding the residents of Saddletree. The Public Hearing was opened and Bob Bondi spoke representing the applicants Plantation Associates, LLC. He presented the Council with an overview of the proposed Daniel Creek. Council Member Johnson stated that the Council made previous applicants have 70' lots and this should be applied equally. Mr. Bondi responded that the square footage of the homes should make up for larger lots. They have larger footprints. He stated that the Saddletree residents were pleased with the proposed neighborhood. There were no comments or opposition so the Public Hearing was closed. Council Member Johnson requested that if they could not meet the 70' lots then they needed to make all the homes 2400 square feet. The Council asked the City Attorney if the recreation had to be on the site plan since it was PRD and he stated that it did. Mr. Bondi presented to the Council a site plan of the proposed passive recreation. He stated that they have no problem with making all the homes one story and two story the minimum 2400 square feet. Council Member Johnson requested that the condition be changed to require that Gwinnett Fire and Police sign off on the project before the permits are issued. The Mayor asked the applicant if buses could turn around in this cul-de-sac. The applicant stated that they could. Council Member N. Thompson requested that they have a bus stop with a roof on it for the children. Mr. Bondi stated that this is no problem but it might be located outside the gate. Council Member Cohen motioned to approve AX-04-028 with staff conditions changing #3 to make the minimum house size for one and two story 2400 square feet, adding a #9 to state that a sheltered bus stop be constructed, and #7 state that access coordinated and signed off on by the Gwinnett County

Fire and Police Departments. Council Member Johnson seconded the motion. Approved 4-1 with Council Member C. Thompson voting nay.

**PUBLIC HEARING – Zoning Ordinance Amendment, Parking on Grass** – Hail read the ordinance. Resident Jim Sands, 760 Old Spring Way, spoke in opposition to the ordinance stating that it was an attack on boat owners. Kim Mitchell, 545 Emerald Parkway, asked if any of the surrounding cities have an ordinance like this. Council Member Johnson stated that this came from numerous complaints from citizens about parking on the grass. Council Member C. Thompson stated that the intent is to keep boats and cars out of eyesight then why is the gravel and asphalt required? If you had a small john boat in your backyard would you be required to have gravel there? Council Member Edwards motioned to table this ordinance until the next meeting to look further at these concerns. Council Member Johnson seconded the motion. Approved 5-0.

**Ordinance Pawn Shop** – Hail explained that the Gwinnett Police Department directed these changes to our current ordinance to make it compliant and more enforceable. Council Member Johnson expressed concerns that the daily reporting requirements are vague. It should be specific what type of reporting is required. The City Manager explained that it is digital and the County can provide the software. Johnson requested that this be reflected in the ordinance. Council Member Cohen motioned to approve the Pawn Shop Ordinance with the inclusion on page 2, that Gwinnett County provide the software. Council Member Johnson seconded the motion. Approved 5-0.

**Ordinances Board Appointments by Post P&Z and Alcohol Review** – Cohen explained the ordinance. Council Member Edwards requested to strike the last sentence after the word Council. Council Member Cohen stated the word nomination needs to be changed to appointment and the posts do not line up correctly. Frank Hartley of Lee Thompson’s office explained the post alignment with current Council Terms and why they were aligned as they are. The City Attorney stated that it came up at the Work Session that the vote of the Council needs to be either majority or unanimous. Council Member Cohen motioned to approve the ordinance changing the last sentence to read “The appointment shall be contingent upon the approval by a majority vote of the Council.” Council Member Johnson seconded the motion. Approved 3-2 with Council Members C. Thompson and N. Thompson voting nay. The Mayor stated that he plans to veto this so it would back up at the next Council Meeting.

**Charter Amendment, Grounds for Removal** – N. Thompson explained the purpose of the ordinance. Council Member Johnson motioned to table the ordinance to add the language that no one could conduct business within the city limits and he wanted to add the boards and commissions. Council Member N. Thompson seconded for discussion. City Attorney Lee Thompson stated that the boards and commissions serve at the pleasure of the Mayor and Council and can be removed for cause by a majority vote of the Council. Council Member C. Thompson stated that he supports the language as is and it is universal as written. Council member N. Thompson withdrew his second. Council Member Cohen seconded the motion to table this ordinance. The motion failed 2-3 with Council Members Edwards, C. Thompson and N. Thompson voting nay. Council Member N. Thompson motioned to approve the ordinance as drafted. Council Member Johnson seconded for discussion. He stated that the sentence missing regular meeting for just cause needed to be clarified. What is regular meeting, what is just cause? Council agreed that missing 3 regular council meetings in a 12 month period is just cause for dismissal. Council Member N.

Thompson motioned to amend the motion to reflect his change. Council Member Johnson seconded the motion. The City Attorney explained that this is a charter change and would have to be passed at the next consecutive council meeting after being advertised. Council Member N. Thompson asked if the Council would agree to make this retroactive to all their terms and requested to amend his motion to reflect this. Council Member Johnson refused to second this amendment. The Mayor called for the vote which does not include retroactivity. The motion was approved 5-0.

**Acceptance Land Donation** – Hail explained that the City has received a donation of 35 acres on Austin Garner Road by Parkway Associates. The City purchased 14 acres across the street from this property and has been working on obtaining it through several different property owners. The Mayor thanked all the Council for their efforts in obtaining this property and stated that they have been working on it for a long time even with previous councils. The property is part of the overflow easement and can only be used for passive recreation and soccer fields. They cannot have lights, fences or structures on the property. Council Member Cohen motioned to accept the contribution of the 35 acres on Austin Garner Road. Council Member Johnson seconded the motion. Approved 5-0.

**Proclamation Land Donation** – The City Manager read the proclamation thanking **Parkway Associates, LLC, including partners Jim Dorough, Wayne Mason, Michael Queen, Tim Robinson and Ty Robinson** for their contribution to the citizens of Sugar Hill. Council Member Edwards motioned to approve the proclamation. Council Member Johnson seconded the motion. Approved 5-0. Council Member Edwards thanked City Manager Bob Hail for working hard to obtain this.

**Extending Moratorium West Broad Street** – Council Member Johnson motioned to approve the Resolution extending the moratorium on West Broad Street until May 15, 2005. Council Member N. Thompson seconded the motion for discussion. He wanted to be sure the exclusions were in place and they are included in Exhibit “B”. Approved 5-0.

**Executive Session: Legal, Real Estate and/or Personnel:** Council Member Johnson motioned to enter Executive Session at 9:05 p.m.

**Adjournment:** The meeting was reconvened at 9:30 p.m. There was no action from the Council out of Executive Session so Council Member Cohen motioned to adjourn. Council Member Johnson seconded the motion. Approved 5-0.

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Gary Pirkle, Mayor

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Jane Whittington, City Clerk