

**CITY OF SUGAR HILL
COUNCIL MEETING MINUTES
MONDAY, AUGUST 8, 2005
7:30 PM CITY HALL ANNEX
4988 WEST BROAD STREET, SUGAR HILL**

Call to Order – the meeting was called to order at 7:30 p.m. by Mayor Pirkle. Present were Mayor Gary Pirkle, Mayor Pro Tem Steve Edwards, Council Members 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 – the invocation was given by Pastor Kevin Lewis of the Sugar Hill First Baptist Church.

Approval of Agenda Council Member Johnson motioned to amend the agenda by moving item #20 Police Salaries to below item #7; to add Speed Zone Ordinance to the consent agenda and to table #6. Council Member Cohen seconded the motion. Approved 5-0.

Approval of Minutes - Minutes of Council Meeting July 11, 2005 – Council Member Cohen motioned to approve the Minutes as written. Council Member Edwards seconded the motion. Approved 5-0.

City Attorney's Report – Lee Thompson had no report for regular session but had a report of pending litigation in Executive Session.

Council Reports

Council Member Clint Thompson had no report but let everyone know that a neighbor of theirs in Arbor Clos house burned down. They collected over \$2,000 last Saturday and if anyone wants to help contact his wife Heather Thompson at 770-831-3360 or Debbie Shannon at 770-932-1389.

Council Member Marc Cohen congratulated Stephanie Goeman for the birth of their daughter Ava on the 4th. She was 5 weeks early. Congratulations to Clint Thompson who was chosen to moderate a small business panel August 17th at the Gwinnett Chamber. Congratulations and Happy Birthday to Ron Johnson who is 58 years old. He reminded everyone to be very cognizant of the children with school starting back today. Please take an active interest in their school work and related work. If we take an active interest they will take an active interest. From a Planning & Zoning perspective they issued 21 construction permits in July, 164 building erosion inspections were performed and 18 erosion control inspections were performed. The Town Center Master Plan is going through the final process.

Council Member Nick Thompson also congratulated Ms. Goeman on the birth of their daughter. The DDA meeting for August has been rescheduled to the final Tuesday of the month August 30th.

Council Member Steve Edwards reported that August 26th is the date for the Sugar Hill Elementary PTA Golf Tournament to raise money for the PTA. If you are interested in being a sponsor or playing in the tournament contact Denise Edwards at 770-945-4898.

Council Member Ron Johnson stated that he also went by the family's house in Arbor Clos which burned. It is a horrible thing to lose everything in a house fire. He is putting together a playground at Sycamore Elementary and is trying to raise funds for it. He showed a diagram of what it would look like. He is also putting together a track at Lanier Middle School and believes the funding is in place for that. He asked that people get involved in reading and gardening at the Buice School. He is coaching a junior varsity football team called the Georgia Force. They are for home schooled children and children who go to private Christian schools. He introduced Scott Dorsey who has been involved in the program for two years. All of the coaches come from the First Baptist Church of Sugar Hill. Spoke regarding the house in the Links Subdivision that he feels needs tearing down. He has researched abandoned houses and feels that something should be done about it.

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

City Clerk's Report – City Clerk Jane Whittington had no report.

City Manager's Report - See Attachment #1.

Proclamations:

Michael Vail, Eagle Scout Court of Honor – Council Cohen read the proclamation and presented it to Mr. Vail.

Jordan Rogers, Junior Miss Georgia Christian - Mayor Pirkle read and presented the proclamation to Ms. Rogers.

Consent Agenda:

2005 Election Qualifying Dates – City Clerk Jane Whittington read the staff recommendation to make the Qualifying dates for the November 8, 2005 General Election as follows: Monday September 12, 2005 at 8:30 a.m. through Friday, September 16, 2005 at 4:30 p.m. Qualifying will be held each day from 8:30 a.m. until 4:30 p.m. with an hour for lunch break.

Election Superintendent Oath – Mayor to Administer Oath to Jeanne Ferguson, Election Superintendent.

Appointment of Municipal Registrars for Advanced Voting – The City Clerk explained that Advanced Voting will need to be staffed at the Community Center the week before the election October 31, 2005 until November 4, 2005. Any registered voter can come in and vote during this time for any reason. The state election code requires that the staff be Municipal Registrars and be appointed by the City Council.

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

Mayor Pirkle administered the Oath to Jeanne Ferguson, Election Superintendent.

Unfinished Business

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

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 – **Tabled for 30 days.**

Citizens and Guests Comments

Rosanna Teta, 271 Double Gate Court, asked the Council what the plans were or the city's property on Austin Garner Rd. If there is a committee for the recreation plans she would like to be involved. She drove by and noticed that the north bound side had a lot of water retention. What are the intentions? Is it green space or will it be a park. The Business Alliance and citizens could put together what should be on that property.

The Mayor explained that the 35 acres was donated and it is in a flood zone and the Army Corps of Engineers regulates what goes on it. Across from this property the city purchased 13 acres and are discussing putting a recreational facility on it. The Council has also held discussions on a Recreation Master Plan and when to hire a Recreation Director.

New Business:

Lily Foods, Inc. dba Sabor Latino Supermarket – Beer and Wine Application – The business does not meet the minimum square footage requirement or the distance requirement between the business and a school. It is 225' from Great Beginnings which has a state sponsored Pre-K program. Council Member Johnson motioned to deny the application. Council Member Cohen seconded the motion. Approved 5-0.

Police Salaries – Johnson motioned to approve increasing the Part Time Police Officers Salaries to \$35 per hour. Council Member C. Thompson seconded for discussion. He asked the City Manager what his thoughts on the increase were. The City Manager would like to wait until the 2006 budgeting process to consider this increase. The Council had concerns about losing police officers to other employment which would pay the new rate that is endorsed by the Gwinnett Chief of Police as the rate that they should be receiving for off duty employment. The City Manager requested that they include taking funds out of contingency to cover this increase. Council Member amended the motion and Council member Clint Thompson seconded the amended motion. Approved 5-0.

Public Hearing – RZ-05-005, Tax Parcel Id's 7-274-049, Atlanta Industrial Properties, LLC requests to rezone 12.718 acres off Broadmore Blvd., currently zoned BG and requesting LM (Light Manufacturing) for two 60,000 +/- sq. ft. office/warehouse facility – Schultz explained the application and the two conditions staff recommended. The Public Hearing was opened and the applicant Jim Burt thanked the staff and City Manager for their hard work and professionalism on this project. There was

no opposition so the Public Hearing was closed. Council member Johnson motioned to approve RZ-05-005 with the two conditions. Council member N. Thompson asked the applicant if they would restrict the tractor trailer traffic on Broadmore and they were in agreement. Council Member Cohen seconded the motion. Approved 5-0.

Public Hearing - AX-05-008, Tax Parcel Id's 7-318-026 & 7-318-033, Jim Barber requesting to annex 19.0968 acres off Suwannee Dam Rd., currently zoned in County R-100 and proposed zoning for City RS-100 Single Family Residential for 45 Single Family Homes – Schultz explained the application and the requested variances and staff conditions. They redesigned the entrance to align with Whitehead Road and presented a new concept plan tonight. The Mayor explained that some of the bordering residents requested that this be tabled for 30 days to enable more of the details to be worked out. Council Member Johnson explained that he checked with the county on the current zoning and it would require 15,000 square foot lots. He would like to see this tabled because of incomplete information. The property owner explained that the cemetery on the property is over 160 years old. He stated that the developers would have to comply with all state and local regulations and laws in order to develop this property. He asked that the Public Hearing be held in order to hear what they have completed.

The Public Hearing was opened and Jeff Brammell spoke regarding the project. Jonathan Weintraub, Attorney representing Mr. Humphries and Mr. Breedlove who are bordering property owners explained some of the points of their opposition. They originally requested that this be referred for 30 days but now feel it will need 60 days to work out their issues regarding this application. Mark Gumpton, 5405 Overview Trail, spoke regarding the concerns his neighborhood had. The lot size and setbacks are a major concern. They requested that the City bring it in the same size as the County would request in order to not devalue their property. Cheryl Baggett voiced concerns that not all neighbors were contacted by the developers. She asked if it is feasible to build on larger lots. The Public Hearing was closed.

Council Member Cohen motioned to table AX-05-008 in order to obtain a lot of incomplete information. The Council wants it to be readvertised once all the following information has been obtained: Archeological data on the cemetery, new site plan, sewer configuration, information/data on the dam, reduced zoning size making lots consistent with the County. The Planning & Development Department is to obtain this information and bring it back to the Work Session and the Council will decide if it ready to move forward. It will then be advertised and notice will be sent to the neighboring property owners and a revised site plan will be sent with it.

Public Hearing -VAR-05-004, Tax Parcel 7-272-017, Alan Harkins requested to reduce the minimum lot size from 10,800 square feet to 8,000 square feet to build a 2 unit duplex at 4675 & 4699 Lois Drive. The Public Hearing was opened and the applicant was not present so no one spoke in favor of the variance. Doug Butler spoke in opposition to the application. He owns a bordering quadraplex. He requested that the applicant build a townhome not a flat. Will Stewart, 665 Link View Dr., owns the property behind it and requested that no more water be dumped on his property. The Public Hearing was closed. Council Member Johnson motioned to deny the VAR-05-004. Council Member Cohen seconded the motion but withdrew to allow Council Member N. Thompson to second for discussion. He asked Mr. Schultz if he had heard from the applicant. He had not and Council Member Cohen stated his second stands. Denied 5-0.

Public Hearing - VAR-05-005, Tax Parcel 7-256-131, LVK, Inc., requested to reduce the buffer to the north to 25 feet, and reduce the buffer to the west to 0 feet as shown on the site plan for the property located at 675 North Price Rd. – Schultz stated that staff recommended to deny. They have placed three staff conditions on it in case it is approved. The Public Hearing was opened and Kathy Adams spoke for the applicant. She is 1/3 owner of LVK, Inc. and Vice President of MTI Whirlpool. The zero setback is requested in case the Gwinnett Health Department requires that the field lines for the septic tank have to be extended in this area. No one spoke in opposition so the Public Hearing was closed. There were concerns regarding the speed on North Price Rd. and the crosswalk between their two sites. The City Manager will address the speed limit and the speeding with the County. Council Member Cohen motioned to approve VAR-05-005 with the three staff conditions. Council Member Edwards seconded for discussion and requested that stipulations be added to cut back the kudzu and repaint the crosswalk. Council Member Cohen amended the motion to add condition #4 cut back the kudzu along Ms. Hayes property and #5 repaints the crosswalk on North Price Rd.

Public Hearing -VAR-05-006, Tax Parcel 7-292-200, First Baptist Church Sugar Hill requested to place two (2) ground signs on the property located at 5091 Nelson Brogdon Blvd. – Council Member Johnson left the building due to his involvement in the church. The Public Hearing was opened and there was no opposition so the Public Hearing was closed. Council Member Cohen motioned to approve VAR-05-006 allowing two ground signs because they have multiple accesses and 865 feet of frontage. Council Member C. Thompson seconded the motion. Approved 4-0.

Public Hearing - SUP-04-001 & SUP-04-002, Tax Parcel Id's 7-254-065 & 7-254-010, City of Sugar Hill considering removing Special Use Permits for Cowart Mulch Products, Inc. located at 185 Peachtree Industrial Blvd. – Schultz explained the staff's position is to allow Mr. Cowart more time to continue to make progress in moving forward to bring his property into compliance. They are recommending that the Special Use Permits not be withdrawn at this time. Council Member Cohen motioned to table for thirty days to review at that time the progress made on bringing this property into compliance. Council Member Johnson seconded the motion. Approved 5-0.

Public Hearing - Zoning Ordinance Amendment – Town Center Overlay – The City Attorney Lee Thompson explained the ordinance and the changes to the zoning standards. It is currently in the Development Regulations. Council Member Edwards motioned to table this ordinance to the next meeting to allow Appendix A to be included and attached. Council Member Cohen seconded the motion. Approved 5-0.

Public Hearing - Zoning Ordinance Amendment – PUD Section 1004 – Council member Cohen motioned to approve this ordinance with changing Section C to state that the open space is passive unless otherwise approved by Council. Council Member Johnson seconded for discussion. He requested that the word greenspace be added, otherwise clear cutting could occur for a park. Council Member Cohen amended the motion. Council member Johnson seconded the amended motion. Approved 5-0.

Public Hearing - Property Maintenance Ordinance – The Public Hearing was opened and there was no opposition so the Public Hearing was closed. Council Member Edwards motioned to approve the ordinance. Council Member Johnson seconded the motion. Approved 5-0.

Resolution Land Use Plan Update Approval – Council Member Johnson motioned to approve the Resolution. Council Member Edwards seconded the motion. Approved 5-0.

Sanitation Contract – Council member Edwards left the room because he works for a sanitation company. Hail explained the two year extension with United Waste. The residents will not have an increase for two years but the commercial customers will have an increase of 3% or CPI whichever is less. Council Member Johnson motioned to approve this contract extension. Council Member N. Thompson seconded for discussion. He pointed out that the City is deferring the revenue to the franchise fee to offset the cost of the increase. The second stands. Approved 4-0.

Code Enforcement Officer – Hail explained this position is needed because of the growth in the City. There are more inspections and complaints along with growth. Council Member Edwards motioned to approve this position as per the City Manager recommendation. Approved 5-0.

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

Adjournment: The meeting was reconvened at 10:15 p.m. and there was no action out of Executive Session. Council Member Cohen motioned to adjourn. Council Member Johnson seconded the motion. Approved 5-0.

Gary Pirkle, Mayor

Jane Whittington, City Clerk