

**MINUTES
CITY OF SUGAR HILL
COUNCIL MEETING
MONDAY, JULY 11, 2005
7:30 PM CITY HALL ANNEX
4988 WEST BROAD STREET, SUGAR HILL**

Call to Order – The meeting was called to order at 7:00 p.m. Present were Mayor Gary Pirkle, Mayor Pro Tem Steve Edwards, and Council Members Marc Cohen, Ron Johnson, Clint Thompson and Nick Thompson. Also present were City Manager Bob Hail, City Clerk Jane Whittington and City Attorney Lee Thompson.

Pledge of Allegiance to the Flag

Invocation – Mayor Pirkle gave the invocation.

Approval of Agenda – Council Member Cohen motioned to adopt the agenda with the following amendment; to move agenda item #9 GMA Presentation before Unfinished Business. Council Member Johnson seconded the motion. Approved 5-0. Council Member Johnson stated that he was contacted by the applicant for Agenda items #3 and #4 and he wants to table the items. They will accept a motion to table when the items come up.

Approval of Minutes - Minutes of the Council Meeting June 13, 2005 and Minutes of the Special Called Council Meeting June 29, 2005 were approved as written. Council Member Edwards motioned to approve the minutes. Council Member Cohen seconded the motion. Approved 5-0.

City Attorney's Report – Lee Thompson had no report for regular session but has an update on pending litigation in Executive Session.

Council Reports

Council Member Clint Thompson – had no report.

Council Member Marc Cohen reported that he hoped that everyone enjoyed the Fourth of July Celebration as much as his family did. He congratulated Council Member Johnson on his nomination to the Coverdale Institute a leadership institute here in the state of Georgia. He also congratulated Council Member Clint Thompson on being appointed Second Vice President of our local district of the Georgia Municipal Institute. Planning and Zoning issued 63 new construction permits this month, 133 building and erosion inspections were performed, 11 erosion control inspections. The City's Land Use Plan has been sent to the Georgia Department of Community Affairs. The Town Center Master Plan is currently in coordination with the Atlanta Regional Commission. There will be a lot of great things happening very soon.

Council Member Nick Thompson – The Downtown Development Authority met on July 5th and some of the members are going to a class August 11th at the Suwanee Town Center where the GMA is going to give an overview of a Urban Redevelopment Plan. They are excited that the moratorium has been lifted on the downtown. The Business Alliance will have their meeting August 17th and soon

there will be a link to their website from the City's website. He congratulated his squad of 14 ten year old North Gwinnett Bulldogs who are going to Albany this weekend to compete in the baseball state tournament. They will be representing the district there after eliminating Dacula and Buford.

Council Member Steve Edwards also commended everyone involved in the Fourth of July celebration for making it all possible; the city employees, his neighbor who played Shrek, There were about 3,500 to 4,000 people there and it was a great success.

Council Member Ron Johnson congratulated Marc Cohen who is the third Vice President of our GMA District. The Fourth of July was successful and everyone had a great time. He just went to a DMA training in Savannah and has concerns. You must complete your training during your first year of appointment and we need to make sure everyone has gone. There must be 4 members who own property or represent someone who owns property in that DDA district. All members must live in Gwinnett County and a portion in Sugar Hill. As far as training for this year and last year, he is \$15.54 over his budget. He wants to authorize the Mayor to have the payroll clerk deduct \$15.54 from his next check. The federal courts have said recently that eminent domain is allowed but he feels that it is not right. We should not take anyone's property. He would never be a part of doing this unless it is where we need to run a sidewalk or street. If the City wants your property they should have it appraised and buy it at market value. We should not be in the business of grabbing property and having private people develop it.

Mayor's Report

Mayor Gary Pirkle stated that we have had a lot of feedback about the Fourth of July event including a letter he received. He thanked and recognized Steve Edwards for his work on this. When it first came up he didn't think it would be very successful, a few years ago, because you have fireworks around in several locations. The event has grown and everyone had a great time.

City Clerk's Report

The City Clerk Jane Whittington reported that the Clerk's office issued 19 new Businesses Licenses in the month of June. Out of the 19, 11 were home occupations and 8 were zoned for business use with one being a change of ownership. The delinquent businesses that did not renew their 2005 license have been turned over to the Code Enforcement.

Gwinnett County will be mailing the property tax notices out a little later this year. They will be mailed out by August 15th and due in two installments October 15th and November 15th. They experienced difficulties when converting to new software. The City of Sugar Hill's tax portion will be included in with the County bill.

The Department of Justice has approved the change in the polling location for the City of Sugar Hill election. Notifications will be sent out to registered voters in the mail notifying them of the change.

City Manager's Report - Bob Hail reported the following: See Attachment #1

Annexations to go to Planning Commission 7/18/05 & City Council 8/8/05.

AX-05-008, 19.09 acres, Suwanee Dam Rd., R-100 in Gwinnett County to RS-100 in City

Consent Agenda:

GMA Presentation: GMA Board Member Nick Masino, the Mayor of Suwanee, explained the award he is presenting to Council Member Ron Johnson tonight. Council Member Johnson completed the three levels of GMA training and received this Certificate of Merit.

Unfinished Business

Public Hearing, AX-05-005, Tax Parcels 7-257-010, 010A, 7-257-009, Island Annexation initiated by the City of Sugar Hill, Buford Highway 23, R-75 in Gwinnett County proposed RS-100 – Dan Schultz explained the application. Mayor Pirkle opened the Public Hearing. Attorney Stan Sunderland spoke for Ms. Marilyn Bruce regarding their property (7-257-010, 8.1 acres) being annexed by the City. They feel that an island annexation is inappropriate. The highest and best use for the property would be townhomes. If the council annexes the property as RS-100 they are restricting the use. Mr. Sunderland presented a petition from the adjacent property owners stating that they did not object to RM zoning. They asked to be excluded from the annexation.

Jane Pugh (7-257-010A, .695 acres) asked the council about commercial zoning. She wanted to know if she could continue to live there if it was annexed in as Commercial. The City Manager explained that she could continue to live there but if the property were used as commercial there were buffer requirements when it bordered residential. She decided she wanted to continue to be zoned single family residential as she is currently.

Council Member Edwards motioned to approve AX-05-005 as an island annexation by the City with the two parcels as RS-100 and the church as OI. Council Member Johnson seconded for discussion. Council Member Johnson stated that he could not see the 8 acres being developed as a single family subdivision. There was some discussion by the Council if OI or commercial would be appropriate zoning. Council Member Johnson withdrew his second. Council Member C. Thompson seconded the motion. City Attorney Lee Thompson asked the Council to state the zoning by parcels so it would be clearly stated in the motion. Council Member Edwards amended the motion to state that parcel 7-257-010 and 7-257-010A be zoned RS-100, and 7-257-009 be zoned OI. Council Member C. Thompson seconded the amended motion. Motion approved 3-2 with Council Members Edwards, C. Thompson and N. Thompson voting yea; and Council Members Cohen and Johnson voting nay.

Citizens and Guests Comments

Don Fields, 4205 Ruby Forest Blvd., asked the Council to make a formal record of the drainage concerning his property if AX-05-006 is approved tonight. He is downhill from the property and his house is on a slab. Lots 1 and 2 of the project are the lowest spots and would drain on his property if not channeled properly.

Ms. Marilyn Bruce spoke under Citizen Comments about their recourse to the annexation. She was told to contact the Planning and Development Director Dan Schultz and the City Manager about possible rezoning for her property.

New Business:

Public Hearing - AX-05-006, Tax Parcel Id 7-233-008, Neil K. Veal requesting to annex 18.46 acres off Roberts Rd.; property currently zoned R-75 in Gwinnett County proposed for city RS-100 for 62 single family residential units – Schultz explained the application and read the staff conditions. The Mayor requested to include screening the property around the amenity package. The Public Hearing was opened. Mike Magaghey, a Civil Engineer, explained the application for the applicant. They did not want to change the structure of the cul-de-sacs. The staff had recommended connecting the two roads into one. The circling road is not as appealing as the two cul-de-sacs. The storm water plan will take care of the water flow appropriately, and address Mr. Fields concerns.

Opposition included: Mr. Fields' concerns about a decal lane; Sharon Strube, represented Mrs. Nelms at 4078 Westbrook Rd, requested a privacy fence along her property; Carol Van Dyck, 4210 Ruby Forest Blvd., concerns of traffic and lack of traffic signal and that rain water flows behind her house; Garland Hitchcock, traffic concerns and building in County out of control, can the infrastructure handle the growth.

Developer agreed to install privacy fence all the way around the border on that side of the project where Mrs. Nelms property is and around the amenity package. They will also be taking in about half of the water now flowing on Mr. Fields property.

The Mayor requested that a drainage study be done before the project begins to avoid any future problems. Council Member Johnson would like to see the lots line up with those on Ruby Forest. Council Member C. Thompson would like to see the privacy fence installed before the project begins. Council Member Johnson requested that they sod the whole yard to help with water flow. He also requested that condition #8 be changed to the whole front of the house be constructed of brick, stone or stucco, not 40%. Also install a decal lane. Council Member Cohen motioned to approve AX-05-006 with the following additional conditions: Drop condition #7, change #8 to say the whole front of the house be constructed of brick, stone or stucco, change #12 to sod the whole yard front sides and rear, #14 add screening around the amenity package, #15 minimum house size of 2,500 square feet, #16 redirect the runoff for lots 1& 2, #17 drainage study required, #18 install a privacy fence along the whole side where the Nelms property is within a reasonable time after grading and the time frame will be agreed upon by staff and the developer. Council Member Johnson seconded the motion. Approved 5-0.

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.

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 by request from the applicant. Council Member Johnson motioned to table RZ-05-007 and AX-05-007. Council Member Cohen seconded the motion. Approved 5-0. The staff was directed to readvertise and bring this back to the Council.

Public Hearing VAR-05-002 & VAR-05-003 to be Heard Together as a Joint Project

VAR-05-002, Alan Densmore, Inc., Gravel Surface Outdoor Storage Yard

VAR-05-003, Alan Densmore, Inc., Outdoor Storage Yard in Front Yard

Dan Schultz explained the variance requests and the staff conditions. The Mayor opened the Public Hearing and the applicant Alan Densmore explained why the variances were requested. He has been in business for 8 years at 734 Brogdon Rd in the city. He plans to have trees all the way around the project with the railroad being in the back of the parcel. The crush and run will last much longer than asphalt because of the heavy equipment. No one spoke in opposition so the Public Hearing was closed. The Mayor asked if there would be material stored on the location. Mr. Densmore explained that there will not be any materials stored. Council Member Edwards asked extensive questions regarding the type of landscape plants, size and type. The Planning Director stated that staff had reviewed the landscape plan and Mr. Densmore had met all standards and in some cases exceeded standards. There were questions about the right of way and whether the trees could be planted next to the guard rail. Staff to check with Gwinnett County to obtain the right of way and get a letter stating what it is and if we can plant in it. The City Manager will get staff to obtain whose right of way it is.

Council Member Cohen motioned to approve VAR-05-002 allowing Mr. Densmore to have an outdoor storage parking lot paved with crush and run with the following conditions: the edges of storage yard are to be contained with either a concrete vertical curbing or a crush and run burm, no dirt is visible and it maintains the original dimensions of the lot; condition #2 and #3 stay the same as staff presented, condition #4 is to have staff work with Gwinnett County to allow buffer planting in right of way further up the hill, condition #5 is that there be a tree planted buffer at the discretion of the staff Director of Planning & Development. Council Member Cohen included VAR-05-003 in this motion but the difference is that it has an additional staff condition #3 that a six foot fence or year-round opaque landscape buffer must be in place along the northeast and southeast corners of the outdoor storage yard. Council Member Johnson seconded for discussion. He requested that we make sure that the right of way belongs to the City of Sugar Hill before we require Mr. Densmore to plant trees in it. The condition should include that the trees be planted in the right of way that belongs to the city not the county Council Member Cohen amended the motion to include this requirement. Council Member Johnson seconded the amended motion. Approved 5-0.

Recreation Master Plan/Agenda – Council Member Clint Thompson stated that the Council is to review the Job Description for the Recreation Director and make suggestions to the City Manager. This will come back to the Council in August. Council Member Johnson asked what salary range the Council would pay for this type of position. Council Member C. Thompson stated that it depends on the job goals. At the Work Session the Council decided that they needed a leader in Recreation to help with the Master Plan and design of what the City wants for future recreation.

Georgia Trend Magazine Ad – The City Manager explained that at the Work Session the Council decided to purchase a 1/2 page ad in the September issue of the Georgia Trend Magazine. Gwinnett County and the cities of Gwinnett will be featured in this issue. Council Member Cohen will help with the construction of this ad because his expertise is in the marketing field. The Mayor stated that it was also agreed that the golf course should also be featured in this ad. Council Member Edwards motioned to approve the 1/2 page ad in the Georgia Trend Magazine. Council Member N. Thompson seconded for discussion. He asked the City Manager what a full page ad would be. He stated that it was about

\$6,400. Council Member Edwards amended the motion to place a full page ad and Council Member N. Thompson seconded the amended motion. Approved 5-0.

GMA Presentation

Executive Session: Legal, Real Estate and/or Personnel: The motion was made by Council Member Cohen to adjourn into Executive Session at 9:25 p.m. Council Member Johnson seconded the motion. Approved 5-0.

Adjournment: The motion was made and seconded to adjourn at 9:40 p.m.

Gary Pirkle, Mayor

Jane Whittington, City Clerk