

**CITY OF SUGAR HILL
COUNCIL MEETING MINUTES
MONDAY, OCTOBER 9, 2006
7:30 PM CITY HALL ANNEX
4988 WEST BROAD STREET, SUGAR HILL**

Call to Order by Mayor at 7:35 p.m. Present were Mayor Gary Pirkle, Mayor Pro Tem Nick Thompson, and Council Members Steve Edwards, Mike Sullivan and Clint 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

Invocation – given by Jeff Garvin of the Family Church.

Customer Service Award – Lisa Dicaro – Council Member Steve Edwards explained how the award came about and that Lisa Dicaro was the first representative of the Sugar Hill Cube of Excellence Award for her excellent customer service at the Sugar Hill Golf Course. Mayor Pirkle presented Ms. Dicaro with the award.

Approval of Agenda – Council Member Edwards motioned to move item #4 Old Business Alcohol Ordinance Amendment to after New Business. Council Member Sullivan seconded the motion. Approved 4-0.

Approval of Minutes - Minutes Council Meeting September 11, 2006 – Council Member Edwards motioned to approve the minutes as written. Council Member C. Thompson seconded the motion. Approved 4-0.

City Attorney's Report – City Attorney Lee Thompson had no report for Regular Session.

Council Reports

Council Member Clint Thompson had no report.

Council Member Steve Edwards reported that the Fall Festival will be coming up October 21st. We have planned for a great festival. It will begin at 9:00 a.m. all the way until 5:00 p.m. We will have a parade, 5K race/walk, chili cook-off, concerts throughout the day. It is going to be a great event. We are looking for Chili Cook-off participants. You can go to the website and download the forms necessary to sign up. The 5K should be as fun as it was last year and if you do not want to go all the way to 5K, there is a 1 mile fun run. They will also have a car show called Fast Cars of Then and Now.

Council Member Nick Thompson had no report.

Council Member Mike Sullivan seconded Council Member Edward's comments about the Fall Festival. It looks like it is going to really gear up and be one of the best Fall Festival's that we have

had. The election is coming up in November and there is a SPLOST on there for the schools. Sugar Hill is looking for volunteers for the City Boards. There are vacancies on P&Z (2 volunteers), DDA (3 volunteers), and rebuilding the Alcohol Review Board.

Mayor's Report – Mayor Gary Pirkle thanked Steve Edwards for all the hard work he has done for the Fall Festival. He took this and developed committees and worked hard on organizing the Festival. He is looking forward to the event.

City Clerk's Report – The City Clerk Jane Whittington reported that the level billing gas customers would be receiving a letter in the mail offering them automatic draft from their checking accounts. It will be offered to all other gas utility customers as soon as we sign up all the level billers that are interested first. On line bill pay for gas utility will be offered soon.

City Manager's Report - See Attachment #1.

Consent Agenda

- 1. Litter Control Ordinance Amendment**
- 2. Development Regulations Amendment, Piped Drainage Design Criteria**
- 3. Funeral Leave Amendment**

Mayor Pirkle explained what the items on the Consent Agenda were. They were placed on this agenda to be voted on as one motion after a consensus at the Work Session. Council Member Edwards motioned to approve the Consent Agenda. Council Member Sullivan seconded the motion. Approved 4-0.

New Business:

Public Hearing - VAR-06-006, Shiv Mandir of Atlanta, entry drive and parking area – Awana explained the application and explained the staff position and conditions. The variances are to allow a portion of the entry drive to encroach into the 75' impervious setback and a part of the rear parking area into the 50' undisturbed buffer. The applicants are constructing a temple on a topographically challenged piece of property. The staff recommends approval with four conditions. The Public Hearing was opened and the applicant distributed a power point print out showing the type of concrete they would be using as requested by the Council at the Work Session.

The following residents spoke in opposition to the variance request: Ms. Lemons, 4704 Diggers Way, requested that the Council adhere to the standards as they passed them. If the buffer is 75' it should stay that way. She did not understand how they could level for the parking and build a retaining wall while keeping the buffer next to their neighborhood. She asked the Council to vote no to this application for her, her neighbors and the creek.

Nancy Willard stated that this would set a precedent and as the church grows, they would need more parking. The homeowners came to the City because it is a bedroom community. She asked that they consider other ways to solve their parking problems.

Henry Leach, 4709 Gold Dust Trail, stated that the buffers on streams are there to protect the drinking water. He is afraid that they will take out trees to put in the retaining wall. The trees that are there

now will not help with noise abatement. They would need cypress or something that does not have leaves.

The Public Hearing was closed. Council Member C. Thompson asked what the buffer was trying to protect, velocity of water, volume downstream, sediment issues. Council Member N. Thompson stated that all 4 conditions protect run-off. Council Member Sullivan asked if the 20' enhanced buffer would be inside the 50' buffer. Kaipo Awana explained the purpose of the 20' enhanced buffer was to slow water down. Most of the 50' is deciduous and there would be no leaves in the winter. The retaining wall can't be in the 50' buffer. They cannot go into the 50' zoning buffer to put anchors or anything else.

Council Member Edwards motioned to table VAR-06-006 to allow the Council to go look at the property. Council Member C. Thompson seconded the motion. Approved 4-0 to table. The Mayor explained that they would not have to open another public hearing. This will only be brought back to the Council for discussion.

Public Hearing - AX-06-003, Tax Parcels 7-339-021, 151, 019, 148, 022, 021A, 021C, 020, 083, 023, 7-347-022, 007, 006A, 046, 048, 031, 006B, Van Dawg LLC, annex and rezone 26.788 acres, currently zoned C-2 and R-100 in county and request BG in city for commercial development – Awana explained the application. Staff recommends approval of the annexation and rezoning with conditions. Council Member C. Thompson asked why they need a light so close to the light at Suwanee Dam Rd. The Mayor stated that we can only request a light there, it is up to the Gwinnett DOT and the state DOT. The Public Hearing was opened and Bill Cornell spoke for the applicant. He stated that the traffic light is critical to the development. They were fine with all the staff conditions but the developer could have a problem with conditions 14 (a) and (b). Typically tire stores and service stations are allowed in this type of development.

John Edwards a resident of Fairview Park had questions about the one entrance/exit on Riverside Rd. They explained that there is only one exit onto Riverside and that would limit the traffic coming out near their neighborhood. He felt that with these conditions the residents of Fairview Park would be in favor of this development. Council Member N. Thompson suggested that we let Gwinnett DOT decide the traffic flow and where the exit should be and how many. If they had more than one exit onto Riverside then they could limit the exit to right turn only. The Mayor stated that they should try to keep the traffic off of a residential area. That road is not suitable for truck and all that traffic. Encourage the traffic flow onto Suwanee Dam because it is more suitable for commercial traffic. Council Member Sullivan suggested to allow © and not prohibit any type of fuel at the pump stations.

Council Member Edwards motioned to approve AX-06-003 with staff conditions and thanked Bill Cornell for working with the residents to consider their concerns about the project. Council Member Sullivan seconded for discussion. He requested that c. be stricken from the conditions. Council Member Edwards amended the motion to accommodate this request. Council Member Sullivan second stands. Approved 4-0.

Old Business:

Alcohol Ordinance Amendment, Distance Requirements – Mayor explained that there are two choices in the Council packet. He recommends #2 which measures the distance from schools, day

cares and churches from property line to the nearest wall of the business serving alcohol. Council Member Sullivan stated that he likes the more traditional way of measuring the distance which is by pathway which is contained in choice #2 of the packet. The City Attorney stated that both methods of measuring are recommended, there are arguments for both methods. The Mayor stated that when you use a pathway method and the church or school was on a large property, it could use up the footage just within their own property. Council Member Edwards stated that he likes the pathway method because it goes better with the vision of the community. Council Member C. Thompson stated that we just needed to be consistent across the City. The 75' which is consistent to the buffer requirements is one way to be consistent. Council Member Edwards suggested that this be tabled. Council Member Sullivan did not think that anyone would change their mind in 30 days. He is ready to vote.

Council Member C. Thompson motioned to approve the Alcohol Ordinance Amendment option of 75 feet measurement option and make it consistent throughout the city. Council Member N. Thompson seconded the motion. The vote was tied 2 – 2 with Council Members Clint Thompson and Nick Thompson voting yea and Council Members Edwards and Sullivan voting nay. The Mayor broke the tie with a yea vote. The motion was approved.

Executive Session: Legal, Real Estate and/or Personnel: Council Member Sullivan motioned to enter Executive Session. Council Member N. Thompson seconded the motion. Approved 4-0.

Adjournment: The meeting was reconvened and there was no action taken out of Executive Session. Council Member C. Thompson motioned to adjourn at 10:25 p.m. Council Member Sullivan seconded the motion. Approved 4-0.

Gary Pirkle, Mayor

Jane Whittington, City Clerk