

**CITY OF SUGAR HILL  
COUNCIL MEETING MINUTES  
MONDAY, JULY 10, 2006  
7:30 PM COMMUNITY CENTER  
1166 CHURCH STREET, SUGAR HILL**

**Call to Order** by Mayor Pirkle at 7:35 p.m. Present were Mayor Gary Pirkle, Mayor Pro Tem Nick Thompson, Council Members Marc Cohen, Steve Edwards and Mike Sullivan. Council Member Clint Thompson was not present. Also present were City Manager Bob Hail, City Clerk Jane Whittington and City Attorney Lee Thompson.

**Pledge of Allegiance to the Flag**  
**Invocation** given by Mayor Pirkle.

**Approval of Agenda** – The Agenda was amended to add the Proclamation for Brett Werrbach that was tabled from last month’s meeting. Council Member Edwards motioned to add this as item #1 on the Agenda. Council Member Cohen seconded the motion. Approved 4-0.

**Approval of Minutes** - Minutes Council Meeting June 12, 2006, Council Member Edwards motioned to approve the Minutes as written. Council Member Cohen seconded the motion. Approved 4-0.

**City Attorney’s Report** – Lee Thompson, City Attorney reported that the City received a Final Order in the case of Myrick & Stark vs. the City of Sugar Hill. It was a zoning case on Peachtree Industrial Blvd involving about 45 acres of land that the City has zoned O&I. The petitioners had requested multi-family zoning on it. The court upheld the position of the City and they therefore won that case.

**Council Reports:**

**Council Member Marc Cohen** reported that he hopes everyone is enjoying their summer. Please get out and vote in the Primary Election on the 18th. There are a lot of candidates and elections coming up. From a Planning & Zoning perspective they issued 55 construction permits, performed 209 building inspections and 35 erosion inspections.

**Council Member Nick Thompson** reported that the next DDA meeting is on July 25<sup>th</sup> at the Community Center at 6:30 p.m. They will unveil the first draft of the Downtown Streetscape for West Broad Street. It will include 8 foot sidewalks and drawings of the street.

**Council Member Steve Edwards** congratulated the Mayor and Council and City staff for a great 3<sup>rd</sup> of July Celebration. All and all it was a hit and a success. They will do tweaking as we grow. This was the third event and it will get better as time goes on. The Fall Festival sponsorships are going well. They should be able to meet their goal for sponsorships. At the Golf Course, the greens are coming in nicely and seem to be on schedule as well.

**Council Member Mike Sullivan** echoed the comments of Council Member Edwards on the 3<sup>rd</sup> of July movie and fireworks. It was well attended and people enjoyed themselves. He thanked Council Member Edwards who was very involved in pulling that together.

**Mayor's Report – Mayor Gary Pirkle** reported that today was the ribbon cutting at the new firehouse on Suwanee Dam Road, Sugar Hill Fire Station #26. Hopefully we will see drops in insurance rates over there and shorter response times. He thanked the County Commissioners both current and past for their work planning this. It was actually in the works when he got elected in 1997. Thanks to the citizens for voting for SPLOST which made it come about. July 3<sup>rd</sup> was an outstanding turnout and a very good show. He thanked Mr. Edwards and the staff for pulling this together. He thanked the staff from the gas and street department and other departments that helped get the bank, wall and sod installed at the park. It made a great viewing place for the fireworks show. He also thanked the volunteers from the Family Church that were there. They were a lot of them there and they did a great job. This morning before the ribbon cutting at the fire station he went to the golf course. It is coming along real well. It probably looks better at this point than he has ever seen it. It will reopen August 15<sup>th</sup>.

**City Clerk's Report – Jane Whittington City Clerk** reported we issued 28 new Businesses Licenses in the month of May. Out of the 28, 13 were home occupations and 15 were zoned for business use. If you are opening a new business please visit our web site for the forms or for more information. You can also obtain the forms at City Hall in the Customer Service Department. For property taxes the millage rate for the City of Sugar Hill will be set tonight and the property tax bills will be sent from Gwinnett County in July. The bills contain both the County's and the City's tax amounts due. If you have questions about your bill contact Gwinnett County Tax Assessor at 770-822-8800 or their website. The City does not have an election this year but Gwinnett County will have an election. The primary date is July 18<sup>th</sup>. Gwinnett County Elections have mailed Voter Registration cards to registered voters. Their website has all the information and applications for absentee voting. We had 442 customers sign up for Level Billing of their gas bills. The deadline was today and we will not offer this service again until May/June of next year. If you missed this threshold you are welcome to pay more on your bill during these summer months to prepare for the winter season. There are several positions open for the City. Please check our website for postings. Anyone interested in these positions please send your resumes to me at City Hall or via email [jwhittington@cityofsugarhill.com](mailto:jwhittington@cityofsugarhill.com).

City Hall and all City offices will be closed Tuesday, July 4<sup>th</sup>. Due to the holiday and the holiday activities the July Work Session was moved to Thursday, July 6<sup>th</sup> at 7:00 p.m.

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

#### **Unfinished Business:**

**PUBLIC HEARING - RZ-06-003**, Bill Cornell for Forrester, Woodard & Peterson, 15.28 acres on Benefield Rd., current zoning RS-100 PRD, requested zoning RS-100 – Hail explained the application and read the 14 staff conditions. Conditions 13 and 14 came out of the Work Session. Council Member Cohen read what condition #14 should be “clearing for street, infrastructure and utilities prior to clearing for lots.”

The Public Hearing was opened and Bill Cornell spoke for the applicant. They are in favor of all of the conditions if #14 could be clarified.

The City Manager explained that Gwinnett County came to his office today and they stated that he should send a letter to the County after this zoning case is finished and request that the other lots be zoned back to their original status. There were 27 lots in the original rezoning of the PRD.

Mr. Wigley asked that the street be finished in 90 days but Bill Cornell stated that it could be pushing it to finish that soon. He would prefer that they allow 120 days. Council Member Cohen changed number 11 to read; improvements to Benefield Rd. once permits are issued should take no longer than 120 days to complete.

Council Member Edwards motioned to approve RZ-06-003 with staff conditions with the change improvements to Benefield Rd. should take no longer than 120 days once permits are issued start to finish for completion; and change #14 to clearing for streets, utilities and infrastructure must be done prior to clearing for lots (as stated by Council Member Cohen). Council Member Cohen seconded the motion. Approved 4-0. The City Manager had a point of clarification: streets and infrastructure are to be installed prior to clearing for the lots.

### **Citizens and Guests Comments**

Richard Trainor, 4453 White Oak Drive, reported that there were small street repairs on Frontier Drive that could develop into bigger ones if they were not handled. The City Manager had not talked with Mr. Trainor but will have someone out as soon as possible.

Lloyd DeLatour presented a memo to Council regarding his property at 4955 Alton Tucker Drive. There are several portions of the Alcoholic Beverages Ordinance that need to be changed in order for restaurants in the downtown district to be able to operate and serve beer and wine. They are distance requirements, sales on Sunday and number served under definition of a restaurant.

Allen Jorgenson requested that the Council be more commercial friendly. Growth in the commercial district will blossom if we promote growth.

### **New Business:**

**RZ-06-004**, Tax Parcel 7-306-092, Lanphear and King Properties, LLC, .267 acres, 5255 Nelson Brogdon Blvd., Currently Zoned RS-100 requested zoning BG for Office (Internet Auto Sales). – Hail read the staff and Planning Commission recommendations and explained how this application came about. There are several variances attached to this application. The deceleration lane, curb and gutter and sidewalk variances require coordination with GDOT. The front setback variance from 40' standard to =/- 20' would be allowed as a nonconforming use. The Public Hearing was opened and the applicants were agreeable to the staff recommendations. No one spoke in opposition to the application. The Public Hearing was closed. Council Member Cohen motioned to approve RZ-06-004 with staff conditions. Council Member Sullivan seconded. Motion approved 3-0-1 with Council

Member Nick Thompson abstaining. *A copy of his reason for abstaining is attached to the Minute Book for the record.*

**VAR-06-004**, Tax Parcel 7-306-062A, Mill Creek Investments, LLC, 10 Acres, Sycamore Rd., Requesting to reduce front set back to 20 ft., Side to 5' on certain lots, Reduce minimum lot area on certain lots and Reduce for width on certain lots. – Hail explained that they brought in a new site plan today with 10,000 square ft. lots.

The Public Hearing was opened and Mr. Tripp's attorney John Sloan discussed the project. No one spoke against the project so the Public Hearing was closed.

Council Member Cohen motioned to approve VAR-06-004 with Staff conditions 1-5 with the addition of #6 landscaping to stabilize state waters across from lot #15 and next to lot #16; #7 is the same as alternate #1 a 10' wide enhanced buffer shall be installed around the perimeter of the entire subdivision. Said buffer must screen the detention pond or wall from view with 100' of external subdivision boundary. Enhanced buffer is to consist of a staggered double row of evergreen and semi-evergreen trees and shrubs native to this physiographic region. Plants making up enhanced buffer shall be 10' tall at time of planting and arranged to provide an effective visual screen of at least 20' in height and maturity specimen trees within 15' of the subdivision boundary are to be flagged in coordination with the Department of Planning & Development and protected during all phases of construction by the developer and the builder. Buffers and specimen trees must be shown on a landscape plan to be approved by Planning & Development prior to receiving any permits; adding #8 which is the same as alternate #2 each home shall include a minimum two car garage; adding #9 which is the same as alternate #3 each home shall be primarily constructed out of brick and stone with high quality architectural shingle siding or fiber cement siding to include that all fronts be brick, stone or stucco; adding #10 all improvements on Sycamore Rd. be made with Gwinnett DOT approval prior to Certificates of Occupancy being issued; Adding condition #11 variances approved by the Mayor and Council to include minimum lot width of 3 lots at 65', 20 at 70' and side setback of 3 @ 7.5'. Council Member Sullivan seconded for discussion. He asked about a time line for condition #7. Council Member Cohen amended the motion to state that the enhanced buffer be installed prior to developing as part of condition #7. Council Member Sullivan seconded the amended motion. Approved 4-0.

**Executive Session: Legal, Real Estate and/or Personnel:** Motion was made by Council Member Edwards to enter Executive Session at 9:03 p.m. Council Member Sullivan seconded the motion. Approved 4-0.

**Adjournment:** The meeting was reconvened and no action was taken out of Executive Session so the meeting was adjourned at 9:30 p.m.

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Gary Pirkle, Mayor

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Jane Whittington, City Clerk