

City of Sugar Hill Council Meeting

Monday May 13, 2002

Community Center 7:30 PM

The City of Sugar Hill City Council held its regular council meeting on Monday May 13, 2002 at 7:30 PM in the Community Center.

Notice of the meeting was placed on the board at Alton Tucker Blvd and Peachtree Industrial Blvd. Notice was placed on the doors of City Hall and the Community Center. Notice was also sent to the local newspapers.

Those present at the meeting included Mayor Gary Pirkle, Mayor Pro-Tem Kim Hall, Council Members Meg Avery, Chris Abbey, Ron Johnson and Thomas Rhodes. Also present were City Attorney Lee Thompson, Assistant City Manager for Development Jim Osborn and City Clerk Shirley Gibbs. Absent was City Manager Bob Hail.

**CALL TO ORDER, PLEDGE OF ALLEGIANCE TO THE FLAG:**

Mayor Pirkle called the meeting to order at 7:30 PM and led the Pledge of Allegiance to the Flag.

**INVOCATION:**

Pastor John Roark, of the Buford Presbyterian Church, gave the Invocation.

**APPROVAL OF AGENDA:**

Council Member Johnson made a motion to amend the agenda to move the reports given by the attorney, council, mayor, city clerk, and city manager to be given at the beginning of the meeting. Council Member Rhodes made the second. Motion passed unanimously 5-0.

**APPROVAL OF 4/08/2002 MINUTES:**

Mayor Pro-Tem Hall made the motion to approve the April 8, 2002 minutes as written. Council Member Johnson made the second. Motion passed unanimously 5-0.

**CITY ATTORNEY'S REPORT:**

City Attorney Thompson reported that since the last meeting the city had purchased the 25 acres of Green Space.

**COUNCIL REPORTS:**

Council Members Abbey, Rhodes and Mayor Pro-Tem Hall had no report.

Council Member Avery reported that on May 18<sup>th</sup> Kid's Day America would be held at Sugar Hill Corners from 12:00 PM to 4:00 PM. Dr. Deb & Dr. Joe Clarino would be the hosts for the third year. Every one was invited to attend.

Council Member Johnson reported he would also like to thank Dr.'s Deb & Joe, their community involvement was wonderful. He introduced Starr Schuler who had been selected for the National Honors Conference from North Gwinnett High School. She would be going to Washington, D.C. to spend time in Congress

**MAYOR'S REPORT:**

Mayor Pirkle reported that Mr. J.C. Knight, one of the Board Members, had passed away. He wanted to offer his condolences to the family and to thank Mr. Knight for all his years of service to the community. There was a new stop sign at Level Creek Road and Spring Hill Drive. There was not much notice that this sign was going to be put up and it had been run several times. They were trying to get the county DOT to put up some flashing caution signs to make people aware of the new sign in order to prevent it from being run and prevent accidents. In order to have the reports at the beginning of the meeting instead of at the end and to prevent from having to amend the agenda every month, it could be changed by ordinance and he would like for City Attorney Thompson to look into this for next month's meeting. There would be a SPLOST meeting at the Gwinnett County Justice and Administration Building on Friday May 24<sup>th</sup> at 1:30 PM. Congressman Bob Barr's office had contacted him about a tour of the city. He had set that up for August 9<sup>th</sup> at 1:00 PM.

**CITY CLERK'S REPORT:**

No Report

**CITY MANAGER'S REPORT:**

Assistant City Manager for Development Jim Osborn gave the following report: The City had created an icon on the city's web site for updates on the Northern Arc. The web address is Northern Arc.com and also Northern Arc Task Force.com. Also on the city's web site are the 2001 road improvements, resurfacing season should start late May or June. Spring Hill Drive improvements has been delayed and letters have been sent to all the residents on Spring Hill Drive and Old Spring Way. Gwinnett County is going to replace old water lines and this should be completed in August. At that time the city will proceed with the improvements to Spring Hill Drive. The city had requested the Gwinnett County DOT to investigate the following traffic issues: A four way stop at the intersection of Level Creek Road and Spring Hill Drive was installed. Mr. Osborn checked with the Mayor and a yellow flashing light would be installed to warn motorists of the new stop sign. The timing of the traffic lights on Highway 20 needed to be improved. Turn lanes were needed at the intersections of Sycamore Road, West Broad Street and Highway 20 before the new school is built. Repair the temporary road fix on Oak Grove Drive, improve the intersection at Level Creek Road and Church Street. The city had just purchased 25 acres of Greenspace off Old Appling Road. This was heavily treed space and would remain that way. Construction began on the Town Green today, RFP's would be sent out in May for the Amphitheater at E.E. Robinson Park, and mulch for the playground at the park had been purchased from Gwinnett County. Next year's gas futures had been purchased at a price reduction of 25% to 35% over this year and it is less than 1/3 the cost of the 2000/2001 gas price. The Sugar Hill gas price per therm for March/April was 70 cents. If a home used 134 therms, the bill would be \$106.80, which includes all service fees plus the cost of gas. The same usage with Energy America would be \$107.88, Scanna - \$109.77, Georgia Natural Gas - \$111.26 and Shell Energy - \$111.77 and Infinite Energy \$114.99.

**OLD BUSINESS:**

**A: VOTE ON TAPING OF COUNCIL MEETINGS:**

Council Member Johnson stated he had been working on this since he became a Council Member and finally had all the information together. To tape the meeting would cost no more than \$15,000 the first year. That would include the cost of the equipment, tapes and personnel to run the equipment. The cost could be lower depending on bids received for the equipment. Joe Sorensin, of the Gwinnett County Media Services, gave these figures to City Manager Hail. The cost for the following year would be no more than \$3800 for personnel to run the equipment and super VHS tapes. Rob Bridges, of Charter Communications had agreed to air the tapes per the Franchise Agreement. Airing time would be determined by Charter Communications, which would be on Channel 19, most likely on Tuesday nights at 9:00 PM according to Mr. Bridges. The tapes could not be edited so Council Member Johnson was proposing that the camera be turned off during Citizens and Guests Comments. Current Sugar Hill personnel would be used to run the equipment. Council Member Johnson made a motion to authorize the City Manger to purchase the necessary equipment and that taping of the meetings begin no later than August of 2002. He was also requesting that the city employees start training on the proper use of the equipment. He would write the procedures and give it to the Council no later than May 31<sup>st</sup> in order for them to review and make any changes at the June Council Meeting. He would also give a copy to the City Attorney. Council Member Avery made the second for the purpose of discussion. Discussion was held on the cost of equipment and personnel to run the equipment or to hire some one who owned their own equipment to tape the meetings; the type of videotapes that needed to be used. Council Member Johnson amended his motion to have City Manager Bob Hail be authorized to go out and either purchase the necessary equipment or find a production company so the meetings can be taped for airing on Charter for the least possible amount of money at a maximum of \$10,000 for the equipment. Council Member Avery made the second for discussion. Discussion was held on the cost of purchasing the equipment and having an employee tape the meetings versus the cost of having an independent person tape the meetings. Council wanted to be able to compare these costs before a final decision was made. Council Member Johnson with drew his motion but he wants the taping of the meetings to start in August 2002. Council Member Johnson made the motion to table this item until the June meeting in order for the City Manager to research the cost of purchasing the equipment or hiring a service to do the taping of the meetings. Council Member Avery made the second. Motion passed unanimously 5-0.

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**CITIZENS AND GUESTS COMMENTS:**

Robert Gray of Advanced Disposal is one of the bidders for the garbage service. They are a fairly new company and he gave a brief description of their company, their equipment and personnel. They had found that a lot of people in Sugar Hill were unaware of the cart option. The city wanted a penalty clause in the contract and if chosen they would be glad to work with the city on this.

Joe Clarino of 1265 Riverside Walk Crossing wanted to invite every one out to Kids Day America. They would have rides, finger print the kids. They were giving away a grill, a TV and other prizes. This would be on Saturday May 18<sup>th</sup> from 12:00 to 4:00 PM at Sugar Hill Corners (or the Publix Shopping Center).

**NEW BUSINESS:**

**A: AMENDMENT TO ALCOHOL ORDINANCE:**

Mayor Pro-Tem Hall had asked City Attorney Thompson to draft an Ordinance amending the City Code reflecting the issuance of an alcohol license, basically to have a penalty imposed if the applicant was denied their alcohol license. The current ordinance does not have a penalty and this amendment would require an applicant who had been denied his license for any reason to wait ninety (90) days before making application again for the same location. If the applicant were denied a second time, they would have to wait 180 days before reapplying for a license at the same location. Mayor Pro-Tem Hall made the motion to amend Chapter 3 of the City Code, section 3-45 and section 3-25 to amend the ordinance as written by City Attorney Thompson. Council Member Johnson made the second. Motion passed unanimously 5-0.

**B: ROAD ABANDONMENT – ELLIS ROAD:**

Assistant City Manager for Development Jim Osborn explained Mr. Keith Breedlove had requested that this road be abandoned by the city. The applicant had submitted plans for Sugar Hill Station Town Homes, a twenty-three-unit apartment complex. The road abandonment was one of the few things left in order for the applicant to get a development permit. There appeared to be no prescriptive easement on the property and all the adjoining property owners had been notified about the road abandonment. Mr. Osborn does use Ellis Road as access to his property but has agreed with the developer to use Church Street to access his property. The city had received no notification that any one objects to the abandonment. For clarification, this was not a request for a rezoning, the property is already zoned for multi-family use. Council Member Johnson asked if there were any gas lines or other utilities that had to be maintained by the city. Mayor Pro-Tem Hall made the motion to abandon Ellis Road. Council Member Rhodes made the second. Motion passed unanimously 5-0.

**C: PUBLIC HEARING: AX-02-002 The Trout Company .569 Acres at 429 Buford Highway. The current zoning is R-75 (Single Family Residential District) requesting An HSB (Highway Service Business District) zoning classification:**

Council Member Abbey made the motion to enter into Public Hearing for AX-02-002 the Trout Company. Council Member Johnson made the second. Motion passed unanimously 5-0. Assistant City Manager for Development Jim Osborn explained the Trout Company was requesting to rezone from R-75 Single Family Residential to HSB Highway Service Business. This property fronted Buford Highway and was near Westbrooke Road, which had been rezoned by the city last year. This property would be incorporated into the property that had been rezoned last year and be a part of that project. The applicant had found that the right of way was 200 feet instead of 100 feet when applying for a curb cut. He requested from the Sugar Hill Zoning Board of Appeals a 30 foot reduction in the 50 foot buffer because it does back up to R75 land and that the rear building set backs go from 30 feet to zero feet. The staff recommendation was for approval with the following conditions: 1. The required 50 foot undisturbed buffer be reduced to 20 feet; 2. The required 30 foot rear set back is reduced to zero; 3. That they install an 8 foot high solid screen fence along the rear property line; 4. Lighting shall be of the sodium type directed inward toward the property. Linda Ward, one of the owners of the property, stated that the Outer Perimeter would be the other neighbor. Mr. Osborn stated that the Planning Commission approved this with the staff conditions. There were no other comments from the Public. Mayor Pro-Tem Hall made the motion to exit Public Hearing. Council Member Rhodes made the second. Motion passed unanimously 5-0. Council Member Rhodes made the motion to approve AX-02-002 with the conditions set forth by the staff. Council Member Abbey made the second. Motion passed unanimously 5-0.

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**D: PUBLIC HEARING: Recommendation for Amendment to the 2000 Zoning Ordinance of the City of Sugar Hill, Georgia which will delete Section 608 in its Entirety and replace it with new text. This new section will pertain to Architectural Design Standards for new buildings in the city:**

Council Member Abbey made the motion to enter into Public Hearing. Mayor Pro-Tem Hall made the second. Motion passed unanimously 5-0. Assistant City Manager for Development Jim Osborn stated that the current Zoning Ordinance as it relates to architectural design states that any structure that abuts a public street shall not have the appearance of a metal building. The exterior of a building that abuts a public street has to be brick, stone, stucco, glass or wood meaning they can have metal down the side or on the rear. Mayor Pro-Tem Hall had wanted to address Peachtree Industrial Blvd as it relates to an architectural overlay area and it was decided the proposed ordinance should be applied to the whole city not just Peachtree Industrial Blvd. They were recommending that Section 608 be removed from the Sugar Hill Zoning Ordinance and replace it with the proposed Architectural Design Standards. This ordinance would only apply to multi-family, commercial, light industrial, heavy industrial and office/institutional. There were no comments from the public. Mayor Pro-Tem Hall made the motion to exit Public Hearing. Council Member Rhodes made the second. Motion passed unanimously 5-0. Mayor Pro-tem Hall made the motion to amend the Architectural Design Standards for the City of Sugar Hill by deleting section 608 in its entirety and replacing it with the new text as written by Mr. Osborn with no changes. Council Member Avery made the second. Motion passed unanimously 5-0.

**E: ACCEPT ANNEXATION APPLICATION AX-02-003: Falling Water, Inc. Map Reference #'s R7-288-001, 7-288-003A & 7-289-020: 110.58 Acres on Suwanee Dam Road Present Zoning R-75, Requested Zoning RS-100/PUD:**

Assistant City Manager for Development Jim Osborn stated this was an annexation application from Falling Waters, Inc requesting to annex 110.58 acres on Suwanee Dam Road. The current zoning in the county is R-75, they are requesting a zoning of RS-100/PUD. Council Member Johnson wanted to know if there was a way that these applications could be accepted by Mr. Osborn and not have to come to the council. Mr. Thompson gave him the legal requirements that needed to be followed by the governing authority. Mayor Pro-Tem Hall made the motion to accept annexation application AX-02-003. Council Member Rhodes made the second. Motion passed on a vote of 4-0-1. Council Member Johnson abstained.

**F: PUBLIC HEARING: Application for retail sale of Beer & Wine CITGO FOOD & GAS fka CIRCLE K at 5243 Nelson Brogdon Blvd:**

Council Member Johnson made the motion to enter into Public Hearing for the retail sale of beer and wine at the Citgo Food & Gas on 5243 Nelson Brogdon Blvd. Council Member Abbey made the second. Motion passed unanimously 5-0. Mr. Osborn asked the City Clerk if the application met the requirements. The only two items she had noticed had been corrected. One related to the owner of the property and one lacked an address for one of the references they had given. Council Member Johnson thanked the applicant for cleaning up the store and the surrounding area. He also requested that they have the signs put up pertaining to sale to minors. There were no comments from the public. Council Member Abbey made the motion to exit Public Hearing. Council Member Rhodes made the second. Motion passed unanimously 5-0. Council Member Johnson made the motion to approve the application for the retail sale of beer and wine at the Citgo Food & Gas located at 5243 Nelson Brogdon Blvd. Council Member Rhodes made the second. Motion passed unanimously 5-0.

**G: PUBLIC HEARING: Application for Consumption on the premises: EL POTRO at 4450 Nelson Brogdon Blvd:**

Mayor Pro-Tem Hall made the motion to enter into Public Hearing for El Potro for consumption on the premises at 4450 Nelson Brogdon Blvd. Council Member Avery made the second. Motion passed unanimously 5-0. Mr. Osborn stated that in 1998 their license was suspended for 10 days for selling to a minor but other than that the application had no other deficiencies. Council Member Johnson was concerned about how they are going to handle selling to minors. Mr. Jackson Cook, who represented the applicant, stated that they had an absolute no tolerance policy regarding the sell of alcohol to minors. If anyone did sell to a minor they would be terminated. There were no comments from the public. Mayor Pro-Tem Hall made the motion to exit Public Hearing. Council Member Rhodes made the second. Motion passed unanimously 5-0. Mayor Pro-Tem Hall made the motion to approve the application for

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consumption on the premises for El Potro located at 4450 Nelson Brogdon Blvd. Council Member Johnson made the second. Motion passed unanimously 5-0.

**H: SANITATION CONTRACT:**

Assistant City Manager for Development Jim Osborn explained that the city's current sanitation contract expires on June 30, 2002. The city had requested RFP'S for a new contract period of three years. Four companies had expressed an interest in the contract but the city had received bids from only two of the companies. The new contract will begin on July 1, 2002 for a period of three years. The city is made up of approximately 4,500 homes and 400 businesses. Most of the businesses use a residential type garbage collection. The two bidders were Advanced Disposal and United Waste. It was the City Manager's recommendation that the City Council authorize the City Manager and City Attorney to prepare and sign documents with United Waste to supply the city sanitation needs for the three-year term of the contract. Mayor Pro-Tem Hall made the motion to authorize the City Manager and City Attorney to prepare and sign documents to approve United Waste as the city's sanitation provider for the three-year period beginning on July 1, 2002. Council Member Abbey made the second. Motion passed unanimously 5-0.

**I: AMENDMENT TO UTILITY DISCONNECT ORDINANCE:**

Assistant City Manager for Development Jim Osborn explained this more of a clarification of the existing ordinance. Discussion was held on who was responsible for making payment arrangements, whether it was written or verbal, how the customers are notified about cut-offs. Mayor Pro-Tem Hall made a motion to table this item and direct the City Attorney to clarify this ordinance. Council Member Abbey made the second. Motion passed unanimously 5-0.

**J: RENEW CONTRACT FOR PRISON CREW:**

Assistant City Manager for Development Jim Osborn explained this is an administrative requirement to insure that the city does not have a lapse in coverage by the prison crew. The City Manager recommended that the Council authorize the Mayor to sign this contract in order to maintain the service of the prison crew. Mayor Pirkle explained the city currently has only one prison crew that works at the golf course. The city has applied for a second crew but has not been able to get another crew and this contract is for the current crew. Council Member Rhodes made the motion to authorize the Mayor to sign the annual contract for the prison crew. Council Member Abbey made the second. Motion passed unanimously 5-0.

**K: 2002 BUDGET ADJUSTMENT FOR PERSONNEL:**

Assistant City Manager for Development Jim Osborn explained there was a hiring freeze on prison guards and it could take up to six months to get another crew once that freeze is lifted. The City Manager would like to have the authorization for the Finance Officer and the City Manager to transfer money from the Prison Guard Budget to a full time employee and to change the 2002 Budget to reflect a full time employee in the Street Department. Due to the recent growth experienced by the city, the Street Department has requested a full time employee. Council Member Rhodes made the motion to allow the City Manager to adjust the 2002 Budget to reflect an additional full time employee in the Street Department. Council Member Johnson made the second. Motion passed unanimously 5-0.

**L: 2002 ANNUAL GMA CONVENTION:**

Assistant City Manager for Development Jim Osborn explained that each year during the annual GMA Convention there is a General Business Meeting is held. In order to properly conduct business votes are taken; therefore the Mayor and City Council need to choose a primary and alternate voting delegate for the meeting. Currently, only Council Members Johnson and Rhodes are attending the GMA Annual Convention. Mayor Pro-Tem Hall made the motion to appoint Council Member Johnson as the Primary Voting Delegate for the City of Sugar Hill at the General Business Meeting of the GMA Convention and Council Member Rhodes as the Alternate Voting Delegate in the event Council Member Johnson is unable to vote on behalf of the city. Council Member Avery made the second. Motion passed unanimously 5-0.

**M: REPLACE J.C. KNIGHT POST #5 ON APPEALS BOARD-TERM EXPIRES 12/31/2004:**

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Assistant City Manager for Development Jim Osborn explained that the Mayor and City Council needed to make an appointment to replace Mr. J.C. Knight on the Appeals Board. Council Member Rhodes made a motion to table this item due to the sudden nature of Mr. Knight's passing. This would give other qualified people a chance to apply for the position on the Appeals Board. Council Member Johnson made the second. Council Member Avery pointed out they had received correspondence from two people interested in serving on the Appeals Board, one from Renya Eurek and one from Nick Thompson. She had been prepared to make a nomination but was okay with tabling the item until next month. Motion passed 4-1, Council Member Abbey was opposed to the motion.

**N: COURT DATE AND TIMES:**

City Attorney Thompson explained there had been a request from the City Manager and court personnel to have city court more frequently. The current ordinance only allows court once a quarter or four times a year. This ordinance would allow for the city court to meet every other month or six times a year and allow the judge to set up special court dates as needed. Council Member Johnson wanted to know if every other month would be enough with all the construction taking place. Mr. Osborn responded that he felt this would be sufficient. Mayor Pro-Tem Hall made the motion to amend the City Code by deleting Section 16-1 in its entirety and replace it with the ordinance as presented by City Attorney Thompson. Council Member Avery made the second. Motion passed unanimously 5-0.

**O: COUNCIL MEMBER DEPARTMENT LIAISON:**

Mayor Pirkle explained that in the past a Council Member had been a Department Liaison in order to provide more accurate information about what was going on in the city. His recommendation was for the following: Council Member Johnson, Liaison to the Street Department; Council Member Abbey, Liaison to the Gas Department; Council Member Avery, Liaison to the Recreation Department; Council Member Rhodes, Liaison to the Golf Course and Mayor Pro-Tem Hall, Liaison to the Planning and Zoning Department. Each Council Member would meet with the Department Heads to obtain information and then report on this at the Council Meetings. He would like for this to begin with next months meeting. Mayor Pro-Tem Hall asked if the members would be rotated in order for all the Council Members to learn about the different departments. The rotation would be done at the beginning of the calendar year. No action or vote was needed on this item.

**P: REDUCE PROPERTY TAXES FOR SENIOR CITIZEN HOMEOWNERS  
(65 & OLDER):**

Council Member Johnson explained he would like to reduce property taxes for homeowners 65 and older through an increased homestead exemption. At the moment it was just a fact-finding item and would have to be implemented by Gwinnett County. City Attorney Thompson explained that in the 1970's the city had passed an ordinance giving a \$2,000 exemption to people 62 or older or disabled and whose income was under \$5,000. In 1991 an amendment was made giving a \$2,000 general homestead exemption to all homeowners and in 1994 an amendment was made giving a \$2,000 homestead exemption to people who were 65 or older. Mayor Pirkle explained that the county also had multiple exemptions for seniors. No action or vote was needed on this item.

**EXECUTIVE SESSION: TO DISCUSS LEGAL, REAL ESTATE AND PERSONNEL:**

Council Member Avery made the motion to enter into Executive Session to discuss Legal, Real Estate and Personnel. Council Member Rhodes made the second. Motion passed unanimously 5-0.

Council Member Rhodes made the motion to return to regular session. Council Member Abbey made the second. Motion passed unanimously 5-0.

NO ACTION WAS TAKEN OUT OF EXECUTIVE SESSION.

**ADJOURNMENT:**

Council Member Abbey made the motion to adjourn the meeting. Council Member Johnson made the second. Motion passed unanimously 5-0. Meeting adjourned at 10:00 PM

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**Date Approved** \_\_\_\_\_

\_\_\_\_\_  
**MAYOR**

**ATTEST:**

\_\_\_\_\_  
**CITY CLERK**