

City of Sugar Hill Council Meeting

Monday July 8, 2002

7:30 PM Community Center

The City of Sugar Hill City Council held its regular meeting on Monday July 8, 2002 at 7:30 PM in the Community Center.

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

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

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

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

APPROVAL OF AGENDA

Council Member Abbey made the motion to approve the Agenda. Council Member Rhodes made the second. Motion passed unanimously 5-0.

APPROVAL OF 6/10/2002 MINUTES

Mayor Pro-Tem Hall made the motion to approve the minutes of the June 10, 2002 council meeting as written. Council Member Abbey made the second. Motion passed unanimously 5-0.

CITY ATTORNEY'S REPORT:

No Report

COUNCIL REPORTS

Council Member Abbey gave a report on the gas department. The gas price for June was .59 cents per therm. The total bill for a household using 22 therms of gas would be \$26.20 compared to the total bill of Georgia Natural Gas at \$34.81. There were 48 new customers for June; 15 cut gas lines 8 that were billable.

Council Member Rhodes gave a report on the golf course. The revenues for June were \$133,000, which was about six percent under for the same time frame in June of 2001. The ten-year anniversary for the golf course was a success. Members of the 1990 council and the present council attended. Vendors and friends donated food for the occasion. Former Director of Golf Wade Queen won the golf tournament they had that day. Revenues for the Fourth of July weekend were up nicely over the previous year.

Council Member Avery gave a report on recreation. Work is progressing on the Town Green, order forms for the bricks are completed and available on the web site or at city hall. A total of 20 teams signed up for the Georgia Softball Adult League on June 26. They will start playing in July on Monday, Tuesday and Friday. They will have another sign up on Wednesday September 4, 2002 at 7:00 PM in the Community Center. The

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city was still working on a written agreement between the Georgia Softball Association and the City of Sugar Hill. The bathrooms at EE Robinson Park are being upgraded to include new fixtures, paint, and plumbing, heating and metal roof. The Fall Festival will be held on Saturday October 26 and they are looking for volunteers.

Mayor Pro-Tem Hall had no report.

Council Member Johnson gave a report on roads. Aamco Paving has been selected to complete the 2002 city road improvements. This week and next roads will be inspected and marked for required patching. The grinding/patching machine will be available the first week of July. Resurfacing should begin by the end of July or the first part of August. A summary of proposed 2002 road improvements is posted on the city's web site, www.cityofsugarhill.com. Resurfacing of Price Hills Trail and Old Spring Way is complete, patching and resurfacing of Deep Creek is in coordination with the GA DOT. Gwinnett County water improvements on Spring Hill Drive will go out for bid this week. Construction to replace the water lines in the Level Creek Drive area will begin in September. Drainage improvements will begin this month with resurfacing of the road and construction of sidewalks to begin in September-October after the water pipe replacement project is complete. To ensure optimum use of funds, the city will delay its improvements until the county project is complete. He also reported that he had recently attended the Georgia Municipal Association Convention in Savannah and had picked up a lot of ideas from other council members. He found that there were a lot of different opinions concerning the Northern Arc Road Project.

MAYOR'S REPORT:

Mayor Pirkle reminded everyone that there would be an election on August 20, 2002. Sugar Hill had been changed from District One to District Four. At present there were two candidates running for that position and two for the State Senate position.

CITY CLERK'S REPORT:

No Report

CITY MANAGER'S REPORT:

City Manager Hail gave the following report: Governor Barnes has temporarily delayed any action on the Northern Arc until an Ethics issue is addressed by the Legislature. Please check for periodic updates. The GA DOT web site is www.northernarc.com or www.northernarctaskforce.com. The city has purchased playground mulch for EE Robinson Park through the county, thereby saving almost two thousand dollars by taking advantage of their ability to purchase in larger quantities. The mulch should be delivered later this month. The Request for Proposal to build the amphitheater in EE Robinson Park should be finalized and sent out for bid the last part of this month.

UNFINISHED BUSINESS:

A: AMENDMENT TO UTILITY DISCONNECT ORDINANCE:

City Manager Hail explained this was an amendment to the utility disconnect ordinance Section E 25-4. He explained the changes that were to be made in this section. (see attached ordinance) Mayor Pro-Tem Hall made the motion to approve this amendment to

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Section E 25-4 of the Utility Disconnect Ordinance but to insert the words written arrangements between the word alternate in the first sentence. Council Member Johnson made the second. Motion passed unanimously 5-0.

CITIZENS AND GUESTS COMMENTS:

W. D. Calhoun of 4947 Oak Grove Drive spoke on the subdivision, Cobblestone, which was being built behind his house. He felt this subdivision would lower his property value. He had seen the developer bury debris on the lots and this would cause sinkholes later. In his opinion, with all the development going on perhaps the city should expand the Planning Department and give Mr. Osborn some help to check out all the developments.

Jon Plott of 4967 Oak Grove Drive also spoke on the subdivision, Cobblestone, which was being built. His concerns included the buffer zone, the berm, who would maintain it as far as keeping the grass cut, and run off from this development into his yard.

Jim Sands of Old Spring Way spoke on the Cobblestone Subdivision. He asked if the Planning and Zoning Board did not have any input in this matter.

Angie Plott of 4967 Oak Grove Drive expressed her concerns about drainage, road problems and follow up on items that were talked about during Citizens and Guests Comments. She wanted to know if there was some way to track the complaints brought before the council during this portion of the meeting. She asked why they never showed up as old business at the next meeting.

Asa Snyder of 4610 Creek Bluff Drive spoke about the citation he had received regarding the rabbits his family owned. He was asking that the Council grandfather his rabbits into the city due to the fact that they owned them before they were listed in the Zoning Ordinance as livestock. He also wanted to know if they could have an extension on their court date as their attorney was out of town and would not return until July 15th. They had letters from neighbors showing there was no problem with the rabbits. Because they had been cited and a court date set, the council would have to let the Judge decide what should be done.

Lisa Zieba of 4610 Creek Bluff Drive also spoke on the rabbits owned by her family and felt they should be grandfathered into the city. She was also very excited about the Fall Festival and would like to volunteer. She felt she had some good ideas and would even consider helping put on pet shows at Easter in the park

NEW BUSINESS:

A: PUBLIC HEARING: AX-01-008 Geneva C. Taylor Map Reference # R7-257-014 – 2.61 Acres at 1113 Buford Highway 23. Geneva C. Taylor is requesting to annex and rezone 2.61 acres at 1114 Buford Highway 23. The property is currently zoned R-75 (Single Family Residential) zoning classification in unincorporated Gwinnett County and the applicant is requesting an OI (Office & Institutional) zoning classification:

Mayor Pro-Tem Hall made the motion to enter into Public Hearing for AX-01-008 Geneva C. Taylor. Council Member Rhodes made the second. Motion passed unanimously 5-0. Filling in for Planning Director Jim Osborn, City Manager Bob Hail gave a brief summary of where the property was located and the requested zoning classification from R-75 in the county to O&I in the city. The Planning Commission had

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heard this and recommended approval with conditions as follows: **1.** The property shall be restricted to Office Use only providing professional or business use. Note: If an owner proposes any use other than Office or to another use within the O/I zoning district or another owner takes control of the property with the intention of using the property for another use – the owner would have to apply for a change of conditions before the planning commission and city council. **2.** All office use activities shall be performed and contained within the existing structure. The Site Development Plan shall be in accordance with Conceptual Site Plan (or Rezoning Plat) approved by the City Council. This includes no additional permanent structures shall be erected on the property. Any substantial deviation from the approved Conceptual plan and conditions of zoning shall be resubmitted to the City Council for approval. The Planning Director shall determine what constitutes substantial deviation. **3.** Ingress and egress to the site shall be limited to Buford Highway only. A 10-foot “No Access Easement” shall be provided along the rear frontage adjacent to Chatham Road. **4.** Prior to obtaining a Certificate of Occupancy, a 10 foot Landscape Strip shall be provided to coincide with the “No Access Easement” and shall be planted with Leyland Cypress 6 foot high at time of planting and spaced appropriately to provide a solid visual screen with in two years along the rear frontage adjacent to Chatham Road. Speaking in favor of this annexation was Michael Sullivan, who represented the applicant. Speaking in opposition of this annexation was Walter C Horton, who was there for his friend W. T. Jamison. Mayor Pro-Tem Hall made the motion to exit Public Hearing. Council Member Abbey made the second. Motion passed unanimously 5-0. Discussion was held regarding no access to Chatham Road, no change in the site plan. Mayor Pro-Tem Hall made the motion to approve the annexation of AX-01-008 with the zoning of O & I and the property being restricted to Professional & Business Office only based on current zoning and the recommendation of City Attorney Thompson and conditions 1-4 recommended by the Planning Commission. Council Member Johnson made the second. Motion passed unanimously 5-0.

B: PUBLIC HEARING: AX-01-009 Grencor Ventures, LLC Map Reference # R7-257-015 – 2.57 acres at 1089 Buford Highway 23. Grencor Ventures, LLC is requesting to annex and rezone 2.57 acres at 1089 Buford Highway 23. The property is currently zoned R-75 (Single Family Residential) zoning classification in unincorporated Gwinnett County and the applicant is requesting an HM-1 (Light Industry District) zoning classification for the use of a contractor’s office with outdoor storage:

Council Member Rhodes made the motion to enter into Public Hearing for AX-01-009 Grencor Ventures, LLC. Council Member Avery made the second. Motion passed unanimously 5-0. City Manager Hail gave a summary of where the property was located, the requested zoning from R-75 in the county to HM-1 (Light Industry District) in the city. The Planning Commission had heard this and recommended approval with conditions as follows: **1.** The property use shall be restricted only to a Landscape Contractors Office with outside storage of related landscape materials and supplies. Note: If the owner wants to change businesses or another owner takes control of the property with the intention of using the property for another use – the owner would have to apply for a change of conditions before the planning commission and city council. **2.** The Site Development Plan shall be in accordance with Conceptual Site Plan (or

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Rezoning Plat) approved by the City Council. This includes that no additional permanent structures shall be erected on the property. Any substantial deviation from the approved Conceptual Plan and conditions of zoning shall be resubmitted to the City Council for approval. The Planning Director shall determine what constitutes substantial deviation.

3. The vegetative buffer along the west property line shall be reduced from 75 feet to 30 feet and existing permanent structures shall be allowed to encroach into the buffer zone.

4. Ingress and egress to the site shall be limited to Buford Highway Only. A 10-foot "No Access Easement" shall be provided along the rear frontage adjacent to Chatham Road.

5. A 10 foot Landscape Strip shall be provided to coincide with the "No Access Easement" and shall be planted with Leyland Cypress 6 foot high at time of planting and spaced appropriately to provide a solid visual screen within two years along the rear frontage adjacent to Chatham Road.

6. The owner shall be required to submit site plans and bring the property (site and all buildings) into full development, code and zoning compliance within 120 days of zoning approval from the City Council or cease business operations on the premises until such compliance is achieved. Speaking in favor of this annexation was Michael Sullivan, who represented the applicant and Beth McClellan.

Speaking in opposition was Walter C. Horton for his friend W. T. Jamison. Discussion was held on the zoning classification and outdoor storage. Mayor Pro-Tem Hall made a motion to exit Public Hearing. Council Member Avery made the second. Motion passed unanimously 5-0. Mayor Pro-Tem Hall made a motion to approve AX-01-009 but with an O & I classification and with the same conditions as AX-01-008 with parking in the rear, they have 120 days to bring into compliance for Professional and Business Office use only. The applicant could withdraw his application if he wanted to but there would be no outdoor storage. Council Member Rhodes made the second. Motion failed on a vote of 1-4. Council Member Johnson made a motion to approve the annexation of AX-01-009 with the staff recommendations and to include moving the parking to the back of the property. Council Member Rhodes made the second. Motion passed on a vote of 3-2. Hall and Abbey voted against the motion.

C: PUBLIC HEARING: 2002 MILLAGE RATE:

Mayor Pro-Tem Hall made the motion to enter into Public Hearing for the 2002 Millage Rate. Council Member Avery made the second. Motion passed unanimously 5-0. City Manager Hail explained this was a requirement of the state to have Public Hearings if there would be an increase in revenues on property taxes. The city was offering more services, like the part time police officers. The city was making road improvements, building the Town Green and the Amphitheater at EE Robinson Park. Due to growth and more homes, the street department had to add more employees in order to keep up with the chipping of tree limbs and picking up yard waste. His recommendation was to keep the millage rate at 3.87. There were no Public comments. Council Member Johnson made the motion to exit Public Hearing. Council Member Abbey made the second. Motion passed unanimously 5-0. There was no action taken on this item since the council had previously voted on keeping the millage rate at 3.87. This was to fulfill state requirements on Public Hearings.

D: RESOLUTION: GEORGIA GREENSPACE PROGRAM:

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City Attorney Thompson explained this was a Resolution to allow the Mayor to enter into agreement with the Greenspace Program. Each time the city receives a grant the money goes into an escrow account to be used for greenspace. This Resolution would be on record and allow the Mayor to sign all the necessary paper work without having to come before the council each time. Mayor Pro-Tem Hall made the motion to approve the Resolution to allow the Mayor to enter into agreement with the Georgia Greenspace Program Grant. Council Member Johnson made the second. Motion passed unanimously 5-0.

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

Mayor Pro-Tem Hall 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 Abbey made the motion to exit Executive Session and return to regular session. Council Member Johnson made the second. Motion passed unanimously 5-0.

PUBLIC ACTION TAKEN OUT OF EXECUTIVE SESSION:

Mayor Pro-Tem Hall told the Council that the bids and information she was getting on the marketing, those companies would be making a presentation to the entire council at the work session on Monday August 5, 2002. These companies would be giving their qualifications and each company would be allocated twenty minutes to make their presentation; some might do short Power Point presentations. This presentation would be on the overall bid information not just the logo. No action was needed on this.

ADJOURNMENT:

Council Member Johnson made the motion to adjourn the meeting. Council Member Avery made the second. Motion passed unanimously 5-0. Meeting adjourned at 10:15 PM.

Date Approved: _____

Mayor

ATTEST:

City Clerk