

City of Sugar Hill Council Meeting

Monday December 10, 2001

7:30 PM Community Center

The City of Sugar Hill Council held its regular Council Meeting on Monday December 10, 2001 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 Peachtree Industrial Blvd and Alton Tucker Blvd. Notice was sent to the local newspapers.

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

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

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

**APPROVAL OF THE AGENDA:**

Mayor Pro-Tem Abbey made the motion to approve the agenda. Council Member Hall made the second. Motion passed unanimously by those present to vote 4-0.

**APPROVAL OF THE 11/12/2001 MINUTES:**

Council Member Hall made the motion to approve the minutes of the November 12, 2001 Council Meeting. Council Member Avery made the second. Motion passed unanimously by those present to vote 4-0.

**OLD BUSINESS:**

**A: PUBLIC HEARING: SUP 01-001: The Bick Group: Map Reference #7-258-001, 3.99 Acres located at 1210 Buford Highway-Fred Sexton is requesting a Special Use Permit to construct a 140' Cable TV Communications Tower at 1210 Buford Highway:**

Council Member Hall made the motion to enter into Public Hearing; Council Member Rhodes made the second. Motion passed unanimously by those present to vote 4-0. Planning Director Jim Osborn explained that Charter Communications was requesting a Special Use Permit in order to construct a 140' communications tower at 1210 Buford Highway. Speaking in favor of the Special Use Permit were Rob Bridges, with Charter Communications, Ron Johnson, Rick Green, Vestal Mewborn and Jim Sands. Speaking in opposition of the Special Use Permit were Mark Kontz, Granville Betts, Wayne Johnson, Virginia Saine. After a lengthy discussion was held, Council Member Hall made a motion to exit Public Hearing and return to regular session. Council Member Avery made the second. Motion passed unanimously by those present to vote 4-0. Council Member Hall made the motion to deny this Special Use Permit for the following reasons: Based on the information provided to the Mayor and Council of the City of Sugar Hill in connection with the consideration of SUP01-001, filed by the Bick Group for the property owner, Charter Communications located in land lot 258, district 7,

City of Sugar Hill Council Meeting

Monday December 10, 2001

7:30 PM Community Center

district of Gwinnett County Georgia which information includes actual application and all attachments and exhibits filed in connection therewith, staff report recommendations, memorandums and all attachments and exhibits contained therein. The minutes of the Planning Commission meetings of September 17, 2001, October 15, 2001 and all information and Public comments put forward to the Mayor and Council in its Public Hearing of November 12, 2001 and any additional information provided to the Council in its discussion of this matter on our agenda tonight December 10, 2001 I move that SUP01-001 be denied without limiting the evidence on which this motion is based the following substantial evidence is contained in the written record of consideration for the Special Use Permit and supports the following motion. The record indicates that the fall zone for a tower of the height proposed by the Special Use Permit and in the location proposed would include the property of the adjacent Buford Presbyterian Church. Representatives of the church provided evidence to the Planning Commission that the church is used by a substantial number of people on a daily basis for the operation of a child care and pre-school program and that the church has plans to provide for a building expansion which would be located even nearer to the proposed tower site than the location of the present buildings. Granting of the Special Use Permit would pose a potential Public Safety Hazard to those citizens using the facilities of the Buford Presbyterian Church both from a potential collapse of the structure and from falling ice, which might accumulate upon the structure. The applicant had been requested to consider a relocation of the tower to a location on the property further from the church site but the applicant advised the Sugar Hill Council that such a relocation was impossible due to the location of the buildings already constructed on the site and such a relocation could not be agreed upon by the applicant. The applicant has provided Sugar Hill City Council with absolutely no credible evidence to establish that a height in excess of the currently authorized 70 feet is needed to provide any required services to their subscribers. The information provided to the Sugar Hill City Council has simply established that the representatives of the applicant believe that increasing the height of the tower from 70 feet to 140 feet would provide a better or clearer reception of stations, which are already being received by the cable company and provided to its subscribers. Clearer or better reception is a subjective matter and the applicant's representatives indicated that the reception was not impossible at the current tower height of 70 feet and that the reception would be made even clearer by going more than a 140 feet. The logical conclusion from reviewing this evidence is that the cable applicant simply desires to exceed the current height limit in an attempt to provide a clearer or better quality signal not that the additional height is actually required to enable reception of any particular signal. Information provided by the applicant indicates a complete lack of due diligence on the part of the applicant prior to the purchase of the property and construction of its present facility. Applicant representatives acknowledged in statements before the Sugar Hill City Council that the applicant had acquired the site with full knowledge of the existing zoning requirements on the property including the limitations of a 70-foot tower. Despite this acknowledgement applicant closed on the site, constructed a building and then designed a tower pad, which would allow for construction of a tower, which exceeded the 70-foot limitation provided in the current zoning restrictions on this property. Applicant could provide no information regarding testing of the site at the current tower height or that alternate sites had been considered which might have

City of Sugar Hill Council Meeting

Monday December 10, 2001

7:30 PM Community Center

provided better reception at the same tower height. The evidence demonstrates that the applicant purchased the site with full knowledge that its tower would be restricted to a height of 70 feet and now desires for the City to grant a Special Use Permit because the applicant believes that the higher tower will provide better reception to the same channels already being provided to its subscribers. Granting of a Special Use Permit would result in a tower twice as tall as currently allowed. Allowing a tower of 140 feet would create additional Public Safety Hazards to the surrounding property owners, the general public and would provide a detrimental visual impact on the surrounding areas which are not presently suffered at the current tower height. The evidence provided demonstrates that a tower of 140 feet in height would be incompatible with the surrounding neighborhood and would have adverse impact on the surrounding area. I request that a copy of this motion be included in the minutes and made a part of the written record of this proceeding. Mayor Pro-Tem Abbey made the second. Motion passed on a vote of 3-1. Council Member Rhodes voted against the motion. Mayor Crabb vetoed the denial.

**CITIZEN'S AND GUEST'S COMMENTS:**

There were no Citizen and Guest's comments.

**NEW BUSINESS:**

**A: SWEAR IN MAYOR AND COUNCIL MEMBERS:**

Mayor Roberta Crabb swore in incoming Mayor Gary Pirkle and new Council Members Ron Johnson and Thomas Rhodes.

**B: REPLACE GRANVILLE BETTS ON P&Z BOARD:  
TERM EXPIRES 12/31/2001**

Council Member Hall made a motion to table this item until the January meeting. Mayor Pro-Tem Abbey made the second. Motion passed unanimously by all those present to vote 4-0.

**C: APPOINT MUNICIPAL JUDGE FOR CY2002:**

City Manager Hail recommended that Judge Margaret Washburn be re-appointed as Judge for Municipal Court as she had been the city judge for several years. Council Member Avery made the motion to appoint Margaret Washburn as the Municipal Judge for the calendar year 2002. Council Member Hall made the second. Motion passed unanimously by those present to vote 4-0.

**D: RESOLUTION FOR THE PAYOFF OF THE GAS BOND:**

City Manager Hail explained that the city had enough money in reserve that they could pay off the gas bond and save the city money in interest cost. Bill Fussell, of Knox Wall, explained the procedure that would take place for the city to retire this bond. Council Member Hall made the motion to adopt the Resolution to pay off the gas bond. Council Member Avery made the second. Motion passed unanimously by those present to vote 4-0.

**E: RESOLUTION FOR THE RETIREMENT PLAN EXTENSION:**

City of Sugar Hill Council Meeting

Monday December 10, 2001

7:30 PM Community Center

City Manager Hail explained that this Resolution was necessary to keep the City's Retirement Plan in place. There were no changes being made to the Retirement Plan. Council Member Rhodes made the motion to adopt the Resolution to extend the Retirement Plan. Council Member Hall made the second. Motion passed unanimously by those present to vote 4-0.

**F: MORATORIUM ON NEW REZONINGS ALONG PEACHTREE INDUSTRIAL BLVD TO DRAFT AND ADOPT AN ARCHITECTURAL OVERLAY ZONE ORDINANCE:**

Council Member Hall stated that the city was in a growth spurt and she would like to put in place a moratorium on new rezonings along Peachtree Industrial Blvd in order for the city to develop and adopt an architectural overlay zone ordinance. This would allow the city to have more control on the types and finish on buildings that went in along this corridor of Peachtree Industrial Blvd. The Council would like to have citizen input on this and hopefully this project would be completed within 120 days. Council Member Hall made the motion to adopt this moratorium on new rezonings. Council Member Rhodes made the second. Motion passed on a vote of 3-1. Mayor Pro-Tem Abbey voted against the motion.

**CITY ATTORNEY'S REPORT:**

City Attorney Thompson reported that he was working on the City Code Codification update.

**COUNCIL REPORTS:**

Council Member Rhodes congratulated the new Mayor and new Council Members. Mayor Crabb would be missed; she had done a lot for the city.

Council Member Hall thanked Mayor Crabb for her service and dedication to the city during her four-year term.

Mayor Pro-Tem Abbey stated that since this was Mayor Crabb's last meeting, he wanted to make a presentation. He presented Mayor Crabb with a plaque and two-dozen roses in appreciation of her four years of service to the city.

Council Member Avery thanked Mayor Crabb for her four years of service and she was looking forward to working with the new council.

**MAYOR'S REPORT:**

Mayor Crabb thanked the council for their service, she was proud of the way Kim and Meg had jumped in and worked hard. There were a lot of great citizens in the city and she felt she had made a difference during her four-year term.

**CITY CLERK'S REPORT:**

City Clerk Gibbs reported that she would miss Mayor Crabb and had enjoyed working with her.

City of Sugar Hill Council Meeting

Monday December 10, 2001

7:30 PM Community Center

**CITY MANAGER'S REPORT:**

City Manager Hail reported the following: Recreation: he will receive bids for installing plastic coated chain fencing around the two playground areas in the park. The City had recently purchased the old "First Baptist Church and New Atlanta" property. This included 2.2 acres and a 4,600 sq ft building that will be renovated for a new Community Center. They are seeking citizen input for what should be included on the "Town Green". Roads: Over \$400,000 of road improvements had been done since July. These improvements included over eight (8) miles of roads being patched and resurfaced. Sidewalks: By the end of December, there will be a sidewalk that connects Highway 20 to Peachtree Industrial Blvd along West Broad Street. Gas: Price per therm for October-November on an average use of 30 therms was \$1.12. This price includes all service fees. Finance: On December 15<sup>th</sup> the city will be debt free from any long-term debt. Golf: He asked that residents and citizens take advantage of the good weather and play golf, the course is in great shape. Sugar Hill residents can purchase an ID card to play at a reduced rate. Employee of the Month for November is Wade Queen. Wade has been with the City for eleven years, he has been the Director of Golf since 1990. Wade will be retiring at the end of December. He has seen the course through some good and bad times and done an outstanding job.

**EXECUTIVE SESSION: TO DISCUSS LEGAL, PROPERTY AND PERSONNEL:**

Mayor Pro-Tem Abbey made the motion to enter into Executive Session to discuss Legal, Property and Personnel. Council Member Rhodes made the second. Motion passed unanimously by those present to vote 4-0.

On a motion made by Mayor Pro-Tem Abbey and second by Council Member Hall, the Council returned to regular session at 10:05 PM.

Action taken out of Executive Session:

Council Member Avery made a motion for the Mayor and Council to adopt a Resolution stating that the purchase of the Old First Baptist Church property was to be used for Recreation and a Town Green. Council Member Hall made the second. Motion passed unanimously by those present to vote 4-0.

Council Member Rhodes made a motion to give City Manager Bob Hail a year- end salary adjustment of \$1,000. Council Member Avery made the second. Motion passed unanimously by those present to vote 4-0.

**ADJOURNMENT:**

Mayor Pro-Tem Abbey made the motion to adjourn the meeting. Council Member Hall made the second. Motion passed unanimously by those present to vote 4-0.

Meeting adjourned at 10:10 PM.

Date approved: \_\_\_\_\_

City of Sugar Hill Council Meeting  
Monday December 10, 2001  
7:30 PM Community Center

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Mayor

ATTEST:

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City Clerk