

City of Sugar Hill Council Meeting
Monday June 11, 2001
7:30 PM Community Center

The City of Sugar Hill held its regular Council Meeting on Monday June 11, 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 Gary Pirkle. Absent was Council Member Mike Mosley. Also present were City Manager Bob Hail, City Attorney Lee Thompson, and City Clerk Shirley Gibbs.

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. Council Member Pirkle gave the Invocation.

APPROVAL OF AGENDA:

Council Member Pirkle made a motion to approve the agenda. Council Member Hall made the second. Motion passed unanimously by those present to vote. 4-0

APPROVAL OF 5/14/2001 MINUTES:

Council Member Avery made a motion to approve the minutes of the 5/14/2001 meeting. Council Member Hall made the second. Motion passed unanimously by those present to vote. 4-0

OLD BUSINESS:

A: CHANGING COUNCIL MEMBERS AND MAYOR'S SALARY:

Council Member Hall explained this was merely changing the way the Mayor and Council Members would be paid not the amount of the salary they received. This ordinance would have the Mayor paid a \$200.00 base rate with \$250.00 for each regular scheduled council meeting attended. Council Members would be paid a \$100.00 base rate with an additional \$200.00 for each regular scheduled council meeting attended. The Mayor Pro-Tem would receive an additional \$75.00 for each regular scheduled meeting attended. Mayor Pro-Tem Abbey asked City Attorney Thompson if this ordinance could be enacted sooner than the January 1, 2002 date since they were not increasing the amount of pay. City Attorney Thompson replied he would not recommend doing that because it had been advertised as taking effect in January 2002 and the council had been elected under the current pay structure. Mayor Pro-Tem Abbey made the motion to approve this ordinance with the corrections noted. Council Member Hall made the second. Motion passed unanimously by those present to vote. 4-0

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CITIZENS AND GUESTS COMMENTS:

THERE WERE NO COMMENTS FROM CITIZENS OR GUESTS.

NEW BUSINESS:

**A: RATIFY FINAL PLAT FOR THE GLENS @ LEVEL CREEK
SUBDIVISION UNIT I:**

Planning Director Jim Osborn explained this was the final plat for Glens at Level Creek Unit I. There are 14 lots in this unit, it has been inspected and the maintenance bond has been posted. Council Member Hall made the motion to ratify the final plat for the Glens at Level Creek Unit I. Council Member Pirkle made the second. Motion passed unanimously by those present to vote. 4-0

**B: ACCEPT ANNEXATION APPLICATION AX-01-003 D.E. BLAIR
MAP REERENCE #7-289-008 1.493 ACRES 335 LEVEL CREEK
ROAD. THE PROPERTY IS CURRENTLY R-75 IN GWINNETT
COUNTY. THE APPLICANT IS REQUESTING A RS-100 WITH
A SPECIAL USE PERMIT FOR A DAY CARE FACILITY:**

Planning Director Jim Osborn explained this was an application for annexation of 1.493 acres at 335 Level Creek Road. The applicant was requesting a zoning of RS-100 with a Special Use Permit in order to have a day care facility. Council Member Hall made the motion to accept annexation application AX-01-003. Council Member Pirkle made the second. Motion passed unanimously by those present to vote. 4-0

**C: PUBLIC HEARING RZ-01-001 G A WALLACE CO., INC MAP
REFERENCE #7-291-030 14.0683 ACRES. G.A. WALLACE CO
INC IS REQUESTING TO REZONE 14.0683 ACRES AT 946 LEVEL
CREEK ROAD FROM RS-150 SINGLE FAMILY ZONING
CLASSIFICATION TO RS-100 SINGLE FAMILY ZONING
CLASSIFICATION FOR 33 SINGLE FAMILY HOMES:**

Council Member Pirkle made the motion to enter into Public Hearing for RZ-01-001. Mayor Pro-Tem Abbey made the second. Motion passed unanimously by those present to vote. 4-0. Planning Director Jim Osborn explained that the original application had been to ask for a RS-100 zoning classification from an RS-150 zoning classification for a total of 39 homes. The original staff recommendation had been for denial and leaving it at RS-150 due to a lot of convergence of traffic at the entrance to the subdivision. The Planning Commission had tabled their request and asked them to submit a new plan, which they have now done. The applicant was now requesting a zoning classification of RS-100 and they had moved the entrance to the subdivision. This classification would reduce the number of homes from 39 to 33; the square footage of each lot would be 12,000 feet with a 90-foot front. There is an existing lake on the property that will be used as a detention pond. The Planning Commission had approved this request with the condition that there be 25 foot set backs instead of the required 35 foot set backs. Concerns from the council members included increased traffic; this subdivision would be across from the Sugar Hill Elementary School; there is no turn lane, the possibility of putting in a four way stop sign, the difference between RS-150 and RS-

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100 zonings, doing a traffic impact study, doing a hydrology study and drainage. The Planning Commission had recommended approval of this revised plan with the following conditions: RS-100 zoning classification, 90 foot lot widths, minimum lot size of 12,000 square feet, relocate the subdivision entrance further to the north as noted on the revised site plan dated April 24, 2001 and an added condition of the 35 foot set backs. Council Member Pirkle made the motion to exit Public Hearing. Mayor Pro-Tem Abbey made the second. Motion passed unanimously by those present to vote. 4-0 Council Member Hall made the motion to table this rezoning until the July meeting and have the applicant go to the Gwinnett County School Board and Gwinnett County Dot to find out if there were any traffic or safety concerns before this property is rezoned. Council Member Pirkle made the second. Motion passed on a vote of 3-1. Mayor Pro-Tem Abbey was opposed.

D: PUBLIC HEARING AMENDMENT TO THE TEXT OF THE ZONING ORDINANCE. THE PROPOSED AMENDMENT WILL ALTER THE TEXT OF SECTION 907. THIS SECTION DEALS WITH PERMITTED USES IN THE GENERAL BUSINESS DISTRICT:

Council Member Pirkle made a motion to enter into Public Hearing for the purpose of amending the text of the zoning ordinance. Council Member Hall made the second. Motion passed unanimously by those present to vote. 4-0. Planning Director Jim Osborn stated that on May 14, 2001 the city council had voted to change the city code to allow for psychic readings, fortune telling and related businesses. By allowing this type of business to exist in the city, the business use must be listed in a zoning classification. The Planning Commission had heard this request and recommended that the council amend the Sugar Hill Zoning Ordinance Section 907 General Business District (BG) Paragraph C - Special Uses to include the following use: Fortune Telling, Phrenology, Astrology, Clairvoyance, Palmistry & similar practices. Comments from the council included: not having to have a Special Use Permit because there had been stringent guidelines placed on the ordinance allowing this type of business and no criteria had been placed on the ordinance to require a Special Use Permit, could a person live at the residence and run this type of business; which he could not; and the hours of operation. There were no comments from the Public. Council Member Pirkle made the motion to return to regular session. Council Member Avery made the second. Motion passed unanimously by those present to vote. 4-0. Council Member Pirkle made the motion to amend the text of the Zoning Ordinance as proposed with out the language requiring a Special Use Permit. Mayor Pro-Tem Abbey made the second. Motion passed on a vote of 3-1. Council Member Avery was opposed to the motion.

**E: PUBLIC HEARING AX-01-002 BACHMAN PROPERTIES MAP REFERENCE # A PORTION OF 7-289-005, 3.3 ACRES. BACHMAN PROPERTIES INC IS REQUESTING TO ANNEX 3.3 ACRES AT 421 LEVEL CREEK ROAD AS AN ADDITION TO THE GLENS @ LEVEL CREEK SUBDIVISION. THE PROPERTY IS CURRENTLY ZONED R-75 IN GWINNETT COUNTY AND THE APPLICANT IS REQUESTING A RS-100 ZONING CLASSIFICATION:
(NOTE: THE APPLICANT HAS SUBMITTED A REQUEST TO**

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WITHDRAW THE APPLICATION):

The applicant had submitted a request to withdraw the application. No action was taken on this item.

F: PUBLIC HEARING RZ-01-002 WATKINS ASSOCIATED DEVELOPERS INC. MAP REFERENCE # A PORTION OF 7-255-015, 14.89 ACRES. WATKINS ASSOCIATED DEVELOPERS, INC IS REQUESTING TO REZONE 14.89 ACRES AT THE SOUTHWEST CORNER OF HIGHWAY 23 AND WESTBROOK ROAD FROM LM TO BG:

Council Member Pirkle made a motion to enter into Public Hearing for RZ-01-002. Mayor Pro-Tem Abbey made the second. Motion passed unanimously by those present to vote. 4-0. Planning Director Jim Osborn presented the administrative recommendation. This development would include a grocery store and retail shops. Jeff Mahaffey was there on behalf of the applicant. Comments from the council included concerns about drainage, the entrance to Ruby Forest in relation to this development, traffic on Westbrook Road, widening Westbrook Road for a turn lane or having a dcel lane. There were no comments from the Public. Council Member Pirkle made a motion to return to regular session. Mayor Pro-Tem Abbey made the second. Motion passed unanimously by those present to vote. 4-0. Council Member Hall made a motion to table this item until the July meeting in order for the applicant to have a study done by DOT, an impact study on road improvements, buffers drainage, run off, and set backs prior to rezoning this property. After much discussion on Council Member Hall's concerns, she withdrew her motion. Council Member Pirkle made a motion to approve the rezoning with the recommendations from the Planning and Zoning Commission plus an added condition to number three from the Planning Commission to include entrance/exit designs on Westbrook Road subject to approval from Gwinnett County Department of Transportation and any signalization requirements to be paid for by the applicant. Also, a reduction in buffer to 25 feet plus stream buffer if adjacent property is residential. Mayor Pro-Tem Abbey made the second. Motion passed on a vote of 3-1. Council Member Hall was opposed to the motion.

CITY ATTORNEY'S REPORT: NO REPORT

COUNCIL REPORTS:

Council Member Hall had no report

Council Member Pirkle reported that he and his wife had a son, Jacob Robert, born on Memorial Day.

Mayor Pro-Tem Abbey apologized to Council Member Hall for making the motion on the legislation she had worked so hard on. He felt she should have been the one to make the motion for its approval.

Council Member Avery had no report.

MAYOR'S REPORT:

Mayor Crabb was glad to have a new resident in Sugar Hill.

CITY CLERK'S REPORT: NO REPORT

CITY MANAGER'S REPORT:

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City Manager Hail reported that the gas report he had been asked to compile was about ninety percent complete. He would like to present it at both the July and August council meetings. Twelve sets of bleachers had been ordered for the park. The BMX track had been graded and seeded, if BMX is reinstated the dirt is still there. He will be putting out an RFP to build sidewalks along ball fields and pads for the bleachers. A new basketball goal had been put up. On July 14, a church community group was going to have a clean up day in the park. He was going to coordinate with them on supplies they might need. He was going to put out and RFP for a festival director to try and have a fall festival. He had already talked with two vendors. The Boy Scouts had used the park as a twilight camp and had called to thank him for the use of the park. He had received a notice from the Municipal Gas Authority as having the lowest total gas bill of any gas vendor. Council Member Hall wanted to thank the Sugar Hill Housing Authority for their help in purchasing the bleachers for the park.

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

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

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

NO ACTION WAS TAKEN OUT OF EXECUTIVE SESSION.

ADJOURNMENT:

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

Meeting adjourned at 9:45 PM.

Date Approved: _____

MAYOR: _____

ATTEST:

CITY CLERK