

City of Sugar Hill Council Meeting

Monday April 8, 2002

7:30 PM Community Center

The City of Sugar Hill held its regular Council Meeting on Monday April 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 Kim Hall, Council Members Chris Abbey, Meg Avery, Ron Johnson 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.

CALL TO ORDER AND 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:

Richard Lee, Pastor of the Sugar Hill First Baptist Church, gave the Invocation.

APPROVAL OF AGENDA:

Council Member Rhodes made a motion to move the Reports to before Old Business. Council Member Johnson made the second. Motion passed unanimously 5-0. Mayor Pro-Tem Hall made a motion to move Item A, Public Hearing for S & A Food & Gas, under Old Business to Item G under New Business. This Item had been denied at the March Council Meeting and they had to reapply. Council Member Abbey made the second. Motion passed unanimously 5-0. Mayor Pro-Tem Hall made a motion to approve the Agenda as amended. Council Member Abbey made the second. Motion passed unanimously 5-0.

APPROVAL OF 3/11/2002 MINUTES:

Council Member Avery made a motion to approve the Minutes of the March 11, 2002 meeting as written. Council Member Rhodes made the second. Motion passed unanimously 5-0.

CITY ATTORNEY'S REPORT:

City Attorney Thompson reported the purchase of the Green Space should be completed within the next week to ten days. They received a draft of the documents and would be sending those back to the company it was being purchased from. Pending Litigation would be discussed in Executive Session.

COUNCIL REPORTS:

Council Member Rhodes wanted to thank all the new people who were attending the Council Meeting. He was really excited about the Green Space acquisition and he wanted to thank the City Manager and the City Employees who had been getting the Town Green ready.

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

Council Member Johnson also wanted to thank the City Employees and the City Manager for getting the Town Green ready. Hopefully it would be ready by July 4th. Congressman Linder had contacted him and wanted to do something similar to what Congressman Barr had done in his neighborhood and he was going to set that up.

MAYOR'S REPORT:

Mayor Pirkle reported he had received a letter announcing that Congressman Bob Barr was holding a Town Hall Meeting on Saturday at Central Gwinnett High School Auditorium from 11:00 to 12:00. He had also received a letter from Congressman Isakson, who was holding a meeting tonight, Monday April 8th, from 6:00 PM to 8:00 PM.

CITY CLERK'S REPORT: NO REPORT

CITY MANAGER'S REPORT:

City Manager Hail gave the following report: **Sanitation:** On April 22nd, the City will receive bid proposals for sanitation collection and recycling. Input from citizens was in favor of keeping the bag system, increase recycling and offer big rolling cans to residents who request them. **Northern Arc:** The City had placed an icon on the website Home Page for people to obtain the latest information available concerning the Northern Arc. **Roads:** A summary of the 2001 road improvements was posted on the City's website along

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with proposed streets to be improved in 2002. Spring Hill Drive improvements will be delayed until the county completes its water line project. The City had requested the Gwinnett DOT to investigate the following traffic issues; four way stop sign at the intersection of Spring Hill Drive and Level Creek, improve timing of traffic lights on Highway 20, turn lanes are needed at the intersection of Sycamore, West Broad Street and Highway 20, repair the temporary road fix on Oakgrove, improve intersection of Level Creek and Church Street, and when is the traffic light at Buford Highway and Old Suwanee Road going to be installed. **Sidewalks:** A sidewalk has been installed for park access from the Parkview Subdivision and will connect with the lower restroom/pavilion with the playground area. **Greenspace:** The City had reached agreement to purchase 25 acres of Greenspace off Old Appling Road. It is heavily treed and will remain in its natural state. **Recreation:** Grading has begun on the "Town Green" area and the City has requested bids to construct the "Town Green" on West Broad Street. Later this month the City will be requesting proposals to build an amphitheater in EE Robinson Park. Mulch for the playground at the park had been purchased from the county, saving thousands of dollars. The City had signed an agreement with the North Gwinnett Baseball Softball Association for the use of the ball fields and they were in discussion with the West Gwinnett Soccer Association for the same type of agreement for the soccer enthusiasts. **Gas:** The City has purchased next winter's gas futures resulting in a price reduction of 25 - 30 % from this year and is less than 1/3 of the winter of 2000-2001 gas price. So far this year over 10,700 feet or 2 miles of gas lines had been replaced or expanded. A contract to install another 4,800 feet of gas pipe had been signed with CEDS Construction to improve service and allow for growth. Price per therm for February - March was \$.70. A total bill using 134 therms was \$106.80, this includes all service fees plus the cost of gas. For comparison; the total bill using the same 134 therms would be \$107.88 from Energy America, SCANA \$109.77, GA Natural Gas \$111.26, Shell \$111.77 and Infinite Energy \$114.99.

OLD BUSINESS:

A: PUBLIC HEARING: S&A FOOD & GAS, INC. Application for Retail sale of Beer and Wine at 5243 North Avenue fka Circle K:

This Item was moved to Item G under New Business.

B: RZ-01-007 Keith Breedlove-Map # 7272-002, 7272-004 & 7272-181 46.24 acres Located at PIB & Pinecrest Drive:

Assistant City Manager for Development Jim Osborn reported the applicant was requesting a zoning classification of RS-100 from the existing classification of LM, Light Industrial, to construct 132 single-family homes. Mr. Osborn stated staff recommendation was for denial basically keeping with the city's comprehensive plan. Mr. Osborn went on to explain that the Planning Commission had heard this in January and it was tabled. The Planning Commission heard it again in February; Wade Beavers, Representative for the applicant had presented the changes requested by the Planning Commission. Staff recommendation was still for denial. The Planning Commission had recommended approval with conditions as follows: 1. Provide two (2) recreational areas, 2. Install an 8-foot high privacy fence along the rear properties at Pinecrest Drive and Highland Avenue, 3. Subdivision shall have a mandatory homeowners association, 4. Install an 8-foot high fence along the rear property lines at the railroad tracks, 5. Each house shall have at least 50% brick or stone front façade, 6. Each lot shall have an average of at least 80-foot width, and 7. The applicant before Final Plat approval shall bring up Chapel Avenue to standard. The Mayor and Council had heard this in March and it had been tabled at that time. Council Member Johnson made a motion to enter into Public Hearing for RZ-01-007. Mayor Pro-Tem Hall made the second. Motion passed unanimously 5-0. Mr. Wade Beavers, representative for the applicant, gave a brief overview of the changes that had been requested by the Planning Commission and the Mayor and Council and their willingness to make those changes. Comments and questions from the Council included questions regarding lot width and basements. Mr. Horace Stowe of 4695 asked if a fence would be installed perpendicular on his property, separating his property and the road. Mr. Beavers indicated they would be willing to install a fence if he needed one. Council Member Abbey made the motion to close Public Hearing. Mayor Pro-Tem Hall made the second. Motion passed unanimously 5-0. Council Member Abbey made the motion to approve this rezoning with the conditions stated by the Planning Commission. Council Member Johnson made the second. City Attorney Thompson wanted to get clarification on the lot width and Chapel Avenue; some of the Council Members had questions. Council Member Abbey withdrew his motion in order to get clarification. Council Member Abbey made the

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motion to approve the rezoning with Planning Commission conditions one through five, changing condition number six to read lot width be a minimum of at least 80 feet with the exception of cul-de-sacs, omit condition number seven, addition of fence for the property owner where the new road will be cut if requested by the property owner. Council Member Johnson made the second. Mayor Pro-Tem Hall wanted to make sure sidewalks would be included in the Final Plat. Motion passed on a vote of 4-1. Mayor Pro-Tem Hall was opposed.

**C: RZ-02-001 Ashton Atlanta Residential, LLC Map #7-365-003 74.57 Acres
Change in conditions for Laurel Park Phase 4:**

Council Member Johnson recused himself from the discussion on this item. Assistant City Manager for Development Jim Osborn explained the existing zoning was RS-150. Ashton Atlanta was asking for a change in conditions, to reduce the lot width from 85 feet to 70 feet. Also, to reduce the lot area from 15,000 square feet to 10,000 square feet. This was tabled at the last meeting at the request of the applicant. Mr. Osborn gave a brief history of the Laurel Park Subdivision. Staff recommendation was for approval with the following conditions: 1. Reduce the lot width to at least 70 feet at the front building set back, 2. Reduce each lot area to at least 10,000 square feet, 3. Provide 12 acres of undisturbed open space adjacent to Phase 4 and 3B; the open space deed shall have associated restrictive covenants with a stipulation that the land can not be developed 4. Development of Phase 3B and 4 can not exceed the approved density of 1.53 units per acre or 324 units for the whole subdivision and 5. The dwelling size in Phase 4 shall be at least 2,000 square feet of heated space. The applicant had agreed to these conditions. In addition, he had meet with the homeowners of Laurel Park and had reached an agreement with the majority of the homeowners to build a Tot Lot next to the existing clubhouse; that the exterior façade of the homes shall not be vinyl or aluminum siding; that the landscapes steep slope at the entrance off Suwanee Dam be landscaped. This is in the right of way and they would have to get permission from the Gwinnett County DOT. They will construct additional tennis courts and a basketball court in the rear recreation area as determined by the applicant and its sole discretion after review of the market studies. Council Member Abbey made a motion to enter into Public Hearing for RZ-02-001. Council Member Rhodes made the second. Motion passed unanimously by those present to vote 4-0. Mayor Pirkle stated they had a letter from the Upper Chattahoochee River Keepers in support of this project. They had a letter from a neighbor in support of this project and a letter from Mr. Robert Castillo in opposition of this project on behalf of the petitioners from last month. Jeff Mahaffey, a representative of the applicant, gave a brief summary of their request for the change in conditions and the agreements they had reached with a majority of the homeowners. Mayor Pro-Tem Hall asked Mr. Mahaffey who would maintain the landscaping of the entrance if it is located in the DOT right of way. Mr. Mahaffey responded that once they had obtained permission from Gwinnett County DOT to landscape the area, it would probably be the responsibility of the Home Owners Association. Mayor Pirkle asked about the sign at the entrance on Island Ford Road that indicated there was boat storage available, which would not be allowed under the city's RS-100 or 150 zoning and what was the intent of that. Mr. Osborn stated he had done research on this and there was never any mention of it on the site plans or in the minutes. It seemed to appear in 1998 after they were approved for change in conditions but there was no mention of it in the minutes. This might be something that the Council would want to address at this meeting. If the Council did allow them to have the boat storage, it should have a solid screen fence around it except for the entrance. He could not find any justification for this in his records and he felt this was something the Council should address. Council Member Avery had a question concerning the additional tennis courts or basketball court. To her it sounded like the applicant would decide if one or the other would even be built. Mr. Mahaffey responded that either tennis courts or a basketball court would be built depending on what the majority of the residents wanted. The applicant had to build one or the other depending on market research and what the people seemed the most interested in having. Mayor Pro-Tem Hall inquired about the size of the playground, what type of playground equipment it would hold and when it would be constructed. Speaking in opposition of this change in conditions was: Robert Castillo, Michael Duling, John McNair, Wayne Bouts and John Heatherington. Mayor Pro-Tem Hall made a motion to exit Public Hearing. Council Member Avery made the second. Motion passed unanimously by those present to vote 4-0. Mayor Pro-Tem Hall made a motion to deny the change in conditions for RZ-02-001. Motion died for lack of a second. Council Member Rhodes made a motion to table this item in order for the residents to have an opportunity to speak one on one with the applicant. Council Member Abbey made the second for discussion. Council Member Rhodes amended his

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motion to table this item in order for the applicant to send out a letter, one per household, with the conditions of the changes and that there would be a meeting for the residents of the subdivision; hosted by the City, to determine what the residents wanted. The Council would use that information to factor in making their decision on this item. Council Member Abbey made the second. Motion carried on a vote of 3-1. Mayor Pro-Tem Hall was opposed.

CITIZENS AND GUESTS COMMENTS:

Bob Wagner of 4969 Hidden Branch Drive told the Council they did a good job on the stop sign on Level Creek and Spring Hill Drive, that would cut down on speeding in front of the school. He was interested in statements made at the last Council Meeting and reported in the newspaper over the weekend. It seems the Council had excluded from any sort of Public Service the 1600 people who had signed a petition calling for a referendum last year. He felt they were black listing these people for expressing their opinion. The 1600 people who signed the petition did not say they wanted to dissolve the city only that they wanted to vote on it. In no way did they indicate how they would vote on it and he did not feel the Council had a right to assume how these people would vote and he felt the Council should apologize to them. What the 1600 people did was exercise their right to petition the government and the Council was wrong to exclude them from any type of Public Service. This was a First Amendment right and he felt the Council had used their Public Office to come up with a policy to exclude people who were exercising their First Amendment rights and they should reverse this policy. Mayor Pro-Tem Hall stated the City had no such policy and wanted to know at what point this policy was made. Mr. Wagner felt it had to be made outside of a Council Meeting.

Bob Scott of White Oak Drive felt the Council had a difficult time with petitions. He read from the First Amendment and Amendment Ten. He gave a few reasons why the 1600 people were exercising their right to petition their government; the post office had been closed, prison crew used to pick up trash on the streets had been eliminated but the one at the golf course was still there, the dumpster for large items had been done away with, the Recreation Board had been dissolved, the BMX track had been closed, the Christmas Event at the Park canceled and the skate board park had been closed. It was not all about the gas prices like everyone thought. He did not feel the Council should hold this against the 1600 people who had signed the petition.

NEW BUSINESS:

A: TRAVEL POLICY:

Mayor Pirkle stated this was not just travel policy but policy in general. This policy would state that the City would pay for travel or other functions, where necessary, for Public Officials and employees but would not pay for their spouses' expenses. Council Member Abbey made the motion to adopt the policy for the city to pay only for the Public Officials and employees when attending a function requiring the cost of admission. Mayor Pro-Tem Hall made the second. Motion unanimously approved. 5-0

B: SUGAR HILL SOLID WASTE STWP:

Assistant City Manager for Development Jim Osborn stated that the Solid Waste Short Term Work Program had been sent to EPD about one year ago. The city had done the ten-year plan and the five-year update. ARC and DCA had approved this and it was now time for the city to approve the Solid Waste Short Term Work Program. Council Member Abbey made a motion to approve the Resolution for the Sugar Hill Solid Waste Short Term Waste Program. Council Member Rhodes made the second. Motion unanimously approved. 5-0.

C: ACCEPT ANNEXATION APPLICATION: AX-02-002 THE TROUT COMPANY 429 BUFORD HIGHWAY .569 ACRES R-75 TO HSB:

Assistant City Manager for Development Jim Osborn explained this was only an annexation application and the Council was required to accept it. It was for .569 acres located at 429 Buford Highway. The applicant was requesting a rezoning from R-75 to HSB. Council Member Johnson had comments on why the council had to vote on these annexation applications. He wanted to know why Mr. Osborn or the Mayor could not accept these applications and then report on them at the meetings. The reasons for this

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procedure was discussed. Council Member Abbey made the motion to accept Annexation Application AX-02-002. Council Member Rhodes made the second. Motion passed on a vote of 4-0-1. Council Member Johnson abstained from voting.

D: RESOLUTION: MGAG VOTING MEMBER DESIGNATION:

City Manager Hail explained this was a Resolution to designate a voting member to the Municipal Gas Authority of Georgia. He was asking that the Council designate him as the voting member for the City of Sugar Hill with Mr. Osborn being the alternate voting member. He also announced that he was going to be running for the Board of Directors of the Municipal Gas Authority. Council Member Rhodes made the motion to approve the Resolution designating City Manager Bob Hail as the voting member for the Municipal Gas Authority and Jim Osborn as the alternate. Motion unanimously approved. 5-0.

E: WAIVER TO NOISE ORDINANCE:

City Manager Hail explained that Gwinnett County had approached the city for a waiver to the Noise Ordinance. He explained the county would be digging a tunnel beginning at the Sugar Hill Water Treatment plant, digging under the golf course to an exit point on Highway 20. This will connect with other piping and tunnels taking it south, parallel to the Chattahoochee River, then to a big pump station that will take it to the Wayne Hill Treatment Plant for further processing. There would be blasting and drilling and the county was asking for a waiver to the noise ordinance. Don Hafner and Frank Stevens, representatives from the county utility department and Don Delmero, representative from Jordan, Jones and Goulding, gave a brief description of the work they would be doing and asked that the council give them permission to extend the noise ordinance until 10:00 PM. This would give their crews more time to get the work done. Council Members had questions for the representatives of the county and Jordan, Jones and Goulding regarding traffic, noise and how much blasting and length of time to complete the project, decibel levels and did they plan on doing blasting at 10:00PM at night. Jim Holt, a resident, asked if the Northern Arc would cause this work to be done all over again. Council Member Rhodes made the motion to approve the Waiver to the Noise Ordinance up to 10:00PM, six days a week. Council Member Johnson made the second. Motion unanimously approved. 5-0.

F: AUTHORIZATION TO PROCEED WITH CDBG GRANT APPLICATION FOR ADA RENOVATIONS TO NEW COMMUNITY CENTER:

Assistant City Manager for Development Jim Osborn stated the CDBG deadline was April 30th. He and City Manager Hail were asking that the Mayor and Council authorize the Mayor to sign the application to renovate the Fellowship Hall as a new Community Center. Council Member Abbey made the motion to authorize the Mayor to sign the CDBG Grant application. Council Member Avery made the second. Motion unanimously approved. 5-0.

**G: ITEM A OF OLD BUSINESS MOVED TO ITEM G OF NEW BUSINESS:
PUBLIC HEARING: S&A FOOD AND GAS, INC: APPLICATION FOR
RETAIL SALE OF BEER AND WINE AT 5243 NORTH AVENUE fka
CIRCLE K:**

Council Member Abbey made the motion to enter into Public Hearing. Council Member Avery made the second. Motion unanimously approved. 5-0. City Manager Hail explained this had been denied last month due to some inconsistencies in the application. The applicant had resubmitted the application and was again asking for approval. He stated that the store had not been selling any beer and wine after being denied and he had sent them a letter. He had told them if they had a state license they could continue to sell but they do not have a license. Mayor Pro-Tem Hall had questions concerning the information regarding the officers of the corporation. Council Member Johnson was concerned about the selling of beer and wine to minors, they did not have any signs up indicating that they ID people. He asked that they contact the Gwinnett County Police Department about getting drug training. Council Member Avery asked about the owner of the property, knowing that the listed owner was deceased, she felt it should state that it was the Estate of W.J. Dodd. Comments from the Public included Hope Curtis and Jim Holt. Mayor Pro-Tem Hall made the motion to exit Public Hearing. Council Member Avery made the second. Motion unanimously approved. 5-0. Mayor Pro-Tem Hall made a motion to deny this application again based on the inconsistencies on the application. If they wanted to resubmit the application, everyone listed on the Secretary of State's web site as being an officer of the corporation should have a background check done

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and a personnel history. Council Member Avery made the second. Motion passed on a vote of 4-1. Council Member Abbey was opposed.

Mayor Pirkle had an item for discussion. If the City intended to proceed with the amphitheater at the park, he felt the contract with the BMX Track should be dissolved. Council Member Johnson made a motion to have City Attorney Lee Thompson proceed with dissolving the contract with the BMX Track. Council Member Abbey made the second. Motion unanimously approved. 5-0.

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

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

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

ACTION TAKEN OUT OF EXECUTIVE SESSION:

Council Member Johnson made a motion to give the City Manager an increase in salary of \$5,000 a year, adjust his Deferred Compensation according to the original agreement and increase his car allowance by \$50.00 a month. Council Member Abbey made the second. Motion unanimously approved. 5-0.

ADJOURNMENT:

Council Member Abbey made the motion to adjourn the meeting. Council Member Johnson made the second. Motion unanimously approved. 5-0 Meeting adjourned at 10:40 PM.

Date Approved: _____

Mayor

ATTEST:

City Clerk