

City of Sugar Hill Council Meeting

Monday January 14, 2002

Community Center 7:30 PM

The City of Sugar Hill held its regular Council Meeting on Monday January 14, 2002 at 7:30 PM in the Community Center.

Notice of the meeting was posted on the doors of City Hall and the Community Center.

Notice was posted 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, Council Members Chris Abbey, Meg Avery, Kim Hall, Ron Johnson and Thomas Rhodes. Also present were City Attorney Lee Thompson, Assistant City Manager for Development Jim Osborn, City Manager Bob Hail and City Clerk Shirley Gibbs.

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

Mayor Gary 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 amend the agenda to include the elimination of Item C under New Business, which was an Annexation request and to add two additional items. Item H would be for signage regarding zonings and rezonings and Item I would be for sewer easements. Council Member Avery wanted to add an amendment to the agenda; the date listed on the agenda was January 7 and should be changed to January 14, 2002. Council Member Rhodes made the second. Motion passed unanimously 5-0.

APPROVAL OF 12/10/2001 AND 12/18/2001 MINUTES:

Council Member Hall made the motion to approve the December 10th and the December 18th minutes as written. Council Member Abbey made the second. Motion passed unanimously 5-0.

ELECT AND SWEAR IN MAYOR PRO-TEM:

Council Member Abbey made the motion to appoint Council Member Hall as Mayor Pro-Tem for the 2002 year. Council Member Avery made the second. Motion passed on a vote of 4-0-1. Council Member Hall abstained from voting. Mayor Pirkle then swore in Council Member Hall as Mayor Pro-Tem.

OLD BUSINESS:

A: APPOINT REPLACEMENT FOR GRANVILLE BETTS ON P&Z BOARD:

Mayor Pro-Tem Hall made a motion to nominate Steve Edwards to a four (4) year term on the P & Z Board. Council Member Rhodes made the second. Motion passed unanimously 5-0. Mayor Pirkle then swore Mr. Edwards in as a member of the Planning Commission.

**B: SUP-01-001: The Bick Group: Map Reference #7-258-001
Denial vetoed by Mayor Crabb:**

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Mayor Pirkle explained the Council had denied this request for a zoning variance to increase the height of the cable TV tower in December. The denial was vetoed by then Mayor Crabb and brought back before the Council for reconsideration or to let the denial stand. Mayor Pirkle asked City Attorney Thompson for clarification on the options available to the Council. Mr. Thompson explained that this item had been placed on the agenda as required by the Charter. The Charter gives the Mayor the right to veto Ordinances, however there was no Ordinance involved since the matter was denied but there was a negative vote and the Mayor had exercised her veto rights. If a motion is made to override the veto, the Council would discuss that and then take a vote. If four members of the Council vote in favor of overriding the veto, then the motion of denial passed last time stands as is. If four members do not vote in favor of overriding the veto and since the issue was a denial, in his opinion as City Attorney, the item would simply be placed back on the table for someone to make a motion on. If the veto is overridden the denial stands but if the veto is upheld it will be up to someone else on the Council to make a motion because last time it was not approved it was denied.

Council Member Johnson made a motion that a vote be taken to override the veto. Council Member Avery made the second for the purpose of discussion. Council Member Johnson stated he had done extensive research on the Charter Communication Corp. From what he understood, for most people, it was a safety issue. In his research, he found Charter had gone far beyond the safety issues required on this tower. The tower is set in 25,000 pounds of concrete, it has two guide wires; which are not required on a tower this size and it is installed within a required drop zone. No tower of this size has ever collapsed and they are designed to collapse in the center. He had talked with the Minister of the Presbyterian Church, who indicated they had two proposed sites for their building expansion. One option was to put the expansion where they have some temporary trailers or to add on to the existing school building. If they add on to the existing building, there is a retention pond the tower would have to fall through and the pond is located at least 300 or 400 feet away from the tower. The trailers are about 200 feet from there. The tower would have to fall at an angle of 30 to 40 degrees and the guide wires are designed to pull the tower back toward the Charter building. It would also have to clear a 30-foot high bank. Safety issues aside, the Planning Commission had approved this tower even though there was some opposition. Mayor Pirkle wanted to make a point of clarification, the motion at the last meeting was to deny this zoning variance for an increase in the height of the tower and the veto would have prevented this from going into effect, so to override the veto would result in the denial of this variance. He felt Council Member Johnson's argument seemed to be in favor of the tower and he wanted him to understand that to override the veto would result in its denial. Council Member Johnson stated that since he was in favor of the tower he would withdraw his motion. Mayor Pirkle stated if there was no motion relative to overriding the veto therefore the veto stands and the matter is back on the table for discussion. He would entertain any motions relative to the Special Use Permit. Council Member Johnson made the motion to go into Public Hearing. Council Member Avery made the second. Motion passed unanimously 5-0. Planning Director Jim Osborn gave an overview of the request for the Special Use Permit. Rob Bridges, with Charter Communications, gave a statement on why the additional 70 feet would help the cable company give better service and how Charter was committed to working with City Hall and the citizens who had

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concerns about the safety of the tower and the landscaping of the area. Citizens speaking for and against the approval of the height increase included Judy Johnson, Granville Betts, Bob Scott, Jim Sands, Joe Clarino and members of the Council. After much discussion, Mayor Pro-Tem Hall made a motion to exit the Public Hearing and return to regular session. Council Member Abbey made the second. Motion passed unanimously 5-0. Council Member Johnson made the motion to approve the Special Use Permit SUP 01-001 and grant the increased height in the Cable TV Tower. Council Member Rhodes made the second. Motion passed on a vote of 4-1. Mayor Pro-Tem Hall voted against the motion.

CITIZEN'S AND GUEST'S COMMENTS:

Mr. Walter Horton, of 2030 Elm Tree Terrace in Buford, was speaking on behalf of a friend who lives in Chatham Woods Subdivision located on Buford Highway. His friend was not in favor of the proposed annexation that was on the agenda. The property was located at 1113 Buford Highway and the owners had already tried to get a rezoning from R75 to C2 from the Gwinnett County Commission. The plant nursery has been operating illegally for over fourteen months and Gwinnett County would not grant them the rezoning. He was requesting that the Council refuse to annex this property. Mayor Pirkle explained that the Council was required to accept the annexation application but that did not mean it would pass the Planning Commission or that the Council would pass it when it came before the Council again.

Mr. Jim Sands of Old Spring Way asked about who set speed limits on roads like Whitehead and West Broad. He wanted to know if Sugar Hill was still a bird sanctuary and he felt the Planning Commission should do more planning than zoning.

NEW BUSINESS:

A: PUBLIC HEARING: RZ-01-005: The Myrick Company: Map Reference # a portion of R7-274-002 25.13 Acres on Peachtree Industrial Blvd. The Myrick Company is requesting to rezone 25.13 acres at Peachtree Industrial Blvd. The property is currently zoned HM-1 (Light Industry District) Zoning Classification and the applicant requests a BG (General Business District) zoning classification:

Council Member Abbey made the motion to enter into Public Hearing to discuss Rezoning RZ-01-005. Mayor Pro-Tem Hall made the second. Motion passed unanimously 5-0. Planning Director Jim Osborn told the Council that they had a letter before them from the applicant requesting to table this item. The General Business Rezone went before the P&Z Board, which was approved. The applicant would like to wait for the adjacent annexation for the RM to make its way through the P&Z Board so he could hear both of those at once before the City Council. Council Member Avery reminded Mr. Myrick that the P&Z meeting would be on Tuesday January 22 instead of Monday the 21st. Council Member Abbey inquired if this item would be under old business or would it be placed under new business. City Attorney Thompson replied that they could be grouped together if the Council wanted it that way. There were no comments from the public. Council Member Abbey made the motion to exit Public Hearing. Council Member Avery made the second. Motion passed unanimously 5-0.

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Council Member Avery made a motion to table RZ-01-005 for the Myrick Group until the February meeting. Council Member Johnson made the second. Motion passed unanimously 5-0.

B: PUBLIC HEARING: RZ-01-006: POM Properties, Inc: Map Reference # R7-273-036 1.7 Acres, 730 North Price Road: POM Properties, Inc is requesting to rezone 1.7 acres at 730 North Price Road. The property is currently zoned HM-1 (Light Industry District) zoning classification and the applicant requests a BG (General Business District) zoning classification:

Council Member Avery made the motion to enter into Public Hearing for RZ-01-006. Mayor Pro-Tem Hall made the second. Motion passed unanimously 5-0. Planning Director Jim Osborn stated the property is currently zoned HM-1 and the applicant is requesting a rezoning classification to BG (General Business). The property is already occupied and has been for about a year. The applicant can do everything he wants to do in the current zoning classification that he wants to do in the BG zoning classification. He was trying to rezone in order to improve his tenant mix flexibility. Mr. Osborn's concern was that if it was rezoned to BG in an otherwise industrial corridor at some point in time if the applicant were to leave, you could have a business that would not be compatible with the industrial classification. This could cause an increase in traffic on North Price Road and it is not capable of handling commercial traffic. Staff recommendation was for denial. The Planning Commission recommendation was to approve the BG (General Business) zoning classification with the condition that the only uses permitted at this location be restricted to the HM-1 permitted uses. Mayor Pirkle wanted clarification if this was the same property that had requested a rezoning in order to obtain a loan that he could get for a BG zoning that he could not get for an HM-1 zoning. Mr. Osborn stated that was the case, the applicant was trying to obtain an SBA loan but in order to get the loan, the property would have to be rezoned so that it could be subdivided, which was a requirement of the SBA. Under the HM-1 zoning classification there is a 1-acre minimum lot size so the applicant could not subdivide but under the BG zoning classification there were not limitations on lot size. Mr. Ron del Valley, the applicant and property owner stated that they are not fully occupied; they still have ten to build out to complete the project. They had run into cost overruns and needed to refinance. In order for the bank to be willing to do the refinancing, they had asked the SBA for help. One of the requirements of the SBA is that a project is majority owner occupied and this was not the case with this project. He only occupies one of the buildings and they would only consider that one project to fund. That meant the property would have to be subdivided in order for the SBA to offer any financing. It was not anticipated for this to happen, it is strictly being done to receive the financial help with the SBA. He does not have a problem with keeping the uses limited to the HM-1 zoning classification. Mayor Pro-Tem Hall had a concern that if this rezoning is granted then the city would have no control over what type business would go there if something should happen with his loan and he had to sell the property. The applicant stated that the provisions of use had been limited to the HM-1 zoning classification and he hoped that would ease their concerns. Mayor Pro-Tem Hall suggested that perhaps they could be given a Special Use Permit. This was discussed and decided that was not feasible. The

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applicant did not want to change the use of the property, he just needed to get the property subdivided in order to proceed with his loan with the SBA. There were no other comments from the public. Council Member Abbey made a motion to exit Public Hearing. Council Member Avery made the second. Motion passed unanimously 5-0. Council Member Johnson made the motion to zone this property BG for the current use only. If the user changes, it will revert back to HM-1 along with the requirements stated by the P&Z Board. Council Member Abbey made the second. Motion passed on a vote of 4-1. Mayor Pro-Tem Hall was opposed. City Attorney Thompson stated that you could not revert zoning, he was unsure what the motion was, was it BG but only for the use. If the current use changes then they have to come back for a rezoning. Mayor Pirkle stated that the motion would have to be restated because it did say current owner. Council Member Johnson made the motion to zone the property BG for current use only with the stipulation if the use changes it reverts back to HM-1. Mr. Thompson stated it could not revert back, if the use changes they would have to come back to get a rezoning. Discussion was held on what uses were allowed and if there were any uses in BG that were also in HM-1. Council Member Johnson withdrew his previous motion. Council Member Abbey made the motion to grant the change in zoning to BG but to allow for conditions for those uses that would only fall under the HM-1 zoning classification. Council Member Johnson made the second. Motion passed on a vote of 4-1. Mayor Pro-Tem Hall was opposed.

C: ACCEPT ANNEXATION: AX-01-007 T& B LLC: Map Reference #’s R7-318-047, R7-318-080 & R7-319-032 7.3 Acres located on Suwanee Dam Road/Kennedy Road: Present Zoning R-100, Requested Zoning BG:

THIS ITEM WAS WITHDRAWN.

D: ACCEPT ANNEXATION: AX-01-008 Geneva C Taylor: Map Reference # R7-257-014 2.61 Acres located at 1113 Buford Highway 23. Present zoning R-75, Requested Zoning OI:

Planning Director Jim Osborn stated this property is located at Johnson Road and Buford Highway. The applicant, Geneva Taylor, is requesting to annex 2.61 acres and have the zoning changed from R75 in the county to O&I. Council Member Rhodes made the motion to accept the annexation application AX-01-008. Council Member Johnson made the second. Motion passed unanimously 5-0.

E: ACCEPT ANNEXATION: AX-01-009 Grencore Ventures, LLC: Map Reference # R7-257-015, 2.57 Acres located at 1089 Buford Highway 23: Present Zoning R75, Requested Zoning HM-1:

Planning Director Jim Osborn stated this property is adjacent to the previous property. It is 2.57 acres with a current zoning in the county of R-75. The applicant wants to rezone to HM-1. Council Member Avery made the motion to accept the annexation application AX-01-009. Mayor Pro-Tem Hall made the second. Motion passed unanimously 5-0.

F: RESOLUTION: CDBG GRANT for Installation of Elevator and make

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ADA upgrades to the upstairs of city hall:

City Manager Hail explained that the Planning and Zoning office was in a less than adequate facility. The city had applied for and been granted a \$153,000 CDBG Grant to make upgrades to the upstairs of city hall and install an elevator for ADA Compliance. Once the upgrades are complete the P&Z offices will move upstairs. Mayor Pro-Tem Hall made the motion to allow the Mayor to sign the CDBG Grant from Gwinnett County and allow the Mayor and City Manager to move forward on receiving that grant funding. Council Member Avery made the second. Motion passed unanimously 5-0.

G: Discuss taping of Council Meeting for later viewing on cable channel:

Council Member Johnson wanted to see about taping the meetings for later viewing. The facility that the meetings are held in only holds about 125 to 140 people. With a population of over 11,000, there was not room for all those to attend the meeting. If the meetings are taped, this would allow senior citizens, parents with young children and others that are unable to attend a chance to see what is going on in the city. Council discussed this and asked the City Manager to find out the cost of taping the meetings, when and what channel it would be aired on. No motions were needed on this item.

H: Signage and Placement of signs for Zonings and Rezonings:

Mayor Pirkle explained several members of the council had received e-mail and calls regarding the potential rezonings on Suwanee Dam Road, Johnson Road and Kennedy Road. Several issues were mentioned but the main complaint was the placement of the signs. He had discussed this with Jim Osborn and he would like to make it a policy, not change the zoning ordinance, to place signs on all roads that abut the property, up to a maximum of four signs. This would allow all the neighboring residents that drive by to be notified. His proposal would be to place signs at all the adjoining roads up to a maximum of four and if there were more than four roads, place them on the major roads. Mayor Pro-Tem Hall stated she had suggested making the signs bigger so they could be read from the road and people would not have to get out of their cars to read them. Council Member Abbey made the motion to have signs for zonings and rezonings placed at adjoining roads up to a maximum of four signs. Mayor Pro-Tem Hall made the second. Motion passed unanimously 5-0.

I: Sewer easement on Maintenance Facility Property:

City Manager Hail explained that the town homes that were building on Hillcrest wanted to have a sewer easement on the property where the maintenance facility is located. The Council needed to authorize the Mayor to sign all the necessary papers. Council Member Johnson made the motion to authorize the Mayor to sign all the necessary papers for the sewer easement on the maintenance facility property. Mayor Pro-Tem Hall made the second. Motion passed unanimously 5-0.

CITY ATTORNEY'S REPORT: NO REPORT

CITY COUNCIL REPORTS:

Council Member Rhodes reported it had been an interesting meeting. It was nice to have a full council and he was looking forward to working with everyone.

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Mayor Pro-Tem Hall welcomed Mr. Johnson to the council. She pointed out that the Sugar Hill Golf Course had made the front page of the Golf News Digest.

Council Member Avery congratulated the Mayor and she thought it had been an interesting meeting.

Council Member Abbey welcomed Mr. Pirkle as the new Mayor and Mr. Johnson as a new Council Member. He was looking forward to working with everyone.

Council Member Johnson was looking forward to working with the Council Members. He was glad the city had the part-time police officers patrolling the city streets. Having been a police officer he knew what a hard job they had and some of the problems they faced on an almost daily basis like DUI'S and drugs.

MAYOR'S REPORT:

Mayor Pirkle was looking forward to working with the Council. Being the new Mayor was a challenging job He had attended the Open House for Congressman Bob Barr and was very impressed with the Congressman. He was going to contact some of the local pastors and invite them to do the Invocation along with asking some of the staff members. He had already talked with Reverend Wood of the Sugar Hill United Methodist Church. Council Member Johnson was having an Open House for Congressman Barr at Laurel Park. He had met with State Representative Bobby Reese and some of the postal officials. It does not look good for Sugar Hill to get a postal facility or its own zip code for some time. There is a lot of red tape and restrictions and it could take up to ten years or more before Sugar Hill gets a zip code. One of the requirements is for the city to have a certain number of unique addresses and at the present time Sugar Hill does not meet that requirement. They would consider having another contract postal office if there was anyone interested in making a bid.

CITY CLERK'S REPORT:NO REPORT

CITY MANAGER'S REPORT:

City Manager Hail gave the following report Recreation: a new plastic coated chain link fence had been put around the two playgrounds at the park. This will help keep the children from running out into the parking lot and getting injured. The Parkview Drive access to EE Robinson Park has been closed. This will help control access to the park after hours. A sidewalk will be installed for access from the Parkview Subdivision. Roads: grinding and road resurfacing of city streets is complete for this year. Over \$400,000 of road improvements had been done since July. A summary of the 2001 road improvements is posted on the city's website. Sidewalks: Weather delayed the completion of the new sidewalk connecting Highway 20 to Peachtree Industrial Blvd along West Broad Street. Gas: Sugar Hill price per therm for November – December was \$.77. The city was investigating purchasing next winter's gas futures to ensure an even lower therm rate. Upgraded gas lines are being installed on Austin Garner Road to improve service and to allow for growth. Finance: On December 15th the City became

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debt free from any long-term debt as a result of the Mayor and Council exercising sound financial management practices. The City has adopted its 2002 Budget and there was no increase in the millage rate.

EXECUTIVE SESSION: TO DISCUSS LEGAL ISSUES, PENDING LITIGATION AND PERSONNEL:

Council Member Abbey made the motion to enter into Executive Session to discuss Legal Issues, Pending Litigation and Personnel. Council Member Johnson made the second. Motion passed unanimously 5-0.

Council Member Abbey made a motion to adjourn Executive Session. Mayor Pro-Tem Hall made the second. Motion passed unanimously 5-0

No action was taken out of Executive Session

Council Member Abbey made the motion to adjourn the meeting. Council Member Johnson made the second. Motion passed unanimously 5-0.

Meeting adjourned at 9:50 PM.

Date approved: _____

Mayor

ATTEST:

City Clerk