

**CITY OF SUGAR HILL
MINUTES OF COUNCIL MEETING
MONDAY, NOVEMBER 10, 2003
7:30 PM COMMUNITY CENTER**

Call to Order - Mayor Pirkle called the meeting to order at 7:30 p.m. Present were Mayor Pirkle, Council Members Avery, Hall, Edwards and Johnson. Also present were City Manager Bob Hail, City Attorney Lee Thompson and City Clerk Jane Whittington.

Pledge of Allegiance to the Flag – Mayor Pirkle led the pledge of allegiance.

Invocation - Pastor Lee of the First Baptist Church of Sugar Hill gave the invocation.

Election Update – Jeanne Ferguson, Election Superintendent, read the official results of the November 4, 2003 General and Special Election and requested that the Council certify the results. Council Member Hall motioned to certify the election results of the November 4 General/Special Election as presented by the Election Superintendent. Council Member Avery seconded the motion. **Approved 4-0.**

Swearing In Council Member Nick Thompson – Nick Thompson won the Special Election to fill the unexpired term of Thomas Rhodes and therefore takes office tonight. Mayor Pirkle swore him in and Thompson took his seat on the Council.

Approval of Agenda – Council Member Hall motioned to approve the Agenda as submitted. Council Member Johnson seconded the motion. **Approved 5-0.**

Approval of Minutes -

The Minutes of the Council Meeting of October 13, 2003, were approved as submitted. Council Member Hall motioned to approve the minutes. Council Member Edwards seconded the motion.

Approved

4-0-1 with Council Member Avery abstaining since she was not at the meeting.

Minutes of Special Called Meeting October 23, 2003, were approved as submitted. Council Member Edwards motioned to approve the minutes. Council Member Hall seconded the motion. **Approved 4-0-1** with Johnson abstaining since he was not at the meeting.

City Attorney's Report – Lee Thompson had no report for this meeting.

Council Reports

Council Member Avery reported that the 3rd Annual Fall Festival was held on Saturday, October 25th and it was a great success. The weather was beautiful and there was a good turnout. Many positive comments were heard throughout the day. The Recreation Director Kelly Rumrill, Volunteer coordinator Hope Curtis along with George and Sheila Frazier Geckler, Doug and Tracy Gilmore, Bill and Jeanne Ferguson and Jan Stanley put in many hours of hard work and dedication to make this festival

a success. Many thanks go out to all of our volunteers that helped to make this festival the great event that it was. There were also special people taking part in the festival, Michael Douglas former Harlem Globetrotter was on the basketball courts with the kids, Terry Vaughn Postmaster of the Buford Sugar Hill Post Office had a booth. Next year's festival will be bigger and better. The final concert was entertaining for everyone. Next year's festival plans are underway along with the movie series "Reels at Robinson". The new community center will be open next year to offer more activities. They will also continue to work with youth sports such as baseball and soccer to continue programs at E.E. Robinson Park. Remember the park is available for private use not just organized sports.

Council Member Hall had no report for Planning & Zoning but reminded everyone that tomorrow is Veteran's Day and if you have a veteran in your house or neighborhood, please honor them. They have done a lot for our country. Thanks for the veterans on our staff and among our elected officials, Bob Hail and Council Member Johnson.

Council Member Edwards welcomed aboard Nick Thompson. He also thanked everyone for their help and support during the Fall Festival. Meg Avery did a great job. The city staff did an excellent job as well. Thank you to the poll workers on Election Day. The Sugar Hill Gas utility received the American Public Gas Association Safety Award for 2002, which is excellent for a city our size. Also we have purchased over 90% of our hedging goal for the winter season.

Council Member Johnson thanked Council Member Avery and Hall for all the work they did on the Fall Festival, also Bob Hail, volunteers like Hope Curtis. He thanked Jeanne Ferguson and Bill Ferguson for the excellent job on Election Day. Today is the USMC's birthday and since he was in the Marines he thanked all current and former marines. Tomorrow is Veteran's Day so thank all veterans.

Mayor's Report – Mayor Pirkle reiterated what the others have said about the Fall Festival. Everyone had a great time and it will get bigger and better. He is looking forward to what we will have next year. There will be one more meeting of volunteers to get feedback on what they liked, what they would change. No date for the meeting has been set as of yet.

City Clerk's Report – The City Clerk reported again on the advanced voting for the past election. There were 56 ballots cast and 5 actual absentee ballots cast. Two of the ballots were rejected because they were not in the city limits. It is a good opportunity for those who can't make it to the polls on Election Day or don't want to come that day.

City Manager's Report – Congratulations to Donna McDaniel, Code Enforcement Officer, who recently returned from training and passed exams concerning environmental issues, environmental crimes, asbestos control and solid waste enforcement. Planning & Zoning issued 250 construction permits during September. A special thanks goes out to Kelly Rumrill, Recreation Coordinator, Ronnie Camp Facilities Manager and Johnny Upchurch Gas Supervisor. They worked the entire day and along with Burny Agee, Chief Building Inspector who solved an electrical issue on short notice. Without their efforts throughout the day it couldn't have gone off as smoothly as it did. Next week negotiations will begin with Hobgood Construction for the construction of the new community center located on Church Street. Analysis and prioritization of the golf greens is under way. Construction will begin early next year. The plan is to close off 9 holes at a time for construction and water the other nine and keep them open. Restrooms and shelters will also be constructed while this is taking place. The golf cart paths will

be resurfaced. Since May they have averaged 2,000 rounds per month. In October we installed over 2,200 feet of new gas service lines. There were 42 new services and over 2,500 feet of 4-inch gas pipe was also installed in October. The gas utility is still growing. The price per therm for September/October was 74 cents. We continue to monitor the natural gas market and have completed our gas futures purchases for October and November.

Unfinished Business

VETO by Mayor Pirkle, RZ-03-008, T & B LLC

Map Reference #: 7-272-001, 138, 140, PIB & Pinecrest Drive, 23.94 Acres

Current Zoning: LM & RS-100, Requested Zoning: RM

Purpose: Residential Townhome Development

The Mayor explained that this was approved at the October meeting and he vetoed it and presented it within the required 10 days to the Clerk. As a matter of procedure it comes up on the agenda this month for the Council's consideration for an override of the Mayor's veto. The City Manager stated that he has placed in front of the Mayor and Council tonight a Constitutional Objection from the applicant.

THERE WAS NOT A MOTION FROM COUNCIL SO THE MAYOR'S VETO STANDS.

Citizens and Guests Comments

Frank Jackson, 1415 Hillcrest Drive, stated he is opposed to the townhomes on Hillcrest Drive for several reasons. The roads are too narrow for two automobiles to pass at one time. The traffic on Hillcrest is far too heavy to handle as many automobile crashes that have happened within 100 yards of the proposed entrance. People in the subdivision are concerned that multi-family in a single-family area will bring their property values down. They are asking the Council to turn down this proposal.

Rick January, 1282 Frontier Drive, talked about the construction of the drainage and sidewalks on Frontier Drive. He wanted to say that quite frankly he is favorable to it. He is glad that he does not have the ditch in front of his house anymore. All things considered it is well done. The sidewalks, especially the one that was raised, are beneficial to keeping traffic off the sidewalk. The speed hump will help slow traffic in that area and make it safer.

Betty Johnson, 4665 West Price Road, what is the difference between RM75 and RM100 zoning? Harmit Bedi of Planning Department explained the difference. She is in favor of keeping her property residential.

Bob Scott, 4383 White Oak Drive, talked about the road construction on Frontier Drive that effects everyone there. About 2 months ago the city started installing sidewalks through there with no borders on them and the cars driving thought they were an extension of the road or widening of the road. Today something was being done about it and that is certainly an improvement. The speed breaker that was installed did not follow the county procedure. They pole the residents and if the majority wants it they impose a tax to maintain it. We do live in a democracy, so the residents should be asked. On October 14th he sent an email to the Council and the City Manager complaining of this. He filed a freedom of information request and was not happy with the response.

Bob Wagner, 4969 Hidden Branch Road, commented about board appointments. He requested that the appointments be tabled to let the new Council Members-elect help make those decisions in January.

New Business:

Appointment of Board of Appeals Member to replace Renya Eurek – She resigned to be a member of the Planning & Zoning Commission. Council Member Edwards has some candidates in mind but is not quite ready to vote yet. He stated that the people serving on the boards now are doing an excellent job. He thought it might be a good idea to let the new council members have a chance to review these resumes. Council Member Edwards motioned to table this appointment. Council Member Hall seconded the motion for discussion. She has concerns that this board would not have enough members with some terms expiring at the end of this year. The City Manager will have staff contact the members of all the boards whose terms are expiring and see if they are interested in continuing to serve and let the Council know. Council Member Hall withdrew her second. Council Member Johnson seconded. Approved 3-1-1 with Hall voting nay and Thompson abstaining.

PUBLIC HEARING, RZ-03-010, Ronnie Humphrey

Map Reference#: 7-291-026, 981 Level Creek Road, .83 Acre

Current Zoning: RS-150, Requested Zoning: RS-100 w/Special Use Permit

Purpose: Montessori School – **TABLED AT LAST MEETING**

Council Member Edwards motioned to enter public hearing, Council Member Johnson seconded the motion. Approved 5-0.

The Planning & Development Director Harmit Bedi explained the rezoning request. The rezoning has been changed to a special use permit to allow a Montessori school under the current zoning. Signs were placed on the property, the neighbors were notified and an ad was ran in the paper. Staff did not receive any comments in favor or in opposition to the request. This was tabled from the last meeting. He showed a conceptual plan given to him by the applicant. The entrance will be on Cold Creek and the inside will be remodeled. The school plans to accommodate up to 45 students.

Lyle Porter spoke for the applicant. He explained the Montessori School concept. The architect came out and did a traffic study of the cars exiting Cold Creek Lane in the morning. They anticipated some concerns about the entrance and exit so they redrew it to accommodate this. He stated that the school would improve and be an addition to the community.

Council Member Johnson motioned to exit public hearing, Council Member Avery seconded the motion. Approved 5-0.

Council Member Johnson motioned to approve RZ-03-010 as a special use permit with the conditions as stipulated by planning & zoning. Council Member Thompson seconded the motion for the purpose of discussion. He asked how many students are pre-registered and if so how many are residents of the city? Mr. Lyle stated that they did not have any students pre-registered. Council Member Thompson withdrew his second. Council Member Avery seconded the motion. Approved 5-0.

PUBLIC HEARING, RZ-03-011, Ruby-Forest, Ltd.

Map Reference #: R7-305-185 & 7-292-156, 1373 & 1375 Hillcrest Dr, 8.74 Acres

Current Zoning: RS-100 & LM, Requested Zoning: RM

Purpose: Residential Townhome Development, **APPLICANT REQUESTED TO TABLE**

Council Member Edwards motioned to table RZ-03-011. Council Member Thompson seconded the motion. Approved 5-0.

PUBLIC HEARING, AX-02-002, Island Annexation

Map Reference #'s: R7-255-059, R7-254-034, R7-254-038, R7-254-033, R7-254-004, R7-255-047, R7-255-057, R7-255-002, R7-255-070, R7-275-003, R7-275-009, R7-274-001, R7-274-018, R7-275-024, & R7-275-023

Current Zonings: R-75, R-100 & M1, Requested Zoning: HM-1

Purpose: Incorporate Island

Council Member Hall motioned to enter public hearing, Council Member Avery seconded the motion. Approved 5-0.

Harmit Bedi Director of Planning & Development explained that the city initiated this annexation of the island along Brogdon Road and West Price Road. There are about 20 parcels and about 15 of them are zoned light industrial in the county and about 5 of them are zoned residential. Some of the residential zoning wanted to maintain their zoning as residential. The City Manager stated that Rueben Brogdon, 275003 currently lives on the northern end of this property and wants to keep it residential and the southern end he wants to be light industrial. The Mayor explained that by law the city can annex islands into the city and we initiated this annexation. The zoning will remain as it is currently unless the property owner requests something different that is consistent to the area.

Council Member Hall motioned to exit the public hearing, Council Member Johnson seconded the motion. Approved 5-0.

Council Member Johnson motioned to approve AX-02-002, Island Annexation as presented by Mr. Bedi. The City Attorney stated that the dividing of the property 275003 needs to be specified since it is not part of the ordinance before them and referenced in the motion. The City Manager stated for the record that parcel 275003 would be zoned as follows: the property north of West Price Road will be zoned RS100 and the parcel 275003 south of West Price Road will be zoned HM1. This property is owned by Mr. Rueben Brogdon. Council Member Johnson amended the motion to include this zoning change. Council Member Thompson seconded. Approved 5-0.

City Hall Holiday Schedule – The City Manager explained that currently the holiday schedule would be for City Hall to be closed and the employees off Christmas Eve and Christmas Day. He would like to change this to be open all day Christmas Eve and closed the day after Christmas. This way the employees would not have to come back that Friday, the day after Christmas for one day.

Council Member Johnson motioned to allow the City Manager to change the City Hall schedule to be closed Christmas Day and the day after Christmas and stay open Christmas Eve. Council Member Avery seconded the motion. Approved 5-0.

DDA Vacancy replacement of Larry Knodler – Council Member Edwards motioned to table this appointment to allow the incoming council members to address this appointment also. Council Member Hall seconded for discussion. The council has a liaison to the DDA and currently there is not one and she would like to address this tonight. The Mayor stated this is a separate item not part of this motion. She withdrew her second. Council Member Thompson seconded. Approved 5-0.

Council Member Hall motioned to amend the agenda to appoint the council liaison for DDA, Council Member Avery seconded the motion. The motion failed because it was not unanimous. The vote was 4-1 with Johnson voting nay.

Executive Session: Legal, Real Estate and/or Personnel:

Council Member Hall motioned to enter Executive Session. Council Member Edwards seconded the motion. Approved 5-0.

No action taken out of Executive Session.

Adjournment:

Council Member Johnson motioned to adjourn at 9:02 p.m. Council Member Avery seconded the motion. Approved 5-0.

Gary Pirkle, Mayor

Date presented to the Mayor _____

Date signed by the Mayor _____

Jane Whittington, City Clerk

Attachment #1 Stipulations to zoning RZ -03-010

Attachment #2 Stipulations to zoning RZ-03-011

Attachment #3 Annexation AX-02-002 List of Parcels