

**MINUTES CITY OF SUGAR HILL
COUNCIL MEETING
WEDNESDAY, FEBRUARY 11, 2004
7:30 PM COMMUNITY CENTER
4988 WEST BROAD STREET, SUGAR HILL**

Call to Order Mayor Pirkle – Mayor Pirkle called the meeting to order at 7:30 p.m. Present were Mayor Pirkle, Mayor Pro Tem Johnson, Council Members Cohen, Edwards, C. Thompson and N. Thompson, City Manager Hail, City Attorney L. Thompson and City Clerk Jane Whittington.

Pledge of Allegiance to the Flag – Boy Scout Troop #520 led the pledge of allegiance to the flag.

Invocation – Pastor of Big Sky Community Church gave the invocation.

Approval of Agenda – Council Member Cohen motioned to approve the agenda with an amendment to add #14 Resolution for Zoning Board of Appeals. Council Member Johnson seconded the motion. Approved 4-0-1 with C. Thompson abstaining.

Approval of Minutes

Minutes of the Council Meeting of January 12, 2004 were approved as written. Council Member Cohen motioned to approve the minutes. Council Member Edwards seconded the motion. Approved 5-0.

Minutes of Special Called Meeting January 20, 2004, Council Member Johnson motioned to approve as written, Council Member Cohen seconded. Approved 5-0.

City Attorney's Report – No report in regular session, will report on potential litigation in Executive Session.

Council Reports:

Council Member Clint Thompson reported that he has been a volunteer for Junior Achievement for several years. It basically teaches free enterprise economic concepts to children. The program has been trying to break into the Sugar Hill area for several years and he called on the Council to volunteer for the five-week program where they go into the school once a week for the five weeks. The entire Council and the City Manager all volunteered to do this program and he thanked them. The energy on this Council is high and the challenge is to channel it with community input to do what is right for the community.

Council Member Marc Cohen reported that a number of the Council has gone to training session put on by the Georgia Municipal Association. Within the last couple of days four of them have attended the newly elected training and the positive momentum that was brought back from this training he hope they can build on and utilize over the next few years.

Council Member Nick Thompson agreed that the Council has been very busy. They are all growing and learning and still have a lot to learn. The Downtown Development Authority has had a resignation from a board member. Anyone interesting in serving in that capacity please contact the City Clerk, City Manager or him to volunteer their services.

Council Member Ron Johnson congratulated the new members on the training they are going through. The feedback from all of them has been very positive toward training. He thanked Council Member C. Thompson for getting them involved in Junior Achievement. Council Member Cohen taught CPR to the staff and is also involved in DECA. This is all community involvement that the Council needs to do. As far as the playground at Sugar Hill Elementary, they have raised the \$49,000 to finish it. A lady in Buford read an article ran by the Gwinnett Daily Post and gave them a \$6,000 check. The Sugar Hill Housing Authority donated \$23,700. Council Member Edwards has been helping to raise the money. Council Member Johnson will be teaching a class at the high school on the importance of city and county government. The movies and concerts at E.E. Robinson Park have been extended and they were looking for a sponsor. His dealership, John Bailey agreed today to be a sponsor.

Council Member Steve Edwards had no report.

Mayor's Report – no report

City Clerk's Report – Jane Whittington, City Clerk reported that the renewals for all the Occupation Tax/Business Licenses are going well. All the kinks in the new software are being worked out. She thanked everyone for their patience during this transitional period. All invoices have went out and if a business has not received one please get in touch with her to get in the gross receipts and an invoice will be sent. With this software there will be a better reporting process and accounting of the business licenses in the City. We have over 635 business and 200 insurance licenses that went out. The Clerk's Conference will be in Athens February 23 – 25th and she will be attending to stay on top of all the new developments.

City Manager's Report – Bob Hail, City Manager reported that on Peachtree Industrial Blvd on the east side of Trench Road the City crews put in over 800 feet of low pressure gas line. This is the first step in looping or getting gas to that part of the city. We have gas there but this will loop it so it could be cut off and repaired if anything happened. On Monday the 16th the first nine golf holes will be closed at the Sugar Hill Golf Course to reconstruct and rework the greens, paths and drainage. This will be resurrected and the drainage put in correctly for the future. The Frontier Forest area, last year the city installed drainage and sidewalks on Frontier Drive and this year they will do this on South Roberts Drive connecting from Frontier Drive to Wages Way.

The city has done over 225 inspections in the month of January and had over 108 new construction permits. Construction of the new Community Center is well under way and he is very pleased with Hobgood construction. Next week a new gas generator will be installed at City Hall in case the electricity goes out. One will also go into the new Community Center and this will be the emergency center in case of natural disaster. Council Member Cohen gave CPR and training on the new defibrillators to 90% of the city employees. He thanked him for taking the time to do this to give back to the citizens in case there is an accident and this training is necessary.

Unfinished Business

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:** PRD

Mayor explained that this was tabled from previous meetings where the applicant had at first asked for RM zoning for townhomes and is now requesting PRD or Planned Residential Development for single family detached homes.

The Director of Planning and Development, Bedi explained the request was to be rezoned from RS-100 and LM. The request has been to rezone to PRD with the underlying RS-100 zoning. The purpose is to build single-family homes and the property size is 8.74 acres. This request was tabled from December and January meetings. The applicant has worked with the staff and the staff feels that the present proposal will be good for the city. The latest plan proposed by the applicant includes a nature and walking trail with benches and a gazebo, pavilion, and grills. There are sidewalks on both sides. This plan is compatible with the surrounding uses and staff recommends approval with the attached conditions. Bedi added number 23 that the final plans presented to the planning department for approval shall substantially comply with the plans presented during the Mayor and Council Meeting on February 11th and he will forward a copy to the City Clerk tonight for the record. Council Member N. Thompson asked if substantial gives leeway to units per acre? Mr. Bedi replied that it did not but because of the topography of the land they may have to move some of the houses around to fit. It will not be substantial changes and there can be no more than 45 units. Council Member Cohen asked if this will be single family and not townhomes as it started out to be? Mr. Bedi replied single family detached only.

The Mayor opened the meeting to public hearing and any citizens are open at this time for questions or comments just step to the microphone. Brett Clark introduced himself and stated he was there on behalf of the owner Ruby Forest, LTD to answer questions.

Council Member Edwards stated that on this area of the road where the entrance and exit will be is extremely narrow and curves, and a turn lane is needed. He requested that they give right of way to the City to straighten the road out here. Mr. Clark stated that they could allow another 20 feet of right of way. They are planning and putting in a decel lane.

The City Manager stated that the applicant consider giving the City five additional feet of right of way north of there and the City would straighten out the road and improve it there. The City does not expect them to make the investment. They would put in a decel or turn lane for safety and the City would improve the road and help straighten it out. If a setback requirement is needed then the City would allow this as part of the agreement for the right of way. Mr. Clark stated this was not a problem just let them know how much is needed. Council Member Johnson thanked Mr. Clark, Mr. Ballew, and the Jackson families up there for working together on this. The people that lived there and the developer worked this out between themselves. They did not want townhomes there.

The Mayor closed the Public Hearing.

Council Member Johnson motioned to approve RZ-03-011 with the stipulations stated tonight by the Planning Director and attached to the zoning application. Council Member Cohen seconded the motion. Council Member Edwards asked that it be amended to include the 5' right of way on the north side of the entrance to allow the city to fix the road. So amended by Council Member Johnson and seconded by Council Member Cohen. Approved 5-0.

Citizens and Guests Comments

Wayne Ballew, 5267 Pass Court, thanked Council Member Johnson, the developer and everyone concerned with this because he believes that everyone can live with it the way it turned out.

New Business:

PUBLIC HEARING, SUP-03-001, John Morgan, Monopole Cell Tower, Buford Hwy and Peavy Trail

Mr. Bedi explained the Special Use Permit application. Powertel submitted an application for a special use permit requesting to build a 150' high monopole tower to provide additional co-locations. The existing zoning is LM and the property size is 4.41 acres but the specific use is for .057. The property is located at 1613 Buford Highway where signs were posted and neighbors were informed. There is a small piece between this property and Peavy Trail. The backside of the property backs up to the gas facility for the area. Staff had concerns about the fall zone issue and if the tower collapsed. They worked with the applicant and they agreed to move the tower further away so the closest distance from the fence is 151' and from the gas terminal 165'. The Planning Commission recommended approval with staff conditions. Mr. Bedi read the attached conditions. The owner of the smaller piece and the subject property are the same. Staff wants to have the entrance only from Buford Highway. The applicant has requested a variance from required landscaping which is approved in the staff recommendations. The applicant would be required to landscape around the facility but it sets way back from Buford Highway and the landscaping would not be as useful. Staff recommends that landscaping be put on the side of Peavy Trail or go towards the tree fund of the City.

The Mayor stated that at the Work Session it was decided that not only would the tower allow enough fall zone to be safe from the gas facility but also there would not be obstructions in the fall zone. Therefore if the tower were to fall it would not hit any item and would not get into the gas facility. Mr. Bedi stated they would add this if the council approved it. The Mayor opened the Public Hearing to allow public comment or questions.

Ann Brucks representing Powertel Atlanta commercially referred to as T Mobile stated that this site was selected by their engineers for coverage gaps that they have in the area. They were happy to move the tower to accommodate the gas facility behind it. It is completely understandable to keep the fall zone clear of obstructions, which is not a problem. Will have co-locators at this facility. They will be getting estimates to provide a 200' long 10' wide densely planted landscape buffer and will make contributions to the city's tree fund prior to the certificate of occupancy. Council Member Johnson asked Ms. Brucks what kind of anchor did the tower have? She stated that the foundation goes down about 12' deep. Council Member C. Thompson asked her if the technology would do away with cell phones soon? She stated that she had no knowledge of this happening any time soon but the City has an abandonment clause that would take care of the tower when it is ever abandoned. There is also a monthly maintenance to keep the area free of debris and keep it maintained. The fall zone will also be maintained.

The resident at 4238 Peavy Trail expressed concerns about the landscape barrier of 200'. He would like to see it along the edge of Mr. Howington's property on Peavy Trail to keep him from looking right at the tower every day. It does not have to be 10' wide but something to help with a barrier. Mr. Howington does not have a problem with something like leland cypress.

With no other citizen comments the public hearing was closed.

Council Member Cohen motioned to approve with the stipulations specified by Mr. Bedi including a landscape buffer such as leland cypress and to keep the fall zone area clear of debris and growth. Council Member Edwards seconded. Approved 5-0.

AZ-04-001, Acceptance Annexation Application – Council Edwards motioned to approve the application for AZ-04-001 to annex. It will now go the Planning Commission and come back to the Council for consideration. Council Member Johnson seconded he motion. Approved 5-0.

Annexation Acceptance by Governing Authority – Council Member Edwards motioned to shorten the annexation application process by allowing the City Manager to accept the applications. They will still go to the Planning Commission and back to the Council for consideration. The Mayor expressed concerns that the public notice was important. The citizens need to know they will be considering annexation applications. It will be an item on the agenda in the City Manager’s Report for public notice but no vote by Council is required. Council Member Johnson seconded the motion. Approved 5-0.

Pump It Up, Vending Game Machines – The City Clerk explained that Mr. Thomas Barr owner of the business Pump It Up at 460 Brogdon Road, Sugar Hill, requested a permit for two air hockey machines. The permit is a requirement of our Occupation Tax Ordinance and the staff recommends approval. Council Member Johnson motioned to approve a permit for two air hockey machines. Council Member Cohen seconded the motion. Approved 5-0.

Skelly’s Bar & Grill, Game Machines & Pool Tables – The City Clerk explained that Mr. Scott Marshall owner of the business Skelly’s Bar & Grill requested a permit for four coin operated game machines and two pool tables. The staff recommends approval of the permit. Council Member Cohen motioned to approve a permit for four coin operated game machines and two pool tables. Council Member N. Thompson seconded the motion. Approved 5-0.

Alcohol Ordinance Amendment, Hours of Sale – The City Clerk reported to the Council that this ordinance would make Sugar Hill more in line with the surrounding cities and Gwinnett County. The City Attorney recommended a few corrections in the wordage for Sundays. Council Member Cohen motioned to approve the Ordinance as amended by the City Attorney’s recommendations. Council Member Edwards seconded the motion. Approved 4-0-1 with Council Member N. Thompson abstaining.

Occupation Tax Amendment, Tattoo Parlor – The City Clerk explained that this ordinance specifies the regulations for tattoo parlors, such as how they sterilize equipment and regulations for employees. It was modeled after Gwinnett County. The Council was concerned that the state does not regulate and inspect the sanitizing of equipment and how they are ran but this ordinance will put this in place. The Clerk will get with the City Attorney to put this in the correct section of the Occupation Tax Ordinance. Council Member Edwards motioned to approve the Ordinance. Council Member C. Thompson seconded the motion. Approved 4-1 with Council Member Johnson voting against.

Zoning Ordinance Amendment, Tattoo Parlor – Mr. Bedi explained that this ordinance would assign a zoning classification to tattoo parlors. They will be allowed in HM2 zoning with a special use permit required. Mayor opened the public hearing for comments. There were no comments so the

public hearing was closed. Council Member Johnson motioned to approve this ordinance, which places tattoo parlors in HM2 Zoning with a Special Use Permit. Council Member Edwards seconded the motion. Approved 5-0.

Amendment to CSO Zoning, CSD Zoning – The CSO/CSD Ordinance was passed at last month’s meeting. The Mayor explained that one of these amendments were actually passed last month but were not included in the language of the ordinance. The amendment brought forward tonight is to add the stipulation that they do not get credit for undeveloped land for retention ponds and the other is to change the minimum lot requirements. The changes last month set the minimum lot requirement at 7,000 feet and the idea of Conservation Subdivision District is to set aside certain area that won’t be touched and then give a higher density on the other portion so the net is the same. The 7,000 feet would be too much so the staff has requested it be changed to 5,000 feet. There was discussion from Council on the difference between allowing retention and detention ponds and allowing credit for one of them and not the other. The Mayor opened the Public Hearing for discussion on this ordinance amendment. There were no public comments so the hearing was closed. Council Member Johnson motioned to approve the CSD Ordinance with the amendment that there is credit for retention ponds and underground retention ponds but not detention ponds that do not hold the water. Council Member N. Thompson seconded the motion. Approved 3-2 with Council Members Edwards and C. Thompson voting against.

RZT Ordinance Table – The Council agreed at the Work Session that this ordinance needed more work and was not ready to come forward at tonight’s meeting. Council Member Johnson motioned to table this ordinance. Council Member Cohen seconded the motion. Approved 5-0.

2004 Budget Amendment CPU- The City Manager explained that the Council approved at a previous meeting to have a Contract Postal Unit at the City Hall complex with funds not to exceed \$30,000. The budget needs to be adjusted to accommodate this. The staff recommendation is to direct the City Manager to increase the Salary line item 100-1500-51-1100 by \$29,000 for part time CPU employees to include a new line item for CPU expenses 100-1500-53-1106 for \$1,000 for ongoing expenses. He has talked to the post office and a lot of the items they will give us will be on a line of credit. He will decrease the Contingency Fund Line item 100-1500-57-9000 by \$30,000 to maintain a balanced budget. Council Member Johnson motioned to approve this recommendation. Council Member Cohen seconded the motion. Approved 5-0.

Sawnee EMC Franchise Agreement – The City Manager stated that in accordance with Georgia State Law Sugar Hill is authorized to enter into franchise agreements with utilities for the use of the City’s right of way. The City needs to enter into a legal agreement with Sawnee Electric Company for this purpose. This agreement is consistent with other city franchise contracts. The staff recommendation is to authorize the Mayor to sign a Franchise Agreement with Sawnee EMC. This agreement has been reviewed and approved by the City Attorney and the City Manager. The contract before you tonight is for the 4% franchise revenue to the City for everything Sawnee has inside the city limits. The City Attorney added that this negotiation has been going on for a month or two and the only provision in passing this is the effective date. It should be effective April 1st. You will be paid next March and there needs to be a provision in there to cover the period up to when the franchise agreement goes into effect. This has to be consistent with Georgia Power, which is 4%. At some point they came into the City and have been paying the franchise percentage as state law requires but there

was not an agreement. Council Member Johnson motioned to approve this Franchise Agreement with the changes the City Attorney recommended. Council Member Cohen seconded the motion. Approved 5-0.

Resolution 2004 CDBG Funds – The City Manager explained and read the Resolution that authorizes the Mayor to sign the documents and contracts to accept the FY2004 Gwinnett County Community Development Block Grant (CDBG) for drainage, curb, and gutter improvements in the City. The funds are not to exceed \$70,000 for the area of Hickory Hill Drive, Walnut Circle and Hickory Circle. Council Member Johnson motioned to approve this Resolution for acceptance of 2004 CDBG Funds. Council Member Cohen seconded the motion. Approved 5-0.

Added to the Agenda, Resolution Zoning Board of Appeals – The City Attorney explained that this would require changes to the Zoning Ordinance and a public hearing. The Council would have to amend this to change the course of action of variances and appeals since the language is within the Zoning Ordinance. No action taken at this meeting.

Executive Session: Legal, Real Estate and/or Personnel: Council Member Edwards motioned to enter Executive Session at 9:10 p.m. Council Member Johnson seconded the motion. Approved 5-0.

Mayor Pirkle called the meeting back to order at 10:30 p.m. There was no action taken from Executive Session

Adjournment: Council Member Johnson motioned to adjourn. Council Member Cohen seconded the motion. Approved 5-0.

Gary Pirkle, Mayor

Date Submitted and Signed by Mayor:

ATTEST:

Jane Whittington, City Clerk