

MINUTES
CITY OF SUGAR HILL COUNCIL MEETING
MONDAY, APRIL 12, 2004, 7:30 PM
COMMUNITY CENTER, 4988 WEST BROAD STREET, SUGAR HILL

Call to Order – The meeting was called to order by Mayor Pirkle at 7:28 p.m. Present were Mayor Pirkle, Mayor Pro Tem Ron Johnson, Council Members Marc Cohen, Steve Edwards, Clint Thompson and Nick Thompson. Also present were City Manager Bob Hail, City Attorney Lee Thompson and City Clerk Jane Whittington.

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

Invocation was given by Reverend Paul Garner of the Bethlehem United Methodist Church in Buford.

Approval of Agenda - Council Member Edwards motioned to add item #11, RFP to hire consultant to perform marketing study of Peachtree Industrial Blvd. within the city limits and 6 month moratorium until October 1. This is to include all rezoning and developments new applications only. Council Member N. Thompson seconded. Approved 5-0.

Approval of Minutes - Minutes of the Council Meeting of March 8, 2004 - Council Member N. Thompson motion to approve the minutes as written. Council Member Cohen seconded. Approved 5-0.

City Attorney's Report - Lee Thompson reported that he would have a report on pending litigation in Executive Session and he also introduced Steve Pereria, a new attorney with his firm.

Council Reports

Council Member Clint Thompson had no report

Council Member Marc Cohen congratulated Dr. Jacqueline Huffman and the 19 North Gwinnett High students in her marketing department who made it to the National titles with DECA that will be held next month in Nashville, Tennessee. He is involved with the program and 3 of the students that made it are from the City of Sugar Hill, Parker Norman, Jeff Smith and Maggie Clemson. He thanked all his fellow City Councilmen as well as the City Manager and City employees, and one of the city residents Stephanie Goeman and the Raineys' who helped to collect \$1,100 for the American Red Cross Heroes campaign. These funds will go to Gwinnett County residents during a disaster. Total for the county so far is about \$110,000. In the Planning & Zoning Department 116 construction permits were issued, and 241 building inspections and 3 annexation requests were received in March. He commended Harmit Bedi, as well as staff members Donna McDaniel and Kim Landers for the job they did during the Planning Workshop. It was attended by over 90 municipal and county officials and was well received.

Council Member Nick Thompson reported that the Downtown Development Authority will be involved in the downtown overlay district. The City Council will review over 6 request for proposals for this project which have been received by the Planning Director and City Manager. This overlay district will cover from Alton Tucker at Peachtree Industrial Blvd. down West Broad Street to Hwy. 20. The review process

will continue over the next month and he hopes they have a decision by then. There will be public input in this project in everything from surveys to drawings to public hearings. Also the DDA is cosponsoring the opening of the new community center in late May. They will cook breakfast for everyone and specifically send invitations to the business owners to build some cohesion among them. Their vision is to start a business alliance that will later become a self governing body.

Council Member Ron Johnson reported on recreation. Reels at Robinson has been expanded this year with fireworks on July 3rd. The summer concert series kicks off on June 12th with a concert by the Mustangs. The other concerts held on Saturdays will be July 24th US Beat, August 7th Fish Tank and September 4th will be a jazz night. For the Reels at Robinson the City has received several sponsorships one being the dealership which he works at (John Bailey GMC). For the Fall Festival the City Manager is negotiating with John Barry a popular country western singer from Georgia. Last year's band, the Swinging Medallions were booked. There is a survey going around North Gwinnett High School about what the high schools kids would like for recreation in our City. The golf course is coming along and will be a great place to play golf. He talked about public safety and reported that he and Council Member Edwards have been working on an intergovernmental agreement to have Sheriff's deputies assigned to the City and we share in the cost. With 9 officers for the first year the cost would be about \$500,000 but that is the cost of setting it all up and buying the equipment. The second year the cost should go down to about \$190,000. The nine officers would have three shifts. The officers would be for our community and the cars would be marked something like Sugar Hill Sheriff's Patrol. Any court action would come from the Sugar Hill court except things that were bound to a higher court. He talked to the Sheriff Butch Conway and Stan Hall who is running for Sheriff and both are in favor of it.

Council Member Steve Edwards had no report.

Mayor's Report – Mayor Pirkle reported that he went through the new community center recently and it is shaping up very nicely. He thinks everyone will be pleased with the way that it will turn out. He also had a meeting yesterday with all the Mayors of Gwinnett County regarding SPLOST. There have been a lot of changes recently with the way SPLOST will be divided due to the new law that passed. There are a lot of deadlines coming up for the county. We are required to get some information back to them by May 3rd. We will probably have to have a Special Called Meeting to discuss these issues somewhere around the 22nd. We will wait until the GWMA meeting tomorrow night and there will likely be subsequent meetings after that to discuss this. We will wait to set a date after that. There will be a lot of good things in store for the City as a result.

City Clerk's Report – Jane Whittington reported on the Occupation Tax collections. We have collected \$160,111.64 in Occupation Tax revenue so far this year. For the month of March the collections were \$43,677.82. Some of the businesses will be audited to check accuracy in the gross revenues. All of the beer/wine/alcohol license fees have been collected. The excise taxes are being collected monthly but one business is not paying the tax. They got their license during a transitional time last year and were not informed of the tax. A letter explaining the tax will go out ASAP.

City Manager's Report – Annexation Applications: the following annexation applications have been received by the City and will be forthcoming to the Council at the next meeting.

1. SKA Development, LLC, Case: AX 04 003, Along Westbrook Rd., 12.41 acres
2. City of Sugar Hill, Case: AX 04 004, Along Austin Garner Rd., 13.81 acres

3. Bayou Scapes Landscaping, Inc., Case: AX 04 005, Richland Creek Rd, 16.5 acres

The City Manager Bob Hail reported that the installation of drainage pipe and sidewalks in portions of Roberts Drive will be accomplished this year. The following is a list of the proposed 2004 Road Resurfacing Program: Allison Way, Appling Rd., Bath Gate Court, Cardigan Trace, Cheeley Dr., Elizabeth Heights, River Ridge Lane, Riverside Walk Dr., Riverside Walk Crossing, White Oak Dr., White Oak Way. Back up roads are Emory Dr., a portion of Owens Circle, Maltdie Court, Secret Trail and Sycamore Summit Dr.

The installation of a natural gas generator at City Hall is complete. This will provide back up electrical power during outages. City Hall lost power last week and the generator worked immediately.

Coordination for the Contract Postal Unit in City Hall has begun. We are anticipating a June opening date.

WE are investigating putting funds into CD's to earn better interest rates.

In the Planning & Zoning Department 164 construction permits were issued in March, and 241 building inspections were performed. On March 13th the City hosted a Planning & Zoning Training Class for elected and appointed officials of municipal and county governments as well as students from Kennesaw State University.

Construction and renovation of the new Community Center located on Church Street continues to go well with completion of the project expected in late May. This year there will be a series of 6 free movies and 4 free musical concerts and a fireworks display on July 3rd at E.E. Robinson Park. Research into possible other recreational activities is underway.

Construction of the first nine holes of the golf course is underway and going very well. We have corrected many drainage issues, rebuilt a 40 foot retaining wall, built 3 new tee boxes and installed over 200 feet of cart paths that had been washed out for several years. Bids for the new restrooms and shelters are due within 2 weeks. Bids for resurfacing all golf carts are due this month and construction will begin when weather permits.

We have installed over 1,800 feet of new gas service lines in March. There were 70 new services in March. Sugar Hill's price per therm for February – March was \$.82

Unfinished Business

Citizens and Guests Comments:

John and Angie Plott, stated that the new Cobblestone neighborhood created an erosion problem for their house. The silt fence is still there after two years. The erosion has killed a big oak tree and they are afraid it will fall and it is over their pool. After they talked to Mr. Bedi some junipers were planted, but this was not enough to solve the problem. The City Manager told them to get in contact with him. The Mayor stated that the developer is not through so the bond should still be good to make the developer fix this.

Meg Avery, stated that she saw on the agenda to abolish the Zoning Board of Appeals. She hopes they have researched this thoroughly. It might not be a bad idea but she hopes they have done their homework before tonight. Last year the board met 9 times. Have you talked to other cities about their boards and appeals. Hopes the whole issue has been looked into very carefully. Also, she spoke with Bob Hail and Harmit Bedi a few weeks ago about changing the minimum square footage requirements for homes in the city. A new home being built in her neighborhood does not fit with the neighborhood. It is too small and has a retaining wall of railroad ties, is this still allowed? The house is too close to the creek for the record.

Montene Moore, 1147 Old Atlanta Hwy, Sugar Hill. Her husband had a permit for a vegetable stand in their yard. She wants to continue selling the tomatoes and vegetables. The Mayor explained that Mr. Hail or Mr. Bedi need to look at this. Mr. Lee Thompson asked that they look at the zoning. Mr. Hail stated they will work with her and if they cannot solve it administratively it will come back to the council.

New Business:

PUBLIC HEARING: Pinecrest Railroad Crossing Closure/Options –

Mayor asked Council Member Cohen to explain the options discussed by the Council at the Work Session. Council Member Cohen stated it was brought up to the council about the safety of this crossing. They came up with three possible options.

(1)Closing crossing – the estimated cost to close the crossing is \$9,000 and DOT will pay \$7,500 to close it and the railroad will pay \$25,000 to close it.

(2)Signal arms and bells. Currently there are 29 trains that cross per day. In order to install signal arms the road will have to be upgraded to 20’ minimum for 120 feet. Cost would be \$39,000 and to bear the full cost of the signal arms – cost \$245,000 Around \$300,000 to improve. DOT will only offer matching grants when it is classified a critical crossing.

(3)Do absolutely nothing. .

Mayor opened the Public Hearing. After discussion the Mayor closed the Public Hearing.

N. Thompson motioned to spend \$300,000 to repair the Pinecrest railroad crossing and any additional funds for Lanier and Railroad to upgrade that crossing. Council Member Johnson seconded for discussion.

Johnson stated that we cannot budget to the penny. Council Member N. Thompson amended the motion not to exceed \$300,000. Council Member Johnson seconded. Mr. Hail will have to adjust the budget to put the funds in the correct line item. Modify for the second time. Council Member N. Thompson amended the motion again amount not to exceed \$300,000 and allow the Manager to adjust the budget. Council Member Johnson seconded. Approved 4-1 with Council Member Cohen voting no.

Amendments to the Zoning Ord., Article 15 Abolish Zoning Bd. of Appeals – Mr. Bedi explained Article 14 allows the staff to make administrative variances. Article 15 brings variances to the Council for approval. In the past if someone did not agree with staff’s decision then they appealed to the Zoning Board of Appeals. This ordinance abolishes the board and the variances will come to the Council instead. The Mayor explained that the Chairman had been on the board for a number of years and moved out of the City. Several other members resigned and we were left with only a few members. If the city did not agree with the Zoning Board of Appeals decisions then we would have to essentially sue ourselves. Mr. Bedi also submitted an Ordinance Amending the Fee Schedule. **The Mayor opened the Public Hearing.** Meg Avery again spoke regarding abolishing this board. She hoped the Council had researched this thoroughly including checking with other cities. **After discussion the Mayor closed the public hearing.** Council Member Cohen motioned to approve amendments to the Zoning Ordinance, Article 15. Council Member C. Thompson seconded. Approved 4-1 with Council Member Edwards voting no. Council Member Cohen motioned to approve the revised fee schedule. Council Member C. Thompson seconded. Approved 4-1 with Council Member Edwards voting no.

PUBLIC HEARING: Annexation & Rezoning – Case AX 04 002, Gary Gettis - Whitehead Rd., 32.06 acres, 80 units, Single Family Detached

Rezone to RS100/PRD – Bedi explained that the applicant requested to table this. The City Attorney advised that unless they open the Public Hearing it would need to be readvertised. Council Member

Johnson motioned to table this until the next Council meeting. Council Member Edwards seconded the motion. Approved 5-0.

GMA Nominate District Officers – The City Manager reported that there is an opening on Board for GMA District Officer and any elected official can be nominated. Council Member N. Thompson stated that he is willing to serve. Council Member Cohen nominated Council Member Johnson. Council Member Edwards nominated Council Member C. Thompson. Staff to put all three names on the list and send to GMA.

Proclamation Georgia Retail Week – The Georgia Chamber of Commerce and the Georgia Southern University Center for Retailing Studies are requesting that cities support Georgia Retail Week April 18 – 24 and encourage citizens to support retail within their city. Council Member Johnson motioned to approve the proclamation. Council Member Cohen seconded. Approved 5-0.

Proclamation “Take Pride in Gwinnett” – The City Clerk explained that Keep America Beautiful, Inc. a national nonprofit organization dedicated to helping individuals improve their community environment through volunteer participation has established the Great American Cleanup as the nation’s largest community improvement program coordinated locally by Gwinnett Clean & Beautiful. They requested that all the cities get involved in the program and proclaim April 2004 as “Take Pride in Gwinnett” month. Council Member Edwards motioned to approve the proclamation. Council Member Cohen seconded. Approved 5-0.

Code of Conduct – Council Member Cohen explained the Resolution setting the Standards of Conduct policy for Elected and Appointed Officials. This policy will be in addition to the Ethics Policy for elected officials. Council Member Edwards motioned to approve the Resolution. Council Member Cohen seconded. Approved 5-0.

Email Policy – Council Member Cohen explained that the email policy would be a way for the City to capture emails that are amongst and between City Council Members. Council Member Cohen motioned to table this until the next Work Session because not all of the Council have had an opportunity to review the materials. Council Member Johnson seconded. Approved 5-0.

Sugar Hill Logo – There was some discussion about which logo would be better the new one or the old tree logo. At the Work Session the Mayor suggested that they might want to look at some other options. The City Manager presented some adaptations of the logo/seal to get the process started. Council Member Edwards motioned to table this until the next work session. Council Member Johnson seconded. Approved 5-0.

Resolution MGAG – this Resolution will make the City Manager the voting member in gas meetings with the Municipal Gas Authority. Ron Mann, Consultant, would be the alternate voting delegate in Mr. Hail’s absence. Council Member Johnson motioned to approve this resolution. Council Member Cohen seconded. Approved 5-0.

RFP to hire consultant on Peachtree Industrial Corridor and a six month moratorium on all future rezonings and applications to expire October 1, 2004. Council Member Edwards motioned to approve. Council Member Johnson seconded for discussion. He was concerned what would happen if the Council

did not like what the consultants recommended. The Mayor explained that the parameters would be set by the Mayor and Council. It is more to see if what the Council envisions and their goals are possible. Council Member Johnson then seconded. Bedi suggested to include Special Use Permits in the moratorium also. Council Member Edwards amended the motion to include Special Use Permits. Council Member Johnson seconded the amended motion. Approved 5-0.

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.

Adjournment: Council Member Cohen motioned to adjourn at 10:15. Council Member Johnson seconded the motion. Approved 5-0.

Date Submitted and Signed by the Mayor: _____

Gary Pirkle, Mayor

Attest:

Jane Whittington
City Clerk