

May 11, 1998

7:30 P.M. Community Center

The regular meeting of the Sugar Hill City Council was held on May 11, 1998 at 7:30 p.m. in the Community Center. The meeting was advertised in the local papers, posted on the doors of City Hall and the Community Center. Notices were also posted on the boards located at Alton Tucker Blvd and Peachtree Industrial Blvd. and at Highway 20 and Peachtree Industrial Blvd.

Those present were: Mayor Roberta Crabb, Mayor Pro-Tem Bailey, Council Members Reuben Davis, Michael Mosley, Gary Pirkle, and Tim Pugh, City Manager Warren Nevad, City Attorney Lee Thompson, Consultant Don McFarland, City Clerk Shirley Gibbs, Assistant City Manager Scott Payne, members of the media, registered guests and employees.

CALL TO ORDER AND INVOCATION:

Mayor Roberta Crabb called the meeting to order at 7:30 p.m. She led the Pledge to the Flag with Council Member Pirkle giving the invocation.

APPROVAL OF AGENDA:

Council Member Pugh made the motion to approve the agenda; Mayor Pro-Tem Bailey made the second. Motion passed 5-0

APPROVAL OF APRIL 13TH MINUTES:

Council Member Pirkle made the motion to approve the April 13th minutes; Council Member Pugh made the second. Motion passed 5-0.

DEPARTMENT REPORTS:

City Manager Nevad gave the following department reports: During April the Planning and Zoning Department issued 14 single-family residential permits, 265 inspections were done. Construction was slowed due to April being a very wet month. Builders were maintaining their silt fence. Due to wet weather, work was behind in maintaining the streets. As soon as there are some dry days, they should be able to take care of the roadwork. The Municipal Gas Authority had been working very closely with the City as they pursue the gas refund from Transco. Mr. Nevad and Mr. Payne will be in Young Harris attending a Municipal Gas Authority meeting in Young Harris, Georgia. The ending checking account balance on April 30th was \$36,230, the balance in the LGIP Fund was slightly over \$537,000. A check for \$80,000 was received from the Gas Authority for cost savings; this was put into the reserve fund. The reserve fund needs to be maintained due to sluggish revenues from the golf course.

Mr. Payne gave the following report on the gas department and the golf course: 26 new gas services were installed for April. Gas lines being installed include approximately 6,000 feet of 4 inch on Highway 20, 1,500 feet on Sycamore Road. Gwinnett County will partially reimburse the City because there is an existing 1-1/2 inch steel line, which is being upgraded to a 4 inch. Next week they will start installing approximately 6,000 feet on Riverside Road. To help the City be in compliance with the Public Service Commission, CEDS has been doing inserts. They did approximately 30 to 40 for the month of April, making the City ahead of schedule on Cathodic Protection. The Golf Course had about \$28,000 for the month of April. They are trying to stay open as much as possible by holding Par 3 Tournaments since the City elected to spray over play. With the Par 3 Tournaments, they are diverting the water from these Par 3 fairways to other areas of the golf course. Mr. Nevad wanted to express his thanks to the employees at the Golf Course. They have been doing everything possible to stay open and maintain the course. They are also trying to find a solution to the spray irrigation problem.

OLD BUSINESS:

A: FLOOD INSURANCE ORDINANCE:

City Attorney Lee Thompson stated that his office had made the changes the Council had directed him to make to this ordinance. The amount of the fine had been inserted, naming City Manager Nevad as the

May 11, 1998

7:30 P.M. Community Center

person to contact in the case of an emergency and to enforce the ordinance. With the help of McFarland and Dyer, they had incorporated either the existing flood insurance maps for the areas annexed into the City or to use the previous maps. These are the 1966 historic maps regarding flood areas; they are referred to by reference and would be covered by this ordinance. Council Member Pirkle made the motion to approve the ordinance with Council Member Davis making the second. Motion passed 5-0.

B: CITY ZONING MAP:

Mayor Crabb stated there was a new City Zoning Map in the council packets. These were placed there for their information and a larger map is on display in the Planning and Zoning Department if anyone would like to look at it.

CITIZEN'S AND GUEST'S COMMENTS:

Mr. Lloyd Delatour of Great Beginnings Daycare stated that since opening in August of last year, they are running at full capacity. Instead of opening another facility in another location, they are planning to expand at the current location. Hopefully, by mid August they will have the gymnastic area built. This will house about 130 school age children before and after school as well as next summer for summer camp. In back of this area will be a gymnasium area with half court basketball. It could also be used for dance classes, karate classes, any type of community event that needed such a facility. It will be a multi purpose facility that can be used after hours and when the daycare is not using the facility. This would be open to the public and your child would not have to be enrolled in the Great Beginnings Day Care Center. Phase two of their plan calls for the building of a swimming pool in the back of this facility. At this point, it looks as if the pool will be open about this time next year. After speaking with a representative from the YMCA, they are looking at building a 75-yard, 6 lane competitive pool. This would be used not only for swimming lessons for children of the daycare center but possibly having the YMCA come in with them. This would allow the YMCA to have access to the facility when it was not in use by the daycare facility. Due to the size of the lot, the pool will not be visible from the road. They might have to request some variances in order for the public to have better access to the facility. City Manager Nevad thanked Mr. Delatour for this attention to detail. Mayor Pro-Tem Bailey thanked him for his business in Sugar Hill and the fact that he wanted to expand his facility.

Mr. Bob Wagner of 4969 Hidden Branch Drive thanked Mr. Delatour for all he was doing to get a pool in the Sugar Hill area. He felt the City should do everything it can to help Mr. Delatour since he is doing all this for the children of Sugar Hill. For the record, he reported there was no 75-yard pool, it was a 25-yard pool. He reported that YMCA registration was up 3.7% from last year and applications were still coming in so he did not have a final total. The push to expand the organizing committee into the Northeast Gwinnett area was under way, it would be a slow process but it was being very well received. He wanted to thank Mr. J.C. Knight, Ed Entekin, and Gordon Durham for all the work they had done at the park. In his opinion the park had been neglected for too long and it was beginning to look better. He felt there was still a lot of work to be done and he felt the Council should fund these improvements any way possible. He explained that it was the program director, assistant program director and the executive director that met with Mr. Delatour regarding the YMCA. It would now be up to these people and to the people who wished to participate in the YMCA to make the program work. The big demand, as far as YMCA programs go, was for aquatics, next was basketball for men and kids, then aerobics for women. He stated that he and other volunteers had done their part for getting activities for the kids, now it was up to the Council to do their part by voting for the BMX Bike Park. This is a safe sport and it will provide a place for the kids to go. Maybe in the future, if the Bike Park is a success, they could look into having a place built for the skateboarders.

Mr. Newbern stated that since Sugar Hill was growing, he felt the City should reinstate the City Marshall. He felt that the former City Marshall had done a great job and there were many times he was doing things for the citizens that he didn't get paid for. In his opinion, the City should get together with the other towns that might be having festivals. On the day Sugar Hill had their festival, there were at least two others going on in adjoining towns. These events should be better coordinated to allow people to attend all of them instead of having to choose which one to attend or just spending a little time at each one.

May 11, 1998

7:30 P.M. Community Center

NEW BUSINESS:**A: SPECIAL USE PERMIT-CARNIVAL RIDES: PUBLIC HEARING-SUP 98-001:**

Mayor Pro-Tem Bailey made the motion to go into Public Hearing, second made by Council Member Pirkle. Motion passed 5-0. Consultant Don McFarland stated that the Zoning Ordinances require that any outside recreational activity is heard as a Special Use Permit. This was heard by the Planning Commission, which recommended approval. Some of the concerns brought up by the Planning Commission included security and noise. Would there be Police patrolling the area and would the PA system be turned off by 11:00 p.m. City Manager Nevad stated the applicant was applying for a permit for one week only, in June, but could they apply for another permit at a later date or was this a one time only permit. Mr. McFarland stated that if the City wanted to make this an annual event they could issue a permit with the condition that the carnival be held every June then they would not have to reapply for the permit or hold another Public Hearing. There were no other Public comments. Mayor Pro-Tem Bailey made the motion to return to regular session, second made by Council Member Pirkle. Motion passed 5-0. Council Member Pirkle made the motion to approve the Special Use Permit with the conditions that there be ample security and that the PA system be turned off at 11:00 p.m. every night that they are in operation, second made by Mayor Pro-Tem Bailey. Motion passed 5-0.

B: BMX PARK:

Mayor Crabb stated the BMX Park was something she and other citizens of Sugar Hill had been trying very hard to get established in the City. She asked Mr. Gary Simpson to give his opinion on the property the City had been considering using for the BMX Park. This property is located adjacent to the City Maintenance Facility. Mr. Simpson stated that during his visual inspection of this property it did appear to be suitable for use as a BMX Park. Council Member Pirkle asked Mr. Simpson about a letter sent to the Recreation Board two or three months ago. In this letter it was stated there was property that was and was not suitable for this purpose due to being next to the landfill. At that time, they discussed other property that might be used, located where Appling Road comes back into Sycamore Road. He wanted to know if that site would be acceptable for use as a BMX Park. Mr. Simpson stated that the property Council Member Pirkle was referring to was located where Appling Road hooks back into Sycamore Road. He had reviewed this property and had been discussing this with City Attorney Lee Thompson. There were concerns about this property in regards to its status as being deeded to the City, he deferred to Mr. Thompson on this issue. City Attorney Thompson stated without seeing a survey, he was unsure which property they were referring to. On one side of Appling Road, the property belonged to a private individual and on the other side it did belong to the City. Once he and Mr. Simpson can get together and review a survey, he would be able to tell if the property they were referring to did belong to the City or if it was part of the property across the road. Mr. Simpson stated that he had a draft closure plan which showed the survey of the landfill proper. He realized this was another issue but this particular parcel was shown on the closure plan set and they would be reviewing those later in the evening. Mayor Pro-Tem Bailey explained where the property they want for the BMX Park is located. It is located to right side of the maintenance facility, the idea is to be able to build a road or driveway back to property that is adjacent to and behind the maintenance facility. It is at the end of the pavement and access is there for a paved road from Hillcrest unlike some of the other parcels. The maintenance facility would offer a secure place for grading equipment. Other parcels they had looked at did not offer these advantages, plus the terrain was too rough and access off Highway 20 was questionable. Also, there was the question of the boundary line for the City limits on the parcel located on Appling Road, plus he did not think it would be a good idea to build a BMX Park where children would be playing adjacent to an abandoned landfill or Buford's landfill expansion. Council Member Pirkle expressed his concern that fencing would need to be installed in order to protect the equipment that would be stored there. City Manager Nevad explained that fencing was already being installed on this property for other reasons other than to store equipment for the BMX Park. After more discussion on advantages and disadvantages of other parcels owned by the City, compared to the advantages and disadvantages of this property located behind the maintenance facility, a motion was made by Mayor Pro-Tem Bailey for City Attorney Thompson to draw up the necessary lease papers to allow NBL to lease the property for a period of 36 months. Council Member Pugh made the second, motion passed 5-0.

C: SIGNAGE REGULATIONS:

_____ Unofficial Minutes

Prepared by S. Gibbs

_____/_____/____ Date Approved

Mayor Pro-Tem Bailey asked Mr. McFarland to address this issue regarding the placement of signs for business owners. Mayor Pro-Tem Bailey felt this was something the Council should consider changing if the City hoped to attract new businesses to the area. Mr. McFarland stated that in the Sugar Hill Station Shopping Center, there were a couple of out parcels created in the area where Blockbuster Video and Papa John's Pizza is located. In the past, shopping center owners have inquired about putting up a freestanding sign for individual business owners. Generally, what happens in shopping centers the age of this one, one sign is put up with the name of the anchor store but would not put any of the other tenants on the sign. The Ordinance adopted by the City last year allows shopping centers one freestanding sign, however an out parcel that has road frontage is allowed their own freestanding sign. Some one had approached the City about using a grassy area in front of the shopping center. Because this is part of the shopping center parcel it is not allowed its own freestanding sign, however if this area were to be cut off as a separate parcel, with road frontage, it could then have a freestanding sign. The Ordinance is based on an individual parcel and square footage. Depending on the developer, he could allow more square footage therefore putting more names on the freestanding sign. He felt the Ordinance was very liberal but there was the possibility a developer of a shopping center might try to have road frontage for all its tenants in order for each business to have a freestanding sign. There was more discussion on how a developer would know that Sugar Hill has a sign ordinance, the process that takes place if someone needs a variance, the rights of the tenants and what they can put on the freestanding signs. There are no new regulations and no changes were being suggested, Mr. McFarland was just giving an update on the current Ordinance and how someone could have a freestanding sign.

Mayor Pro-Tem Bailey made a motion to take a 10minute recess, second by Council Member Pugh. Motion passed 5-0. Meeting recessed at 8:20 p.m.

Meeting called back to order at 8:30 p.m.

D: PITNEY BOWES EQUIPMENT AGREEMENT:

Mayor Pro-Tem Bailey made a motion to table this item, second made by Council Member Davis. Motion passed 5-0.

E: RESOLUTION-AD VALOREM-CREDIT CARDS:

City Manager Nevad stated Gwinnett County had requested that cities in Gwinnett County pass this Resolution to allow the county to use credit cards when collecting Ad Valorem taxes. In the spirit of inter-governmental cooperation, staff was recommending approval of this Resolution. Council Member Pugh made the motion to approve the Resolution, with Mayor Pro-Tem Bailey making the second. Motion passed 5-0.

**F: REZONING: BRICKTON-PUBLIC HEARING-HM1 TO BG
RZ-98-001**

Mayor Pro-Tem Bailey inquired if the Public Hearing could include both Rezoning RZ-98-001 and Rezoning RZ-98-002. Mr. McFarland stated both could be heard at the same time but they would have to be voted on separately. Mayor Pro-Tem Bailey then made the motion to go into Public Hearing for RZ-98-001 and RZ-98-002, Council Member Mosley made the second. Motion passed 5-0.

Mr. McFarland stated this was property located in the Brickton Complex on Highway 20 right across the street from the new Chevron Station. This property had been zoned HM1 for a number of years, based on the Brickton plan they had been intending to use this as commercial. At this time they do not have an actual use plan but they do plan to use it as commercial property. The Planning Commission heard this request but expressed their concern that this remain an attractive development, that they keep the buildings all brick, much like what they have been doing. They have requested that the buildings be brick, stone or stucco and they would recommend approval along with a couple of other conditions that were included in their packets. There were no public comments. Mayor Pro-Tem Bailey made a motion to return to regular session, second by Council Member Pugh. Motion passed 5-0. Mayor Pro-Tem Bailey made a motion to approve the Rezoning for Brickton RZ-98-001 with the provision as recommended by the P & Z Board that buildings shall be constructed with the fronts finished as recommended in the Zoning Ordinance with brick, stone, or stucco. It shall be approved and returned to the Planning Commission for re-approval. Council Member Pirkle made the second. Motion passed 5-0.

**G: REZONING: JANET JENKINS-PUBLIC HEARING-RS150 TO O&I
RZ-98-002**

Motion to have a Public Hearing on RZ-98-002 was made at the same time for the Public Hearing on RZ-98-001. Mr. McFarland explained this property is also located on Highway 20. At this time Ms. Jenkins does not have a user for this property. In the past the City has looked positively at property that fronts on Highway 20. Because of all the traffic it is not feasible to use this property as residential, therefore the Planning Commission recommended the O&I Zoning to avoid a blanket commercial use. Even under the county comprehensive plan, properties along major thoroughfares can be looked at for office type usage or light commercial usage. It is possible that in the future they could come back and request a light commercial usage but since they did not have a user at this time the Planning Commission recommended the O&I Zoning with conditions. There were no public comments. Mayor Pro-Tem Bailey made a motion to return to regular session, second made by Council Member Pugh. Motion passed 5-0 Mayor Pro-Tem Bailey made the motion to approve the rezoning of RZ-98-002 with the provision from the board concerning the conversion from RS150 to O&I with the provision that there will be no new construction and only existing single family homes shall be converted for office use. Parking shall be in front of the structure and inter-parcel access shall be provided between individual parcels to limit the number of driveways accessing State Road 20. Second to the motion was made by Council Member Davis. Motion passed 5-0.

H: ABANDONMENT; EAST BROAD STREET:

City Attorney Lee Thompson explained this Resolution was a request to abandon a portion of East Broad Street. Several years ago, previous Council had abandoned Floyd Street, which is a piece of property adjacent to this property. Mr. Clure has a potential purchaser for the property, they are also planning to purchase a piece of property that lies between East Broad Street and the current right of way on Highway 20. A remnant of East Broad is still between the two properties and considered a city road. It is still used by the two properties, it currently dead ends at Peachtree Industrial and Highway 20. Mr. Clure has requested that this portion be abandoned so it can be included into the purchase. He had obtained a letter from Mr. Jeff Fincher who represents the owners of the property between Highway 20 and East Broad Street stating that they have no objections. Council Member Davis had a question about property belonging to Mrs. Mercier but it was determined that this property was not involved. Mayor Pro-Tem Bailey made the motion to approve the Resolution to abandon this portion of East Broad Street to Mr. Clure, second by Council Member Davis. Motion passed 5-0.

I: RESOLUTION: PURCHASE OF REAL ESTATE-CONDON:

City Manager Nevad stated the purpose of this Resolution was to authorize staff to purchase a lot on Riverside Road for \$6900. Last year the City changed the one and one half-inch line on Highway 20 to a four-inch line to feed the front entrance of Emerald Lake Subdivision. He had attended an Emerald Lakes Homeowners Association Meeting in January and it was suggested they need a dual feed into their subdivision. Mr. Payne had reported earlier that a four-inch line would be installed on Riverside Road. They want to take this four-inch line on Riverside Road and connect it to the backside of Emerald Lakes Subdivision in order to prevent them from having low gas pressure. Staff was recommending the approval of this Resolution to authorize the Mayor and City Manager to execute a contract to purchase this lot for \$6900. Council Member Mosley made the motion to approve the Resolution, second by Mayor Pro-Tem Bailey. Motion passed 5-0.

CITY CLERK'S REPORT:

City Clerk Gibbs reported the Gwinnett Municipal Association Meeting would be held on Tuesday, May 12, 1998 at Vines Botanical Gardens. This information was in their packets.

CITY MANAGER'S REPORT:

City Manager Nevad thanked the Mayor for all her help and he felt they were doing a good job. He thanked the residents for being patient, all the rainy weather had slowed the progress of some of the projects. He appreciated everyone's patience. Last week they had raised money for MDA. He thanked

May 11, 1998

7:30 P.M. Community Center

Mr. Durham for his help with the Spring Fling. Mr. Durham had helped with the Country Christmas and did not expect anything in return. Mr. Nevad asked that Mr. Durham be given a round of applause.

COUNCIL REPORTS:

Council Member Pirkle had nothing to report.

Council Member Mosley had several items to discuss. He asked why the difference in the number of inspections reported by Mr. Nevad and the ones on the Planning and Zoning report. He asked if Mr. Bauman and Ms. Zinskie did joint inspections. Mr. Nevad explained there were several different inspections done to a house, such as framing, plumbing, electrical. He also inquired about Yard Sale Permits, how was this enforced regarding signs. His final question was regarding third party cut gas lines. There were six-reported third party cut gas lines but only two were billed. He wanted to know what happened to the other four. Mr. Nevad explained this could be due to the fact that the City did not locate the gas lines properly. He wanted to know if there was some way to provide an explanation so that the totals would make sense. He felt it should state this was a no fault or a contractor approved agreement. Lastly, on the Special Use Permit, he wanted to stipulate that the music be turned down on all nights of the week not just on Saturday. Mayor Pro-Tem Bailey made a motion to recend and reconsider SUP 98-001, second by Council Member Mosley. Motion passed 5-0. Council Member Mosley made a motion to approve SUP 98-001 with the stipulation enclosed and with an additional stipulation that the music be turned down at 11:00 p.m. on all nights of the week during the carnivals existence. Mayor Pro-Tem Bailey made the second to the motion. Motion passed 5-0.

Council Member Davis wanted to thank Mr. Durham for his work on the Spring Fest. He was now working on the Fourth of July celebration. He does not expect anything in return and Mr. Davis felt the Council should do something for him.

Mayor Pro-Tem Bailey wanted to commend the cooperation between the Recreation Board and the Council to bring children related activities to the City, such as the BMX Park. There had been a lot of renovations done at the park, also safety enhancements. He thanked Mr. Durham for his efforts on events and recreation facilities. He felt it was very encouraging and it would do a lot for children's activities in the City.

Council Member Pugh wanted to thank Kim Landers for the work she had done on the Zoning Map. He felt she had done a wonderful job and it had saved money for the City. He also wanted to thank the Mayor and Council for all their work.

Mayor Crabb wanted to thank all those that had made Spring Fest a success. Mr. Durham, J.C. Knight, Ed Entrekin had all contributed to making it a success. She also wanted to thank the Delatoure's and all they were doing for the children of Sugar Hill. She thanked the YMCA Steering Committee for the increase in summer camp registration, the sponsors of the BMX Park for their patience. She felt the children of Sugar Hill had been the big winners at tonight's meeting.

Mayor Pro-Tem Bailey made a motion to go into Executive Session to discuss possible litigation, second made by Council Member Davis. Motion passed 5-0 Meeting adjourned to Executive Session at 8:55 p.m.

Meeting reconvened after Executive Session at 10:30 p.m. The following action was taken out of the Executive Session: Mayor Pro-Tem Bailey made a motion to reject the bid from L.F. Moon and Company for the Spray Irrigation Plan at the Golf Course and to resubmit it for bid. Second to the motion made by Council Member Pugh. Motion passed 5-0

Mayor Pro-Tem Bailey made a motion to adjourn the meeting, second by Council Member Pugh. Motion passed 5-0. Meeting adjourned at 10:45 p.m.

