

City of Sugar Hill Council Meeting
Monday, January 11, 1999
7:30PM Community Center

The Council of the City of Sugar Hill held its regular meeting on Monday, January 11, 1999 at 7:30 P.M. in the Community Center.

Notice of the meeting was placed on the doors of city hall and the community center. Notice was placed on the board at Alton Tucker Blvd. and Peachtree Industrial Blvd. Notice was sent to the local newspapers.

Those present for the meeting included Mayor Roberta Crabb, Mayor Pro-Tem Bailey, Council Members Reuben Davis, Michael Mosley, and Gary Pirkle. City Attorney Lee Thompson, Acting City Manager Kelley Canady, Consultant Don McFarland, City Clerk Shirley Gibbs, employees, registered guests and members of the media.

CALL TO ORDER:

Mayor Crabb called the meeting to order at 7:30 P.M.

PLEDGE TO FLAG AND INVOCATION:

Mayor Crabb led the Pledge to the Flag, Mayor Pro-Tem Bailey gave the Invocation.

APPROVAL OF AGENDA:

Mayor Pro-Tem Bailey and Council Member Mosley made motions to amend the agenda. Mr. Bailey's motion was to delete item A under Old Business as this was taken care of at the called meeting on Friday, January 8, 1999. Council Member Mosley wanted to add Executive Session to discuss Personnel Matters and Possible Litigation. Council Member Pirkle made the second. Motion passed 4-0.

APPROVAL OF 12/14/98 AND 12/29/98 MINUTES:

Council Member Pirkle made the motion to approve the December 14, 1998 and the December 29, 1998 minutes. Mayor Pro-Tem Bailey made the second. Motion passed 4-0.

DEPARTMENT REPORTS:

Acting City Manager Kelley Canady gave the following department report:

Inspections: The Inspections department had conducted 454 inspections, 265 permits had been issued and \$49,045.04 in fees was paid for the month of December.

Finance: The balance in the General Fund was \$10,859, the balance in the LGIP Fund was \$46,480 and they were still waiting on \$56,311 from Gwinnett County for Suwanee Dam Road improvements.

Gas: For the month of December, the gas department installed 18 new services. The gas department experienced no gas loss during the recent cold weather we had.

____/____/____ Date approved

Golf: The golf department said the spray field is coming along nicely, the contractor is on schedule. Staff is hoping to open in late April or early May. They have been painting the clubhouse, maintenance building and working on sand traps getting ready to build some walls on the course.

OLD BUSINESS:

**A: RESOLUTION: FREEPORT EXEMPTION:
THIS ITEM WAS DELETED, IT HAD BEEN TAKEN CARE OF AT THE
CALLED MEETING ON FRIDAY, JANUARY 8, 1999.**

CITIZEN'S AND GUEST'S COMMENTS:

RICK JANUARY of 1282 Frontier Drive wanted to talk about the way the meetings were conducted especially the Citizen and Guest Comment section. He felt that something should be placed on the agenda stating that if you want to speak you should sign up to do so. Another suggestion was to have someone make an announcement before the meeting started that if anyone wanted to speak they should make sure they had signed up. His other concern was regarding the bond issue to take over the GEFA loan. The gentleman who had made the presentation had stated if the city were to default on the loan, they could force the city to raise taxes. His question was what would happen if the city did default on this bond. It was explained that the bonds were issued against gas revenues so there would be no authority to raise taxes. However, the gas rates could be increased to take care of the repayment of the bonds. Repayment of the bonds would be top priority with the gas revenues.

GEORGE AUBURY wanted to make some comments concerning the budget. He said they should take out the red pen and take a look at what could be cut from the budget. In looking at the budget, he had a couple of questions concerning items such as dues, publications for \$12,000, cellular phone expenses seemed to be on the high side. It appeared to him that there would be a \$365,000 deficit in the golf course funds and he wondered if there was not some long-term solution to keep that money from flowing out of the city. Council Member Pirkle explained that they were trying to make corrections at the golf course in order for them to re-open and get rid of the deficit figures. He also agreed the cell phone expense was a little high and had asked for some alternative solutions for this expense. The item for dues and publications includes dues for inspectors, gas department and golf course, chamber of commerce dues, ads that are run in the papers and subscriptions to the newspapers.

NEW BUSINESS:

A: PUBLIC HEARING: 1999 BUDGET:

Council Member Pirkle made the motion to enter into a Public Hearing for the 1999 Budget, second made by Mayor Pro-Tem Bailey. Motion passed 4-0.

Rick January asked about line items that had no value on them, could they not be eliminated or at least put zeros there. Mrs. Canady explained that some of the items were in the programming and had to be eliminated at the end of the year and zeros do not print. Another item he had noticed that was not listed with a value was the mayor and council stipend, was that listed somewhere else in the budget. This item is listed in the administration department. He had several questions regarding the sanitation fund, sales, and consultant, closing costs. He asked for an explanation on the line item for deferred compensation, which showed up in several departments. Council Member Pirkle asked Mrs. Canady to give a break down of revenues and expenses by funds for the people in the audience that did not have access to a print out of the budget. Mayor Pro-Tem Bailey had a question concerning the spray field at the golf course and if it was included in the budget. Mrs. Canady stated nothing had been put in the budget for this item. The loan amount had been recorded in the 1998 budget but it did not show in the revenues. Mayor Pro-Tem Bailey then asked about cellular phone expenses. Mrs. Canady stated the one from administration had been deleted and there were some that could be taken from the gas department. There was more discussion on this item. There were no other comments from the public, Mayor Pro-Tem Bailey made the motion to return to regular session. Council Member Pirkle made the second. Motion passed 4-0. Mayor Pro-Tem Bailey made the motion to approve the budget as amended. Council Member Pirkle had an item to bring up for discussion. He wanted to understand the procedure for accepting and adopting the budget, what were the wait times and the advertising times. City Attorney Thompson explained that you have to advertise before you actually adopt the Budget Resolution. Council Member Pirkle then made the second to the motion to approve the budget. Motion passed 4-0.

**B: PUBLIC HEARING: ACCEPT ANNEXATION AX-98-008
WILLIAM E. SEARS III AT 4984 DOGWOOD HILLS DR
WITH RS-100 ZONING:**

Council Member Mosley made the motion to enter into Public Hearing to accept annexation AX-98-008, second made by Mayor Pro-Tem Bailey. Motion passed 4-0. Consultant Don McFarland stated this annexation was for a parcel or two parcels of land with a zoning of RS-100, the zoning in the county was R-100. The request was to go to the same zoning which is RS-100. The Planning Commission had heard this request and recommended approval. There were no comments from the public. Mayor Pro-Tem Bailey made the motion to return to regular session, second by Council Member Pirkle. Motion passed 4-0. Mayor Pro-Tem Bailey made the motion to accept annexation AX98-008 with the RS-100 zoning as recommended by staff. Council Member Mosley made the second. Motion passed 4-0.

**C: PUBLIC HEARING: ACCEPT ANNEXATION AX-98-009
CUSTOM ONE DEVELOPMENT-RIVERSIDE ROAD
ADDITION TO RIVERSIDE WALK SUBDIVISION WITH
RS-100 ZONING:**

Mayor Pro-Tem Bailey made the motion to go into Public Hearing to accept annexation AX-98-009 for Custom One Development Riverside Road. Council Member Mosley made the second. Motion passed 4-0. Consultant Don McFarland stated this

application was reviewed and looked at. The request was to extend the Riverside Walk Subdivision to the rear of the property joining Richland Creek. There was a lot of public input at the Planning Commission Meeting with concerns about this development. The Planning Commission had recommended approval with an RS-100 zoning. Some concerns expressed from surrounding home owners were as follows: There was going to be an additional 122 homes on 61 acres of land, the average lot size of surrounding homes is about 8 acres. There were concerns about this being in a flood plain area, mass grading, overcrowding of the school systems, traffic and erosion control. If the city did annex this property into the city limits, it was requested that they protect the value of the surrounding homes by requiring one hundred foot road frontage, thirty five foot set backs, at least 1450 square feet of heated space, leave at least eight trees of three inch caliber or require these trees be planted. The council asked questions concerning the difference between the zoning in the county and the city and about home sizes. The developers of this addition, who were not the developers of the first section, gave a brief description of their company and areas where they have other developments, the size of the houses and features of those houses and neighborhoods. Discussion was held on this item along with more comments from the public. Council Member Pirkle made the motion to return to regular session. Mayor Pro-Tem Bailey made the second. Motion passed 4-0. Mayor Pro-Tem Bailey made the motion to table this item, at the applicant's request. Council Member Mosley made the second. Motion passed 4-0. Consultant Don McFarland asked if they had concluded the Public Hearing but had tabled the item for action at the next meeting. Council stated this was correct.

**D: PUBLIC HEARING: RZ-98-007 FAIRGREEN DEVELOPMENT
WILD TIMBERS, RAMEY ROAD-CHANGE IN CONDITIONS
FOR RS150/PUD DEVELOPMENT:**

Mayor Pro-Tem Bailey made the motion to go into Public Hearing for RZ98-007 Fairgreen Development on Ramey Road. Council Member Mosley made the second. Motion passed 4-0. Consultant Don McFarland stated the Planning Commission had heard this request. It is for a change in conditions, changing the required number of one hundred-foot wide lots to eighty five foot wide lots. Mr. McFarland stated this was a tree friendly development, the developers are trying to keep as much vegetation as possible. The Planning Commission had recommended approval of this request. Council Member Pirkle asked Mr. McFarland to explain this request. Mr. McFarland stated when this project was approved under the Meca/PUD project there had to be a certain percentage of the lots that could be eighty-five feet wide. When the two subdivisions, Twin Creeks, the Horton half which fronts on Highway 20 and Wild Timbers which is on the western half of the property being split by the proposed outer perimeter. The majority of the eighty-five foot wide lots were designated for the Horton tract. This is where they had done the mass grading and had erosion control problems. When looking at the overall density of the entire development, it is still less than what was originally approved for the Meca project. As far as he understood, the street configuration would not change much if any but he would prefer that the applicants answer the question about the total number of eighty-five foot wide lots. Mr. Leo Moorehouse, of Fairgreen Development, explained that what they were asking for is a change in conditions. The original conditions of the 310 acres they had bought allowed 471 lots. They have set aside 80 acres of this almost

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like a national park setting, saving trees and vegetation. They feel they have accomplished this in their entrance and the lots that have been developed. The original zoning conditions allowed for 471 lots but they have found it is going to be hard to have the required number of eighty-five foot lots and come out with the number of lots they are supposed to have. They were asking for a change in conditions to go from 52 lots that were eighty-five feet wide, to 164 lots that are eighty-five feet wide. Most of those would go in the area that has been decimated by pine beetle infestation. Comments from the public included concerns about traffic, leaving more trees, not enough space between houses, adding more lots, requirements of eighty-five feet wide lots. Discussion was held on these items and concerns. Mr. McFarland pointed out for clarification that the original conditions still hold, a minimum of 2,000 square foot house and two-car garage, these conditions would not be changed. Mayor Pro-Tem Bailey made the motion to return to regular session, second made by Council Member Mosley. Motion passed 4-0. Council Member Mosley made the motion to approve the change in conditions for RZ-98-007 Fairgreen Development, Wild Timbers. Council Member Davis made the second. Motion passed 4-0.

CITY CLERK'S REPORT:

City Clerk Gibbs reminded the council that the Gwinnett Municipal Association Dinner would be on Tuesday, January 12, 1999. The meeting was being held at Little Gardens.

ACTING CITY MANAGER'S REPORT:

Acting City Manager Kelley Canady had nothing to report.

COUNCIL'S REPORTS:

Council Member Davis had nothing to report.

Council Member Mosley had nothing to report.

Mayor Pro-Tem Bailey had nothing to report.

Council Member Pirkle hoped the council had less meeting next month.

MAYOR'S REPORT:

Mayor Crabb reported that she would like to congratulate the council for their support at the request of the citizens in reinstating the Post Office. It was the busiest place in city hall.

EXECUTIVE SESSION:

TO DISCUSS PERSONNEL ISSUES AND POSSIBLE LITIGATION:

Council Member Mosley made the motion to adjourn to Executive Session to discuss personnel issues and possible litigation. Council Member Pirkle made the second. Motion passed 4-0.

ACTION TAKEN OUT OF EXECUTIVE SESSION:

____/____/____ Date approved

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COUNCIL MEMBER MOSLEY MADE THE MOTION THAT UNTILL THE HIRING OF A NEW CITY MANAGER, THE COUNCIL REVIEW ANY HIRINGS OR TERMINATIONS OF CITY EMPLOYEES. MAYOR PRO-TEM BAILEY MADE THE SECOND. THE VOTE WAS 2 FOR THE MOTION (MOSLEY AND BAILEY) 2 AGAINST THE MOTION (PIRKLE AND DAVIS). MAYOR CRABB CAST THE TIEBREAKER VOTING FOR THE MOTION. MOTION PASSED 3-2.

MAYOR PRO-TEM BAILEY MADE A MOTION TO HAVE A CALLED COUNCIL MEETING ON SATURDAY, JANUARY 16, 1999 AT 10:00 AM. THE MEETING WOULD BE CALLED TO ORDER AND GO INTO EXECUTIVE SESSION TO DISCUSS PERSONNEL MATTERS WITH NO ACTION BEING TAKEN AFTER THE MEETING. COUNCIL MEMBER MOSLEY MADE THE SECOND. MOTION PASSED 4-0.

Mayor Pro-Tem Bailey made the motion to adjourn the meeting, Council Member Mosley made the second. Motion passed 4-0.

Meeting adjourned at 10:00 PM.