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CITY OF SUGAR HILL COUNCIL MEETING  
JANUARY 12, 1998 MINUTES  
7:30 P.M. COMMUNITY CENTER

The regular meeting of the Sugar Hill Council took place on January 12, 1998 at 7:30 P.M in the Community Center. Notice of the meeting was posted on the doors of City Hall, the Community Center, the boards at Alton Tucker Blvd., and Peachtree Ind. Blvd; and at Highway 20 and Peachtree Ind Blvd. Notices were faxed to the local newspapers.

Those present included: Mayor Roberta Crabb, Council Members, Steve Bailey, Reuben Davis, Mike Mosley, Gary Pirkle, and Tim Pugh, City Manager Warren Nevad, Assist City Manager Scott Payne, City Attorney Lee Thompson, Consultant Don McFarland, City Clerk Gibbs, members of the media, registered guests and employees.

Mayor Crabb called the meeting to order at 7:30 P.M., and led the Pledge to the Flag. Council Member Steve Bailey gave the invocation.

OPENING REMARKS:

CRABB

Mayor Crabb gave the following opening remarks: She thanked everyone who had voted for her . She pledged to do her best and would at all times put the interest of the citizens of Sugar Hill first. This Council and the employees of Sugar Hill recognize that the citizens are the ones we serve. This Council and the Mayor have the unique and awesome responsibility of leading the City into the 21<sup>st</sup> century. With the help of the citizens of Sugar Hill and God's blessing, this will be done with dignity and honor. She encouraged the citizens to speak to the Council Member of their choice at these meetings or prior to the meetings in order for the Council to know what concerns they had. There would be times when she would not agree with decisions made and there would be times when the citizens would not agree with the decisions made. She asked that everyone support the City and its position after the democratic process has spoken. She wanted everyone to work together the next four years and do great things for the City. Mayor Crabb asked each of the Council Members, the City Manager, City Attorney, and other employees to give a brief description of their job, how long they had been with the City and any other information they wanted to include.

City Attorney Lee Thompson stated that he was with the law firm of Thompson and Sweeney. His firm has represented the City since 1984; he has been the primary attorney since 1986.

Council Member Gary Pirkle stated he was newly elected to this position. This is his first meeting as a council member. He has lived in Sugar Hill for three years.

Council Member Michael Mosley stated that he was appointed after he ran unopposed for the seat held by Charles Spradlin, this was his fourth meeting.

Council Member Reuben Davis stated that he was first elected to the council in 1987. He has lived in Sugar Hill all his life; he attended grade school in Sugar Hill. He is looking forward to serving this other term out.

Council Member Tim Pugh stated he has been on the council for two years. He has lived in Sugar Hill for forty-one years; it's a great place to live.

Council Member Steven Bailey stated he and his family moved to Sugar Hill in 1989. He was elected to this office in 1991.

Clerk Gibbs stated she had worked for the City for eight years, she has lived in Buford most of her life.

City Manager Warren Nevad stated he had been employed with the City for three years and was looking forward to another year.

Assist City Manager Scott Payne stated he had been employed with the City for seven years.

**APPROVAL OF AGENDA:**

Council Member Pugh made a motion to approve the agenda, second by Council Member Davis. Motion passed 5-0

**APPROVAL OF DECEMBER 8<sup>TH</sup> MINUTES:**

Council Member Pugh made the motion to approve the December 8<sup>th</sup> minutes, second made by Council Member Bailey. Motion passed 5-0

**DEPARTMENT REPORTS:**

City Manager Nevad gave the following Department Reports:

Planning and Zoning issued 18 single-family residential building permits during December, 249 inspections were done during December. With the construction of the Level Creek Road apartments, the City will be looking into the possibility of hiring another inspector, hopefully by the spring.

The Board of Appeals will workshop the annexation study on January 22, 1998.

In the Finance Department, the ending balance in the General Fund checking account was \$154,817. The balance in the LGIP Fund was \$429,495. There will be a final payment due of \$125,000 on the high-pressure gas line project. He and Kelley Canady had prepared the final draft of the 1998 budget, several workshops had been held. The final draft would be presented for adoption later on the agenda.

Mr. Payne gave the following report on the gas department and the golf course:

During the month of December, 32 new gas services were installed, bringing the total for 1997 to 571. Also, there were 80 meter change outs during the month of December. This is being done to take some of the older meters out of the system. It was expected that the Public Service Commission would review the gas departments operating records. The Operations and Maintenance Manual and the Cathodic survey had been completed that the Public Service Commission had requested. The six inch high pressure and the projects on Highway 20 and Whitehead had been completed and currently in operation. The first week of January, there were some low temperatures but the gas system held high operating pressures during that time.

The Golf Course had \$42,000 in revenues for the month of December. The time table specified in the consent order was being followed. They were awaiting EPD approval on design and development report and this should be taken care of in the next month per the engineers.

Council Member Pugh thanked Mr. Payne and the gas crews, Tim Hughes and his crews. He stated they had done an outstanding job and everything was looking good. Mr. Payne stated that there were no gas outages once this new line was opened up. The station had Riverside maintained 300 on the high end and 40 on the low.

**OLD BUSINESS:**

There was no Old Business on the Agenda.

**CITIZEN'S AND GUEST'S COMMENTS:**

Sherry Vallee of 1241 Owen Circle stated that this subdivision had always had a problem with drainage. In the past they had talked with the former City Manager about this problem. Now a developer had come in and was developing about 7 or 8 lots. These lots were on the hill and this would make all the water run down on their property. She had pictures that had been taken several weeks ago showing how water ran on their property when it rained. Her feeling was that this developer had a history of not completing projects and if allowed to build here would make matters worse.

Mr. Nevad stated that a variance had been requested on this development, it would be discussed at the Board of Appeals meeting on January 26, 1998.

Council Member Davis stated that he had seen what Mrs. Vallee was talking about. In fact, these new houses were right behind his house. He felt there would be a problem and he requested that the Planning and Zoning Board really scrutinize the lots they were fixing to build on.

Council Member Pugh asked what houses in Frontier Forest would be at the back of these new houses. Council Member Davis replied that these were the first houses built in this neighborhood in about 20 years. The developer built two houses below his house and two houses below Mr. Bryant. All the water runs through his yard and Mr. Bryant's yard into the Vallee's yard. The developer was going to pour a slab and build the house on the slab. Mr. Davis contacted Mr. Bauman in the inspections department. Mr. Bauman required Mr. Cole, the developer, to build this up before building the houses. Still, when there is a lot of water it all runs down the Vallee's yard into the Frontier Forest area behind Mr. Fogarty's house. Mr. Davis felt the lots were really not worth developing but the developer was planning on doing some work on these lots. Currently there is only a drainage ditch in the area, which will not take care of the water flow. City Manager Nevad stated that the Planning and Zoning staff requested a hydro study of this area and this will be discussed at the Appeals Board meeting on January 26, 1998.

Council Member Pirkle asked if development permits had already been issued, Mr. Nevad stated that they had not been issued. Mr. Pirkle then asked Mr. McFarland if there was not a stipulation in the new Planning and Zoning Regulations that changes made to a lot would not increase or decrease the amount of the run-off. Mr. McFarland stated that he and another person from his office walked the property and determined that there was a natural detention pond. This was why they had requested that the hydro study be done; it is not a normal request. Based upon this study, there would be no increase or decrease in the flow of the water that would not be there before development. There would have been no reason not to issue the development permits. The builder, knowing that there were some concerns from the residents, and that there might be an appeal suggested that they go ahead with this before he started building. This is the subject of the Appeals Board meeting on Jan. 26, 1998.

Mary Quesenberry of 1292 Owen wanted to speak on behalf of the people on the other end of Owen Circle. She stated they had never had water problems until Mr. Cole built 2 houses next to her and 3 across the street. Water used to flow down a ditch line before Mr. Cole filled it in when he started building houses on Owen Circle. Now there was no ditch line and all the water from the street behind them runs down to the end of that street, joins with the water from Owen Circle and continues down to the end of Owen Circle and stands as high as 4 feet and goes into Mr. Cook's carport. They have asked for help before, so far they have not received any help.

Mike Gazda of 5490 Sugar Crossing Drive stated that he presented a problem to the Council in September. The three problems he was having are: Unsafe dam condition at the lake that joins his property, sedimentation that has been filling up the lake, and the extreme and severe erosion in his yard. Regarding the unsafe dam, the approval drawings from the Georgia EPD water protection branch, clearly show the dam was to be repaired. He quoted from the approval drawing the conditions that were to be followed by the developer. He felt that none of the conditions had been followed and the dam had never been repaired.

This was an unsafe condition because kids play around the dam. Within 10 days of the last house closing, Mr. McFarland made the recommendation that the bond be returned to the developer. Obviously Mr. McFarland did not look at the drawings to determine if the developer was finished. In the June 1990 minutes, that there was concern that the lake be protected from building in the area. He read from the June 11, 1990 minutes about doing test on the lake and keeping it clean. He thanked Mr. Nevad for trying to get the developer to correct the drainage in his back yard. Mr. McFarland had suggested several solutions but none of them were explicit enough to make the developer responsible for correcting the problem. Mr. Gazda had an engineering study done in order to prove that what had been suggested was not adequate. The result of the study showed that what he wanted done from the start was the best and cheapest solution to his drainage problem. All three of these issues show there has been a disregard for the citizens of Sugar Hill and the laws of the state of Georgia which were adopted to protect the citizens. The developers have carried on these abuses for some time. An Erosion and Sedimentation Control Act was passed in 1975 to protect residents. He asked the Mayor and Council what they were going to do to protect the citizens of Sugar Hill from such abuse from developers.

Early Cook of Owen Circle stated that all the water collects in yard when it rains. He has complained for years and he does not think any one from the City has ever been out to look at the problem. He has lost fence, top soil and his carport looks like a mud bath.

Sam Wismer of 963 Sugar Landing Circle stated that he lived a few houses up from Mr. Gazda. He wanted to reinforce the erosion problem that was taking place in their neighborhood. Soon after moving in, they noticed a culvert being forged in their yard due to run-off from neighboring houses. In an effort to correct this problem, he brought in a load of dirt, planted grass seed. The next time it rained, all this was washed down to the lake. He feels there is a need for some drainage control in this area.

Susie Gajewski of 1242 Owen Circle wanted to give her views on the drainage problems in her area. After heavy rains, all the neighbors get together and pick up trash and toys. They have no underground drainage system in this neighborhood and they need help.

There was some general discussion on whether silt fence was up on the lots being developed, why Mr. Cole was being issued building permits and the possibility of charging a storm water maintenance fee.

There were no other comments from the public.

**NEW BUSINESS:**

**NEVAD**

**A: PUBLIC HEARING: 1998 BUDGET:**

Council Member Pugh made a motion to enter into Public Hearing, second by Council Member Bailey. Motion passed 5-0

City Manager Nevad stated that 2 budget workshops had been held. One on Dec. 8, 1997 and on Jan.7, 1998. Basically, the budgetary objectives include maintenance of the tax rate, compliance with EPD consent orders relating to the Golf Course and the landfill, continued gas system improvements, and appropriate labor adjustments. The total aggregate has decreased by a total of \$312, 000 from the 1997 level and the proposed budget is 5.38 million dollars.

There were no comments from the public. Council Member Pugh made the motion to go back into general session, second by Council Member Bailey. Motion passed 5-0.

Council Member Pugh made the motion to approve the 1998 budget, second by Council Member Bailey. Motion passed 5-0.

**B: APPOINTMENT OF MAYOR PRO-TEM:**

**CRABB**

Mayor Crabb read section 2-13 of the City code stating that at the first meeting of the City Council, the Council shall elect a Mayor Pro-Tem.

In the absence of the Mayor, the Mayor Pro-Tem will have all the rights and privileges afforded to the Mayor. Council Member Pugh nominated Council Member Bailey to be Mayor Pro-Tem for 1998, second by Council Member Davis. There were no other nominations. A motion was made and seconded to approve the nomination of Council Member Bailey as Mayor Pro-Tem for 1998. Motion passed 4-0-1 abstention.

**C: BOARD APPOINTMENT:**

**CRABB**

Mayor Crabb stated there were openings on the Board of Appeals, Planning and Zoning Board, the Superintendent of Elections. These appointments would be made by the City Council. Also, pursuant to City code 2-191, the Mayor appoints 5 people to the Recreation Board. She moved that they reappoint Bobbie Queen, Leigh Bailey, Meg Avery, Milt Califf, and appoint Gordon Durham as a new member. In the past, attendance has been a problem on the Recreation Board. Attendance is a must if the City is to move forward with plans for the Recreation Department and the City. The Mayor then asked for nominations for the Planning and Zoning Board. Council Member Pirkle nominated Chris Abbey, second by Council Member Pugh. Vote was 3-2 in favor of Mr. Abbey. Council Member Bailey moved to reappoint Granville Betts, second by Council Member Pugh. Vote 4-1 in favor of Mr. Betts. Council Member Bailey moved to reappoint Larry Newberry, second by Council Member Pugh. Vote 4-1 in favor of Mr. Newberry. Council Member Bailey moved to appoint Ed Entrekin, second by Council Member Davis. Nomination of Mr. Entrekin failed by a vote of 2-3. Council Member Bailey nominated Mike Durkin, second by Council Member Davis. Vote 5-0 in favor of Mr. Durkin. The Mayor then asked for nominations for the Board of Appeals. Council Member Davis nominated Veronica West, second by Council Member Pugh. Vote 5-0 in favor of Ms. West. Council Member Davis nominated Bill Parker for another term, second by Council Member Bailey. Vote 5-0 in favor of Mr. Parker. Council Member Mosley nominated J.C. Knight, second by Council Member Bailey. Vote 5-0 in favor of Mr. Knight. Council Member Mosley nominated Betty Rose, second by Council Member Bailey. Vote 5-0 in favor of Ms. Rose. Council Member Bailey moved to appoint Mr. Bill Parker as acting chairman of the Appeals Board in order for them to be able to conduct business, second by Council Member Davis. Vote 5-0. The Mayor then asked for nominations for Elections Superintendent. Council Member Davis stated he would like the commend Mr. McCalla on an outstanding job. He then nominated Mary Ann Dixon, second by Council Member Bailey. Vote 5-0 for Ms. Dixon.

**D: CUT GAS LINE POLICY:**

**PIRKLE**

Council Member Pirkle stated that in going over the budget, he had noticed the City only collected \$141 in cut gas line fees. This did not seem enough money to cover a total of 160 reported cut gas lines. Another concern he had was that a contract crew had cut a gas main. Instead of reporting this to the City, they turned the valve off. The City was unaware of this until some of the residents called reporting they had no gas. The City does offer a free locating service. This policy would charge anyone who failed to get a locate for gas lost, time spent making the repairs, equipment used. If the City had done the locate and it was inaccurate there would be no penalty. Motion to approve this policy made by Council Member Pugh, second by Council Member Bailey. There was some discussion on this policy. Motion passed 5-0.

**E: RESOLUTION:ACCEPTING APPLICATION FOR LEGISLATIVE ANNEXATION-HWY 20:**

**McFARLAND**

A motion was made and seconded to table this item. Motion passed 5-0

**CITY CLERK'S REPORT:**

Clerk Gibbs reported that the GMA meeting was on Tuesday at Gwinnett Tech. The Mayor's Day Conference would be in Atlanta on Jan. 24 – 26. All those attending needed to make sure they had given this information to Kelley Canady.

**CITY MANAGER'S REPORT:**

City Manager Nevad wanted to congratulate Ashley Pirkle, who works at the Golf Course, for getting her degree from North Georgia College. The City was now using the new computer system for billing and they are running about a week behind. He was looking forward to working with new council members Mosley, and Pirkle and the new mayor, Mrs. Crabb.

**COUNCIL REPORTS:**

Council Member Pirkle had nothing to report.

Council Member Mosley wished everyone a Happy New Year. He hoped everything proceeded as well as he thought it would this year.

Council Member Davis wanted to commend the Mayor for a job well done. He wished her every success in her endeavor to run the City. He asked everyone to remember Mr. W. J. Dodd, who was in the hospital.

Council Member Pugh wanted to say how much he was looking forward to working with the new council members and the new mayor. He wished everyone a Happy New Year.

Council Member Bailey also wanted to wish everyone a Happy New Year, for everyone to remember Mr. Dodd. He wanted to thank his fellow council members for selecting him as Mayor Pro-Tem for 1998.

Mayor Crabb stated she would be attending a workshop on soil and erosion and she would be looking into the drainage problems in the City.

Council Member Pugh made a motion to go into Executive Session, second by Council Member Bailey. Motion passed 5-0.

**EXECUTIVE SESSION:**

No action was taken out of Executive Session.

Meeting adjourned at 9:30 p.m.

