

The regular Council Meeting of the City of Sugar Hill was held on Monday, March 9, 1998 at 7:30 p.m. in the Community Center. Those present were Mayor Roberta Crabb, Mayor Pro-Tem Steve Bailey, Council Members, Reuben Davis, Michael Mosley, Gary Pirkle and Tim Pugh, City Manager Warren Nevad, Assistant City Manager Scott Payne, City Attorney Lee Thompson, Acting Planning Director Don McFarland, City Clerk Shirley Gibbs, employees, registered guests and members of the media.

The meeting was advertised in the local papers, notices were posted on the doors of City Hall and the Community Center, on the signs at Alton Tucker Blvd and Peachtree Ind Blvd and on the sign at Highway 20 and Peachtree Ind. Blvd.

Mayor Roberta Crabb called the meeting to order at 7:30 p.m., led the Pledge to the Flag. Council Member Gary Pirkle gave the Invocation.

APPROVAL OF THE AGENDA:

Council Member Gary Pirkle made the motion to approve the agenda, seconded by Council Member Tim Pugh. Motion passed 4-0.

APPROVAL OF FEBRUARY 9, 1998 MINUTES:

Mayor Pro-Tem Bailey made the motion to approve the February 9, 1998 minutes, seconded by Council Member Pugh. Motion passed 4-0.

DEPARTMENT REPORTS:

City Manager Warren Nevad gave the following reports:

PLANNING AND ZONING:

During the month of February 26 single-family permits were issued, 209 inspections were completed.. Several warning citations were issued regarding soil erosion. Kim Landers had prepared the application for the flood insurance that would be considered later in the meeting. The annual report for 1997 had been completed. This report listed accomplishments for 1997 and goals for 1998. Some of the things accomplished in 1997 were: developed a new zoning ordinance, comprehensive plan, implemented a new volume based garbage system, expended about ¾ of a million dollars in gas system improvements. The goal for 1998 is to get a gas refund from Transco, also to follow the City's comprehensive plan and look at hiring a full time planning director. The comprehensive plan calls for the hiring an economic development director. They plan to combine the duties of the economic and planning director. The full time planning director would be responsible for grants, implementing the new zoning ordinance, making presentations, and working on the annexation program the City has currently undertaken. Funding of this position could be done with the savings from the new health insurance plan and the savings from not having to pay a private contractor. On the recommendation of the City Manager, Mayor Pro-Tem Bailey made a motion to approve \$1,000 for the recruitment and selection of a new planning director, second was made by Council Member Pugh. Motion passed 5-0.

Other goals for 1998 include continued gas system improvements, doing more on drainage in 1998.

FINANCE:

The ending balance in the General Fund checking account was \$225,000; the balance in the LGIP FUND was \$429,000. Later on the agenda there would be an item dealing with an audit to be done by GMA on the franchise fees paid by Georgia Power, Cablevision, and Bell South. City Manager Nevad stated it was a pleasure to work with Mayor Crabb. She had really cleaned up city hall and was a very hard worker.

Assistant City Manager Scott Payne gave the following report on gas and golf:

During the month of February, the golf course generated over \$55,000 in revenues. The City had received a \$5,000 check from Nextel Communications per the agreement the city had with the communication company. Due to wet weather, the golf course was closed on Monday March 9, 1998. They had been closely monitoring the effluent water received from Gwinnett County to ensure accurate data for the state.

_____ Unofficial

Prepared by S. Gibbs

_____/_____/____ Date Approved

The clearing had been done on hole 14 to accommodate future restrooms.

In the gas department, 43 new services were installed in February, bringing the total for the year up to 70 new services. 34 gas services were inserted to comply with the Public Service Commission. This brings the total for inserts up to 74 for 1998. Total gas consumption for February was 68,646 mcf for a total billing of \$495,905. There had been minimal gas loss for the last four months, this would continue to be monitored until Mr. Nevad and Mr. Payne attended a meeting with Transcontinental Pipe Line in May. This meeting will take place in Houston, Texas.

OLD BUSINESS:

A. OWEN CIRCLE DRAINAGE:

Mrs. Susie Gajewski of 1242 Owen Circle wanted to address the results of the Appeals Board meeting. The Appeals Board had approved the builder to build on the two drainage lots beside them. There were some stipulations; it did not say how many trees he had to save. She did notice that all plans and certifications provided to the City should have the following note: The City of Sugar Hill assumes no responsibility for drainage outside the street right of way. Her question was: If these lots flood like everyone knows they will, does that mean they can not come to the City for help. Will they have to ask their new neighbors to help clean up every time it rains? She had talked to several agencies, all agree that it is the City's responsibility to help. The problem has been identified, they know it will flood and it should not be built on. FEMA has a flood plain management ordinance that states a land disturbance permit shall be required in conformance with the provisions of the development regulations prior to the commencement of any clearing, grading or development activities adjacent to, within or affecting a 100 year flood plain. She wanted to know if there was anything the City could do to help them. They would like to have another hydrology study. The City knows they have flooding problems, they are just asking the City not to let the builder build on lots that are already flooding. They do appreciate everything that everyone has done but they would like to have more help.

B. UPDATE ON Y.M.C.A.

Mr. Bob Wagner gave the following report on the Y.M.C.A.:

He stated that they were currently in the process of spring registration for T-Ball and Youth baseball for kids of elementary school age. During the first round, there was a low turn out. They have identified the problems and corrected them. The second round was under way with fliers, posters and registration forms going out. After round two is over, they will start on the summer camp program. Last year only two weeks notice was given on the summer camp program, this year eleven to twelve weeks will be given. There was no way to know what the turn out would be but a massive effort will be made to get kids involved in this program. Once the summer programs were over, things would be changing. Every one involved would like to see this YMCA program go to the next level. This would include having the churches, schools, PTA, Girl Scouts, Boy Scouts, businesses, the community itself, the three local governments involved. The reasons for this are varied; one being fund raising. Government involvement running parallel to fund raising for the YMCA, although it might not have legal consequences, it could have perception problems. Another reason to expand is to get a bigger population base and this is one of their goals. They will go toward Suwanee first, then toward Buford if they will let them. He announced a new member to the Committee, Dr. Denise Weaver who works for Sugar Hill Animal Hospital. She knows what a YMCA can do for a community, having been involved with the YMCA while growing up. She will probably be a spokesperson for them since she is a very articulate person.

CITIZEN'S AND GUEST'S COMMENTS:

Marvin Burrows of 5235 Hillcrest Glenn Drive wanted to thank the paper for the comments on Sunday about the flood issue. The list of subdivisions did not include Hillcrest or Owen Circle. Owen Circle has

more flooding problems than some subdivisions, but there are other areas that need to have the drainage and flooding issue addressed.

Mike Gazda of 5490 Sugar Crossing Drive wanted to express his opinion on the need for a Planning Director. All the enforcement authority for erosion control falls within the jurisdiction of the City. If the City does not do the enforcing there are no other agencies to go to. Part of the accountability is to have someone who is qualified to identify the problems and where the problems are located. He wondered if an engineer looked at the hydrology study on Owen Circle to determine if it was accurate. If the City is going to hire someone as a Planning Director, he felt that person should be a licensed engineer. He felt this person would do a better job if he had a professional license that could be taken away. Also, he would be better able to represent the City with any legal matters concerning erosion control. This person should also be able to analyze the hydrology reports himself. Without that individual representing the City, he did not see how anyone could say this report was good or bad. He also did not see how anyone could say these erosion control issues were correct or incorrect, weather the solutions were correct or incorrect. He requested that they hire an individual with the proper credentials. All official documents should be signed and sealed with his number, that way he can be held accountable for the decisions and recommendations he makes. In his experience, he had had recommendations made that were so open ended, he did not have anyone to hold accountable for what needed to be done. He wanted a response from the Council about the issue he had brought before the Council in January. This concerned the lake and the dam that were in his back yard. After much discussion, between Mr. Gazda and the Council Members concerning the dam and lake, Council Member Pugh made a motion to have City Attorney Thompson check into what the City was capable of doing concerning these properties. Second made by Mayor Pro-Tem Bailey. Motion passed 5-0

Arley Cook of 1291 Owen Circle wanted to know what was going to be done about the drainage problem in his yard. Could the builder's bond be revoked? Mr. Nevad stated that no Certificate of Occupancy would be issued for the new homes until they pipe underneath the driveways and cut into the swell between Mr. Cook's house and the two new houses. As a temporary measure, the City would put in some cross ties to divert the water.

Vivian Fernholtz, who is the owner of C's Restaurant in the Publix Shopping Center, stated she would like to be a part of the City of Sugar Hill. Right now they are in the Gwinnett County jurisdiction and she felt it did not offer the personal service that Sugar Hill would offer. She would be willing to help the developer do what ever it takes to get the whole shopping center annexed into the City.

NEW BUSINESS:

A: CONSIDERATION OF BEER AND WINE LICENSE: SAM'S INC:

Council Member Mosley made a motion to table this issue, second made by Council Member Pirkle. Motion passed 5-0.

B: GMA FRANCHISE FEE AUDIT:

Mr. Steve Durden, of GMA, proposed that they do three jurisdictional audits, one on Georgia Power, one on Cablevision, and one on Bell South. The jurisdictional coding audit would verify that the addresses in the City are recorded by the 3 different franchise companies. The franchise operators collect a franchise fee from each resident in the City. Due to annexation, confusing boundaries, new development, human error and other complex issues, sometimes addresses do not get recorded. This audit would make sure that Sugar Hill was receiving its fair share. The price of each audit would be \$3,000, based on population. Mayor Pro-Tem Bailey made the motion to approve the funds for the three audits, second made by Council Member Mosley. Motion passed 5-0.

C: STORMWATER DRAINAGE PLAN PROPOSAL:

City Manager Nevad stated that the City has only received one quote on this proposal. Staff felt it would be in the best interest of the City if this item were tabled in order to obtain more quotes on the project.

Council Member Mosley made the motion to table this item, second made by Council Member Davis.

Motion passed. 5-0

D: FLOOD INSURANCE/ORDINANCE DISCUSSION:

City Manager Nevad expressed his appreciation to Mayor Crabb for her help in the drainage problems. He also expressed his appreciation to the residents of Owen Circle for bringing this issue to his attention. He stated it was something that should have been started years ago and it was nice to have citizens bring this kind of problem to the City's attention and the City has acted accordingly. The City Attorney had prepared a motion of intent to authorize the City to apply for the flood insurance program. Kim Landers, who works in the Planning and Zoning department, had prepared the one page application, depicting number of structures and population in the City. Mayor Pro-Tem Bailey made the motion to approve the motion of intent, second made by Council Member Davis. Motion passed 5-0. Mr. Nevad stated that staff requested a motion to authorize the City Attorney to prepare the Flood Plain Ordinance in conjunction with the application. Mr. Thompson had prepared a similar ordinance for other cities and he was requesting a motion to authorize the City Attorney to prepare this ordinance at a cost not to exceed \$1500. The motion to authorize the City Attorney to prepare this ordinance was made by Mayor Pro-Tem Bailey, second by Council Member Mosley. Motion passed 5-0.

E: RESOLUTION-LEGISLATION ANNEXATION-CITY PROPERTY:

City Attorney Lee Thompson explained that this was a piece of property that was part of the settlement with Mid-American Waste Systems. Several months ago the City received title to some property adjacent to the landfill, between 100 and 200 acres, in addition to the property already owned by the City. Along with the deed to this property, the City also assumed some other responsibilities besides the closure of the landfill. Part of the property is located in unincorporated Gwinnett County and has never been in the corporate boundaries of the City. The Council had indicated they would like for the property to be inside the city limits but until the survey was completed he did not know if this could be achieved through an ordinance or if it would have to be done through legislative action. Council Member Pugh made the motion to approve the resolution for legislative annexation second made by Mayor Pro-Tem Bailey. Motion passed 5-0.

F: ANNEXATION-AX-98001-D.R. HORTON-2.5917 AC:

G: ANNEXATION-AX-98002-D.R. HORTON-5.0000AC:

Consultant Don McFarland explained that this was for the validation of annexation; it comes to the Council, goes to the Planning Commission, then back to the Council for formal annexation. There are two properties involved; both are part of the D.R. Horton project called Twin Branches. They back up to the project and this will square up the property lines. The proposed use is for single family residential, the same as what is already in the city limits of Sugar Hill, the zoning would be RS-150. This validation would start the annexation process. Mayor Pro-Tem Bailey made the motion to validate the application for annexation of AX-98001 and 98002 for D.R. Horton, second was made by Council Member Pugh. Motion passed 5-0.

H: RESOLUTION-ABANDONMENT-WEST BROAD STREET:

City Attorney Lee Thompson explained that this was a small portion of property that had been abandoned back in July. The property that had been abandoned in July was located on a street that was not in use anymore due to realignment of the highway. This was done based on a survey provided by the property owners, apparently the street went at an angle and this was a small strip that did not get included in the abandonment. The property owner of this small strip of land had provided a DOT survey and had requested that this piece of property also be abandoned. Mayor Pro-Tem Bailey made the motion to approve the resolution to abandon the property on West Broad Street, second made by Council Member Pirkle. Motion passed 5-0.

CITY CLERK’S REPORT:

City Clerk Gibbs reported the GMA meeting would be at the Flying Machine Restaurant at Briscoe Airport in Lawrenceville. The invitations for the top 35 businesses would be going out for the dinner on April 2, 1998.

CITY MANAGER’S REPORT:

City Manager Nevad reported Council Member Pirkle wanted the status of all grant applications. They did go out to bid on the installation of the 4-inch gas line on Riverside and to finish Highway 20.

COUNCIL REPORTS:

Council Member Pugh had nothing to report.

Mayor Pro-Tem Bailey had nothing to report.

Council Member Davis had nothing to report.

Council Member Pirkle had several items he wanted to discuss. He, Council Member Mosley, and the Mayor had attended a state required meeting for newly elected officials. He had a call from a resident about erosion in the creek behind her house and he would discuss this with the Council later. He would like to get the citizens more involved in city government by starting an E-mail list. If anyone was interested, they should contact him. At last month’s meeting, there was a vote on property in the Wild Timbers Subdivision for the clearing of street rights of way. Shortly after this meeting, there was an article in the paper concerning some violations found by the EPD. At the hearing for this, no mention had been made about EPD problems. He had not and he was sure none of the other council members were aware of any EPD violations. There was no discussion that land had been disturbed and the city was under the impression that they were coming for a land disturbance permit. Also, they were not made aware of any violations that might have occurred in the creek. He would like to see a better flow of information concerning any EPD violations before the council votes on these issues. The final thing he had to report on was HB489, which is the Service Delivery Strategy requiring cities and municipalities that share boundaries to form a process of settling disputes regarding zonings and annexations along these boundaries. He and Mr. Osborne, of McFarland and Dyers office, are representatives on the panel that meets to discuss the resolution of these problems. Part of what they are required to do is come up with a strategy for solving these problems. The original plan was to have a judge mediate when these problems occurred but most of the cities in the county, including Sugar Hill, did not agree with this process. The new plan that has been drafted is for each city to notify the other cities along their boundaries by certified letter. The other cities can voice their objections, it will be read into the record but the final resolution of the process will be the formal action of the governing body within that municipality.

Council Member Mosley stated he had learned a great deal at the meeting for newly elected officials. He had a resident tell him they had tried to call City Hall before 5:00pm but the phones had been turned off early. He requested this be looked into so it doesn’t happen again.

Mayor Crabb stated that she too learned a great deal at the meeting for newly elected officials. She enjoys being the Mayor and hopes people will continue to come to her with any problems so she might try and help resolve them. A lot of time and effort are being spent on upgrading City Hall, on drainage and recreation.

Council Member Pugh made a motion to adjourn to executive session, second made by Mayor Pro-Tem Bailey. Motion passed 5-0.

**EXECUTIVE SESSION:
POSSIBLE LITIGATION**

No action was taken out of Executive Session.

ADJOURNMENT:

Mayor Pro-Tem Bailey made the motion to adjourn the meeting, second by Council Member Pugh. Motion passed 5-0. Meeting adjourned at 10:00p.m.