

The regular meeting of the Sugar Hill City Council was held on April 13, 1998 at 7:30 P.M in the Community Center. The meeting was advertised in the local newspapers, posted on the doors of City Hall and the Community Center. Notices were posted on the signs at Alton Tucker Blvd and Peachtree Ind Blvd, Highway 20 and Peachtree Ind. Blvd.

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, City Attorney Lee Thompson, Consultant Don McFarland, City Clerk Shirley Gibbs, members of the media, registered guests and employees. Absent was Assistant City Manager Scott Payne, due to PSC Training Seminar.

CALL TO ORDER AND INVOCATION:

Mayor Crabb called the meeting to order at 7:30 P.M. Mayor Pro-Tem Bailey gave the invocation.

APPROVAL OF AGENDA:

Council Member Mosley made a motion to amend the agenda as follows: Table Item G under New Business because more information is needed, table Item H under New Business because it is a year early. Mayor Pro-Tem Bailey seconded the amendments. Council Member Pugh made the motion to table Item C under Old Business. Mayor Pro-Tem Bailey seconded the motion. Motions to amend the Agenda passed 5-0.

APPROVAL OF MARCH 9th MINUTES:

Council Member Pugh made the motion to approve the March 9th minutes, second by Mayor Pro-Tem Bailey. Motion passed 5-0.

DEPARTMENT REPORTS:

City Manager Nevad gave the following department reports:

The Planning and Zoning Department issued 21 single-family permits in March, a total of 329 inspections were conducted. City Attorney Thompson had prepared the flood insurance application for consideration tonight. In Finance: the balance in the checking account, as of April 8th was \$89,000, the balance in the LGIP Fund was \$529,000. Donald Briscoe should have the 1997 audit completed in time for the June meeting. He thanked Barbara Mason for her help with the business dinner on April 2, 1998. He said pictures should be on the Web site. In Gas: The gas loss had dropped to 3 ½ % in the last nine months. They would meet with MGAG and Transco to present their findings and pursue a refund. 40 new services were installed in March, slightly over 3,000 feet of service line was installed. Assistant City Manager Scott Payne and other members of the gas department will be attending a pipeline safety meeting in Macon the week of April 13th. Bids will be received until April 30th, 1998 on the expanded spray field at the golf course. The course has been closed during the week until they meet the objectives of EPD.

OLD BUSINESS:

A: CONSIDERATION OF BEER AND WINE LICENSE – SAM’S:

City Clerk Gibbs reported that the applicant had completed the necessary paper work, the legal notices had been published. It was the recommendation of the City Manager and the City Clerk that this application be accepted. Council Member Pugh made the motion to approve the application for the beer and wine license, second made by Council Member Mosley. Motion passed 4-1. Council Member Pirkle voted against the motion.

B: FLOOD INSURANCE ORDINANCE:

City Attorney Thompson reported that at the last meeting, a resolution was passed to enter the program for the flood control. His firm had prepared a draft ordinance. There were certain areas that needed to be clarified, such as, who would be the official designated to take action. The City Manager had

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been designated but if they wanted to change this they should let his firm know. Another issue was the criminal fines and imprisonment maximum. The most important issue is the designation of the flood plain area located within the city limits. Council Member Pugh asked what was the criteria to meet the flood plain requirements. Consultant Don McFarland suggested that until the FEMA maps are available, they adopt the Soil Survey of Gwinnett County affecting the city limits of Sugar Hill. These are the flood maps Gwinnett County used before they got the FEMA maps. They are flood plain maps and they identify what a flood plain consists of. The Planning and Zoning Department does have copies of these maps. Mr. Thompson stated his firm would work with Mr. McFarland's office to get the correct language and there are people at the county offices that will work with them. Council Member Pugh asked what the hold up was in getting the maps from FEMA. Mr. Thompson stated that in order to enroll in the program, the city had to pass an ordinance before FEMA would do the maps but in order to pass the ordinance the city has to designate which areas were in the flood plain. They could designate no areas and still be in the program and FEMA would do the maps but the citizens would not be eligible for flood insurance. Council Member Pugh asked what if they designate the whole city because he did not want to leave any of the citizens out. Mr. Thompson stated they could do that but unless they were in a designated flood plain they would not be eligible for insurance. After some more discussion, Mayor Pro-Tem Bailey made a motion to table this item but instruct the legal staff on Article 2 Section H, Page 3; to put in the City's maximum fine and designate the City Manager as enforcement officer. Also, to coordinate with the City's engineer on the technical language, second by Council Member Pirkle. Motion passed 5-0.

C: STORMWATER DRAINAGE STUDY:

This item was tabled.

D: UPDATE ON ANNEXATION STUDY:

Consultant Don McFarland stated they had had 2 Planning and Zoning meetings since they had started on the Annexation study. He thanked Mrs. Landers for all her work in this matter. She had worked with Mr. Nevad and Mayor Crabb on the letter that went out to people who might be interested in annexing into the City. At each meeting, the Planning Commission had discussed areas that could be annexed into the City. The discussion centered on areas that later on, as the City starts annexing, they can not go back and require that these areas annex into the City, Mr. Thompson has been very clear on this matter. They are dividing the City into residential and commercial and a couple of corridors. They had thought of dividing it into quadrants but the planning commission had discussed this, now they want to look at it by location with in the City then addressing each location. For example; Highway 20 would be one area, the area around Suwanee Dam Road and Highway 20 would be another area, and Buford Highway would be a third area. There are a number of islands along Buford Highway that are not in the city limits and they are being looked at separately. The other areas are predominately residential areas that they hope would help square up the city limits. This work is still on going and there will be reports in the future.

CITIZENS'S AND GUEST'S COMMENTS:

Mr. Gordon Durham stated that he had been appointed the Chairman of the Spring Fest 98 in the Park. This will be the first Spring Fest that has been held in quiet a while. This one is scheduled for May 9, 1998 beginning at 10:00 A.M. going until 4:00 P.M. Anyone wishing to participate can get in touch with him at the number provided on the flier. Another event they are planning on having is a Fourth of July Parade, called Salute to America in the City of Sugar Hill. They already have 50 participants in the Parade itself. They will hot air balloons and bar b que. Some of the dignitaries that will be in the parade are: Grand Marshall Wayne Hill and his wife, Connie Wiggins, Keith Breedlove, Tommy Hughes, past mayors of Sugar Hill will participate. Also in the parade, there will be a Civil War Re-enactment Group plus an encampment in the woods at the park. They also plan on having an old-fashioned hayride and wiener roast. He encouraged everyone to visit the park as they have made a lot of improvements, planting bushes and flowers. Mayor Pro-Tem Bailey asked if there would be fire works on the Fourth of July. Mr. Durham stated that they had planned on having fire works but Wade Ford had already applied for a permit to do the fire works. They plan on ending the festivities at the park in time for everyone to go over to Wade Ford to enjoy the fire works there.

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Marla Land of Progressive Demolition. They are doing the new Home Depot site and their company wants to find out how to get involved with the local governments in Buford and Sugar Hill. Council Member Pirkle stated that the City was looking forward to having them in this area.

Mike Gazda of 5490 Sugar Crossing Drive thanked Mayor Crabb for taking an interest in their erosion problems. He also thanked City Manager Nevad for his help in working toward a solution, they now have some dirt on the property but they can not get the contractor to finish what he agreed to do. At the last meeting he had mentioned the unsafe dam on the property, Mr. Thompson was supposed to have a legal recommendation on this matter. All he wanted was a written response from the City sometime during the week. Phase III of his problems: He had an inspection done on his home and was surprised at what was found. Some of the problems he was aware of, others he was not aware of. He felt the inspection process was important to him and to anyone who was building a home in the city. He felt it was a matter of public safety that the City of Sugar Hill stand for the codes and uphold the codes and enforce them with the builder. There were numerous code violations cited, but what really struck him was a checklist of things that were to be checked at final inspection he could not find that they had been done. Several of the items were of a safety nature and in his opinion the City should take stronger action in their enforcement of the inspections.

Mike Skolarie wanted to thank the council for its approval of the license for Sam's Chevron and he hoped they would be a benefit to the city. Council Member Pirkle thanked them for their cooperation in coming back since the measurement requirements had not been communicated to them in time for the March meeting.

NEW BUSINESS:

A: ABANDONMENT – HANNAH STREET:

City Attorney Thompson read the Resolution pertaining to the abandonment of Hannah Street. He stated that the adjacent property owners had been notified, in this case Mr. Delatoure owned both pieces of property adjacent to this portion of Hannah Street. As far as could be determined, there is no usable street at this location. Apparently, from a practical standpoint of the City not using this street, it was abandoned in the 1970's but was never officially abandoned on the Public Record. Council Member Davis made the motion to approve the Resolution to abandon Hannah Street, Mayor Pro-Tem Bailey made the second. Motion passed 5-0. Mr. Delatoure thanked the Mayor and Council for taking care of this matter, they would be incorporating the old street into the new parking lot for the gym that is being built.

B: MUNICIPAL GAS AUTHORITY RESOLUTION:

City Manager Nevad stated this was a Resolution designating the City Manager as a voting delegate at the annual Municipal Gas Authority Seminar and designating the Assistant City Manager as an alternate. Council Member Pugh made the motion to adopt this Resolution; Council Member Pirkle made the second. Motion passed 5-0.

C: 1998 CDBG SUBRECEIPIENT AGREEMENT:

Consultant Don McFarland stated Gwinnett County is an entitlement community and as such received money from the Community Development Block Grant without having to apply for this money. However, in order for Sugar Hill to receive this money, they have to apply for the grant money. The funds Sugar Hill would be applying for would be used to make City Hall handicap accessible by installing an elevator. Council Member Pirkle had a few questions to ask regarding this agreement. He wanted to know the total projected cost of this project. City Manager Nevad stated that staff feels it will take \$100,000 for the project but the City will only get \$50,000 out of this year's grant money and will have to reapply next year for the remaining \$50,000. Council Member Pirkle wanted to know if this money could be applied to the project even if it had been completed. City Manager Nevad stated that it could be applied to a completed project. Council Member Pirkle asked City Attorney Thompson if the City was required to install an elevator. Mr. Thompson stated ADA law was very complicated but because it was a public building it would have to comply with the law to be handicap accessible. Due to the age of the building, it could be possible to be granted some extension of time on when it was installed. Council Member Pugh stated he

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could not understand why the City would need a wheelchair elevator when anything that needed to be done could be brought downstairs. Mr. Thompson replied there are a number of standards in the ADA that require a public building to be handicap accessible regardless of the fact that the work could be brought downstairs. Mr. McFarland pointed out that it was not only for the public's benefit but also for any employees who might be handicap and need to have access to the second floor. Mr. McFarland suggested to City Manager Nevad that he make sure the City would get their money back on this project if they decide to go ahead with it. He did not know if that was possible and he was did not want to tell the City they would be reimbursed for this project then find out that it wasn't possible. Council Member Pirkle asked if the money had to be used on an elevator or could it be used for public purposes. Mr. McFarland stated it would have to be used for handicap accessibility. Council Member Pirkle asked if the City had received any bids on this project. City Manager Nevad stated he had only had verbal estimates so far but he would work on getting some formal quotes. There was no more discussion on this matter. Mayor Pro-Tem Bailey made the motion to approve the 1998 CDBG Subrecipient Agreement, second made by Council Member Mosley. Motion passed 5-0.

D: EMERGENCY PREPAREDNESS:

Council Member Mosley stated that due to recent events in the local area, combined with the fact that the City had not been involved with FEMA in past years, he felt the City needed to be better prepared for an emergency situation. For example, citizens would need to be informed of where to go should an emergency occur, whom to call. He felt the gas crews should have a plan of action to take care of leaking gas, having it turned off, then getting it turned back on, equipment to repair. He had already compiled a list of emergency phone numbers. There were some items he wanted staff to look into, for example the new phone system, would it work without electricity and if not was there a back up system. City Hall should be designated, as the place for people to come but If City Hall got hit or destroyed there would need to be an alternate location for people to go. He requested input from the Mayor, Council Members, residents, anyone wishing to help. He felt this would take a few months to get everything worked out and smoothed out but it is something the City needs to do and be prepared for.

E: DISPUTE RESOLUTION-SERVICE DELIVERY:

Council Member Pirkle stated he is the representative on the policy committee for the City of Sugar Hill to implement House Bill 489. This bill requires municipalities that are in close proximity to co-operate on such things as taxation, to make sure that people are not being double taxed on services provided. Also, to facilitate resolutions of disputes over land use plans. Basically, what this bill means, when one city or municipality has a zoning or rezoning issue come up, it allows adjoining cities or municipalities to voice their opinion, have it read into the official minutes but the final decision is left up to the city officials of the city that has the zoning or rezoning issue. All the cities in the county are being asked to adopt this plan; the county will also adopt this plan. Council Member Mosley made the motion to adopt the Land Use Dispute Resolution, second made by Mayor Pro-Tem Bailey. Motion passed. 5-0

F: SEWER CONNECTION-MR. TUBS, INC:

Council Member Davis stated that Mr. Tubs was the 16th fastest growing business in the State of Georgia but sewer is not available to this business. He wanted suggestions and opinions on how the city could help this company obtain access to the sewer system. There were many suggestions on how to go about getting the county to run a sewer line on Peachtree Industrial Blvd in order for the businesses located on North Price Road to have access to the sewer system. One suggestion was to have a development build in that area and agree to pay for having the sewer system installed. Bill Cornell of the Gwinnett Chamber had told Mayor Crabb grant money could be available for a project such as this. It was agreed that the City should look into all available avenues open to them in order to help not only Mr. Tubs but also other businesses along North Price Road.

G: APPROVAL OF CITY ZONING MAP:

This item was tabled.

H: 10-YEAR SERVICE AWARD-WAYNE CLEMENT:

This item was tabled due to the fact it is a year early.

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I: ANNEXATION-PUBLIC HEARING: AX98-001:

D.R. HORTON:

J: ANNEXATION-PUBLIC HEARING: AX98-002:

D.R. HORTON:

Consultant Don McFarland suggested that the Public Hearing be conducted on both AX98-001 and AX98-002 at the same time as they are part of the same property. Mayor Pro-Tem Bailey made the motion to go into Public Hearing for consideration of Annexation on AX98-001 and AX98-002, second made by Council Member Pirkle. Motion passed 5-0. Mr. McFarland stated this was part of the Twin Creeks Subdivision that was originally part of the MECA Development. This property is east of the proposed Outer Perimeter and fronts on Highway 20. The Planning Commission heard these requests and had no input from the public. The Planning Commission recommended the Annexations be approved with the recommendation that the same zonings of the existing property apply. This property has a HUD classification with conditions; these same conditions should apply to the property proposed for annexation. There were no comments from the public. Council Member Mosley made the motion to go back into regular session, second made by Council Member Davis. Motion passed 5-0. Council Member Davis made the motion to approve the Annexation of AX98-001 with the conditions as placed on by the Planning Board. Mayor Pro-Tem Bailey made the second. Council Member Pugh asked Mr. McFarland if the creek was included in this annexation. Mr. McFarland stated that the creek was already in the city limits. Council Member Pugh stated he would need to discuss some matters with the Council Members before they left for the evening. There was no other discussion. Motion passed 5-0.

Mayor Pro-Tem Bailey made the motion to approve Annexation AX98-002, second made by Council Member Pirkle. Motion passed 5-0.

CITY CLERK'S REPORT:

City Clerk Gibbs reminded the Council Members that the GMA District 4 meeting would be held in Conyers on Thursday; there would not be a Gwinnett Municipal Association Meeting as this was included in the district meeting. She also reminded them to make sure they had signed up for the GMA convention to be held in June in Savannah. GMA had sent a notice about a meeting to be held at Callaway Gardens in May, anyone interested in attending should let her know.

CITY MANAGER'S REPORT:

City Manager Nevad reported that Mr. James Posey would be retiring from the Golf Course on April 30th and the City would have a lunch for him. He would like to name a golf hole in his honor. He thanked Mayor Crabb for another fun month of working together.

COUNCIL REPORTS:

Mayor Crabb reported she was pleased with all the positive action that had taken place tonight. They had addressed drainage issues, dispute resolution issues, emergency preparedness issues. Hopefully, they would be able to obtain sewer for Mr. Tubs and the surrounding businesses. During March, she became very active in the gas department on issues of safety and gas loss. Mr. Payne and Mr. Nevad have kept her very well informed on these matters. She will be out of town later in the week attending a Public Service Seminar. She will continue to look for land for a BMX park. She reminded everyone to be sure and attend the Spring Fest being held on May 9, 1998 at E.E. Robinson Park. She thanked Mr. Durham for all his help in getting this and the Fourth of July Festival organized. Due to extenuating circumstances, Mr. Durham had recently resigned from the Recreation Board. She appointed Michelle Scott to replace Mr. Durham.

Council Member Pugh thanked everyone that participated in the Appreciation Dinner. He felt the city had some great employees that helped out and made it a great night. He also thanked Kim Landers for all her work on the Annexation Study.

Mayor Pro-Tem Bailey expressed his views on the recent events leading to the Gwinnett Herald going out of business. In his opinion the Gwinnett Herald was the only newspaper that met the requirements to serve as the legal organ for the county and that was why the city had appointed them as their legal organ. However, the courts and officials in Gwinnett County did not agree and this had led to Jeri Tyler having to discontinue publishing her paper. He was sorry to see this happen and wished her and her staff the best in their future endeavors.

Council Member Davis thanked Gordon Durham for all his work in getting the Spring Fest and the Fourth of July Festival organized.

Council Member Mosley also thanked Mr. Durham for all his work on the Festivals. He also thanked the staff for their help in Hall County. Crews had been sent up there to help them with clean up from the recent tornadoes. He hoped this spirit of help between counties would continue.

Council Member Pirkle reported that the City had received a letter from BFI stating that the proposed site for the landfill expansion in Buford had been approved by EPD. He had inspected several sites that had drainage problems and the City was working to get those solved. He had attended the Service Delivery Strategy meeting. Also, he would like to thank Cablevision on sending letters regarding improvements in their customer service and when the cable service would be interrupted due to repairs.

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

No action was taken out of Executive Session. On a motion made by Council Member Mosley, seconded by Council Member Pugh, the meeting adjourned at 10:05 p.m.