

CITY OF SUGAR HILL COUNCIL MEETING  
MONDAY, OCTOBER 12, 1998  
7:30PM COMMUNITY CENTER

**The City of Sugar Hill Council** held its regular meeting on Monday, October 12, 1998 at 7:30pm in the Community Center. Notice of the meeting was placed on the doors of City Hall and the Community Center. Notice was also placed on the signs located at Alton Tucker Blvd. and Peachtree Industrial Blvd. and at Nelson Brogdon Blvd and Peachtree Industrial Blvd. Notice was also sent to the local newspapers and GNET.

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

**CALL TO ORDER AND INVOCATION:**

**Mayor Crabb** called the meeting to order at 7:30pm and led the Pledge to the Flag. **Council Member Pirkle** gave the Invocation.

**APPROVAL OF AGENDA:**

**Mayor Pro-Tem Bailey** made the motion to approve the Agenda, second made by **Council Member Pirkle.** Motion passed unanimously 5-0.

**APPROVAL OF SEPT. 3<sup>RD</sup> CALLED MEETING MINUTES:**

**Mayor Pro-Tem Bailey** made the motion to approve the September 3<sup>rd</sup> Called Meeting Minutes, second made by **Council Member Pirkle.** Motion passed unanimously 5-0.

**APPROVAL OF SEPT. 14<sup>TH</sup> MINUTES:**

**Council Member Mosley** made the motion to approve the September 14<sup>th</sup> Minutes, second made by **Mayor Pro-Tem Bailey.** Motion passed unanimously 5-0.

**DEPARTMENT REPORTS:**

**City Manager Nevad** gave the following Department Reports: **Planning and Zoning** had a very busy September. They issued 35 single family residential permits, 506 inspections were completed. On October 1<sup>st</sup>, the State Soil and Water Conservation Commission came out and resurveyed some erosion problems the city had been having in some of the subdivisions. They were very impressed with the progress the city had made in correcting the erosion problems. **Finance**, the ending balance in the General Fund checking account was approximately \$20,000 as of October 1<sup>st</sup>. The LGIP Fund had a balance of \$200,000. A rough draft of the 1999 budget had been presented and a workshop was scheduled for October 20<sup>th</sup> at 7:00pm. Their goal for the 1999 budget is to maintain the tax rate, the golf rate, the gas rate and comply with the consent orders.

**Assistant City Manager Scott Payne** gave the following report for the gas department and the golf course: **Gas:** The city had a take of 9,115 mcf of gas in September of 1998 compared to 9,621 mcf in September of 1997. Forty-four new services were installed in September with a total of 3,650 feet of 5/8-inch line. Total new services for the year is 347. The Whitehead Road project is near completion and will give more volume and capacity for customers in that area. The Riverside Road project was completed last month, tying in the subdivisions in that area. They had met with the Public Service Commission in September and they were very encouraged at the progress the city had made on their gas system. **Golf:** The golf course generated over \$60,000 in revenues for September. Mr. Payne felt the golf course personnel should be commended for keeping the course open as much as possible. He had spoken with Mr. Moon and Mr. Moon planned on meeting with the golf course personnel tomorrow, work is scheduled to start on October 18, 1998. Mr. Payne stated that the contract with P.F Moon contained a provision that the company will be

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fined \$1,000 per day after the 120-day deadline for the first two spray fields. **Council Member Mosley** asked why the gas department had billed for 32 cut gas lines but received payment for only 12. **City Manager Nevad and Assistant City Manager Payne** stated that there were several factors involved, the people could have been billed in the middle of the month and payment had not been received. Sometimes the people had to be re-billed because the amount for a cut line could range from \$150 to \$500. Sometimes the people that cut the lines felt like they were not buried deep enough but Mr. Payne said they were in compliance with the depth of the gas lines.

**OLD BUSINESS:**

**A: PUBLIC HEARING TREE PROTECTION ORD:**

**Council Member Pugh** made the motion to go into Public Hearing second made by **Council Member Davis**. Motion passed unanimously 5-0 **Consultant Don McFarland** stated that a draft of the Tree Protection Ordinance had been passed out last month. The Tree Protection Ordinance basically addressed areas where there was mass grading of subdivisions. Under the present proposal, that is being considered for an amendment to the current Tree Protection Ordinance, it will limit the maximum area that could be cleared at one time to twenty (20) acres. In addition, this ordinance provides that in addition to the tree protection, it requires each individual residential lot to have a tree density of at least two trees. This means that each residential lot will have to have at least two trees in the front yard in addition to the trees that were saved. If the rear yard has no trees at all, at least two trees will have to be planted. These trees will have to of a certain height to count as a tree unit. Mr. McFarland answered questions that were asked from members of the public. **Mayor Pro-Tem Bailey** made the motion to return to regular session, second made by **Council Member Pugh**. **Motion passed unanimously 5-0. Council Member Pugh** made the motion to adopt Article Five as revised under the Preservation and Tree Replacement Regulations, second made by **Mayor Pro-Tem Bailey**. **Motion passed unanimously 5-0.**

**B: PUBLIC HEARING DRAINAGE REGULATIONS:**

**Council Member Pugh** made the motion to go into Public Hearing, second made by **Council Member Pirkle**. **Motion passed unanimously 5-0. Consultant Don McFarland** stated that the Development Regulations that Sugar Hill has is basically the same as Gwinnett County's. Under those regulations an engineer or land planner is required to plan a subdivision based on best engineering practices. The regulations require that a drainage system be installed in the subdivision. However, it was left up to the engineer to determine if the drainage easement would be piped or an improved easement. What they are proposing for adoption is a change in those requirements requiring any property that is over four percent in grade and requires a drainage easement it would need to be an improved drainage easement. In other words, the water would have to be piped off the lot or a paved ditch would have to be put in place with velocity dissipation measures so as not to cause erosion problems at the end of the ditch. In addition to this, they are requiring that each lot have a drainage easement to it in case the homeowner wants to develop their own lot drainage system they would have a way to connect to the drainage system in the subdivision. This would ensure that the runoff would be handled appropriately. The key issue in this regulation is to make the maintenance of the drainage on each lot the responsibility of the homeowner and not a city responsibility. The drainage system that runs through the subdivision would be dedicated to the city and be the responsibility of the city to maintain. Hopefully, this will prevent a lot of the drainage problems that have occurred in some of the older subdivisions in Sugar Hill. There were no comments from the public. **Council Member Pugh** made the motion to return to regular session, second made by **Mayor Pro-Tem Bailey**. **Motion passed unanimously 5-0. Council Member Pugh made the motion to approve Article Four for the permits required for development construction regulations**, second made by **Mayor Pro-Tem Bailey**. **Motion passed unanimously 5-0.**

**C: TRANSCO GAS:**

**Council Member Pirkle** stated that last year the city had discovered there was a problem with the flow rate of the gas system. The city had made every effort to investigate this problem and correct the situation. The Municipal Gas Authority had been very helpful in gathering this information. Things that were looked into included theft, leaks, and billing errors. There was no evidence that any of these items were responsible for the problem. The city felt the error was the meter used by Transco to measure gas delivered to the city. Transco maintains there is no problem with their meter. Correspondence received

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from Transco maintains there was no meter error so things are at an impasse. He wanted to let the public know where things stood with this situation and efforts to resolve this situation was on going.

**CITIZENS'S AND GUEST'S COMMENTS:**

**Margaret Knapik, President of the Abingdon Place Homeowners Association,** wanted to know why a resident was allowed to run a business out of his home. This resident is operating a landscaping business out of his home and was in violation of several of the rules stated in the city's zoning ordinances. One of the rules states that it should be a family operated business and clearly his is not as he has several employees showing up at his home every morning. Rule number four states that the business should be confined to the interior of the home and he was in violation of this rule since he stores pallets, equipment and sod in his yard. Rule number six states he can not store equipment in his yard but he has a tractor parked in his yard. When she first inquired about Mr. Patterson, he was operating his business without a license. He has since obtained a license and has permission to park two trailers in his side yard. He parks his truck in the side yard and his trailer on his driveway, which is a violation of the zoning ordinance. He stated he had only one employee but his letterhead lists both he and his wife, which would indicate there are two employees. Mrs. Knapik stated this is a new subdivision and they are trying to enforce their covenants but this is hard to do when Mr. Patterson is not following the covenants or the ordinances of Sugar Hill. They are asking for the city's help in enforcing these rules because it is no good having rules if they are not going to be enforced.

**NEW BUSINESS:**

**A: RZ-98-004 CITY OF SUGAR HILL: PUBLIC HEARING-  
FOR REZONING TAX PARCEL ID:7-304-004, 7-323-026,  
7324-015 & 7-324-005, LEGISLATIVELY ANNEXED:**

**Mayor Pro-Tem Bailey** made the motion to go into Public Hearing for the Rezoning of **RZ-98-004** for the City of Sugar Hill, second made by **Council Member Pirkle. Motion passed unanimously 5-0.** Consultant Don McFarland stated this is property that at one time belonged to Mid-America but was given to the City as part of a settlement agreement. It was legislatively annexed into the city in the spring. The Planning Commission has heard this and recommended a zoning of LM. It was his understanding that some people had the idea that this property would be used as a landfill simply because it was adjoining the existing Sugar Hill Landfill. To his knowledge there were no plans for a landfill of any kind, whether it was a stump dump or a sanitary landfill. In order to have either one of these landfills, the property would have to be zoned HM2 and have a Special Use Permit. Comments from the Public included the following: Kathy Snideck wanted to see the land left as natural as possible. Light industry or agriculture would be wonderful, as this would allow a buffer zone. This property is close to the BFI landfill and she did not want to see this go residential.

Patricia Roberts wanted to know who owned Mid-America. Mr. Thompson stated that as far as he knew the company no longer existed. They had filed for bankruptcy and it was his understanding the company has been dissolved. She wanted to know if there had been any activity between Sugar Hill's old landfill and the Richland Creek landfill owned by BFI. Residents had reported seeing a lot of truck activity. The Council Members told her there was no access between the two landfills. There is a locked gate at the Sugar Hill landfill that only someone from the city or from EPD had access to. She also wanted to know if the residents would be notified of the pollutants that were in the Sugar Hill landfill. City Manager Nevad stated he had requested sampling results from EPD and would be glad to give those results to her when he received them. Council Member Pugh asked if she would like to visit the old landfill and she replied that she would like that very much. He suggested she make arrangements with the City Manager.

Bob Wagner stated that he agreed with Mr. McFarland about the zoning of this property. For a landfill to be put on this property it would have to be zoned HM2. This is the same classification that also allows for chemical plants, asphalt plants, fertilizer plants and explosive plants. He wanted the council to realize they were facing a cash flow problem with the closing of the landfill and the spray field at the golf course. He would like to see the land left as it is now but they need to zone this property with the possibility of selling it to help alleviate their cash flow problems.

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After some further comments from the public, Mayor Pro-Tem Bailey made the motion to return to regular session, second made by Council Member Mosley. Motion passed unanimously 5-0. Mayor Pro-Tem Bailey made the motion to zone tax parcel RZ 98-004 HM1, second made by Council Member Mosley. Motion passed with a vote of 4 to 1. Council Member Pirkle voted against the motion.

**B: AX-98-005-ROBERT H. AND ELLEN M. WAGNER-PUBLIC HEARING-TAX PARCEL ID: 7-290-108, R-100 TO RS 100:**

**Mayor Pro-Tem Bailey** made a motion to go into Public Hearing to hear AX98-005, second made by Council Member Mosley. Motion passed unanimously 5-0. Consultant Don McFarland stated this was a residential annexation. It had a residential classification in the county and would have a similar classification in the city. The Planning Commission had heard this and recommended approval. There were no public comments. Mayor Pro-Tem Bailey made the motion to return to regular session, second made by Council Member Mosley. Motion passed unanimously 5-0. Mayor Pro-Tem Bailey made the motion to accept annexation AX 98-005 with a RS100 classification, second made by Council Member Mosley. Motion passed unanimously 5-0.

**C: AX-98-006-CHARLES D. SUDDERETH-PUBLIC HEARING-TAX PARCEL ID: 7-290-057 & 7-290-058, R-100 TO RS 100:**

**Mayor Pro-Tem Bailey** made the motion to go into Public Hearing to hear AX 98-006, Charles D. Suddereth property, second made by Council Member Mosley. Motion passed unanimously 5-0. Consultant Don McFarland stated this property was RS100 in the county and would be annexed into the city with a similar classification. The Planning Commission had heard this and recommended approval. There were no comments from the public. Council Member Mosley made the motion to return to regular session, second made by Council Member Davis. Motion passed unanimously 5-0. Council Member Mosley made the motion to approve the annexation of AX 98-006, Charles D. Suddereth property from R100 to RS100 classification, second made by Mayor Pro-Tem Bailey. Motion passed unanimously 5-0.

**D: AX-98-007-TERRY M. PIERCE-PUBLIC HEARING-TAX PARCEL ID: 7-256-007 & 7-256-008, M-1 TO HM-1:**

**Council Member Mosley** made the motion to go into Public Hearing, second made by Mayor Pro-Tem Bailey. Motion passed unanimously 5-0. Consultant Don McFarland explained this property was a little different. It has an M1 – Light Industry classification in the county and would be zoned with a similar classification in the city. The city zoning would be HM1. The Planning Commission had heard this and recommended approval. Comments from the public included where exactly this property is located and what would be going in there. The property is located on Hillcrest and is a part of the voluntary annexation program. At this time there were no plans for any type of business. There were no other comments from the public. Council Member Mosley made the motion to return to regular session, second made by Mayor Pro-Tem Bailey. Motion passed unanimously 5-0. Council Member Mosley made the motion to approve the annexation of AX 98-007 as stated on the agenda, second made by Council Member Pirkle. Motion passed unanimously 5-0.

**E: SALE OF PRISON VAN:**

**City Manager Nevad** stated that last month one prison crew had been terminated, therefore the city had no use for the prison van. When purchased, it had cost \$19,900 plus about \$2,000 worth of equipment had been installed for a total investment of \$22,000. According to the Black Book, it had a value of \$13,500. The City of Suwanee had submitted a bid of \$16,500. It was recommended to accept this offer. Mayor Pro-Tem Bailey made the motion to sell the van to the City of Suwanee for \$16,500, second made by Council Member Mosley. Motion passed unanimously 5-0.

**F: LEASE OF MAINTENANCE FACILITY:**

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**City Manager Nevad** explained that it had been suggested the city lease out the old maintenance facility. An ad for bids had been run and they received one proposal. This proposal was from Hughes Construction Company. Hughes would lease the building for \$400 a month, allow the city to store equipment in one of the bays. They would put gravel at the entrance. It is a 2400 square foot building, it does have a leaky roof and needs some repairs but Hughes is willing to lease it as is. Staff requests authorization to have the city attorney draw up a lease with those conditions. Questions were asked regarding the terms of the lease, when would it start, where the entrance was located, automatic renewal, cost adjustments looked at annually, 60 days prior notice, insurance for contents. Mayor Pro-Tem Bailey made the motion to adopt city management's recommendation, however, structure the lease be automatic renewal (up to 3 years), with 60 days notice of cancellation and rate review beginning November 1, 1998. Council Member Pugh made the second. Motion passed unanimously 5-0.

**G: PLANNING & ZONING BOARD APPOINTMENT:**

**Mayor Pro-Tem Bailey** made a motion to table this item until the November meeting in order for the Council to review possible candidates and their credentials. Council Member Mosley made the second. Motion passed unanimously 5-0.

**H: GWINNETT COUNTY SPEED HUMP PROGRAM:**

**City Manager Nevad** explained this is a routine city, county interlocal agreement. Basically, this agreement is a conduit for residents who are having a problem with speeders in their neighborhood. If 70% of the residents in a neighborhood sign a petition to have speed humps installed, they would be assessed a \$15 charge annually by Gwinnett County. Without this agreement between the city and county, Gwinnett County will not install speed humps in a neighborhood. Discussion was held on the city being responsible for the streets, it would be another tax on the citizens, not fair to punish all residents because a few people will not obey speed limits. No motion was made so no action was taken.

**CITY CLERK'S REPORT:**

**City Clerk Gibbs** thanked Kim Landers for filling in for her at the September meeting. She stated that in February of 1999 she should have enough credit hours to receive her certification as city clerk. She reminded everyone of the Gwinnett Municipal Association Dinner on Tuesday night.

**CITY MANAGER'S REPORT:**

**City Manager Nevad** wished Matthew Donavon, an employee at the Golf Course, a speedy recovery, expressed his sympathy to Ruth Ann and Larry Cooper on the passing of Mr. Cooper's father, he wished Scott Payne's mother a speedy recovery from open heart surgery. They had been working hard on the budget and getting presentation items ready for the Budget Workshop to be held on October 20, 1998 at 7:00p.m.

**COUNCIL REPORTS:**

**Council Member Pirkle** stated he had been talking with Dan Ryan of Rifkin and Associates. Mr. Ryan wanted to know what it would take, as far as rate order was concerned, to come to an agreement with the city. He told him a full refund seemed to be in order since they were charging in excess of the \$10.75 rate when they had no approval to do that. He had asked for information justifying any rate increase they might make. Also, any new services and channels they offered that might justify a rate increase. Mr. Ryan had calculated to refund would be approximately \$49.23 and they would roll back the rate to \$10.70. This is on appeal and they filed a new motion for a new rate of \$13.14. He thanked Kim Landers for filling in for the city clerk at last month's meeting. He wished a speedy recovery to the employee at the Golf Course. He thanked Rep. Bobby Reese for attending the meeting and taking part in the community. He invited everyone to attend the budget meeting on October 20.

**Council Member Mosley** stated that the Council needed to have better notification when there were problems with an employee's family. He thanked everyone that participated in the October Fest on Saturday. It was a beautiful day and everyone seemed to have a good time.

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**Council Member Davis** echoed Mr. Mosley's comments and thanked Mr. Reese for attending the meeting.

**Mayor Pro-Tem Bailey** stated that he along with Council Member Mosley and Mayor Crabb had enjoyed working with the youth at the park. There is BMX racing every Sunday, weather permitting. A snack bar is available. Every one has a really great time, it is like a picnic atmosphere. There is a Park Hot Line to call for information on activities that are taking place at the Park. The number is 770-932-5634.

**Council Member Tim Pugh** stated that he would like to thank the Mayor, the Council, the City Manager, Assistant City Manager, City Clerk, all the staff at City of Sugar Hill. Tonight he was announcing his resignation from the Council for personal reasons. He appreciated every thing that had been done for the City of Sugar Hill and the Council.

**Mayor Roberta Crabb** thanked Council Member Pugh, he would be missed. September was a great month for the children. Concrete was donated for a skateboard park. They had been offered some free skateboard equipment. Everyone had a great time at the Fall Fest on Saturday. They are in the process of planning another event and this will be announced later. She thanked all the volunteers that had been working at the park. She reminded everyone to vote on November 3, 1998.

**Mayor Pro-Tem Bailey** made the motion to adjourn the meeting to go into Executive Session to discuss Personnel and Property issues and pending litigation. Council Member Pirkle made the second. Motion passed with a vote of 3 to 2. Time 8:35p.m.

**EXECUTIVE SESSION: POTENTIAL LITIGATION:**

**No action was taken out of Executive Session.**

**Council Member Mosley made the motion to adjourn Executive Session, second made by Council Member Pirkle. Motion passed unanimously by those present.**

**ADJOURNMENT:**

**Council Member Mosley made the motion to adjourn the meeting, second made by Council Member Pirkle. Motion passed unanimously by those present. Meeting adjourned at 9:00p.m.**