

City of Sugar Hill Council Meeting
June 8, 1998
7:30 P.M. Community Center

The City of Sugar Hill held its regular Council Meeting on June 8, 1998 at 7:30 p.m. in the Community Center. The meeting was advertised in the local papers. Notices were 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.

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

CALL TO ORDER AND INVOCATION:

Mayor Roberta Crabb called the meeting to order at 7:30 p.m. and led the Pledge to the Flag. Council Member Michael Mosley gave the Invocation.

Mayor Crabb asked Dana and Chris Hassler to come forward. She presented them with a plaque for the most improved business inside. The Hassler's are the owners of Creative Styles located at 4450 Nelson Brogdon Blvd. Suite B-1.

APPROVAL OF THE AGENDA:

Mayor Crabb stated that the agenda needed to be amended to include the following: Under Old Business Item D needed to be added for Landscape Variance for Sam's Chevron. Council Member Pugh made the motion to approve this addition, second by Council Member Pirkle. Motion passed 5-0 Also added was the Resolution for the Comp. Plan. Mayor Pro-Tem Bailey made the motion to add this agenda item, second made by Council Member Davis. Motion passed 5-0.

APPROVAL OF MAY 11TH MINUTES:

Council Member Pirkle made the motion to approve the May 11th minutes, second by Council Member Pugh. Motion passed 5-0.

DEPARTMENT REPORTS:

City Manager Nevad gave the following Department Reports: During May, work was caught up in the Street Department, Gas and Golf Course. The Inspection Department issued 32 single-family residential permits compared to only 14 during the rainy month of April. A total of 311 inspections were conducted. The P & Z Board did not meet last month. Tonight they will present an overview of the audit with formal adoption taking place next month. The balance in the LGIP Fund was over \$623,000, the operating account was about \$12,000. The City is planning a 4th of July celebration at the park, this will be advertised. The Municipal Gas Authority has been working very closely with the City as they pursue the gas refund. An updated draft report should be available tomorrow. The Gas Department installed 41 new gas services for the month of May. CEDES Construction has begun installing a 4 inch gas line on Riverside Road. The Golf Course made a nice recovery during the month of May. Staff did an excellent job of bringing customers back to the course. Revenues were lower than this time a year ago but they still generated over \$80,000 in revenue.

OLD BUSINESS:

A: DISCUSSION-ZONING 1998 LEGISLATION:

Consultant Don McFarland explained this was property owned by the City that was included in the settlement at the landfill. Because this was a legislative annexation, the property did not receive a zoning classification at the time of the annexation. The Planning Commission would hear this at their meeting on June 15, 1998. This was just to let people know that the process was beginning in order to give this property a zoning classification. Mr. Thompson stated that if the Council had any preference on how the property should be zoned, they should either let Mr. McFarland know or let the Planning Commission know how they would like to have this property zoned. Council Member Pirkle stated he felt the best zoning for this property would be Agriculture/Forest. Other Council Members felt it should have the most versatile zoning possible in case the City had to sell this property in order to help pay for the closure of the landfill. There was no need for any action on this item.

B: AMENDMENT TO SOIL EROSION ORDINANCE:

Mr. McFarland stated in addressing a letter the City had received from EPD concerning the Soil and Sediment Control Ordinance, there were some amendments made to that Ordinance last year. However, those amendments were hand noted on a copy of the Ordinance and there was some confusion on whether this ordinance had been adopted or not. In order to eliminate any confusion, Mr. McFarland felt the ordinance should be re-adopted and they had informed the EPD. There were no new changes, it is the same thing that was being done, this is just to clean up the records on the ordinance in order to show the EPD that this ordinance had been adopted with the changes properly noted. Council Member Pirkle made the motion to adopt this ordinance, second made by Mayor Pro-Tem Bailey. Motion passed 5-0.

C: BMX PARK:

City Attorney Lee Thompson stated he had provided Mayor Crabb with a memo regarding this last week. He and Mayor Crabb had some confusion on the motion that was passed last month. The motion as he read it was for him to draft a lease of the property out next to the maintenance facility for use as a BMX Park. What he was provided was a document that would affiliate the City with the National Bicycle League to actually run the BMX Park. That had some language in it that he objected to, such as having jurisdiction in El Paso County, Colorado if they sue the City and other things he did not think the City wanted to enter into. He wanted clarification on what the Council actually wanted to do. Did the City want to run the park, did they want to lease it to a non-profit organization to run the park. What exactly did the City want to do. If they are going to lease it, who will be the entity to sign the agreement that they will be dealing with. Mayor Pro-Tem Bailey stated that when he made the motion, the City would be the lessor only. The City would not operate, be affiliated with or have any liability thereof. Council Member Pirkle agreed with this statement. The organization that would be the lessee would be the one formed locally by the National Organization. Chris Robertson would head this along with some other interested parents and parties based out of Covington, Georgia. It was his further understanding that they would go and earmark the part of the property that would be necessary for their operation and get this information back to the Planning and Zoning Department in order to mark off the legal description for inclusion in the lease before work would proceed. He understood that work was to begin on June 20, 1998 so things needed to be wrapped up. Obviously there were only 12 days to get through the legal wrangling and surveys that had to be done. Mr. Thompson stated that a day or two after the meeting, he and Mayor Crabb met she got him a description of the entire parcel. He was going to obtain that survey to delineate what area they would be using as the BMX Park. It was at this point that the Mayor received the agreement from this group that was forwarded to him. He felt this group thought the City was going to sign this agreement but he did not think that was what had been passed at the last Council Meeting. Mayor Pro-Tem Bailey stated there seems to be some miscommunication between the National Organization, the local organizing group and the Council. He wanted to wait until they could talk with Mr. Robertson and get back with Mr. Thompson later in the week. Mr. Thompson stated the lease was a fairly simple matter, it would transfer the property to them, they would have to provide insurance. The lease would be for a three year period and the amount of the lease would be one dollar. The agreement they had provided him, stated they would sign up through the year 2000. Council Member Pugh asked what they were waiting on. Mayor Pro-Tem Bailey stated they needed to find out who the non-profit organization is that would be running the park, who would be the lessee. At no time did they anticipate that the City of Sugar Hill would be involved as an operator. Mr.

Thompson did not think that would be illegal and the City could make some money but it was not what he had understood that the City wanted to do. The documents they had did not seem to be what they had been talking about. Mayor Pro-Tem Bailey stated the Recreation Board had toyed with the idea of being the operator of the park but had given no recommendations regarding this matter. Mr. Robertson came into the meeting and was asked who the local organizing body would be, who would be the leasee and operator of the facility. Mr. Robertson replied it would be the Sugar Hill BMX for this was what they were going to call the organization. Mayor Pro-Tem Bailey asked if they were duly organized. Mr. Robertson stated it would be a parent organization once the track gets started. The parents would volunteer their services but it has to get off the ground before they can get a parent organization involved. Mayor Pro-Tem Bailey stated this might cause a problem for Mr. Thompson in getting a lease signed with an organization that does not yet exist. Mr. Robertson said Mr. Thompson could sign the lease over to him as track director but he was going to turn it over the first year. Council Member Pugh said the problem is, BMX sent a contract to the City of Sugar Hill and the City is not going into that endeavor. All the City is going to do or is willing to do is lease out the property to whatever chapter of the BMX Organization that wants it. That would be Mr. Robertson's group, so the City and BMX would have no business together. Mr. Robertson asked if what they had received was an affiliation agreement. Mayor Crabb and Mr. Thompson stated they believed this was correct. Mayor Pro-Tem Bailey and Council Member Pirkle both agreed that this is not what the City wants to do. The City is willing to lease the property to Mr. Robertson's group but they do not want to be affiliated with BMX in any capacity. Council Member Pirkle told Mr. Robertson his group needed to get everything formalized as quickly as possible. Mr. Robertson said he would handle the affiliation agreement. Mr. Thompson asked Mr. Robertson to contact him and let him know whom the lease needed to be made out to. No action needed to be taken on this item.

D: SAM'S CHEVRON VARIANCE REQUEST:

Consultant Don McFarland stated this is a waiver request to the Development Regulations. He had a copy of the Buffer, Tree and Landscape Ordinance. In order for a waiver to be granted, the full Council had to give its approval. In order for a development permit to be issued, a company must submit a site plan showing the placement of trees. Under the Buffer, Tree Ordinance there is a certain tree density that has to be met based on acreage of the site. Prior to receiving a development permit, it is required to have on the plan how they intend to meet this ordinance. Mr. McFarland explained this site has been developed when it came down to a point where the trees had not been put in place. A request for a temporary CO had been made so the business could open. He told the permit department that, in his opinion, the only way to have a company showing that the trees would be put in place in a reasonable time frame. This ordinance calls for the planting of trees, and this company wants to put shrubs in the front of their business. He felt that if the Council gave their consent to this waiver they would have to give others a waiver if they asked for it.

Mr. Awais, of Sam's Chevron, explained why he wanted to put shrubs in front instead of the large trees shown on the plan. After more discussion on the # of tree units that these trees, it was decided that Mr. Awais could plant shrubs in front of his business without getting a waiver to the tree ordinance. Mr. Awais would have to submit a revised plan and have the trees planted within 30 days. No action was taken by the Council, since the # of tree units was being met there was no need for a waiver.

E: COMPREHENSIVE PLAN

Council Member Pirkle stated that the City had been working on its Comprehensive plan. The 20/20 committee that was set up last year worked with a consultant from Mayes, Sudderth, and Etheridge. This plan was submitted to the DCA and to the ARC for approval. The six-month time period has expired and the City is in the midst of making some modifications suggested by the DCA and ARC. The plan has been resubmitted to the DCA and ARC. In conjunction with this resubmission the resolution for resubmission need to be approved. Council Member Pirkle made the motion to approve the resolution, second made by Mayor Pro-Tem Bailey. Motion passed 5-0.

CITIZEN'S AND GUEST'S COMMENTS:

Mr. Bob Wagner of 4969 Hidden Branch Drive, stated he hoped the Council was as concerned about the gas loss as they were the number of tree units. He had been following the gas issue closely and three months ago he had asked for a series of documents under the Open Records Act. The good news was that the City had responded well within the time frame under the Open Record Act. The bad news was some of what the City's own documents reveal concerning the gas loss. In the twelve months combined prior to the installation of the back up meter, the gas loss was almost 35%. In the eleven months combined after the installation of the back up meter the gas loss was less than 5%. It didn't go away over a period of time, it went away overnight. No explanation he has heard so far makes any sense. The second set of information concern the back up meter itself. The very principal of the back up meter was to measure the gas as it comes into the Sugar Hill gas system and compare it to the Transco data. Again the city complied with a request for information. He just happened to have that information for the Council. The difference between the Transco meter and the back up meter was not 35% but 1.17%. The back up meter was actually reading slightly higher than the Transco meter. If anything, Transco is under billing the City. This probably explains why Transco is reconfiguring their regulator station. Further documents indicate 26 months of meter inspection reports, over half of which were signed off by the City, that the Transco meter was working fine. For a year, the City had been blaming the Transco meter and saying it would get its money back. So far he had not seen any proof of this neither had he heard from any of the Council. He wanted to know what they were going to do since this was the City's own documents. Mayor Crabb told Mr. Wagner the gas loss was currently under investigation.

NEW BUSINESS:

A: 1997 CITY OF SUGAR HILL AUDIT:

Don Briscoe gave the following report on the 1997 audit. The year-end audit is just about completed. There are a couple of issues that need to be addressed. One is that gas loss, this needs to be resolved as it will have quite an impact on the audit. It is his understanding this issue will be resolved soon and the appropriate adjustments will be made to the financial statements. An overview of the audit included this information. The City is in good financial shape, the general fund is about break even, and the sanitation fund was a money loser like it is for most places. The gas fund will finish up the fiscal year with about \$450,000. This is up about 100,000 from last year. A pending adjustment to the gas fund would be the refund from Transco. The golf course finished the fiscal year with about \$50,000 to the good. Over all, the City finished the year approximately \$400,000 better than last year. A draft would be forth coming in a week to 10 days.

B: PUBLIC NOTIFICATION-VARIANCES:

Mayor Pro-Tem Bailey explained that our current zoning ordinance does not require notification of adjacent property owners regarding a variance request. The only notification necessary in signage at the location where the variance is being requested. He was proposing that the portion of the zoning ordinance, regarding variances, be amended to include the same notification process that is used for zonings and annexations. It was not his intention to make this unenforceable for the Planning Commission or Appeals Board. Council Member Pirkle agreed with Mr. Bailey's intention. He had received information from another City on how they handle notification. Not only do they notify adjacent property owners, they also notify property owners within 300 feet. Mr. Bailey was afraid this might interfere with other zoning classifications. This is an issue that could be addressed at a later time. Mayor Pro-Tem Bailey made a motion to direct the city attorney to draft such language to be presented and advertised at the next Council meeting for Public Hearing for adoption. Second made by Council Member Pirkle. Motion Passed 5-0.

C: AX-98-003-ANNEXATION APPLICATION:

Mr. McFarland explained this is the initiation of an annexation for property located off Tench Road. The Planning Commission will be hearing the request, which is for the City's RM8 zoning classification. The proposed use of this property is to build condominium type units. This property appears to have been annexed in 1989 but due to a change in the tax ID number was never shown in the City limits of Sugar Hill. Discussion was held on where exactly this property is located, the density of the building on

this property compared to the density Suwanee is requiring. The requirements of HB489 request notification to neighboring cities. Mayor Pro-Tem Bailey made the motion to accept the annexation application, second made by Council Member Pirkle. Motion passed 5-0.

D: RENEWAL OF PRISON CONTRACT:

City Manager Nevad explained this is a routine renewal of the Prison Contract with the Department of Corrections. This contract runs from July 1 to June 30. The salary of \$30,552 per officer will remain the same for the 1998-1999 year. Staff requests a motion to approve the renewal of the contract for 2 prison crews. Council Member Davis made the motion to renew the prison contract, second by Council Member Pugh. Motion passed 5-0.

E: SPHERE OF INFLUENCE-HB 489:

Council Member Pirkle explained this is part of House Bill 489 requiring notification to neighboring cities of any zonings and annexations known as a Sphere of Influence. Some decisions made within this area may affect city and county property. The county has prepared a map to which they have made some modifications. He explained the meaning of the different colors on the map provided to the council. This map needed to be adopted and sent to the county for their inclusion in this plan. Council Member Pirkle made the motion to adopt the map second made by Council Member Davis. Motion passed 5-0.

CITY CLERK'S REPORT:

There are no Gwinnett Municipal Association meetings in the summer. The next one will be in September.

CITY MANAGER'S REPORT:

City Manager Nevad reported staff would be meeting with MGAG the next day to review a draft report and the past winter operations. He appreciated Wade and all the staff at the golf course for all their hard work. He appreciated Mayor Crabb's help and working with her.

COUNCIL REPORTS:

Council Member Pirkle thanked all the employees, especially those in street and drainage and the golf course working under severe conditions that are in the process of being corrected. He was looking forward to Mr. Nevad's meeting with Transco later in the week.

Council Member Mosley also thanked all the employees of the city and Golf Course. He felt the city should prepare some sort of letter for Mayor Trice of Suwanee. Mr. Trice was resigning and he felt we should show appreciation for all his hard work in Public Service.

Council Member Davis had nothing to report.

Mayor Pro-Tem Bailey thanked all those who had volunteered their time at the park getting it ready for ball games. Games are being played every night unless it rains and he really appreciated their time.

Council Member Pugh had nothing to report.

Mayor Crabb reported that May was another busy month trying to beautify the park and the city. She thanked all the workers, volunteers and staff for all their hard work.

Council Member Mosley made the motion to adjourn to Executive Session, second made by Mayor Pro-Tem Bailey. Motion passed 5-0. Time 8:30 p.m.

EXECUTIVE SESSION:

City of Sugar Hill Council Meeting
June 8, 1998
7:30 P.M. Community Center

POSSIBLE LITIGATION

No action was taken out of executive session.

ADJOURNMENT:

Mayor Pro-Tem Bailey made the motion to adjourn, second made by Council Member Pirkle.
Motion passed by all those present 4-0.
Meeting adjourned at 9:35 p.m.