

City of Sugar Hill Council Meeting  
August 10, 1998  
7:30 P.M. Community Center

The Sugar Hill City Council held its regular Council meeting on August 10, 1998 at 7:30 P.M. in the Community Center. Notice of the meeting was posted on the doors of the City Hall and the Community Center. Notice was also placed on the signs located at Alton Tucker Blvd. and Peachtree Industrial Blvd. and Nelson Brogdon Blvd and Peachtree Industrial Blvd. Notice was also sent to the local newspapers.

Those present included 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, City Clerk Shirley Gibbs, Planning Consultant Don McFarland, employees, registered guests and members of the media.

**CALL TO ORDER AND INVOCATION:**

Mayor Crabb called the meeting to order at 7:30 p.m. and led the Pledge to the Flag. Mayor Pro-Tem Bailey gave the invocation.

**APPROVAL OF AGENDA:**

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

**APPROVAL OF JULY 13<sup>TH</sup> MINUTES:**

Council Member Pugh made the motion to approve the July 13<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: The Planning and Zoning Department issued 30 single family building permits for the month of July. 433 inspections were conducted in July. Tony Bauman is recovering from back surgery. Kim Landers has been very busy with the voluntary annexation. They have been getting a lot of positive response, especially from the Highway 20 corridor. The balance in the LGIP Fund is \$350,000. They are still waiting on reimbursement from Gwinnett County for gas line relocation on Sycamore Road and Buford Highway. Preliminary work has begun on the 1999 budget. The code requires a draft be submitted to the Council by October first. They will meet with Transco again later in August to discuss the gas loss problem that plagued the City for the last two winters.

Mr. Payne gave the following report on gas and golf: The gas department installed 39 new services in July bringing the total for the year to 241. The Highway 20 project is almost complete, there are just a couple of tie-ins and some purging left to do. They bore Old Cumming and Highway 20 to connect to an existing 4 inch located about 200 yards from Highway 20. They are also near completion on the 4 inch project on Riverside Road. This will connect the 4-inch line on Sycamore Road to the 4-inch line on Suwanee Dam Road. The Suwanee Dam Road relocation is completed, this consisted of about 18,000 feet of 4-inch high and low pressure line. They had received a report from the Public Service Commission Office and were in the process of addressing their concerns. He thanked the Public Service Commission for their guidance and help in making the Sugar Hill Gas System better.

For the month of July, the Golf Course generated over \$113,000 in revenues. There were many tournaments held that contributed to this figure. They were installing a new green for the driving range so patrons can practice under actual playing conditions. He wanted to thank Jeff Hefner, Wade Queen and all the staff at the Golf Course for all their hard work during these trying times of wet weather and water disposal. He also thanked the people who patronized the Golf Course for their understanding and patience during this trying time and apologized for the wet play they had incurred. He would continue to provide progress reports on this situation. Council Member Pugh asked Mr. Queen if enough dirt had been delivered to finish the greens for the driving range. Mr. Queen replied that they would need some additional loads of dirt in order to finish. Mayor Crabb told Mr. Queen to let her know the following morning and she would make sure he got the dirt he needed.

**OLD BUSINESS:**

**A: 1997 AUDIT:**

Mayor Crabb asked for a motion to table this item. Council Member Pugh made the motion with Council Member Mosley making the second. Mayor Pro-Tem Bailey asked for discussion on this matter. He wanted to know why this was to be tabled. City Manager Nevad explained that the auditor had neither responded to any of their calls nor had he delivered a copy of the audit. Mayor Pro-Tem Bailey wanted to know if it would be a hardship to engage a new auditor at this time. The City would need to start working on a new budget before long and this audit would be very necessary to planning the new budget. Council Member Pugh asked if the City was behind on any reports that needed to be sent to the state. City Manager Nevad stated reports that needed to be sent to the state had been done so in a timely manner. Mayor Pro-Tem Bailey stated the audit should be delivered by the next Council meeting and if not they should consider replacing the auditor. Mr. Thompson was asked if there was any thing that could be done legally on this matter. He responded that the only thing they could do was not pay him the other half of his fee until he delivered the audit. Before this item could be voted on, Mr. Briscoe arrived for the meeting. Mr. Briscoe apologized for being late then gave the following report: The General Fund ended with a balance of \$175,000, which was up slightly from 1996. Mr. Briscoe proceeded to give highlights for the rest of the audit.(See Attached). Mr. Briscoe suggested that the City start doing some off site back up in case there was a fire they would still have their records. Also, he suggested that they adopt some kind of record retention policy, it appears that currently the policy is to save everything. Mr. Nevad asked when the complete audit would be ready. Mr. Briscoe responded that it should be ready by the end of the week. The Council Members did not have any questions for Mr. Briscoe.

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

**THERE WERE NO COMMENTS FROM THE CITIZENS OR GUESTS.**

**NEW BUSINESS:**

**A: SOLID WASTE BAG SYSTEM:**

Mr. Zedlin stated he had been a resident of Sugar Hill for about six years and he was very baffled at the new bag system, which apparently had been mandated by Robertson Sanitation when they took over from United. Some of his concerns were cost, he felt the bags did not hold as much garbage as a 32 gallon trash container, therefore people had to use more bags. Another concern was safety, the bags were not as durable as citizens had been led to believe. For instance, if you put broken glass in the bags, they would puncture the bag and could cause someone to get hurt. He had recently bought bags that were defective, he could not open the bags which meant another trip to the store for an exchange. He had also noticed that along Level Creek Road one house would have the Sugar Hill bag, the next house would just have a trash can sitting out and he could not understand the inconsistency of this program. Mayor Pro-Tem Bailey addressed some of Mr. Zedlin's concerns. He told Mr. Zedlin that Level Creek Road did hopscotch as far as what was in the city limits and what was not in the city limits. He also told Mr. Zedlin that the bags could be put inside a garbage container to keep animals and kids out of the trash. The idea behind the bag system is to encourage people to recycle and this includes broken glass. Mr. Bailey stated that he had a family of four and they only use one bag every other week and recycle every week. He also told Mr. Zedlin not to put grass clippings or yard trash in the Sugar Hill bags, to put that in the black bags and the City would pick up these bags. This system was implemented to help reduce the amount of trash going to the landfills, which has been mandated by the State. Mr. Zedlin thanked them for all the information and their time.

**B: REZONING: WITHDRAWAL OF PULTEY HOMES REZONING REQUEST PIB/TENCH ROAD:**

Mr. McFarland stated that the City had received a letter requesting to withdraw the request for rezoning on this property. He explained that the City's ordinance provided for the withdrawal of a rezoning request without going through the Public Hearing but it did require action on the part of the full

Council. Mr. McFarland further stated that an application for rezoning in the City of Suwanee was heard but they had decided not to follow through with the application and it is being withdrawn. Mr. McFarland thought Suwanee's ordinance required them to wait at least six months before they resubmit their application. Sugar Hill's ordinance will allow them to reapply in a couple of months for a rezoning, however if they should then want to withdraw a second time, he felt the City would take a closer look at the situation. Mayor Pro-Tem Bailey made the motion to withdraw the rezoning application with Council Member Pugh making the second. Motion passed 4-1. Council Member Mosley voted against the motion.

**C: PUBLIC HEARING: ANNEXATION-AX-98-004-MOBLEY HIGHWAY 20  
TAX PARCEL – 7-346-001B-5.49 ACRES FROM RS 100 TO BG:**

Mayor Pro-Tem Bailey made the motion to go into Public Hearing for AX-98-004, second made by Council Member Pugh. Motion passed 5-0.

Mr. McFarland stated this application was due to the action of the Planning Department and encouraging annexation of property adjoining the city limits. The Planning Commission heard this application and they recommended approval with conditions. Mayor Pro-Tem Bailey asked for clarification on where this property was located. Mr. McFarland explained this property is located on Highway 20 on the left hand side of the road before you reach the river bridge. This property is currently zoned R100 and the request is to have it rezoned to BG when it is annexed into the city limits. There were no comments from 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 approve the annexation and to zone the property as BG, second made by Mayor Pro-Tem Bailey. Motion passed unanimously 5-0.

**D: PUBLIC HEARING-LEGISLATIVE REZONING-GUILLER MARINE-  
TAX PARCEL-7-362-047: REQUEST TO HM1:**

Mayor Pro-Tem Bailey made the motion to enter into Public Hearing for Legislative Rezoning on Guillier Marine, Tax Parcel 7-362-047, second made by Council Member Pugh. Motion passed unanimously 5-0. Mr. McFarland stated this application is for an existing boat storage yard located off Buford Dam Road and is not contiguous with the city limits. Mr. Guillier requested an HM1 classification, which would allow for outdoor boat storage. The city's ordinance does not have a residential lakeside classification like Gwinnett County. Mr. McFarland explained that the county has a residential lakeside classification and a special use permit to allow outdoor boat storage. The city's HM1 classification would allow for the outdoor storage of boats or travel trailers and the pole type barns that already exist on this property. Mayor Pro-Tem Bailey asked if the Governor had already signed the annexation on this and would there be any problems. Mr. McFarland stated they did not know of any problems, the applicant had a desire to deal with the City of Sugar Hill instead of Gwinnett County. There were no comments from 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. Mayor Pro-Tem Bailey made the motion to rezone this property to HM1 to allow for outdoor boat storage, second made by Council Member Pugh. Motion passed unanimously 5-0.

**E: YARD SALE PERMIT REPEAL ORDINANCE:**

Mayor Pro-Tem Bailey stated that a lot of the residents of Sugar Hill did not realize they had to buy a permit to have a yard sale, some stated they could not get to City Hall between the hours of 8 and 5 to obtain this permit. The permits do not generate that much revenue, in 1997 the city issued 125 permits; so far in 1998 58 permits had been issued. The original idea of this ordinance was the total prohibition of any off site advertising, with the exception of some political signs and permitted yard sale signs. The five-dollar fee was to be a way to track these signs in the event they were not picked up. This has proven to be a difficult task due to the fact a yard sale sign will point to a neighborhood but you still don't know who put it out. His recommendation would be to repeal the entire ordinance or at least the section pertaining to the five-dollar fee. Council Member Pirkle stated he had no problem with eliminating the section pertaining to the fee, but the other sections of the ordinance dealt with limiting the number of yard sales a person could have in a year. He felt this was done to prevent people from having a professional yard sale or having a yard sale as a week end business. He asked Mr. Thompson if the ordinance was repealed, would there be some way to resolve problems if it became a nuisance. Mr. Thompson felt the city would have enforcement powers if people were having yard sales on such a regular basis it became a business, then it

would be a violation of the Zoning Ordinance. After more discussion on this ordinance, Mayor Pro-Tem Bailey made the motion that the following ordinance be adopted: The Council of the City of Sugar Hill, GA hereby ordains that the article for yard sale signs, section 18-72, is hereby repealed, except as herein amended. All other provisions of section 18 shall remain in full force and effect. For clarification, he stated this is for the five-dollar fee only. Council Member Pugh made the second to the motion. Motion passed unanimously 5-0.

**F: DRAINAGE REGULATIONS AMENDMENT DISCUSSION:**

Council Member Pugh asked Mr. McFarland to come to the podium. Council Member Pugh stated that in the past they had been plagued by drainage problems not only in the new subdivisions but also in the older subdivisions. He understood drainage could be a problem in the older subdivisions, someone would sell a lot, a house would be built and suddenly there would be drainage problems. He felt with a little foresight and planning, the drainage problems could come to an end. The city has the use of a residential drainage plan and as far as he could tell they use this plan when there is the possibility of a drainage problem on a lot. Mr. McFarland stated they had gone back on any subdivision that was over a certain age and any lots now are required to provide a residential drainage plan before they get their building permit. They hoped this would alleviate any drainage problems as these "new" old lots were being developed. Mr. McFarland stated that perhaps they should go a little further in the development regulations on what is required as far as piping of drainage around lots. One of the items he wanted the Planning Commission to look at next week was any lot that had over a 3% to 5% slope would require instead of an open ditch easement, it would have to be a paved invert or it could be piped underground. With a paved invert, there would not be the erosion problem like there is with a drainage easement that has been piped. He is looking at revising the drainage section of the development regulations requiring these paved and piped situations on lots with a slope of over 3% to 5%. Mr. McFarland went on to say if this is the direction the Council wanted to go, he would work on revising the section on drainage. It would have to go through the process of amending the development regulations. Council Member Pugh stated this was the direction they should be going in. In his opinion, there were not enough street drain openings or drop inlets. He wanted to take it from a low end to a high end and have the developers start paying for their share of the drainage problems. He felt if they dealt with this now, in the future this government would not have to deal with the drainage problems this council has had to deal with. Mr. McFarland stated this would put a lot of cost on the residential end, it would cost significantly to develop in the city but in the long run it is the best way to approach the issue. He wanted the Council to understand that any system put in the ground would one day require maintenance. After more discussion on what should and should not be included in this revision, Council Member Pugh made a motion for Mr. McFarland to revise the drainage development regulations, second was made by Council Member Mosley. Motion passed unanimously 5-0.

**G: TREE PROTECTION:**

Mr. McFarland stated that Council Member Pugh and City Manager Nevad had asked him to look at revising the tree ordinance along with the drainage development regulations. What the city wants to do is prevent situations like those in Hillcrest Glenn and Twin Creeks. These developments were almost completely stripped of trees. The revision would only allow for the grading of the roadways, no disturbance outside the road right of way would be allowed. Mr. McFarland said that he wanted to make sure quality trees were left but if there were an infestation in the trees would they be saving anything. Discussion was held on the number of trees left on each lot, not having all the trees in the buffer zone to account for the entire subdivision. The needed to make sure more trees were left on lots and trees were replanted if they could not be saved. Council Member Pirkle pointed out that the city had just clear cut an acre on a slope at the park. Mayor Pro-Tem Bailey stated this was less than an acre. Council Member Pirkle stated that projects such as this one the city needs to be aware of. Council Member Pugh made the motion to have Mr. McFarland look into the Buffer, Landscape, and Tree Ordinance and revise it, second made by Council Member Pirkle. Motion passed unanimously 5-0.

**CITY CLERK'S REPORT:**

City Clerk Gibbs had nothing to report.

**CITY MANAGER'S REPORT:**

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City Manager Nevad reported that the new tax billing system will be implemented, he wished Tony Bauman a speedy recovery. He thanked the staff members of City Hall for the good audit report, it meant there were good financial controls in place. The audit would now need to be codified. He also thanked all the volunteers that had been helping with the BMX Park.

#### **COUNCIL REPORTS:**

**Council Member Pirkle** stated that last month they had a called Council Meeting to vote on the bike park because it could not wait until the regular Council Meeting due to the availability of some free dirt. As of tonight the dirt was still not on the lot. Elections were tomorrow, he hoped there was a good turn out.

**Council Member Mosley** stated he was glad Mr. Crabb was recovering nicely from his recent surgery. He asked City Manager Nevad if he had gotten the most recent letter from Cablevision. Mr. Mosley was upset that you could never get through, people were put on eternal hold and they did not show up for service when they said they would.

**Council Member Davis** had nothing to report, just second Council Member Mosley.

**Mayor Pro-Tem Bailey** wanted to address a couple of issues concerning the BMX Park. One of the free services they had received was the clearing of the lot by Tim Hughes and his crew. Permits that were needed had been obtained and silt screen was in place.

**Council Member Pugh** had nothing to report.

**Mayor Crabb** stated that July had been a busy month. She thanked the volunteers at the BMX Park. The Grand Opening for the Park would be sometime after Labor Day. Mayor Crabb stated she had received a letter at the beginning of the Council Meeting from Clayton Johns of the ABA. This letter explained what ABA would be furnishing the city for the BMX Park. These items included building of the track, supply the gate, supply a computer system and the operating software, the sure start system, rapid gate lift system, train personnel and promote the BMX Park. She also wanted to welcome Dunkin Donuts and Baskin Robbins to Sugar Hill. They had submitted their plans and would start building soon.

Mayor Pro-Tem Bailey made the motion to adjourn to enter into Executive Session to discuss possible litigation and personnel, second made by Council Member Davis. Motion passed. Time 8:55 p.m.

#### **EXECUTIVE SESSION: POSSIBLE LITIGATION**

Mayor Pro-Tem Bailey made the motion to adjourn out of Executive Session, second by Council Member Pirkle. Motion passed.

No action was taken out of Executive Session.

#### **ADJOURNMENT:**

Mayor Pro-Tem Bailey made the motion to adjourn the meeting, Council Member Pirkle mad the second. Motion passed. Meeting adjourned at 10:20 p.m.