

CITY OF SUGAR HILL COUNCIL MEETING  
APRIL 12, 1999  
7:30 P.M. COMMUNITY CENTER

The City of Sugar Hill held its regular Council meeting on Monday April 12, 1999 at 7:30pm in the Community Center.

Notice of the meeting was posted on the doors of City Hall and the Community Center. Notice was also posted on the board at Peachtree Industrial Blvd and Alton Tucker Blvd. Notice of the meeting was sent to the local newspapers.

Those present included Mayor Crabb, Mayor Pro-Tem Bailey, Council Members Chris Abbey, and Gary Pirkle. Also present were City Attorney Lee Thompson, Consultant Don McFarland, City Manager Grady McCalmon, and City Clerk Shirley Gibbs. Also in attendance were employees, registered guests and members of the media. Council Member Davis arrived at approximately 8:00 P.M. Absent was Council Member Mike Mosley who was out of town on business.

**CALL TO ORDER, PLEDGE TO FLAG AND INVOCATION:**

Mayor Crabb called the meeting to order at 7:30 P.M and led the Pledge to the Flag. City Manager Grady McCalmon gave the Invocation.

**APPROVAL OF AGENDA:**

Council Member Abbey and Council Member Pirkle made a motion to amend the agenda to table the two service awards because the plaques were not ready for Wayne Clement and Shirley Fields. Also, to table Item A under Old Business which was to replace Tom Wilson on the Alcohol Review Board since there was no pending action for that board. Mayor Pro-Tem Bailey made the second. Motion passed 3-0 by those present to vote.

**APPROVAL OF MINUTES:**

Council Member Pirkle made a motion to approve the minutes. Mayor Pro-Tem Bailey made the second. Motion passed 3-0 by those present to vote.

**10 YEAR SERVICE AWARD – WAYNE CLEMENTS:  
THIS ITEM WAS TABLED DUE TO PLAQUE NOT BEING READY.**

**5 YEAR SERVICE AWARD – SHIRLEY FIELDS:  
THIS ITEM WAS TABLED DUE TO PLAQUE NOT BEING READY:**

**DEPARTMENT REPORTS:**

City Manager Grady McCalmon stated he had a limited report to give. He wanted to start with the golf course. He reported that the revenue and expenses were not a true reflection, at this point, of what the operation has been so far. It was hoped the revenues would start to improve. He then asked Director of Golf, Wade Queen, to give an update. Mr. Queen stated that for the first time in two years he had something positive to say. The spray fields are complete, they were done properly and operating as designed. They were ahead of schedule, there were no change orders and they had put no water on the course for about three weeks. By May 1<sup>st</sup>, the course should be ready to open for play. It would by no means be in the condition he would like but there will be ongoing projects, such as cart paths and weed control. They would like to open the course on Saturday, May 1, 1999 and invite the residents of Sugar Hill to play for free. It would give them time to get the staff back in place and get them back in the golf business. They felt like they had been in the construction business for the last six months, now they wanted to get back in the golf business. He was looking forward to the day when they could be where they were before and he would be able to report how much revenue the golf course had generated. They plan on doing a press release prior to opening day. They will then base their advertising from that point on budget and course conditions. In his opinion, the course would be the best it has been by the middle of summer.

CITY OF SUGAR HILL COUNCIL MEETING

APRIL 12, 1999

7:30 P.M. COMMUNITY CENTER

City Manager McCalmon stated that, if approved, the plan was to move forward by bringing the staff up to the allotted number of employees. Also, to offer a free day of golf to the residents of Sugar Hill by doing a mail out. Mayor Pro-Tem Bailey made the motion to approve the plans to move forward with the golf course opening. Council Member Abbey made the second. Motion passed 3-0 by those present to vote. City Manager McCalmon continued with the Department Reports as follows: He had provided the Council with a draft of the revised Financial Policies. He had also included a purchasing policy that would help the department heads and himself on correct procedure and he hoped this would be ready for the May Council Meeting. He reported there were about 350 surplus gas meters that were being advertised for bid.

**OLD BUSINESS:**

**A: REPLACE TOM WILSON ON ALCOHOL REVIEW BOARD:  
THIS ITEM WAS TABLED.**

**B: UPDATE ON OCCUPATION TAX AUDIT:**

City Manager McCalmon stated that he had asked Mrs. Landers to be present but he understood she was on vacation. He felt this item should be tabled. He stated that things were moving forward on the audit with April 15<sup>th</sup> being one of the deadlines. Mayor Pro-Tem Bailey made a motion to table this item. Council Member Pirkle made the second. Motion passed 3-0 by those present to vote.

**C: REC BOARD W. GWINNETT SOCCER CONTRACT:**

Council Member Pirkle stated that last month there had been a resolution to enter into an agreement with the West Gwinnett Soccer Club. That resolution authorized the Mayor to sign the contract pending approval of the City Attorney. Mr. Thompson stated this had been approved last month, he had met with the Recreation Board and the revisions they wanted had been made. The contract was now ready to be signed by the Mayor so it could be sent back to the West Gwinnett Soccer Club. No further action was required from the Council.

**D: RESOLUTION:LENGTH OF TERMS FOR RECREATION BOARD MEMBERS:**

Council Member Pirkle stated there was some confusion on the length of terms of the Recreation Board members, several had been appointed at the same time and the seats were not numbered. Some research had been done on this item and they were not able to determine what the order of the members should be. He had asked Mr. Thompson to draw up an ordinance that would specify seats for the Recreation Board members that would allow the Council to name individual members to these seats and eliminate any confusion. Other items that were addressed included shortening the length of terms from 5 years to 2 years. These would be rotating terms, three of the members would rotate off in one year, and the other two would rotate off the following year. The way this was initially set up was to specify a one-year term and a two-year term. The one-year term would expire January 2000, the two year term would expire January 2001. All subsequent appointments would be two-year terms. Also, it was decided that the Mayor and Council should nominate the Recreation Board members. All of this was included in the resolution. He wanted to go ahead and specify the seats that would expire in January 2000. Seat number one would be Bobbie Queen, seat number two would be Leigh Bailey and seat number three would be Milt Califf. For the seats expiring in January 2001, seat number four would be Meg Avery, and seat number five would be Mabelle Scott. He made this in the form of a motion for the Council to consider. Mayor Pro-Tem Bailey made the second. Motion passed 3-0 by those present to vote.

**E: DISCUSS LEASE AGREEMENT ON MAINTENANCE FACILITY  
(OLD BARN):**

City Attorney Thompson stated the city had entered into an agreement with Tim Hughes to lease the old maintenance facility for \$400.00 a month. One of the conditions of this lease was he could not sub-lease the facility. Mayor Crabb stated that Mr. Gillespie was interested in leasing this facility since Mr. Hughes had to look for a larger facility. City Attorney Thompson suggested they terminate the lease with Mr. Hughes and enter into a new agreement with Mr. Gillespie under the same terms. Council Member Pirkle made the motion to terminate the lease agreement, subject to Mr. Hughes approval. Council Member Abbey made the second. Motion passed 3-0 by those present to vote.

CITY OF SUGAR HILL COUNCIL MEETING

APRIL 12, 1999

7:30 P.M. COMMUNITY CENTER

**CITIZENS AND GUESTS COMMENTS:**

**KIM HALL of 880 Secret Cove** stated her concern was for the council members. She felt they might not have time to spend with their families if they were having meetings two or three times a month. She was wondering why this was occurring and why they were not able to conclude business during the regular meeting. Her suggestion was they have a set time each month for a work session that the home owners would know about. Mayor Pro-Tem Bailey gave some information on why it was necessary to sometimes have called meetings and the possibility of having to go to two regular meeting a month as the city grows. Her other concern was whether or not Transco was Y2K compliant. Mayor Pro-Tem Bailey told her they were, it was a requirement of the Public Service Commission.

**MEG AVERY** stated as a Recreation Board member, she was glad to see the contract with the West Gwinnett Soccer Club signed. She had some questions about the 1999 budget, she had been going over the budget and the Recreation Board budget as well. At the last Recreation Board meeting, they had an extensive discussion regarding festivals held at E.E. Robinson Park. She had gone over the ones held in 1998 and separated them by accounts. It had been her belief that what was spent on festivals had come from the Recreation Board budget. She had found in addition to the City Park account, there was also a miscellaneous account and quiet a bit of the money spent on the festivals had come from this miscellaneous account. An excellent suggestion had been made at last month's meeting that, in the future, if there were events held at the park there should also be an events budget. Before going ahead with the idea of an events budget, she felt they should look at what happened last year. She had confirmed with Council Member Pirkle that the Recreation Board had \$41,000 allotted in the budget for 1999. Last year \$2,069 from the miscellaneous was spent on the Fourth of July festival at the park while only \$78.27 from the City Park fund was spent. She gave a break down on where some of the money had been spent for the Fourth of July festival. She requested that the Recreation Board be notified by their next meeting if any money would be available from this miscellaneous account so that they might appropriate some of this money for an events budget. In her opinion, if an event was to be held at the park, the Recreation Board should be made aware of it and the money for expenses should come from the Recreation Board account.

**NEW BUSINESS:**

**A: RZ-99-002 PUBLIC HEARING: J.W. BAILEY 7-292-089 REQUEST REZONING OF PROPERTY AT 5001 NELSON BROGDON FROM RS-100 TO BG FOR ANTIQUE FURNITURE BUSINESS:**

Mayor Pro-Tem Bailey made the motion to enter into Public Hearing for RZ-99-002 for J.W. Bailey. Council Member Pirkle made the second. Motion passed 4-0. (Council Member Davis had arrived during Citizens and Guests comments.) Consultant Don McFarland explained this was a rezoning request by Mr. Bailey for the tract adjoining his red storage building where he kept his antique cars. Driveway access to this house was located on this tract off Stanley Road or the road next to Stanley Road. The Planning Commission had heard this rezoning request and approved it for the use proposed, an antique furniture business, sales and refinishing with a couple of minor conditions. Those conditions were basically that all activity takes place in the house. Council Member Pirkle asked if this was for the house next to the existing business and if Mr. Bailey owns both pieces of property. The answer to both questions was yes. Bob Wagner of 4969 Hidden Branch asked if this was the manufacturing of furniture or the retail sale of antique furniture. Consultant Don McFarland stated he thought it was for the retail sales and refinishing of furniture. He asked the applicant, Mr. Bailey, to explain if it was retail sales and refinishing. Mr. Bailey stated this would be used for the retail sale of furniture, with perhaps a little repair work. The refinishing work would be done in the existing business behind this house and would not be part of the new business. There were no other comments from the Public. Mayor Pro-Tem Bailey made the motion to return to regular session. Council Member Pirkle made the second. Motion passed 4-0. Mayor Pro -Tem Bailey made the motion to approve RZ-99-002 rezoning with the conditions so noted. Council Member Abbey made the second. Motion passed 4-0.

**B: AX-99-001 PUBLIC HEARING: DON & KAREN SHAW 7-319-016 REQUEST ANNEXATION, CURRENTLY C-1 IN GWINNETT COUNTY. REQUESTING HM-1 ZONING CLASSIFICATION FOR**

CITY OF SUGAR HILL COUNCIL MEETING  
APRIL 12, 1999  
7:30 P.M. COMMUNITY CENTER

**EXISTING ROCK BUSINESS LOCATED AT 5505 SUWANEE DAM  
ROAD NEAR SADDLE TREE SUBDIVISION:**

Mayor Pro-Tem Bailey made a motion to go into Public Hearing for AX-99-001 for Don and Karen Shaw. Council Member Pirkle made the second. Motion passed 4-0. Consultant Don McFarland explained this property is located on Suwanee Dam Road next to Saddle Tree Subdivision. It is zoned C-1 in the county, the proper classification to be within the city limits of Sugar Hill would be HM-1, which allows for outside storage. The Planning Commission heard this request and recommended approval with conditions. Mr. McFarland said there were no comments from the adjoining property owners at the Planning Commission meeting. Mayor Pro-Tem Bailey asked Mr. McFarland to read those conditions. Condition #1 – Only the existing use is allowed, any change in land usage shall require a public hearing for a change of this zoning condition. This condition is meant to be interpreted so that since the property is being zoned HM-1 that only the existing use is allowed. You could not put another HM-1 use in there.

Condition #2 – The outside storage yard shall be screened by a solid wooden fence at least eight feet in height. They do have an existing solid wooden fence around this property.

Condition #3 – No billboards will be allowed to advertise something further up the road. This is a precaution in case some one rules that you could have billboards.

Council Member Pirkle asked if this business was in operation prior to the subdivision being built. Mr. McFarland stated he was not sure if this business was in operation but there had been several businesses in this location. The adjoining property owners outside the subdivision had given letters of their approval. At one time, there had been a landscaping business located there that had received several complaints. Mr. McFarland stated that the county did have a zoning case pending on this but since they had requested annexation into Sugar Hill city limits that had been put into abeyance until after this action. There were no comments from the Public. Mayor Pro-Tem Bailey made a motion to return to regular session. Council Member Abbey made the second. Motion passed 4-0. Council Member Pirkle made the motion to approve annexation AX-99-001 with the conditions that were stipulated by the Planning and Zoning Board. Council Member Abbey made the second. Motion passed 4-0.

**C: AX-99002 PUBLIC HEARING: CUSTOM ONE DEVELOPMENT  
7-337-004A-REQUEST ANNEXATION, CURRENTLY R-100 IN  
GWINNETT COUNTY. REQUESTING RS-100 ZONING CLASSIFICATION  
FOR AN ADDITION TO RIVERSIDE WALK SUBDIVISION LOCATED OFF  
RIVERSIDE DRIVE, DOES NOT FRONT RIVERSIDE DRIVE:**

Mayor Pro-Tem Bailey made the motion to go into Public Hearing for annexation AX-99-002 for Custom One Homes. Council Member Pirkle made the second. Motion passed 4-0. Consultant Don McFarland explained this was an annexation adjoining the Custom One Subdivision, a portion of which was annexed about two months ago. This property was actually a land locked piece of property. The original plan did not allow access to the new phase that was just annexed. There was discussion at the original Public Hearing for the other annexation on whether or not there was access to this property. At the original Planning Commission meeting, it was discussed how this property was to have access to the new phase. They went into negotiations with the property owner and had reached an agreement to purchase this property. The Planning Commission had recommended approval with the same conditions placed on the Phase Two annexation. Mr. McFarland said there were no comments from the Public at the Planning commission meeting. There were no comment or questions from the public. Mayor Pro-Tem Bailey made the motion to return to regular session. Council Member Pirkle made the second. Motion passed 4-0. Council Member Pirkle made the motion to approve annexation AX-99-002 with the conditions noted by the Planning Board. Council Member Davis made the second. Motion passed 4-0.

**D: ACCEPT ANNEXATION APPLICATION: WILLIAM DALTON  
7-258-030-.50 ACRE CURRENTLY R-75 IN GWINNETT COUNTY  
REQUESTING OI ZONING CLASSIFICATION FOR INSURANCE  
AGENCY LOCATED AT 1233 BUFORD HIGHWAY:**

Consultant Don McFarland explained this is an annexation on Buford Highway. It is currently zoned R-75 in unincorporated Gwinnett County and it is adjoining the city limits of Sugar Hill. This is the

CITY OF SUGAR HILL COUNCIL MEETING

APRIL 12, 1999

7:30 P.M. COMMUNITY CENTER

process by which you initiate the annexation process. The Planning Commission will hear this next week and then it will come back to the council at the May meeting. Mayor Pro-Tem Bailey made the motion to accept annexation application for William Dalton. Council Member Abbey made the second. Motion passed 4-0.

**E: RATIFICATION OF FINAL PLATS FROM JULY 1997 TO PRESENT:**

Consultant Don McFarland explained this is something they will be seeing every time a final plat is approved. City Manager McCalmon had read the regulations and realized that there was a requirement that final plats needed to be ratified. These regulations had been adopted in 1997. This action will ratify all plats approved since adoption of regulations to present. In the final plat process, this ratification gives the right of way to the city. Without this ratification, it is questionable whether the city has accepted these or not. They are trying to make sure the ratification is done each month as the final plats are approved. He explained that after tonight they might see one or two a month or there might be a month when they will not have any final plats. Mayor Pro-Tem Bailey made a motion to ratify the plats listed. Council Member Davis made the second. Motion passed 4-0.

**F: DISCUSS FREEPORT EXEMPTION:**

City Attorney Lee Thompson explained that in the Special Election held in March, there was a question about Freeport Exemption that was ratified by the citizens of Sugar Hill. Under the law of the state, now that it has been ratified, the council must adopt an ordinance and place Freeport Exemption on Ad Valorem taxes. They may determine that it becomes effective on January 1 of any subsequent year after the election. Mayor Pro-Tem Bailey made the motion to instruct the City Attorney to draft an ordinance for the Freeport Exemption using January 1, 2000 as the start date. Council Member Abbey made the second. Motion passed 4-0.

**G: RESOLUTION: MUNICIPAL GAS AUTHORITY MEMBERS:**

City Manager McCalmon stated that the annual meeting for the Georgia Municipal Gas Authority is being held in May. The voting delegates for the City of Sugar Hill need to be designated and approved by the council so it can be submitted to the Gas Authority. Council Member Pirkle asked Mr. McCalmon if he had any recommendations on who these delegates should be. Mr. McCalmon replied that he would be glad to represent the city either as the voting delegate or the alternate. His recommendation for an alternate was Bobby Ellis, the city's gas consultant. Council Member Pirkle made the motion to name Mr. McCalmon as the voting representative for Sugar Hill with Bobby Ellis being the alternate. Council Member Abbey made the second. Motion passed. 4-0.

**H: TAX ANTICIPATION NOTE:**

City Manager McCalmon explained this is a loan against the expected property tax revenues. This would give the city money for the closing of the landfill. Now would be a good time to do this because interest rates are low. He had looked at un-audited 1998 tax revenues, which were about \$625,000 to \$650,000. This means the city could borrow around \$450,000 to \$475,000. The loan would have to be paid off by December 31, 1999. Mr. Thompson stated that Earl Taylor with Kilpatrick, Stockton and Bill Fussell of Know Wall were present and could give them information on this. Mr. Taylor explained the process involved in doing a loan based on anticipated tax revenues. Mr. Fussell gave a short presentation on some other options to raise revenue other than the tax anticipation note. The total cost of this transaction would be \$3,000. Discussion was held on this item. Mayor Pro-Tem Bailey made a motion to move forward with the drafting of temporary borrowing. Council Member Pirkle made the second. Motion passed 3-1. Council Member Abbey voting against the motion. A called meeting was scheduled for April 21, 1999 to complete this transaction.

**I: REVIEW APPRAISAL OF CITY PROPERTY:**

**A: CONSIDER 17 ACRES ON HIGHWAY 20 APPRAISAL:**

City Manager McCalmon explained that the council had asked him to get an appraisal for the 205 acres of land. This had been done and he had passed out the results to them. Discussion was held on this item. Mayor Pro-Tem Bailey made a motion to have the City Manager have an appraisal done on the property located at Highway 20. Council Member Pirkle made the second. Motion passed 4-0.

CITY OF SUGAR HILL COUNCIL MEETING

APRIL 12, 1999

7:30 P.M. COMMUNITY CENTER

**J: ADOPT ORDINANCE: WAIVE CERTAIN COPYING FEES OF PUBLIC RECORDS:**

Mayor Pro-Tem Bailey stated it had come to his attention that members of the Recreation Board had to pay copying fees for records pertaining to the Recreation Board. He had found in the Code Book a section relevant to this but he was proposing to add a paragraph to this ordinance. "The Council of the City of Sugar Hill hereby ordains that Section 2-4 of the Official Code of Sugar Hill be amended as follows by the addition of paragraph (c):

(c) Copying fees shall be waived when the requester is acting in capacity of a Council or Board Member and having requested records related to the business of that Board, Authority, Commission, or Council for which the requester is a member. This waiver shall not be valid for requests of copies relative to other Boards, Authorities, Commissions, or City Council for which the requester is not a duly elected or appointed member in good standing."

Mayor Pro-Tem Bailey made a motion to adopt this ordinance. Council Member Abbey made the second. Motion passed 4-0.

**K: CONSIDER RFP FOR LANDFILL CLOSURE:**

Mayor Pro-Tem Bailey stated he had asked the city manager to get a copy of the RFP from Gary Simpson, who had worked as an engineer for Arcadis, Geraghty & Miller. It was a very aggressive proposal with a pre-bid on April 20 and bid opening on May 7, 1999. Discussion was held on where to place these ads. Mayor Pro-Tem Bailey made a motion to place the ad in the legal organ (Gwinnett Daily Post), the Atlanta Journal Constitution and also in construction plan room. Council Member Pirkle made the second. Motion passed 4-0.

**MAYOR'S REPORT: MAYOR CRABB HAD NOTHING TO REPORT.**

**COUNCIL REPORTS: COUNCIL MEMBERS DAVIS AND ABBEY HAD NOTHING TO REPORT.**

**MAYOR PRO-TEM BAILEY THANKED MR. GUY BATTLE AND BATTLE PAINTING COMPANY FOR PROVIDING PAINT AND SERVICE TO PAINT THE SCORE BOX AND SNACK BAR AT THE PARK AS A SAFETY PRECAUTION FOR THE PLAYERS.**

**COUNCIL MEMBER PIRKLE WANTED TO WELCOME COUNCIL MEMBER ABBEY AND THE NEW CITY MANAGER TO THE STAFF. HE HOPED THEIR FIRST MONTH HAD NOT SCARED THEM OFF.**

**CITY ATTORNEY'S REPORT: MR. THOMPSON SAID THE BOND CLOSING WAS DONE LAST TUESDAY, THE GAS REVENUE BONDS HAD BEEN ISSUED AND THE GEFA LOAN HAD BEEN PAID OFF. THIS BONS ISSUE WAS NOW COMPLETE.**

**CITY CLERK'S REPORT: NOTHING TO REPORT.**

**CITY MANAGER'S REPORT: MR. McCALMON SAID HE THOUGHT THINGS HAD GONE WELL TONIGHT AND HE HAD NOTHING FURTHER TO REPORT.**

**Council Member Pirkle made a motion to enter into Executive Session to discuss Personnel and Possible Litigation. Council Member Abbey made the second. Motion passed 4-0.**

**EXECUTIVE SESSION:**

**NO ACTION WAS TAKEN OUT OF EXECUTIVE SESSION. ON A MOTION BY MAYOR PRO-TEM BAILEY AND A SECOND BY COUNCIL MEMBER PIRKLE, AND A VOTE OF 4-0, MEETING ADJOURNED AT 9:15 P.M.**

CITY OF SUGAR HILL COUNCIL MEETING  
APRIL 12, 1999  
7:30 P.M. COMMUNITY CENTER