

CITY OF SUGAR HILL COUNCIL MEETING
MONDAY MAY 10, 1999
7:30 PM COMMUNITY CENTER

The City of Sugar Hill Council held its regular meeting on Monday, May 10, 1999 at 7:30 PM in the Community Center.

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

Those present included Mayor Roberta Crabb, Mayor Pro-Tem Steve Bailey, Council Members Reuben Davis, Chris Abbey, Michael Mosley, and Gary Pirkle. Present also were City Attorney Lee Thompson, Consultant Don McFarland, Acting City Manager Kelley Canady, Director of Golf Wade Queen and City Clerk Shirley Gibbs. Also present were registered guests, employees and members of the local media.

CALL TO ORDER, PLEDGE TO FLAG AND INVOCATION:

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

APPROVAL OF AGENDA:

Council Member Pirkle made the motion to approve the agenda. **Council Member Abbey** made the second. Motion passed unanimously 5-0.

APPROVAL OF 4/12/99 AND 4/21/99 MINUTES:

Mayor Pro-Tem Bailey made the motion to approve the 4/12 and 4/21 minutes. **Council Member Pirkle** made the second. Motion passed unanimously 5-0.

DEPARTMENT REPORTS:

Acting City Manager Kelley Canady gave the following Department Reports: The Inspections Department conducted 399 inspections for the month of April. The department issued 36 residential permits and 51 gas taps. The ending balance in the General Fund for April was \$253, 654 and the LGIP Fund had a balance of \$46, 904. A separate account had been set up for the \$475, 000 received from the sale of the Tax Anticipation Note. The Gas Department conducted 699 locates and installed 31 new gas services. After several months of construction, the spray field at the Golf Course had been completed. The course was in good shape and on opening weekend had brought in around \$8,500. **Wade Queen, Director of Golf**, had a few comments about the Golf Course. He stated they had re-opened on May 1, 1999, which was on schedule. May 1st was set aside for the residents of Sugar Hill. They had approximately 120 players that had come out that day. He thought everyone enjoyed themselves but he felt there might have been some people who did not get their invitation to the free day of golf. All things considered, out of the nine days they had been open one day was a free day, three days had rain and Sunday was Mother's Day, he felt they were on track to exceed \$100, 000 for the month. The golf course was a month to six weeks away from being in the shape that it previously was in. They are short staffed and doing their best to get the course in better shape.

OLD BUSINESS:

A: CASH FLOW ANALYSIS RECOMMENDATION:

Mayor Pro-Tem Bailey stated that in January at a called council meeting, this item was tabled. The auditor **Mr. Wayne Bowen** had given an estimate of \$2,500 to \$3,500 to do a cash flow analysis. During the past week all the council members had received from **Bill Fussell**, who through Knox Wall handles the city's bond issuance, a memo stating the need to have a cash flow analysis done. Mayor Pro-Tem Bailey made the motion to have Mr. Bowen do the cash flow analysis not to exceed \$3,500. Council Member Pirkle made the second. Motion passed unanimously 5-0.

B: BIDS ON HIGHWAY 20 PROPERTY:

No bids had been received on this property. Council Member Pirkle asked City Attorney Thompson for clarification on how to dispose of this property since no bids were received. He asked if it could be placed with a realtor. Mr. Thompson replied the only lawful way was through sealed bids or

CITY OF SUGAR HILL COUNCIL MEETING
MONDAY MAY 10, 1999
7:30 PM COMMUNITY CENTER

auction. It has to be advertised at least 15 to 30 days in a newspaper of general circulation. It can be advertised any other way in addition to the newspaper ad. Council Member Abbey made the motion to re-advertise to give people an opportunity to re-bid with a bid opening date at the next regular council meeting. Council Member Pirkle made the second. Motion passed 4-1. Mayor Pro-Tem Bailey opposed the motion.

C: RFP FOR LANDFILL CLOSURE:

Mr. Gil Haines of Arcadis, Geraghty and Miller stated that at the last council meeting he was requested to put together a proposal for the construction administration and construction quality assurance of the land fill closure. These services were necessary to administer the construction contracts and to insure the closure is performed according to approved closure plans. Under construction administration they will conduct a pre construction conference, hold construction progress meetings every two weeks through out the construction, as well as review contractors pay request, shop drawings, change orders if necessary and conduct final inspection. For the CQA task, they will monitor the soil cover placement on a part time basis. They were successful in negotiating with the EPD to relax the testing program, thereby saving the city dollars for the construction quality assurance. They will monitor the placement of the geosynthetic clay liner on top and prepare a certification report for submittal to the state to obtain a closure certificate. The last page of the proposal they have issued a revised construction schedule showing the completion of construction toward the end of September and finalizing the closure in November. They have also attached hourly cost to complete the work and it is attached to the proposal. This work would be billed on an hourly basis with a not to exceed number similar to previous contracts they have had with the city. Mayor Pro-Tem Bailey wanted to get a little elementary and go back to square one. He stated that on the December 16th estimate they had given a figure of \$68, 500 to perform certain services which records show roughly \$53,000 had been billed. The first thing that was needed to put this out for bid again was bid specs and construction documents. He asked if, based on the April 20th letter, that would cost \$17, 000. Mr. Haines responded that this was correct. Mayor Pro-Tem Bailey asked if any part of the April 20th letter had been supplanted by the May 5th letter. Mr. Haines responded that the May 5th letter is in addition to the April 20th letter. Mayor Pro-Tem Bailey asked if the bottom line was in order to get this out for bid and the pre-bid conference the cost would be \$17,000 plus the \$9,500 stated in the April 20th letter. Mr. Haines replied that was a maximum not to exceed and they will bill hourly on this. Once the contract is awarded it goes into contract administration cost, then the compliance and certification. There were no other comments or questions from the other council members. Mayor Pro-Tem Bailey made the motion to award Arcadis, Geraghty and Miller the contract to perform bid document preparation, bidding assistance, contract administration, contract compliance and certification for the closure of the landfill based on the April 20th and May 5th memorandum. Council Member Pirkle made the second. Motion passed unanimously 5-0. A point of clarification: This was to authorize the RFP, release bid ads, set dates for bids to be completed and dates to get work done until the city gets certification from EPD.

D: UPDATE ON OCCUPATION TAX AUDIT:

Mayor Crabb read from a report prepared by Kim Landers, an update on the Occupation Tax Audit. It contained the following information: Letters out for collection \$77, 298.34, \$41, 740.36 collected as of May 7, 1999. \$35, 557.98 balance to collect, \$13, 162.75 can not be collected due to clerical error. 222 businesses have been audited, 216 have been deleted and had not been audited nor would they be. Approximately 100 to 110 businesses were left to be audited and she was waiting on the information to come in. Question asked by Council Members Pirkle, Abbey and Mosley included: Were the audits being done at the business location or at her office, were non city employees going to these audits, was the amount of money collected included in the finance report and what kind of deadline was there to end these audits. Mrs. Landers responded that the audits were done either at her office, the business location or they could mail in the information. Non city employees were not going on these audits. Mrs. Canady responded that the amount collected was included in the finance report. The deadline for collecting the amount listed in her memorandum was June 10.

E: APPOINTMENT TO ALCOHOL REVIEW BOARD:

CITY OF SUGAR HILL COUNCIL MEETING
MONDAY MAY 10, 1999
7:30 PM COMMUNITY CENTER

None of the council members had any one to nominate and felt there was no pending business for this board. Mayor Pro-Tem Bailey made a motion to table this item. Council Member Pirkle made the second. Motion passed unanimously 5-0.

F: MAKE A DECISION ON SALE OF 205 ACRES:

Council Member Pirkle stated that the city had been holding three bids for about two months and he felt they needed to make a decision or give the money back. It was his understanding that the city could not accept any of the conditional bids on the property. One of the bids was for an illegal lease amount time, one was for an outright purchase and one for a lease or purchase. The city could accept the bid for purchase or negotiate the lease, which did not have to be done by sealed bid. Council Member Pirkle stated that each of the three bids indicated there would be some type of landfill put on the property and he was opposed to this. Council Member Pirkle made a motion to reject all three bids, re-advertise and stipulate that the city did not desire a landfill be put on this property. He felt it should be advertised as soon as possible and running through the June council meeting. Council Member Abbey made the second to the motion. Discussion was held on this motion. Mr. Russ Patterson of Peach State Property and Development stated that their bid had no conditions for a landfill or anything else, it was for an outright purchase. Council Member Pirkle stated that in discussion with some of Mr. Patterson's people they had indicated they would put a landfill on the property. Mr. Patterson stated that was in response to something the city had asked for. Mayor Pro-Tem Bailey stated he had a problem in throwing out these bids. He had hoped the city would receive bids on the other property that would be close to the appraisal. He wanted to remind his fellow council members that come July the city would be \$156,000 in the red. They had already committed the tax revenue to paying for the closure of the landfill by taking out a Tax Anticipation Note. They had also committed approximately \$100,000 to Arcadis and he was afraid the city would not have the money to carry the city through the year. Council Member Mosley stated he had a problem trying to legislate what a person could do with this property. If the person went through the proper procedure and had all the permits required, he felt they could put what they wanted on this property. There was more discussion on telling someone what could or could not put on this property, finances, whether the property would be annexed into another city, inert landfills versus solid waste landfills. Other concerns included who would be responsible for any problems if the land was leased and a landfill was put there, had anyone checked out the people who had placed the bids, how did they handle problems. Council Member Pirkle asked that the vote be called for. Motion passed 3-2. Mayor Pro-Tem Bailey and Council Member Mosley voted against the motion. City Attorney Thompson wanted to clarify the motion. The motion was to re-advertise and state that the city did not desire a landfill.

CITIZENS AND GUESTS COMMENTS:

Lloyd DeLatoure owner and operator of Great Beginnings commented on the closure of the landfill. In his opinion, if there was an offer on the table they should consider this offer. He did not think the golf course would generate enough revenue to cover this cost between now and the deadline for the closure. On another issue, he stated he had selected the site for the daycare due to its proximity to city hall. He was proud to be located in Sugar Hill and tried not to get involved in politics. The last time he had spoken out was when they had considered closing the Post Office. He did not feel that \$25,000 was too much to pay for having an employee on site and provide a great service to the citizens of Sugar Hill. He had heard, not formally, that someone was wanting to take the Mayor's office out of city hall. In his opinion, he felt that the Mayor of Sugar Hill, whomever that might be and whether he agreed or disagreed with them, should be accessible to the citizens of Sugar Hill at city hall. It did not matter if the rumor was true or not, he felt any Mayor should have an office in city hall.

Carter Alexander disagreed with the statement that deed restrictions did not cut the value of the property. If someone wanted it for commercial or residential, placing restrictions on the property would not hurt the sale.

Richard Nesmith wanted to know why some people were allowed to throw trash out their back door and not have it picked up. Now that the weather was warming up, the trash would start to smell and attract rodents, bugs and other animals. He stated he had called city hall several times and this problem had not

CITY OF SUGAR HILL COUNCIL MEETING
MONDAY MAY 10, 1999
7:30 PM COMMUNITY CENTER

been taken care of. The council told him to talk with the Planning and Zoning Department to have this taken care of.

Greg Walker of Peach State Property and Development said his company wanted to use this property for residential or commercial use. He did not know if his financiers would back the sale with deed restrictions since a landfill would make the most profit for him and the city but they would use it to develop as residential or commercial.

NEW BUSINESS:

A: RENEWAL OF CONTRACT WITH PHILLIPS CORRECTION:

Acting City Manager Kelley Canady stated this was the yearly contract with the Georgia Department of Corrections. It would be for one detail at the golf course. The contract would run from July 1, 1999 to June 30, 2000 with the total cost being \$30, 552. Council Member Mosley asked Director of Golf, Wade Queen, exactly what the city got for this \$30,000, did they do enough work to keep them at the golf course. Mr. Queen answered that if they did not have this detail they would be in bad shape. The prison detail does a lot of the grass cutting that has to be done by hand, repair water lines and in general a lot of the grunt work. Mayor Pro-Tem Bailey made the motion to approve the renewal of the contract with the Georgia Department of Corrections. Council Member Mosley made the second. Motion passed unanimously 5-0.

B: 1999-2000 WINTER HEDGING GAS PROGRAM:

Mayor Crabb stated Grady McCalmon had recommended that the city approve this program. Mayor Pro-Tem Bailey stated that Mr. McCalmon and Welker and Associated had come up with a reduced hedging volume. Mayor Pro-Tem Bailey made the motion to forward the hedging program, as exhibit A, as modified by Mr. McCalmon and the engineer. Council Member Abbey made the second. Motion passed unanimously 5-0.

**C: PUBLIC HEARING: AX 99-003-WILLIAM DALTON:
7-258-030-.50 ACRE CURRENTLY R-75 IN GWINNETT
COUNTY LOCATED AT 1233 BUFORD HIGHWAY:**

Mayor Pro-Tem Bailey made the motion to go into Public Hearing for AX 99-0003 for William Dalton. Council Member Abbey made the second. Motion passed unanimously 5-0. Consultant Don McFarland stated this was approximately one-half acre of land located on Buford Highway. This application was the result of the request for property owners located in the Buford Highway area to annex into the city limits. The proposed use is for an insurance office. The Planning Commission heard the request, there were no public comments at that meeting. The Planning Commission recommended approval from staff reports for the O&I classification with two conditions. Mr. McFarland stated that Gwinnett County was now, in their comments they were sending out, expressing concern that when a development takes place, adequate right of way was not being acquired for projects. This was not a condition he had recommended because in the city's development regulations it requires the right of way to be dedicated. Mayor Pro-Tem Bailey interrupted Mr. McFarland to state there appeared to be a clerical error between the application in the packet and what was on the agenda. Me made a motion to return to regular session on hearing AX 99-003. Council Member Abbey made the second. Motion passed unanimously 5-0. Mayor Pro-Tem Bailey then made a motion to go into Public Hearing for annexation request for William Dalton. Council Member Pirkle made the second. Motion passed unanimously 5-0. Mr. McFarland stated that his previous statements still apply. He repeated his statement about the county's letter concerning the right of way. The reason it is not a condition in Sugar Hill is because the development regulations require it to be dedicated. The two conditions on this annexation request are: 1-They would have to get a development permit for their site. 2. - Everything would be carried on inside the structure, nothing would take place outside the structure. There were no comments from the public. Council Member Mosley made the motion to return to regular session. Council Member Abbey made the second. Motion passed unanimously 5-0. **Council Member Mosley** made the motion to accept annexation request for the Randall Cleaver Property being sold to William Dalton as specified in their packets. **Council Member Abbey** made the second. Motion passed unanimously 5-0.

D: GWINNETT COUNTY ROAD IMPROVEMENT PROGRAM:

Mayor Crabb stated they had information on this in their packets. She asked **Acting City Manager Kelley Canady** if she would like to explain this. **Mrs. Canady** stated this is the Suwanee Dam Road Project. Last October or November, the city received a statement from Flint Construction saying it was a final bill for \$74,000, which has been paid. In the past they had been reimbursed from the county in two to three weeks but so far the city had not been reimbursed on this project. Now Flint had sent a new bill for \$44,466.75, stating it was statement number eight and it was the second final. The county was not going to reimburse the city the \$56,000 until this was paid. She had talked with Mr. McCalmon about this and they could not find where additional work had been authorized. However, Welker and Associates had told her Mr. Nevad had authorized this additional work. **Council Member Pirkle** stated that Mr. McCalmon had also asked Welker for some documentation on this and they were unable to provide any. Mr. Pirkle had talked with Charlotte Nash at Gwinnett County about this property and she said they would be willing to work with the city. One suggestion she made was speeding the property through for payment or if they wanted to see a payment of \$56,000 and then use that to pay Flint the \$40,000 that was also possible. He would like some definitive proof that the city had authorized this work and would be repaid for the work. He would not like for the city to end up with a bill for \$40,000 worth of improvements and then not get reimbursed for them. Mr. McCalmon could not find such information nor could they provide it to the city. **Mrs. Canady** said she had spoken with **Ed Durance, of Moreland, Altobelli**, the county's engineers, and he had said the city would get their money. **Council Member Mosley** asked how much was still owed on this to whomever. **Mrs. Canady** replied that \$44,000 was still owed and the county wants this cleared up before they will reimburse the city the whole \$100,000. More discussion was held between the council, mayor, acting city manager and city attorney. **Mayor Pro-Tem Bailey** made a motion to have **Acting City Manager Kelley Canady and City Attorney Lee Thompson** work together and come to a resolution and understanding with the county on the balances due and report back to the council before they authorize any disbursements and seek refund in the interim. **Council Member Davis** made the second. Motion passed unanimously 5-0.

E: LEASE AGREEMENT WITH GILLESPIE FOR OLD MAINTENANCE FACILITY:

City Attorney Thompson stated he had draft copies of the lease agreement for Mr. Gillespie. It is basically the same agreement they had with Tim Hughes. The lease would start on June 1, 1999 and run through October 31, 2001. Either party could cancel the lease at the end of each calendar year with 60 days written notice. He would have to verify the business name since it was not listed as a corporation with the Secretary of State's office. He had to assume it was an individual doing business under that name. **Council Member Pirkle** made the motion to enter into the lease agreement with Mr. Gillespie pending verification by Mr. Thompson of the official name. **Mayor Pro-Tem Bailey** made the second. Motion passed unanimously 5-0.

F: LIGHTS AT CITY PARK:

Mayor Crabb reported that there had been some vandalism at the park. It was not known if this happened during the day or at night. Because the lights are turned off at night, it appeared that this might be when this vandalism had occurred. **Council Member Pirkle** felt that leaving the lights on in the bathrooms would not be a problem and perhaps lock the bathrooms. Discussion was held with council and several members of the Recreation Board. It was decided that this was a matter for the Recreation Board to handle. No action was taken.

G: MAINTENANCE OF CITY PARK:

Mayor Crabb reported that the grass at the park needed to be cut, it has not been cut at all this year. She knew the city was short on help but there are a lot of functions at the park and the grass needs to be cut. Discussion was held on this item. It was recommended that the Recreation Board handle this by contacting the person who does the ball fields or contracting with a landscape service until they can get custodial help. No action was taken on this item.

CITY ATTORNEY'S REPORT:

CITY OF SUGAR HILL COUNCIL MEETING
MONDAY MAY 10, 1999
7:30 PM COMMUNITY CENTER

City Attorney Thompson reported that a Special Meeting was held on April 21, 1999 to approve the Tax Anticipation Note. This closed on April 27, 1999 and the money had been deposited in the city's account. That payment, with interest, will be due on December 31, 1999. This money is to be used for the closing of the landfill. He requested clarification on the re-bidding of the 205 acres.

COUNCIL REPORTS:

Mayor Pro-Tem Bailey, Council Members Abbey, Davis and Mosley had nothing to report.

Council Member Pirkle had two things: one – Welcome back Council Member Mosley. Two – he had a meeting on Tuesday night, prior to the Gwinnett Municipal Association meeting, concerning HB489 policy. There had been a slight revision to the policy, the main difference will be that the city will notify others in the sphere of influence if there is a Special Use permit pending or annexations or zonings already covered. The process of resolving disputes remains the same. There was some discussion on this item.

MAYOR'S REPORT:

Mayor Crabb reported a piano had been donated to the city. **Mr. McCalmon** had approved the expense of moving the piano. It did need to be tuned however it sounded good. The donation was very much appreciated.

CITY CLERK'S REPORT:

City Clerk Gibbs had nothing to report.

ACTING CITY MANAGER'S REPORT:

Acting City Manager Kelley Canady had nothing to report.

Mayor Pro-Tem Bailey made the motion to enter into Executive Session to discuss Personnel matters and Possible Litigation. **Council Member Pirkle** made the second. Motion passed unanimously 5-0.

EXECUTIVE SESSION:

ACTION TAKEN OUT OF EXECUTIVE SESSION:

Council Member Mosley made a motion to have staff look into modifying the Personnel Policy regarding vacation time and sick time. **Council Member Pirkle** made the second. Motion passed 4-0 by those present to vote.

Council Member Pirkle made a motion to return the checks being held for the bids on the 205 acres and to re-bid this property. **Council Member Mosley** made the second. Motion passed 4-0 by those present to vote.

A motion was made to allow Garland Brothers to residential thin cut the timber on the 205 acres of land. **City Attorney Thompson** told them this should be put out for bid like the property. No action taken on this motion.

ADJOURNMENT:

Mayor Pro-Tem Bailey made a motion to adjourn the meeting. Council Member Mosley made the second. Meeting adjourned at 9:45 PM