

City of Sugar Hill Council Meeting
December 14, 1998
7:30P.M. Community Center

The regular Council Meeting of the City of Sugar Hill was held at 7:30p.m. on December 14, 1998 in the Community Center. Notice of the meeting was posted on the doors of city hall and the community center. Notice was also placed on the board at Peachtree Industrial Blvd and Alton Tucker Blvd. Notice was sent to the local news media.

Those present included: Mayor Roberta Crabb, Mayor Pro-Tem Bailey, Council Members Reuben Davis and Gary Pirkle, Acting City Manager Scott Payne, Finance Director Kelley Canady, City Attorney Lee Thompson, City Clerk Shirley Gibbs, 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:

A motion was made by Council Member Pirkle to amend the agenda in order to discuss the Post Office under new business. Mayor Pro-Tem Bailey made the second. Motion passed 3-0.

APPROVAL OF NOV. 9TH MINUTES:

Mayor Pro-Tem Bailey made the motion to approve the November 9th minutes. Council Member Pirkle made the second. Motion passed. 3-0.

APPROVAL OF CALLED MEETINGS

NOV. 11TH AND 17TH MINUTES:

Mayor Pro-Tem Bailey made the motion to approve the minutes from the called meetings on November 11th and November 17th. Council Member Pirkle made the second. Motion passed 3-0.

DEPARTMENT REPORTS:

Acting City Manager Scott Payne gave the following department reports:

City Court was held on December 1st where 29 violations were addressed.

The Inspection Department issued 230 permits for the month of November, 426 inspections were conducted during the month of November.

For November, the ending balance in the general fund checking account was \$17,786.00. The balance in the LGIP Fund was \$46,739.00. \$56,311.00 is still due from the county for the Suwanee Dam Road widening. The county has said the city should receive the money in December.

The gas department installed 46 new services. In order to cut costs, the gas department is currently working on gas projects in house. The crews are currently connecting subdivisions to the new 4-inch line on Riverside Road. Mr. Payne felt with all the improvements, the gas system would supply adequate gas to the residents even though the system had not been tested due to cold weather. A conference call; with Transco concerning the gas loss, would be held on Thursday at 2:00.

The golf course reports \$9,600.00 in revenues for November. Since that time, the course has closed due to wet play. It is scheduled to re-open in April or May, depending on the conditions of the course. The installation of the spray field is coming along nicely. Mr. Gary Simpson of Aracadis, McGearity and Miller was there to report on the status of the spray field. Mr. Simpson reported that P. F. Moon and company had made significant progress in installing the main trunk line and service line, which consist of

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high-density polyethylene piping. The piping had been fused and he had inspected some of the joints. He explained it was quite a remarkable process and they were moving very favorably ahead despite the wet weather. He reported that the landfill now has a closure plan approved by Jeff Cowan and David Gibbons of the Georgia EPD. The city would need to move ahead and solicit bids for the geotechnical closing of the landfill. So far the inspections had been favorable by EPD on the current landfill status. He felt significant progress could be made in the upcoming year.

OLD BUSINESS:

A: REVOCATION OF SPECIAL USE PERMIT FOR THE CITY OF SUGAR HILL:

City Attorney Thompson explained this was the Special Use Permit issued last October for the site on Buford Highway. At that point, it was anticipated that Medusa would develop the site as a dry cement plant. They have since gone to a different site and through their counsel have indicated they do not intend to use the Buford Highway site. Since the city was the applicant and it had been more than a year without the Special Use Permit having been used, he felt the Council should revoke the Special Use Permit and with-draw it on behalf of the city. It would also end some litigation that was going on regarding whether the Special Use Permit was issued invalidly. Mayor Pro-Tem Bailey made the motion to revoke the Special Use Permit issued for the 11.8 acres on Buford Highway for the dry cement location. Council Member Pirkle made the second. Motion passed 3-0.

B: APPROVAL AND RATIFICATION OF CONSULTANT AGREEMENT WITH WARREN NEVAD:

City Attorney Thompson explained that all the Council Members were provided with a copy of this at a previous meeting. It is the agreement reached with Mr. Nevad when he resigned, stating he would be hired as a consultant for a period of six months. In accordance to instructions from the Council, Mr. Nevad had met with him and signed the agreements. He needed authority from the Council to ratify the agreement and to authorize the Mayor to sign the agreement. Mayor Pro-Tem Bailey made the motion to formally ratify the agreement. Council Member Pirkle made the second. Motion passed on a vote of 2-1. Mayor Pro-Tem Bailey and Council Member Pirkle voted for the motion. Council Member Davis voted against the motion.

C: ROBERTSON SANITATION:

Mr. Pat O'Conner of Robertson Sanitation explained that he was there to ask for an increase in the price of a box of garbage bags. He had passed out copies of the Consumer Price Index that showed most goods had gone up 6.4 percent. His company was asking for a 5 percent increase. This was the amount allowed in the contract between Robertson and the city. He explained the price of a bag would go up from \$1.13 to \$1.19. Commercial prices would also go up by 5 percent but the prices would vary depending on the service. Mayor Pro-Tem Bailey asked if this would affect recycling. Mr. O'Conner stated that there was no charge for recycling. Mayor Pro-Tem Bailey asked questions regarding the commercial rates and the dumpsters the city was charged for. Mr. O'Conner stated only one dumpster was charged to the city, the others were provided for free. Council Member Pirkle had comments regarding this item on the agenda. He was unaware it was for a rate increase. He asked Mr. O'Conner if he had data, other than the Consumer Price Index, relating to the cost of business for Robertson. Mr. O'Conner stated that the Consumer Price Index was what they had always used as a guideline for price increases, along with the cost of labor, insurance and the disposal fee was going up in January. Council Member Pirkle asked Mr. Thompson what were the terms of the contract regarding price increases. Mr. Thompson stated that the terms of the contract allows Robertson to come before the Council and request an increase but they do not necessarily have to grant the increase. Council Member Pirkle stated that since he was unaware this was a request for a rate increase and he felt sure the public was not aware, he made a motion to table this item until the called Council Meeting later in December. He wanted the public to have some input into this matter. Council Member Davis asked Mr. O'Conner if there was not some way to get information out to residents regarding what should go in these bags and how to dispose of items like washing machines. Mr. O'Conner responded that there were brochures available at city hall giving all this information, white goods have to be picked up

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by Vanko Service. Items with freon have to have this removed. He would be willing to do a mailing after the first of the year if the clerk will furnish mailing labels The Council Members apologized for asking him to come back to the called meeting but they were not aware this item was for a rate increase. Mayor Pro-Tem Bailey made the second to the motion to table this item. After more discussion a vote was called for. Motion passed 3-0.

D: CABLE RATE REVIEW:

Council Member Pirkle reported that going back about one and a half years ago, there had been some variation in cable rates and council had made a decision to deny the cable rate increase. Even though the council had denied the rate increase, the cable company went ahead and charged the higher rate. Council had requested they comply with the original consent order. The cable company has since reverted back to the \$10.70 rate. With the help of the cable consultant at Georgia Municipal Association, Mr. Don Schanding, they had come up with the rate of \$13.84. Council Member Pirkle stated he had spoken with the cable company in Colorado and they have agreed to the \$13.84 rate. According to Mr. Schanding, this is not something they want to implement right away but this is the maximum permitted rate they would be allowed to charge, then they would be free to make adjustments. He also reported that in March, the upper tier of cable rates, like ESPN and CNN but not movie channels, would be de-regulated by the FCC. At that point, the city would no longer be able to regulate those rates. Hopefully, the cable company would make the rate increases in this tier and not in the basic cable rates. Council Member Pirkle made the motion to adopt the resolution from Georgia Municipal Association to accept the \$13.84 rate. Mayor Pro-Tem Bailey made the second. Motion passed 3-0.

CITIZEN'S AND GUEST'S COMMENTS:

THERE WERE NOT COMMENTS FROM THE CITIZENS OR GUESTS

NEW BUSINESS:

A: PUBLIC HEARING: SUP-98-002 TAX PARCEL ID: A PORTION OF 7-271-056: RJJ DEV REQUESTING SUP FOR 6.79 ACRES ZONED HSB FOR SELF STORAGE WAREHOUSE FACILITY:

Mayor Pro-Tem Bailey made a motion to table this item until the December 29th called meeting. City Attorney Thompson told them if they were not going to have the Public Hearing, they would have to wait until the January meeting in order to do the advertising. Mayor Pro-Tem Bailey amended his motion to table this item until the January meeting. Council Member Pirkle made the second. Motion passed 3-0.

B: AWARD AUDIT PROPOSAL FOR 1998, 1999, 2000:

Finance Director Kelley Canady reported that bids had been requested for doing the audit in 1998, 1999, and 2000. They had received only three bids. One was from Tab and Tab for a rate of \$24,00, one from Wilcox and Bivens for a rate of \$10,00 and their rates would increase each year. The final bid was from Wayne Bowen for a rate of \$7,850.00 and his rate decreases each year. It was her recommendation that they go with Wayne Bowen as the new auditor, not only was he the lowest bidder, he only specializes in governmental audits. Council Members wanted to know if she had talked to any of the cities about Mr. Bowen. She responded that she had talked to a lady who works at Winder. This lady had only good things to say about Mr. Bowen. He is always on time with the audit, offers good suggestions and does a cash flow analysis. After more discussion, Council Member Pirkle made the motion to accept the bid from Wayne Bowen. Mayor Pro-Tem Bailey made the second. Motion passed 3-0.

C: PUBLIC HEARING: BEER AND WINE APPLICATION FOR SHELL STATION LOCATED AT 1155A BUFORD HIGHWAY:

Mayor Pro-Tem Bailey made the motion to go into Public Hearing for Beer and Wine Application. Council Member Pirkle made the second. Motion passed 3-0. City Clerk Gibbs explained that Mr. Omer

had applied for a beer and wine license for his Shell station located at 1135 Buford Highway. The background check had been received from Gwinnett County and there seemed to be no problems. Council Member Pirkle wanted to know if either of the churches had made any comments. Clerk Gibbs responded she had not received any. The council wanted to know if the distance from the churches was in accordance with the Sugar Hill codes to which she responded that they were. There were no comments 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 3-0. Mayor Pro-Tem Bailey stated no action was needed since it is up to the City Clerk to issue these permits. If there were objections, then it would go to the Alcohol Review Board. Mr. Thompson recommended that the council make a motion to approve this. Council Members Davis and Pirkle did not want to second a motion since they had not heard from the churches. Mr. Thompson explained this was an old ordinance, which might need to be amended to be in line with the liquor by the drink ordinance, but until that time the council needed to take action on this item. Mayor Pro-Tem Bailey made the motion to grant the beer and wine license. Council Member Pirkle made the second. Motion passed 3-0.

D: PUBLIC HEARING: 1998 OCCUPATION TAX:

Mayor Pro-Tem Bailey made the motion to go into Public Hearing to discuss the 1998 Occupation Tax. Council Member Pirkle made the second. Motion passed 3-0. City Clerk Gibbs reported that the 1998 Occupation Tax had exceeded the budget amount by approximately \$12,623.00. It was recommended that this amount go to gas system improvements. Council Member Pirkle wanted to know if there was a reason this amount should be targeted for gas system improvements instead of general fund. Clerk Gibbs responded the only reason was this is where the money went last year and she had just recommended it go there this year. Discussion was held on where to place this surplus. There were no comments 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 3-0. Council Member Pirkle made the motion to apply the 1998 Occupation Tax surplus to the general fund. Mayor Pro-Tem Bailey made the second. Motion passed 3-0.

E: SALE OF CITY PROPERTY:

Mayor Pro-Tem Bailey reported that during the budget workshops, it became very clear that the city might not have the revenue to pay for the landfill closure. Not wanting to go into debt or put the burden on the tax payers with higher taxes, he felt the best option was to put out for bid the land the city had acquired in the restated lease agreement from Mid-America. Mayor Pro-Tem Bailey made a motion to advertise said property for public notice for sale, commencing this Sunday(12/20/98) and running through the close of business on January 29, 1999, to receive bids in sealed form for all proposals and qualified individuals and legal entities and firms for the sale, lease or development of those parcels as identified in the public notice. The City of Sugar Hill reserves the right to reject any and all offers. A brief discussion was held on surveys, metes and bounds. Motion died for lack of second.

F: ACCEPT ANNEXATION APPLICATION FOR AX-98-008, WILLIAM E. SEARS III, 4984 DOGWOOD HILLS DRIVE:

City Attorney Thompson explained this was an annexation application through the program offered by the city where residents could annex into the city limits at no cost until the end of 1998. Once the council accepts the application, it will then go through the planning process and come back before the council either in January or February. Council Member Pirkle made the motion to accept the application for annexation AX-98-008. Mayor Pro-Tem Bailey made the second. Motion passed 3-0.

G: RESOLUTION LA98-001 LEGISLATIVE ANNEXATION REQUEST FOR JACK R O'ROUKE & GLORIA DICRISTINA:

H: RESOLUTION LA98-002 LEGISLATIVE ANNEXATION REQUEST FOR DEBORAH J WYNNE:

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City Attorney Lee Thompson explained that items G & H were from people who had requested to be annexed but did not meet the criteria of being contiguous with the city limits; therefore, they have to be annexed legislatively instead of by ordinance. Council Member Pirkle asked for discussion on these items. He stated that since there was no information on where these properties were located, it would be hard to tell if it would be an inconvenience or extra cost to the city. Acting City Manager Scott Payne told the council these properties were located on Suwanee Dam Road but he would make sure that addresses were provided from now on. Discussion was held on these two items. Mr. Thompson reminded them this was a legislative annexation and would need to be given to the delegates while they were in session from mid January to March. Mayor Pro-Tem Bailey made a motion to table these two items until the December 29th meeting. Council Member Pirkle made the second. Motion passed 3-0.

I: PERMIT FEE STUDY:

THIS ITEM WAS TABLED UNTIL THE DECEMBER 29TH MEETING.

**J: ACCEPT ANNEXATION APPLICATION AX-98-009
CUSTOM ONE DEV-RIVERSIDE ROAD-ADDITION TO
RIVERSIDE WALK SUBDIVISION:**

City Attorney Thompson explained this is an application for annexation. It meets all the criteria for annexation and the council must accept the application. They must have a public hearing, however, they do not have to approve the annexation when it comes before them again at the January or February meeting. This just gets the process started. They have 45 days to have a public hearing and 60 days to approve or deny the annexation. Council Member Pirkle had some concerns that he wanted to talk with Mr. McFarland about before the annexed this property but did not have a problem with accepting the application. Mayor Pro-Tem Bailey made the motion to accept the annexation application. Council Member Pirkle made the second. Motion passed 3-0.

K: YARD WASTE:

Acting City Manager Scott Payne stated that staff needed guidance from the council on this matter. The inert landfill the city has been using has almost reached capacity. They now have to take yard waste to a landfill in Hall County that charges \$40.00 a load. Some days they might have 5 to 7 loads to carry. Discussion was held on this matter. Council advised Acting City Manager Payne to continue picking up yard waste but look into what it would cost to start a composting area.

L: DISCUSS CLOSING OF POST OFFICE:

Mayor Crabb stated that if they were going to close the Sugar Hill branch, they had to give the Postal Authority 60 days notice. It would then be put out for bid. Several places were already interested in bidding on this. Discussion was held on the advantages and disadvantages of having this function located in city hall. Mayor Pro-Tem Bailey made the motion to cease operation of the post office. Council Member Pirkle made the second. Motion passed 3-0.

CITY CLERK'S REPORT:

Clerk Gibbs reported that the Christmas Dinner for the Gwinnett Municipal Association would be held on December 17, 1998 at 7:00pm at the Carlyle House in Norcross.

ACTING CITY MANAGER'S REPORT:

Acting City Manager Scott Payne wanted to wish everyone a Merry Christmas. He also wanted to thank all the employees, the Mayor and Council and citizens for their support during this time of transition.

COUNCIL REPORTS:

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Council Member Pirkle reported he would like to thank the council for all the productive work on the budget. The city was facing a lot of expenses with the landfill closure and the spray field at the golf course. Cutting the expense of the post office was just one of the things that had to be done. This service could be provided at other places without the expense to the city. He also wanted to wish Falcon's coach Dan Reeves a speedy recovery.

Mayor Pro-Tem Bailey stated he agreed with Mr. Pirkle's remarks concerning the budget. It was tough to make those decisions that were inconvenient to some and distasteful to others, but it was economic reality that the city needed to bring the budget into balance. They have no choice except to look at user fees and taxation to off set costs. The M & O budget they worked on does not include money for the closure of the landfill. This is a separate issue and they will have to find the money for this expense. Any and all suggestions are welcome on ways to fund this expense because there is a September 30th deadline on the closure. He wanted to wish everyone a Happy Holiday.

Council Member Davis wanted to echo what Mr. Pirkle and Mr. Bailey had said. He wished everyone a Merry Christmas.

MAYOR'S REPORT:

Mayor Crabb stated it had been a busy November. She had received inquiries from several businesses that would like to locate in Sugar Hill. The BMX track is doing great. She asked Mrs. Bailey to report on this. Mrs. Bailey stated they had double points race on December 6th, they had 66 riders, gave away 15 sets of trophies. Up to date they have probably earned \$1500 in net profits. They have signed up 78 new members, it is the fastest growing track in the country. Mayor Crabb stated they had a bicycle to raffle off, tickets would be \$1.00 or 6 for \$5.00. The city's Christmas part was held on December 11, 1998 at the golf course. It was very well attended, employees received just under \$8,000 in Christmas bonuses. Mayor's Choice Awards were presented to one man and one woman; Ernest Ward and Kim Landers. Gifts were given to Darren Barr and Nancy Ward for outstanding employees. Gift certificates to Longhorn's was given to the most reliable volunteers, Jerry Crabb and Leigh Bailey. Donna Zinskie celebrated her birthday. A good time was had by all and she wanted to wish everyone a Merry Christmas. She stated there were some matters that needed to be cleared up before the end of the year and she was calling for a special council meeting to be held on December 29th.

ADJOURNMENT:

Mayor Pro-Tem Bailey made the motion to adjourn the meeting, second made by Council Member Pirkle. Meeting adjourned at 8:35p.m.