

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Important This Month		1 182/183 Canada Day (Canada)	2 183/182	3 184/181	4 185/180 Independence Day	5 186/179
6 187/178	7 188/177	8 189/176 Vision 20/20 Work Session 7:00 PM	9 190/175	10 191/174 YMCA Steering Comm. 11:30 PM	11 192/173	12 193/172
13 194/171	14 195/170 Council Meeting 7:30 PM	15 196/169	16 197/168	17 198/167	18 199/166	19 200/165
20 201/164	21 202/163 P + Z 7:00 PM	22 203/162	23 204/161	24 205/160	25 206/159	26 207/158
27 208/157	28 209/156 Appeals Board 7:00 PM Rec Board 7:00 PM	29 210/155 Vision 20/20 7:00 PM	30 211/154	31 212/153		

CITY OF SUGAR HILL AGENDA
COUNCIL MEETING-JULY 14, 1997-7:30 P.M.

CALL TO ORDER AND INVOCATION:

APPROVAL OF AGENDA:

APPROVAL OF MINUTES:-JUNE 9, 1997

DEPARTMENT REPORTS:

A:	PLANNING AND ZONING, ZONING APPEALS BOARD:	NEVAD
B:	BUDGET AND FINANCE:	NEVAD
C:	GOLF:	PAYNE
D:	UTILITIES:	PAYNE
E:	DRAINAGE:	ZINSKIE
F:	RECREATION:	NEVAD
G:	SOLID WASTE	NEVAD

OLD BUSINESS:

A:	CABLE VISION :	SPRADLIN
B:	UPDATE ON 20/20 VISION COMMITTEE:	BECHTOLD
C:	OPEN BURNING BAN	SPRADLIN
D.	UPDATE ON YMCA	DAVIS
E.	RESOLUTION- ABANDONMENT OF PORTION PROPERTY-BRYANT	THOMPSON
F.	RESOLUTION- ABANDONMENT OF PORTION OF DUNCAN DR.	THOMPSON
G.	UPDATE ON GAS SYSTEM PLANNED IMPROVEMENTS & APPROPRIATIONS- HWY 20 & WHITEHEAD RD.	ELLIS

CITIZEN'S AND GUEST'S COMMENTS:

NEW BUSINESS:

A.	BUFORD HOUSING AUTHORITY RESOLUTION	PUGH
B.	PUBLIC HEARING: RZ-97-005, BRAHMA LAND & DEVELOPMENT-47.2 ACRES REZONED FROM LM TO HM-1- DRY CEMENT DISTRIBUTION FACILITY	MCFARLAND
C.	ELECTION UPDATE	MCCALLA
D.	PUBLIC HEARING: ADOPTION FOR NEW 1997 ZONING ORDINANCE	MCFARLAND
E.	DEVELOPMENT, DRAINAGE & ENFORCEMENT REGULATIONS	MCFARLAND

F.	ACCEPT ANNEXATION APPLICATION- AX-97-JSA & ASSOCIATES- 10.57 ACRES	MCFARLAND
G.	1996 AUDIT	BRISCOE
H.	5 YR. EMPLOYEE SERVICE- TONY BAUMAN	NEVAD
I.	RECREATION BOARD APPOINTMENTS	WEBSTER
J.	GWINNETT COUNTY PARK ORDINANCE	NEVAD
K.	PARK POLICY AUTHORIZATION	NEVAD
L.	YMCA APPROPRIATION	DAVIS
M.	DRAINAGE APPROPRIATION	NEVAD
N.	SUGAR HILL GOVERNMENT	RICH

CITY CLERK'S REPORT:

CITY MANAGER'S REPORT:

COUNCIL REPORTS:

ADJOURNMENT:

CITY OF SUGAR HILL COUNCIL MEETING
MINUTES-MONDAY, JULY 14, 1997

The July 14, 1997 Council meeting was held at 7:30 p.m. in the Community Center. The meeting was advertised in the local papers, notices were posted at City Hall and the Community Center and on the board at Peachtree Ind. Blvd.

Those present were: Mayor Webster, Mayor Pro-Tem Pugh, Council Members Bailey, Baird, Davis, and Spradlin, City Attorney Lee Thompson City Manager Warren Nevad, Assistant City Manager Scott Payne, Drainage Supervisor Donna Zinskie, City Clerk Shirley Gibbs, Consultant Don McFarland, members of the press and registered guests.

CALL TO ORDER AND INVOCATION:

The Mayor called the meeting to order at 7:30 p.m. with the Pledge to the Flag, Council Member Spradlin gave the Invocation.

APPROVAL OF THE AGENDA:

Council Member Bailey made the motion to approve the agenda with the following changes: to add Executive Session for possible litigation, to add item O under New Business per Mayor Pro-Tem Pugh to appropriate funding for a dinner to be held in August. Council Member Spradlin made the second. motion passed 4-0-1 abstention.

APPROVAL OF MINUTES:

Council Member Spradlin made the motion to approve the minutes from the June Council Meeting, second to the motion was made by Council Member Dorland Baird. Motion passed 5-0.

DEPARTMENT REPORTS:

A: PLANNING & ZONING, ZONING BOARD OF APPEALS:
The City had issued 51 single family permits in June, 381 inspections were done. Several items were on the agenda for later discussion. Chief Building Inspector, Tony Bauman, was recognized for 5 years of employment.

B. BUDGET AND FINANCE:
City Manager Nevad reported the General Fund checking account had a balance of $83,191.00. The LGIP Fund had just over 1 million. Revenue was at 64%, with expenses at 66%. The difference could be attributed to costs of the landfill consent order, plus a higher cost for natural gas. Auditor Don Briscoe would give an overview of the 1996 Audit later on the Agenda.

C. GOLF:
Assistant City Manager Scott Payne reported the Golf Course generated revenue of $132,000 for the month of June. This information would be available to anyone after the meeting. The greens were in better condition due to lower rain fall and better maintenance. Consent order was going as planned and the spray irrigation should be up and running by October. There was a pond overflow of less than 100 gallons. EPD was notified, tests were done and showed no contamination.

APPROVED 8-11-97

D. UTILITIES:

Assistant City Manager Payne reported that 51 new services had been installed in June. Year to date 264 services have been installed. The gas consultant will discuss the 4 inch project on Highway 20 and Whitehead Road. Software to check readings on the backup meter had been installed. The readings can now be checked from the office. The City feels that the Transco meter has been in error. Council Member Spradlin appoligized to the Council and the City for not catching a long time ago the problem with the gas loss. In 1995 the City had an average of 6% gas loss, which is about average. In January of 1996 the gas loss was at 5.7%, again which is about average. In February of 1996, the gas loss jumped to 27.6%. By April of 1996, it had risen to 42.3%. In retail figures, the City would have lost $221,000 in revenues. In the year of 1996, the gas loss would have meant an additional $821,900 in revenues, if the gas had been accounted for and it could have been sold. Council Member Spradlin questioned why it had taken 18 months to decide to put in the backup meter. He felt this should have been the first thing that was done. City Manager Nevad and gas consultant Bobby Ellis both explained that starting at the low end of the problem seemed to be the best thing to do. The City tried to eliminate any billing problems, missed meters, or any meters that were being read incorrectly. A few commercial meters were found to be under-read; residential meters were all being read correctly. One reason for the delay in installing the backup meter, Transco was going to be doing some improvements and retro fit their station. If Transco's meter is found to be in error, they will refund all money paid in error by the City. After a very lengthy discussion on possible reasons for the high gas loss and why it took 18 months to install the backup meter, Council Member Spradlin was still not satisified with the answer.

E. DRAINAGE:

Drainage Supervisior Donna Zinskie reported that during the month of June, the street department had gotten all the right of ways mowed. Chipping and pick up lawn clippins continue. Stop signs that had been requested had been installed. Work on the Acosta property was completed as was work on the Alexis property. They did some drainage work for a gesident on Cold Creek Court, met with several other residents who have experienced drainage problems. They had done some drainage work at the park. New playground equipment for the upper pavillion had been ordered. When all the equipment arrives, the company that sold it will help with the installation. At that time, some areas of the park will have to be closed. Ms. Zinskie state that during the last couple of months, her department has been real busy. They have also experienced sickness and such in her deaprtment, leaving the department short-handed. She expressed her thanks to members of other City departments for helping get things caught up.

F. RECREATION:

City Manager Nevad reported there were several items pretaining to Recreation on the agenda tonight. There were 2 Recreation Board appointments, YMCA update, a Park Ordinance and a Park Policy. The Ordinance would allow Gwinnett County Police to patrol the park. The Park Policy would allow the YMCA the use of the park for some of their activities.

G. SOLID WASTE:

City Manager Nevad reported that on July 2, 1997, in conjunction with Robertson Sanation, the City started its volumn based garbage program. Back in the early 1990's, the state EPD decreed that all cities come up with goals and stragaties to reduce their solid waste by 25% per capitia. Also, the City polled the residents to find out what was important to them as far as garbage was concerned. Most of the residents wanted some type of recycling program. This was incorporated into the solid waste management plan approved by the state in 1995. The City also offers the chipping program, which provides mulch for any resident that would like to have it. The bag system has been successful in other cities and Mr. Nevad felt it would be in Sugar Hill once all the glitches are worked out. Representatives from Robertson were at the meeting to answer questions and listen to any feedback from the residents. Mr. Brooker and Mr. O'Conner explained the new system. Council Members Baird and Pugh wanted to know if there was an alternative plan to this program for people that did not want to participate. Mr. O'Conner did not see an alternative to this plan. Mr. O'Conner wanted to know what some of complaints were. He knew this was change, major change for some people. New residents are already bringing their trash to the curb, long time residents are used to back yard pick up. He felt it would take some time for people to adjust. Council Member Spradlin asked why the city boundary couldn't be opened up to other carriers for those that are dissatisfied with Robertson's new system. He felt Robertson's system was the best and they would not lose that many customers. Mr. O'Conner's response was that the price of garbage collection would go up, there would be more trucks on the street. The price of the bag was predicated on the exclusive contract with the city. Council Member Spradlin suggested that the residents be allowed to ask questions of Mr. Brooker and Mr. O'Conner. Several residents said they were not aware of the new program. Information they received with the recycling bin was wet. Other questions included why the new bags were not being picked up, what about large items, dumping, using garbage cans, being able to have a choice of which carrier the residents use. Mayor Webster asked Mr. Brooker and Mr. O'Conner to talk with their General Manager about giving people a choice. Council Member Spradlin wanted to introduce a resident, Kathy Snyder, to give information she had obtained regarding the expansion of the landfill at Buford. Council Member Spradlin made a motion to address a letter to EPD requesting clarification between the letter the City received and the letter Ms. Snyder received. Council Member Bailey made the second. Motion passed 5-0

Mayor Webster turned the floor over to Council Member Bailey to introduce some special guests. The guests were students from France. Several area residents were hosting these students. Mr. Jim Fisher the area organizer gave a brief description of what the program involved.

The meeting adjourned for a 10 minute recess at 8:50 p.m.

Meeting was called back to order at 9:00 p.m.

OLD BUSINESS:

A: CABLEVISION:

Council Member Spradlin gave an update on recent developments with Cablevision. Cablevision had filed an appeal, they had 30 days to file but took almost 90 days. The City had 10 days to respond but did not receive notice until the 10 days were about to expire. The City then had to file 2 motions , one to allow to file late, the other that

Cablevision went past the 30 days they had to file an appeal in the first place. If any one wanted to see the correspondence, they could do so after the meeting.

B. UPDATE ON VISION 20/20 COMMITTEE:
Mr. Dave Bechtold of 845 Long Branch Circle reported that the committee met 2 times in June. On the 17th they discussed goals and objectives of the land use plan of the land use section of the comprehensive plan. On July 8th they discussed the land use map. They looked at a broad sweep approach to industrial/office/commercial use. and residential type zoning areas within the City. Of the 2700 surveys sent out, 388 have been returned. The Committee would hold an informal meeting on July 15th to finish reviewing the surveys and he hoped to have the results at the next Council meeting.

C. OPEN BURNING BAN:
Council Member Spradlin made a motion to table this item until next month. Second made by Council Member Bailey made the second. Motion passed 5-0. City Attorney Lee Thompson stated this was just a memo, this was the county ordinance and EPD regulations. There were some exemptions and he needed some feedback from the Council on those exemptions in order to finalize the ordinance.

D. UPDATE ON YMCA:
Council Member Davis turned this over to Mr. Ed Entrekin who introduced Mr. Bob Wagner to give the report. Mr. Wagner reported that starting July 15th they would hold registration for YMCA summer camp from 5:00 p.m. to 8:00 p.m. either in the Community Center or in the Mayor's office. It would only be a 4 week program and limited to 50 people. Summer camp would start on July 21st. Gwinnett County had given them permission to use the gym at the old elementary school. Future programs with the YMCA will depend on how the summer camp goes. The committee wants to make the summer camp work, so it can be improved next year. They are also getting the results of the Vision 20/20 survey and the survey sent out by the YMCA. So far it appears the aquatics are the most popular. A sub-committee on aquatics has been formed. Mr. Wagner introduced Mr. Bob Nichols and Mr. Scott Doll, who are members of the sub-committee on aquatics Mr. Nichols has been a swimming coach for a number of years, Mr. Doll has worked for the YMCA for a number of years. Mr. Doll will answer the technical questions about what is required to have the facilities to handle all programs. Mr. Wagner felt that in 5 or 6 months, they should have a design for the aquatics center, plus fee structures, cost analysis for this aquatics center.

E. RESOLUTION-ABANDONMENT OF PORTION PROPERTY-BRYANT:
City Attorney Thompson stated this was a resolution to abandon a portion of West Broad Street. It had been closed by the City in 1989 but never abandoned The request came from one of the property owners. Neither of the property owners had any comments to make about this abandonment. A motion was made and seconded to adopt the resolution. Motion passed 5-0

OLD BUSINESS CONT'D

F. RESOLUTION-ABANDONMENT OF PORTION OF DUNCAN DRIVE:
City Attorney stated this was the same type of resolution. This is a small portion of Duncan Drive., from Pine Thickett Drive to the dead end of Duncan Drive. Mr. Thompson stated this portion of Duncan Drive had never been paved and there was no record it had ever been dedicated to the City. He was asked to draw up a resolution to abandon this portion of Duncan Drive. A motion was made and seconded to adopt the resolution. Mr. Thompson stated that the residents affected were at the meeting and would probably like to speak. Mrs. Dot Ramey of 1199 Pine Thickett Drive stated she would like to speak about this resolution. Mrs. Ramey expressed her concerns about the possibilities of someone buying the Smith's property and putting up a fence. Mr. Thompson explained that the City would quit claim the property to both the Smith's and the Ramey's. They in turn could work out what could and could not be done to the property. He explained that this information could be recorded on the deed and that would prevent anyone from putting up a fence should the Smith's ever sell their property. Mrs. Ramey stated she wanted to make sure that this never happened because if a fence were installed she would not be able to get in her driveway. After more discussion, Mrs. Ramey said she and the Smith's could work out an agreement. Motion was voted on and passed. 4-1

G. UPDATE ON GAS SYSTEM PLANNED IMPROVEMENTS & APPROPRIATIONS-HWY 20 & WHITEHEAD ROAD:
Gas Consultant Bobby Ellis stated the gas line on North Price to Woodward Mill Rd would be complete in about 60 days. They would then lay 4" down Suwanee Dam Road to Whitehead Road. The 6" will start at the Transco station to Riverside Road. The Council needed to appropriate money for the installation of these gas lines. The estimated cost for Whitehead Road was $53,000. The cost to lay the pipe on Hwy 20 would cost more due to having to remove some trees on Highway 20. After more discussion on the safest way to remove the trees and get the lines laid safely a motion was made to approve the expenditure. Motion passed 5-0

CITIZEN'S AND GUEST'S COMMENTS:

Mr. Robert Bowie of 835 Level Creek Road stated that Mr. Stan Hall was at his house taking a deposition. Mr. Bowie had pictures to back up anything he said. Mr. Hall was not interested, so they have taken it to the Federal authorities. They were doing an investigation of the inspector and none of the information came from his daughter - but from 2 other people who were present that night.

Mrs. Margie Wilson of 4386 Frontier Way expressed her concerns over the way water had been diverted into the creek that runs behind the residents that live on Frontier Way and White Oak Way. All this water was washing away their property. There was also a lot of debris in the creek, keeping it from flowing. The Mayor informed Mrs. Wilson that they would get someone down there to get things cleaned up.

Ellen Morris, daughter of late Council Member Thomas Morris, stated she had not been able to attend meeting in a while. She wanted to let everyone know that things were happening just like her father had predicted. She stated that Mr. Herb Payne had made some unkind remarks about her father and she did not appreciated those statements.

CITIZEN'S AND GUEST'S COMMENTS CONT'D

Mr. Herb Payne of 980 Old Spring Way started out by apologing to Ms. Morris. Mr. Payne wanted to express his concerns that apartments might be going in about 400 yards from his home. He felt that the City had been growing too fast, causing more gas usage. He felt this project had not been looked at properly, the effect it would have on the school, parks and other facilities. He was not in favor of letting another jurisdiction come into the City to build houses or apartments. He wanted the Council to do everything possible to see this project did not pass.

Penny Free expressed her concerns over having the apartments so close to her home. Her children could play in the backyard without her having to watch them so closely. She felt that having apartments so close would cause lots of problems.

Jim Holt of 5096 Oak Grove Drive asked if the developer had satisfied the P & Z on infrastructure about the adjoining roads. Mr. McFarland stated that P&Z did not look at the financing of the project. The property is zoned RG-80 which allows multi-family housing. Mr. Holt was not satisfied with this answer. He urged the council to do everything in their power to stop this project.

Gail Kelly of Parkview expressed her concerns over the apartment project. She felt with that many units it would affect the gas pressure, overcrowd the school, cause more traffic on Level Creek Road. She felt the developer should put the playground more in the center of the complex instead of at the rear. In her opinion, children would not use the playground because it would be too far to go. Therefore, they would be in the street or someone else's yard. Also, the square footage of the units was very small, 700 to 900 square foot. She felt this was very small for a family.

Steve Brown of Springhill Drive stated the apartments would back up to his house. He asked the Council to do everything possible to prevent this project. He felt that there should be a balance in the zoning and building. If a foster home could go there or a senior citizen home, for the Council to consider this. He is not against apartments but felt the property should be used a little more wisely.

Council Member Spradlin wanted everyone to understand that the agenda item was only about Buford Housing Authority financing this project, not if the apartments would or would not be built. The zoning was already in place.

Gary Pirkle of 5026 Oak Grove Drive stated he had talked with several members of the Council as well as members of the community. A lot of the concern is about property value if the apartments are built. As ab alternate on the 20/20 Committee he felt that all scales of the housing needs had been met and should no longer be an issue. Also, this is Sugar Hill not Buford and the Council Members should be looking out for the interest of the citizens of Sugar Hill.

Mayor Webster called for a 10 minute recess at 10:05 p.m.

Meeting reconvened at 10:20 p.m.

NEW BUSINESS:

A: BUFORD HOUSING AUTHORITY RESOLUTION:
Mayor Pro-Tem Pugh asked if each council member had read the resolution on the Buford Housing Authority. All council members replied thay had. In that situation, Mayor Pro-Tem Pugh made a motion to deny the Buford Housing Authority Resolution. Second was made by Council Member Spradlin. Motion passed 5-0

B: PUBLIC HEARING:RZ-97-005,BRAHMA LAND & DEVELOPMENT
47.2 ACRES REZONED FROM LM TO HM-1-DRY CEMENT
DISTRIBUTION FACILITY:
Motion was made and seconded to go into public hearing. Motion passed 5-0.
Mr. McFarland stated this was a rezoning application by Brahma Land Corp. A rezoning proposal had been heard several months ago. Located on Peachtree Ind Blvd. A portion of the property was zoned LM. The request was made to rezone this property to HM-1 to allow for industrial park and outdoor storage. Also required under the HM-1 zoning is access to a railroad spur. The proposed use is for a cement distribution center. Railroad cars would bring in dry cement which would be stored in a silo. After a disturbance from the developers of the apartment project, Mr. McFarland was allowed to continue. Access would be from Peachtree Industrial, rail access from the rear of the property. The dry cement would leave the property in tanker trucks. The planning commission had at least two meetings on this project. They had request that the company move the site so it would not be so close to the residential section. The company complied, resubmitted their plans, the planning commission reviewed them and recommended approval. The developers of the project were present to do a presentation. This also had the approval of the ARC.
Mr. George Aubruy of 4555 Secret Cove Court opposed the rezoning due to its close proximity to residential area. He knew the City needs income, but he felt this was not the way to generate that income. He asked the council to please listen to the citizens and vote no on this project.
Me. Lou Esinberg of 4570 Secret Cove Court stated that he too, was opposed to the dry cement project. He felt the City had done everything possible to minimize the impact of this project on the homeowners. He felt that the best way to protect the value of one's home was to make sure the zoning around homeowners was compatible with the residential area He felt if this property was zoned commercial and a rail spur allowed, the company would make a profit then move out, leaving the area open to perhaps another asphalt plant. He felt the city should take a stand on being a residential community. He wanted the council to vote no on this project.
Mr. Joe Herrara of 1032 Secret Trail stated he was opposed to this rezoning. He felt if this was done there would be nothing to stop this company from selling to another commercial company, which could turn out to be another asphalt plant. If it were zoned commercial, there would be little the city could do to stop it. He also asked that the council vote no on this project.
Mr. Steve Avery and Mr. Dave Kennedy, both of whom work for Medusa ,represent the company that is trying to put in the cement terminal. They told how they had revised their plans to comply with the planning commission so that their would be little or no impact on the residential area. They had presented several people they have done business with in other areas. They explained this is an enclosed business and it shouldnot be a health hazard to anyone. Several residents had questions they wanted to ask.

PUBLIC HEARING CONT,D

Some of the questions concerned the number of rail cars per day, which would be 1 switch a day with 6 cars. What about dust, it is a closed facility and there would be little or no dust. Would this create an increase in the traffic flow and what about road noise. Would they run a 24 hour operation, it will only run an 8 hour day. 5 days a week. Where they prepared for train derailments and traffic accidents involving the tanker trucks. Should this occur, there should be no hazard to the community. They stated they had no plans to work 24 hours a day and their employees were not required to wear any type of mask. After many questions were asked and answered, a motion was made to go back in general session. Motion passed 5-0. Letters that Mr. Avery and Mr. Kennedy had from people in towns where they have other plants located were read into the record. Council Member Baird told Mr. Avery that he believed the city needed this plant but felt it was not being built in the right place. He felt that in the future Peachtree Industrial would become more of a retail area and this plant just did not fit that image. Council Member Bailey felt Medusa was a good company but two things bothered him. One: was the location so close to a residential area. Two: If they allow an HM-1 zoning at this location more would follow. He would like to have their business but at a different location. Mayor Pro-Tem Pugh stated he had worked with this company for about a month. When this project first came up he was opposed to the project but after sitting down with them and expressing his concerns, they agreed to all the changes that were brought up. The company was willing to make all these changes and he felt that this project should be passed. Council Member Davis stated he welcomed this company to Sugar Hill but felt there was a better location for their plant. Council Member Spradlin stated that this was a lot of responsibility for the council. He stated that this company had done everything that the council had asked but because the people did not want this he would not vote for or against this project. He also felt that the council was sending a message to other companies not to come to Sugar Hill because your request for rezoning would not be approved based on emotions. The motion to approve failed 3-1 with 1 abstaining.

At 11:25 p.m. the Mayor turned the meeting over the Mayor Pro-Tem Pugh. He called for a 5 minute recess. Meeting reconvened at 11:30 p.m..

C. ELECTION UPDATE:
Due to the lateness of the hour, Mr. McCalla had gone home. A motion was made and seconded to table this item until next month. Motion passed 4-0.

D. PUBLIC HEARING:ADOPTION FOR NEW 1997 ZONING ORDINANCE:
A motion was made and seconded to go into public hearing on adopting the new zoning ordinance. Motion passed 4-0. Mr. McFarland stated that the planning commission recommended approval of the new zoning ordinance with a few minor changes. Two definitions were changed, one was the definition of a basement , the other was what is a story. Accessory uses included recreational vehicles, he stated that these could not be parked on the street has to be parked in back or side yard and no more than two of those. Verbiage about livestock was deleted. He made a change to the HM-2 requirements which dealt with rendering plants, etc that he felt would not be in Sugar Hill. RG-80 zoning was changed to RM which would take effect in Sept. RM stands for multi family. No comments from the public. A motion was made and seconded to go back in regular session. Passed 4-0 City Attorney Thompson read a draft of the zoning ordinance. A motion was made and seconded to adopt the new zoning ordinance. Motion passed 4-0

7/14/97

NEW BUSINESS CONT'D

E. DEVELOPMENT,DRAINAGE & ENFORCEMENT REGULATIONS:
Mr. McFarland stated that this would also include the Buffer Land Tree Ordinance. The only change was giving credit for trees in a construction zone. He explained that there was little difference in these ordinances and the ones that already existed. The one major change was on 2 patch streets The contractor would have to do the streets a certain way and provide insurance. Otherwise, there were no other changes the regulations now read like they come from Sugar Hill and not the county. There were no other comments. A motion was made and seconded to adopt the regulations. Motion passed 4-0.

F. ACCEPT ANNEXATION APPLICATION-AX-97-JSA & ASSOCIATES-10.57 ACRES:
Mr. McFarland stated this was just starting the process of annexation. When someone submits a request for annexation it has to be accepted and this is what this item is. A motion was made and seconded to accept the annexation. Motion passed 4-0

G. 1996 AUDIT:
Mr. Don Briscoe stated the audit was due back from the printers any day now. He gave a brief overview of how the city had done in 1996. He expressed his thanks to Kelley Canady and other members of the staff who had helped him with this audit.

H. 5 YEAR EMPLOYEE SERVICE-TONY BAUMAN:
This item was taken care of at the beginning of the meeting. No action taken.

I. RECREATION BOARD APPOINTMENTS:
There were two vacancies on the recreation board. Based on recommendations from Council Members Davis and Spradlin, Mayor Pro-Tem Pugh appointed Mr. Paul Cross, and Mrs. Leigh Bailey. If Mr. Dave Edwards decides not to serve then Mrs. Meg Avery will fill his position.

J. GWINNETT COUNTY PARK ORDINANCE:
City Manager Nevad stated that City Attorney Thompson read the new park ordinance in order for the county police to enforce patrolling the park. A motion was made to adopt this ordinance. Motion passed 4-0

K: PARK POLICY AUTHORIZATION:
A motion was made and seconded to accept this policy to allow the YMCA access to the park. YMCA would be given first priority to hold events after all city functions. Council Member Baird wanted to know if this would affect any grants the city might be entitled to. City Attorney Thompson stated that this just gave the YMCA first choice in the scheduling. Motion passed 4-0

L. YMCA APPROPRIATION:
Mr. Davis asked Mr. Wagner to make this presentation. He told the amounts needed to rent the gym at the school plus a janitorial fee. For 6 hours a day, 5 days a week for 4 weeks would be $3240. The YMCA would pay half, leaving the city to pay a total of $1620. A motion was made and seconded to approve the appropriation. Motion passed 4-0.

NEW BUSINESS CONT'D

M. DRAINAGE APPROPRIATION:
City Manager Nevad stated that in the 1997 Budget $50,000 was approved for drainage . For some of the projects that need to be completed the city needed to appropriate $25,000. $10,000 of this would come from the gas department, due to down sizing in that department. The other $15, 000 would come from the recreation department. A motion was made and seconded to approve this appropriation. Council Member Spradlin was concerned about taking the money from the recreation department. It was suggested it come from the contingency fund. The motion was amended to take it from this fund. Motion passed 4-0

N. SUGAR HILL GOVERNMENT:
City resident Brenda Rich stated there were several issues she wanted to discuss. One item was Mr Everett Moore who runs a produce stand on Old Atlanta Highway. Mr. Moore was issued a business license by the city but now he is being told that he has 6 months to move. However, in Frontier Forest there was a commercial business being run out of a home. There had been numerous complaints from residents in that area. She quoted several ordinances that prohibited this type of business in a residential area. After more discussion on this problem, City Attorney Thompson told Mrs. Rich she should place her complaint with the Appeals Board or P & Z Board. She made a request that the council meet with her in executive session with her about some serious charges. She wanted an exclusion in this meeting plus a citizen who had no political ties with any of the council members. The Council Members stated that the rights of any one being accused should be handled in private. Private citizens could not meet in executive session with the council. City employees would be allowed. Mayor Pro-Tem Pugh suggested that she talk to the City Attorney so that he could relay her charge to them. This was agreeable to Mrs. Rich only if would be investigated.

O. APPROPRIATE MONEY FOR TOP 25 BUSINESSES:
Mayor Pro-Tem Pugh wanted to appropriate at least $2500. to have a dinner for the top 25 businesses at the Golf Course. Council Member Baird expressed his concern over all these appropriations. Mr. Pugh stated this was to promote good will between the businesses and the city. A motion was made to approve and seconded. Motion passed 4-0

CITY CLERK'S REPORT:
Clerk Gibbs had nothing to report.

CITY MANAGER'S REPORT:
Congratulated Joe Appling on becoming a certified land fill operator, also Kelley Canady for completing Level I in the finance program. Expressed his condolences to the family o f Ken Cain and wished Danny Hughes a speedy recovery.

COUNCIL REPORTS:
Council Member Bailey stated it had been an exciting evening. Some items had not turned out as he had wanted.
Council Member Baird congratulated Joe Appling , the Recreation Board appointments. He thanked Mrs. Rich for coming.
Council Member Spradlin had the same feelings as Council Member Bailey
Council Member Davis echoed Mr. Bailey.
Council Member Pugh thanked everyone for keeping their cool and taking care of

business. He also thanked Mrs. Rich for coming.

A motion was made to go into executive session. Motion passed 3-0-1 abstention.

No action was taken as a result of the executive session. Meeting adjourned at 1:00 a.m.

RESOLUTION OF ABANDONMENT OF MUNICIPAL STREET

WHEREAS, the Mayor and Council of the City of Sugar Hill have determined that West Broad Street from the intersection of that street with First Avenue to the dead end of West Broad Street has ceased to be used by the public to such an extent that no substantial public purpose is accomplished by leaving the street as part of the municipal street system; and

WHEREAS, the Mayor and Council of the City of Sugar Hill have determined that the abandonment and closing of the portion of West Broad Street as shown on the plat which is attached hereto as Exhibit "A" is in the best interest of the citizens of the City of Sugar Hill; the Council of the City of Sugar Hill hereby ordains that the portion of West Broad Street as described and as shown on Exhibit "A" which is attached hereto and incorporated herein by reference is hereby declared to be closed and abandoned as a part of the municipal streets system of the City of Sugar Hill. This action is taken pursuant to O.C.G.A. §32-7-2 following proper notice to all property owners located on the portions of the municipal streets system closed and abandoned by this action.

The Council further authorizes the Mayor and the City Clerk to take such action and execute such documents as are necessary to dispose of the abandoned property in accordance with the laws of the State of Georgia.

IT IS SO ORDAINED this _____ day of _____, 1997.

_____
Councilmember

_____
Councilmember

_____
Councilmember

_____
Councilmember

_____
Councilmember

Submitted to Mayor: _____
Received from Mayor: _____

_____
Mayor

ATTEST:

_____
City Clerk

RESOLUTION OF ABANDONMENT OF MUNICIPAL STREET

WHEREAS, the Mayor and Council of the City of Sugar Hill have determined that Duncan Drive from the intersection of that street with Pine Thicket Drive to the dead end of Duncan Drive has ceased to be used by the public to such an extent that no substantial public purpose is accomplished by leaving the street as part of the municipal street system; and

WHEREAS, the Mayor and Council of the City of Sugar Hill have determined that the abandonment and closing of the portion of Duncan Drive as shown on the plat which is attached hereto as Exhibit "A" is in the best interest of the citizens of the City of Sugar Hill; the Council of the City of Sugar Hill hereby ordains that the portion of Duncan Drive as described and as shown on Exhibit "A" which is attached hereto and incorporated herein by reference is hereby declared to be closed and abandoned as a part of the municipal streets system of the City of Sugar Hill. This action is taken pursuant to O.C.G.A. §32-7-2 following proper notice to all property owners located on the portions of the municipal streets system closed and abandoned by this action.

The Council further authorizes the Mayor and the City Clerk to take such action and execute such documents as are necessary to dispose of the abandoned property in accordance with the laws of the State of Georgia.

IT IS SO ORDAINED this _____ day of _____, 1997.

_____
Councilmember

_____
Councilmember

_____
Councilmember

_____
Councilmember

_____
Councilmember

Submitted to Mayor: _____
Received from Mayor: _____

_____
Mayor

ATTEST:

_____
City Clerk

RESOLUTION OF THE MAYOR AND COUNCIL OF
THE CITY OF SUGAR HILL, GEORGIA PROVIDING APPROVAL
WITH RESPECT TO THE ISSUANCE OF REVENUE BONDS BY THE
HOUSING AUTHORITY OF THE CITY OF BUFORD, GEORGIA
FOR THE BENEFIT OF LEVEL CREEK PARTNERS, L.P.

WHEREAS, the Housing Authority of the City of Buford, Georgia (the "Issuer") is to consider the application of Level Creek Partners, L.P., a Georgia limited partnership, (or an affiliate thereof is hereinafter referred to as the "Borrower") requesting the Issuer's assistance in the financing of the acquisition, construction and installation of a multifamily housing project totaling approximately 220 units, located on 17.97 acres and consisting of approximately 15 buildings to be located in the City of Sugar Hill, Gwinnett County, Georgia (the "Project") to be developed by the Borrower through the issuance by the Issuer of multifamily housing revenue bonds in an amount not to exceed $13,000,000 (the "Bonds"); and

WHEREAS, there currently exists no housing authority within the City of Sugar Hill and the Mayor and Council of Sugar Hill are desirous of assisting the Borrower in the issuance of the Bonds and the financing of the Project; and

WHEREAS, the Mayor and Council wish to indicate their desire that the Housing Authority of the City of Buford act on behalf of the City of Sugar Hill in the issuance of the Bonds; and

WHEREAS, pursuant to O.C.G.A. 8-3-3(1) the permitted "area of operation" of a housing authority created for a city is within such city and the area within ten miles of the territorial boundaries thereof but does not mean any area which lies within the territorial boundaries of any other city unless a resolution shall have been adopted by the governing body of such other city declaring that there is a need for the city housing authority to exercise its powers within the territorial boundaries of said other city; and

WHEREAS, the City of Sugar Hill, Georgia lies within 10 miles of the territorial boundaries of the City of Buford, Georgia and, therefore lies within the area of operation for the Housing Authority of the City of Buford, Georgia; and

WHEREAS, a public hearing was held on March 3, 1997 on behalf of the City of Sugar Hill, Georgia and the City of Buford, Georgia with respect to such proposed financing of the Project as required pursuant to Section 147(f) of the Internal Revenue Code of 1986 as amended (the "Code"); and

WHEREAS, Section 147(f) of the Code provides that the applicable elected representative of the governmental unit having jurisdiction over the area in which any facility, with respect to which the proceeds of the multifamily revenue bonds is to be provided, is located, shall approve the issuance of such revenue bonds following a public hearing for which reasonable notice was given; and

WHEREAS, the Issuer recommends and has requested that the Mayor and Council of Sugar Hill approve the issuance of the Bonds and the financing of the Project, subject to the terms of the financing to be agreed upon by the Issuer, the Borrower and the purchaser of the Bonds, and a certificate regarding the public hearing has been filed with the minutes of this meeting; and

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF SUGAR HILL AS FOLLOWS:

(1) The Mayor and Council of the City of Sugar Hill hereby declare a need for safe, decent and affordable housing and request that the Housing Authority of the City of Buford issue the Bonds to finance the Project on behalf of the Borrower which is located within the jurisdiction of the City of Sugar Hill.

(2) The issuance of the Bonds in an amount not to exceed $13,000,000 by the Issuer for the benefit of the Borrower to assist in the financing of the Project to be located within the geographic jurisdiction of the City of Sugar Hill is hereby approved to the extent required by said Section 147(f) of the Code.

(3) Such approval by the Mayor and Council of the City of Sugar Hill, Georgia does not constitute an endorsement to a prospective purchaser of the Bonds or the creditworthiness of the Borrower or the Project, and the Bonds shall not constitute an indebtedness or obligation of the City of Sugar Hill, the City of Buford, Georgia, the State of Georgia or of any county, municipal corporation or political subdivision thereof but the Bonds shall be payable solely from the revenues derived from the Borrower and pledged to the payment thereof and no owner of the Bonds shall ever have the right to compel any exercise of the taxing power of The City of Sugar Hill, the City of Buford, Gwinnett County, said State or of any county, municipal corporation or political subdivision thereof, nor to enforce the payment thereof against any property of said State or of any such county, municipal corporation or political subdivision.

Adopted this _____ day of _____, 1997.

CITY OF SUGAR HILL, GEORGIA

_____
Council Member

_____
Council Member

_____
Council Member

_____
Council Member

_____
Council Member

Submitted to Mayor: _____

Approved by and Received from Mayor this _____ day of _____, 1997.

_____
Mayor

Attest:

_____
City Clerk

O R D I N A N C E

RZ-97-005

The Council of the City of Sugar Hill, Georgia hereby ordains:

That "The Zoning Ordinance of the City of Sugar Hill" is hereby amended by amending the official zoning map adopted by that ordinance to classify the area described on Exhibit A which is attached hereto and incorporated herein by reference as Light Industry District (HM-1) on said official zoning map.

BE IT FURTHER ORDAINED THAT the following conditions are hereby included on the property as a condition of zoning:

_____

_____

_____

_____

IT IS SO ORDAINED, this _____ day of _____, 1997.

_____
Mayor

_____
Council Member

_____
Council Member

_____
Council Member

_____
Council Member

_____
Council Member

ATTEST: _____
City Clerk

Submitted to Mayor: _____

Approved by Mayor, this _____ day of _____, 1997.

_____
Mayor

NOTICE OF PROPOSED ADOPTION FOR
NEW 1997 ZONING ORDINANCE
CITY OF SUGAR HILL

The Mayor and Council of the City of Sugar Hill will conduct a Public Hearing to consider the adoption of the 1997 New Zoning Ordinance for the City of Sugar Hill pertaining to the zoning and uses of land within the city limits of Sugar Hill.

The Public is hereby notified that the use of property as zoned may change and anyone interested should review a copy of the proposed changed that will be made available for review at City Hall during regularly scheduled business hours beginning Friday, May 30, 1997.

The Public Hearing will be held at the Sugar Hill City Hall Community Center on Monday, July 14, 1997 7:30 p.m.. All those having an interest should be present.

KIMBERLY B. LANDERS
ADMINISTRATIVE ASSISTANT
CITY OF SUGAR HILL

PLEASE RUN AD IN THE LEGAL SECTION: 6-27-97

CITY OF SUGAR HILL COUNCIL MEETING
MINUTES-MONDAY, JUNE 9, 1997

The June 9, 1997 Council meeting was held at 7:30pm in the Community Center. The meeting was advertised in the local papers, notices were posted at City Hall and the Community Center and on the board at Peachtree Ind. Blvd.

Those present were: Mayor Webster, Mayor Pro-Tem Pugh, Council Members Bailey, Baird, Davis and Spradlin, City Manager Warren Nevad, City Attorney Lee Thompson, City Clerk Shirley Gibbs, Drainage Supervisor Donna Zinskie, Director of Golf Wade Queen, Consultant Don McFarland, members of the press, registered guests.

CALL TO ORDER AND INVOCATION:

The Mayor called the meeting to order at 7:30pm with Pledge to the Flag. Council Member Spradlin gave the invocation.

APPROVAL OF AGENDA:

Mayor Pro-Tem Pugh made the motion to approve the agenda with one change. Item I under New Business was to be deleted. Council Member Baird made the second. Motion was unanimously approved 5-0

APPROVAL OF MINUTES:

Council Member Spradlin made the motion to approve the minutes from the May meeting and the minutes from the work session held in May. Council Member Baird made the second. Motion was unanimously approved. 5-0

DEPARTMENT REPORTS:

A: PLANNING AND ZONING, ZONING APPEALS BOARD:
City Manager Nevad reported for the month of May there were 33 single family permits issued, 366 inspections. They are looking into the possibility of adding a compliance officer in the 1998 budget. The Storm Water Drainage, Proposed Zoning Ordinance, Development Regulations, will be presented for public hearing at the June Planning & Zoning meeting. These will then be adopted at the July Council meeting.

B: BUDGET AND FINANCE:
City Manager Nevad reported at the end of the month there was $81,000 in the checking account with 1.1 million in the LGIP FUND. Kelley Canady was in Macon attending a Budget Prep Course. He also reported that from 1995 to present, the City had spent nearly $100,000 on Phase I of the Golf Course consent order. Additional monies will have to be spent on the landfill closure and Phase II of the consent order.

approved 7-14-97

DEPARTMENT REPORTS CONTINUED:

C: GOLF:
City Manager Nevad reported revenues were up 9% in May over last year in May. Director of Golf Wade Queen is working ona Junior Golf League. Mr. Gary Simpson of POH was present to give an update on the Golf Course Spray Irrigation Consent Order. Mr. Simpson reported that things were moving forward. POH had been asked by the City for a proposal on the second phase of the consent order. Also, to provide some additional services. The City asked POH to review their costing. This has been reduced by $3500 total for the 2 packages which remain on the spray irrigation project: one for design and one for an operations manual. They have been working with the City on getting surplus piping to use on the spray irrigation project in an effort to alleviate the deadline on the consent order. Council Member Spradlin made a motion to approve the proposal for design and development report and permitting process. Second was made by Mayor Pro-Tem Pugh. Motion passed unanimously. 5-0

D: UTILITIES:
City Manager Nevad reported about 20% of high pressure gas line has been completed. A 6 inch gas line was started at the corner of Level Creek Road and West Price Road. The City put out for bid the installation of 1300 feet of 4 inch line from Suwanee Dam Road to Hillcrest. Last year a 4 inch line was installed on Hillcrest Drive. The City was very disappointed with the quotes. The lowest one being $140,000 to $160,000. The City is now thinking of installing a 4 inch gas line from Suwanee Dam Road to Whitehead Drive. where a 4 inch line has already been installed. This would make about 4000 feet of gas line. The City has to use caution in its spending due to the EPD Golf Course consent order and landfill closure. The consultant feels confident that when the high pressure project is completed in September, there will be sufficient gas availability for several years until the high pressure project is completed along Highway 20.

E: DRAINAGE:
Drainage Supervisor Donna Zinskie stated that the project at 835 Level Creek Road was finished. She and Mr. McFarland had looked the Sosbee property on Frontier Trail. She stated he was going to give a recommendation on this later. Ms. Zinskie stated she had attended a seminar on Storm Water Drainage as a utility. At this time she felt it was not something the City would be interested in due to the cost. She reported that the lower pavilion at the park had been painted, the grill should be in about seven days. The playground equipment had been ordered and should arrive around the second week in July. In the street department, chipping was behind, due to problems with the chipper truck and the chipper itself. Both are now fixed and chipping should be caught up by the end of the week. Right of ways had been mowed, signs that were needed for Princeton Oaks were in place. The catch basins for Oaks at Lanier had been started. Other catch basins being worked on were on Roberts Drive, S. Roberts Drive, and Whitehead Road Asphalting should be started the next day.

DRAINGAE CONTINUED:

Council Member Spradlin asked her to elaborate on the Storm Water Program. Ms. Zinskie stated that to her understanding, you had to have a computer program which gave a graph of the entire city. If you charge a fee for storm water as a utility, you charge each person for the area that belongs to them. This means a business would pay more than a homeowner. So far the city of Griffin is the only city in Georgia that has this program in place. The other cities that charge a fee for storm water drainage as a utility are located in North and South Carolina. The initial cost of setting up the program is around $200,000 and would take several months to get installed and running. She felt that this is something cities will be doing in the next few years as the cost goes down.

F: RECREATION:
City Manager Nevad stated the Recreation report would be included with the Y M C A Steering Committee report.

G: SOLID WASTE:
City Manager Nevad stated last month, Council approved a new garbage program. It is a bag system where the resident buys special logo bags. A box of 20 bags will cost $22.60. These bags can be purchased at local grocery stores. After the August bill, which will be for July service, since the City bills a month behind, residents will not be charged for garbage by the City nor will they be billed for garbage by Robertson Sanitation. The average cost of a bag is $1.13 a bag. Recycling is included in this new system at no additional charge. Depending on the number of bags a household uses, garbage cost will go up or down per month. Distribution of bags and bins started on June 25th thru June 28th. Along with the bags and bins, information on recycling and the Vision 20/20 survey was included. City Hall will sell individual bags or a box of bags for a while.
Gary Simpson of POH gave an update on Phase I of the landfill consent order. He stated he has been working with the City of Sugar Hill and the Georgia-EPD on consent order #1045 which refers to the landfill on Appling Road. His company had received a letter from EPD stating all items in the consent order had been resolved to their satisfaction. EPD has been very helpful with this project. There is a second phase to the consent order, which includes closure of the landfill. This is still being reviewed by the Council and he will be able to report on this at the next meeting.

OLD BUSINESS:

A: UPDATE ON 20/20 VISION COMMITTEE:
Mr. Dave Bechtold of 845 Long Branch Circle reported that Vision 20/20 had met on May 27th. The committee discussed the Citizen Survey they want to send out, funding would be asked for later in the meeting. They had finalized the questions the wanted on the survey. They also reviewed the Community facilities and goals and objectives. The next meeting will be on June 17th at 7:00pm in the Community Center. At this meeting they will discuss land use and the land use map. They will also review goals and objectives of the 1992 plan. He encouraged everyone that could to attend these meetings.

OLD BUSINESS CONTINUED:

B: UPDATE ON YMCA STEERING COMMITTEE:
Council Member Davis turned this report over to Mr. Ed Entrekin. Mr. Entrekin reported that at the last Council meeting he was appointed head of the Steering Committee. They have had nothing but positive results from everyone involved in this project. Members of the Steering Committee met with some of the staff from City Hall about 2 weeks ago. Their first order of business was to establish a regular meeting date. The decision was made to meet on the Thursday prior to the City Council meeting at 4:30pm in the Community Center. Bob Wagner has met with people from City and County government on using current facilities. He also has a list of YMCA programs he is trying to match up to these facilities. Rev. Steve Woods, the other member of the Steering Committee, is in contact with area churches both in and out of the City. He will make available any of the rooms at the Methodist Church for the YMCA to use, including as soon as it is finished, the new auditorium. Mr. Entrekin would like, in the near future, to have a community meeting to find out what the citizens of Sugar Hill would like from the YMCA. They plan on starting some sub-committees, once they have defined their objectives. He said he had plenty of volunteers to fill these committees. Mr. Wagner met with YMCA representatives, at the Peachtree Corner facility, to find a program for the City to use as a starting point. It was proposed they do a partial summer day camp. To do this, they will need 2 classrooms, a gym, and access to the park. As soon as facilities are found they will start advertising for enrollment for a late summer day camp. The camp will be for 8 to 13 year old. Once things get started they will look for permanent facilities, including a swimming pool. He would like to see a better system for using the Sugar Hill Park. Based on his investigation, it appears the City park is used as an overflow. He would like to prioritize the usage for the park in the following ways: 1. Any Sugar Hill organized activity, 2. Any organized activity in the name of the YMCA, 3. Some facility that is not a part of the City that just wants to use the park. This would mean disappointing some of the neighboring communities that are using the park. Council Member Davis stated Mr. Bob Wagner had some things he wanted to report on. Mr. Wagner reported that his main job was to find facilities. The YMCA is wanting to start a summer camp, when school re-opens, they want to have a Pre-K program, and after school program. As far as facilities go, we have available the following: 2 tennis courts, 2 outdoor volley ball courts, 2 indoor volley ball courts, 4 softball fields, 1 soccer field, at least 2 gyms, plus the 1,000 seat auditorium when it is completed. The golf pros, at the golf course, are offering to give free lessons. He took a tour of the YMCA's facility in Norcross and plans on touring one under construction in Alpharetta. One facility that Sugar Hill does not have, which the YMCA builds a lot of their programs around, is a swimming pool. He gave his thanks to all the help he had received from the City employees.

CITIZEN'S AND GUEST'S COMMENTS:
Mrs. Roberta Birch of 1147 Richland Trace in Sugar Hill stated that last month after the meeting, she, her husband and one of the Council Members had a discussion in the parking lot about thé Buford landfill expansion. Things got rather heated as the Council Member stated this was a done deal and the landfill expansion would solve problems, not only for Buford but for Sugar Hill as well. She felt that since EPD had not given final approval it was not a done deal and she had every intention of fighting this expansion.

NEW BUSINESS:

A: BUFORD HOUSING AUTHORITY CONSIDERATION:
City Attorney Lee Thompson read the resolution that Mayor Pro-Tem Pugh had requested be drafted. Mayor Pro-Tem Pugh made a motion to adopt the resolution, Council Member Spradlin made the second. Council Member Bailey asked what portion of the Code O.C.G.A 8-3-15 referred to. Mr. Thompson explained that any municipality can create a housing authority by adopting a resolution to do so. These housing authorities are created to offer low income housing. They are also authorized to provide bond financing for housing that is not necessarily low income housing but multi family housing in the low to moderate income housing. He explained the Code section that was being referenced that required any authority to get approval from the governing body of the town they wanted to build in. Council Member Bailey wanted to be clear that this resolution does not authorize or establish a housing authority in Sugar Hill nor does it prevent Buford from coming before the Council to ask permission to do business in Sugar Hill. There was no further discussion on the motion. Motion passed 4-0-1 abstention.

B. LANDFILL IMPACT COMMITTEE:
Council Member Spradlin reported that at the last council meeting a citizen had requested a committee be formed to study the impact of the landfill expansion on the City of Sugar Hill. Mr. Carle was unable to attend the meeting but there was a speaker at the meeting to take his place. Ms. Paige Gant of 5569 Princeton Oaks Lane was filling in for Mr. Carle. Ms. Gant gave her view on the positive and negative effect of the Buford landfill expansion on Sugar Hill. She stated that BFI was willing to talk and Buford was willing to listen and she felt that Sugar Hill should be involved in these negotiations. Ms. Trudy Piper of 6231 Stewart Road, of unincorporated Gwinnett County, stated that the landfill was put there in the first place without notification. She had written a letter to Senator Billy Ray that the citizens had no representation and she felt that what this committee was trying to do was wonderful. Council Member Baird felt that the Council did not need to get involved for it would require a financial commitment. He would like to meet with BFI as a citizen but not as a Council Member. Council Member Bailey stated that the City had put forth a resolution to EPD to see if House Bill 219 would apply but EPD rebuffed it as soon as they received it. He felt that they should appeal to the Buford City Commission and to EPD but Sugar Hill had done all it could do. Council Member Spradlin gave his views on the obligations of the Council to represent the citizens. He made a motion to form a Community Impact Committee instead of a Landfill Impact Committee. Second to the motion was made by Council Member Baird. Mayor Webster pointed out that we already have the Vision 20/20 Committee. Council Member Spradlin felt their job was to get the Comprehensive Land Use Plan completed. Perhaps they could be combined later on. The Vision 20/20 should be through with their job by September. Council Member Pugh suggested that the Vision 20/20 Committee be the committee Council Member Spradlin was looking for. After further discussion, Council Member Spradlin amended his motion to ask the Vision 20/20 Committee to add Community Impact issues to their duties as soon as possible. The motion passed 4-0-1abstenion.

NEW BUSINESS CONTINUED:

C: RIGHT-OF-WAY ABANDONMENT:BRYANT:
City Attorney Thompson stated that he had looked at the documents provided to City Manager Nevad by Mr. Bryant. Mr. Thompson reported that all this took place in 1989. In reading the minutes from 1989, he felt that all the legal steps had not been taken. Mr. Thompson said he would prepare a resolution to abandon this piece of property. A motion was made and seconded to give Mr. Thompson the authority to take action on this abandonment resolution for the City. Motion passed 5-0

D: OCCUPATIONAL TAX ORDINANCE UPDATE:
City Attorney Thompson explained that this was an amendment to our current occupational tax. In the last few months, there has been a Supreme Court case that invalidated certain portions of the Occupational Tax Ordinances in the state. Most cities modeled their Occupational Tax Ordinance after one proposed by GMA. The proposed amendment would bring our current ordinance into compliance with the state. The portion that was invalidated was the criminal penalties imposed on certain occupations licensed by the state. These include doctors, lawyers and other professionals. Mayor Pro-Tem Pugh made a motion to adopt the proposed amendment to the Occupational Tax Ordinance, second was made by Council Member Spradlin. Motion passed unanimously. 5-0

E: RENEWAL OF STATE PRISON CONTRACT:
City Manager Nevad stated this was an annual contract. This year there is an 8% increase in the salary for the prison guard. All prison crew contracts are the same, the cost is not controlled by the city. It is left up to the City to renew or not. Based on their productivity, at City Hall and the Golf Course, it was recommended by staff that the contract be renewed. A motion was made and seconded to renew the contract. Mayor Pro-Tem Pugh stated that in talking to Manager Nevad and Donna Zinskie, things were running a little behind in the chipping and picking up of yard trash. For the cost incurred, the City might benefit by adding a third crew to help get caught up on projects that were running behind. Council Member Baird pointed out that to hire one person would cost as much as another prison crew, after you factor in that person's benefits. Mayor Webster wanted this new crew to be used not only at City Hall but at the Golf Course when needed. Mayor Pro-Tem Pugh amended the motion to renew the contract and to hire another crew. Council Member Baird made the second. Motion passed unanimously. 5-0

F: CDBG COOPERATION AGREEMENT:
City Manager Nevad stated this is an annual routine agreement where the City of Sugar Hill agrees to participate in Gwinnett County's Community Development Block Grant program. There are two ways to participate in the CDBG program: 1: Do it your self, 2: Apply to Gwinnett County. The CDBG is used by cities in Gwinnett County to improve housing and other projects. Council Member Spradlin made the motion to enter into another inter local agreement with Gwinnett County Community Development Block Grant program. Second to the motion was made by Council Member Steve Bailey. Motion passed unanimously. 5-0

NEW BUSINESS CONTINUED:

G: FUNDING REQUEST FOR VISION 20/20 SURVEY:
Mr. Dave Bechtold of 845 Long Branch Circle Co-Chairman of the Vision 20/20 Committee made a request for $1500.00 to send out a survey from the Vision 20/20 Task Force. The survey would include 3 questions from the Task Force and 2 from from the YMCA Steering Committee. Distribution of the survey, which would be in letter format with a stamped return envelope, would be delivered along with the recycling bins and bags being delivered by the garbage company. This would cost much less than obtaining a mailing permit, which take about 4 weeks to obtain. This survey would be delivered around the end of June, hopefully they would have all responses back by mid July. After much discussion on the best way to get this survey out and returned a motion was made and seconded to grant the funding. Motion passed unanimously. 5-0

H. HWY 20 HOUSE APPRAISAL:
Council Member Spradlin made a motion to have the City Manage do a marketing analysis done on this property to find out if selling this property is feasible and to get a reasonable price for this property. He would like for the City Manager to report on this at the next Council meeting with a view to possibly going out to bid. Council Member Baird made the second. Motion passed unanimously. 5-0

I: ITEM I WAS DELETED FROM THE AGENDA:

J: PUBLIC HEARING:REZONING: 97-006 MAP # 7-292-079-.05 ACRE MARTIN PUTNEY/AVNER ENTS. IS REQUESTING TO CHANGE THE ZONING ON SAID PROPERTY FROM RS 150 TO BG FOR THE PURPOSE OF A NATIONAL TRANSMISSION MASTERS AUTO REPAIR:

Motion was made and seconded to go into Public Hearing. Mr. Thompson read the legal description. Consultant Don McFarland gave the zonings on the adjacent properties. There was a public hearing at the Planning Commission meeting. There was some opposition to this rezoning. When the applicant was told of the buffer requirements, he found there would be little of the property left to build on. He had no objections to denial of the rezoning request. Recommendation from the Planning Commission was for denial. Council Member Baird had several questions to ask Mr. McFarland which he answered. The public had no comments on this rezoning issue. A motion was made and seconded to go back into general session. Mayor Pro-Tem Pugh made the motion to deny the rezoning, second made by Council Member Bailey. Mayor Pro-Tem Pugh asked if the Council could decide what would be potential commercial Mr. McFarland informed him the Council could through the land use plan. Council Member Spradlin gave his reasons for abstaining. Motion passed 4-0-1

CITY CLERK'S REPORT:
Clerk Gibbs reported there would be a blood drive on June 27, 1997 from 2:00pm until 7:00pm. She encouraged all that could to come out and give blood. She also reported that the first Budget Billing went out on June 5, 1997 with the next billing due to go out on June 20, 1997. The staff had not received any complaints on the new Budget Billing. On June 23 and 24, she would be in Macon attending an elections seminar, along with City Manager Nevad, Ruth Switzer and Mr. McCalla.

CITY MANAGER'S REPORT:

City Manager Nevad reported that Frontier Drive was stripped, finishing up on the Acosta drainage problem. He thanked the Mayor, Council, City Attorney, City Engineers for their help on Phase I of the landfill consent order. He felt that Mid-American was responsible but the City has handled the situation. The auditor, Don Briscoe was present to give an overview of the 1996 Audit. Mr. Briscoe reported that the audit was about 95% complete. He felt it was a very favorable audit. There are a couple of new accounting procedures that have held up the audit. One of items is landfill closure and post closure cost. He has been working with the City Attorney and Engineers on this portion of the audit. For a first year audit, it has gone very smoothly. The audit should be completed in a week to ten days.

COUNCIL REPORTS:

Council Member Davis reported that he was very pleased with the approval of the consent order. He also commended the Mayor on a very orderly, speedy meeting.

Mayor Pro-Tem Pugh thanked Dave Bechtold and the members of the Vision 20/20 Task Force for all their efforts . He also thanked Mr. Ed Entrekin and Mr. Bob Wagner for all their help and assistance in the YMCA. The Mayor called for a round of applause for all their help.

Council Member Bailey had nothing to report.

Council Member Baird thanked Vision 20/20 members and the YMCA Committee for all their work. He also thanked the other members of the council and the City Manager for all the work on the landfill consent order.

Council Member Spradlin stated that just because the City was paying for the consent order did not mean that the City was not pursuing action to deal with those expenses. He referred to a recent article in the paper about someone shooting at a family in their home. He wanted to publicly condemn this shooting and asked his fellow colleges to join him in this condemnation.

Mayor Webster asked for the Council and the citizens of Sugar Hill to participate in the blood drive as there was an urgent need for blood. He also stated that a comment made by a resident earlier in the meeting bothered him. He assured the citizens that none of the members of the Council would deliberately do anything to hurt the citizens of Sugar Hill.

EXECUTIVE SESSION:

There was no Executive Session. Meeting adjourned at 9:30pm.

ADMINISTRATIVE REPORT

PLANNING & DEVELOPMENT,
BUILDING INSPECTIONS DEPARTMENT

JUNE 1997

PRINTED: 7-9-97

Kimberly B. Landers

1997 PLANNING AND DEVELOPMENT MONTHLY REPORT

PERMIT TYPES	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEPT	OCT	NOV	DEC	YTD TOTAL
AD - ADDITION/GARAGE PERMITS	1	0	0	2	1	1							5
CM - COMMERCIAL	2	0	1	1	3	2							9
CT - CONSTRUCTION/SALES TRAILER	2	1	6	1	1	1							12
DL - DEMOLITION	1	0	0	0	1	1							3
DP - DEVELOPMENT PERMIT	1	0	2	2	12	2							19
FP - FENCE	2	2	4	7	8	0							23
GP - GRADING PERMIT	0	0	0	1	0	0							1
MI - MISCELLANEOUS/COMPLIANCE	10	8	6	4	2	5							35
MN - NEW MOBILE HOME	3	1	1	1	0	2							8
PP - POOL PERMIT	0	0	2	0	2	0							4
RF - REVIEW FEES	0	2	2	1	2	1							8
RM - REMODELING PERMITS	1	1	1	2	2	2							9
SB - STORAGE BUILDING	3	0	4	1	1	0							9
SF - SINGLE FAMILY	25	37	24	20	33	51							190
SP - SIGN PERMIT	3	4	3	1	0	6							17
AV - ADMINISTRATIVE VARIANCE	0	12	0	3	4	3							22
VA - APPEALS VARIANCE	4	0	1	1	4	1							11
AX - ANNEXATION APPLICATIONS	1	0	0	0	0	1							2
RZ - REZONING APPLICATIONS	1	1	1	2	0	2							7
CERTIFICATES OF OCCUPANCY	15	22	25	34	45	17							158
GAS TAPS ISSUED	36	61	40	26	62	65							290
BUILDING INSPECTIONS	243	289	347	369	336	381							1965

PREPARED BY: KIM LANDERS PRINTED: 07-09-97

SUMMARY OF INSPECTIONS COMPLETED BY INSPECTOR ID DURING THE PERIOD 06/01/97 THROUGH 06/30/97

THIS REPORT WAS PRINTED ON JULY 8, 1997

CITY OF SUGAR HILL

<< STATISTICAL BREAKOUT >>

	<---------- Inspections ---------->			<---------- Re-Inspections ---------->			Based On # Activities
# ACTIVITIES	INSPECTIONS (I)	PASSED	CORRECTIONS	RE-INSPECTIONS (R)	PASSED	CORRECTIONS	RE-INSPECTIONS REQUIRED
381	273	162	98	108	83	24	122
	% INSPECTIONS	% PASSED	% CORRECTIONS	% RE-INSPECTIONS	% PASSED	% CORRECTIONS	% RE-INSPECT. REQUIRED
	72	59	36	28	77	22	32

INSPECTOR ID BREAKDOWN

TONY - Building Inspections - 220
JOE - Building Inspection - 160
Ellis Lamme' - Development Inspections - 1

1995 - 1997
COMMERCIAL PROJECT
- LIST

PROJECT NAME	ADDRESS	ANNEXED	REZONED	CHANGE FROM	CHANGE TO	DEVELOP PERMIT	BLDG. PERMIT	NEW REMODEL PERMIT	ADDITION PERMIT	CERTIFICATE OF OCCUPANCY
GOLF COURSE CLUBHOUSE	6094 SUWANEE DAM ROAD						04-04-95			03-02-96
SONNY SMITH TRUCKING	663 BUFORD HIGHWAY					08-15-95	08-17-95			09-19-96
FREDRICK EQUIPMENT BLDG.	N.G. CENTER BLDG 4 SUITE D					08-25-95	08-25-95			03-02-96
GWINNETT GASTROENTEROLOGY	4700 HIGHWAY 20							9/5/95		01-29-96
BLOCKBUSTER VIDEO	1496 BUFORD HIGHWAY					09-18-95	09-18-95			01-29-96
S.H. UNIT. METH CHURCH-GYM	4600 HIGHWAY 20					09-27-95	10-17-95			3/27/96
	7-274-004 A PORTION OF		12-11-95	HM-1	BG					
N.G. DENTAL CARE	4901 ALTON TUCKER BLVD.							12/6/95		04-12-96
DR. MICHAEL PHELAN	4530 NELSON BROGDON BLVD.					01-02-96	01-03-96			12-06-96
MEMORIES OF A LIFETIME	4450 HIGHWAY 20 SUITE							1/5/96		01-26-96
B.T. BALTIMORE	7-253-008		01-08-96	HM-1	BG					
CITIZENS BANK	4450 HIGHWAY 20 SUITE							1/19/96		08-14-96
S.H. STATION SHELL ADDITION	1498 BUFORD HIGHWAY						02-06-96			01-29-96
INCHAPE TESTING SERVICES	1180 BUFORD HIGHWAY					01-11-96	02-27-96			03-29-96
COLONIAL LIGHTING	120 P'TREE IND. BLVD.		12-11-95	HM-1	BG	02-07-96	03-11-96			07-03-96
JOHNSON REALTY	4450 HIGHWAY 20 SUITE						03-18-96			04-12-96
PAPA JOHN'S	1498 BUFORD HIGHWAY SUITE B							4/9/96		07-03-96
FABRIC CARE DRY CLEANERS	1498 BUFORD HIGHWAY SUITE A							4/30/96		06-28-96
MAIL BOXES ETC.	1498 BUFORD HIGHWAY SUITE C						10-04-96			01-18-97
VARI BEST HOMES	5810 HIGHWAY 20		05-13-96	RS-150	OI					
CAR CARE AMERICIA	07-253-013 A PORTION OF		06-10-96	HM-1	BG	09-24-96	09-25-96			12-06-97
SHONEY'S	4500 HIGHWAY 20							6/6/96		08-14-96
G.A. EXPO INC.	350 BUFORD HIGHWAY						07-11-96			
JACKSON SERVICES	4614 PINECREST DRIVE					07-18-96	08-15-96			4/14/97
AAMCO PAVING	355 BROGDON ROAD		10-09-95	HM-1	HM-2	RECINDED 7-11-96				VOID
AAMCO PAVING	385 BROGDON ROAD					11-01-96	12-18-96			6/19/97
AAMCO PAVING MNT. BLDG.	385 BROGDON ROAD					11-01-96	12-02-96			6/19/97
BRICKTON PARTNERS	4705 HIGHWAY 20					06-12-96	06-13-96 CT			EXP 02-13-97
ONEX DEVELOPMENT- REDCO	5000 HIGHWAY 20					06-20-96	5/19/97			
ONEX DEVELOPMENT - MR. TRANS	5042 HIGHWAY 20					4/14/97	5/19/97			
BUFORD PRESBYTARIAN CHURCH	1242 BUFORD HIGHWAY					09-06-96				
ROBERT S. JORDAN	7-274-002A		"		LM					
CHARLES HOLLOWAY	679 BUFORD HIGHWAY 23	11-11-96	"		M-1 LM	UNDER REV.				
M.P. EQUIPMENT	380 BUFORD HIGHWAY									
NEW TRI-COUNTY MEDICAL BLDG	4720 NELSON BROGDON BLVD					11-21-96	12-06-96			6-19-97 TEMP
GREAT BEGINNINGS DAY CARE	1191 LEVEL CREEK ROAD					3/19/97	3/19/97			
THE SAXON GROUP INC.	249 NORTH PRICE ROAD		2/10/97	RS-100	BG			2/13/97		2-24-97 TEMP
BROGDON ROAD ASSOCIATES	355 BROGDON ROAD					3/6/97				
KSM CONSTRUCTION INC.	4200 JENKINS DRIVE					6/11/97	6/11/97			
J & K PLUMBING	4220 JENKINS DRIVE					6/26/97	6/26/97			

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SUBDIVISION LOT AVAILIBILITY LIST

Available Lots	Subdivision	Near What Major Street	Permits Issued	C.O.'s Issued	Lots Not Built On	City Gas
148	Abingdon Place	Whitehead Road	124	97	24	X
134	Arbor Clos	Highway 20	110	70	24	X
112	Bent Creek	Level Creek Road	110	110	2	X
7	Brandon Oaks	Austin Garner Road	6	6	1	
26	Brookside at Parkview	Parkview Mine Drive	26	26	0	X
39	Emerald Lakes IV	Cumming Highway	36	34	3	X
73	Hillcrest Glenn	Hillcrest Drive	49	31	24	X
131	Lakefield Forest	Level Creek Road	130	130	1	X
174	Princeton Oaks	Riverside Road	150	133	24	X
81	Richland Creek Unit I	Sycamore Road	30	23		X
106	Saddle Tree	Suwanee Dam Road	63	47	43	X
116	Secret Cove	Old Suwanee Road	116	115	0	X
96	Sugar Crossing	Austin Garner Road	95	94	1	X
34	Sugar Hill Plantation	Old Cumming Highway	5		29	X
178	Sycamore Summit	Sycamore Road/Riverside Road	178	178	0	X
57	The Glens at Sugar Hill	Hillcrest Drive	7		50	X
14	The Lakes at Riverside	Riverside Road	14	13	0	
51	The Links	Suwanee Dam Road	16	8	35	
156	The Oaks at Lanier	Highway 20	139	122	17	X
88	The Springs I	Highway 20	84	65	4	X
50	West Price Hill	West Price Road	47	46	3	X

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PERMITS ISSUED DURING THE PERIOD 06/01/97 THROUGH 06/30/97

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CITY OF SUGAR HILL

PERMIT TYPE AND DESCRIPTION	# OF PERMITS	VALUATION	FEES DUE	FEES PAID
AD - ADDITION/GARAGE PERMIT	1	0.00	96.40	96.40
AV - ADMINISTRATIVE VARIANCE	3	0.00	450.00	450.00
AX - ANNEXATION APPLICATION	1	0.00	350.00	350.00
CC - CITIZENS COMPLAINTS	14	0.00	0.00	0.00
CM - COMMERCIAL PERMIT	2	0.00	1,475.00	1,475.00
CT - CONSTRUCT/SALES/TEMPORARY USE	1	0.00	25.00	25.00
DL - DEMOLITION	1	0.00	50.00	50.00
DP - DEVELOPMENT PERMIT	2	0.00	920.00	920.00
EC - ENERGY CODE AFFIDAVIT	4	0.00	0.00	0.00
EL - ELECTRICAL AFFADAVIT	55	0.00	0.00	0.00
ME - HEATING/AIR AFFADAVIT	59	0.00	0.00	0.00
MH - MOBILE HOME INSTALLER AFFIDAVIT	2	0.00	0.00	0.00
MI - MISCELLANEOUS-COMPLIANCE PERMIT	5	0.00	141.50	141.50
MN - MOBILE HOME INSPECTION NEW	2	0.00	200.00	200.00
PL - PLUMBING AFFADAVIT	53	0.00	0.00	0.00
RF - REVIEW FEES	1	0.00	830.00	830.00
RM - REMODELING PERMIT	2	0.00	317.96	317.96
RZ - REZONING APPLICATION	2	0.00	700.00	700.00
SF - SINGLE FAMILY RESIDENTIAL	51	4,116,624.00	35,563.20	35,563.20
SP - SIGN PERMIT	6	0.00	375.00	375.00
- TRADE LICENSE REGISTRATION	18	0.00	180.00	180.00
- TAP & METER PAYMENTS	14	0.00	4,963.00	4,963.00
VA - APPEALS VARIANCE	1	0.00	150.00	150.00
TOTALS FOR ALL PERMIT TYPES	300	4,116,624.00	46,787.06	46,787.06

BASE FEE TRANSACTION SUMMARY DURING THE PERIOD 06/01/97 THROUGH 06/30/97

THIS REPORT WAS PRINTED ON JULY 8, 1997

CITY OF SUGAR HILL

TRANS. DATE	#	RESIDENTIAL 1000-0001	COMMERCIAL 1000-0002	MISCELLANEOUS 1000-0003	MOBILE HOMES 1000-0004	DEVELOPMENT 1000-0005	GAS 1000-0006	WATER 1000-0007	SEWER 1000-0008
06/02/97	5	75.00	0.00	30.00	0.00	0.00	0.00	0.00	0.00
06/03/97	3	256.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
06/04/97	6	25.00	0.00	10.00	200.00	0.00	570.00	0.00	0.00
06/05/97	3	25.00	0.00	0.00	0.00	0.00	1543.00	0.00	0.00
06/06/97	1	0.00	0.00	10.00	0.00	0.00	0.00	0.00	0.00
06/08/97	17	5564.00	0.00	10.00	25.00	0.00	4275.00	0.00	0.00
06/09/97	5	565.80	236.96	20.00	0.00	0.00	285.00	0.00	0.00
06/10/97	1	25.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
06/11/97	2	0.00	25.00	0.00	0.00	480.00	0.00	0.00	0.00
06/12/97	6	823.60	0.00	10.00	0.00	0.00	1140.00	0.00	0.00
06/16/97	2	591.40	0.00	0.00	0.00	0.00	285.00	0.00	0.00
06/17/97	5	1326.40	0.00	20.00	0.00	0.00	285.00	0.00	0.00
06/18/97	5	1103.00	0.00	10.00	0.00	0.00	570.00	0.00	0.00
06/19/97	2	495.40	0.00	0.00	0.00	0.00	285.00	0.00	0.00
06/20/97	5	545.00	0.00	20.00	0.00	0.00	855.00	0.00	0.00
06/23/97	8	3887.00	0.00	0.00	0.00	0.00	1995.00	0.00	0.00
06/24/97	14	3622.60	0.00	10.00	0.00	0.00	2850.00	0.00	0.00
06/25/97	9	3882.80	0.00	0.00	0.00	0.00	1710.00	0.00	0.00
06/26/97	7	631.10	3470.00	20.00	0.00	400.00	1425.00	0.00	0.00
06/27/97	2	345.00	0.00	0.00	0.00	0.00	570.00	0.00	0.00
06/30/97	7	503.00	0.00	10.00	0.00	0.00	1710.00	0.00	0.00
ALS	115	24292.10	3731.96	180.00	225.00	880.00	20353.00	0.00	0.00

Non-Existing Categories	0.00
Current Categories	49662.06
Grand Total	49662.06

surrounding of this project along with the 75' undisturbed buffer backing up to Highland Avenue with an additional 25' planted buffer once the project is to final grade. Mr. Avery stated that at this time the Railroad has promised a daylight schedule only, however this is subject to change. Hugh Alexander who has some rental homes adjoining this project, and is opposed to this request stated that if the Council does decide to rezone this property that it only be zoned for this project only and that the remainder of the land continue to have the LM zoning classification. Resident Brenda Mauldin was present to state that she opposed this project because she felt like this would just bring in more pollution to the area. David Kennedy with the Medusa Plant stated that Mr. Avery has requested that the Council approve the original height of 125' for the silo's, with moving the plant to the middle of the property and the topography in the area you won't be able to see the silo's.

Mr. McFarland stated that there was one more thing that he wanted to add regarding the adoption of the New 1997 Zoning Ordinance. Staff will be changing the way they are doing the Zoning Map. They will still be utilizing a Zoning Map such as what is currently available, but staff will be maintaining the Zoning Changes by using the Tax Maps which is how Gwinnett County does it. You will still be able to look at the Zoning Map you will just refer to the Tax Maps for details and conditions of Zoning.

Board Member Ed Entrekin stated that the city should look into having this done on Micro Fiche or such as digital data on computer.

BOARD MEMBER COMMENTS

CITIZENS COMMENTS

Kevin Pugh thanked the members of the board for making that change in the RM classification. Mr. Pugh also stated that when the Planning Commission made recommendations for changes to zoning classifications they were taking away owners rights to use their property as they should and that they should be very careful in making major changes to the ordinance.

Resident Joe Horeah who is also a member of the Vision 20/20 Task Force stated that he lived near the project where this cement plant is to be constructed and he's just now hearing about it. Mr. McFarland informed Mr. Horeah of the process that this project must follow by and where it was at this point.

Gary Pirkle who is also a resident and a alternate member of the Vision 20/20 Task Force was at the Planning Commission Public Hearing for the Dry Cement Distribution Center and stated that he understood that the Planning Commission was not going to take any action until they heard from the ARC. Acting Planning Director Don McFarland stated that the City didn't have to wait on a decision from the ARC to act on this request and read the official minutes of the motion made by the Planning Commission for the Public Hearing on the Dry Cement Distribution Center. Mr. Pirkle asked Mr. McFarland if he had heard back from the ARC. Mr. McFarland stated that he's not heard back from the ARC and suggested that Mr. Pirkle might want to contact Beverly Rhea with the ARC to find out where they are at on this project.

ADJOURNMENT

Board Member Ed Entrekin made a motion to adjourn, seconded by Vice Chairman Granville Betts, and approved unanimously by those present.

Meeting adjourned at 8:10 p.m.

PLANNING COMMISSION MEETING
MONDAY, JUNE 16, 1997 - 7:00 P.M.

MINUTES

The Planning Commission met on Monday June 16, 1997 at 7:00 p.m.

Those present were: Chairman Jay Asgari, Vice Chairman Granville Betts, Board Member Ed Entrekin, Administrative Assistant Kimberly B. Landers, and Acting Planning Director Don McFarland.

Meeting called to order at 7:05 p.m.

Chairman Jay Asgari led in the pledge to the flag.

Reading and Approval of Previous Minutes
Board Member Ed Entrekin made a motion to approve the May 19, 1997 minutes, seconded by Vice Chairman Granville Betts, and approved unanimously by those present.

ZONING ORDINANCE AMENDMENTS
Acting Planning Director Don McFarland stated that the Mayor and Council have conducted a couple of work sessions regarding the adoption of the new 1997 Zoning Ordinance. Board Member Ed Entrekin stated that he read in the paper this past weekend about the Adopt a Road Program. Some of the items discussed for recommendation for adoption of the new ordinance was as follows;

- New Zoning Ordinance will allow for Weekend Directional Signs. Most signs will still be in violation because the new ordinance will require that these signs be located upon people's property with permission from that property owner, and no signs will be allowed in the rights-of-way.
- Building Official Tony Bauman is getting together definitions for basements and stories of structures which will be in the final form for the Council Meeting.
- The RG-80 Zoning Classification will change to RM in the New Ordinance. Under the RG-80 Classification it allowed for Day Care and this is not currently under the RM Classification. Mr. McFarland stated that this was why Kevin Pugh was present to request that the Planning Commission make a recommendation to allow this as a use by right, and this would meet the state requirements. All board members were in agreement to include this in the RM Classification.
- Mr. McFarland stated that there would be 1 change made by the City Attorney Lee Thompson regarding the HM-2 zoning classification which would strengthen this classification.

Board Member Ed Entrekin stated that Mr. McFarland has worked very hard to put together these ordinances and has done a very good job. Chairman Jay Asgari and Vice Chairman Granville Betts agreed with Mr. Entrekin.

Board Member Ed Entrekin made a recommendation to approve the changes as noted and request that the Mayor and Council approve the adoption of the New 1997 Zoning Ordinance, seconded by Chairman Jay Asgari, and approved unanimously by those present.

Report on Dry Cement Distribution Center

Acting Planning Director Don McFarland stated that this was not an agenda item but the Planning Commission had asked the applicant to bring back their revisions when finalized. In behalf of the Applicant Steve Avery was present with the revised site plan layout where they moved the plant to the center of the property. Mr. Avery stated that they met with the City Manager and Member of the Council. Regarding the request for the 100' buffer, the Council asked that they install a 25' buffer around the

APPEALS BOARD MEETING
MONDAY, JUNE 23, 1997 - 7:00 P.M.

M I N U T E S

The Appeals Board met on Monday, June 23, 1997 at 7:00 p.m.

Those present were: Chairman Ed Phillips, Board Members George Crimmins, and Olin Holly, and Administrative Assistant Kim Landers. Absent Board Members Ben Gravitt and Bill Parker.

Meeting called to order at 7:05 p.m.

Chairman Ed Phillips led in the Pledge to the flag.

READING AND APPROVAL OF PREVIOUS MINUTES
Chairman Ed Phillips brought to Mrs. Landers attention that under citizens comments it was he who made the statement in the last sentence rather than Board Member Bill Parker. Board Member George Crimmins made a motion to approve the May 29, 1997 minutes with the changes noted, seconded by Board Member Olin Holly, and approved unanimously by those present.

VARIANCE REQUEST
VARIANCE # 97-00979 MT.HERMAN CHURCH OF GOD is requesting a variance to reduce the buffer from 50' to 20' at 1132 Buford Highway. Norman Allen architect for this project was present to speak in behalf of the church. Mr. Allen explained his request to the members of the board. Pastor Cedric Halter stated that he spoke with the two individuals that own property on each side of the church where the property fronts Buford Highway. **Board Member George Crimmins made a motion to approve this buffer reduction from 50' to 20', seconded by Board Member Olin Holly, and approved unanimously by those present.**

VARIANCE # 97-00991 DELCOMP INC. is requesting an additional 10' X 65' reduction in the buffer to allow for additional playground area for the Great Beginning's Day Care located at 1191 Level Creek Road. Lloyd Delatour owner and General Contractor presented his request to the members of the board. Mr. Delatour stated that he has talked with Mr. Westbrooks who is the contiguous property owner to where he's requesting the additional area for the buffer, and Mr. Westbrook stated that he didn't have a problem with the additional buffer. Mr. Delatour stated that this would allow for the infants and two year olds to have additional play area which is very critical for this age since you usually have them all day. Mr. Delatour stated that he would still be installing the dog eared fence that he originally stated that he would install. **Board Member Olin Holly made a motion to approve the additional buffer reduction for the 10' X 65' area on the western side of the property, seconded by Board Member George Crimmins, and approved unanimously by those present.**

CITIZEN COMMENTS

BOARD MEMBER COMMENTS

ADJOURNMENT

Meeting adjourned at 7:25 p.m.

✓ **UNOFFICIAL** **DATE APPROVED:** ___/___/__

FINANCE REPORT
JUNE 1997

The ending balance in the general fund checking account for June is $83,191.21

Funds had to be transferred from the LGIP account which brings June's ending balance to $1,003,245.56

I have began training Shirley Gibbs on the new payroll system. I will begin training Ruth Switzer on the Accounts Payable program in the next week or two.

Utility billing will be our next new software program. Smith Data Processing is planning on installing it late July and new training will begin at that time.

I have been using the payroll system since March and the accounts payable program since April and both are working out fine.

At the end of June the city has received 64% of its budgeted revenues. The city has spent 66% of its budgeted expenses.

Overall the city has a $42,171 operating net income which includes all monies associated with the landfill closure.

	Res.	Non-Res.	JR/SR.	Golfpass	Carts	Handicap	Range	Merch.	Res. Card	Tournament	Shop Credit	P.S. TAX	Concessions	Book& Wine	Liquor	S.B.TAX	Over	Short	Total Deposit	Visa/Master	# of Players
1-Jun	$407.17	$3,512.80		$96.00	$1,390.00		$233.47	$521.75	$15.00			$308.31	$285.14	$139.84	$19.75	$22.36	$92.90	$0.00	$7,014.49	$2,624.83	138
2-Jun	$133.33	$958.63	$201.48	$48.00	$590.00		$58.04	$168.23				$107.73	$178.10	$151.15	$66.25	$19.90	$0.00	$41.51	$2,638.33	$1,080.45	67
3-Jun	$47.13	$1,027.20	$257.22	$22.00	$685.01	$0.00	$15.80	$415.70	$0.00	$0.00	$0.00	$123.44	$163.29	$97.20	$30.00	$14.61	$30.41	$0.00	$2,929.01	$1,388.57	74
4-Jun	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	0
5-Jun	$220.66	$2,115.29	$520.14	$99.00	$1,490.02	$50.00	$117.67	$258.22	$0.00	$0.00	$0.00	$241.00	$333.71	$226.39	$85.75	$32.53	$4.16	$0.00	$4,794.54	$2,317.45	165
6-Jun	$78.79	$2,087.99	$47.18	$121.00	$1,105.00	$0.00	$115.83	$466.63	$0.00	$0.00	$0.00	$201.08	$149.30	$135.29	$14.00	$115.03	$3.04	$10.00	$4,540.96	$1,635.48	119
7-Jun	$250.96	$2,726.67	$0.00	$96.00	$1,055.01	$25.00	$144.91	$173.79	$0.00	$0.00	$0.00	$222.52	$268.77	$521.28	$56.75	$42.56	$0.00	$8.24	$5,575.98	$2,096.53	113
8-Jun	$278.59	$4,624.98	$0.00	$128.00	$1,705.00	$0.00	$271.32	$427.25	$0.00	$0.00	$0.00	$372.03	$290.36	$116.51	$47.25	$22.79	$0.65	$0.00	$8,284.73	$2,776.26	170
9-Jun	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	0
10-Jun	$110.69	$1,971.05	$334.40	$88.00	$1,195.01	$0.00	$75.20	$83.36	$0.00	$0.00	$0.00	$192.77	$534.39	$614.11	$37.00	$61.97	$8.64	$0.00	$5,356.59	$1,826.78	130
11-Jun	$379.51	$805.70	$147.18	$11.00	$485.00	$0.00	$60.37	$343.82	$0.00	$0.00	$0.00	$257.97	$719.85	$440.96	$39.75	$60.29	$11.98	$0.00	$2,466.50	$876.92	56
12-Jun	$298.49	$2,291.86	$265.78	$66.00	$1,566.00	$25.00	$66.00	$805.95	$0.00	$0.00	$0.00	$216.15	$230.57	$200.54	$20.75	$22.78	$19.04	$0.00	$6,883.72	$1,243.38	153
13-Jun	$115.89	$2,721.22	$34.30	$11.00	$1,195.00	$0.00	$87.43	$199.41	$0.00	$0.00	$0.00	$454.79	$645.47	$811.98	$144.25	$80.51	$0.00	$4.05	$11,452.15	$4,738.64	218
14-Jun	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	0
15-Jun	$501.43	$5,468.20	$0.00	$144.00	$2,000.02	$0.00	$318.58	$656.97	$10.00	$220.00	$0.00	$645.47	$811.98	$144.25	$80.51	$0.00	$0.00	$4.05	$11,452.15	$4,738.64	218
16-Jun	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	0
17-Jun	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	0
18-Jun	$219.94	$1,100.06	$341.40	$66.00	$920.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	0
19-Jun	$345.62	$1,719.27	$295.80	$110.00	$1,230.01	$0.00	$291.67	$281.60	$5.00	$0.00	$0.00	$160.99	$537.29	$80.81	$22.50	$32.37	$8.18	$0.00	$4,067.81	$900.38	100
20-Jun	$79.03	$2,817.09	$10.00	$165.00	$1,645.04	$0.00	$161.63	$225.72	$0.00	$0.00	$0.00	$204.43	$251.67	$155.41	$14.00	$21.27	$0.00	$0.00	$4,716.71	$1,752.88	137
21-Jun	$101.67	$2,405.04	$0.00	$80.00	$865.05	$0.00	$184.41	$511.18	$0.00	$0.00	$0.00	$270.53	$478.39	$470.74	$63.00	$50.93	$1.79	$3.33	$6,743.60	$2,940.99	154
22-Jun	$364.31	$1,796.15	$0.00	$64.00	$790.00	$0.00	$105.40	$205.14	$0.00	$0.00	$0.00	$188.25	$634.82	$514.54	$64.50	$61.03	$5.94	$2.94	$5,228.44	$2,592.99	96
23-Jun	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$85.60	$239.39	$0.00	$0.00	$0.00	$167.10	$555.54	$566.90	$114.25	$62.22	$37.71	$0.00	$4,843.17	$1,828.68	82
24-Jun	$2,001.60	$1,928.88	$410.14	$88.00	$2,249.50	$25.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	0
25-Jun	$298.49	$1,251.41	$395.80	$110.00	$1,125.01	$0.00	$161.51	$482.23	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	0
26-Jun	$110.93	$2,018.22	$8.58	$110.00	$1,105.00	$0.00	$127.76	$88.42	$0.00	$0.00	$3,290.00	$366.06	$412.09	$256.25	$29.75	$35.20	$0.00	$0.00	$28.37	$11,707.84	$2,153.26
27-Jun	$36.66	$1,114.32	$0.00	$64.00	$295.00	$0.00	$134.79	$223.84	$5.00	$0.00	$0.00	$169.88	$236.75	$179.21	$37.00	$22.87	$36.44	$0.00	$4,079.04	$1,128.30	254
28-Jun	$214.30	$4,209.20	$0.00	$240.00	$1,610.00	$50.00	$66.51	$1,365.69	$5.00	$0.00	$0.00	$187.04	$342.73	$423.24	$44.50	$40.64	$5.14	$60.34	$4,709.31	$1,845.52	119
29-Jun	$155.68	$759.33	$197.22	$0.00	$380.00	$0.00	$177.87	$88.17	$0.00	$0.00	$0.00	$147.12	$233.35	$219.15	$90.50	$27.32	$0.97	$0.00	$3,665.59	$521.73	115
30-Jun							$59.85	$117.82			$0.00	$327.29	$297.35	$169.80	$23.75	$24.24	$45.46	$0.00	$7,457.43	$3,004.31	49
TOTAL	$6,450.67	$51,430.56	$3,466.62	$2,027.00	$26,674.63	$175.00	$3,121.62	$8,358.28	$40.00	$220.00	$5,060.00	$7,068.96	$8,307.81	$7,232.33	$3,469.96	$1,219.82	$1,271.82	$601,778.73	$7,294.06	$43,934.40	161
YTD	$25,370.78	$252,333.85	$19,666.20	$8,705.40	$133,549.62	$2,975.00	$15,985.73	$30,754.09	$305.00	$470.00	$11,170.00	$22,564.85	$37,350.74	$29,927.19	$1,135.75	$830.60	$284.05	$196.08	$132,534.08	$43,934.40	2657

JUNE 1997
GAS DEPARTMENT MONTHLY REPORT

NO.	SUPR. REC'D	BLDR REQUEST	SUBDIVISION	LOT#	DATE COMPLETED
01	04/04/97	06/02/97	OAKS @ LANIER	67B	06/02/97
02	04/04/97	05/20/97	OAKS @ LANIER	72B	06/02/97
03	05/30/97	06/02/97	PUBLIX COMPLEX	303	06/02/97
04	10/29/96	01/17/97	SUGAR CROSSING	51A	06/02/97
05	03/25/97	05/30/97	ARBOR CLOS	324A	06/03/97
06	05/30/97	06/02/97	BROGDON ROAD	754	06/03/97
07	03/13/97	06/02/97	RICHLAND CREEK	25A	06/03/97
08	04/04/97	05/22/97	SADDLE TREE	38A	06/03/97
09	03/03/97	05/22/97	SADDLE TREE	56A	06/03/97
10	03/27/97	05/20/97	SPRINGS	24A	06/03/97
11	03/20/97	05/20/97	SPRINGS	14B	06/03/97
12	06/05/97	06/05/97	SUWANEE DAM RD	5900	06/05/97
13	04/22/97	05/30/97	DEER VALLEY	62E	06/06/97
14	02/24/97	05/02/97	GLENS OF SUGAR HILL	3C	05/08/97
15	03/03/97	05/22/97	SADDLE TREE	55A	06/06/97
16	12/05/97	05/20/97	SUGAR HILL PLANTATION	2A	06/05/97
17	06/06/97	06/06/97	HIGHWAY 20	ST C-7	06/06/97
18	03/13/97	05/21/97	ASCOT	38C	06/09/97
19	03/11/97	05/20/97	THE SPRINGS	13B	06/09/97
20	04/11/97	06/05/97	ARBOR CLOS	329A	06/11/97
21	05/17/97	05/20/97	LENOX PARK	163A	06/12/97
22	05/19/97	06/03/97	LENOX PARK	166A	06/12/97
23	05/19/97	06/03/97	LENOX PARK	167A	06/12/97
24	03/27/97	06/12/97	ARBOR CLOS	308A	06/19/97
25	03/24/97	06/10/97	ARBOR CLOS	309A	06/16/97
26	03/03/97	04/23/97	ASCOT	24C	06/16/97
27	03/07/97	05/20/97	OAKS @ LANIER	79B	06/16/97
28	05/05/97	06/11/97	GLEN'S OF SUGAR HILL	12C	06/17/97
29	05/19/97	06/03/97	LENOX PARK	168A	06/17/97
30	04/16/97	06/17/97	ARBOR CLOS	325A	06/19/97
31	03/24/97	06/15/97	ARBOR CLOS	335B	06/19/97
32	04/04/97	06/16/97	ARBOR CLOS	342B	06/19/97
33	05/05/97	06/11/97	GLENS OF SUGAR HILL	13C	06/19/97
34	05/19/97	06/03/97	LENOX PARK	165A	06/19/97
35	05/19/97	06/03/97	LENOX PARK	169A	06/19/97
36	05/19/97	06/03/97	LENOX PARK	170A	06/19/97
37	04/04/97	05/20/07	THE SPRINGS	26A	06/19/97
38	04/04/97	05/20/97	THE SPRINGS	27A	06/19/97
39	04/15/97	05/20/97	THE SPRINGS	28A	06/19/97
40	05/09/97	06/18/97	ABINGDON PLACE	56A	06/23/97
41	05/09/97	06/18/97	ABINGDON PLACE	57A	06/23/97
42	05/09/97	06/18/97	ABINGDON PLACE	58A	06/23/97
43	05/09/97	06/18/97	ABINGDON PLACE	59A	06/23/97
44	03/27/97	06/18/97	ABINGDON PLACE	51A	06/24/97
45	05/09/97	06/18/97	ABINGDON PLACE	60A	06/24/97
46	05/09/97	06/18/97	ABINGDON PLACE	61A	06/24/97
47	05/09/97	06/18/97	ABINGDON PLACE	63A	06/24/97
48	03/20/97	06/19/97	HIGHLANDS @ BRIDGEGATE	3C	06/25/97
49	04/11/97	06/19/97	OAKS @ LANIER	77B	06/25/97
50	04/11/97	06/19/97	OAKS @ LANIER	78B	06/25/97
51	06/20/97	06/20/97	JOHNSON ROAD	191	06/26/97
52	05/19/97	06/25/97	DEER VALLEY	14B	06/30/97
53	05/19/97	06/25/97	DEER VALLEY	15B	06/30/97
54	05/30/97	06/25/97	DEER VALLEY	16B	06/30/97
55	05/30/97	06/25/97	DEER VALLEY	18B	06/30/97

	Sheet1							
MAY	JUNE	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	YTD TOTAL
43	55							
3,445	4,663							
PLASTIC	PLASTIC	PLASTIC	PLASTIC	PLASTIC	PLASTIC	PLASTIC	PLASTIC	PLASTIC
5/8" & 3/4"	5/8" & 3/4"	5/8" & 3/4"	5/8" & 3/4"	5/8" & 3/4"	5/8" & 3/4"	5/8" & 3/4"	5/8" & 3/4"	5/8" & 34"
N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
11	12							
0	0							
1	0							
1	0							
0	3							
0	0							
0	0							
0	0							
1	0							
0	1							
0	0							
8	8							
1	1							
0	0							
N/A	N/A							
0	0							
0	0							
N/A	N/A							
N/A	N/A							
2	1							
6,140	1,000							
PLASTIC	PLASTIC							
2,580	0							
3,560	1,000							
N/A	N/A							
544	435							

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

DRAFT

In the Matter of:	)	
Northeast Gwinnett Cablevision	)	No. _____
Local Actions Regarding Basic Service and Equipment Rates	)	

TO: Chief, Cable Services Bureau

MOTION FOR EXTENSION OF TIME AND LEAVE TO FILE MOTION TO DISMISS PETITION FOR EMERGENCY DECLARATORY RULING

Pursuant to Section 1.46(b) of the rules of the Federal Communications Commission (the "Commission") (47 C.F.R. § 1.46(b)), the City of Sugar Hill, Georgia (the "City") hereby files this Motion for Extension of Time and Leave to File Motion to Dismiss Petition for Emergency Declaratory Ruling in the above-captioned proceeding (the "Motion"). The grant of this Motion is necessary because the City did not receive a copy of the Petition for Emergency Declaratory Ruling until after the period to respond had elapsed. The Motion to Dismiss Petition for Emergency Declaratory Ruling is being filed contemporaneously with this Motion.

Northeast Gwinnett Cablevision's ("Cablevision") Petition for Emergency Declaratory Ruling ("Petition") is dated June 11, 1997. The first record that the City has of receiving a copy of the Petition is June 25, 1997, after the date that responses were due.

Granting this Motion is in the public's interest in order to allow the City a reasonable

time to present its argument regarding the Supplement to Petition for Review.

Respectfully submitted,

THE CITY OF SUGAR HILL, GEORGIA

Warren Nevad
City Manager
City of Sugar Hill
4988 W. Broad Street
Sugar Hill, Georgia 30518
(770) 945-6716

July 15, 1997

AFFIDAVIT

I, Warren Nevad, City Manager of the City of Sugar Hill, declare that the facts set forth in the foregoing "MOTION FOR EXTENSION OF TIME AND LEAVE TO FILE MOTION TO DISMISS PETITION FOR EMERGENCY DECLARATORY RULING" are true and correct to the best of my knowledge.

Warren Nevad
City Manager
City of Sugar Hill
4988 W. Broad Street
Sugar Hill, Georgia 30518
(770) 945-6716

July 15, 1997

CERTIFICATE OF SERVICE

I, Warren Nevad, City Manager of the City of Sugar Hill, hereby certify that a copy of the foregoing "MOTION FOR EXTENSION OF TIME AND LEAVE TO FILE MOTION TO DISMISS PETITION FOR EMERGENCY DECLARATORY RULING" was sent on July 15, 1997, by regular U.S. mail to the following person:

Steven J,. Horvitz
Cole, Raywid & Braverman, L.L.P.
1919 Pennsylvania Avenue, NW
Suite 200
Washington, D.C. 20006

Warren Nevad
City Manager
City of Sugar Hill
4988 W. Broad Street
Sugar Hill, Georgia 30518
(770) 945-6716

July 15, 1997

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of:	
Northeast Gwinnett Cablevision	No. _____
Local Actions Regarding Basic Service and Equipment Rates	

DRAFT

TO: Chief, Cable Services Bureau

MOTION TO DISMISS PETITION FOR EMERGENCY DECLARATORY RULING

The City of Sugar Hill, Georgia (the "City" or "Sugar Hill") hereby files its Motion to Dismiss Petition for Emergency Declaratory Ruling in the above-mentioned proceeding. A Motion for Extension of Time and Leave to File Motion to Dismiss Petition for Emergency Declaratory Ruling is being contemporaneously filed with this Motion to Dismiss Petition for Emergency Declaratory Ruling.

I. BACKGROUND

On March 10, 1997, the City denied a rate increase request made by Northeast Gwinnett Cablevision ("Cablevision" or the "Company"). On March 25, 1997, the City sent Cablevision a written copy of the minutes, as well as a letter notifying Cablevision that the rate increase had been denied by the City. (See Cablevision's Petition for Emergency Declaratory Ruling, Attachment A.) On April 14, 1997, Cablevision responded to that letter by stating that the City's denial of the rate increase was not timely. (See Attachment.) On May 12, 1997, the City responded that the City's rate order of March 10 was timely and demanded compliance with that

order.[1] (See Attachment C of the Petition.) On June 11, 1997, Cablevision filed its Petition for Emergency Declaratory Ruling (the "Petition").

II. ARGUMENT

Cablevision argues in its Petition that the City's decision of March 10, 1997 did not provide a sufficient explanation for the City's decision, and that the City did not adopt a formal rate order (see Petition at 2).

The City adopted a rate order on March 10, 1997. The decision to deny Cablevision's rate increase was written into the minutes of the council meeting, a copy of which was provided to the Company along with a written notice from the City Manager that Cablevision's request for a rate increase had been denied.

Participants in a ratemaking proceeding may file an appeal with the Federal Communications Commission (the "FCC" or the "Commission") within 30 days of release of the text of the franchising authority's decision. (See 47 CFR § 76.944(b); see also Falcon Cablevision CSB-A-300, DA 97-126, released January 21, 1997 and Meredith/New Heritage Strategic Partners, L.P., 9 FCC Rcd 6841, 6843 (1994)). If Cablevision believed that the City's decision was deficient, it should have filed an appeal within 30 days of release of the text of the decision. At the very latest, that date would have been April 24, 1997, or 30 days after the date of the letter from the City Manager notifying Cablevision of the City's decision. Having failed to appeal in a timely manner, Cablevision should not be permitted to circumvent the FCC's deadline by claiming that no rate order was ever issued.[2]

---

[1] Contrary to Cablevision's claim (Petition at 2), the City did not consider a rate order at its meeting on May 12, 1997.

[2] If cable operators are permitted to file appeals late simply because they believe that rate decisions are deficient, the 30-day deadline established by the Commission to file appeals would become meaningless.

In the Cablevision VII decision cited by Cablevision in its Petition (at 2; Cablevision VII, Inc., DA 97-365 (Feb. 21, 1997)), the cable operator filed a timely appeal of the local franchising authority's rate order. Furthermore, the Commission did not find that the franchising authority's decision was not a rate order. However, Cablevision is not only asking the Commission to find that Sugar Hill's decision was defective, but that its decision was not a rate order at all.

The City clearly issued a rate order on March 10, 1997 denying Cablevision's rate increase. Having failed to appeal within 30 days of the City's decision, Cablevision should not be permitted to dispute the City's order.

III. CONCLUSION

For the reasons set forth above, the Commission should dismiss Cablevision's Petition as untimely filed and direct Cablevision to comply with the City's Rate Order.

Respectfully submitted,

THE CITY OF SUGAR HILL, GEORGIA

DRAFT

Warren Nevad
City Manager
City of Sugar Hill
4988 W. Broad Street
Sugar Hill, Georgia 30518
(770) 945-6716

July 15, 1997

ATTACHMENT

Letter from Cablevision dated April 14, 1997

RECEIVED
APR 16 1997

April 14, 1997

Mr. Warren P. Nevad
City Manager
City of Sugar Hill
4988 W. Broad Street
Sugar Hill, GA 30518

RE: CABLE EQUITIES OF COLORADO, LTD., d/b/a N. E. GWINNETT CABLEVISION ("CABLEVISION"), DISAPPROVAL BY THE CITY OF SUGAR HILL, GA [GA0328] OF AN INCREASE IN ITS BASIC SERVICE TIER RATE

Dear Mr. Nevad:

CableVision is in receipt of your letter dated March 25, 1997 wherein you include an excerpt from the minutes of the City of Sugar Hill's Council meeting of March 10, 1997 where the City voted to disapprove CableVision's cable rate increase request.

CableVision would like to point out that, in effect, the City had, at the time of the Council meeting, already approved Cablevision's rate increase according to the FCC's rules and regulations regarding such matters. Specifically, the FCC states that "after a cable operator has submitted for review its existing rates for the basic service and associated equipment costs, or a proposed increase in these rates (including increases in the baseline channel change that results from reductions in the number of channels in a tier) under the quarterly rate adjustment system pursuant to Section 76.922(d), the existing rates will remain in effect or the proposed rates will become effective after 30 days from the date of submission; Provided, however, that the franchising authority may toll this 30-day deadline for an additional time by issuing a brief written order as described in paragraph (b) within 30 days of the rate submission explaining that it needs additional time to review the rates"[1].

Because the City did not issue a tolling order within thirty days of CableVision's request, CableVision's rates became effective February 23, 1997, thirty days after CableVision's filing was received by the City. However, Don Schanding at the Georgia Municipal Association is currently reviewing CableVision's (identical) Form 1210 filing for Gwinnett County. In the event the GMA finds fault with CableVision's filing and orders a rate reduction, CableVision will apply the resulting rate uniformly across all subscribers served by its N. E. Gwinnett system, including those within the City of Sugar Hill.

EOE • Drug Free Workplace

If you need additional information or have questions regarding this matter, please call me at your convenience.

Sincerely,

Martin O'Keeffe
General Manager

cc: Dan Ryan, Director-Operations & Regulatory Affairs - Rifkin and Associates
Don Schanding, GMA

---

[1] See 47CFR, FCC Part 76: Cable Television Service; Section 76.933 Franchising authority review of basic cable rates and equipment costs.

AFFIDAVIT

I, Warren Nevad, City Manager of the City of Sugar Hill, declare that the facts set forth in the foregoing "MOTION TO DISMISS PETITION FOR EMERGENCY DECLARATORY RULING" are true and correct to the best of my knowledge.

Warren Nevad
City Manager
City of Sugar Hill
4988 W. Broad Street
Sugar Hill, Georgia 30518
(770) 945-6716

July 15, 1997

CERTIFICATE OF SERVICE

I, Warren Nevad, City Manager of the City of Sugar Hill, hereby certify that a copy of the foregoing "MOTION TO DISMISS PETITION FOR EMERGENCY DECLARATORY RULING" was sent on July 15, 1997, by regular U.S. mail to the following person:

Steven J,. Horvitz
Cole, Raywid & Braverman, L.L.P.
1919 Pennsylvania Avenue, NW
Suite 200
Washington, D.C. 20006

Warren Nevad
City Manager
City of Sugar Hill
4988 W. Broad Street
Sugar Hill, Georgia 30518
(770) 945-6716

July 15, 1997

To: Mayor/Council
Fr: Warren
FYI
received
6-25-97
4:50

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
NORTHEAST GWINNETT CABLEVISION	)	FCC File No.____
	)	
	)	
Local Actions Regarding	)	
Basic Service and Equipment Rates	)	
	)	
Sugar Hill, GA (GA0328)	)	

To: The Chief, Cable Services Bureau

PETITION FOR EMERGENCY DECLARATORY RULING

Northeast Gwinnett Cablevision ("Cablevision" or the "Company"), by its attorneys, hereby seeks a declaratory ruling regarding the rate actions taken by the City of Sugar Hill, Georgia (the "City") in response to the Company's recent rate increase. Although the "Minutes" from certain City Council Meetings indicate that the rate increase was "not approved," the City never adopted or forwarded a formal "written decision" explaining the basis for rejecting the requested rate increase. In the absence of such an order, Cablevision does not believe that the City's action constitutes an official rejection under the Commission's governing regulations. As such the Company does not believe a formal appeal to the Commission is appropriate. Recent correspondence to Cablevision from a single City Councilman, dated May 12, 1997, expresses a contrary view of the City's earlier action. Based on that letter, Cablevision submits that the Sugar Hill rate dispute is now ripe for

Commission review. Cablevision asks that the Commission rule that the City has failed to properly reject the Company's rate request.

I. THE CITY NEVER RELEASED AN APPROPRIATE RATE ORDER.

Section 76.936 of the Commission rules unequivocally requires a franchising authority to issue a "written decision" whenever it rejects a rate proposal. 47 C.F.R. §76.936. The Commission has repeatedly rejected cursory rate orders that fail to explain the basis for the regulator's actions. Earlier this year, in *Cablevision VII, Inc.*, DA 97-365 (Feb. 21, 1997), the Commission reiterated that local rate orders must "give sufficient explanation for any decisions that proposed rates are unreasonable." *Id.* at ¶ 5. The *Cablevision VII* decision explains, "Commission rules require local franchising authorities to issue written decisions, and . . . those decisions must affirmatively demonstrate why operators' proposed rates are unreasonable." *Id.* at ¶ 6.[1] The City in this instance has clearly failed to satisfy its regulatory responsibilities.

In this particular case, the City did not even adopt a formal rate order. The only ruling provided by the City is a brief excerpt from the "Minutes" of the City Council's March 10, 1997 meeting. *See* Attachment A. The Minutes indicate that the rate was "not approve[d]," but no formal resolution was provided justifying the City's action. In fact, a resolution was apparently considered, **but not adopted**, two months later at the Council's Meeting on May 12, 1997. *See* Attachment B. On that same day, City Councilman Spradlin

[1] *Citing Rate Order*, 8 FCC 5631, 5715 (1993); *Chillicothe Cablevision, Inc.*, 10 FCC Rcd. 6055 (1995); *Ultracom of Maple, Inc.*, 10 FCC Rcd. 6640 (1995); *Falcon Cablevision*, 10 FCC Rcd. 10409, 10411 (1995).

asserted that the March 10, 1997 action constituted the City's final "rate order," in which Cablevision was expected to be in "full compliance." *See* Attachment C.

Cablevision submits that the Minutes upon which the City seeks to rely are woefully inadequate. They do not include even a passing reference to the benchmark filings submitted by the Company, let alone an analysis of those filings. Instead, they simply state that "Council Member Spradlin expressed concern that a rate increase was being done when the service was so poor. " Attachment A.

Service concerns are, of course, irrelevant for purposes of rate regulation. In *TCI of Southeast Mississippi*, DA 95-1747 (Aug. 15, 1995), for example, the Commission rejected efforts by a local franchising authority to reduce the "maximum permitted" rate otherwise justified on TCI's rate submission "to compensate for what the City considered to be compromised signal quality on certain channels. . . ." *Id.* at ¶ 11. The Commission explained:

> Our rules do not allow the City to make this type of ad hoc adjustment to [the cable operator's] basic service tier rate. The City must follow the Commission's rules for rate regulation when reviewing an operator's rate filing. If a franchising authority does not dispute the bases for the figures presented . . . or has not discovered any mathematical errors . . . the franchising authority should then approve the maximum permitted rates, as derived by the form.
>
> A franchising authority may not arbitrarily reduce prices for programming and equipment below maximum permitted rate levels in a purported effort to address signal quality. . . . [*Id.* at ¶¶13, 15.]

The inadequacies of the City's March 10, 1997 Minutes are so overwhelming, that it is difficult to imagine that the City intended those Minutes to constitute its "written

decision" under Section 76.936 of the Commission rules.[2] In light of Councilman Spradlin's assertions made just 30 days ago, however, Cablevision submits that the Commission should now issue a decision precluding such assertions and rejecting the Minutes, and Councilman Spradlin's reliance thereon, as a binding denial of Cablevision's rate increase.

Respectfully submitted,

NORTHEAST GWINNETT CABLEVISION

By: _____

Steven J. Horvitz
COLE, RAYWID & BRAVERMAN, L.L.P.
1919 Pennsylvania Avenue, NW
Suite 200
Washington, D.C. 20006
(202) 659-9750

Its Attorneys

June 11, 1997

[2]In earlier correspondence with the City, Cablevision argued that the Council's failure to reject the proposed rates, or adopt a formal tolling order, in the initial 30 day timeframe precluded further action on the underlying rate increase. Cablevision is not advancing that particular argument in this Petition.

Attachment A

CITY OF SUGAR HILL

4988 WEST BROAD ST. SUGAR HILL, GEORGIA 30518
(770) 945-8716

March 25, 1997

Mr. Martin O'Keefe
General Manager
N. E. Gwinnett Cablevision
3075 Breckinridge Blvd. Ste 450
Duluth, Georgia 30136

Dear Mr. O'Keefe:

Please find enclosed a copy of an excerpt from the minutes of the City of Sugar Hill's Council Meeting of March 10, 1997. At that meeting, the City of Sugar Hill disapproved the cable rate increase request from N.E. Gwinnett Cablevision.

Thank you for your attention to this matter.

Sincerely,

Warren P. Nevad
City Manager
City of Sugar Hill
4988 West Broad Street
Sugar Hill, Georgia 30518

WPN:bbg

Enclosure

money by not accepting the first bids, but going to a second bid. The issue of Change Orders was discussed, with Manager Nevad stating the only thing he could see a Change Order for was in case the contractors ran into rock during the construction. Manager Nevad stated that he expects to have all upgrades done by September. Council Member Spradlin made a motion to accept the bid, seconded by Council Member Bailey and after discussion was unanimously approved. (5-0)

E: TASK FORCE-VISION 20/20:

Council Member Spradlin stated that he has a Mission Statement for the Task Force.

TO DEVELOP A FAR REACHING VISION OF OUR COMMUNITY THAT MAXIMIZES QUALITY OF LIFE, ENCOURAGES A DIVERSIFIED TAX BASE, BOTH COMMERCIAL AND RESIDENTIAL, AND PROVIDES FOR THE ECONOMIC SECURITY OF SUGAR HILL INTO THE 21ST CENTURY.

Council Member Spradlin made a motion to adopt this Mission Statement, seconded by Council Member Bailey and unanimously approved. (5-0)

He asked that each member of Council appoint a person to serve on this Task Force and let that person appoint an alternate. He made a motion to have 6 members and 6 alternates on the Committee, seconded by Mayor Pro Tem Pugh and unanimously approved. (5-0)

The following appointments were made:

Mr. David Bachtold	by Council Member Spradlin
Mr. W. J. Dodd	by Council Member Baird
Mrs. Veronica West	by Council Member Davis
Mr. Joe Herrer	by Mayor Pro Tem Pugh
Mr. Chris Roberson	by Council Member Bailey
Mr. J. C. Henry	by Mayor Webster

F: UPDATE ON CONSENT ORDER:

Manager Nevad explained the Consent Order concerning the closure of the Landfill. The current Methane Monitoring Wells must be upgraded and another installed. Since there was no representative from POH present, Manager Nevad stated that this would be addressed at the next Council Meeting.

G: MULTI-FAMILY ORDINANCE:

Mayor Pro Tem Pugh asked that Director McFarland address this. Director McFarland stated that he would do this, later in the meeting, before the Public Hearing for the amendments to the Multi-Family Ordinance if the Council would agree. This was agreed on by the Council.

H: CABLE RATE REVISION:

Council Member Spradlin expressed concern that a rate increase was being done when the service was so poor. Council Member Spradlin made a motion to not approve the rate increase, seconded by Mayor Pro Tem Pugh and unanimously approved. (5-0)

Attachment B

RESOLUTION

Adopting A Rate Order Regarding Cable Television
Basic Service Rates and Associated Charges of
Cable Equities of Colorado, Ltd.

City of Sugar Hill, Georgia

WHEREAS, the City of Sugar Hill (the "City") is certified to regulate basic cable service rates and associated charges of Cable Equities of Colorado, Ltd. (the "Company"), and has followed regulations prescribed by the Federal Communications Commission ("FCC") for the regulation of the basic service tier and associated equipment and installation services and charges (the "FCC Rules"); and

WHEREAS, the Company submitted FCC Forms 1220 and 1205, FCC Form 1210 dated February 27, 1995 (the "First Form 1210"), FCC Form 1210 for the period from April 1, 1995 to December 31, 1995 (the "Second Form 1210"), and FCC Form 1210 dated January 20, 1997 (the "Third Form 1210") (collectively, the "Rate Filings"); and

WHEREAS, the City has reviewed the Rate Filings and other evidence and information; has received and considered comments, evidence and information from interested parties; and

WHEREAS, the Company has allocated capital and operating costs between service tiers using a variety of methods, but the FCC has stated that costs must instead be allocated between tiers based on the ratio of channels on each tier to the total number of channels offered; and

WHEREAS, the Company seeks a rate of return of 13% on its rate base, but the FCC has instead established a rate of return 11.25% as presumptively reasonable, and the Company has not established that 13% is the Company's actual cost of capital; and

WHEREAS, the Company has included $51,370 in its rate base as Plant Under Construction, but the FCC requires that plant be "used and useful" before it may be included in the rate base, and the Company has not established that this plant was "used and useful" during the test year; and

WHEREAS, the Company has included $7,002,360 in its rate base as Capitalized Start Up Losses, even though these costs were incurred by the previous owner, not the Company, and such start up losses are presumptively included in the price that the Company paid for the system; and

WHEREAS, the Company allocated 69.5% of its total revenue requirement at the "cost center" level to the system level, even though it appears that the system serves only 69% of the subscribers that the cost center serves, and the FCC has stated that costs should be allocated at a higher level to the franchise area level proportional to the number of subscribers in the franchise area; and

WHEREAS, the Company allocated all of its Advertising Revenue to Other Programming Service Activities, rather than to the basic and cable programming service tiers, even though much, if not all, of that revenue was directly related to the basic and cable programming service tiers; and

WHEREAS, the Company adjusted its actual balances for 1993 by inflation and anticipated cost increases for wages, benefits, programming costs, postage and billing services, even though such adjustments are not permitted, and the cost increases are taken into account in subsequent inflation adjustments made by the Company; and

WHEREAS, the Company has not demonstrated that its subscriber list has a value of $156 per subscriber, rather than the more reasonable value of $66 per subscriber, and

WHEREAS, the Company cannot be permitted to calculate a "hypothetical" income tax allowance, rather than use its actual allowance; and

WHEREAS, the Company is not permitted to exclude its deferred taxes from its calculation of its permitted rate; and

WHEREAS, in its First Form 1210 and in its Third Form 1210, the Company incorrectly moved the residual of a channel from the cable programming tier to the basic service tier, despite the fact that the number of channels on the cable programming tier did not decrease; and

WHEREAS, the Company receives in-kind payments which it should have offset against its programming cost when calculating its adjustment for programming costs in its Third Form 1210;

NOW, THEREFORE, BE IT RESOLVED, THE COMPANY IS ORDERED THAT:

1. The Company's permitted monthly rate for the basic service tier is $7.03, excluding franchise fees. The Company shall reduce its basic service tier rate to $7.03 within 90 days after the effective date of this Rate Order.

2. The City reserves the right to modify this Order if, at any time, it determines that information the Company provided to the City is incorrect in any material manner.

3. This Order shall become effective immediately upon its adoption.

So resolved by the Mayor and Council of the City of _____ this __th day of _____, 199_.

_____
Mayor

Attest: _____
City Clerk

Approved as to Form: _____
City Attorney

Attachment C

CITY OF SUGAR HILL

4968 WEST BROAD ST. SUGAR HILL, GEORGIA 30518
(770) 945-8716

Mr. Martin O'Keefe
Northeast Gwinnett Cablevision
3075 Breckinridge Blvd.
Suite 450
Duluth, GA 30136

May 12, 1997

Dear Mr. O'Keefe:

On or after January 22, 1997, Northeast Gwinnett Cablevision submitted FCC Form 1210 to the City of Sugar Hill to justify a higher permitted basic service tier rate. At its council meeting on February 10, 1997, the City of Sugar Hill determined that additional time was required to examine Cablevision's proposed rate increase, and tolled its time to review Cablevision's request (see the attached letter to Ms. Robin Crick). At its March 10, 1997 council meeting, the City issued a rate order denying Cablevision's request for a rate increase. In a letter dated April 14, 1997 to Warren Nevad, you stated that the City approved Cablevision's rate increase by failing to act within the initial 30 days after receiving Form 1210.

In fact, the City tolled its period to review Cablevision's Form 1210 at its February 10, 1997 council meeting, before the 30-day deadline. Even if the City had not issued a tolling order, the City may still prescribe rates and order a prospective rate reduction (see, for example, Century Communications Corporation, d/b/a/ Yuma Cablevision, Appeal of Local Rate Order of the City of Yuma, Arizona, DA 96-1261, released August 19, 1996). Furthermore, if Cablevision believed that the City's rate order was untimely, Cablevision should have appealed the City's order to the FCC within 30 days of the City's decision (see 47 CFR 76.944(b)). Cablevision cannot simply ignore rate orders with which it disagrees.

Cablevision is required to comply with the City's rate order of March 10, 1997 by reducing its rate to its previous level and issuing refunds to subscribers for the period of time from the date that Cablevision implemented its rate increase until the date that Cablevision implements its rate reduction. By failing to do so, Cablevision is in violation of the franchise agreement (Sections 4.4 and 9.2.1(i)). I expect full compliance with these requirements upon receipt of this letter.

Respectfully,

Charles A. Spradlin

Charles A. Spradlin, City Councilman

CERTIFICATE OF SERVICE

I, Nichele Rice, do hereby certify that on this 11th day of June, 1997, a true and correct copy of the foregoing "PETITION FOR EMERGENCY DECLARATORY RULING" has been sent by United States Mail, First Class Postage, to the following:

Warren Nevad
City Manager
City of Sugar Hill
4988 West Broad Street
Sugar Hill, GA 30518

Nichele Rice

RESOLUTION OF ABANDONMENT OF MUNICIPAL STREET

WHEREAS, the Mayor and Council of the City of Sugar Hill have determined that West Broad Street from the intersection of that street with First Avenue to the dead end of West Broad Street has ceased to be used by the public to such an extent that no substantial public purpose is accomplished by leaving the street as part of the municipal street system; and

WHEREAS, the Mayor and Council of the City of Sugar Hill have determined that the abandonment and closing of the portion of West Broad Street as shown on the plat which is attached hereto as Exhibit "A" is in the best interest of the citizens of the City of Sugar Hill; the Council of the City of Sugar Hill hereby ordains that the portion of West Broad Street as described and as shown on Exhibit "A" which is attached hereto and incorporated herein by reference is hereby declared to be closed and abandoned as a part of the municipal streets system of the City of Sugar Hill. This action is taken pursuant to O.C.G.A. §32-7-2 following proper notice to all property owners located on the portions of the municipal streets system closed and abandoned by this action.

The Council further authorizes the Mayor and the City Clerk to take such action and execute such documents as are necessary to dispose of the abandoned property in accordance with the laws of the State of Georgia.

IT IS SO ORDAINED this _____ day of _____, 1997.

_____
Councilmember

_____
Councilmember

_____
Councilmember

_____
Councilmember

_____
Councilmember

Submitted to Mayor: _____
Received from Mayor: _____

_____
Mayor

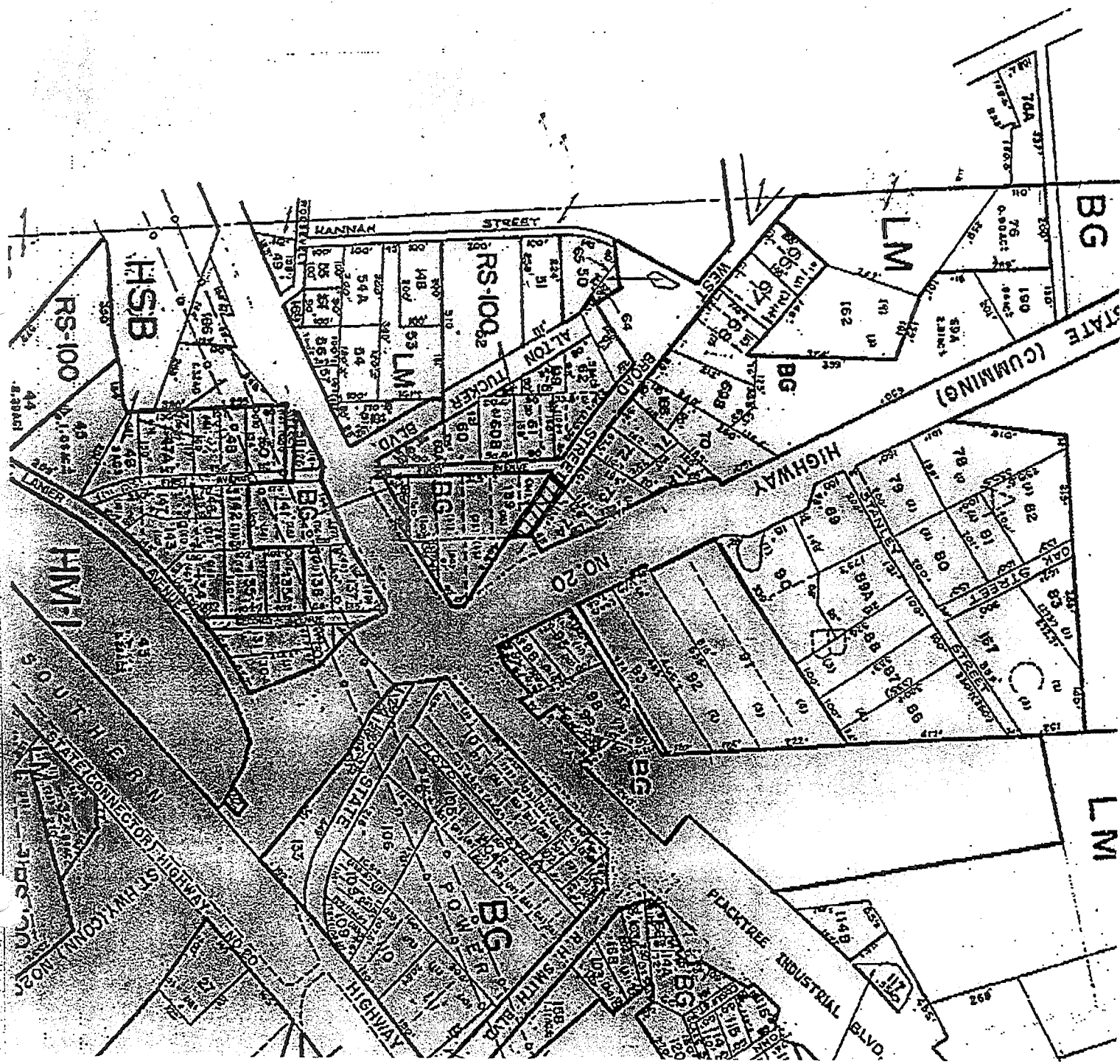
ATTEST:

_____
City Clerk

Exhibit "A"

TRW-REDI
1-800-345-7334

SCALE IN 1/10 OF AN INCH



THOMPSON & SWEENY, P.C.
Law Offices

V. LEE THOMPSON, JR.
VICTORIA SWEENY
MELANIE D. WILLIAMS
PAUL E. ANDREW
JORGIA C. NORTHRUP

Longleaf Commons
690 Longleaf Drive, Lawrenceville, GA 30245
Telephone: 770/963-1997
Telephone Copier: 770/822-2913

Mailing Address
P.O. Drawer 1250
Lawrenceville, Georgia 30246

July 3, 1997

Twenty-North Realty Inc.
P.O. Box 493
Buford, GA 30518-0493

RE: Abandonment of a Portion of West Broad Street

Dear Ladies & Gentlemen:

I am writing to advise you that the Mayor and Council of the City of Sugar Hill will consider a resolution at their regularly scheduled July meeting concerning the proposed abandonment of a portion of West Broad Street. The portion of West Broad Street which is being considered for abandonment is that portion located between the intersection of West Broad Street and First Avenue and the dead end of West Broad Street. This portion of the street was closed by action of the City Council in September of 1989.

According to the tax records of Gwinnett County and the City of Sugar Hill, you own property adjacent to this street. You are being provided notice of this proposed action in accordance with the provisions of O.C.G.A. §32-7-2 (c). The meeting will be conducted in the Sugar Hill Community Center adjacent to Sugar Hill City Hall at 7:30 p.m. on Monday, July 14, 1997. You are invited to attend and address the Council in connection with this matter if you desire. If you have questions regarding this matter or desire additional information, please contact either me or City Manager, Warren Nevad, at 945-6716.

Sincerely,

THOMPSON & SWEENY, P.C.

V. Lee Thompson, Jr.
Attorneys for the City of Sugar Hill

cc: Warren Nevad

THOMPSON & SWEENY, P.C.
Law Offices

V. LEE THOMPSON, JR.
VICTORIA SWEENY
MELANIE D. WILLIAMS
PAUL E. ANDREW
JORGIA C. NORTHRUP

Longleaf Commons
690 Longleaf Drive, Lawrenceville, GA 30245
Telephone: 770/963-1997
Telephone Copier: 770/822-2913

Mailing Address
P.O. Drawer 1250
Lawrenceville, Georgia 30246

July 3, 1997

Mr. James B. Robinson
P.O. Box 623
Buford, GA 30518-0623

RE: Abandonment of a Portion of West Broad Street

Dear Mr. Robinson:

I am writing to advise you that the Mayor and Council of the City of Sugar Hill will consider a resolution at their regularly scheduled July meeting concerning the proposed abandonment of a portion of West Broad Street. The portion of West Broad Street which is being considered for abandonment is that portion located between the intersection of West Broad Street and First Avenue and the dead end of West Broad Street. This portion of the street was closed by action of the City Council in September of 1989.

According to the tax records of Gwinnett County and the City of Sugar Hill, you own property adjacent to this street. You are being provided notice of this proposed action in accordance with the provisions of O.C.G.A. §32-7-2 (c). The meeting will be conducted in the Sugar Hill Community Center adjacent to Sugar Hill City Hall at 7:30 p.m. on Monday, July 14, 1997. You are invited to attend and address the Council in connection with this matter if you desire. If you have questions regarding this matter or desire additional information, please contact either me or City Manager, Warren Nevad, at 945-6716.

Sincerely,

THOMPSON & SWEENY, P.C.

V. Lee Thompson, Jr.
Attorneys for the City of Sugar Hill

cc: Warren Nevad

RESOLUTION OF ABANDONMENT OF MUNICIPAL STREET

WHEREAS, the Mayor and Council of the City of Sugar Hill have determined that Duncan Drive from the intersection of that street with Pine Thicket Drive to the dead end of Duncan Drive has ceased to be used by the public to such an extent that no substantial public purpose is accomplished by leaving the street as part of the municipal street system; and

WHEREAS, the Mayor and Council of the City of Sugar Hill have determined that the abandonment and closing of the portion of Duncan Drive as shown on the plat which is attached hereto as Exhibit "A" is in the best interest of the citizens of the City of Sugar Hill; the Council of the City of Sugar Hill hereby ordains that the portion of Duncan Drive as described and as shown on Exhibit "A" which is attached hereto and incorporated herein by reference is hereby declared to be closed and abandoned as a part of the municipal streets system of the City of Sugar Hill. This action is taken pursuant to O.C.G.A. §32-7-2 following proper notice to all property owners located on the portions of the municipal streets system closed and abandoned by this action.

The Council further authorizes the Mayor and the City Clerk to take such action and execute such documents as are necessary to dispose of the abandoned property in accordance with the laws of the State of Georgia.

IT IS SO ORDAINED this _____ day of _____, 1997.

_____
Councilmember

_____
Councilmember

_____
Councilmember

_____
Councilmember

_____
Councilmember

Submitted to Mayor: _____
Received from Mayor: _____

_____
Mayor

ATTEST:

_____
City Clerk

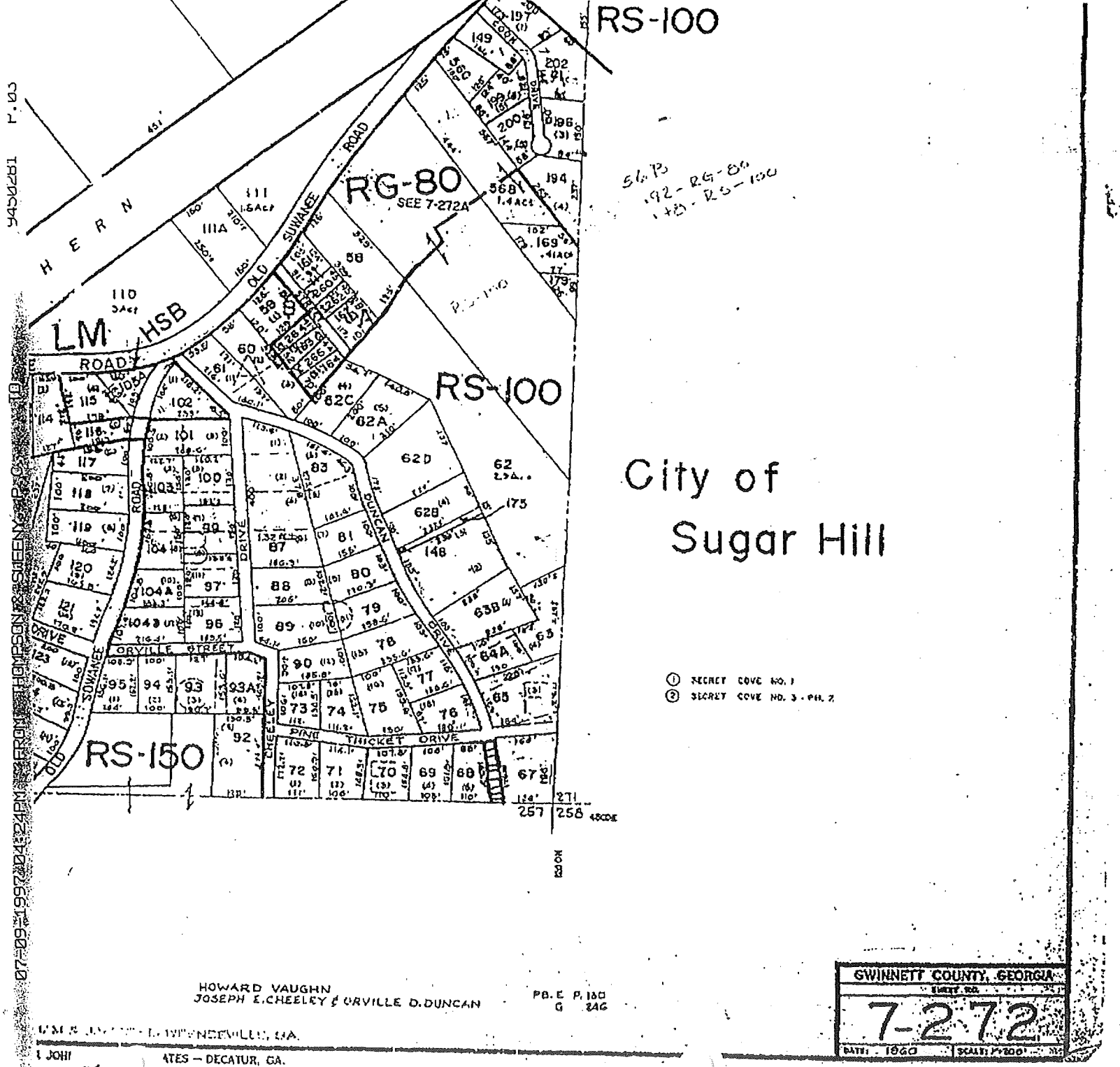

RS-100
RG-80
SEE 7-272A
RS-100
RS-150
LM
HSB
HERN
OLD SUWANEE ROAD
DUNCAN DRIVE
CHEELEY DRIVE
ORVILLE STREET
PINE THICKET DRIVE
City of
Sugar Hill
① SECRET COVE NO. 1
② SECRET COVE NO. 3 - PH. 2
HOWARD VAUGHN
JOSEPH E. CHEELEY & ORVILLE D. DUNCAN
PB. E P. 180
G 246
GWINNETT COUNTY, GEORGIA
7-272
DATE: 1990
SCALE: 1"=200'

Exhibit "A"

THOMPSON & SWEENY, P.C.
Law Offices

V. LEE THOMPSON, JR.
VICTORIA SWEENY
MELANIE D. WILLIAMS
PAUL E. ANDREW
JORGIA C. NORTHRUP

Longleaf Commons
690 Longleaf Drive, Lawrenceville, GA 30245
Telephone: 770/963-1997
Telephone Copier: 770/822-2913

Mailing Address
P.O. Drawer 1250
Lawrenceville, Georgia 30246

July 3, 1997

Ms. Dorothy H. Ramey
1199 Pine Thicket Drive
Buford, GA 30518-4868

RE: Abandonment of a Portion of Duncan Drive

Dear Ms. Ramey:

I am writing to advise you that the Mayor and Council of the City of Sugar Hill will consider a resolution at their regularly scheduled July meeting concerning the proposed abandonment of a portion of Duncan Drive. The portion of Duncan Drive which is being considered for abandonment is that portion located between the intersection of Duncan Drive and Pine Thicket Drive and the dead end of Duncan Drive. This portion of the street is shown on City tax maps, but the City has no record of a public dedication of the roadway.

According to the tax records of Gwinnett County and the City of Sugar Hill, you own property adjacent to this street. You are being provided notice of this proposed action in accordance with the provisions of O.C.G.A. §32-7-2 (c). The meeting will be conducted in the Sugar Hill Community Center adjacent to Sugar Hill City Hall at 7:30 p.m. on Monday, July 14, 1997. You are invited to attend and address the Council in connection with this matter if you desire. If you have questions regarding this matter or desire additional information, please contact either me or City Manager, Warren Nevad, at 945-6716.

Sincerely,

THOMPSON & SWEENY, P.C.

V. Lee Thompson, Jr.
Attorneys for the City of Sugar Hill

cc: Warren Nevad

THOMPSON & SWEENY, P.C.
Law Offices

V. LEE THOMPSON, JR.
VICTORIA SWEENY
MELANIE D. WILLIAMS
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JORGIA C. NORTHRUP

Longleaf Commons
690 Longleaf Drive, Lawrenceville, GA 30245
Telephone: 770/963-1997
Telephone Copier: 770/822-2913

Mailing Address
P.O. Drawer 1250
Lawrenceville, Georgia 30246

July 3, 1997

Mr. Lloyd O. Smith
1179 Pine Thicket Drive
Buford, GA 30518-4868

RE: Abandonment of a Portion of Duncan Drive

Dear Mr. Smith:

I am writing to advise you that the Mayor and Council of the City of Sugar Hill will consider a resolution at their regularly scheduled July meeting concerning the proposed abandonment of a portion of Duncan Drive. The portion of Duncan Drive which is being considered for abandonment is that portion located between the intersection of Duncan Drive and Pine Thicket Drive and the dead end of Duncan Drive. This portion of the street is shown on City tax maps, but the City has no record of a public dedication of the roadway.

According to the tax records of Gwinnett County and the City of Sugar Hill, you own property adjacent to this street. You are being provided notice of this proposed action in accordance with the provisions of O.C.G.A. §32-7-2 (c). The meeting will be conducted in the Sugar Hill Community Center adjacent to Sugar Hill City Hall at 7:30 p.m. on Monday, July 14, 1997. You are invited to attend and address the Council in connection with this matter if you desire. If you have questions regarding this matter or desire additional information, please contact either me or City Manager, Warren Nevad, at 945-6716.

Sincerely,

THOMPSON & SWEENY, P.C.

V. Lee Thompson, Jr.
Attorneys for the City of Sugar Hill

cc: Warren Nevad

WELKER & ASSOCIATES, INC.
Engineers Since 1945
P. O. BOX 937 ___ 770/422-1902
MARIETTA, GEORGIA 30061

MEMO

To: Mr. Warren Nevad, Sugar Hill City Manager
From: Bobby Ellis, Vice President Welker & Associates, Inc.
Subject: System Pressure Improvements
Date: July 8, 1997

The City of Sugar Hill is in the process of completing the first phase of a system wide pressure improvements program. The following outlines the program.

HIGH PRESSURE LOOP

The high pressure loop along Woodward Mill and West Price Road to Level Creek Road is nearing completion. The 6" steel high pressure loop when completed in early August will correct the bottle neck problem that has plagued the system for years. The estimated total cost is $ 325,000.

DISTRIBUTION SYSTEM

The completion of the high pressure loop will make available sufficient pressure and capacity to meet the systems growing needs. To deliver the natural gas to the customer will require improvements to the distribution system. The current planned improvements are as follows.

1. *Whitehead Road*

   Parallel the existing 2" main from Suwanee Dam Road to Oaks Landing Court, a distance of approximately 7,500 feet, with a 4" polyethylene main. The proposed 4" polyethylene main will connect to the existing 2" main on Suwanee Dam Road and the1½" main on Whitehead Road and the recently installed 4" P.E. main on Whitehead Drive. Estimated installation cost is $ 53,000.

2. *HWY 20*

   Parallel the existing 2" main on Old HWY 20 and HWY 20 to Whitehead Drive, a distance of approximately 3,500 feet, with a 4" polyethylene main. At Whitehead Dive connect to the recently installed 4" P.E. main. Estimated installation cost is $ 30,000. Once constructed sufficient pressure and capacity will be available along the Hwy 20 service area.

WELKER & ASSOCIATES, INC.

July 9, 1997
City of Sugar Hill
Mr. Warren Nevad, City Manager
Page # 2

In addition to the above improvement the City is relocating a portion of it's steel high pressure loop and distribution piping on Suwanee Dam Road. This relocation is required due to road widening and improvements. The existing 4" steel high pressure main is being relocated in kind. The existing 2" steel low pressure main is being replaced with a 4" P.E. main. Gwinnett County is paying for the relocation. The City is required to pay for the betterment. The betterment cost is estimated to be $ 75,000. Construction is estimated to begin this fall.

WELKER & ASSOCIATES, INC.
Engineers Since 1945
P. O. BOX 937 ___ 770/422-1902
MARIETTA, GEORGIA 30061

July 10, 1997

Mr. Warren Nevad, City Manager
City of Sugar Hill
4988 W. Broad Street
Sugar Hill, Georgia 30518

Re: Lost and unaccounted-for

Dear Warren:

The check meter at the city gate station has been installed. The City can now verify deliveries from Transco. I would suggest beginning this month daily deliveries shown on Transco's invoice be compared with the daily deliveries recorded on the check meter. A hard copy print out of daily deliveries recorded by the city check meter should be keep in a safe place. I continue to believe that Transco has a metering problem. If my assumption is proven to be correct these hard copy print outs will prove to be valuable. Since there is the potential for litigation this matter should only be discussed in executive secession with the mayor and council.

If you have any questions or require additional assistance, please do not hesitate to call.

Sincerely,

WELKER & ASSOCIATES, INC.

Bobby Ellis, Vice President

BE/be

July 1, 1997

MEMO

TO: Mayor/City Council

FR: Warren Nevad

RE: July Agenda Item: Buford Housing Authority

Attached is copy of the above-referenced resolution for consideration at the July 14th meeting. This resolution was prepared by Level Creek Partners, L.P.

Please call should you have any questions.

RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SUGAR HILL, GEORGIA PROVIDING APPROVAL WITH RESPECT TO THE ISSUANCE OF REVENUE BONDS BY THE HOUSING AUTHORITY OF THE CITY OF BUFORD, GEORGIA FOR THE BENEFIT OF LEVEL CREEK PARTNERS, L.P.

WHEREAS, the Housing Authority of the City of Buford, Georgia (the "Issuer") is to consider the application of Level Creek Partners, L.P., a Georgia limited partnership, (or an affiliate thereof is hereinafter referred to as the "Borrower") requesting the Issuer's assistance in the financing of the acquisition, construction and installation of a multifamily housing project totaling approximately 220 units, located on 17.97 acres and consisting of approximately 15 buildings to be located in the City of Sugar Hill, Gwinnett County, Georgia (the "Project") to be developed by the Borrower through the issuance by the Issuer of multifamily housing revenue bonds in an amount not to exceed $13,000,000 (the "Bonds"); and

WHEREAS, there currently exists no housing authority within the City of Sugar Hill and the Mayor and Council of Sugar Hill are desirous of assisting the Borrower in the issuance of the Bonds and the financing of the Project; and

WHEREAS, the Mayor and Council wish to indicate their desire that the Housing Authority of the City of Buford act on behalf of the City of Sugar Hill in the issuance of the Bonds; and

WHEREAS, pursuant to O.C.G.A. 8-3-3(1) the permitted "area of operation" of a housing authority created for a city is within such city and the area within ten miles of the territorial boundaries thereof but does not mean any area which lies within the territorial boundaries of any other city unless a resolution shall have been adopted by the governing body of such other city declaring that there is a need for the city housing authority to exercise its powers within the territorial boundaries of said other city; and

WHEREAS, the City of Sugar Hill, Georgia lies within 10 miles of the territorial boundaries of the City of Buford, Georgia and, therefore lies within the area of operation for the Housing Authority of the City of Buford, Georgia; and

WHEREAS, a public hearing was held on March 3, 1997 on behalf of the City of Sugar Hill, Georgia and the City of Buford, Georgia with respect to such proposed financing of the Project as required pursuant to Section 147(f) of the Internal Revenue Code of 1986 as amended (the "Code"); and

WHEREAS, Section 147(f) of the Code provides that the applicable elected representative of the governmental unit having jurisdiction over the area in which any facility, with respect to which the proceeds of the multifamily revenue bonds is to be provided, is located, shall approve the issuance of such revenue bonds following a public hearing for which reasonable notice was given; and

WHEREAS, the Issuer recommends and has requested that the Mayor and Council of Sugar Hill approve the issuance of the Bonds and the financing of the Project, subject to the terms of the financing to be agreed upon by the Issuer, the Borrower and the purchaser of the Bonds, and a certificate regarding the public hearing has been filed with the minutes of this meeting; and

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF SUGAR HILL AS FOLLOWS:

(1) The Mayor and Council of the City of Sugar Hill hereby declare a need for safe, decent and affordable housing and request that the Housing Authority of the City of Buford issue the Bonds to finance the Project on behalf of the Borrower which is located within the jurisdiction of the City of Sugar Hill.

(2) The issuance of the Bonds in an amount not to exceed $13,000,000 by the Issuer for the benefit of the Borrower to assist in the financing of the Project to be located within the geographic jurisdiction of the City of Sugar Hill is hereby approved to the extent required by said Section 147(f) of the Code.

(3) Such approval by the Mayor and Council of the City of Sugar Hill, Georgia does not constitute an endorsement to a prospective purchaser of the Bonds or the creditworthiness of the Borrower or the Project, and the Bonds shall not constitute an indebtedness or obligation of the City of Sugar Hill, the City of Buford, Georgia, the State of Georgia or of any county, municipal corporation or political subdivision thereof but the Bonds shall be payable solely from the revenues derived from the Borrower and pledged to the payment thereof and no owner of the Bonds shall ever have the right to compel any exercise of the taxing power of The City of Sugar Hill, the City of Buford, Gwinnett County, said State or of any county, municipal corporation or political subdivision thereof, nor to enforce the payment thereof against any property of said State or of any such county, municipal corporation or political subdivision.

Adopted this _____ day of _____, 1997.

CITY OF SUGAR HILL, GEORGIA

_____
Council Member

_____
Council Member

_____
Council Member

_____
Council Member

_____
Council Member

Submitted to Mayor: _____

Approved by and Received from Mayor this _____ day of _____, 1997.

_____
Mayor

Attest:

_____
City Clerk

O R D I N A N C E

RZ-97-005

The Council of the City of Sugar Hill, Georgia hereby ordains:

That "The Zoning Ordinance of the City of Sugar Hill" is hereby amended by amending the official zoning map adopted by that ordinance to classify the area described on Exhibit A which is attached hereto and incorporated herein by reference as Light Industry District (HM-1) on said official zoning map.

BE IT FURTHER ORDAINED THAT the following conditions are hereby included on the property as a condition of zoning:

_____

_____

_____

_____

IT IS SO ORDAINED, this _____ day of _____, 1997.

_____
Mayor

_____
Council Member

_____
Council Member

_____
Council Member

_____
Council Member

_____
Council Member

ATTEST: _____
City Clerk

Submitted to Mayor: _____

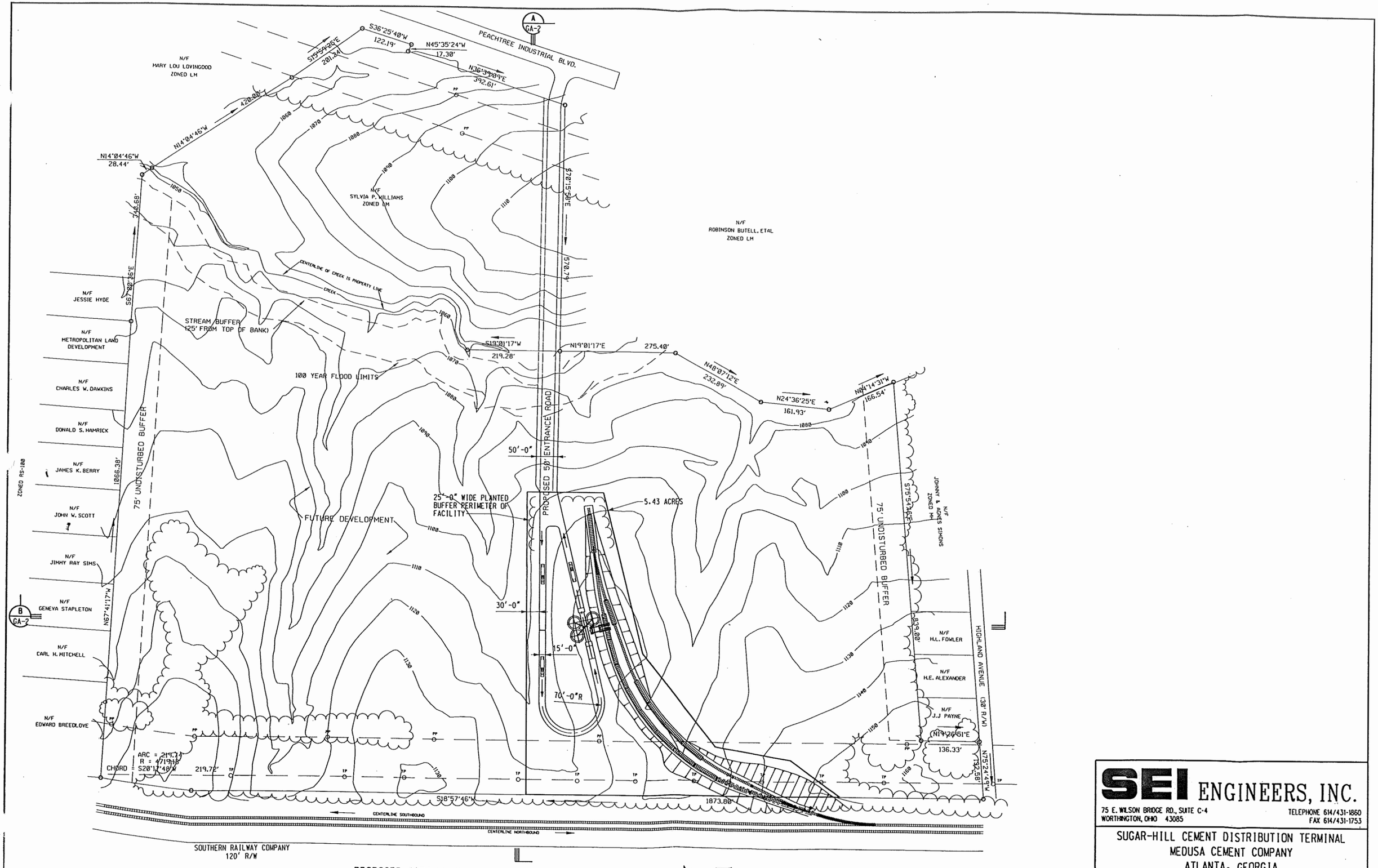
Approved by Mayor, this _____ day of _____, 1997.

_____
Mayor

EXHIBIT "A"
RZ-97-005

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 272 OF THE 7TH LAND DISTRICT, GWINNETT COUNTY, CITY OF SUGAR HILL, GEORGIA, CONTAINING 47.2 ACRES, MORE OR LESS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN AT THE INTERSECTION OF THE WESTERN MARGIN OF THE 120-FOOT RIGHT-OF-WAY OF SOUTHERN RAILWAY COMPANY AND THE SOUTHERN MARGIN OF THE 30-FOOT RIGHT-OF-WAY OF HIGHLAND AVENUE; THENCE SOUTH 18 DEGREES 57 MINUTES 46 SECONDS WEST, 1873.80 FEET ALONG THE WESTERN MARGIN OF THE RIGHT-OF-WAY OF SAID SOUTHERN RAILWAY COMPANY TO A POINT; THENCE 219.74 FEET ALONG THE ARC OF A CURVE TO THE RIGHT TO A POINT, SAID CURVER HAVING A RADIUS OF 4719.13 FEET AND CHORD BEARING AND DISTANCE OF SOUTH 20 DEGREES 17 MINUTES 48 SECONDS WEST, 219.72 FEET; THENCE DEPARTING SAID RIGHT-OF-WAY, NORTH 67 DEGREES 41 MINUTES 17 SECONDS WEST, 1066.38 FEET TO A POINT; THENCE NORTH, 67 DEGREES 00 MINUTES 36 SECONDS WEST, 340.68 FEET TO A POINT; THENCE NORTH, 14 DEGREES 04 MINUTES 46 SECONDS WEST, 28 FEET, MORE OR LESS, TO A POINT IN THE CENTERLINE OF A CREEK, THENCE ALONG THE CENTERLINE OF THE CREEK IN A NORTHERLY DIRECTION 980 FEET, MORE OR LESS, TO A POINT, THENCE DEPARTING THE CENTERLINE OF THE CREEK, North 19 DEGREES 01 MINUTES 17 SECONDS WEST, 494.68 FEET TO APOINT; THENCE NORTH 48 DEGREES 07 MINUTES 12 SECONDS EAST 232.89 FEET TO APOINT; THENCE NORTH 24 DEGREES 36 MINUTES 25 SECONDS EAST, 161.93 FEET TO APONT; THENCE NORTH 04 DEGREES 14 MINUTES 31 SECONDS WEST, 166.54 FEET TO APOINT; THENCE SOUTH 75 DEGREES 54 MINUTES 16 SECONDS EAST, 839.00 FET TO APOINT; THENCE NORTH 19 DEGREES 26 MINUTES 51 SECONDS EAST, 136.33 FEET TO APONT ON THE SOUTHERN MARGIN OF THE 30- FOOT RIGHT-OF-WAY OF SAID HIGHLAND AVENUE; THENCE SOUTH 75 DEGREES 24 MINUTES 49 SECONDS EAST, 132.58 FEET ALONG THE MARGIN OF THE SAID RIGHT-OF-WAY OF HIGHLAND AVENUE TO THE TRUE POINT OF BEGINNING.



PROPOSED SITE PLAN 1" = 100'

SEI ENGINEERS, INC.
75 E. WILSON BRIDGE RD., SUITE C-4
WORTHINGTON, OHIO 43085
TELEPHONE 614/431-1860
FAX 614/431-1753

SUGAR-HILL CEMENT DISTRIBUTION TERMINAL
MEDUSA CEMENT COMPANY
ATLANTA, GEORGIA

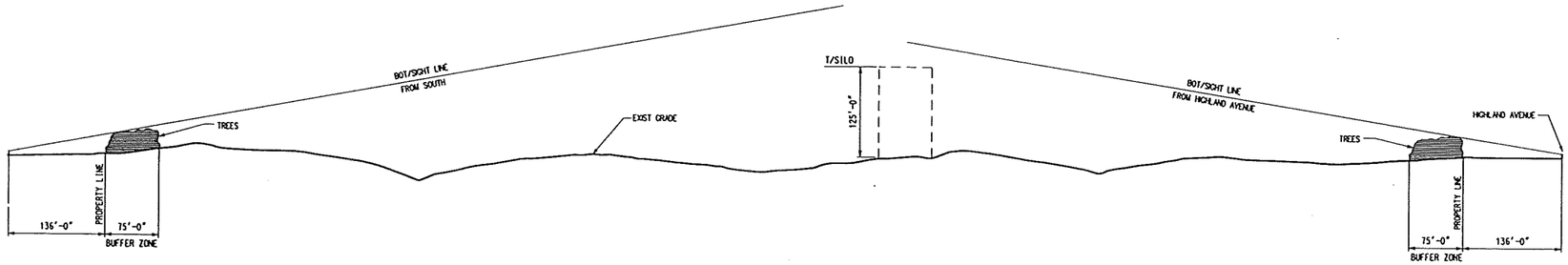
PROPOSED SITE PLAN

ISSUE	DRAWING RECORD	DATE	BY	NO	REFERENCE DWG TITLE	DWG NO

DESIGNED BY	CHECKED BY	CHECKED DATE	PROJECT NO.	DWG NO.	REV.
DRAWN BY MJM	APPROVED BY	PLOTTED DATE 6-6-97	97251	GA-1	△



A GA-2 SECTION "A" 1" = 100'



B GA-2 SECTION "B" 1" = 100'

SEI ENGINEERS, INC.
75 E. WILSON BRIDGE RD., SUITE C-4
WORTHINGTON, OHIO 43085
TELEPHONE 614/431-1860
FAX 614/431-1753

SUGAR-HILL CEMENT DISTRIBUTION TERMINAL
MEDUSA CEMENT COMPANY
ATLANTA, GEORGIA

ELEVATIONS

ISSUE	DRAWING RECORD	DATE	BY	NO	REFERENCE DWG TITLE	DWG NO

DESIGNED BY	CHECKED BY	CHECKED DATE	PROJECT NO.	DWG NO.	REV.
DRAWN BY M.M.	APPROVED BY	PLOTTED DATE 5-30-97	97251	GA-2	△

CITY OF DEMOPOLIS

July 11, 1997

TO WHOM IT MAY CONERN:

First of all let me state that I have lived in Demopolis my entire life and have seen cement manufacturing operations change from the early days of no environmental protection to the present "state of the art" facility. For the past twelve years I have been Mayor of the City of Demopolis.

The City Council and I have found Medussa/Citadel to be as good a corporate citizen as we could possibly hope to have in our midst. They are extremely environmentally conscious and have instituted procedures in excess of those required for their industry. In addition, they formed a citizens advisory panel several years ago to address any concerns that the public might have. This panel was not only effective but educational to the general public as well.

To my knowledge, and believe me I would know, there are no complaints from the public about their operation in Demopolis, manufacturing or distribution. Medussa/Citadel has cooperated with the City in many civic projects through the years. Again, we have found them to be an excellent and caring industry in our midst.

Sincerely,

Austin Caldwell
Mayor

211 NORTH WALNUT STREET • P.O. BOX 580 • DEMOPOLIS, ALABAMA 36732 • (205) 289-0577

City Of Perry
P.O. Drawer A
Perry, Georgia 31069
Telephone 912-987-1911
Fax No. 912-988-8588

MAYOR
James E. Worrall

MEMBERS OF COUNCIL
Ralph Gentry
Bobby E. Glover
Hervia M. Ingram, Sr.
Charles F. Lewis
James I. Moore
William R. Jerles, Jr.

CITY MANAGER
Skip Nalley

CITY ATTORNEY
David G. Walker
P.O. Box 1234

Honorable Gary Webster, Mayor
CITY OF SUGAR HILL
4988 West Broad Street
Sugar Hill, Georgia 30518

Dear Gary:

It is my understanding that the Medusa Cement Company is planning to construct a manufacturing facility in your community. Medusa has a large facility in our community and I have had a close association with them for many years.

You will find Medusa to be a great corporate neighbor. They are most cooperative with their local government and are most receptive to doing whatever they can to enhance the quality of life for the area. You will find them environmentally responsible and sensitive to the concerns of the citizens of your community. They have been a part of our community since the early 1930's and we have never had any reason to be concerned with their manufacturing process. You will be pleased to have them in your community.

Please feel free to call me if there are any questions I can answer for you in regard to their locating a manufacturing facility in Sugar Hill.

Sincerely,

Jim Worrall

J.E. [Jim] Worrall

July 11, 1997

Draft

Contract for Residential and Commercial Refuse and Recycling Collection for the City of Sugar Hill, Georgia, hereafter called the "City", whose approval authority rests with the Governing Body.

SECTION I: GENERAL

1. Agreement

The City grants to the Company, hereafter known as, United Waste Services, Inc., the exclusive right to operate all residential and commercial refuse collection services upon, over and across the present and future streets, roads, alleys, bridges, easements and other public places located within the present and future limits of the City of Sugar Hill, Georgia. The City will not be responsible for the payment of services rendered to persons whose residences are not located within the Sugar Hill City limits as defined by the most current map of the City. If any areas are annexed into the City, the Company will commence servicing the newly annexed areas within fifteen (15) days after the effective date of annexation by the City. The Company will ensure those areas not within the City limits are excluded from any and all related services provided through this Agreement.

2. Term

The term of this agreement shall commence _____,1997 and shall run thereafter for a period of the _____ years expiring at midnight _____, _____.

3. Option to Renew

After the initial term, this Agreement may be renewed from year to year unless either party shall give written notice of termination to the other party a) At least ninety (90) days prior to the annual termination date.

SECTION II: COMMERCIAL

1. Collection Services - Commercial

The Company shall provide containers of uniform type and color for the collection of garbage and other refuse from all apartments, condominiums, other multi-family residential units, offices, business, industries and establishments other than single family dwellings or duplexes within the City limits, which generate two cubic yards or more of garbage or refuse per week (hereinafter "Commercial Customers"). Commercial Customers may elect to utilize

residential service as defined below if they do not generate two cubic yards or more of garbage or refuse per week. The Company shall do and perform the following:

(A) Furnish to Commercial Customers operated or carried on within the City limits such commercial garbage and refuse collection service as it is deemed necessary by the customer; except that where necessary to protect the public health, the City shall have the authority to require more frequent collections be made for an appropriate additional payment.

(B) Furnish containers for all Commercial Customers which generate two cubic yards or more of garbage and/or refuse per week, which container shall be picked up and emptied at such times as shall insure adequate and sanitary removal services at such locations.

(C) Keep in good working order all of the containers furnished pursuant to subparagraph (B) hereof.

(D) Condominiums, apartments and other multi-family establishments will be picked up a minimum of two times each week.

(E) Deposit all commercial solid waste collected hereunder at an approved sanitary landfill which meets all current Federal, State, and local requirements. All commercial recyclable items collected hereunder must be taken to an approved recycle processing center.

(F) All garbage, trash and other refuse required to be collected by the Company under subparagraph (b) hereof shall be placed in containers by Commercial Customers. Containers shall not be overloaded to the extent that the top lids cannot be fully closed. The Company shall be responsible for collecting garbage or trash scattered by its employees if such containers are not overloaded.

(G) All routing and scheduling of trucks used for the pickup of trash and garbage from containers shall be left to the discretion of the Company to the end that the scheduled pickups shall be reasonably and equally spaced during each week and shall assure maximum efficiency of operation consistent with service to the customers. With the single exception that commercial pickup will not be accomplished during weekly rush hours defined as follows: Monday through Friday 6:30 - 8:30 A.M. and 4:00 - 6:00 P.M.

(H) The City will take such steps as necessary to insure that all containers shall be freely accessible to the Company and not blocked or placed in unsafe locations for the pickup operation.

(I) The Company shall furnish the City with statistical data including volume and tonnage of commercial solid waste collected by category during each preceding thirty-day period.

2. Collection Fees - Commercial

(A) All commercial and industrial customers within the City using containerized service shall be billed directly by the Company in amounts not to exceed those set forth as follows:

COMMERCIAL REFUSE AND RECYCLING

Frequency	1/week	2/week	3/week	4/week	5/week	6/week
Size						
2 yd						
4 yd						
6 yd						
8 yd						

(B) The charge for precompacted material and for rental of compactors and compactor containers shall be negotiated directly between the Company and Commercial Customer involved. If agreement cannot be reached between the company and such commercial customer, the matter will be submitted to the City, and the City's decision shall be binding on both parties.

(C) The charge for roll off containers or service, items requiring special handling due to size, weight, type of material, and jobs requiring special equipment, special methods of placement and other unique or unusual equipment or service requirements will be negotiated between the Company and the Commercial Customer involved. If agreement cannot be reached between the Company and such Commercial Customer, the matter will be submitted to the City, and City's decision shall be binding on both parties.

(D) The Company will invoice each Commercial Customer directly on a monthly basis. The City will cooperate with the Company in its attempts to collect overdue and unpaid

accounts. The Company shall be authorized to require such deposits as it deems necessary or advisable for single service requests, short service or other special circumstances. The Company is further authorized to charge and collect service charges for late payments as provided by Georgia law.

SECTION III: RESIDENTIAL

1. Collection Service - Residential

Residential Solid Waste shall mean household garbage and waste defined as putrescible animal, fruit and vegetable matter resulting from the preparation, cooking, storage, sale and serving of food; cans; glass; paper; and other containers and other material that is generated as household garbage.

(A) Residential solid waste shall be collected on _____ of each week. The waste shall be placed by residents for collection at the curb no later than 7:00 a.m. on each collection day. **[Curbside pickup or backyard pickup?]**

(B) Only residential solid waste which is contained in or placed with specialized plastic bags provided to designated retail outlets and to the City by the Company shall be collected by the Company pursuant to this Agreement. Company shall sell to the City and designated retail stores plastic garbage bags of a unique color not readily available in other than designated retail stores. The plastic bags shall have at least 32 gallon capacity and a thickness of 2.5 mil.

(C) The Company shall bill the City and the City shall pay the Company for such plastic bags on a thirty day net invoice basis from the date of delivery at an initial rate of $_____ _____ per bag. This may be increased annually according to the Cost of Living Adjustment described later in Section IV.

(D) The Company shall have the right to purchase plastic bags from vendors of its choice. All plastic bags shall be of at least 32 gallon capacity and a 2.5 mil thickness.

(E) The Company shall furnish the City with statistical data including volume and tonnage of residential solid waste collected by category during each preceding thirty-day period.

2. Equipment

The Company shall have ready at all times, in good working order, such man power, materials, and equipment as shall permit the Company to adequately and efficiently perform the

duties hereunder. All equipment shall be of the enclosed, load packer type and shall be kept clean and in a sanitary condition. The Company shall have available to it at all times duplicate equipment which can be put into service and operated in case of any mechanical breakdown..

SECTION IV: OTHER

1. Insurance

(A) The Company shall at all times during the Agreement maintain in full force and effect Employer's Liability, Workmen's Compensation, Public Liability and Property Damage insurance, including contractual liability coverage. All insurance shall be by insurers and for policy limits acceptable to the City and before commencement of work hereunder the Company agrees to furnish the City certificates or other evidence satisfactory to the City to the effect that such insurance has been procured and is in force, and that the City is included as an insured on the policy.

(B) For the purpose of this Agreement, the Company shall carry the following types of insurance in at least the limits specified below:

Coverage	Limits of Liability
Workmen's Compensation	Statutory
Employer's Liability	$2,500,000
Bodily Injury Liability Except Automobile	$2,500,000 each occurrence
Property Damage Liability Except Automobile	$3,500,000 each occurrence
Automobile Bodily Injury	$5,000,000 each occurrence
Excess Umbrella Liability	$7,500,000 each occurrence

(C) The Company shall provide proof of pollution liability insurance in the amount of ten million dollars ($10,000,000.00) to the City. The pollution liability insurance should remain in effect for the duration of the Agreement between the City and the Company. Proof of such insurance shall be provided to the City upon signing of this Agreement and shall be updated annually, and the City shall be included as an insured on the policy.

2. Disposal

All waste materials for disposal shall be hauled to a site or facility legally empowered to accept same for treatment or disposal as approved by the relevant governing authorities.

3. Time of Collection

The Company shall collect the Residential Refuse placed in the special bags **at the curbside (?)** for collection once (1) a week per household. Collection shall not be made on the following days: Thanksgiving, December 25, and January 1. Collection which would normally occur on such holidays shall be collected on the next regular collection day.

4. Missed Pick-Up

In case of a missed pick-up reported by the City or a Resident, the Company shall make the pick up from such Resident within twenty-four (24) hours of notification by the City or such Resident. All calls relating to missed pick-ups shall be logged by the Company and such a log shall be available for inspection by City.

5. Unusual Changes or Costs

The Company or the City may petition the other after January 1, _____, for rate adjustments at reasonable times, but not more than once quarterly, on the basis of any unforeseen changes in the cost of doing business such as revised laws, ordinances or regulations, increased cost of plastic bags for residential service, changes in location or disposal sites or changes in disposal charges. If not granted, or agreed upon, the existing rates and Contract shall remain in full force and effect.

6. Cost of Living Adjustment

(A) Commencing January 1, _____, and annually thereafter throughout the term, the fees or compensation payable to the Company may be adjusted upward or downward to reflect changes in the cost of doing business, as measured by fluctuations in the Consumer Price Index (the "CPI") by petition to the City or by the City. Commencing January 1, 1998, and each year thereafter, the fees or compensation for residential and commercial services hereunder may be increased or decreased by a percentage amount equal to the net percentage change in the CPI computed as follows:

(B) Beginning with January 1, _____, the net change may be the difference between the CPI for the prior twelve month period of July 1, ____ - June 30, ____ preceding the

effective date of such change. Subsequent years of the Agreement may be adjusted annually based upon the net change for the same period from July to July. For purposes of this paragraph "Consumer Price Index" (the "CPI") may mean the Consumer Price Index established by the Bureau of Labor Statistics of the United States Department of Labor which is entitled "Consumer Price Index for All Urban Consumers" Atlanta, Georgia, All Items, 1967 - 100, or any appropriate successor Index adopted by said Department.

(C) If not granted, Contract remains in full force and effect.

7. Compliance with Laws

The Company shall conduct operations under this Agreement in compliance with all applicable ordinances, regulations and statutes.

8. Illegal Provisions

If any part or provisions of this Agreement or any portion of the term of this Agreement shall be declared illegal, void or unenforceable, the remaining provisions and term shall not be affected, but shall remain in full force and effect.

9. Single Contract

As part of the consideration to the Company for this Agreement, the City designates the Company as its exclusive contractor and agent to provide all residential and commercial refuse collection and disposal services within the City boundaries, present and future. The City further grants to the Company the right to operate on and utilize all streets, roads, alleys, bridges, easements and other public places in the City in carrying out its duties under this Agreement.

10. Governing Law

This Agreement shall be governed by the laws of the State Georgia both as to interpretation and performance.

11. Modification

This Agreement constitutes the entire agreement and understanding between the parties hereto, and it shall not be considered modified, altered, changed or amended in any respect unless in writing and signed by the parties hereto.

SECTION V: RECYCLING

1. Recycling Collection Services (Residential and Commercial)

The Recycling Collection Services described herein shall, unless otherwise mutually agreed upon in writing, continue throughout the initial term of this Agreement.

2. Definitions

For the purposes of the Agreement, the following definitions shall apply for all Residential Recycling Materials

(A) RECYCLABLE MATERIALS - All newspaper, glass food and beverage containers, plastic soda bottles and milk jugs, tin food cans, and aluminum beverage cans that are the subject of the City's collection contract.

* **Recyclable Materials, if agreed upon by the Company and the City, may also include Corrugated Cardboard.**

* **Recyclable Materials, if agreed upon by the Company and the City , may also include Magazines.**

(B) RESIDENTIAL RECYCLING COLLECTION SERVICES - Those services to be performed one (1) time weekly by the Company are as follows:

(1) **the curbside collection (?)** of Recyclable Materials from each single family residence.

(2) processing of Recyclable Materials which include the sorting and preparation of recyclable materials at the Processing Center for marketing.

(C) RECYCLING CONTAINERS - A Container made of rigid plastic construction to be used by residents to set out their Recyclable Materials. Such containers will be distinctively imprinted with "City of Sugar Hill Emblem" or similar design or language, and such design or language to be approved in advance by City.

3. Commercial Recycling

(A) The Company shall collect from Commercial Customers all corrugated recyclable materials which are segregated and placed in a recycling container provided to such

Commercial Customers by the Company. The frequency of collection shall be negotiated between Company and each Commercial Customer. The Company shall be responsible for processing and marketing such recycling services without additional charge to the Commercial Customers. Company, however, shall retain the proceeds from the sale of such recyclable materials.

(B) City and Company agree that Company may expand the scope of the recycling services specified herein as market conditions and the participation in recycling services by Commercial Customers improves.

4. Protection of Recyclable Materials

City agrees to take such steps as may be reasonably necessary to protect the Company's exclusive franchise to all Recyclable Materials placed at the curbside for collection under the terms of this Agreement.

5. Term: Scope of Recycling Services

The Company shall collect and remove all Recyclable Materials which are segregated and placed in Recycling Containers at the **curbside (?)** on public streets from all single-family homes, which are located within City limits, both present and future. The Recycling Collection Services performed shall be expanded to include all newly constructed single-family residential units as they become inhabited and the City shall notify the Company in writing of such expansions.

6. Time of Collection

The Company shall collect the Recyclable Material placed at the **curbside (?)** for collection once (1) a week per household. Collection shall not be made on the following days: Thanksgiving, December 25, and January 1. Collection which would normally occur on such holidays shall be collected on the next regular collection day.

7. Recycling Containers

(A) Two (2) weeks prior to the start date of this Agreement and without any additional charge to the City, the Company shall provide to the City, rigid plastic Recycling Containers at least 14-gallons in capacity. The Company will provide the amount of Recycling Containers necessary for each single-family residence within the City limits of Sugar Hill to be able to participate in the Recycling Program described in this Agreement.

(B) Company agrees that it will promptly replace Recycling Containers, without any charge to the City, when notified by the City that a Recycling Container is damaged or missing.

(C) Once delivered, the Recycling Containers shall become the property of the City of Sugar Hill.

8. Transportation and Ownership of Recyclable Materials

Company shall transport the collected Recyclable Materials in vehicles specialized for the collection of Recyclable Materials to its Processing Center, and be responsible for the sale or disposal of such Recyclable Materials, and shall retain ownership of Recyclable Materials and/or profits or loss there from.

9. Labor and Costs

The Company shall, at its sole cost and expense, furnish all labor and vehicles required to perform curbside collection of Recyclable Materials pursuant to this Agreement.

10. Refusal to Pick-Up

The Company shall not be obligated to make a pick-up if a Resident does not properly separate Recyclable Materials from each other or from other residential refuse . At the time of refusal to make the pick-up, the Company will issue a notice to the Resident which contains instructions for the proper segregation of Recyclable Materials. If a Resident receives two such notices within a period of thirty (30) days, the Company shall notify the City after which time if the matter is not resolved the Company may refuse further recyclable pick-ups from that Resident.

11. Recycling Center

The Company shall utilize a Processing Center which shall accept, but is not limited to, the following: newspaper, glass food and beverage containers, plastic soda bottles and milk jugs, tin food cans, aluminum beverage cans, and corrugated cardboard. All Recyclable Materials collected from Residents shall be processed at the Processing Center. Title to Recyclable Materials brought to the Processing Center shall be with the Company and the Company shall have the responsibility for the sale and/or disposal of such Recyclable Materials. The Company shall notify the City Representative in writing, no less than thirty (30) days prior to any relocation of the Processing Center.

12. Public Awareness Program

(A) The Company shall develop and implement a Public Recycling Awareness program that contains but is not limited to the activities described below:

(1) Presentations, using audio-visual aids, to local civic groups (i.e., Lions, Kiwanis, Rotary, Masons, Etc.), home-owners' associations, PTAs, women's clubs, and church groups, in order to educate "civic leaders" so they can, in turn, discuss the program with others.

(2) Programs promoting recycling for elementary, middle and high school students, scout troops, and other youth organizations in the Sugar Hill area.

(3) Program updates included in the City of Sugar Hill Newsletter.

(4) Participation in local festivals, parades and events to demonstrate The Company's on-going commitment to the promotion of curbside recycling.

(5) A program to promote the recycling of telephone books on an annual basis. During those times designated for the annual recycling of telephone books, the Company will provide a dumpster located at a place designated by the City where residents can recycle their old telephone books.

(B) Materials residents will receive will include:

(1) A letter from the City officials to all households announcing the scope of the City's curbside recycling program, endorsing the recycling ethic and asking for the full participation of the community. (If the City leaders so desire.)

(2) Door hangers and/or mail-outs to be distributed 2 to 3 weeks prior to the beginning of this Agreement describing the residential solid waste collection and recycling programs.

(3) Collection bins will be provided to households 1 to 2 weeks prior to the first collection of recyclable materials under this Agreement. These bins will be personalized for the Sugar Hill Recycling program.

(4) Pamphlets to inform the residents of the proper way to prepare the Recyclable Materials and the correct use of their recycling bins.

(5) Information cards suitable to display on the refrigerator or other prominent places as a reminder of when to place Recyclable Material on the curbside for collection.

13. Compensation for Recycling Services

Insert language on cost - included in per bag cost (?)

SECTION VI: YARD CLIPPINGS

1. Residential Yard Clippings/ Debris Collection

NOTE: Residential Yard Debris as defined by Georgia State law 12-8-40.2 shall be collected by the Company in one of the following ways which will be chosen by the City upon the signing of this Agreement.

contract OPTION 1

The Company shall provide the City with one(1) forty (40) cubic yard container to be placed wherever City deems appropriate. The container shall be designated by the City exclusively every Saturday throughout the year the disposal of Residential Yard debris as defined by Georgia State law. The Company shall provide roll-off of this dumpster on Mondays following the Saturday collection at a price of $275.00 per roll-off.

OR

OPTION 2

The Company shall provide once (1) weekly curbside service of Residential Yard Debris which is to be placed in bio-degradable paper bags on the curbside by the Resident no later than 7:00 A.M. on Mondays. the debris must be composted in an approved licensed facility. The Company will bill the City and the City shall pay the Company on or before the

contract

15th day of each calendar month in the amount of $_____/house per month per single-family residence.

SECTION VII: REPORTING
contract

1. Records and Reports

The Company shall maintain its books and records of statistical data related to the performance of the solid waste collection, recycling collection and transportation services under this Agreement and provide monthly summaries to the City in accordance with the following minimum requirements:

(A) Monthly Status Reports

(1) Tonnage summaries of refuse per residence within the boundaries, both present and future, of the City limits of Sugar Hill

(2) Tonnage summaries of refuse per commercial customer within the boundaries, both present and future, of the City limits of Sugar Hill

(3) Tonnage summaries of recyclable material collected and marketed per single family residence and commercial customer

(4) Weekly and monthly participation rates

(5) Monthly invoice for services rendered

(6) Description of program progress, including any problems encountered and how they were resolved (provided on an as needed basis).

(B) Yearly Status Reports

(1) Summary of material collected and marketed

(2) Discussion of the Public Recycling Awareness program and its impact on participation

(3) Discussion of program highlights, problems and measures taken to resolve problems and increase efficiency and household participation

(4) Summary of the percent reduction in waste stream flow generated by participation in a recycling program

(5) Recommendation for program revisions

2. Deadlines

The Monthly Status Reports shall be submitted to the City within twenty (20) days of the end each month and Yearly Status Reports shall be submitted to the City within sixty days (60) days of the end of each year of operations hereunder. City shall, with at least a thirty (30) day notice, have the right to examine, at its own expense, the books and records of the Company with respect to the services rendered hereunder.

SECTION VIII: CONDITIONS

1. Force Majeure

The Company's performance hereunder may be suspended and its obligation hereunder excused in the event and during the period that such performance is prevented by a cause or causes beyond the reasonable control of the Company unless such cause or causes are the sole result of action or nonaction by the Company. Such causes shall include, but are not limited to, acts of God, acts of war, riot, fire, explosion, accident, flood or sabotage; lack of adequate fuel, power or raw materials, judicial administrative or governmental laws, regulations, requirements, rules, orders or actions; injunctions or restraining orders; the failure of any governmental body to issue or grant, or the suspension or revocation or modification of any license, permit or other authorization necessary for the construction and/or operation envisioned by this Agreement; national defense requirements; labor strikes, lockout or injunction.

2. Termination of Franchise

In addition to all other rights and powers the City may have by virtue of this Agreement or otherwise, the City reserves the right to terminate this franchise and all rights and privileges of the Company hereunder in the event that the Company:

(A) Violates any provision of this Agreement or any rule, order, or determination of the City or the Governing Body made pursuant to this Agreement except where such violation, is cured as set forth below or, is without fault or through excusable neglect;

(B) Becomes insolvent, unable or unwilling to pay its debts, or is adjudged a bankrupt;

(C) Attempts to evade any of the provisions of this Agreement or practices any fraud or deceit upon the City;

(D) Has a change in the ownership of 50% or more of its stock, without the City's consent, or attempts to transfer this franchise to any other entity without the consent of the City.

Any termination of the franchise in accordance with the terms of this paragraph shall take place by an act of the Governing Body of the City after thirty (30) days written notice to the Company of the City's intent to consider such action. The foregoing notwithstanding any termination allegedly due to the failure of the Company to perform any obligation imposed by this Agreement shall only occur after written notice to the Company specifying the alleged default and the Company's failure to cure such default within fifteen (15) days after the date of such notice.

3. Cooperation Among the Parties

Whenever consent, action or inaction is required, such consent, action or inaction will not be unreasonably withheld or delayed by either party.

4. Severability

The invalidity of one or more of the phrases, sentences, clauses, or Sections contained in this Agreement shall not affect the validity of the remaining portion of the Agreement so long as the material purposes of this Agreement can be determined and effectuated.

5. City Services

Company shall provide to the city at no additional charge:

Insert needs for City garbage disposal

SECTION IX: SPECIAL WASTE

1. Commercial Special Waste

As an additional service to the City, Company shall collect and dispose of Special Waste generated by the Commercial and Industrial Customers existing within the City limits, both present and future. Company's rates and service requirements for collecting and disposing of Special Waste shall be negotiated with each Commercial and Industrial Customers. In order to ensure that the special waste is handled in an environmentally secure manner, Commercial and Industrial Customers shall be required to acknowledge the following definition of special waste and accurately represent the components of the waste.

2. Definition

"Special Waste " means Type A and Type B Special Wastes as defined below.

"Type A Special Waste" means any waste from a commercial or industrial activity meeting any of the following descriptions.

(A) A containerized waste (e.g., a drum portable tank, lugger box, roll-off box, pail, bulk tanker, etc.) listed in b.-g. below.

(B) A waste containing free liquids.

(C) A sludge waste.

(D) A waste from an industrial process.

(E) A waste from any pollution control process.

(F) Residue and debris from the cleanup of a spill of a chemical substance or commercial product or a waste listed in a.-e. or g.

(G) Contaminated residuals, or articles from the cleanup of a facility generating, storing, treating, recycling, or disposing of wastes listed in a.-f.

3. Incidental Amounts of Special Wastes

The Company recognizes that many customers will produce some "Type B Special Waste" as defined below. Incidental quantities of "Type B Special Waste" do not require a Generator's

Type B Special Waste Profile Sheet to be signed by the customer. However, the customer must identify the type and amount of Type B Special Wastes which will be provided to the Company in incidental amounts.

4. "Type B Special Waste"

Any waste from a commercial or industrial activity meeting the descriptions which follow:

(A) **Friable asbestos waste from building demolition or cleaning;** wall board, wall spray covering, pipe insulation, etc. Nonfriable asbestos is nota special waste unless it has been processed, handled or used in such a way that asbestos fibers may be freely release. Asbestos-bearing industrial process waste is a "Type A Special Waste."

(B) **Commercial products or chemicals which are off-specification, outdated, unused or banned.** Out-dated or off-specification, uncontaminated food or beverage products in original consumer containers are not included in this category, however, containers which once held commercial products or chemicals are included unless the container is empty. A container is empty when:

All wastes have been removed that can be removed using the practices commonly employed to remove material from the type of container, e.g., pouring, pumping or aspirating, and an end has been removed (for containers in excess of 25 gallons), and no more than 1 inch (2.54 centimeters) of residue remains on the bottom of the container or inner liner, or no more than 3% by weight of the total capacity of the container remains in the container (containers < 110 gallons), or no more than 0.3% by weight of the total capacity of the container remains in the container (containers > 110 gallons). Containers which once held **ACUTELY HAZARDOUS WASTES** must be triple rinsed with an appropriate solvent or cleaned by an equivalent method. Containers which once held substances regulated under the Federal Insecticide, Fungicide, and Rodenticide Act must be empty according to label instructions or triple rinsed.

(C) **Untreated bio-medical waste - Any waste capable of inducing infection due to contamination with infectious agents from a bio-medical including but not limited to a medical practitioner, hospital, medical clinic, nursing home, university medical laboratory,**

mortuary, taxidermist, veterinarian, veterinary hospital or animal testing laboratory. Sharps from these sources must be rendered harmless or placed in needle puncture proof containers. Residue from incineration of infectious wastes is a "Type A Special."

(D) **Treated bio-medical wastes - Any wastes from a bio-medical source including but not limited to a hospital, medical clinic, nursing home, medical practitioner, mortuary, taxidermist, veterinarian hospital, animal testing laboratory, or university medical laboratory which has been autoclaved or otherwise heat treated or sterilized so that it is no longer capable of inducing infection.** Any sharps from these sources must be rendered harmless or placed in a needle puncture proof containers.

(E) **Liquids and sludges** from septic tanks, food service grease traps, or washwater and wastewaters from commercial laundries, laundromats and car washes unless these wastes are managed at commercial or public treatment works.

(F) **Chemical-containing equipment removed from service.** Example: filters, cathode ray tubes, lab equipment, acetylene tanks, fluorescent light tubes, etc.

(G) **Waste produced from the demolition or dismantling of industrial process equipment or facilities contaminated with chemicals from the industrial process.** Chemicals or wastes removed or drained from such equipment or facility are "Type A Special Wastes."

5. Residential Special Waste

For the Purpose of this Agreement , the following definition shall apply for all Residential Special Waste.

(A) RESIDENTIAL SPECIAL WASTE - All household paint, motor oil, pesticides, lead acid batteries, and other difficult to dispose of residential items.

As an additional service to the City, the Company shall collect and dispose of certain types of **"Special Waste"** which the City will initially collect and store at the City Barn until a sufficient amount is accumulated. Frequency of pick-up shall not exceed quarterly or be less than semi-annually. The City will notify the Company who will pickup the "Special Waste" and dispose of it in a proper and lawful manner.

interoffice
MEMORANDUM

to: John Bellamy
from: Gary Parker
subject: Commercial Price List for the City of Sugar Hill
date: March 3, 1997

****

Roll-Off Service:

All roll-off container loads will be $140.00 per haul, plus $33.00 per ton disposal. There will be no difference in cost between an open-top container or a compactor container, the cost is based upon actual truck time and actual disposal cost.

Delivery of any roll-off account will be $100.00 and rental will be $127.50 per month. Any temporary accounts that last less than one month will have the $127.50 pro-rated. Installation and rental cost of compactors will be based upon the model needed by any individual customers.

Front-Load Service:

SIZE	1X/WK	2X/WK	3X/WK	4X/WK	5X/WK	6X/WK
2YD	$48.20	$75.30				
4YD	$64.10	$102.20	$130.50	$163.91	$193.97	$228.88
6YD	$82.10	$146.50	$166.40	$228.88	$281.22	$333.59
8YD	$98.25	$188.20	$252.40	$328.50	$389.15	$438.28

SIZE	EXTRA LIFT CHARGES
2YD	$25.00
4YD	$36.00
6YD	$48.00
8YD	$64.00

NOTICE OF PROPOSED ADOPTION FOR NEW 1997 ZONING ORDINANCE CITY OF SUGAR HILL

The Mayor and Council of the City of Sugar Hill will conduct a Public Hearing to consider the adoption of the 1997 New Zoning Ordinance for the City of Sugar Hill pertaining to the zoning and uses of land within the city limits of Sugar Hill.

The Public is hereby notified that the use of property as zoned may change and anyone interested should review a copy of the proposed changed that will be made available for review at City Hall during regularly scheduled business hours beginning Friday, May 30, 1997.

The Public Hearing will be held at the Sugar Hill City Hall Community Center on Monday, July 14, 1997 7:30 p.m.. All those having an interest should be present.

KIMBERLY B. LANDERS
ADMINISTRATIVE ASSISTANT
CITY OF SUGAR HILL

PLEASE RUN AD IN THE LEGAL SECTION: 6-27-97

ANNEXATION APPLICATION

This annexation petition is made pursuant to the provisions of the official code of Georgia annotated 36-36, Article 2, "Annexation Pursuant to Application by 60 percent of Landowners and Electors."

Application is hereby made to the City of Sugar Hill, Georgia by the undersigned property owners and electors residing on property proposed for annexation, to have the attached described land(s) annexed into the corporate limits of the City of Sugar Hill.

Map Reference #: 7-254-025 2.67 ACRES 7-254-004 7.9 ACRES Total Number of Acres to be annexed: 10.57

It is requested that a zoning classification of (HM-1) _____ be assigned to the property upon annexation. The property is currently zoned (M-1) _____ in Gwinnett County.

Is this property vacant? ___ yes ✓ no (If no, it is necessary for the elector to sign.)

LANDOWNER:

Name: DAVID L. & LISA M. PUGH

Address: 734 BROGDON ROAD

City: SUWANEE State: GA. Zip Code: 30174

Phone: 770-945-7746 Home 770. 446-8821 Work

Date: 6-24-97 Signature: David L Pugh

ELECTOR (Registered Voter):

Name: DAVID L. PUGH

Address: 734 BROGDON RD.

City: SUWANEE State: GA Zip Code: 30174

Phone: 770-945-7746 Home 770-446-8821 Work

Date: 6/24/97 Signature: David L Pugh

Mayor & Council Annexation Application Acceptance Meeting Date: _____

P & Z Public Hearing: _____ Mayor & Council Public Hearing: _____

Deadline for submitting application in order to follow this schedule: _____

****

PLANNING AND DEVELOPMENT DEPARTMENT USE ONLY

FILE NUMBER: _____ ACCEPTED BY: _____

DATE: _____ AMOUNT PAID: _____ CHECK #: _____

CITY OF SUGAR HILL

4988 WEST BROAD ST. SUGAR HILL, GEORGIA 30518
(770) 945-6716



all mailed a
Kim

Memo

To: ALL Recreation Board Members

From: Warren Nevad - City Manager

CC: Mayor & Council Members

Date: April 29, 1997

Re: BOARD MEMBERS CONTINUAL ABSENCES TO REGULAR MEETINGS

I would like to thank those board members who showed up for the meeting last night.

It is very difficult (actually **IMPOSSIBLE**) to conduct business when only two (2) members attend. We need at least three (3) members for a quorum.

As a volunteer on this board you swore to an oath to serve on this board. That does require you to be at the scheduled meetings. Unforeseen circumstances accepted of course.

For the last three months in a row, including last night, this board was unable to conduct business as usual because the board did not have a quorum. Regularly scheduled meetings are held on the 4th Monday of the month.

Should you feel that you cannot commit to this meeting one (1) night per month, or that you can no longer provide your voluntary services in the best interest to the citizens of our community, please notify me immediately upon receipt of this memo, otherwise, I look forward to seeing you at the Regular Meeting next month.

Please call me at your earliest convenience at 770-945-6716 and let me know your intentions.

Thank You! ☺

Rolland — 5690 Sugar Blossom Dr.

Raleigh Reed — Check phone book

David Edwards — 4705 Allison Dr.

Bobbie Queen — 4581 Duncan Dr.

Jerry Isabel — 355 Level

Milton Califf — 1040 Hunter Glenn Oak Trail

June 30, 1997

MEMO

TO: Mayor/City Council

FR: Warren Nevad

RE: July Agenda Item : Gwinnett County Park ordinance

Due to several recent complaints of graffiti, vandalism and loitering, we recommend adoption of the attached ordinance. City Attorney Thompson will review same for Mayor Council consideration at the July Meeting.

This ordinance will enable county enforcement. Please note that we have excluded the duties of the Recreational Director.

Thank you.

ARTICLE I. IN GENERAL

Sec. 78-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alcoholic beverage means intoxicating beverage, malt beverage, wine or any other beverage containing any alcohol whatsoever.

Building means any structure attached to the ground which has a roof and which is designed for the shelter, housing or enclosure of persons, animals or property of any kind.

Litter means garbage, refuse, paper, rubbish, debris, trash and all other waste material whether natural or artificial.

Recreation facilities means all recreation areas in parks, including land, buildings, lakes, swimming pools, and all other property and buildings owned, leased, or managed by the county, the county recreation authority, the designated agents or departments of the county or the county recreation authority, and including all recreation areas and parks in the county owned by the United States government.

Vehicle means any motor-driven equipment, automobile, truck, motorcycle, bicycle or sled.

Weapon means pistol, firearm, rifle, hatchet, ax, shotgun, air gun, slingshot or other similar device.

(Code 1978, § 4-3002; Ord. of 5-4-93(2))

Cross reference—Definitions generally, § 1-2.

Sec. 78-2. Enforcement of chapter.

This chapter shall be enforced by any authorized law enforcement officer of the county. Where there has been a violation of any provisions of this chapter, the law enforcement officer in his discretion may issue a warning ticket to the person violating these provisions rather than arrest the offender.

(Code 1978, § 4-3021)

Sec. 78-3. Penalties for violation of chapt

Any person violating any provision of tl chapter shall be fined in a sum not exceedi $200.00 or may be confined in the county jail f a term not exceeding 60 days, or both.

(Code 1978, § 4-3022)

Sec. 78-4. Recreation director; powers and duties.

The recreation director or employees under the direction of the director shall:

(1) Establish, conduct, and maintain a recreation system for the county in such a way as to employ the leisure of the people in a wholesome and constructive manner.

(2) Provide for, conduct, and supervise public playgrounds, indoor recreation centers, and other recreational facilities owned or controlled by the county.

(3) Recommend the setting aside, leasing or acquisition of lands or buildings within the county limits for use as parks, playgrounds, recreation centers or for other recreational purposes, and to provide for the maintenance and improvement of these areas.

(4) Cooperate with the local school board in the establishment, conduct and maintenance of a recreation system.

(5) Cooperate with the recreation advisory committee on establishing the detailed goals, procedures and programs to meet the county's recreational needs.

(6) Otherwise assist in the operation and enforcement of this chapter.

(Code 1978, § 4-3001)

Secs. 78-5—78-30. Reserved.

ARTICLE II. USE OF RECREATION FACILITIES

Sec. 78-31. Littering prohibited.

It shall be unlawful for any person to throw or deposit litter on the grounds, streets, sidewalks,

written authorization of the board of commissioners.
(Code 1978, § 4-3014)

Sec. 78-43. Hours open to public restricted.

(a) *Generally.* It shall be unlawful for any person, except participants in authorized programs such as recreation classes, meetings, special events or rentals and authorized parks and recreation personnel to enter or be within a recreation facility outside of the posted hours of operation as determined by the director of parks and recreation.

(b) *East Bank Park boat ramps.* Boat ramps at East Bank Park may remain open for 24 hours for fisherman using the lake unless temporary hours are posted as determined by the director of parks and recreation. It shall be unlawful for any person, except authorized parks and recreation personnel, to enter or be within East Bank Park outside of such posted hours of operation.
(Code 1978, § 4-3015; Ord. of 1-18-94, § 1)

Sec. 78-44. Hours for vehicles restricted.

It shall be unlawful for any person, except participants in authorized programs such as recreation classes, meetings, special events or rentals and authorized parks and recreation personnel, to drive a vehicle in or on a recreation facility or attempt to park or park a vehicle on any of the streets, avenues or parking areas or at any location within a recreation facility outside of the posted hours of operation as determined by the director of parks and recreation.
(Code 1978, § 4-3016; Ord. of 1-18-94, § 2)

Sec. 78-45. Swimming regulated.

It shall be unlawful for any person not to leave a swimming area when so directed by a lifeguard on duty or not to cease any activity which would be hazardous to others when so directed by a lifeguard. It is unlawful for any person to engage in any activity within a swimming pool or swimming area that could cause injury or damage to a person or to other persons using the swimming facility.
(Code 1978, § 4-3018)

Sec. 78-46. Interference with use and injurious use prohibited.

It shall be unlawful for any person to engage in any activity within a recreation facility that could cause injury to other persons or interfere with the use and enjoyment of the recreation facility by other persons.
(Code 1978, § 4-3019)

Sec. 78-47. Violation of facility regulations.

It shall be unlawful for any person to violate any rules or regulations relating to the use of the recreation area as established by the recreation facility director where such rules and regulations have been approved and adopted by the board of commissioners.
(Code 1978, § 4-3020)

July 14, 1997

Mayor and Council of Sugar Hill,

Pursuant to the city ordinance governing the recreation board of the city park I hereby ask that a public hearing be held on the handling of cash transactions by the recreation board, in particular, by Bobbie Queen.

In Sec. 2-196 Mrs. Queen is in violation of parts 4, 5, and 7 of the powers and duties of the recreation board.
Mrs. Queen has also admitted to the destruction of public records in that Mrs. Queen stated that she "threw away cash receipts," leaving the citizens of Sugar Hill with only Mrs. Queen's word that the cash money was spent as she stated.

Under Sec. 2-192 the mayor, shall remove any member for cause, upon written charges, after a public hearing.

I would also request that a full investigation be held into the expenditures of the park cash and otherwise.

Sincerely,

Brenda B. Rich

Brenda B. Rich
835 Level Creek Road
Sugar Hill, Ga. 30518
770-271-7737

Rough draft of Sugar Hill Emergency Preparedness Plan.

During the limited time that I have had sense the need for this plan was brought to my attention I have compiled the following information/needs:

The main focus for the City will be a location that citizens without phones will know that they can find someone and actions by the City Gas Department to ensure that the gas system is placed in a safe condition until the extent of damages (if any) can be assessed. At that point a time will be determined to re-pressurize the parts of the system that where shut off.

I have compiled a list of important phone numbers, many of which where in the Sunday AJC, they are:

Georgia Emergency Management Agency	800-879-4364 or 404-635-7000
Federal Emergency Management Agency	800-462-9029
American Red Cross	404-876-3302

I would welcome and appreciate any inputs from other City personnel and/or citizens with ideas to improve this plan.

From staff I would like to request the following:

1. Determination of a primary setup area (probably City Hall) and an alternate location in case the primary spot has been damaged and cannot be used.

2. Information as to whether the new phone system will work without electricity, can it be powered from an emergency power source, is this source readily available? In the absence of the above, some "old" style phones that do not require external power to operate.

3. Does the city own any gas powered electric generators? If so how many and what is the amount of gas we keep on hand for them. If we do not have any, I would strongly urge pricing some for purchase (using approved purchasing methods).

4. Does the gas crew already have an action plan in the event of a major or multiple leaks? I would greatly appreciate any and all input from them.

5. Prioritization of use of city crews in assisting with street clearing based on the location and the extent of the destruction.

I would like responses within 2 weeks so as to give me time to smooth everything out prior to the next counsel meeting.

Thank You,

WELKER & ASSOCIATES, INC.
Engineers Since 1945
P. O. BOX 937 ___ 770/422-1902
MARIETTA, GEORGIA 30061

MEMO

To: Mr. Warren Nevad, Sugar Hill City Manager
From: Bobby Ellis, Vice President Welker & Associates, Inc.
Subject: System Pressure Improvements
Date: July 8, 1997

The City of Sugar Hill is in the process of completing the first phase of a system wide pressure improvements program. The following outlines the program.

HIGH PRESSURE LOOP

The high pressure loop along Woodward Mill and West Price Road to Level Creek Road is nearing completion. The 6" steel high pressure loop when completed in early August will correct the bottle neck problem that has plagued the system for years. The estimated total cost is $ 325,000.

DISTRIBUTION SYSTEM

The completion of the high pressure loop will make available sufficient pressure and capacity to meet the systems growing needs. To deliver the natural gas to the customer will require improvements to the distribution system. The current planned improvements are as follows.

1. *Whitehead Road*

   Parallel the existing 2" main from Suwanee Dam Road to Oaks Landing Court, a distance of approximately 7,500 feet, with a 4" polyethylene main. The proposed 4" polyethylene main will connect to the existing 2" main on Suwance Dam Road and the1½" main on Whitehead Road and the recently installed 4" P.E. main on Whitehead Drive. Estimated installation cost is $ 53,000.

2. *HWY 20*

   Parallel the existing 2" main on Old HWY 20 and HWY 20 to Whitehead Drive, a distance of approximately 3,500 feet, with a 4" polyethylene main. At Whitehead Dive connect to the recently installed 4" P.E. main. Estimated installation cost is $ 30,000. Once constructed sufficient pressure and capacity will be available along the Hwy 20 service area.

WELKER & ASSOCIATES, INC.

July 9, 1997
City of Sugar Hill
Mr. Warren Nevad, City Manager
Page # 2

In addition to the above improvement the City is relocating a portion of it's steel high pressure loop and distribution piping on Suwanee Dam Road. This relocation is required due to road widening and improvements. The existing 4" steel high pressure main is being relocated in kind. The existing 2" steel low pressure main is being replaced with a 4" P.E. main. Gwinnett County is paying for the relocation. The City is required to pay for the betterment. The betterment cost is estimated to be $ 75,000. Construction is estimated to begin this fall.

WELKER & ASSOCIATES, INC.

Engineers Since 1945

P. O. BOX 937 ___ 770/422-1902

MARIETTA, GEORGIA 30061

July 10, 1997

Mr. Warren Nevad, City Manager
City of Sugar Hill
4988 W. Broad Street
Sugar Hill, Georgia 30518

Re: Lost and unaccounted-for

Dear Warren:

The check meter at the city gate station has been installed. The City can now verify deliveries from Transco. I would suggest beginning this month daily deliveries shown on Transco's invoice be compared with the daily deliveries recorded on the check meter. A hard copy print out of daily deliveries recorded by the city check meter should be keep in a safe place. I continue to believe that Transco has a metering problem. If my assumption is proven to be correct these hard copy print outs will prove to be valuable. Since there is the potential for litigation this matter should only be discussed in executive secession with the mayor and council.

If you have any questions or require additional assistance, please do not hesitate to call.

Sincerely,

WELKER & ASSOCIATES, INC.

Bobby Ellis, Vice President

BE/be

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

DRAFT

In the Matter of:	)	
Northeast Gwinnett Cablevision	)	No. _____
Local Actions Regarding Basic Service and Equipment Rates	)	

TO: Chief, Cable Services Bureau

MOTION FOR EXTENSION OF TIME AND LEAVE TO FILE MOTION TO DISMISS PETITION FOR EMERGENCY DECLARATORY RULING

Pursuant to Section 1.46(b) of the rules of the Federal Communications Commission (the "Commission") (47 C.F.R. § 1.46(b)), the City of Sugar Hill, Georgia (the "City") hereby files this Motion for Extension of Time and Leave to File Motion to Dismiss Petition for Emergency Declaratory Ruling in the above-captioned proceeding (the "Motion"). The grant of this Motion is necessary because the City did not receive a copy of the Petition for Emergency Declaratory Ruling until after the period to respond had elapsed. The Motion to Dismiss Petition for Emergency Declaratory Ruling is being filed contemporaneously with this Motion.

Northeast Gwinnett Cablevision's ("Cablevision") Petition for Emergency Declaratory Ruling ("Petition") is dated June 11, 1997. The first record that the City has of receiving a copy of the Petition is June 25, 1997, after the date that responses were due.

Granting this Motion is in the public's interest in order to allow the City a reasonable

time to present its argument regarding the Supplement to Petition for Review.

Respectfully submitted,

THE CITY OF SUGAR HILL, GEORGIA

DRAFT

Warren Nevad
City Manager
City of Sugar Hill
4988 W. Broad Street
Sugar Hill, Georgia 30518
(770) 945-6716

July 15, 1997

AFFIDAVIT

I, Warren Nevad, City Manager of the City of Sugar Hill, declare that the facts set forth in the foregoing "MOTION FOR EXTENSION OF TIME AND LEAVE TO FILE MOTION TO DISMISS PETITION FOR EMERGENCY DECLARATORY RULING" are true and correct to the best of my knowledge.

Warren Nevad
City Manager
City of Sugar Hill
4988 W. Broad Street
Sugar Hill, Georgia 30518
(770) 945-6716

July 15, 1997

CERTIFICATE OF SERVICE

I, Warren Nevad, City Manager of the City of Sugar Hill, hereby certify that a copy of the foregoing "MOTION FOR EXTENSION OF TIME AND LEAVE TO FILE MOTION TO DISMISS PETITION FOR EMERGENCY DECLARATORY RULING" was sent on July 15, 1997, by regular U.S. mail to the following person:

Steven J,. Horvitz
Cole, Raywid & Braverman, L.L.P.
1919 Pennsylvania Avenue, NW
Suite 200
Washington, D.C. 20006

Warren Nevad
City Manager
City of Sugar Hill
4988 W. Broad Street
Sugar Hill, Georgia 30518
(770) 945-6716

July 15, 1997

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of:	)	
Northeast Gwinnett Cablevision	)	No. _____
Local Actions Regarding Basic Service and Equipment Rates	)	

DRAFT

TO: Chief, Cable Services Bureau

MOTION TO DISMISS PETITION FOR EMERGENCY DECLARATORY RULING

The City of Sugar Hill, Georgia (the "City" or "Sugar Hill") hereby files its Motion to Dismiss Petition for Emergency Declaratory Ruling in the above-mentioned proceeding. A Motion for Extension of Time and Leave to File Motion to Dismiss Petition for Emergency Declaratory Ruling is being contemporaneously filed with this Motion to Dismiss Petition for Emergency Declaratory Ruling.

I. BACKGROUND

On March 10, 1997, the City denied a rate increase request made by Northeast Gwinnett Cablevision ("Cablevision" or the "Company"). On March 25, 1997, the City sent Cablevision a written copy of the minutes, as well as a letter notifying Cablevision that the rate increase had been denied by the City. (See Cablevision's Petition for Emergency Declaratory Ruling, Attachment A.) On April 14, 1997, Cablevision responded to that letter by stating that the City's denial of the rate increase was not timely. (See Attachment.) On May 12, 1997, the City responded that the City's rate order of March 10 was timely and demanded compliance with that

order.[1] (See Attachment C of the Petition.) On June 11, 1997, Cablevision filed its Petition for Emergency Declaratory Ruling (the "Petition").

II. ARGUMENT

Cablevision argues in its Petition that the City's decision of March 10, 1997 did not provide a sufficient explanation for the City's decision, and that the City did not adopt a formal rate order (see Petition at 2).

The City adopted a rate order on March 10, 1997. The decision to deny Cablevision's rate increase was written into the minutes of the council meeting, a copy of which was provided to the Company along with a written notice from the City Manager that Cablevision's request for a rate increase had been denied.

Participants in a ratemaking proceeding may file an appeal with the Federal Communications Commission (the "FCC" or the "Commission") within 30 days of release of the text of the franchising authority's decision. (See 47 CFR § 76.944(b); see also Falcon Cablevision CSB-A-300, DA 97-126, released January 21, 1997 and Meredith/New Heritage Strategic Partners, L.P., 9 FCC Rcd 6841, 6843 (1994)). If Cablevision believed that the City's decision was deficient, it should have filed an appeal within 30 days of release of the text of the decision. At the very latest, that date would have been April 24, 1997, or 30 days after the date of the letter from the City Manager notifying Cablevision of the City's decision. Having failed to appeal in a timely manner, Cablevision should not be permitted to circumvent the FCC's deadline by claiming that no rate order was ever issued.[2]

---

[1] Contrary to Cablevision's claim (Petition at 2), the City did not consider a rate order at its meeting on May 12, 1997.

[2] If cable operators are permitted to file appeals late simply because they believe that rate decisions are deficient, the 30-day deadline established by the Commission to file appeals would become meaningless.

In the Cablevision VII decision cited by Cablevision in its Petition (at 2; Cablevision VII, Inc., DA 97-365 (Feb. 21, 1997)), the cable operator filed a timely appeal of the local franchising authority's rate order. Furthermore, the Commission did not find that the franchising authority's decision was not a rate order. However, Cablevision is not only asking the Commission to find that Sugar Hill's decision was defective, but that its decision was not a rate order at all.

The City clearly issued a rate order on March 10, 1997 denying Cablevision's rate increase. Having failed to appeal within 30 days of the City's decision, Cablevision should not be permitted to dispute the City's order.

III. CONCLUSION

For the reasons set forth above, the Commission should dismiss Cablevision's Petition as untimely filed and direct Cablevision to comply with the City's Rate Order.

Respectfully submitted,

THE CITY OF SUGAR HILL, GEORGIA

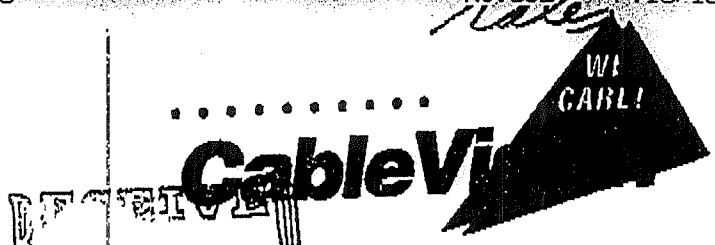
DRAFT

Warren Nevad
City Manager
City of Sugar Hill
4988 W. Broad Street
Sugar Hill, Georgia 30518
(770) 945-6716

July 15, 1997

ATTACHMENT

Letter from Cablevision dated April 14, 1997



RECEIVED
APR 16 1997

April 14, 1997

Mr. Warren P. Nevad
City Manager
City of Sugar Hill
4988 W. Broad Street
Sugar Hill, GA 30518

RE: CABLE EQUITIES OF COLORADO, LTD., d/b/a N. E. GWINNETT CABLEVISION ("CABLEVISION"), DISAPPROVAL BY THE CITY OF SUGAR HILL, GA [GA0328] OF AN INCREASE IN ITS BASIC SERVICE TIER RATE

Dear Mr. Nevad:

CableVision is in receipt of your letter dated March 25, 1997 wherein you include an excerpt from the minutes of the City of Sugar Hill's Council meeting of March 10, 1997 where the City voted to disapprove CableVision's cable rate increase request.

CableVision would like to point out that, in effect, the City had, at the time of the Council meeting, already approved Cablevision's rate increase according to the FCC's rules and regulations regarding such matters. Specifically, the FCC states that "after a cable operator has submitted for review its existing rates for the basic service and associated equipment costs, or a proposed increase in these rates (including increases in the baseline channel change that results from reductions in the number of channels in a tier) under the quarterly rate adjustment system pursuant to Section 76.922(d), the existing rates will remain in effect or the proposed rates will become effective after 30 days from the date of submission; Provided, however, that the franchising authority may toll this 30-day deadline for an additional time by issuing a brief written order as described in paragraph (b) within 30 days of the rate submission explaining that it needs additional time to review the rates"[1].

Because the City did not issue a tolling order within thirty days of CableVision's request, CableVision's rates became effective February 23, 1997, thirty days after CableVision's filing was received by the City. However, Don Schanding at the Georgia Municipal Association is currently reviewing CableVision's (identical) Form 1210 filing for Gwinnett County. In the event the GMA finds fault with CableVision's filing and orders a rate reduction, CableVision will apply the resulting rate uniformly across all subscribers served by its N. E. Gwinnett system, including those within the City of Sugar Hill.

If you need additional information or have questions regarding this matter, please call me at your convenience.

Sincerely,

Martin O'Keeffe
General Manager

cc: Dan Ryan, Director-Operations & Regulatory Affairs - Rifkin and Associates
Don Schanding, GMA

---

[1] See 47CFR, FCC Part 76: Cable Television Service; Section 76.933 Franchising authority review of basic cable rates and equipment costs.

AFFIDAVIT

I, Warren Nevad, City Manager of the City of Sugar Hill, declare that the facts set forth in the foregoing "MOTION TO DISMISS PETITION FOR EMERGENCY DECLARATORY RULING" are true and correct to the best of my knowledge.

Warren Nevad
City Manager
City of Sugar Hill
4988 W. Broad Street
Sugar Hill, Georgia 30518
(770) 945-6716

July 15, 1997

CERTIFICATE OF SERVICE

I, Warren Nevad, City Manager of the City of Sugar Hill, hereby certify that a copy of the foregoing "MOTION TO DISMISS PETITION FOR EMERGENCY DECLARATORY RULING" was sent on July 15, 1997, by regular U.S. mail to the following person:

Steven J,. Horvitz
Cole, Raywid & Braverman, L.L.P.
1919 Pennsylvania Avenue, NW
Suite 200
Washington, D.C. 20006

Warren Nevad
City Manager
City of Sugar Hill
4988 W. Broad Street
Sugar Hill, Georgia 30518
(770) 945-6716

July 15, 1997

To: Mayor/Council
Fr: Warren
FYI
received
6-25-97
4:50

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
NORTHEAST GWINNETT CABLEVISION	)	
	)	FCC File No.____
	)	
Local Actions Regarding	)	
Basic Service and Equipment Rates	)	
	)	
Sugar Hill, GA (GA0328)	)	

To: The Chief, Cable Services Bureau

PETITION FOR EMERGENCY DECLARATORY RULING

Northeast Gwinnett Cablevision ("Cablevision" or the "Company"), by its attorneys, hereby seeks a declaratory ruling regarding the rate actions taken by the City of Sugar Hill, Georgia (the "City") in response to the Company's recent rate increase. Although the "Minutes" from certain City Council Meetings indicate that the rate increase was "not approved," the City never adopted or forwarded a formal "written decision" explaining the basis for rejecting the requested rate increase. In the absence of such an order, Cablevision does not believe that the City's action constitutes an official rejection under the Commission's governing regulations. As such the Company does not believe a formal appeal to the Commission is appropriate. Recent correspondence to Cablevision from a single City Councilman, dated May 12, 1997, expresses a contrary view of the City's earlier action. Based on that letter, Cablevision submits that the Sugar Hill rate dispute is now ripe for

Commission review. Cablevision asks that the Commission rule that the City has failed to properly reject the Company's rate request.

I. THE CITY NEVER RELEASED AN APPROPRIATE RATE ORDER

Section 76.936 of the Commission rules unequivocally requires a franchising authority to issue a "written decision" whenever it rejects a rate proposal. 47 C.F.R. §76.936. The Commission has repeatedly rejected cursory rate orders that fail to explain the basis for the regulator's actions. Earlier this year, in *Cablevision VII, Inc.*, DA 97-365 (Feb. 21, 1997), the Commission reiterated that local rate orders must "give sufficient explanation for any decisions that proposed rates are unreasonable." *Id.* at ¶ 5. The *Cablevision VII* decision explains, "Commission rules require local franchising authorities to issue written decisions, and . . . those decisions must affirmatively demonstrate why operators' proposed rates are unreasonable." *Id.* at ¶ 6.[1] The City in this instance has clearly failed to satisfy its regulatory responsibilities.

In this particular case, the City did not even adopt a formal rate order. The only ruling provided by the City is a brief excerpt from the "Minutes" of the City Council's March 10, 1997 meeting. *See* Attachment A. The Minutes indicate that the rate was "not approve[d]," but no formal resolution was provided justifying the City's action. In fact, a resolution was apparently considered, **but not adopted**, two months later at the Council's Meeting on May 12, 1997. *See* Attachment B. On that same day, City Councilman Spradlin

[1] *Citing Rate Order*, 8 FCC 5631, 5715 (1993); *Chillicothe Cablevision, Inc.*, 10 FCC Rcd. 6055 (1995); *Ultracom of Maple, Inc.*, 10 FCC Rcd. 6640 (1995); *Falcon Cablevision*, 10 FCC Rcd. 10409, 10411 (1995).

asserted that the March 10, 1997 action constituted the City's final "rate order," in which Cablevision was expected to be in "full compliance." *See* Attachment C.

Cablevision submits that the Minutes upon which the City seeks to rely are woefully inadequate. They do not include even a passing reference to the benchmark filings submitted by the Company, let alone an analysis of those filings. Instead, they simply state that "Council Member Spradlin expressed concern that a rate increase was being done when the service was so poor. " Attachment A.

Service concerns are, of course, irrelevant for purposes of rate regulation. In *TCI of Southeast Mississippi*, DA 95-1747 (Aug. 15, 1995), for example, the Commission rejected efforts by a local franchising authority to reduce the "maximum permitted" rate otherwise justified on TCI's rate submission "to compensate for what the City considered to be compromised signal quality on certain channels. . . ." *Id.* at ¶ 11. The Commission explained:

> Our rules do not allow the City to make this type of ad hoc adjustment to [the cable operator's] basic service tier rate. The City must follow the Commission's rules for rate regulation when reviewing an operator's rate filing. If a franchising authority does not dispute the bases for the figures presented . . . or has not discovered any mathematical errors . . . the franchising authority should then approve the maximum permitted rates, as derived by the form.
>
> A franchising authority may not arbitrarily reduce prices for programming and equipment below maximum permitted rate levels in a purported effort to address signal quality. . . . [*Id.* at ¶¶13, 15.]

The inadequacies of the City's March 10, 1997 Minutes are so overwhelming, that it is difficult to imagine that the City intended those Minutes to constitute its "written

decision" under Section 76.936 of the Commission rules.[2] In light of Councilman Spradlin's assertions made just 30 days ago, however, Cablevision submits that the Commission should now issue a decision precluding such assertions and rejecting the Minutes, and Councilman Spradlin's reliance thereon, as a binding denial of Cablevision's rate increase.

Respectfully submitted,

NORTHEAST GWINNETT CABLEVISION

By: _____

Steven J. Horvitz
COLE, RAYWID & BRAVERMAN, L.L.P.
1919 Pennsylvania Avenue, NW
Suite 200
Washington, D.C. 20006
(202) 659-9750

Its Attorneys

June 11, 1997

[2]In earlier correspondence with the City, Cablevision argued that the Council's failure to reject the proposed rates, or adopt a formal tolling order, in the initial 30 day timeframe precluded further action on the underlying rate increase. Cablevision is not advancing that particular argument in this Petition.

Attachment A

CITY OF SUGAR HILL

4988 WEST BROAD ST. SUGAR HILL, GEORGIA 30518
(770) 945-8716

March 25, 1997

Mr. Martin O'Keefe
General Manager
N. E. Gwinnett Cablevision
3075 Breckinridge Blvd. Ste 450
Duluth, Georgia 30136

Dear Mr. O'Keefe:

Please find enclosed a copy of an excerpt from the minutes of the City of Sugar Hill's Council Meeting of March 10, 1997. At that meeting, the City of Sugar Hill disapproved the cable rate increase request from N.E. Gwinnett Cablevision.

Thank you for your attention to this matter.

Sincerely,

Warren P. Nevad
City Manager
City of Sugar Hill
4988 West Broad Street
Sugar Hill, Georgia 30518

WPN:bbg

Enclosure

money by not accepting the first bids, but going to a second bid. The issue of Change Orders was discussed, with Manager Nevad stating the only thing he could see a Change Order for was in case the contractors ran into rock during the construction. Manager Nevad stated that he expects to have all upgrades done by September. Council Member Spradlin made a motion to accept the bid, seconded by Council Member Bailey and after discussion was unanimously approved. (5-0)

E: TASK FORCE-VISION 20/20:

Council Member Spradlin stated that he has a Mission Statement for the Task Force.

TO DEVELOP A FAR REACHING VISION OF OUR COMMUNITY THAT MAXIMIZES QUALITY OF LIFE, ENCOURAGES A DIVERSIFIED TAX BASE, BOTH COMMERCIAL AND RESIDENTIAL, AND PROVIDES FOR THE ECONOMIC SECURITY OF SUGAR HILL INTO THE 21ST CENTURY.

Council Member Spradlin made a motion to adopt this Mission Statement, seconded by Council Member Bailey and unanimously approved. (5-0)

He asked that each member of Council appoint a person to serve on this Task Force and let that person appoint an alternate. He made a motion to have 6 members and 6 alternates on the Committee, seconded by Mayor Pro Tem Pugh and unanimously approved. (5-0)

The following appointments were made:

Mr. David Bachtold	by Council Member Spradlin
Mr. W. J. Dodd	by Council Member Baird
Mrs. Veronica West	by Council Member Davis
Mr. Joe Herrer	by Mayor Pro Tem Pugh
Mr. Chris Roberson	by Council Member Bailey
Mr. J. C. Henry	by Mayor Webster

F: UPDATE ON CONSENT ORDER:

Manager Nevad explained the Consent Order concerning the closure of the Landfill. The current Methane Monitoring Wells must be upgraded and another installed. Since there was no representative from POH present, Manager Nevad stated that this would be addressed at the next Council Meeting.

G: MULTI-FAMILY ORDINANCE:

Mayor Pro Tem Pugh asked that Director McFarland address this. Director McFarland stated that he would do this, later in the meeting, before the Public Hearing for the amendments to the Multi-Family Ordinance if the Council would agree. This was agreed on by the Council.

H: CABLE RATE REVISION:

Council Member Spradlin expressed concern that a rate increase was being done when the service was so poor. Council Member Spradlin made a motion to not approve the rate increase, seconded by Mayor Pro Tem Pugh and unanimously approved. (5-0)

Attachment B

RESOLUTION

Adopting A Rate Order Regarding Cable Television
Basic Service Rates and Associated Charges of
Cable Equities of Colorado, Ltd.

City of Sugar Hill, Georgia

WHEREAS, the City of Sugar Hill (the "City") is certified to regulate basic cable service rates and associated charges of Cable Equities of Colorado, Ltd. (the "Company"), and has followed regulations prescribed by the Federal Communications Commission ("FCC") for the regulation of the basic service tier and associated equipment and installation services and charges (the "FCC Rules"); and

WHEREAS, the Company submitted FCC Forms 1220 and 1205, FCC Form 1210 dated February 27, 1995 (the "First Form 1210"), FCC Form 1210 for the period from April 1, 1995 to December 31, 1995 (the "Second Form 1210"), and FCC Form 1210 dated January 20, 1997 (the "Third Form 1210") (collectively, the "Rate Filings"); and

WHEREAS, the City has reviewed the Rate Filings and other evidence and information; has received and considered comments, evidence and information from interested parties; and

WHEREAS, the Company has allocated capital and operating costs between service tiers using a variety of methods, but the FCC has stated that costs must instead be allocated between tiers based on the ratio of channels on each tier to the total number of channels offered; and

WHEREAS, the Company seeks a rate of return of 13% on its rate base, but the FCC has instead established a rate of return 11.25% as presumptively reasonable, and the Company has not established that 13% is the Company's actual cost of capital; and

WHEREAS, the Company has included $51,370 in its rate base as Plant Under Construction, but the FCC requires that plant be "used and useful" before it may be included in the rate base, and the Company has not established that this plant was "used and useful" during the test year; and

WHEREAS, the Company has included $7,002,360 in its rate base as Capitalized Start Up Losses, even though these costs were incurred by the previous owner, not the Company, and such start up losses are presumptively included in the price that the Company paid for the system; and

WHEREAS, the Company allocated 69.5% of its total revenue requirement at the "cost center" level to the system level, even though it appears that the system serves only 69% of the subscribers that the cost center serves, and the FCC has stated that costs should be allocated at a higher level to the franchise area level proportional to the number of subscribers in the franchise area; and

WHEREAS, the Company allocated all of its Advertising Revenue to Other Programming Service Activities, rather than to the basic and cable programming service tiers, even though much, if not all, of that revenue was directly related to the basic and cable programming service tiers; and

WHEREAS, the Company adjusted its actual balances for 1993 by inflation and anticipated cost increases for wages, benefits, programming costs, postage and billing services, even though such adjustments are not permitted, and the cost increases are taken into account in subsequent inflation adjustments made by the Company; and

WHEREAS, the Company has not demonstrated that its subscriber list has a value of $156 per subscriber, rather than the more reasonable value of $66 per subscriber, and

WHEREAS, the Company cannot be permitted to calculate a "hypothetical" income tax allowance, rather than use its actual allowance; and

WHEREAS, the Company is not permitted to exclude its deferred taxes from its calculation of its permitted rate; and

WHEREAS, in its First Form 1210 and in its Third Form 1210, the Company incorrectly moved the residual of a channel from the cable programming tier to the basic service tier, despite the fact that the number of channels on the cable programming tier did not decrease; and

WHEREAS, the Company receives in-kind payments which it should have offset against its programming cost when calculating its adjustment for programming costs in its Third Form 1210;

NOW, THEREFORE, BE IT RESOLVED, THE COMPANY IS ORDERED THAT:

1. The Company's permitted monthly rate for the basic service tier is $7.03, excluding franchise fees. The Company shall reduce its basic service tier rate to $7.03 within 90 days after the effective date of this Rate Order.

2. The City reserves the right to modify this Order if, at any time, it determines that information the Company provided to the City is incorrect in any material manner.

3. This Order shall become effective immediately upon its adoption.

So resolved by the Mayor and Council of the City of _____ this __th day of _____, 199_.

Attest: _____
City Clerk

_____
Mayor

Approved as to Form: _____
City Attorney

Attachment C

CITY OF SUGAR HILL

4988 WEST BROAD ST. SUGAR HILL, GEORGIA 30518
(770) 945-8716

Mr. Martin O'Keefe
Northeast Gwinnett Cablevision
3075 Breckinridge Blvd.
Suite 450
Duluth, GA 30136

Dear Mr. O'Keefe:

May 12, 1997

On or after January 22, 1997, Northeast Gwinnett Cablevision submitted FCC Form 1210 to the City of Sugar Hill to justify a higher permitted basic service tier rate. At its council meeting on February 10, 1997, the City of Sugar Hill determined that additional time was required to examine Cablevision's proposed rate increase, and tolled its time to review Cablevision's request (see the attached letter to Ms. Robin Crick). At its March 10, 1997 council meeting, the City issued a rate order denying Cablevision's request for a rate increase. In a letter dated April 14, 1997 to Warren Nevad, you stated that the City approved Cablevision's rate increase by failing to act within the initial 30 days after receiving Form 1210.

In fact, the City tolled its period to review Cablevision's Form 1210 at its February 10, 1997 council meeting, before the 30-day deadline. Even if the City had not issued a tolling order, the City may still prescribe rates and order a prospective rate reduction (see, for example, Century Communications Corporation, d/b/a/ Yuma Cablevision, Appeal of Local Rate Order of the City of Yuma, Arizona, DA 96-1261, released August 19, 1996). Furthermore, if Cablevision believed that the City's rate order was untimely, Cablevision should have appealed the City's order to the FCC within 30 days of the City's decision (see 47 CFR 76.944(b)). Cablevision cannot simply ignore rate orders with which it disagrees.

Cablevision is required to comply with the City's rate order of March 10, 1997 by reducing its rate to its previous level and issuing refunds to subscribers for the period of time from the date that Cablevision implemented its rate increase until the date that Cablevision implements its rate reduction. By failing to do so, Cablevision is in violation of the franchise agreement (Sections 4.4 and 9.2.1(i)). I expect full compliance with these requirements upon receipt of this letter.

Respectfully,

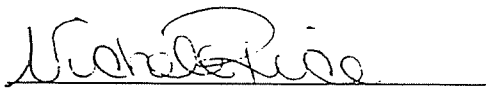
Charles A. Spradlin

Charles A. Spradlin, City Councilman

CERTIFICATE OF SERVICE

I, Nichele Rice, do hereby certify that on this 11th day of June, 1997, a true and correct copy of the foregoing "PETITION FOR EMERGENCY DECLARATORY RULING" has been sent by United States Mail, First Class Postage, to the following:

Warren Nevad
City Manager
City of Sugar Hill
4988 West Broad Street
Sugar Hill, GA 30518



Nichele Rice

CITY OF SUGAR HILL AGENDA
COUNCIL MEETING - AUGUST 11, 1997-7:30 P.M.

CALL TO ORDER AND INVOCATION:

APPROVAL OF AGENDA:

APPROVAL OF JULY 14TH MINUTES & JULY 29TH WORKSHOP:

DEPARTMENT REPORTS:

A:	PLANNING AND ZONING, ZONING APPEALS BOARD:	NEVAD
B:	BUDGET AND FINANCE:	NEVAD
C:	GOLF:	PAYNE
D:	UTILITIES:	PAYNE
E:	STREET & BRIDGE:	ZINSKIE
F:	RECREATION:	NEVAD
G:	SOLID WASTE:	NEVAD

OLD BUSINESS:

A:	UPDATE ON VISION 20/20 COMMITTEE:	BECHTOLD
B:	UPDATE ON YMCA STEERING COMMITTEE:	DAVIS
C:	1996 AUDIT	BRISCOE
D:	UPDATE ON GAS SYSTEM IMPROVEMENTS:	NEVAD/PAYNE
E:	CABLEVISION:	SPRADLIN

CITIZEN'S AND GUEST'S COMMENTS:

NEW BUSINESS:

A:	SUGAR HILL HOUSING AUTHORITY:	WEBSTER
B:	ELECTION UPDATE/ORDINANCE:	MCCALLA
C:	GEORGIA TRANSMISSION EASEMENT:	NEVAD
D:	NEXTEL CELLULAR TOWER PROPOSAL:	PAYNE
E:	REQUEST FOR GAS SERVICE-PEC/FAIRFIELD:	NEVAD
F:	ANTI-NOISE ORDINANCE:	DAVIS
G:	CITY ABANDOMENT - HWY 20	THOMPSON
H.	PUBLIC HEARING: ANNEXATION- AX-97-002 MAP 7-254-025 & 7-254-044-JSA ASSOCIATES REQUESTING TO ANNEX 10.57 ACRES OFF BROGDON RD. REQUEST HM1 ZONING FOR USE OF INDUSTRIAL PARK:	MCFARLAND
I.	PUBLIC HEARING: RZ-97-007 MAP#'S 7-292-061 & 7-292-198 CKAS, INC. IS REQUESTING TO REZONE .578 ACRES OFF OF FIRST AVENUE FROM RS-100 TO BG FOR THE PURPOSE OF RETAIL SALES FOR PORTABLE BUILDINGS, TRUCK ACCESSORIES AND USED AUTOMOBILE SALES	MCFARLAND
J.	RECORDS ACCESS:	SPRADLIN
K.	___GAS SYSTEM/DEPT.	SPRADLIN
L.	CITY MGR. ORDINANCE	SPRADLIN

CITY CLERK'S REPORT:

CITY MANAGER'S REPORT:

COUNCIL REPORTS:

EXECUTIVE SESSION:
POSSIBLE LITIGATION

ADJOURNMENT

UNOFFICIAL MINUTES

CITY OF SUGAR HILL-COUNCIL MEETING
MINUTES-MONDAY AUGUST 11, 1997

The August 11, 1997 Council Meeting was held at 7:30 p.m. in the Community Center. The meeting was advertised in the local newspapers, notices were posted at City Hall, the Community Center and on the board at Peachtree Ind. Blvd.

Those present were: Mayor Gary Webster, Mayor Pro-Tem Pugh, Council Members Bailey, Baird, Davis, and Spradlin, City Attorney Lee Thompson, City Manager Warren Nevad, Assistant City Manager Scott Payne, Drainage Supervisor Donna Zinskie, Deputy Clerk Ruth Switzer, members of the media and registered guests.

CALL TO ORDER AND INVOCATION:

Mayor Webster called the meeting to order at 7:30 p.m. He led the Pledge to the Flag, with Council Member Spradlin giving the invocation.

APPROVAL OF AGENDA:

Mayor Webster asked for approval of the agenda. Mayor Pro-Tem Pugh made the motion to approve with Council Member Bailey making the second. Council Member Spradlin asked to make some changes to the agenda. Under new business, he wanted to add an item concerning tax billing and to move item K under New Business; GAS SYSTEM/DEPT.; to Old Business. Mr. Pugh suggested moving item K to Old Business as item F and make item K under New Business the tax billing. After more discussion, it was decided to combine item K with item D under Old Business and make item K under New Business Tax Billing, Software Contract. Motion passed 4 - 1

APPROVAL OF JULY 14 MINUTES:

Council Member Spradlin made a motion to approve with one modification. On page 5, he felt the wording should be Quick Claim Deed instead of Quit Claim Deed. Attorney Thompson stated that Quit Claim was the correct wording. No changes were made. Mr. Pugh made the second. Motion passed.

DEPARTMENT REPORTS:

A: PLANNING AND ZONING, ZONING APPEALS BOARD:
City Manager Nevad reported that 14 single family permits were issued during July, 420 inspections were done. Tony Bauman had been interviewing for an assistant Building Inspector. This would allow Joe Appling to handle Code Enforcement and the landfill closure.

B. BUDGET AND FINANCE:
City Manager Nevad reported the ending balance in the General Fund Checking Account was $57,000. Funds had to be transferred from the LGIP to pay for gas improvements, leaving a balance of $808,426. Cross training was being done on payroll and accounts payable, on the new computer system. The Utility Billing Software should be on line in September. The 1996 Audit would be presented later in the evening for acceptance.

Approved 9-8-97

DEPARTMENT REPORTS CONT'D:

C: GOLF:

Mr. Payne reported that in July, the Golf Course had $138,000 in revenues. The course was in good condition and he invited everyone out to play. He reported that on August 7th a business dinner was held at the Golf Course for local businesses. He thanked all those businesses that participated. Mr. Simpson of P.O.H. gave an update on the Golf Course consent order. He reported that EPD had requested some additional information, which they had provided. No final date had been given on the DDR. Mr. Pugh asked if they were going to proceed with the front line. Mr. Simpson stated he would not recommend additional construction without a DDR from the state. If the design did not meet state approval, the work would have to be done again. He did recommend going ahead with the clearing of the roadway to be used for the trunk line; but not to purchase any pipe at this time, as this might change with state requirements.

D: UTILITIES:

Mr. Payne reported that 49 new services were installed in July. Work would begin on the 4 inch line on Whitehead Road. New services would be contracted out to allow in house installation of the 4 inch line. Also, the Highway 20 project had been contracted out. City Manager Nevad reported that Chris Stripplehoff, of the Municipal Gas Authority, along with Bobby Sills and Don Peters of Jordan, Jones and Goulding, were on hand to explain the process used in trying to determine the loss of gas along with the billing audit. Mr. Stripplehoff explained that the Gas Authority as only an agent, they try to resolve any problems the City might have with Transco. Mr. Stripplehoff explained that it does take some time to solve these problems and at this point they have no conclusive evidence that the Transco meter is the problem. Prior to the end of June, there was no way to confirm or deny the readings at the Transco metering station. Near the end of June, a check meter was installed by the City downstream of the Transco meter. Readings can now be monitored daily in order to compare both meters. Unfortunately, at this time of year, it is a very low low and they are not prepared to draw any conclusions. They will need data from a high flow period, like winter, to determine if the Transco meter is reading improperly or not. If the problem is with the Transco metering station, the Gas Authority will represent the City in resolving the problem. Transco has been very good to work with, as they want to resolve this problem. City Manager Nevad stated that an analysis of 1992 and 1996 usage, based on Transco's readings, showed that in 1992 the average usage was 91 mcf per customer, in 1996 the average usage was 116 mcf per customer. This was an increase of 25%. This type of data, along with an update of the 1997 data, along with measurement of the backup meter, would be the basis to pursue a refund from Transco. Council Member Spradlin asked if Transco was going to reconfigure its meter was this the reason for the delay in installing the City's backup meter. He was informed that the City had asked Transco to hold off with the reconfiguring of the metering station until the City installed the backup meter. Mr. Stripplehoff explained, with the amount of gas loss being reported, examination and testing showed that at that point in time, there was not a problem with the Transco metering station. The next step was to look at metering errors behind the City gate. Were there customers not being metered or were they being metered in error. Also, was there a problem with the billing system. Another possibility was theft and cross connections with another gas system adjacent to the City's system and gas leaks.

Mr. Stripplehoff explained that nothing out of the ordinary was found. The backup meter could have been installed sooner, but Transco was doing some modifications to the system at the metering station. If the backup meter had been in place, it would have to be remove and reinstalled at City expense. This is why Transco was asked to wait on doing system modifications Transco agreed to wait and indicated that the company would pay to fix the meter if it was the problem. The company would also make reimbursement on any overcharge of gas due to a faulty meter reading. So far the modifications have not been done because the system needed to be the same as it was in January of 1996. Mr. Pugh asked if it were possible, technically, for gas to have been measured but not received. Mr. Don Peters stated that something might have happened electronically with the meter but so far that did not appear to be the problem. Mr. Pugh then asked, if Transco had found the problem would they have fixed it without telling anyone. Mr. Peters said it was possible but he felt that Transco was too honest a company to do that. He stated the equipment at the metering station is the same now as it was in January of 1996. Transco has changed nothing and are only doing monthly calibrations. Mr. Spradlin asked if Mr. Peters, in his 30 years of service, had every seen a meter off this far. Mr. Peters stated that he had seen it at least 3 times and it was due to internal problems in the measuring equipment. He further explained that these meters could be checked and calibrated each month and still be wrong without anyone being aware of the problem. A long and extensive search was usually required to find the problem. Mr. Davis asked Mr. Stripplehoff if he felt City Manager Nevad was correct in waiting to put in th backup meter would he himself done anything differently or would he have taken the same steps.

Mr. Stripplehoff stated he would not have done things any differently. Mr. Spradlin asked what the residential billing system audit cost, was it more than the cost of the back up meter. Mr. Nevad explained the residential audit cost $10,000 and the cost of the commercial audit was also $10,000. However, the commercial audit showed several meters that had not been billed properly for years. This was corrected which increased the commercial revenue and helped pay for the audit. Mr. Nevad asked Mr. Bobby Sills of Jordan, Jones, and Goulding, to explain the analysis of the audit. Mr. Sills explained they took the data from T.B.S. and looked at inconsistencies in the residential and commercial billings. They focused on high consumption and zero consumption. On the commercial accounts, they found 2 that were off by a factor of 10. The residential audit only revealed 3 meters that were incorrect. New developments were looked at to see if they had gas with Sugar Hill but were somehow being billed by another gas company, this was not the case. Mr. Spradlin asked Mr. Nevad if Transco said the average consumption was up would that account for the high gas loss, also, had the size of the average house gone up since 1992. Mr. Nevad responded that consumption would be a major part of the gas loss, as far as house size, he did not have that information There were no further questions from the Council Members.

E: STREET AND BRIDGE:
Ms. Zinskie reported that it had been a very busy month. Pick up of yard clippings had increased along with the chipping and keeping the right of ways mowed. Usage of the dump truck on the week ends had also increased. There had been some paving and patching done with some more that needed to be done. Playground equipment should be installed on Friday, August 15th. Mr. Pugh asked how long it would take to install. Ms. Zinskie reported it should be completed that day except for the sand. The recreation board wanted to put up a different wall around the playground and this would determine how much sand would be needed. Drainage issues would be discussed later on the agenda.

F: RECREATION:
Mr. Nevad stated that Ms. Zinskie had covered recreation and there would be a YMCA Steering Committee update later on the agenda.

G: SOLID WASTE:
Mr. Nevad reported the City had been granted an extension regarding the consent order for closure and post closure of the landfill. The City had met their requirements for Phase I of the consent order, installing the ground water monitoring wells. Speaker Gingrich's office had been helpful in getting information on the Super Fund Program. Mr. Nevad read two letters from local garbage companies into the record.(See Attached) The first letter was from Pat O'Conner of Robertson Sanitation explaining why it was not feasible for another garbage company to do business in Sugar Hill. The second letter was from Frank Grey of BFI, explaining that they would offer any assistance they could regarding the closing of the Sugar Hill landfill. However, they had no desire to purchase the landfill. Mr. Gary Simpson of P.O.H. reported on the sampling of the ground water. In mid July, P.O.H. sent out a proposal for the cost of monitoring the ground water wells and all the phases that were required by the Georgia EPD. The cost of the proposal was $14,500 per event, with 5 events in the first year. Mr. Pugh made a motion to approve the proposal with a second from Mr. Bailey. Motion passed. Mr. Simpson explained the methane monitoring has to be done at least twice a year and this would be $1500 per event. Mr. Bailey made the motion to approve the methane monitoring with a second by Mr. Pugh. Motion passed. Mr. Bailey asked if the proposal on the Golf Course topography was acted on under the Golf report, it was not. Mr. Simpson explained the proposal and why it was important. Mr. Bailey made a motion to approve the expenditure of $2,950 per pond, second by Mr. Pugh. Motion passed. On solid waste, Mr. Spradlin asked Mr. Nevad to check with Robertson Sanitation about getting a smaller size bag, at a cheaper price, for those people who did not have much garbage.

OLD BUSINESS:

A: UPDATE ON VISION 20/20 COMMITTEE:
Mr. Bechtold reported they were currently working on the land use map. They had about a 17% return on the survey and had collected some valuable data. The prototype map they have been working on will be ate the meeting next Tuesday night. They are also working on having a map available at City Hall so residents may stop by to give their input. This is a very important part of the Comprehensive Plan, as this will determine how the City will grow regarding industrial, commercial and residential areas. He reported the task force had received a draft copy of the Comprehensive

Plan from Mayes, Sudderth and Etherdige, with the updates that had been made to goals and objectives. The task force would be reviewing this and give their input to Mike Warrix.

B: UPDATE ON YMCA STEERING COMMITTEE:
Council Member Davis asked Mr. Bob Wagner to give this report. Mr. Wagner reported this would be the last report until the November meeting. He reported they had added one more church to their group of facilities. Of the 73 activities the YMCA offers, they now have 46 facilities that can handle these activities. Only 14 kids had signed up for the summer camp. It was felt this was due to short notice plus the fact that most parents make summer plans early in the year. YMCA will have a summer camp in 1998 and notice of this will begin in January. The YMCA plans to have another program that will start in mid November. Ed Enterkin reported that some of things needed by the YMCA are: a sign or banner proclaiming the YMCA is in Sugar Hill, office space where people can register for the different programs and they need volunteers to work with the YMCA in specific programs. He stated they would like to start fund raising for the YMCA. He would have to check with legal counsel on how to set it up since this is a municipality. Rev. Steve Wood is requesting a meeting of all the clergy in the Sugar Hill area. So far a date has not been set for this meeting. Mr.Wagner then reported on the survey results(see attached). He also thanked 2 new businesses that have offered their help and facilities. 1) Great Beginnings Day Care had offered their building after hours for training classes, such as CPR, etc.
2) North Georgia Graphics, which had done the charts he was using.

C. 1996 AUDIT:
City Manager Nevad reported, last month the Audit was presented. It needs to be approved in order to be sent to the state. Council Member Spradlin made the motion to accept, with a second from Council Member Baird. Motion passed.

D. UPDATE ON GAS SYSTEM IMPROVEMENTS/GAS SYSTEM/DEPT:
City Manager Nevad reported on the remaining projects for the gas department. He gave the cost of contracting out installation of gas line along Whitehead Road, Hwy 20, and Suwanee Dam Road, versus having it done by City employees. It would save the City money to contract out new services and let City employees do installation and maintenance on pipe lines. On the Suwanee Dam Road project, it would cost the City $40,000 for upgrade and pipe. Gwinnett County has a program that will make a reimbursement to move utilities. On the high pressure project, the contract is for $271,000. So far, about $170,000 has been spent with $120,000 set aside for the easement they are trying to obtain. Gas Consultant Bobby Ellis felt with all these improvements, the City should have no problems with gas service this winter. Council Member Spradlin asked how far the extension on Whitehead Road would go and what would be the cost of the regulator station. Mr. Nevad said the regulator station would cost about $1,500 and there was money set aside for this.
On the Gas System/Dept. issue: Council Member Spradlin stated that in February, Ms. Brenda Rich read a memo addressed to the Mayor, Council and City Manager regarding the gas system. This memo, dated March of 1996, had not been seen by any of the Council Members,Mayor or the City Manager. The memo was reported to have come from Gas Superintendent Billy Hutchins regarding all the changes that needed to be don in order to prevent problems with low or no gas pressure. It was reported the memo was hand delivered and responded to: the Council would not appropriate

UPDATE ON GAS CONT'D

the money. Mr. Spradlin asked Mr. Hutchins if all the proposed changes would provide adequate gas for the City. Mr. Hutchins stated that the 2 inch on Riverside Road would need to be upgraded, as there would be 3 or 4 new subdivisions going in there but this would not be until 1998 so this could wait. If all the current upgrades are completed, Mr. Hutchins felt the City would be able to provide enough gas to the City. Another concern Council Member Spradlin wanted the Council to be aware of was morale in the gas department. With winter coming on, he felt the gas department needed to be at full capacity and everyone needed to work together. Council Member Baird felt this was an administrative problem, not one that the Council should be involved in. He felt the City Manager should handle this type of problem. In his opinion, Mr. Hutchins, Mr. Payne and Mr. Nevad were all aware that the upgrades needed to be completed on time; but personnel should be handled at the administrative level. Mr. Spradlin stated he just wanted the Council to be aware of the morale issue because the citizens needed to be able to depend on the gas department.

E: CABLEVISION:
Council Member Spradlin reported that Cablevision had filed an appeal to the City's appeal and they were waiting on an update from the FCC.

A 10 MINUTE BREAK WAS TAKEN

CITIZENS AND GUESTS COMMENTS:

Ms. Brenda Rich of 835 Level Creek Road stated she had listened very carefully to the report given by the gentlemen from the Gas Authority. After their presentation, she asked them one questions. She asked if they had been given any information on stopped meters. She explained how she and other employees had been asked to help read meters in December of 1995. This was done to help get the billing out before the end of the year. In January, people were calling about high bills. At one address, the resident had never received a bill for more than $6.94 in the 18 months she had lived there. Upon requesting a 12 month history from City Hall on this account, it indicated to the gas department that the meter had stopped. After doing some more research, it seemed there were many more accounts with stopped meters. The gentlemen from the Gas Authority stated this would have an effect on the lost and unaccounted for gas. They had not been told of all these stopped meters. She knew there should be a file showing the meter change outs with a print out of the history of the old meters. She asked that the Council investigate this and let her know the outcome. City Manager Nevad responded that there were only about 44 meters changed out, which would only account for 1% not the 20% gas loss. Mr. Payne stated that 100 meters were sent for rebuilding. The gas department is working to get the older meters changed out and rebuilt. Ms. Rich felt that there were massive amounts of stopped meters as the problem continued on into February and March. Mr. Nevad and Mr. Payne said the Gas Authority was informed of this problem. Ms. Rich felt that the gas department should have a print out of the meter readings if people are being billed only $6.94 in high usage months it would indicate that something is wrong. Council agreed to look into this matter.

Mr. Robert Bowie of 835 Level Creek Road asked why one of the City vehicles had Code Enforcement on it. Mr. Nevad explained that the City is going to have Joe Appling do enforcing of the City codes. Mr. Bowie then asked if the store at the end

of the street had a permit for a game room and why didn't the lady next door to the Planning Department have a business license. It was suggested he file a complaint at City Hall.

Mr. George Abury of 4555 Secret Cove Court commented on the lawsuit that had been filed by Medusa regarding the denial of a rezoning request at last months meeting. Mayor Webster stated that issue had not been discussed with legal counsel. Mr. Abury expressed his opinion on some issues that were mentioned in a news-paper article. He felt the City should defend itself in this lawsuit, that the concerns of the citizens were valid. He would not like to see the City being sued by other developers who might not get a rezoning they wanted. Ethics of some of the Council Members had been mentioned in an article and it was his opinion if the City did not defend itself, they might appear guilty.

Mr. Gary Pirkle of 5026 Oak Grove Drive addressed the issue of the sewer interceptor line the county was going to install on Level Creek Road and also on Highway 20. Being a member of the Vision 20/20, one of their concerns was a lack of sewer on Peachtree Ind. Blvd. Mayor Webster explained that when the water and sewer system was sold to the county, it was part of a 5 year agreement that the county would run sewer down Peachtree Ind. Blvd. He said he would check on this issue.

Malcom Birch of Richland Trace wanted to comment on a letter read earlier in the evening from BFI. He was concerned that BFI was trying to help with the landfill closure and this might interfere with the opposition to the expansion of BFI'S landfill in Buford. He was assured that was not the case, BFI was trying to clear the air and end rumors that they were interested in buying Sugar Hill's landfill.

Mr. Hugh Alexander commented on the Medusa rezoning vote at last month's meeting. He felt this represented the wants of the citizens. He wanted to ask the Council to hold fast in the way they voted. The citizens should be represented and not let developers use a lawsuit to get the Council to change their minds.

Meg Avery of Frontier Forest wanted to comment on the new recycling program. She is very pleased with this program She was also concerned about the formation of the Sugar Hill Housing Authority and the apartment complex. She inquired if the Council had checked with other cities that had housing authorities. Did they find out the advantages and disadvantages. Perhaps a housing authority would be a good idea but who would run the housing authority, has Gwinnett County been contacted about rules and regulations on housing authorities, how would it affect future development. Did Sugar Hill need to be in the housing authority business or was this just to help the developer. The developer had stated last month, after being denied the opportunity to make his presentation, there would be apartments on that site with o without backing from Sugar Hill. With Authority financing, they would be grade A apartments, with-out the financing a lower grade of apartments would be built. She felt there was a bank that would offer the financing to get a better grade of apartments without the City having to get into the Housing Authority business.

CITIZENS AND GUESTS COMMENTS CONT'D:

Mr. Bob Wagner stated that he lived near where the apartments would be built. He wanted the citizens to get use to the idea because the area was zoned for apartments 19 years ago. He was not happy with the situation but there was no legal way around it. Overcrowding of the schools and traffic on Level Creek Road would be affected by the apartment complex itself, not whether or not a Housing Authority or bank was involved. He challenged the citizens to either speak up about legal ways to stop the apartments or make the best of a bad situation.

Mrs. Nighta Davis wanted to comment on the recycling program. She was very pleased with it. She wanted to discuss an article that appeared in the paper quoting one of the Council Members about certain issues. Mayor Webster advised her not to use this time for personal attacks.

Mr. Ed Schoeck of Springhill Drive stated that this apartment complex would back up to his property. He felt that it was going to be good for the City. In his opinion they would be better than the one's that are already on Level Creek Road. As far as he understood, the biggest portion of the apartments will be 2 bedrooms, therefore there shouldn't be that many children. All in all he felt it was very good and will bring in some revenue.

Mr. Jerry Payne of 4752 Highland Avenue expressed his concerns over the Medusa Company still trying to build their plant here when the rezoning was denied.

Mr. Ted Birch of 5475 Maltdie Court expressed his concerns over the Sugar Hill Housing Authority. He did not understand how the City could make money without investing money. Council Members explained that the Housing Authority was an agent thru which the bonds could be financed without costing the City any money. The asked Mr. Smith, the developer to explain how it would work. Mr. Smith explained that the interest rate was lower on these bonds and that was the reason for using the Housing Authority. There was no obligation on the part of the City, state, or county. They have already started talking to county commissioners about putting in turn lanes on Level Creek Road. They are trying to address all the issues residents might have. Since this was the first item under new business, Mayor Webster interrupted to find out if there were other citizen comments so they could move on to new business. There were no other comments.

NEW BUSINESS:

A: SUGAR HILL HOUSING AUTHORITY:
Council Member Bailey made a motion to adopt the resolution to form the Housing Authority for the City of Sugar Hill, second made by Council Member Spradlin. Discussion on the motion included: Council Member Spradlin stating that in doing some research on the issue, there was not the opposition to the project like he had thought. The Mayor and Council Members reminded the audience that they too lived in the City and were affected by things like anyone else. Mayor Webster stated that in order to keep politics out of this, he was appointing people to serve on the board that were not politically involved, some did not eve live in the City. Motion passed 4-0-1 abstention.

B: ELECTION UPDATE:ORDINANCE:
Superintendent of Elections Mr. McCalla started his report on the recent seminar he attended in Macon. He stated that Clerk Gibbs would be responsible for the Absentee

ELECTION UPDATE CONT'D

Ballots, Ruth Switzer was going to assist as manager this year. He gave the dates of qualifying, which will be Sept. 8 - Sept. 12; 8:30 a.m. to 4:30 p.m. each day, last day to register to vote will be Oct. 6. The new voter I.D. law will go into effect in 1998. He gave a list of acceptable forms of identification. A motion was made and seconded to approve the date of the election, the qualifying dates. Motion passed. Another item he brought to Council's attention, there is a possibility the county would take over the handling of the City's election. Council gave their consent for Mr. McCalla to check into this. Appointment of a Chief Registrar was also mentioned. Mr. McCalla encouraged everyone to vote on November 4th.

C: GEORGIA TRANSMISSION EASEMENT:
City Manager Nevad introduced Mr. Sonny Brown of Georgia Transmission. Mr. Brown stated his company wanted to purchase a pole line easement outside the road right of way in front of the Golf Course. The amount offered was $4,000 plus another $2,500 for some addifional buffer landscaping. A motion was made and seconded to accept the offer of the easement with the stipulation that Georgia Transmission do the landscaping to meet the City's specifications. Motion passed.

D: NEXTEL CELLULAR TOWER PROPOSAL:
Mr. Payne introduced Mr. Al Cavalier of Nextel Cellular which is interested in possibly using the Golf Course to install a communication tower. Mr. Cavalier explained that Nextel Communications wanted to install a mono pole at the Golf Course that would be 185 feet tall. This would be placed on a piece of property 100 x 100 feet in an area that would not interfere with play on the Golf Course. The proposed lease agreement was for $12,000 a year with all the necessary insurance coverage. It would be next to the golf cart barn by the driving range. The tower would accommodate 3 carriers. The building would house only their radio equipment they would not need water or sewer. They would need 24 hour access to the site. Since the Golf Course gates are locked after dark, they would need to put on their own locks. Council Member Bailey asked why they could not place their equipment on the current Bell South Tower. Mr. Cavalier stated they had talked to Bell South but for several reasons their equipment would not work on that tower. Mr. Bailey asked about the contract with Bell South, did it allow other communication companies to install another tower, had all the legal issues been checked into concerning this type of agreement. Discussion was held on the lease agreement with Bell South, the location of the tower and whether or not it would interfere with the spray irrigation consent order. Council Member Bailey made a motion to table this until next month, Mr. Pugh made the second. Mr. Cavalier asked why it needed to be tabled. Mr. Bailey explained they needed to make sure there was no legal conflict with the Bell South agreement and also to allow their engineers to define the point, also Mr. Pugh wanted the lease agreement gone over to make sure everything was in order especially where the pole would be sited. Several other questions were asked, such as electricity, if there would be an acceptable alternate site. Motion to table passed.

E: REQUEST FOR GAS SERVICE-PEC/FAIRFIELD:
City Manager Nevad reported that there was a request for gas service from 2 proposed subdivisions, outside the City limits. The homes would be valued at $200,000 to $300,000. There would be approximately 500 homes located on property by the river off Highway 20. Mr. Nevad felt with all the improvement being made and would continue to be made in the gas system, this request should be granted.

REQUEST FOR GAS SERVICE CONT'D:

This would keep Atlanta Gas from providing service, they were ready to do so if Sugar Hill relinquished the service to these projects. Mr. Pugh made the motion to provide gas service to this area, seconded by Mr. Baird. Discussion followed: Mr. Bailey wanted to have a letter from the gas engineer concerning volumetric capability to service this project, cost estimates, is it in the City limits. Mr. Spradlin felt the moratorium was in jeopardy. Other Council Members thought it was good for the City since it would be about a year before these homes would be built. Motion passed 4-1.

F: ANTI-NOISE ORDINANCE:
Council Member Davis requested this item be tabled until next month as he had Mr. Thompson checking out some things on this ordinance.

G: CITY ABANDONMENT-HIGHWAY 20"
Mr. Thompson asked that this be tabled until next month. There was more information he needed from the property owners and the county concerning water easements.

H: PUBLIC HEARING:ANNEXATION-AX-97-002-MAP 7-254-025 AND 7-254-044-JSA ASSOCIATES REQUESTING TO ANNEX 10.57 ACRES OFF BROGDON ROAD REQUEST HM1 ZONING FOR USE OF INDUSTRIAL PARK:
Council Member Bailey made the motion to go into Public Hearing, seconded by Council Member Davis. Motion passed 5-0.
Mr. McFarland stated this was a request for rezoning and annexation. At first it was thought this property was in the City limits but it was the only part of the property that was not inside. The county zoning is M1 and the City's zoning would be HM1, which is almost identical to the county zoning. The property owner wanted to keep the HM1 zoning. The planning and zoning board gave its approval for annexation and rezoning. Questions from the residents included: was there a proposed use for this land, what kind of industry would be there, could there be any outdoor storage facilities, height restrictions on buildings, would the new zoning ordinance be in effect on this property, total acreage of the property. The proposed use is for an industrial park. Council Member Spradlin asked if the developer would have any objections to a stipulation that it only be used as an industrial park. The developer said he would have no objections to that stipulation. He stated they hoped to have businesses such as plumbing companies, electrical contractors, etc. The HM1 zoning would allow for outdoor storage facilities, height restrictions would be 40 feet, the new zoning ordinance is already in effect, the acreage being annexed is 10.57, adjoining acreage of 13.5 which is already in the City, making a total of 24.07 acres. Council Member Baird made a motion to go back into general session, second by Mr. Pugh. Motion passed. Council Member Spradlin made the motion to approve the rezoning and annexation with the restriction that it remain and industrial park, second by Mr. Davis. Motion passed.

I: PUBLIC HEARING:RZ-97-007:MAPS # 7-292-061 AND 7-292-198:CKAS, INC IS REQUESTING TO REZONE .578 ACRES OFF OF FIRST AVENUE FROM RS-100 TO BG FOR THE PURPOSE OF RETAIL SALES FOR PORTABLE BUILDINGS TRUCK ACCESSORIES AND USED AUTOMOBILE SALES:
Council Member Bailey made the motion to go into Public Hearing, second by Council Member Spradlin. Motion passed. Mr. McFarland explained this property is located at the end of Broad Street at Highway 20, it is behind property already

PUBLIC HEARING CONT'D:

zoned BG that fronts on Highway 20. The land use plan for this area is commercial. The planning commission heard this request and after much discussion on having so many used car lots along Highway 20, they recommended approval with the provision that the only gravel area be where the storage buildings will be placed. The reason for this, when the buildings are loaded and unloaded it would ruin the asphalt area. Council Member Baird expressed his concern that so much activity would be going on in such a small area. Mr. McFarland stated there was more acreage, this was the only portion that needed to be rezoned. Mr. Ray Maddox of 4925 Hannah Street, an adjoining property owner, wanted to know if this lot comes to Alton Tucker Blvd. Would the business be on First Avenue or Alton Tucker. Where would the entrance to the business be located. Mr. McFarland stated the entrance would be on Highway 20. There is an existing house on the lot that would be used as an office. Mr. Maddox had no objections to this business if the entrance was going to be on Highway 20, if it was going to be on Alton Tucker he had some objections. No other comments from citizens. Motion made and seconded to go back into general session. Motion passed. Council Member Bailey made the motion to approve the rezoning as recommended by the Planning Commission with the following stipulations: That it comply with the requirements of the new zoning ordinance, buffers, paving of the entrance and parking to be solely on Highway 20, plus they eed to obtain letters from the adjoining property owners regarding the buffer agreement. Second to the motion made by Council Member Davis. Motion passed.

J: RECORDS ACCESS:

Council Member Spradlin submitted a letter to the City Manager regarding some records he had requested and been denied access to. He had requested the records of all the gas customers serviced by the City, a list of all Occupation Tax bills, any adjustments made to the gas accounts, and record of gas loss due to cut lines. To date he had received only a business license list with the tax information blacked out, a 164 gas account records and a haphazard list of cut gas lines. This was a formal request for the above items and he quoted sections of the City Code and Charter that he felt were in violation. Mr. Bailey felt the state law superseded the City Code. Mr. Thompson stated the gas records would be between Council and the City Manager but information in business license was confidential if it involved the part used to calculate the tax amount. Mr. Spradlin inquired if it was so confidential why was a business license record handed to a small child to play with. Mr. Nevad said TBS had given him a proposal of $600 to rewrite the program and he felt the Council would have to approve this expense. Council Member Bailey felt that Mr. Spradlin should submit his request in writing and give staff 2 or 3 business days to pull the records.

K: TAX BILLING:

Council Member Spradlin felt the Council had not been advised of the contract with TBS to do the tax billing. Mr. Nevad said he was not aware that Council had to approve of the tax billing. Mr. Spradlin read a letter from Smith Data regarding a quote they had submitted regarding tax billing. Since the City had already contracted with TBS there was no way to transfer this data to the new system. He wanted to know if we were having two billings on taxes. Mr. Nevad stated that the City was having problems with the transition to Smith Data and this was why we contracted to have TBS do the tax billing.

L: CITY MANAGER ORDINANCE:

Council Member Spradlin wanted to make a point that an amendment was made to

CITY MANAGER ORDINANCE CONT'D:

to the City Manager ordinance with regard to the removal of a person from this position. If he is removed he can remain on the job for 10 days, if he is stripped of all his authority he has to be paid for 90 days. He felt it should be 10 days on both or 90 days on both. After much discussion it was decided to leave the ordinance as is.

CITY CLERK'S REPORT:

Deputy Clerk Switzer stated that Ms. Gibbs was ill and had asked that she remind the Council that the milage rate needed to be set at the September meeting. Training with Smith Data on Business License would be August 21, and 22, utility billing would be on August 25, and 26. Mayor Webster thanked her for filling in for the City Clerk.

CITY MANAGERS REPORT:

City Manager Nevad reported that it had been a very busy month with trying to find the gas loss. He wanted approval from Council on the expense of $600 to TBS to retrive the records on gas accounts. 3 of the 5 Council Members gave approval of the expense. He expressed his sympathy to Mr. Bairds loss last month.

COUNCIL REPORTS:

Council Member Bailey gave his view on being a Council Member and he voiced his concern over what he felt was not needed on the council and what he felt was needed. He made several remarks about Mr. Spradlin. Mr. Spradlin called for a point of order, personal attacks were not allowed.

Council Member Baird thanked the Council for their support during the loss of his step-son. He also gave his opinion on the Medusa situation and knew he should not have given his real estate card to them.

Council Member Spradlin stated he wanted people to let him sign up for reelection before they accused him of running for reelection. He also thought the City would be using the voter ID if approval came from the Justice Department.

Council Member Davis wanted to let the City Manager know that he thought he was doing a good job and had his support.

Council Member Pugh felt that all the members of the council were good to work with even tho there were times when they disagreed on some items. He enjoyed working with all of them.

Mayor Webster reported there would be a meeting to orginize the Housing Authority. This would take place on Thursday August 14, 1997. The members would be sworn in at thsi time.

Motion was made and seconded to go into Executive Session.
Motion was made and seconded to go back in General Session.
Action taken in General Session: Council Member Davis made a motion to repeal the $600 expense to TBS for retrevial of records on all the gas account customers. Second made by Mr. Bailey.
Motion passed 4-0 of all those present.
Meeting adjourned.

STATE OF GEORGIA

COUNTY OF CLAYTON

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SUGAR HILL, GEORGIA, DECLARING A NEED FOR AND ESTABLISHING A HOUSING AUTHORITY FOR THE CITY OF SUGAR HILL

NO. _____

WHEREAS, there exists within Sugar Hill a shortage of safe and sanitary dwelling accommodations available to persons of low income at rentals they can afford; and

WHEREAS, the Mayor and Council of Sugar Hill, in making such determinations, has taken into consideration the degree of overcrowding, the percentage of land coverage, the light, air, space and access available to the inhabitants of such dwelling accommodations, the size and arrangement of the rooms, the sanitary facilities, and the extent to which conditions exist in such buildings which endanger life or property by fire and other causes; and

WHEREAS, the General Assembly of the State of Georgia, through its enactment of the Housing Authorities Law, Georgia Laws 1937, pp. 210 et seq., (O.C.G.A. Section 8-3-1 *et seq.)* has provided cities and counties a means of alleviating these problems through the creation of a housing authority.

NOW, THEREFORE, be it and it is hereby resolved by the Mayor and Council of Sugar Hill that there exists a need for a housing authority in Sugar Hill and that the Housing Authority of Sugar Hill, as created by the Housing Authorities Law, is hereby authorized to transact business and exercise its powers.

IT IS FURTHER RESOLVED that the Mayor of Sugar Hill shall appoint five persons as commissioners of the Authority and in the event the Mayor fails to make such appointments within thirty (30) days from the date hereof, the Council of Sugar Hill shall make said appointments. All terms, powers, responsibilities and other matters relating to the commissioners of the Authority shall be in accordance with the provisions of the Housing Authorities Law.

This Resolution shall become effective upon its enactment and the appointment of the above commissioners.

SO RESOLVED, this ____ day of _____, 1997.

MAYOR AND COUNCIL OF SUGAR HILL

_____

MAYOR

_____

_____

_____

_____

ATTEST:

_____

CLERK

CERTIFICATE OF APPOINTMENT OF THE COMMISSIONERS OF THE HOUSING AUTHORITY OF THE CITY OF SUGAR HILL

The Mayor and Council of the City of Sugar Hill, Georgia, have adopted a resolution declaring the need for a Housing Authority in Sugar Hill.

The Mayor of the City of Sugar Hill hereby certifies that the five (5) persons hereinafter named, none of whom are officers or employees of said City, are hereby appointed as Commissioners of the Housing Authority of Sugar Hill to serve for the number of years appearing after their names, respectively, from the _____ day of _____, 1997.

_____, One year.

_____, Two years.

_____, Three years.

_____, Four years.

_____, Five years,

_____ is hereby named to be the first Chairman of the Authority, pursuant to *O.C.G.A* § 8-3-51(b) of the Housing Authorities Law. The Mayor shall file this certificate with the Clerk of Sugar Hill for record on the minutes of the Mayor and Council of Sugar Hill.

****

_____

Mayor, Sugar Hill, Georgia

Baird

ORDINANCE
ELEC-1997

AN ORDINANCE FOR THE PURPOSE OF CALLING THE GENERAL ELECTION, SETTING THE QUALIFYING DATES, QUALIFYING FEES, AND DATES AND TIMES OF THE GENERAL ELECTION FOR THE CITY OF SUGAR HILL.

The Council of the City of Sugar Hill hereby ordains:

WHEREAS, the regularly scheduled municipal election for the City of Sugar Hill is scheduled for November 4, 1997; and

WHEREAS, the terms of Mayor Gary Webster, and Council Members Charles Spradlin, and Dorland Baird will end at midnight on December 31, 1997 and their successors are required to be elected in the municipal election scheduled for November 4, 1997 to take office on January 1, 1998; and

WHEREAS, it is necessary for the city Council to establish the qualifying fee for those offices and to make other provisions for the municipal election.

NOW THEREFORE, IT IS HERBY ORDAINED that all persons desiring to run for the office of the Mayor or of the Council Members shall qualify in the office of the City Clerk of the City of Sugar Hill located on the first floor of the Sugar Hill City Hall, 4988 West Broad Street, Sugar Hill, Georgia, beginning at 8:30 a.m. on Monday, September 8, 1997 and ending at 4:30 p.m. on Friday September 12, 1997. Those desiring to run for the Mayor and two (2) open Council Member positions shall pay a qualifying fee of One hundred eight dollars ($108.00) and upon qualifying shall designate the specific seat the candidate seeks to qualify for by designating whether the candidate seeks the Mayor position presently held by the incumbent Gary Webster or either of the Council Member positions presently held by the incumbents Charles Spradlin, or Dorland Baird. All qualifying fees shall be paid at the time of qualifying.

The City Clerk and Election Superintendent shall take such action as is necessary to properly call the municipal election scheduled for November 4, 1997 including but not limited to properly publishing a public notice in substantially the same form as that Notice attached hereto as Exhibit "A" notifying the public of said election. The city Clerk and Election Superintendent shall take such other actions as are necessary and appropriate to make certain that the election is conducted in accordance with and in conformity with the laws of the State of Georgia and the Charter and Ordinances of the City of Sugar Hill.

IT IS SO ORDAINED this 11th day of August, 1997.

Mayor – Gary Webster **Mayor Pro-Tem – Tim Pugh**

Council Member **Council Member**

Council Member **Council Member**

ATTEST:

City Clerk

Received by the Mayor: Date:

Received from the Mayor: Date:

Approved by the Mayor: Date:

UNOFFICIAL MINUTES

CITY OF SUGAR HILL COUNCIL MEETING
MINUTES-MONDAY, JULY 14, 1997

The July 14, 1997 Council meeting was held at 7:30 p.m. in the Community Center. The meeting was advertised in the local papers, notices were posted at City Hall and the Community Center and on the board at Peachtree Ind. Blvd.

Those present were: Mayor Webster, Mayor Pro-Tem Pugh, Council Members Bailey, Baird, Davis, and Spradlin, City Attorney Lee Thompson City Manager Warren Nevad, Assistant City Manager Scott Payne, Drainage Supervisor Donna Zinskie, City Clerk Shirley Gibbs, Consultant Don McFarland, members of the press and registered guests.

CALL TO ORDER AND INVOCATION:

The Mayor called the meeting to order at 7:30 p.m. with the Pledge to the Flag, Council Member Spradlin gave the Invocation.

APPROVAL OF THE AGENDA:

Council Member Bailey made the motion to approve the agenda with the following changes: to add Executive Session for possible litigation, to add item O under New Business per Mayor Pro-Tem Pugh to appropriate funding for a dinner to be held in August. Council Member Spradlin made the second. motion passed 4-0-1 abstention.

APPROVAL OF MINUTES:

Council Member Spradlin made the motion to approve the minutes from the June Council Meeting, second to the motion was made by Council Member Dorland Baird. Motion passed 5-0.

DEPARTMENT REPORTS:

A: PLANNING & ZONING, ZONING BOARD OF APPEALS:
The City had issued 51 single family permits in June, 381 inspections were done. Several items were on the agenda for later discussion. Chief Building Inspector, Tony Bauman, was recognized for 5 years of employment.

B. BUDGET AND FINANCE:
City Manager Nevad reported the General Fund checking account had a balance of $83,191.00. The LGIP Fund had just over 1 million. Revenue was at 64%, with expenses at 66%. The difference could be attributed to costs of the landfill consent order, plus a higher cost for natural gas. Auditor Don Briscoe would give an overview of the 1996 Audit later on the Agenda.

C. GOLF:
Assistant City Manager Scott Payne reported the Golf Course generated revenue of $132,000 for the month of June. This information would be available to anyone after the meeting. The greens were in better condition due to lower rain fall and better maintenance. Consent order was going as planned and the spray irrigation should be up and running by October. There was a pond overflow of less than 100 gallons. EPD was notified, tests were done and showed no contamination.

approved 8-11-97

D. UTILITIES:

Assistant City Manager Payne reported that 51 new services had been installed in June. Year to date 264 services have been installed. The gas consultant will discuss the 4 inch project on Highway 20 and Whitehead Road. Software to check readings on the backup meter had been installed. The readings can now be checked from the office. The City feels that the Transco meter has been in error. Council Member Spradlin appoligized to the Council and the City for not catching a long time ago the problem with the gas loss. In 1995 the City had an average of 6% gas loss, which is about average. In January of 1996 the gas loss was at 5.7%, again which is about average. In February of 1996, the gas loss jumped to 27.6%. By April of 1996, it had risen to 42.3%. In retail figures, the City would have lost $221,000 in revenues. In the year of 1996, the gas loss would have meant an additional $821,900 in revenues, if the gas had been accounted for and it could have been sold. Council Member Spradlin questioned why it had taken 18 months to decide to put in the backup meter. He felt this should have been the first thing that was done. City Manager Nevad and gas consultant Bobby Ellis both explained that starting at the low end of the problem seemed to be the best thing to do. The City tried to eliminate any billing problems, missed meters, or any meters that were being read incorrectly. A few commercial meters were found to be under-read; residential meters were all being read correctly. One reason for the delay in installing the backup meter, Transco was going to be doing some improvements and retro fit their station. If Transco's meter is found to be in error, they will refund all money paid in error by the City. After a very lengthy discussion on possible reasons for the high gas loss and why it took 18 months to install the backup meter, Council Member Spradlin was still not satisified with the answer.

E. DRAINAGE:

Drainage Supervisior Donna Zinskie reported that during the month of June, the street department had gotten all the right of ways mowed. Chipping and pick up lawn clippins continue. Stop signs that had been requested had been installed. Work on the Acosta property was completed as was work on the Alexis property. They did some drainage work for a gesident on Cold Creek Court, met with several other residents who have experienced drainage problems. They had done some drainage work at the park. New playground equipment for the upper pavillion had been ordered. When all the equipment arrives, the company that sold it will help with the installation. At that time, some areas of the park will have to be closed. Ms. Zinskie state that during the last couple of months, her department has been real busy. They have also experienced sickness and such in her deaprtment, leaving the department short-handed. She expressed her thanks to members of other City departments for helping get things caught up.

F. RECREATION:

City Manager Nevad reported there were several items pretaining to Recreation on the agenda tonight. There were 2 Recreation Board appointments, YMCA update, a Park Ordinance and a Park Policy. The Ordinance would allow Gwinnett County Police to patrol the park. The Park Policy would allow the YMCA the use of the park for some of their activities.

G. SOLID WASTE:

City Manager Nevad reported that on July 2, 1997, in conjunction with Robertson Sanation, the City started its volumn based garbage program. Back in the early 1990's, the state EPD decreed that all cities come up with goals and stragaties to reduce their solid waste by 25% per capitia. Also, the City polled the residents to find out what was important to them as far as garbage was concerned. Most of the residents wanted some type of recycling program. This was incorporated into the solid waste management plan approved by the state in 1995. The City also offers the chipping program, which provides mulch for any resident that would like to have it. The bag system has been successful in other cities and Mr. Nevad felt it would be in Sugar Hill once all the glitches are worked out. Representatives from Robertson were at the meeting to answer questions and listen to any feedback from the residents. Mr. Brooker and Mr. O'Conner explained the new system. Council Members Baird and Pugh wanted to know if there was an alternative plan to this program for people that did not want to participate. Mr. O'Conner did not see an alternative to this plan. Mr. O'Conner wanted to know what some of complaints were. He knew this was change, major change for some people. New residents are already bringing their trash to the curb, long time residents are used to back yard pick up. He felt it would take some time for people to adjust. Council Member Spradlin asked why the city boundary couldn't be opened up to other carriers for those that are dissatisfied with Robertson's new system. He felt Robertson's system was the best and they would not lose that many customers. Mr. O'Conner's response was that the price of garbage collection would go up, there would be more trucks on the street. The price of the bag was predicated on the exclusive contract with the city. Council Member Spradlin suggested that the residents be allowed to ask questions of Mr. Brooker and Mr. O'Conner. Several residents said they were not aware of the new program. Information they received with the recycling bin was wet. Other questions included why the new bags were not being picked up, what about large items, dumping, using garbage cans, being able to have a choice of which carrier the residents use. Mayor Webster asked Mr. Brooker and Mr. O'Conner to talk with their General Manager about giving people a choice. Council Member Spradlin wanted to introduce a resident, Kathy Snyder, to give information she had obtained regarding the expansion of the landfill at Buford. Council Member Spradlin made a motion to address a letter to EPD requesting clarification between the letter the City received and the letter Ms. Snyder received. Council Member Bailey made the second. Motion passed 5-0

Mayor Webster turned the floor over to Council Member Bailey to introduce some special guests. The guests were students from France. Several area residents were hosting these students. Mr. Jim Fisher the area organizer gave a brief description of what the program involved.

The meeting adjourned for a 10 minute recess at 8:50 p.m.

Meeting was called back to order at 9:00 p.m.

OLD BUSINESS:

A: CABLEVISION:

Council Member Spradlin gave an update on recent developments with Cablevision. Cablevision had filed an appeal, they had 30 days to file but took almost 90 days. The City had 10 days to respond but did not receive notice until the 10 days were about to expire. The City then had to file 2 motions , one to allow to file late, the other that

Cablevision went past the 30 days they had to file an appeal in the first place. If any one wanted to see the correspondence, they could do so after the meeting.

B. UPDATE ON VISION 20/20 COMMITTEE:
Mr. Dave Bechtold of 845 Long Branch Circle reported that the committee met 2 times in June. On the 17th they discussed goals and objectives of the land use plan of the land use section of the comprehensive plan. On July 8th they discussed the land use map. They looked at a broad sweep approach to industrial/office/commercial use. and residential type zoning areas within the City. Of the 2700 surveys sent out, 388 have been returned. The Committee would hold an informal meeting on July 15th to finish reviewing the surveys and he hoped to have the results at the next Council meeting.

C. OPEN BURNING BAN:
Council Member Spradlin made a motion to table this item until next month. Second made by Council Member Bailey made the second. Motion passed 5-0. City Attorney Lee Thompson stated this was just a memo, this was the county ordinance and EPD regulations. There were some exemptions and he needed some feedback from the Council on those exemptions in order to finalize the ordinance.

D. UPDATE ON YMCA:
Council Member Davis turned this over to Mr. Ed Entrekin who introduced Mr. Bob Wagner to give the report. Mr. Wagner reported that starting July 15th they would hold registration for YMCA summer camp from 5:00 p.m. to 8:00 p.m. either in the Community Center or in the Mayor's office. It would only be a 4 week program and limited to 50 people. Summer camp would start on July 21st. Gwinnett County had given them permission to use the gym at the old elementary school. Future programs with the YMCA will depend on how the summer camp goes. The committee wants to make the summer camp work, so it can be improved next year. They are also getting the results of the Vision 20/20 survey and the survey sent out by the YMCA. So far it appears the aquatics are the most popular. A sub-committee on aquatics has been formed. Mr. Wagner introduced Mr. Bob Nichols and Mr. Scott Doll, who are members of the sub-committee on aquatics Mr. Nichols has been a swimming coach for a number of years, Mr. Doll has worked for the YMCA for a number of years. Mr. Doll will answer the technical questions about what is required to have the facilities to handle all programs. Mr. Wagner felt that in 5 or 6 months, they should have a design for the aquatics center, plus fee structures, cost analysis for this aquatics center.

E. RESOLUTION-ABANDONMENT OF PORTION PROPERTY-BRYANT:
City Attorney Thompson stated this was a resolution to abandon a portion of West Broad Street. It had been closed by the City in 1989 but never abandoned The request came from one of the property owners. Neither of the property owners had any comments to make about this abandonment. A motion was made and seconded to adopt the resolution. Motion passed 5-0

OLD BUSINESS CONT'D

F. RESOLUTION-ABANDONMENT OF PORTION OF DUNCAN DRIVE:
City Attorney stated this was the same type of resolution. This is a small portion of Duncan Drive., from Pine Thickett Drive to the dead end of Duncan Drive. Mr. Thompson stated this portion of Duncan Drive had never been paved and there was no record it had ever been dedicated to the City. He was asked to draw up a resolution to abandon this portion of Duncan Drive. A motion was made and seconded to adopt the resolution. Mr. Thompson stated that the residents affected were at the meeting and would probably like to speak. Mrs. Dot Ramey of 1199 Pine Thickett Drive stated she would like to speak about this resolution. Mrs. Ramey expressed her concerns about the possibilities of someone buying the Smith's property and putting up a fence. Mr. Thompson explained that the City would quit claim the property to both the Smith's and the Ramey's. They in turn could work out what could and could not be done to the property. He explained that this information could be recorded on the deed and that would prevent anyone from putting up a fence should the Smith's ever sell their property. Mrs. Ramey stated she wanted to make sure that this never happened because if a fence were installed she would not be able to get in her driveway. After more discussion, Mrs. Ramey said she and the Smith's could work out an agreement. Motion was voted on and passed. 4-1

G. UPDATE ON GAS SYSTEM PLANNED IMPROVEMENTS & APPROPRIATIONS-HWY 20 & WHITEHEAD ROAD:
Gas Consultant Bobby Ellis stated the gas line on North Price to Woodward Mill Rd would be complete in about 60 days. They would then lay 4" down Suwanee Dam Road to Whitehead Road. The 6" will start at the Transco station to Riverside Road. The Council needed to appropriate money for the installation of these gas lines. The estimated cost for Whitehead Road was $53,000. The cost to lay the pipe on Hwy 20 would cost more due to having to remove some trees on Highway 20. After more discussion on the safest way to remove the trees and get the lines laid safely a motion was made to approve the expenditure. Motion passed 5-0

CITIZEN'S AND GUEST'S COMMENTS:

Mr. Robert Bowie of 835 Level Creek Road stated that Mr. Stan Hall was at his house taking a deposition. Mr. Bowie had pictures to back up anything he said. Mr. Hall was not interested, so they have taken it to the Federal authorities. They were doing an investigation of the inspector and none of the information came from his daughter - but from 2 other people who were present that night.,

Mrs. Margie Wilson of 4386 Frontier Way expressed her concerns over the way water had been diverted into the creek that runs behind the residents that live on Frontier Way and White Oak Way. All this water was washing away their property. There was also a lot of debris in the creek, keeping it from flowing. The Mayor informed Mrs. Wilson that they would get someone down there to get things cleaned up.

Ellen Morris, daughter of late Council Member Thomas Morris, stated she had not been able to attend meeting in a while. She wanted to let everyone know that things were happening just like her father had predicted. She stated that Mr. Herb Payne had made some unkind remarks about her father and she did not appreciated those statements.

CITIZEN'S AND GUEST'S COMMENTS CONT'D

Mr. Herb Payne of 980 Old Spring Way started out by apologing to Ms. Morris. Mr. Payne wanted to express his concerns that apartments might be going in about 400 yards from his home. He felt that the City had been growing too fast, causing more gas usage. He felt this project had not been looked at properly, the effect it would have on the school, parks and other facilities. He was not in favor of letting another jurisdiction come into the City to build houses or apartments. He wanted the Council to do everything possible to see this project did not pass.

Penny Free expressed her concerns over having the apartments so close to her home. Her children could play in the backyard without her having to watch them so closely. She felt that having apartments so close would cause lots of problems.

Jim Holt of 5096 Oak Grove Drive asked if the developer had satisfied the P & Z on infrastructure about the adjoining roads. Mr. McFarland stated that P&Z did not look at the financing of the project. The property is zoned RG-80 which allows multi-family housing. Mr. Holt was not satisfied with this answer. He urged the council to do everything in their power to stop this project.

Gail Kelly of Parkview expressed her concerns over the apartment project. She felt with that many units it would affect the gas pressure, overcrowd the school, cause more traffic on Level Creek Road. She felt the developer should put the playground more in the center of the complex instead of at the rear. In her opinion, children would not use the playground because it would be too far to go. Therefore, they would be in the street or someone else's yard. Also, the square footage of the units was very small, 700 to 900 square foot. She felt this was very small for a family.

Steve Brown of Springhill Drive stated the apartments would back up to his house. He asked the Council to do everything possible to prevent this project. He felt that there should be a balance in the zoning and building. If a foster home could go there or a senior citizen home, for the Council to consider this. He is not against apartments but felt the property should be used a little more wisely.

Council Member Spradlin wanted everyone to understand that the agenda item was only about Buford Housing Authority financing this project, not if the apartments would or would not be built. The zoning was already in place.

Gary Pirkle of 5026 Oak Grove Drive stated he had talked with several members of the Council as well as members of the community. A lot of the concern is about property value if the apartments are built. As ab alternate on the 20/20 Committee he felt that all scales of the housing needs had been met and should no longer be an issue. Also, this is Sugar Hill not Buford and the Council Members should be looking out for the interest of the citizens of Sugar Hill.

Mayor Webster called for a 10 minute recess at 10:05 p.m.

Meeting reconvened at 10:20 p.m.

NEW BUSINESS:

A: BUFORD HOUSING AUTHORITY RESOLUTION:
Mayor Pro-Tem Pugh asked if each council member had read the resolution on the Buford Housing Authority. All council members replied thay had. In that situation, Mayor Pro-Tem Pugh made a motion to deny the Buford Housing Authority Resolution. Second was made by Council Member Spradlin. Motion passed 5-0

B: PUBLIC HEARING:RZ-97-005,BRAHMA LAND & DEVELOPMENT 47.2 ACRES REZONED FROM LM TO HM-1-DRY CEMENT DISTRIBUTION FACILITY:
Motion was made and seconded to go into public hearing. Motion passed 5-0.
Mr. McFarland stated this was a rezoning application by Brahma Land Corp. A rezoning proposal had been heard several months ago. Located on Peachtree Ind Blvd. A portion of the property was zoned LM. The request was made to rezone this property to HM-1 to allow for industrial park and outdoor storage. Also required under the HM-1 zoning is access to a railroad spur. The proposed use is for a cement distribution center. Railroad cars would bring in dry cement which would be stored in a silo. After a disturbance from the developers of the apartment project, Mr. McFarland was allowed to continue. Access would be from Peachtree Industrial, rail access from the rear of the property. The dry cement would leave the property in tanker trucks. The planning commission had at least two meetings on this project. They had request that the company move the site so it would not be so close to the residential section. The company complied, resubmitted their plans, the planning commission reviewed them and recommended approval. The developers of the project were present to do a presentation. This also had the approval of the ARC.
Mr. George Aubruy of 4555 Secret Cove Court opposed the rezoning due to its close proximity to residential area. He knew the City needs income, but he felt this was not the way to generate that income. He asked the council to please listen to the citizens and vote no on this project.
Me. Lou Esinberg of 4570 Secret Cove Court stated that he too, was opposed to the dry cement project. He felt the City had done everything possible to minimize the impact of this project on the homeowners. He felt that the best way to protect the value of one's home was to make sure the zoning around homeowners was compatible with the residential area He felt if this property was zoned commercial and a rail spur allowed, the company would make a profit then move out, leaving the area open to perhaps another asphalt plant. He felt the city should take a stand on being a residential community. He wanted the council to vote no on this project.
Mr. Joe Herrara of 1032 Secret Trail stated he was opposed to this rezoning. He felt if this was done there would be nothing to stop this company from selling to another commercial company, which could turn out to be another asphalt plant. If it were zoned commercial, there would be little the city could do to stop it. He also asked that the council vote no on this project.
Mr. Steve Avery and Mr. Dave Kennedy, both of whom work for Medusa ,represent the company that is trying to put in the cement terminal. They told how they had revised their plans to comply with the planning commission so that their would be little or no impact on the residential area. They had presented several people they have done business with in other areas. They explained this is an enclosed business and it shouldnot be a health hazard to anyone. Several residents had questions they wanted to ask.

PUBLIC HEARING CONT,D

Some of the questions concerned the number of rail cars per day, which would be 1 switch a day with 6 cars. What about dust, it is a closed facility and there would be little or no dust. Would this create an increase in the traffic flow and what about road noise. Would they run a 24 hour operation, it will only run an 8 hour day. 5 days a week. Where they prepared for train derailments and traffic accidents involving the tanker trucks. Should this occur, there should be no hazard to the community. They stated they had no plans to work 24 hours a day and their employees were not required to wear any type of mask. After many questions were asked and answered, a motion was made to go back in general session. Motion passed 5-0. Letters that Mr. Avery and Mr. Kennedy had from people in towns where they have other plants located were read into the record. Council Member Baird told Mr. Avery that he believed the city needed this plant but felt it was not being built in the right place. He felt that in the future Peachtree Industrial would become more of a retail area and this plant just did not fit that image. Council Member Bailey felt Medusa was a good company but two things bothered him. One: was the location so close to a residential area. Two: If they allow an HM-1 zoning at this location more would follow. He would like to have their business but at a different location. Mayor Pro-Tem Pugh stated he had worked with this company for about a month. When this project first came up he was opposed to the project but after sitting down with them and expressing his concerns, they agreed to all the changes that were brought up. The company was willing to make all these changes and he felt that this project should be passed. Council Member Davis stated he welcomed this company to Sugar Hill but felt there was a better location for their plant. Council Member Spradlin stated that this was a lot of responsibility for the council. He stated that this company had done everything that the council had asked but because the people did not want this he would not vote for or against this project. He also felt that the council was sending a message to other companies not to come to Sugar Hill because your request for rezoning would not be approved based on emotions. The motion to approve failed 3-1 with 1 abstaining.

At 11:25 p.m. the Mayor turned the meeting over the Mayor Pro-Tem Pugh. He called for a 5 minute recess. Meeting reconvened at 11:30 p.m..

C. ELECTION UPDATE:
Due to the lateness of the hour, Mr. McCalla had gone home. A motion was made and seconded to table this item until next month. Motion passed 4-0. .

D. PUBLIC HEARING:ADOPTION FOR NEW 1997 ZONING ORDINANCE:
A motion was made and seconded to go into public hearing on adopting the new zoning ordinance. Motion passed 4-0. Mr. McFarland stated that the planning commission recommended approval of the new zoning ordinance with a few minor changes. Two definitions were changed, one was the definition of a basement , the other was what is a story. Accessory uses included recreational vehicles, he stated that these could not be parked on the street has to be parked in back or side yard and no more than two of those. Verbiage about livestock was deleted. He made a change to the HM-2 requirements which dealt with rendering plants, etc that he felt would not be in Sugar Hill. RG-80 zoning was changed to RM which would take effect in Sept. RM stands for multi family. No comments from the public. A motion was made and seconded to go back in regular session. Passed 4-0 City Attorney Thompson read a draft of the zoning ordinance. A motion was made and seconded to adopt the new zoning ordinance. Motion passed 4-0

NEW BUSINESS CONT'D

E. DEVELOPMENT,DRAINAGE & ENFORCEMENT REGULATIONS:
Mr. McFarland stated that this would also include the Buffer Land Tree Ordinance. The only change was giving credit for trees in a construction zone. He explained that there was little difference in these ordinances and the ones that already existed. The one major change was on 2 patch streets The contractor would have to do the streets a certain way and provide insurance. Otherwise, there were no other changes the regulations now read like they come from Sugar Hill and not the county. There were no other comments. A motion was made and seconded to adopt the regulations. Motion passed 4-0.

F. ACCEPT ANNEXATION APPLICATION-AX-97-JSA & ASSOCIATES-10.57 ACRES:
Mr. McFarland stated this was just starting the process of annexation. When someone submits a request for annexation it has to be accepted and this is what this item is. A motion was made and seconded to accept the annexation. Motion passed 4-0

G. 1996 AUDIT:
Mr. Don Briscoe stated the audit was due back from the printers any day now. He gave a brief overview of how the city had done in 1996. He expressed his thanks to Kelley Canady and other members of the staff who had helped him with this audit.

H. 5 YEAR EMPLOYEE SERVICE-TONY BAUMAN:
This item was taken care of at the beginning of the meeting. No action taken.

I. RECREATION BOARD APPOINTMENTS:
There were two vacancies on the recreation board. Based on recommendations from Council Members Davis and Spradlin, Mayor Pro-Tem Pugh appointed Mr. Paul Cross, and Mrs. Leigh Bailey. If Mr. Dave Edwards decides not to serve then Mrs. Meg Avery will fill his position.

J. GWINNETT COUNTY PARK ORDINANCE:
City Manager Nevad stated that City Attorney Thompson read the new park ordinance in order for the county police to enforce patrolling the park. A motion was made to adopt this ordinance. Motion passed 4-0

K: PARK POLICY AUTHORIZATION:
A motion was made and seconded to accept this policy to allow the YMCA access to the park. YMCA would be given first priority to hold events after all city functions. Council Member Baird wanted to know if this would affect any grants the city might be entitled to. City Attorney Thompson stated that this just gave the YMCA first choice in the scheduling. Motion passed 4-0

L. YMCA APPROPRIATION:
Mr. Davis asked Mr. Wagner to make this presentation. He told the amounts needed to rent the gym at the school plus a janitorial fee. For 6 hours a day, 5 days a week for 4 weeks would be $3240. The YMCA would pay half, leaving the city to pay a total of $1620. A motion was made and seconded to approve the appropriation. Motion passed 4-0.

NEW BUSINESS CONT'D

M. DRAINAGE APPROPRIATION:
City Manager Nevad stated that in the 1997 Budget $50,000 was approved for drainage . For some of the projects that need to be completed the city needed to appropriate $25,000. $10,000 of this would come from the gas department, due to down sizing in that department. The other $15, 000 would come from the recreation department. A motion was made and seconded to approve this appropriation. Council Member Spradlin was concerned about taking the money from the recreation department. It was suggested it come from the contingency fund. The motion was amended to take it from this fund. Motion passed 4-0

N. SUGAR HILL GOVERNMENT:
City resident Brenda Rich stated there were several issues she wanted to discuss. One item was Mr Everett Moore who runs a produce stand on Old Atlanta Highway. Mr. Moore was issued a business license by the city but now he is being told that he has 6 months to move. However, in Frontier Forest there was a commercial business being run out of a home. There had been numerous complaints from residents in that area. She quoted several ordinances that prohibited this type of business in a residential area. After more discussion on this problem, City Attorney Thompson told Mrs. Rich she should place her complaint with the Appeals Board or P & Z Board. She made a request that the council meet with her in executive session with her about some serious charges. She wanted an exclusion in this meeting plus a citizen who had no political ties with any of the council members. The Council Members stated that the rights of any one being accused should be handled in private. Private citizens could not meet in executive session with the council. City employees would be allowed. Mayor Pro-Tem Pugh suggested that she talk to the City Attorney so that he could relay her charge to them. This was agreeable to Mrs. Rich only if would be investigated.

O. APPROPRIATE MONEY FOR TOP 25 BUSINESSES:
Mayor Pro-Tem Pugh wanted to appropriate at least $2500. to have a dinner for the top 25 businesses at the Golf Course. Council Member Baird expressed his concern over all these appropriations. Mr. Pugh stated this was to promote good will between the businesses and the city. A motion was made to approve and seconded. Motion passed 4-0

CITY CLERK'S REPORT:
Clerk Gibbs had nothing to report.

CITY MANAGER'S REPORT:
Congratulated Joe Appling on becoming a certified land fill operator, also Kelley Canady for completing Level I in the finance program. Expressed his condolences to the family o f Ken Cain and wished Danny Hughes a speedy recovery.

COUNCIL REPORTS:
Council Member Bailey stated it had been an exciting evening. Some items had not turned out as he had wanted.
Council Member Baird congratulated Joe Appling , the Recreation Board appointments. He thanked Mrs. Rich for coming.
Council Member Spradlin had the same feelings as Council Member Bailey
Council Member Davis echoed Mr. Bailey.
Council Member Pugh thanked everyone for keeping their cool and taking care of

business. He also thanked Mrs. Rich for coming.

A motion was made to go into executive session. Motion passed 3-0-1 abstention.

No action was taken as a result of the executive session. Meeting adjourned at 1:00 a.m.

ADMINISTRATIVE REPORT

PLANNING & DEVELOPMENT, BUILDING INSPECTIONS DEPARTMENT

JULY 1997

PRINTED: 8-4-97

Kimberly B. Landers

1997 PLANNING AND DEVELOPMENT MONTHLY REPORT

PERMIT TYPES	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEPT	OCT	NOV	DEC	YTD TOTAL
AD - ADDITION/GARAGE PERMITS	1	0	0	2	1	1	1						6
CC- CITIZENS COMPLAINTS NEW/ JUL							10						
CM - COMMERCIAL	2	0	1	1	3	2	1						10
CT - CONSTRUCTION/SALES TRAILER	2	1	6	1	1	1	1						13
DL - DEMOLITION	1	0	0	0	1	1	0						3
DP - DEVELOPMENT PERMIT	1	0	2	2	12	2	1						20
FP - FENCE	2	2	4	7	8	0	5						28
GP - GRADING PERMIT	0	0	0	1	0	0	2						3
MI - MISCELLANEOUS/COMPLIANCE	10	8	6	4	2	5	6						41
MN - NEW MOBILE HOME	3	1	1	1	0	2	1						9
PP - POOL PERMIT	0	0	2	0	2	0	1						5
RF - REVIEW FEES	0	2	2	1	2	1	2						10
RM - REMODELING PERMITS	1	1	1	2	2	2	2						11
SB - STORAGE BUILDING	3	0	4	1	1	0	1						10
SF - SINGLE FAMILY	25	37	24	20	33	51	14						204
SP - SIGN PERMIT	3	4	3	1	0	6	4						21

AV - ADMINISTRATIVE VARIANCE	0	12	0	3	4	3	1						23
VA - APPEALS VARIANCE	4	0	1	1	4	1	1						12
AX - ANNEXATION APPLICATIONS	1	0	0	0	0	1	0						2
RZ - REZONING APPLICATIONS	1	1	1	2	0	2	0						7
CERTIFICATES OF OCCUPANCY	15	22	25	34	45	17	33						191
GAS TAPS ISSUED	36	61	40	26	62	65	32						322
BUILDING INSPECTIONS	243	289	347	369	336	381	420						2385

PREPARED BY: KIM LANDERS PRINTED: 08-04-97

BASE FEE TRANSACTION SUMMARY DURING THE PERIOD 07/01/97 THROUGH 07/31/97

PERMITS ISSUED DURING THE PERIOD 07/01/97 THROUGH 07/31/97

THIS REPORT WAS PRINTED ON AUGUST 1, 1997

CITY OF SUGAR HILL

PERMIT TYPE AND DESCRIPTION	# OF PERMITS	VALUATION	FEES DUE	FEES PAID
AD - ADDITION/GARAGE PERMIT	1	0.00	273.60	273.60
AV - ADMINISTRATIVE VARIANCE	2	0.00	300.00	300.00
CC - CITIZENS COMPLAINTS	10	0.00	0.00	0.00
CM - COMMERCIAL PERMIT	1	0.00	1,740.00	1,740.00
CT - CONSTRUCT/SALES/TEMPORARY USE	1	0.00	100.00	100.00
DP - DEVELOPMENT PERMIT	1	0.00	700.00	700.00
EC - ENERGY CODE AFFIDAVIT	1	0.00	0.00	0.00
EL - ELECTRICAL AFFADAVIT	22	0.00	0.00	0.00
FP - FENCE PERMIT	5	0.00	0.00	0.00
GP - GRADING PERMIT	2	0.00	500.00	500.00
ME - HEATING/AIR AFFADAVIT	20	0.00	0.00	0.00
MH - MOBILE HOME INSTALLER AFFIDAVIT	2	0.00	0.00	0.00
MI - MISCELLANEOUS-COMPLIANCE PERMIT	6	0.00	150.00	150.00
MN - MOBILE HOME INSPECTION NEW	1	0.00	100.00	100.00
PL - PLUMBING AFFADAVIT	18	0.00	0.00	0.00
PP - POOL PERMIT	1	0.00	25.00	25.00
RF - REVIEW FEES	2	0.00	1,650.00	1,650.00
RM - REMODELING PERMIT	2	0.00	445.00	445.00
SB - STORAGE BUILDING/GARAGE	1	0.00	25.00	25.00
SF - SINGLE FAMILY RESIDENTIAL	14	1,192,400.00	10,065.00	10,065.00
SIGN PERMIT	4	0.00	325.00	325.00
TL - TRADE LICENSE REGISTRATION	13	0.00	100.00	100.00
TP - TAP & METER PAYMENTS	18	0.00	5,646.00	5,646.00
VA - APPEALS VARIANCE	1	0.00	150.00	150.00
TOTALS FOR ALL PERMIT TYPES	149	1,192,400.00	22,294.60	22,294.60

BASE FEE TRANSACTION SUMMARY DURING THE PERIOD 07/01/97 THROUGH 07/31/97

THIS REPORT WAS PRINTED ON AUGUST 1, 1997

CITY OF SUGAR HILL

DATE	#	RESIDENTIAL 1000-0001	COMMERCIAL 1000-0002	MISCELLANEOUS 1000-0003	MOBILE HOMES 1000-0004	DEVELOPMENT 1000-0005	GAS 1000-0006	WATER 1000-0007	SEWER 1000-0008
07/01/97	1	0.00	1285.00	0.00	0.00	0.00	455.00	0.00	0.00
07/02/97	1	0.00	0.00	10.00	0.00	0.00	0.00	0.00	0.00
07/07/97	3	448.60	0.00	0.00	0.00	0.00	0.00	0.00	0.00
07/08/97	2	50.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
07/09/97	2	616.40	0.00	0.00	0.00	0.00	570.00	0.00	0.00
07/10/97	6	1140.00	0.00	20.00	0.00	0.00	570.00	0.00	0.00
07/11/97	2	0.00	0.00	10.00	0.00	0.00	285.00	0.00	0.00
07/14/97	4	25.00	0.00	10.00	0.00	0.00	570.00	0.00	0.00
07/15/97	5	1207.20	0.00	0.00	0.00	0.00	570.00	0.00	0.00
07/16/97	2	0.00	0.00	0.00	100.00	250.00	0.00	0.00	0.00
07/17/97	3	1059.60	0.00	0.00	0.00	250.00	570.00	0.00	0.00
07/18/97	4	685.00	0.00	10.00	0.00	0.00	1163.00	0.00	0.00
07/22/97	3	1346.60	0.00	10.00	0.00	0.00	285.00	0.00	0.00
07/23/97	2	0.00	0.00	20.00	0.00	0.00	0.00	0.00	0.00
07/24/97	13	0.00	445.00	0.00	0.00	0.00	3220.00	0.00	0.00
07/25/97	1	0.00	0.00	0.00	0.00	700.00	0.00	0.00	0.00
07/28/97	1	0.00	0.00	10.00	0.00	0.00	0.00	0.00	0.00
07/29/97	1	740.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
07/30/97	10	1405.20	0.00	0.00	100.00	0.00	1833.00	0.00	0.00
07/31/97	1	250.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTALS	67	8973.60	1730.00	100.00	200.00	1200.00	10091.00	0.00	0.00

Non-existing Categories	0.00
Current Categories	22294.60
Grand Total	22294.60

SUBDIVISION LOT AVAILIBILITY LIST

Available Lots	Subdivision	Near What Major Street	Permits Issued	C.O.'s Issued	Lots Not Built On	City Gas
148	Abingdon Place	Whitehead Road	124	105	24	X
134	Arbor Clos	Highway 20	116	79	18	X
25	Bellmont Estates	Price Drive/Suwanee Dam Road				X
112	Bent Creek	Level Creek Road	110	110	2	X
7	Brandon Oaks	Austin Garner Road	6	6	1	
26	Brookside at Parkview	Parkview Mine Drive	26	26	0	X
39	Emerald Lakes IV	Cumming Highway	36	34	3	X
471	Wild Timber	Cumming Highway/MECA				
73	Hillcrest Glenn	Hillcrest Drive	54	35	19	X
131	Lakefield Forest	Level Creek Road	130	130	1	X
174	Princeton Oaks	Riverside Road	150	133	24	X
81	Richland Creek Unit I	Sycamore Road	31	24		X
106	Saddle Tree	Suwanee Dam Road	63	48	43	X
116	Secret Cove	Old Suwanee Road	116	115	0	X
96	Sugar Crossing	Austin Garner Road	95	94	1	X
34	Sugar Hill Plantation	Old Cumming Highway	5		29	X
178	Sycamore Summit	Sycamore Road/Riverside Road	178	178	0	X
57	The Glens at Sugar Hill	Hillcrest Drive	7	1	50	X
14	The Lakes at Riverside	Riverside Road	14	13	0	
51	The Links	Suwanee Dam Road	16	9	35	
156	The Oaks at Lanier	Highway 20	141	127	15	X
88	The Springs I	Highway 20	84	67	4	X
50	West Price Hill	West Price Road	47	46	3	X

Printed By: Kim Landers UPDATED: 07-09-97

1995 - 1997
COMMERCIAL PROJECT
LIST

PROJECT NAME	ADDRESS	ANNEXED	REZONED	CHANGE FROM	CHANGE TO	DEVELOP PERMIT	BLDG. NEW PERMIT	REMODEL PERMIT	ADDITION PERMIT	CERTIFICATE OF OCCUPANCY
GOLF COURSE CLUBHOUSE	6094 SUWANEE DAM ROAD						04-04-95			03-02-96
SONNY SMITH TRUCKING	563 BUFORD HIGHWAY					08-15-95	08-17-95			09-19-96
FREDRICK EQUIPMENT BLDG.	N.G. CENTER BLDG 4 SUITE D					08-25-95	08-25-95			03-02-96
GWINNETT GASTROENTEROLOGY	4700 HIGHWAY 20							9/5/95		01-29-96
BLOCKBUSTER VIDEO	1496 BUFORD HIGHWAY					09-18-95	09-18-95			01-29-96
S.H. UNIT. METH CHURCH-GYM	4600 HIGHWAY 20					09-27-95	10-17-95			3/27/96
	7-274-004 A PORTION OF		12-11-95	HM-1	BG					
N.G. DENTAL CARE	4901 ALTON TUCKER BLVD.							12/8/95		04-12-96
DR. MICHAEL PHELAN	4530 NELSON BROGDON BLVD.					01-02-96	01-03-96			12-06-96
MEMORIES OF A LIFETIME	4450 HIGHWAY 20 SUITE							1/5/96		01-26-96
B.T. BALTIMORE	7-253-008		01-08-96	HM-1	BG					
CITIZENS BANK	4450 HIGHWAY 20 SUITE							1/19/96		08-14-96
S.H. STATION SHELL ADDITION	1498 BUFORD HIGHWAY						02-06-96			01-29-96
INCHAPE TESTING SERVICES	1180 BUFORD HIGHWAY					01-11-96	02-27-96			03-29-96
COLONIAL LIGHTING	120 P'TREE IND. BLVD.		12-11-95	HM-1	BG	02-07-96	03-11-96			07-03-96
JOHNSON REALTY	4450 HIGHWAY 20 SUITE						03-18-96			04-12-96
PAPA JOHN'S	1498 BUFORD HIGHWAY SUITE B							4/9/96		07-03-96
FABRIC CARE DRY CLEANERS	1498 BUFORD HIGHWAY SUITE A							4/30/96		06-28-96
MAIL BOXES ETC.	1498 BUFORD HIGHWAY SUITE C						10-04-96			01-18-97
VARI BEST HOMES	5610 HIGHWAY 20		05-13-96	RS-150	OI					
CAR CARE AMERICIA	07-253-013 A PORTION OF		06-10-96	HM-1	BG	09-24-96	09-25-96			12-06-97
SHONEY'S	4500 HIGHWAY 20							6/6/96		08-14-96
G.A. EXPO INC.	350 BUFORD HIGHWAY						07-11-96			
JACKSON SERVICES	4614 PINECREST DRIVE					07-18-96	08-15-96			4/14/97
AAMCO PAVING	355 BROGDON ROAD		10-09-95	HM-1	HM-2	RECINDED 7-11-96				VOID
AAMCO PAVING	385 BROGDON ROAD					11-01-96	12-18-96			6/19/97
AAMCO PAVING MNT. BLDG.	385 BROGDON ROAD					11-01-96	12-02-96			6/19/97
BRICKTON PARTNERS	4705 HIGHWAY 20					06-12-96	08-13-96 CT			EXP 02-13-97
ONEX DEVELOPMENT- REDCO	5000 HIGHWAY 20					06-20-96	5/19/97			
ONEX DEVELOPMENT - MR. TRANS	5042 HIGHWAY 20					4/14/97	5/19/97			
BUFORD PRESBYTARIAN CHURCH	1242 BUFORD HIGHWAY					08-06-96				
ROBERT S. JORDAN	7-274-002A		*		LM					
CHARLES HOLLOWAY	679 BUFORD HIGHWAY 23	11-11-96	*	M-1	LM	UNDER REV.		-	¿	
M.P. EQUIPMENT	380 BUFORD HIGHWAY									
NEW TRI-COUNTY MEDICAL BLDG	4720 NELSON BROGDON BLVD					11-21-96	12-06-96			6-19-97 TEMP
GREAT BEGINNINGS DAY CARE	1191 LEVEL CREEK ROAD					3/19/97	3/19/97			
THE SAXON GROUP INC.	249 NORTH PRICE ROAD		2/10/97	RS-100	BG			2/13/97		2-24-97 TEMP
BROGDON ROAD ASSOCIATES	355 BROGDON ROAD					3/6/97	7/1/97			
KSM CONSTRUCTION INC.	4200 JENKINS DRIVE					6/11/97	6/11/97			
J & K PLUMBING	4220 JENKINS DRIVE					6/26/97	6/26/97			

Printed By: Kim Landers UPDATED: 08-04-97

CITY OF SUGAR HILL

PERIODIC REPORT OF PERMITS ISSUED (GROUPED BY REPORT CODE)

DATE RANGE: 07/01/97 TO 07/31/97 Printed on: AUGUST 1, 1997

	CODE	PRMS	VALUATION	FEES DUE	UNITS
NEW RESIDENTIAL HOUSEKEEPING BLDGS:					
* Single Family Houses Detached	101	14	1,192,400.00	10,065.00	0
* Single Family Houses Attached	102	0	0.00	0.00	0
* 2 Family Building	103	0	0.00	0.00	0
* 3 and 4 Family Buildings	104	0	0.00	0.00	0
* 5 or More Family Buildings	105	0	0.00	0.00	0
NEW RESIDENTIAL NON-HOUSEKEEPING BL:					
* Hotels, Motels & Tourist Cabins ..	213	0	0.00	0.00	0
* Other Non-Housekeeping Shelter ...	214	0	0.00	0.00	0
NEW NON-RESIDENTIAL BUILDINGS:					
* Amusement, Social, & Recreational	318	0	0.00	0.00	0
* Churches & Other Religious	319	0	0.00	0.00	0
* Industrial	320	0	0.00	0.00	0
* Prkng Garages (Blds & Open Decked)	321	0	0.00	0.00	0
* Service Stations & Repair Garages	322	0	0.00	0.00	0
* Hospitals & Institutional	323	0	0.00	0.00	0
* Offices, Banks, & Professional ...	324	0	0.00	0.00	0
* Public Works & Utilities	325	0	0.00	0.00	0
* Schools & Other Educational	326	0	0.00	0.00	0
* Stores & Customer Services	327	1	0.00	1,740.00	0
* Other Non-Residential Bldgs	328	0	0.00	0.00	0
* Stuctures Other than Buildings ...	329	0	0.00	0.00	0
ADDITIONS, ALTERATIONS, & CONVERSION					
* Residential	434	1	0.00	273.60	0
* Non-Residential & Non-Housekeeping	437	1	0.00	0.00	0
* Adds of Resid. Garages (Atch/Detc)	438	1	0.00	25.00	0
DEMOLITIONS AND RAZING OF BUILDINGS:					
* Single Family Houses (Atch/Detach)	645	0	0.00	0.00	0
* 2 Family Buildings	646	0	0.00	0.00	0
* 3 & 4 Family Buildings	647	0	0.00	0.00	0
* 5 or More Family Buildings	648	0	0.00	0.00	0
* All Other Buildings and Structures	649	0	0.00	0.00	0
TOTALS FOR PERMITS SHOWN ABOVE		18	1,192,400.00	12,103.60	0
Totals of other permits in the period		131	0.00	10,191.00	0
TOTAL FOR ALL PERMITS IN THE PERIOD		149	1,192,400.00	22,294.60	0

SUMMARY OF INSPECTIONS COMPLETED BY INSPECTOR ID DURING THE PERIOD 07/01/97 THROUGH 07/31/97

THIS REPORT WAS PRINTED ON AUGUST 1, 1997

CITY OF SUGAR HILL

<< STATISTICAL BREAKOUT >>

	<---------- Inspections ---------->			<---------- Re-Inspections ---------->			Based On # Activities
# ACTIVITIES	INSPECTIONS (I)	PASSED	CORRECTIONS	RE-INSPECTIONS (R)	PASSED	CORRECTIONS	RE-INSPECTIONS REQUIRED
420	285	172	110	135	107	26	135
	% INSPECTIONS	% PASSED	% CORRECTIONS	% RE-INSPECTIONS	% PASSED	% CORRECTIONS	% RE-INSPECT. REQUIRED
	68	60	39	32	79	19	32

INSPECTOR ID BREAKDOWN

TONY - Building Inspections - 254
JOE - Building Inspection - 145
Ellis Lamme' - Development Inspections - 21

TOTAL INSPECTIONS - 420

PLANNING COMMISSION MEETING
MONDAY, JULY 21, 1997 - 7:00 P.M.

MINUTES

The Planning Commission met on Monday July 21, 1997 at 7:00 p.m.

Those present were: Chairman Jay Asgari, Vice Chairman Granville Betts, Board Member Ed Entrekin, Larry Newberry, and Bob Parris, Administrative Assistant Kimberly B. Landers, and Acting Planning Director Don McFarland.

Meeting called to order at 7:10 p.m.

Chairman Jay Asgari led in the pledge to the flag.

Reading and Approval of Previous Minutes
Vice Chairman Granville Betts made a motion to approve the June 16, 1997 minutes, seconded by Board Member Larry Newberry, and approved unanimously by those present.

ANNEXATIONS/REZONINGS

AX-97-002 **MAP# 7-254-025 & 7-254-044**

JSA & ASSOCIATES INC. is requesting to annex 10.57 acres off Brogdon Road. This property is currently zoned M-1 in the County and the applicant is requesting a HM-1 zoning for the use of an Industrial Park containing 8 lots.

Cliff Sandoz one of the partners of JSA is present to answer any questions that the member of the board might have. Mr. Sandoz informed the member of the board that they don't have any specific use for the lots at this time, however they do have a buyer interested in approximately 2 acres beside the tract in which they will be developing. **Board Member Ed Entrekin Made A Recommendation For The Mayor And Council To Approve This Annexation Request For Ax-97-002 With A Hm-1 Zoning, Seconded By Vice Chairman Granville Betts, And Approved Unanimously By Those Present.**

RZ-97-007 **MAP# 7-292-061 & 7-292-198**

CKAS, INC. is requesting to rezone 0.578 acres off First Avenue, (A.K.A. East Broad Street) form RS-100 to BG for the purpose of a retail sales for Portable Buildings, Truck Accessories, and used Automobile Sales.

No one was present to speak in behalf of the applicant. Acting Planning Director Don McFarland explained the applicants request to the members of the board. Administrative Assistant Kim Landers contacted the Applicant to inform him of the meeting and his father stated that he would be there as soon as possible.

In the mean time, Mr. McFarland present the members of the board with a concept plan for Fairgreen Development, formerly known as MECA and discusses the developers intentions for developing this 471 lot project.

J.C. Knight arrived who is the father of Chris Knight, the applicant who is requesting the rezoning for RZ-97-007. Mr. Knight stated that they intend to have an office off of First Avenue and the initial entrance will be off Highway 20 which currently has a paved drive at this time. Mr. Knight stated that they intended to have a paved parking area but would like to keep gravel where the buildings will be loaded and unloaded because it's easier to move them around on the gravel. Concerned citizens present for this discussion was Bob Waogner, Meg Avery, and Rose Payne. **Board Member Ed Entrekin Made**

MINUTES

A Motion For The Mayor And Council To Approve This Variance Request For RZ-97-007 With The Stipulation That They Comply With The Requirements Of The Newly Adopted Zoning Ordinance, Buffers, And Paving For The Entrance And Parking. They Also Must Obtain A Letter From The Adjoining Residential Property Owner On The Buffer Agreement, Seconded By Vice Chairman Granville Betts, And Approved Unanimously By Those Present.

Chairman Jays Asgari stated that if there was no other business to discuss then he suggested adjourning.

BOARD MEMBER COMMENTS

CITIZENS COMMENTS

Citizens Meg Avery and Rose Payne stated that they had not discussed all the items on the agenda.

OUTDOOR STORAGE VIOLATIONS

Mrs. Landers reported that Mr. Wilson has now brought his property into full compliance, and that J.P. Lord's time period has expired but Mr. Nevad met with him and because he was making an effort to clean this up, he's given him an additional 30 days to continue cleaning up.

Mr. McFarland asked the member of the Board if they had any questions regarding the rezonings in proximity to the City. Limited discussion held but no major issues were discussed.

ADJOURNMENT

Board Member Bob Parris made a motion to adjourn, seconded by Board Member Larry Newberry, and approved unanimously by those present.

Meeting adjourned at 8:25 p.m.

APPEALS BOARD MEETING
MONDAY, JULY 28, 1997 - 7:00 P.M.

M I N U T E S

The Appeals Board met on Monday, July 28, 1997 at 7:00 p.m.

Those present were: Chairman Ed Phillips, Board Members George Crimmins, and Bill Parker, and Olin Holly, and Administrative Assistant Kim Landers. Absent Board Member Ben Gravitt.

Meeting called to order at 7:05 p.m.

Chairman Ed Phillips led in the Pledge to the flag.

READING AND APPROVAL OF PREVIOUS MINUTES

Board Member George Crimmins made a motion to approve the June 23, 1997 minutes, seconded by Board Member Olin Holly, and approved unanimously by those present.

VARIANCE REQUEST

VARIANCE # 97-01298 JSA & ASSOCIATES INC. is requesting a variance to allow crusher run parking lot surface for track equipment which would render asphalt paving in constant repair. Cliff Sandoz is present to speak in behalf of the this variance request. Mr. Sandoz stated that Mike Gross and Burch Lowe would be the owners of the property, and that this site would be paved at the entrance and in the front of the office, they would only have crusher run where the track equipment would be placed. Discussion held. **Board Member Bill Parker made a motion to grant the variance request in order to allow crusher run parking for the track equipment only, seconded by Board Member George Crimmins and approved unanimously by those present.**

CITIZEN COMMENTS

BOARD MEMBER COMMENTS

ADJOURNMENT

Meeting adjourned at 7:25 p.m.

√ **UNOFFICIAL** **DATE APPROVED: ___/___/__**

Finance Report
July 1997

The ending balance in the General Fund checking account for July was $57,191.04

Funds had to be transferred from the LGIP to pay June's gas bill and for gas improvements being made on West Price Road which leaves a balance of $808,486.88

I am still training Shirley Gibbs on the payroll system. I have started training Ruth Switzer on the accounts payable system. Both are catching on to the new system very well.

We have received reimbursement from the State for the widening of Peachtree Industrial Blvd. We have also received reimbursement from the County for 1996 Storm Water Additions.

We will be receiving the Paving Tax from the County in the next month or so.

PiedmontOlsenHensley

A Geraghty & Miller Company

July 9, 1997

Mr. Warren P. Nevad
City Manager
City of Sugar Hill
4988 N. Broad Street
Sugar Hill, GA 30518

Re: Agreement for Professional Services
Pond Topographic Surveys at Sugar Hill Golf Course
POH Proposal No. 880.60.00.97206

Dear Warren:

Enclosed are two copies of an Agreement for Professional Services with appendices A, B, and C. If the Agreement meets with your approval, please execute both copies, retain one copy for your files, and return one to us.

We appreciate the opportunity to work with you on this project. Please call us if you have any questions.

Sincerely,

PIEDMONT OLSEN HENSLEY, INC.

Garey L. Simpson, PG
Project Manager

cet
Enclosure

cc: Scott Payne
Wade Queen
Jeff Hefner
David Gauker
Bill Johnson

Baird - Motion
Pough - 2nd.
5-0

3200 Professional Parkway
Suite 200
Atlanta, GA 30339
Phone: 770 952 8861
Fax: 770 984 1160

Agreement for Professional Services

To: City of Sugar Hill (CLIENT)
4988 N. Broad Street
Sugar Hill, GA 30518

1. Piedmont Olsen Hensley, Inc. (POH) will provide professional services in connection with pond topographic surveys at the Sugar Hill Golf Course in Sugar Hill, Georgia.

2. POH will perform field topographic surveys and prepare a letter report with recommendations.

3. For services designated above and further defined in attached Appendix B, "Scope of Services," POH will be paid a lump sum fee of $2,950.00 per pond ($14,750 for five ponds).

4. Additional services may be performed when authorized in writing by CLIENT. Charges for these services shall be on an hourly rate basis in accordance with Appendix C, "Method of Charging for Professional Services."

5. Payment is due upon completion of the project.

CLIENT agrees to make payment upon receipt of invoice. CLIENT further agrees to pay a service charge equal to one and one-half percent (1½%) per month for all balances unpaid after thirty (30) days from applicable invoice dates.

Appendices A, B, and C, attached hereto, are made a part of this Agreement as if herein written. This Agreement is for acceptance within forty-five (45) days from July 9, 1997.

Your acceptance of this Agreement will serve as our authorization to proceed with the work outlined herein.

ACCEPTED FOR
CITY OF SUGAR HILL

By: _____

_____

Title: _____

Date: _____

ACCEPTED FOR
PIEDMONT OLSEN HENSLEY, INC.

By: W. Wynne Grubbs, Jr.

W. Wynne Grubbs, Jr., PE

Title: Vice President

Date: July 9, 1997

General Provisions

1. Salary costs shall be defined as salaries and wages paid to all POH's personnel engaged directly on the project including, but not limited to, engineers, architects, surveyors, designers, drafters, specification writers, estimators, other technical and business personnel; plus the cost of customary and statutory benefits including, but not limited to, social security, unemployment, and other payroll taxes; health and retirement benefits; sick leave; vacation and holiday pay; and other group benefits. Direct non-salary expenses include subcontract, travel and subsistence, computer and CADD service charges, communications, field supplies, reproduction, and other project-related expenses.

2. It is understood that under "Construction Phase Services" and "Resident Observation during Construction" POH will attempt to protect the CLIENT against defects and deficiencies in work of the contractor, but POH does not guarantee the contractor's performance, nor does POH assume any duty to supervise construction and safety procedures followed by any contractor or subcontractor and/or their respective employees or by any other person at the job site; nor any liability to the contractor, subcontractor, their employees or any other person; nor for any public liability of property damage caused through acts of the contractor, subcontractor, their employees, or any other person.

3. The CLIENT shall not assign, sublet, or transfer interest in this Agreement without prior written consent of POH.

4. This Agreement shall not be modified except by an instrument in writing under the hands of both parties hereto. No oral representations by employees of POH shall affect or modify any of the terms or obligations contained in this Agreement and none of the provisions of this Agreement shall be held to be waived or modified by reason of any act whatsoever as mutually agreed in writing.

5. In the event of termination of the Agreement, POH shall be paid the amount due it at the date of termination in accordance with the terms for payment set forth in this Agreement for those items of work completed.

6. It is understood and agreed that the maximum liability of POH with respect to or arising out of the obligations hereunder and any duty assumed relative to the obligations arising out of this Agreement, whether explicit, implicit, or contemplated, shall be limited to the amount the CLIENT agrees herein to pay POH for services to be performed hereunder, and no default or breach of covenant or duty shall impose or subject POH to a greater liability.

7. Should an attorney be required for collection of any payments due under this Agreement, CLIENT agrees to pay the full cost of collection, including attorney's fees, in addition to any other fee or payment due.

8. If included in "Scope of Services," POH will prepare an estimate of the probable construction cost of the project. Since POH has no control over the cost of labor, materials, or equipment; the contractor's methods of determining prices; or competitive bidding or market conditions, POH's opinions of probable costs are to be made on the basis of its experience and qualifications and represent its best judgment as a design professional familiar with the construction industry. POH cannot and does not guarantee that actual proposals, bids, or construction costs will not vary from opinions of probable cost prepared by POH. If the CLIENT wishes greater assurance as to construction costs, the CLIENT shall employ an independent cost estimator.

9. The purchaser of services from POH shall pay any applicable state sales tax in the manner and amount required by law.

10. This Agreement shall be assignable by POH to any company or firm with whom it merges or otherwise forms a consolidation.

Scope of Services

1. Piedmont Olsen Hensley, Inc. (POH) will survey up to 5 ponds within the Sugar Hill Golf Course treated wastewater retention system. The survey will provide pond topography suitable for determination of pond storativity (gallons). The topographic information will be presented on plan format for each pond at the scale of 1-inch equals 20 feet and with all ponds shown on one plan sheet at a scale of 1-inch equals 200 feet.

2. POH will prepare a letter report discussing pond topography and storativity, with recommendations for gauging devices and pond level management.

Method of Charging for Professional Services

For services rendered, compensation shall be computed based on the following schedule of fees and reimbursable expenses.

Fees:	
Personnel Classification	(per hour)
Principal/Senior Company Officer	$160.00
Company Officer/Division Manager/Project Director/IVHS Specialist	$125.00
Project Manager/Department Manager	$95.00
Senior Professional Engineer/Architect/Designer 4	$85.00
Professional Engineer/Architect/Designer 3/Senior Designer	$70.00
Designer 1 and 2	$50.00
Senior Professional Land Surveyor	$70.00
Professional Land Surveyor/Supervisor	$55.00
Survey Technician	$45.00
3-man Survey Crew	$95.00
2-man Survey Crew	$75.00
Senior Construction Manager	$65.00
Resident Observer	$45.00
Clerical/Secretarial	$35.00
Document Control Clerk	$35.00
Clerical	$30.00
Drafter/CADD Operator	$35.00
CADD Technician	$45.00
Purchasing Agent	$50.00
Scheduler	$45.00

Reimbursable Expenses: Reimbursable expenses are in addition to compensation for professional services and include out-of-pocket expenditures advanced in the interest of the Project.

Automobile, Company, or Personal Car	(per mile) $0.30
Travel, Subsistence, Postage, Long Distance Telephone, Outside Consultant, Misc. Expenses	cost + 15%
Per Diem Rate for Survey Personnel for Projects more than 100 miles from Atlanta, GA	$65.00/day
Facsimile Transmission/Reception	$0.25/page
Computer Machine Hours for CADD, Plotting Studies and/or Analyses	(per hour) $25.00

Reproduction Expenses:	(per sq. ft.)
Blueline Print	$0.15
Paper Sepia	$0.50
Mylar Sepia	$1.50
Xerox Bond	$1.00
Xerox Vellum	$2.00
Xerox Mylar	$2.50
CADD Plots (Vellum)	$0.60
CADD Plots (Mylar)	$1.50
Xerox Copies	(each) $0.15

Invoicing: Invoices shall be issued monthly for services rendered and are payable upon receipt.

Overtime Hours: POH will charge no premium for overtime hours worked by its employees on this Project.

Rate Changes: Scheduled rates for fees are subject to change with 30 days prior notice. Rates for reimbursable expenses are subject to change without notification.

Agreement for Professional Services

To: City of Sugar Hill (CLIENT)
4988 N. Broad Street
Sugar Hill, GA 30518

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Appendices A, B, and C, attached hereto, are made a part of this Agreement as if herein written. This Agreement is for acceptance within forty-five (45) days from July 9, 1997.

Your acceptance of this Agreement will serve as our authorization to proceed with the work outlined herein.

ACCEPTED FOR CITY OF SUGAR HILL		ACCEPTED FOR PIEDMONT OLSEN HENSLEY, INC.	
By:	_____	By:	W. Wynne Grubbs
	_____		W. Wynne Grubbs, Jr., PE
Title:	_____	Title:	Vice President
Date:	_____	Date:	July 9, 1997

Appendix A

General Provisions

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3. The CLIENT shall not assign, sublet, or transfer interest in this Agreement without prior written consent of POH.

4. This Agreement shall not be modified except by an instrument in writing under the hands of both parties hereto. No oral representations by employees of POH shall affect or modify any of the terms or obligations contained in this Agreement and none of the provisions of this Agreement shall be held to be waived or modified by reason of any act whatsoever as mutually agreed in writing.

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Appendix C

Method of Charging for Professional Services

For services rendered, compensation shall be computed based on the following schedule of fees and reimbursable expenses.

Fees:

Personnel Classification	(per hour)
Principal/Senior Company Officer	$160.00
Company Officer/Division Manager/Project Director/IVHS Specialist	$125.00
Project Manager/Department Manager	$95.00
Senior Professional Engineer/Architect/Designer 4	$85.00
Professional Engineer/Architect/Designer 3/Senior Designer	$70.00
Designer 1 and 2	$50.00
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Professional Land Surveyor/Supervisor	$55.00
Survey Technician	$45.00
3-man Survey Crew	$95.00
2-man Survey Crew	$75.00
Senior Construction Manager	$65.00
Resident Observer	$45.00
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Clerical	$30.00
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Automobile, Company, or Personal Car	(per mile) $0.30
Travel, Subsistence, Postage, Long Distance Telephone, Outside Consultant, Misc. Expenses	cost + 15%
Per Diem Rate for Survey Personnel for Projects more than 100 miles from Atlanta, GA	$65.00/day
Facsimile Transmission/Reception	$0.25/page
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Paper Sepia	$0.50
Mylar Sepia	$1.50
Xerox Bond	$1.00
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CADD Plots (Vellum)	$0.60
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Xerox Copies	(each) $0.15

Invoicing: Invoices shall be issued monthly for services rendered and are payable upon receipt.

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JULY 1997
GAS DEPARTMENT MONTHLY REPORT

NO.	SUPR REC'D	BLDR REQUEST	SUBDIVISION	LOT#	DATE COMPLETED
01	06/11/97	06/25/97	HILLCREST GLENN	44A	07/02/97
02	06/11/97	06/27/97	HILLCREST GLENN	72A	07/02/97
03	05/14/97	06/26/97	SADDLE TREE	13A	07/02/97
04	04/22/97	06/26/97	SADDLE TREE	27A	07/02/97
05	03/03/97	06/26/97	SADDLE TREE	105A	07/02/97
06	06/11/97	06/27/97	HILLCREST GLENN	35A	07/03/97
07	06/11/97	06/27/97	HILLCREST GLENN	37A	07/03/97
08	06/11/97	06/27/97	HILLCREST GLENN	71A	07/03/97
09	06/11/97	06/27/97	HILLCREST GLENN	70A	07/07/97
10	04/11/97	07/01/97	OAKS @ LANIER	50B	07/07/97
11	05/19/97	07/08/97	OAKS @ LANIER	91D	07/08/97
12	03/03/97	07/01/97	OAKS @ LANIER	56B	07/08/97
13	03/31/97	07/07/97	ARBOR CLOS	341B	07/09/97
14	02/24/97	07/01/97	GLENS OF SUGAR HILL	4C	07/09/97
15	05/30/97	07/08/97	RICHLAND CREEK	9A	07/09/97
16	03/13/97	07/08/97	RICHLAND CREEK	11A	07/09/97
17	03/13/97	07/08/97	RICHLAND CREEK	12A	07/09/97
18	08/21/97	07/02/97	SYCAMORE STATION	5A	07/09/97
19	06/17/97	07/02/97	SYCAMORE STATION	6A	07/09/97
20	05/19/97	06/25/97	ASCOT	41C	07/10/97
21	03/13/97	07/08/97	RICHLAND CREEK	11B	07/10/97
22	04/04/97	06/26/97	SADDLE TREE	21A	07/11/97
23	03/03/97	07/08/97	SUGAR HILL PLANTATION	5A	07/11/97
24	05/19/97	07/10/97	LENOX PARK	25A	07/16/97
25	05/19/97	07/10/97	LENOX PARK	26A	07/16/97
26	06/20/97	07/14/97	LEXINGTON MANOR	5A	07/16/97
27	07/14/97	07/14/97	SYCAMORE ROAD	5543	07/18/97
28	03/03/97	07/14/97	ASCOT	62A	07/21/97
29	04/11/97	07/14/97	ASCOT	127A	07/21/97
30	05/09/97	07/21/97	ASCOT	128A	07/21/97
31	07/21/97	07/21/97	CUMMING HWY (PUBLIX)	ST106	07/21/97
32	05/30/97	07/08/97	RICHLAND CREEK	21A	07/21/97
33	03/27/97	07/11/97	SUGAR HILL PLANTATION	26A	07/21/97
34	05/30/97	07/11/97	ABINGDON PLACE	64A	07/21/97
35	07/03/97	07/14/97	BROGDON ROAD - 355	ST105	07/22/97
36	07/03/97	07/14/97	BROGDON ROAD - 355	ST106	07/22/97
37	07/03/97	07/14/97	BROGDON ROAD - 355	ST107	07/22/97
38	06/25/97	07/22/97	HILLCREST GLENN	65A	07/25/97
39	06/25/97	07/22/97	HILLCREST GLENN	66A	07/25/97
40	06/11/97	07/22/97	HILLCREST GLENN	68A	07/25/97
41	07/23/97	07/23/97	DEER VALLEY	17C	07/28/97
41	07/14/97	07/14/97	ROSEMORE LAKE	36C	07/28/97
42	04/11/97	06/26/97	SADDLE TREE	30A	07/28/97
43	06/11/97	07/22/97	HILLCREST GLENN	69A	07/29/97
44	04/30/97	07/22/97	THE SPRINGS	19B	07/29/97
45	05/09/97	07/22/97	ABINGDON PLACE	83A	07/30/97
46	05/09/97	07/22/97	ABINGDON PLACE	84A	07/30/97
47	07/29/97	07/30/97	ARBOR CL0S	343B	07/30/97
48	07/11/97	07/11/97	ASCOT	34C	07/30/97
49	07/03/97	07/03/97	LEXINGTON MANOR	7A	07/30/97

1997 GAS DEPARTMENT REPORT

	JANUARY	FEBRAURY	MARCH	APRIL	MAY	JUNE	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	YTD TOTAL
NEW SERVICES ADDED	35	38	51	46	43	55	49						
LENGH IN FEET	3,435	2,984	4,231	4,126	3,445	4,663	3,695						
TYPE OF MATERIAL	PLASTIC	PLASTIC	PLASTIC	PLASTIC	PLASTIC	PLASTIC	PLASTIC	PLASTIC	PLASTIC	PLASTIC	PLASTIC	PLASTIC	PLASTIC
SIZE OF PIPE	5/8 & 3/4	5/8 & 3/4	5/8 & 3/4	5/8 & 3/4	5/8 & 3/4	5/8 & 3/4	5/8 & 3/4	5/8 & 3/4	5/8 & 3/4	5/8 & 3/4	5/8 & 3/4	5/8 & 3/4	5/8 & 3/4
CATHODICALLY PROTECTED?	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
NUMBER OF LEAK REPORTS	28			20	11	12	20						
CORROSION CAUSED	0	1	0	0	0	0	0						
CUT LINES - CITY EMPLOYEES	0	1	0	0	1	0	0						
MATERIAL DEFECT	0	0	3	0	1	0	0						
CUT OFF VAVLE LEAKS	2	4	1	2	0	3	3						
LOW PRESSURE	0	0	0	0	0	0	0						
METERS REPLACED	0	0	0	2	0	0	0						
REGULATORS REPLACED	3	0	0	1	0	0	0						
REGULATORS RESET	1	2	4	3	1	0	1						
CUSTOMER SIDE	6	3	1	1	0	1	0						
NO LEAKS FOUND	3	1	2	2	0	0	0						
THIRD PARTY CUT LINES	7	0	12	9	8	8	16						
BILLED	0	3	4	1	1	1	2						
PAYMENTS RECEIVED	0	0	0	0	0	0	0						
OUTSTANDING	N/A	N/A	N/A	N/A	N/A	N/A	N/A						
KILLED SERVICES													
LENTH IN FEET	0	2	0	0	0	0	0						
TYPE OF MATERIAL	N/A	STEEL	N/A	N/A	N/A	N/A	N/A						
SIZE OF PIPE	N/A	4-Mar	N/A	N/A	N/A	N/A	N/A						
NEW MAINS PUT INTO SERVICE	1	3	1	3	2	1	1						
LENTH IN FEET-BREAKDOWN BELOW	1200	7700	1000	6545	6140	1000	2120						
TYPE OF MATERIAL	PLASTIC	PLASTIC	PLASTIC	PLASTIC	PLASTIC	PLASTIC	PLASTIC						
SIZE OF MAIN - 4"	1200	5200	0	720	2500	0	2120						
SIZE OF MAIN - 2"	0	2500	1000	5825	3560	1000	0						
CATHODICALLY PROTECTED?	N/A	N/A	N/A	N/A	N/A	N/A	N/A						
LOCATES	376	440	459	530	544	435	627						

Engineers Architects Planners

PiedmontOlsenHensley

A Geraghty & Miller Company

July 15, 1997

VIA FAX 770/945-0281

Mr. Warren P. Nevad
City of Sugar Hill
4988 W. Broad Street
Sugar Hill, GA 30518

Re: Agreement for Professional Services
Compliance Groundwater, Surface Water,
and Methane Monitoring Per Event
Sugar Hill-Appling Road Landfill
POH Proposal No. 880.60.00.97211

Dear Mr. Nevad:

Attached is an Agreement for Professional Services with appendices A and B. If the Agreement meets with your approval, please execute it and return it to us by fax.

We appreciate the opportunity to work with you on this project. Please call us if you have any questions.

Sincerely,

PIEDMONT OLSEN HENSLEY, INC.

Garey L. Simpson, PG
Project Manager

pas
Attachment

Motion - Barker
2nd - Pruett
5-0

Motion - Barker
2nd Pruett

Methane
5-0

3200 Professional Parkway
Suite 200
Atlanta, GA 30339
Phone: 770 952 8861
Fax: 770 984 1160

Agreement for Professional Services

To: City of Sugar Hill (CLIENT)
4988 W. Broad Street
Sugar Hill, GA 30518

1. Piedmont Olsen Hensley, Inc. (POH) will provide professional services in connection with compliance groundwater, surface water, and methane monitoring (per event) at the Sugar Hill-Appling Road Landfill.

2. POH will produce a report of compliance monitoring with analytical data and groundwater elevation map. Two copies of the report will be submitted to the Georgia Environmental Protection Division (EPD). Any agency, EPD, or third party requirements or revisions will be performed as additional services.

3. For services designated above, POH will be paid a lump sum fee of $14,500 per semi-annual groundwater and surface water per event, and $1,500 per quarterly event for methane monitoring (including reports).

4. Additional services may be performed when authorized in writing by CLIENT. Charges for these services shall be on an hourly rate basis in accordance with Appendix B, "Method of Charging for Professional Services."

5. Invoices will be submitted and payable monthly.

CLIENT agrees to make payment upon receipt of invoice. CLIENT further agrees to pay a service charge equal to one and one-half percent (1½%) per month for all balances unpaid after thirty (30) days from applicable invoice dates.

Appendices A and B, attached hereto, are made a part of this Agreement as if herein written. This Agreement is for acceptance within thirty (30) days from July 15, 1997.

Your acceptance of this Agreement will serve as our authorization to proceed with the work outlined herein.

ACCEPTED FOR CITY OF SUGAR HILL		ACCEPTED FOR PIEDMONT OLSEN HENSLEY, INC.	
By:	_____	By:	W. Wynne Grubbs
	_____		W. Wynne Grubbs, Jr., PE
Title:	_____	Title:	Vice President
Date:	_____	Date:	July 15, 1997

Appendix A

General Provisions

1. Salary costs shall be defined as salaries and wages paid to all POH's personnel engaged directly on the project including, but not limited to, engineers, architects, surveyors, designers, drafters, specification writers, estimators, other technical and business personnel; plus the cost of customary and statutory benefits including, but not limited to, social security, unemployment, and other payroll taxes; health and retirement benefits; sick leave; vacation and holiday pay; and other group benefits. Direct non-salary expenses include subcontract, travel and subsistence, computer and CADD service charges, communications, field supplies, reproduction, and other project-related expenses.

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4. This Agreement shall not be modified except by an instrument in writing under the hands of both parties hereto. No oral representations by employees of POH shall affect or modify any of the terms or obligations contained in this Agreement and none of the provisions of this Agreement shall be held to be waived or modified by reason of any act whatsoever as mutually agreed in writing.

5. In the event of termination of the Agreement, POH shall be paid the amount due it at the date of termination in accordance with the terms for payment set forth in this Agreement for those items of work completed.

6. It is understood and agreed that the maximum liability of POH with respect to or arising out of the obligations hereunder and any duty assumed relative to the obligations arising out of this Agreement, whether explicit, implicit, or contemplated, shall be limited to the amount the CLIENT agrees herein to pay POH for services to be performed hereunder, and no default or breach of covenant or duty shall impose or subject POH to a greater liability.

7. Should an attorney be required for collection of any payments due under this Agreement, CLIENT agrees to pay the full cost of collection, including attorney's fees, in addition to any other fee or payment due.

8. If included in "Scope of Services," POH will prepare an estimate of the probable construction cost of the project. Since POH has no control over the cost of labor, materials, or equipment; the contractor's methods of determining prices; or competitive bidding or market conditions, POH's opinions of probable costs are to be made on the basis of its experience and qualifications and represent its best judgment as a design professional familiar with the construction industry. POH cannot and does not guarantee that actual proposals, bids, or construction costs will not vary from opinions of probable cost prepared by POH. If the CLIENT wishes greater assurance as to construction costs, the CLIENT shall employ an independent cost estimator.

9. The purchaser of services from POH shall pay any applicable state sales tax in the manner and amount required by law.

10. This Agreement shall be assignable by POH to any company or firm with whom it merges or otherwise forms a consolidation.

Method of Charging for Professional Services

For services rendered, compensation shall be computed based on the following schedule of fees and reimbursable expenses.

Fees:

Personnel Classification	(per hour)
Principal/Senior Company Officer	$160.00
Company Officer/Division Manager/Project Director/IVHS Specialist	$125.00
Project Manager/Department Manager	$95.00
Senior Professional Engineer/Architect/Designer 4	$85.00
Professional Engineer/Architect/Designer 3/Senior Designer	$70.00
Designer 1 and 2	$50.00
Senior Professional Land Surveyor	$70.00
Professional Land Surveyor/Supervisor	$55.00
Survey Technician	$45.00
3-man Survey Crew	$95.00
2-man Survey Crew	$75.00
Senior Construction Manager	$65.00
Resident Observer	$45.00
Clerical/Secretarial	$35.00
Document Control Clerk	$35.00
Clerical	$30.00
Drafter/CADD Operator	$35.00
CADD Technician	$45.00
Purchasing Agent	$50.00
Scheduler	$45.00

Reimbursable Expenses: Reimbursable expenses are in addition to compensation for professional services and include out-of-pocket expenditures advanced in the interest of the Project.

Automobile, Company, or Personal Car	(per mile) $0.30
Travel, Subsistence, Postage, Long Distance Telephone, Outside Consultant, Misc. Expenses	cost + 15%
Per Diem Rate for Survey Personnel for Projects more than 100 miles from Atlanta, GA	$65.00/day
Facsimile Transmission/Reception	$0.25/page
Computer Machine Hours for CADD, Plotting Studies and/or Analyses	(per hour) $25.00

Reproduction Expenses:	(per sq. ft.)
Blueline Print	$0.15
Paper Sepia	$0.50
Mylar Sepia	$1.50
Xerox Bond	$1.00
Xerox Vellum	$2.00
Xerox Mylar	$2.50
CADD Plots (Vellum)	$0.60
CADD Plots (Mylar)	$1.50
Xerox Copies	(each) $0.15

Invoicing: Invoices shall be issued monthly for services rendered and are payable upon receipt.

Overtime Hours: POH will charge no premium for overtime hours worked by its employees on this Project.

Rate Changes: Scheduled rates for fees are subject to change with 30 days prior notice. Rates for reimbursable expenses are subject to change without notification.

Georgia Department of Natural Resources

4244 International Parkway, Suite 114, Atlanta, Georgia 30354-3906

Lonice C. Barrett, Commissioner
Environmental Protection Division
Harold F. Reheis, Director
(404) 362-2671

July 24, 1997

Received
7-29-97
1:30 P.M.
WW Re Mayor

CERTIFIED MAIL
Z 797 100 293

Honorable Gary Webster, Mayor
City of Sugar Hill
4988 West Broad Street
Sugar Hill, Georgia 30518

RE: Consent Order
City of Sugar Hill/Appling Road
Permit No.067-016D(SL)
Gwinnett County

Dear Mayor Webster:

Representatives of the Environmental Protection Division have documented noncompliance of the subject facility with the Department of Natural Resources Rules of Solid Waste Management, Chapter 391-3-4. The enclosed Consent Order delineates the terms and a compliance schedule by which the facility may return to compliance with the Georgia Comprehensive Solid Waste Management Act and the Rules. The request your representatives made at our meeting on May 5, 1997 was considered and the Consent Order of March 28, 1997 is withdrawn.

If you so desire to settle this matter in such a fashion, please return the signed but not dated, Consent Order within fourteen (14) days of receipt to:

Environmental Protection Division
Northwest Georgia Regional Office
4244 International Parkway, Suite 114
Atlanta, Ga. 30354

Upon execution of the Order, you will be expected to initiate all provisions set forth in the Order to achieve compliance. Failure to meet the actions described, in compliance with the corresponding deadline, will subject you to further administrative actions which may include additional monetary penalties.

If there are any questions concerning the proposed Consent Order, please contact me or your compliance officer, Tony Campbell, at (404)-362-2671.

Sincerely,

Raymond C. Reynolds

Raymond C. Reynolds, Manager
North Georgia Regional Office

Enclosure
cc: Don McCarty, Land Protection

F:\DATA-NGR\WPDOC\CAMP-T\SWSUGARH.CL2

ENVIRONMENTAL PROTECTION DIVISION
DEPARTMENT OF NATURAL RESOURCES
STATE OF GEORGIA

IN RE: City of Sugar Hill - Appling Road Municipal Solid Waste Landfill Permit No. 067-016D (SL)

EPD-SW-

CONSENT ORDER

WHEREAS, the above Respondent owns and is responsible for the maintenance and operation of the Sugar Hill/ Appling Road Municipal Solid Waste Landfill (hereinafter referred to as the "Facility") located on 1255 Appling Road, Sugar Hill, Georgia; and

WHEREAS, under the Georgia Comprehensive Solid Waste Management Act, as amended, O.C.G.A. § 12-8-21, et. seq. (hereinafter referred to as the "Act"), the General Assembly of Georgia designated the Environmental Protection Division (hereinafter referred to as the "Division") to administer the provisions of the Act; and

WHEREAS, O.C.G.A. § 12-8-23.1 of the Act gives the Director of the Division the power to issue orders as may be necessary to enforce compliance with the provisions of the Act and all rules and regulations promulgated thereunder; and

WHEREAS, O.C.G.A. § 12-8-30 authorizes the Director to order that necessary corrective action be taken within a reasonable time to be prescribed in such order whenever he has reason to believe that a violation of the Act or any rule or regulation promulgated thereunder has occurred; and

WHEREAS, a Solid Waste Handling Permit, No. 067-016D(SL) was issued to the Respondent on December 19, 1977 for the operation of the Facility; and

WHEREAS, the Operator of the Facility advised the Division by letter dated April 6, 1994 that the facility would cease accepting waste for disposal on April 8, 1994; and

WHEREAS, the Respondent verified that the Facility ceased accepting waste in April 1994, by letter dated February 20, 1997; and

WHEREAS, a closure, post closure care plan was approved on September 8, 1994; and

WHEREAS, an inspection on January 22, 1997 indicate that the Facility has not initiated closure activities.

WHEREAS, on May 29, 1997 the groundwater and methane monitoring systems were approved; and

WHEREAS, the approval letter also required groundwater contamination assessment prove negative within 90 days unless demonstrated otherwise.

NOW, THEREFORE, the Director and Respondent CONSENT and AGREE to the following:

1. Complete all closure activities per Closure / Post Closure Care Plan and Rules at the Facility not later than 180 days from the effective date of the Order.
2. The Respondent must initiate assessment monitoring and assessment of corrective measures as required by Rule .14 and as delineated in the letter from the Division dated May 29, 1997, unless otherwise demonstrated within 90 days of said date.
3. Upon final closure of the Facility, post-closure activities, in accordance with the post-closure plan and Rules, shall commence.
4. The Respondent agrees to pay the State of Georgia the sum of $100.00 (One Hundred Dollars) per day per violation, for which the violation continues beyond the deadline agreed to in this Order.

This Consent Order shall not constitute a finding or adjudication of a violation of any State law by the Respondent nor does the Respondent by consent, agree to any violation of any State law or admit any liability to any third party or parties.

By agreement of the parties, this Order shall be considered final and effective immediately, and shall not be appealable, and the Respondent hereby waives any hearing on the terms and conditions of same.

It is so ORDERED, CONSENTED, and AGREED this _____ day of _____ 1997.

FOR THE RESPONDENT:

By: _____

Title: _____

Date: _____

FOR THE DIVISION:

_____
Harold F. Reheis, Director
Environmental Protection Division

F:\DATA-NGR\ORDERS\97ORDERS\SUGARHI.CO

To: Mayor/City Cou
Fr: Warren
FYI

Frank L. Gray III, P.E.
District Vice President

July 30, 1997

Warren Nevad
City Manager
City of Sugar Hill
Sugar Hill, Georgia

RE: Sale or purchase of the City of Sugar Hill Landfill

Dear Mr. Nevad:

It was a pleasure meeting with you this past week to discuss the problems you are faced with at your City of Sugar Hill landfill. As a good corporate citizen and neighbor to Sugar Hill, we of course are very interested in the progress you make towards both closure, and minimizing if not eliminating the risk to the environment. As I mentioned, if we can provide any technical advice to your consultants or staff people, please call.

To clarify a rumor circulating among the community, BFI does not have any interest in purchasing, operating or taking over the City of Sugar Hill Landfill. We have read several articles in the local paper and received telephone calls which indicate that BFI would like the opportunity to purchase the Landfill. ***These rumors are false***. As I previously stated, we are a good corporate citizen, neighbor and environmental steward. ***The purchase of your landfill is not our goal***.

If you would be so kind as to pass this information on at your next regularly scheduled council meeting, your kindness and understanding would be appreciated.

Sincerely,
BFI Disposal Systems of Georgia, Inc.

Frank L. Gray III, PE
District Vice President

cc/ Bobby Kerlin, City of Buford

MEMORANDUM

To: Warren Nevad

From: Jorgia C. Northrup

Date: July 29, 1997

Re: Creation of Housing Authority

This is a brief overview of the procedure for creation of a housing authority. A more complete memorandum will follow.

The Council would adopt a resolution declaring that there is a need for a housing authority in the City because either there are unsanitary or unsafe inhabited dwellings or there is a shortage of safe or sanitary dwellings available to persons of low income at affordable rent in the City.[1] Such decision might take several enumerated factors into account, and may be made by the governing body on its own motion or upon filing of a petition by city residents.[2]

The first year, the Council would estimate the amount of money necessary for the administrative expenses and overhead of the housing authority and donate such money to the authority by appropriation out of moneys not appropriated for other purposes.[3] The housing authority would have, among other powers, the power to prepare, carry out, acquire, lease, and operate housing projects, and to provide for the construction or improvement of any housing project.[4] The City housing authority could operate with other city housing authorities.[5]

Bailey - Motion
Spradlin - Second
4
Ayes - Board

---

[1]O.C.G.A. §8-3-5

[2]O.C.G.A. §8-3-4

[3]O.C.G.A. §8-3-155

[4]O.C.G.A. §8-3-30.

[5]O.C.G.A. §8-3-14

STATE OF GEORGIA

COUNTY OF CLAYTON

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SUGAR HILL, GEORGIA, DECLARING A NEED FOR AND ESTABLISHING A HOUSING AUTHORITY FOR THE CITY OF SUGAR HILL

NO. _____

WHEREAS, there exists within Sugar Hill a shortage of safe and sanitary dwelling accommodations available to persons of low income at rentals they can afford; and

WHEREAS, the Mayor and Council of Sugar Hill, in making such determinations, has taken into consideration the degree of overcrowding, the percentage of land coverage, the light, air, space and access available to the inhabitants of such dwelling accommodations, the size and arrangement of the rooms, the sanitary facilities, and the extent to which conditions exist in such buildings which endanger life or property by fire and other causes; and

WHEREAS, the General Assembly of the State of Georgia, through its enactment of the Housing Authorities Law, Georgia Laws 1937, pp. 210 et seq., (O.C.G.A. Section 8-3-1 *et seq.)* has provided cities and counties a means of alleviating these problems through the creation of a housing authority.

NOW, THEREFORE, be it and it is hereby resolved by the Mayor and Council of Sugar Hill that there exists a need for a housing authority in Sugar Hill and that the Housing Authority of Sugar Hill, as created by the Housing Authorities Law, is hereby authorized to transact business and exercise its powers.

IT IS FURTHER RESOLVED that the Mayor of Sugar Hill shall appoint five persons as commissioners of the Authority and in the event the Mayor fails to make such appointments within thirty (30) days from the date hereof, the Council of Sugar Hill shall make said appointments. All terms, powers, responsibilities and other matters relating to the commissioners of the Authority shall be in accordance with the provisions of the Housing Authorities Law.

This Resolution shall become effective upon its enactment and the appointment of the above commissioners.

SO RESOLVED, this ____ day of _____, 1997.

MAYOR AND COUNCIL OF SUGAR HILL

_____

MAYOR

_____

_____

_____

_____

ATTEST:

_____

CLERK

CERTIFICATE OF APPOINTMENT
OF THE COMMISSIONERS OF
THE HOUSING AUTHORITY OF THE CITY OF SUGAR HILL

The Mayor and Council of the City of Sugar Hill, Georgia, have adopted a resolution declaring the need for a Housing Authority in Sugar Hill.

The Mayor of the City of Sugar Hill hereby certifies that the five (5) persons hereinafter named, none of whom are officers or employees of said City, are hereby appointed as Commissioners of the Housing Authority of Sugar Hill to serve for the number of years appearing after their names, respectively, from the _____ day of _____, 1997.

_____, One year.

_____, Two years.

_____, Three years.

_____, Four years.

_____, Five years,

_____ is hereby named to be the first Chairman of the Authority, pursuant to *O.C.G.A* § 8-3-51(b) of the Housing Authorities Law. The Mayor shall file this certificate with the Clerk of Sugar Hill for record on the minutes of the Mayor and Council of Sugar Hill.

****

_____
Mayor, Sugar Hill, Georgia

Baird

ORDINANCE
ELEC-1997

AN ORDINANCE FOR THE PURPOSE OF CALLING THE GENERAL ELECTION, SETTING THE QUALIFYING DATES, QUALIFYING FEES, AND DATES AND TIMES OF THE GENERAL ELECTION FOR THE CITY OF SUGAR HILL.

The Council of the City of Sugar Hill hereby ordains:

WHEREAS, the regularly scheduled municipal election for the City of Sugar Hill is scheduled for November 4, 1997; and

WHEREAS, the terms of Mayor Gary Webster, and Council Members Charles Spradlin, and Dorland Baird will end at midnight on December 31, 1997 and their successors are required to be elected in the municipal election scheduled for November 4, 1997 to take office on January 1, 1998; and

WHEREAS, it is necessary for the city Council to establish the qualifying fee for those offices and to make other provisions for the municipal election.

NOW THEREFORE, IT IS HERBY ORDAINED that all persons desiring to run for the office of the Mayor or of the Council Members shall qualify in the office of the City Clerk of the City of Sugar Hill located on the first floor of the Sugar Hill City Hall, 4988 West Broad Street, Sugar Hill, Georgia, beginning at 8:30 a.m. on Monday, September 8, 1997 and ending at 4:30 p.m. on Friday September 12, 1997. Those desiring to run for the Mayor and two (2) open Council Member positions shall pay a qualifying fee of One hundred eight dollars ($108.00) and upon qualifying shall designate the specific seat the candidate seeks to qualify for by designating whether the candidate seeks the Mayor position presently held by the incumbent Gary Webster or either of the Council Member positions presently held by the incumbents Charles Spradlin, or Dorland Baird. All qualifying fees shall be paid at the time of qualifying.

The City Clerk and Election Superintendent shall take such action as is necessary to properly call the municipal election scheduled for November 4, 1997 including but not limited to properly publishing a public notice in substantially the same form as that Notice attached hereto as Exhibit "A" notifying the public of said election. The city Clerk and Election Superintendent shall take such other actions as are necessary and appropriate to make certain that the election is conducted in accordance with and in conformity with the laws of the State of Georgia and the Charter and Ordinances of the City of Sugar Hill.

IT IS SO ORDAINED this 11th day of August, 1997.

_____	_____
Mayor - Gary Webster	**Mayor Pro-Tem - Tim Pugh**
_____	_____
Council Member	**Council Member**
_____	_____
Council Member	**Council Member**

ATTEST:

_____
City Clerk

Received by the Mayor: _____ **Date:** ___/___/___

Received from the Mayor: _____ **Date:** ___/___/___

Approved by the Mayor: _____ **Date:** ___/___/___

Upon recording return to:
Lory M. Browning
Georgia Transmission Corporation
P.O. Box 1349
Tucker, GA 30085-1349

Highway 20 115 kV Transmission Line
Parcel No.(s) 39, and 41

POLE LINE EASEMENT

Staff - Motion
Push - Deal
amended motion to accept landscape
5-0

STATE OF GEORGIA

COUNTY OF _____

FOR AND IN CONSIDERATION of the sum of Ten Dollars ($10.00) and other good and valuable consideration, in hand paid by Georgia Transmission Corporation (An Electric Membership Corporation), a Georgia Corporation, and Sawnee Electric Membership Corporation, a Georgia Corporation (hereinafter collectively called "Cooperative"), the receipt and sufficiency of which is hereby acknowledged, the undersigned, THE CITY OF SUGAR HILL, for its successors and assigns, do(es) hereby grant and convey to Georgia Transmission, its successors and assigns, the right to from time-to-time construct, operate, maintain and renew overhead and underground electric transmission, distribution and communication lines with necessary or convenient structures, frames, poles, wires, manholes, anchors, guy wires, conduits, fixtures and appliances, protective wires and devices in connection therewith upon or under a strip of land more fully located and described below; together with all rights and privileges necessary or convenient for the full enjoyment or use of said strip for the purpose above described; with the right to permit the attachment of the wires and appliances of any other company or person, to said structures, frames and poles together with the right at all times to enter upon said premises for the purpose of inspecting said lines, making repairs, renewals, alterations and extensions thereon, thereto or therefrom; together with the right to cut away and keep clear of said lines all trees and other obstructions that may now or hereafter in any way interfere or be likely to interfere with the proper operation of said lines. Grantee shall have the right to remove and dispose of danger trees on lands adjacent thereto, which now or may hereafter injure or endanger any of the works on said strip provided that on future cutting of such danger trees Cooperative shall pay to the undersigned, or to the undersigned's(s') successors or assigns, the fair market value of the merchantable timber so cut, timber so cut to become the property of Cooperative. However, it is agreed that part of the within named consideration is full payment for all timber cut or to be cut in the initial clearing and construction of said transmission line; timber so cut to become the property of Cooperative.

The undersigned do(es) not convey any land, but merely grants the rights, privileges and easements to go in, upon, along and across that strip of land owned by the undersigned.

Said strips are that portion of undersigned's(s') property located in Land Lot(s) 348 and 347 of the 7th District of Gwinnett County, Georgia, which are illustrated on the attached plats of survey entitled "Highway 20 Tap 115 kV Transmission Line/Parcel No. 39 and 41 - Easement Area Plats", dated June 16, 1997, which was prepared by Albert M. Wynn, Jr., Georgia Registered Land Surveyor No. 2178. As verified by said plat, the total amount of land embraced by these easements shall be 0.478 acre(s).

Cooperative shall not be liable for or bound by any statement, agreement or understanding not herein expressed.

The undersigned warrant(s) its title to and ownership of the tract or parcel hereby affected, with the understanding that Cooperative is relying on said warranty in obtaining this easement.

TO HAVE AND TO HOLD forever, unto Cooperative, its successors and assigns, the rights, powers, and interests herein granted, which shall be a covenant running with the title to the lands above described.

IN WITNESS WHEREOF, the said undersigned has(have) hereunto set its hand(s) and seal(s), this _____ day of _____, 199__.

Signed, sealed, and delivered
in the Presence of:

THE CITY OF SUGAR HILL

_____
WITNESS

BY: _____
TITLE

_____
NOTARY PUBLIC

ATTEST: _____
TITLE

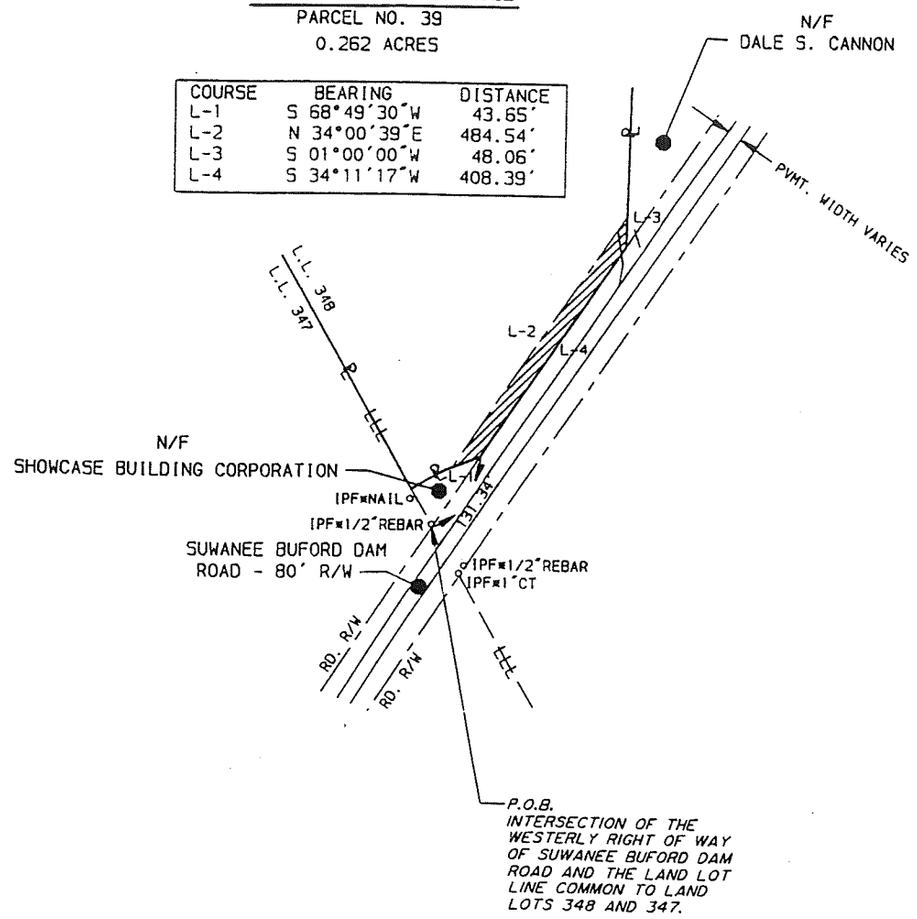
(NOTARY SEAL)

(CORPORATE SEAL)

N
MAG

THE CITY OF SUGAR HILL
PARCEL NO. 39
0.262 ACRES

COURSE	BEARING	DISTANCE
L-1	S 68°49'30"W	43.65'
L-2	N 34°00'39"E	484.54'
L-3	S 01°00'00"W	48.06'
L-4	S 34°11'17"W	408.39'



200 0 200 400
GRAPHIC SCALE IN FEET

L.L. 348, DISTRICT 7, GWINNETT COUNTY, GEORGIA

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 10,000 FEET AND AN ANGULAR ERROR OF 05 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING ~~~ RULE.

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 73,000+ FEET.

DATE FIELD SURVEY: 4/2/97

GEORGIA REGISTERED No. 2178 LAND SURVEYOR ALBERT M. WYNN, JR.

ALBERT M. WYNN, JR.
GA. REG. LAND SURVEYOR No.2178
TOPCON GTS 3B & 4B USED

LEGEND

- PROPOSED EASEMENT AREA
- ENCUMBERED EASEMENT AREA
- o IPF — IRON PIN FOUND
- XXXX — FENCE LINE
- □ CMF — CONCRETE MONUMENT FOUND

REFERENCES

D.B. 4815, PG. 247

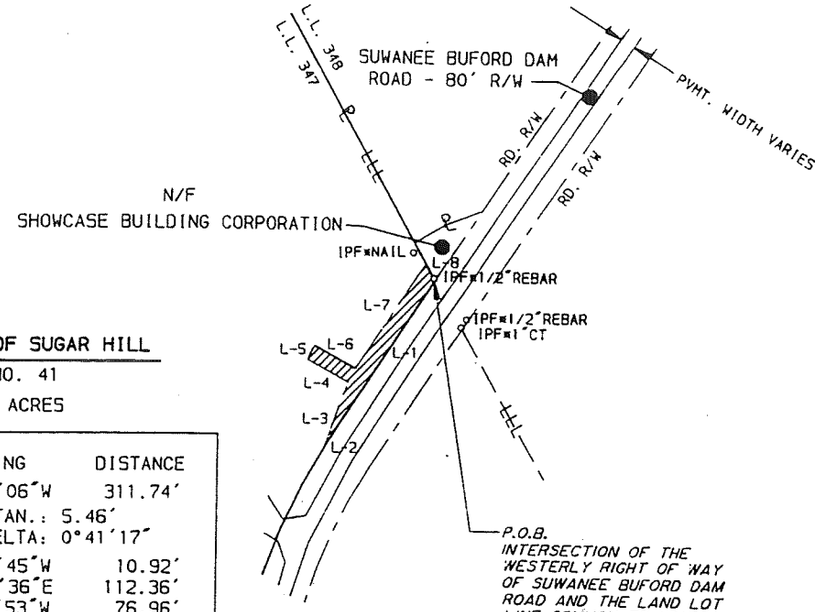
Rev.	By	Description	Date Appr.

HIGHWAY 20 TAP
115kV TRANSMISSION LINE
GeorgiaTransmission
Owned By Georgia's Electric Cooperatives
PARCEL NO. 39 - EASEMENT AREA PLAT

Drawn G.A. LEE	Approved	Scale 1"=200'	
Checked JDL	Approved		
Checked	Approved	9233-EP	
Project 74550	Date 6/16/97	Sheet 1	

CAD DRAWING - DO NOT REVISE MANUALLY

N
MAG



THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 10,000 FEET AND AN ANGULAR ERROR OF 05 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING ~ RULE.

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 99,000+ FEET.

DATE FIELD SURVEY: 4/2/97

GEORGIA REGISTERED No. 2178 LAND SURVEYOR ALBERT M. WYNN, JR.

ALBERT M. WYNN, JR.
GA. REG. LAND SURVEYOR No.2178
TOPCON GTS 3B & 4B USED

THE CITY OF SUGAR HILL

PARCEL NO. 41

0.216 ACRES

COURSE	BEARING	DISTANCE
L-1	S 33°51'06"W	311.74'
RAD.: 909.65'	TAN.: 5.46'	
LEN.: 10.92'	DELTA: 0°41'17"	
L-2	S 33°10'45"W	10.92'
L-3	N 20°43'36"E	112.36'
L-4	N 62°37'53"W	76.96'
L-5	N 27°22'07"E	25.00'
L-6	S 62°37'53"E	76.96'
L-7	N 34°00'39"E	201.82'
L-8	S 30°15'41"E	30.73'

LEGEND

- PROPOSED EASEMENT AREA
- ENCUMBERED EASEMENT AREA
- o IPF — IRON PIN FOUND
- XXXX — FENCE LINE
- □ CMF — CONCRETE MONUMENT FOUND

REFERENCES

D.B. 4815, PG. 247

200 0 200 400
GRAPHIC SCALE IN FEET

L.L. 347, DISTRICT 7, GWINNETT COUNTY, GEORGIA

Rev. By	Description	Date App.

HIGHWAY 20 TAP
115kV TRANSMISSION LINE

GeorgiaTransmission
Owned By Georgia's Electric Cooperatives

PARCEL NO. 41 EASEMENT AREA PLAT

Drawn G.A. LEE	Approved	Scale 1"=200'	
Checked JDL	Approved		
Checked	Approved	9233-EP	
Project 74550	Date 6/16/97	Sheet 1	

CAD DRAWING - DO NOT REVISE MANUALLY

GeorgiaTransmission

July 30, 1997

Georgia Transmission Corporation
2100 East Exchange Place
PO Box 2088
Tucker, GA 30085-2088
phone 770-270-7400
fax 770-270-7872

Mr. Warren Nevad
City Manager
City of Sugar Hill, GA
Sugar Hill, GA 30518

Dear Mr. Nevad:

Subject: Highway 20 Tap T/L
Project No.: 74550
Parcel Nos: 39 and 41

Georgia Transmission Corporation is presently acquiring easements in Gwinnett County, Georgia, on which it will construct the above-referenced project.

Title records indicate that you own, or have an interest in, certain property on which Georgia Transmission plans to construct this project.

A determination of the value of the easement has been made based on sales of comparable properties in the area. The enclosed Statement of Just Compensation was prepared based on this determination.

After you have reviewed the Statement of Just Compensation, if you choose to accept the offer of $4,000.00, please sign the enclosed Easement and return it in the enclosed self-addressed envelope. Your share of this offer will be proportionate to your undivided interest in the property. Georgia Transmission will then compensate you for the above referenced amount.

If you have any questions, please feel free to call me at (770) 270-7707.

Sincerely,

Sonny Brown

Raymond "Sonny" Brown
Senior Land Agent
Construction & Project Management

RB:scs

Enclosure

Project Name: Highway 20 Tap T/L
Project No.: 74550
Parcel No.: 39 and 41
Landowner(s): City of Sugar Hill, GA

STATEMENT OF JUST COMPENSATION

1. Owner(s) of Record:

   City of Sugar Hill

2. Property Identification:

   That particular tract of land lying in Land Lots 347, 348, 346, 366, and 367 of the 7th District of Gwinnett County, Georgia and commonly known as the Sugar Hill Golf Course.

3. Improvements or Fixtures Being Acquired from Owner:

   None

4. Basis of Just Compensation

   Just Compensation is based on the Fair Market Value of the property and is not less than the approved appraised value of the property.

5. Amount of Just Compensation:

   $4,000.00

PEC HOLDINGS, INC.
437 Wellington Point Drive
Lawrenceville, Georgia 30243

July 29, 1997

Mr. Warren Nevad
City Manager
City of Sugar Hill
4988 West Broad Street
Sugar Hill, Georgia 30518

RE: Gas Service for PEC Holdings Chattahoochee River / SR 20 Project

Dear Mr. Nevad:

I am writing to confirm, pursuant to our July 17, 1997 meeting at your office, our conversation concerning the City of Sugar Hill's ability to supply gas to our proposed 160 unit development. As we discussed PEC Holdings will need to have confirmation in writing that the moratorium on new gas hookups has been lifted by August 8, 1997. On that date we will also need a schedule for construction of any gas lines needed to provide service to our development. The schedule will need to have target dates for the various stages of construction and have a completion date of December 30, 1997 to serve our first phase of development.

If the City of Sugar Hill can not provide the above mentioned assurances of it's ability to provide gas service to our development, PEC Holdings requests that the city provide us with a letter relinquishing it's rights to provide natural gas service to the subject development. As I mentioned at the meeting, our bank is requiring the above documentation to close our loan and therefore we must have a decision by August 8, 1997.

Thank you for your consideration, and please contact me if you have any questions regarding this matter. Again, thank you and I look forward to receiving your letter.

Sincerely,

Todd A. Hager
PEC Development Group

TAH:wpn

PUBLIC HEARING

PLANNING COMMISSION RECOMMENDATION:

AX-97-002

MAP# 7-254-025 & 7-254-044

JSA & ASSOCIATES INC. is requesting to annex 10.57 acres off Brogdon Road. This property is currently zoned M-1 in the County and the applicant is requesting a HM-1 zoning for the use of an Industrial Park containing 8 lots.

Board Member Ed Entrekin Made A Recommendation For The Mayor And Council To Approve This Annexation Request For Ax-97-002 With A Hm-1 Zoning, Seconded By Vice Chairman Granville Betts, And Approved Unanimously By Those Present.

PLANNING COMMISSION MEETING
MONDAY, JULY 21, 1997
7:00 P.M.

AGENDA

APPROVAL OF PREVIOUS MINUTES

1) READING AND APPROVAL OF JUNE 16, 1997 MINUTES.

ANNEXATIONS/REZONINGS

1) AX-97-002 MAP #'S 7-254-025 & 7-254-044
JSA & ASSOCIATES, INC., REQUESTING TO ANNEX 10.57 ACRES OFF BROGDON ROAD. THIS PROPERTY IS CURRENTLY ZONED M-1 IN THE COUNTY AND THE APPLICANT IS REQUESTING A HM-1 ZONING FOR THE USE OF A INDUSTRIAL PARK CONTAINING 8 LOTS.
2) RZ-97-007 MAP #'S 7-292-061 & 7-292-198
CKAS, INC. IS REQUESTING TO REZONE 0.578 ACRES OFF OF FIRST AVENUE FROM RS-100 TO BG FOR THE PURPOSE OF RETAIL SALES FOR PORTABLE BUILDINGS, TRUCK ACCESSORIES, AND USED AUTOMOBILE SALES.

BOARD MEMBER COMMENTS.

1) DISCUSSION OF PROPERTIES WITH OUTDOOR STORAGE VIOLATIONS.
2) DISCUSSION OF GWINNETT COUNTY REZONING RZ-97-096 IN PROXIMITY TO THE CITY OF SUGAR HILL.
3) DISCUSSION OF GWINNETT COUNTY REZONING RZ-97-097 & SUP-97-088 IN PROXIMITY TO THE CITY OF SUGAR HILL.

CITIZENS COMMENTS

ADJOURNMENT

CITY OF SUGAR HILL

ITEM COUNT FOR FEE CALCULATION

PERMIT : 9701242 TYPE: AX - ANNEXATION APPLICATION

MASTER PERMIT: NOT FOUND

PROJECT: 97 MO ADDRESS: 7-254-~~004~~ 44 & 7-254-025

OWNER NAME:

CONTRACTOR: JSA & ASSOCIATES, INC.

FEE DUE FROM: JSA & ASSOCIATES, INC.

DESCRIPTION OF ITEMS SELECTED	CODE CNT	QUANTITY	AMOUNT
ANNEXATION APPLICATION	RC# 113	1.00	350.00
SUBTOTAL OF ITEM AMOUNTS			350.00

Check - 1001

PAID

JUN 25 1997

McFarland ◆ Dyer & Associates, Inc.

Memorandum

To: City of Sugar Hill Planning Commission
Mayor and City Council of Sugar Hill

From: Don McFarland, McFarland - Dyer & Associates, Inc.

Date: July 21, 1997

Subject: Report and Recommendation AX-97-001

Case Number: AX-97-002
Proposed Zoning: HM-1 Heavy Manufacturing District
Existing Zoning: M-1 Light Industrial District (Gwinnett County)
Applicant: Jenkins - Sandos & Associates, Inc.
Location: LL 254 - 7th District, Brogdon Road
Size: 10.57
Proposed Use: Small Industrial Subdivision
Analysis:

The site is currently zoned M-1 within unincorporated Gwinnett County. The proposed classification of HM-1 is the equivalent zoning classification within Sugar Hill.

Recommendation:

The request should be approved as requested accepting the Standards Governing the Exercise of the Zoning Power presented by the applicant. The surrounding property is zoned similarly.

3550 Lawrenceville-Suwanee Road Suite 102 - Suwanee, Georgia 30174
Phone: 770-932-6550 Fax: 770-932-6551

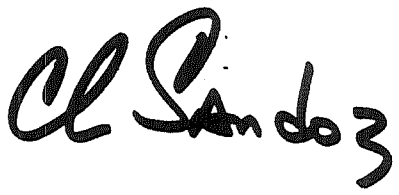
Letter of Intent

Use of this property is for use as industrial business. The acreage is approximately 10.5 +/- acres and the zoning requested is HM-1 (this property is currently zoned by Gwinnett County as M-1). The number of lots proposed are 8 lots (1+ acres each). For density in terms of lots per acre, is 0.76 lots per acre.

In addition to this request, we would like to request for buffer reduction along the NE property line.

Number of parking places and heights of buildings will be submitted for approval via individual sites plans.

Thanks for your cooperation and consideration of this annexation.



ANNEXATION APPLICATION

This annexation petition is made pursuant to the provisions of the official code of Georgia annotated 36-36, Article 2, "Annexation Pursuant to Application by 60 percent of Landowners and Electors."

Application is hereby made to the City of Sugar Hill, Georgia by the undersigned property owners and electors residing on property proposed for annexation, to have the attached described land(s) annexed into the corporate limits of the City of Sugar Hill.

Map Reference #: 7-254-025 2.67 Acres 7-254-004 7.9 Acres Total Number of Acres to be annexed: 10.57

It is requested that a zoning classification of (HM-1) Light Industry be assigned to the property upon annexation. The property is currently zoned (M-1) Light Industry in Gwinnett County.

Is this property vacant? ___ yes ✓ no (If no, it is necessary for the elector to sign.)

LANDOWNER:

Name: DAVID L. + LISA M. PUGH

Address: 734 BROGDON ROAD

City: SUWANEE State: GA. Zip Code: 30174

Phone: 770-945-7746 Home 770. 446-8821 Work

Date: 6-24-97 Signature: David L Pugh

ELECTOR (Registered Voter):

Name: DAVID L. PUGH

Address: 734 BROGDON RD.

City: SUWANEE State: GA Zip Code: 30174

Phone: 770-945-7746 Home 770-446-8821 Work

Date: 6/24/97 Signature: David L Pugh

Mayor & Council Annexation Application Acceptance Meeting Date: _____

P & Z Public Hearing: _____ Mayor & Council Public Hearing: _____

Deadline for submitting application in order to follow this schedule: _____

****

PLANNING AND DEVELOPMENT DEPARTMENT USE ONLY

FILE NUMBER: AX-97-002 ACCEPTED BY: K. Landers

DATE: 6/25/97 AMOUNT PAID: $350.00 CHECK #: 1001

CITY OF SUGAR HILL

ITEM COUNT FOR FEE CALCULATION

PERMIT : 9701243 TYPE: RZ - REZONING APPLICATION

MASTER PERMIT: NOT FOUND

PROJECT: 97 MO ADDRESS: 7-254-004 & 7-254-025

OWNER NAME:

CONTRACTOR: JSA & ASSOCIATES, INC.

FEE DUE FROM: JSA & ASSOCIATES, INC.

DESCRIPTION OF ITEMS SELECTED	CODE CNT	QUANTITY	AMOUNT
ALL REZONINGS	RC#113	1.00	350.00
SUBTOTAL OF ITEM AMOUNTS			350.00

Check- 1001

PAID
JUN 25 1997
CITY OF SUGAR HILL

REZONING APPLICATION

AN APPLICATION TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF SUGAR HILL, GEORGIA.

APPLICANT INFORMATION	OWNER INFORMATION
NAME: Jen Kins, Sandoz & Associates, Inc.	NAME: DAVID L. & LISA M. Pugh
ADDRESS: 385 Brogdon Rd	ADDRESS: 734 Brogdon Rd.
CITY: Suwanee GA 30174	CITY: Suwanee
STATE: GA ZIP: 30174	STATE: GA ZIP: 30174
PHONE: 770-614-3101	PHONE: 770-446-8821

CONTACT PERSON: Cliff Sandoz
PHONE: 770-614-3101 FAX: 770-614-3143

* Include any person having a property interest and any person having a financial interest in any business entity having property interest (use additional sheets if necessary).

APPLICANT IS THE:

____ OWNER'S AGENT ____ PROPERTY OWNER ✓ CONTRACT PURCHASER

PRESENT ZONING DISTRICT(S): M-1 REQUESTED ZONING DISTRICT: HM1

LAND DISTRICT(S): 7 LAND LOT(S): 254 ACREAGE: 0.57 TAX ID#: 254-7254004 7254-025

ADDRESS OF PROPERTY: 734 Brogdon Rd.

PROPOSED DEVELOPMENT: Commercial Subdivision

PLEASE CHECK THE FOLLOWING IF APPLICABLE:

NA Proposal is a Development of Regional Impact
NA Proposal is within 2,000 feet from the Chattahoochee River

RESIDENTIAL DEVELOPMENT:	NON-RESIDENTIAL DEVELOPMENT:
NO. OF LOTS/DWELLING UNITS:	NO. OF BUILDING/LOTS 14
DWELLING UNIT SIZE (sq. ft.)	TOTAL GROSS SQUARE FEET
GROSS DENSITY	DENSITY SEE ATTACH SITE plans per plat attached
NET DENSITY	

LETTER OF INTENT

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED.

REZONING APPLICANT'S RESPONSE

STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

Please respond to the following standards in the space provided or use and attachment as necessary:

A. Whether a proposed rezoning (or Special Exception) will permit a use that is suitable in view of the use and development of adjacent and nearby property:

Currently zoned M-1 in Gwinnett County, Adjacent land zoned HM-1 in Sugar Hill as well as most nearby property.

B. Whether a proposed rezoning (or Special Exception) will adversely affect the existing use or usability of adjacent or nearby property:

Proposed Rezoned property is now zoned M-1 in Gwinnett County - most Adjacent and nearby land also zoned HM-1.

C. Whether the property to be affected by a proposed rezoning (or Special Exception) has reasonable economic use as currently zoned:

This property is currently zoned M-1 in Gwinnett, Rezoning is due to Annexation Request.

D. Whether the proposed rezoning (or Special Exception) will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools:

Currently zoned M-1 in Gwinnett, proposed Rezoning would not cause excessive or burdensome uses of existing streets, transportation facilities, etal.

E. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposed rezoning.

This property is zoned M-1, Rezoning Request is due to Annexation Request.

* *

PLANNING AND DEVELOPMENT DEPARTMENT USE ONLY

CASE NUMBER _____

RECEIVED BY _____ DATE RECEIVED _____

REZONING APPLICANT'S CERTIFICATION

The undersigned below is authorized to make this application. The undersigned is aware that no application or reapplication affecting the same land shall be acted upon within 12 months from the date of last action by the Mayor and Council.

JENKINS, SANDOZ & ASSOCIATES, INC.

C L Sandoz — 6/25/97

Signature of Applicant — Date

C L SANDOZ - TREASURER

Typed or Print Name and Title

Signature of Notary Public — 6/25/97 Date — NOTARY SEAL

Notary Public, Gwinnett County, Georgia
My Commission Expires February 28, 2000.

* *

PLANNING AND DEVELOPMENT DEPARTMENT USE ONLY

CASE NUMBER _____

RECEIVED BY _____ DATE RECEIVED _____

REZONING PROPERTY OWNER'S CERTIFICATION

The undersigned below, or as attached, is the owner of the property considered in this application. The undersigned is aware that no application or reapplication affecting the same land shall be acted upon within 12 months from the date of last action by the Mayor and Council.

David L Pugh — 6/24/97
Signature of Owner — Date

David L. Pugh - OWNER
Typed or Print Name and Title

Leigh L. Jenkins — 6/24/97
Signature of Notary Public — Date — NOTARY SEAL

Notary Public, Gwinnett County, Georgia
My Commission Expires February 28, 2000.

* *

PLANNING AND DEVELOPMENT DEPARTMENT USE ONLY

CASE NUMBER _____

RECEIVED BY _____ DATE RECEIVED _____

CONFLICT OF INTEREST CERTIFICATION FOR REZONINGS

The undersigned below, making application for rezoning, has complied with the Official Code of Georgia Section 36-67A-1, et. seq, Conflict of Interest in Zoning Actions, and has submitted or attached the required information on the forms provided.

JENKINS, SANDOZ & ASSOCIATES, Inc.

C L Sandoz — 6/24/97 — C L SANDOZ - TREASURER
Signature of Applicant — Date — Type or Print Name and Title

C L Sandoz — 6/24/97 — C L SANDOZ - TREASURER
Signature of Applicant's Attorney or Representative — Date — Type or Print Name and Title

Signature of Notary Public — 6/24/97 — NOTARY SEAL
Date

Notary Public, Gwinnett County, Georgia
My Commission Expires February 28, 2000.

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating $250.00 or more to a member of the Mayor and Council or a member of the City of Sugar Hill Planning and Zoning Board.

No (yes/no)

If the answer is yes, please completed the following section:

NAME AND OFFICIAL POSITION OF GOVERNMENT OFFICIAL	CONTRIBUTIONS (List all Which Aggregate to $250 or More)	DATE CONTRIBUTION WAS made (Within Last Two Years)

Attached additional sheets if necessary to disclose or describe all contributions.

* *

PLANNING AND DEVELOPMENT DEPARTMENT USE ONLY

CASE NUMBER _____

RECEIVED BY _____ DATE RECEIVED _____

REZONING CHECKLIST

The following is a checklist of information required for submission of a Rezoning or Special Exception application. The Planning and Development Department reserves the right not to accept any uncompleted applications.

_____ Application completed with all information needed attached and rezoning fee paid.

Other information required to be submitted with the application:

✓ Legal Description

✓ Boundary Survey

✓ Site Plan (this is optional)

✓ Letter of Intent (is requested)

✓ Applicant Certification

✓ Conflict of Interest/Campaign Contributions

✓ Adjoining Property Owner(s) of record List

N/A Development of Regional Impact

N/A Within 2,000 feet from the Chattahoochee River

I, Jenkins, Sandoz & Associates, Inc
C.L. Sandoz
(Printed Name) have completed all of the above.

C L Sandoz
Applicant Signature

6/24/97
Date

Completed Date: 6/24/97

MAKE SURE THIS CHECKLIST IS RETURNED WITH THE REZONING APPLICATION.

* *

PLANNING AND DEVELOPMENT DEPARTMENT USE ONLY

CASE NUMBER _____ ACCEPTED BY _____

STATE OF GEORGIA, GWINNETT COUNTY

THIS INDENTURE, made this 10th day of April, in the Year of our Lord One Thousand Nine Hundred and Ninety-Five, between PAUL M. PUGH AND DOROTHY PUGH of the State of Georgia and County of Gwinnett, of the first part, and DAVID L. PUGH of the State of Georgia and County of Gwinnett, of the second part, and

WITNESSETH: That the said parties of the first part, for and in consideration of the sum of LOVE AND AFFECTION---------- DOLLARS, in hand paid, the receipt whereof is acknowledged, has bargained, sold, and by these presents does remise, convey and forever QUITCLAIM to the said party of the second part, his heirs and assigns,all that tract or parcel of land, lying and being in

All that tract or parcel of land lying and being in Land Lot 254 of the 7th District, Gwinnett County, Georgia aned being more particularly described as follows:

Beginning at a point on the northwestern right of way of Brogdon Road a/k/a Peachtree Road (an 80 foot right of way), located a distance of 1010 feet southwest as measured along said northwestern right of way line from the intersection of said northwestern right of way line with the land lot line common to Land Lots 254 and 255; from said point of beginning run thence North 50 degrees 50 minutes 57 seconds a distance of 610.65 feet to a point at the centerline of a creek, run thence in a westerly direction along the centerline of the creek and following the meanderings thereof a distance of 400 feet more or less to a point at property now or formerly belonging to Larkin W. Roberts; running thence South 30 degrees 27 degrees 30 seconds a distance of 765.61 feet to an iron pin set on the northwesterly right of way of Brogdon Road a/k/a Peachtree Road; run thence in an easterly direction along the right of way of Brogdon Road a distance of 724.55 feet to the true point of beginning.

GWINNETT CO. GEORGIA
REAL ESTATE TRANSFER TAX
$ None
GARY R YATES CLERK OF
SUPERIOR COURT

R7254-044

No Plat Recorded

FILED IN OFFICE
CLERK SUPERIOR COURT
GWINNETT COUNTY, GA
95 APR 20 AM 11:32
GARY R. YATES, CLERK

To Have and to Hold the said described premises to the said party of the second part, so that neither the said parties of the first part nor their heirs, nor any other person or persons claiming under them shall at any time, by any means or ways, have claim or demand any right or title to the aforesaid described premises or appurtenances, or any rights thereof.

In Witness Whereof, The said party of the first part has hereunto set hand and seal, the day and year above written.

Signed, sealed and delivered in presence of:

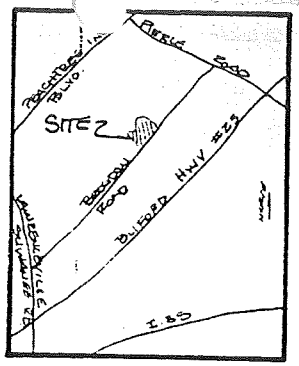
Witness

Notary Public
NOTARY PUBLIC, GWINNETT COUNTY, GEORGIA
MY COMMISSION EXPIRES 1-3-99

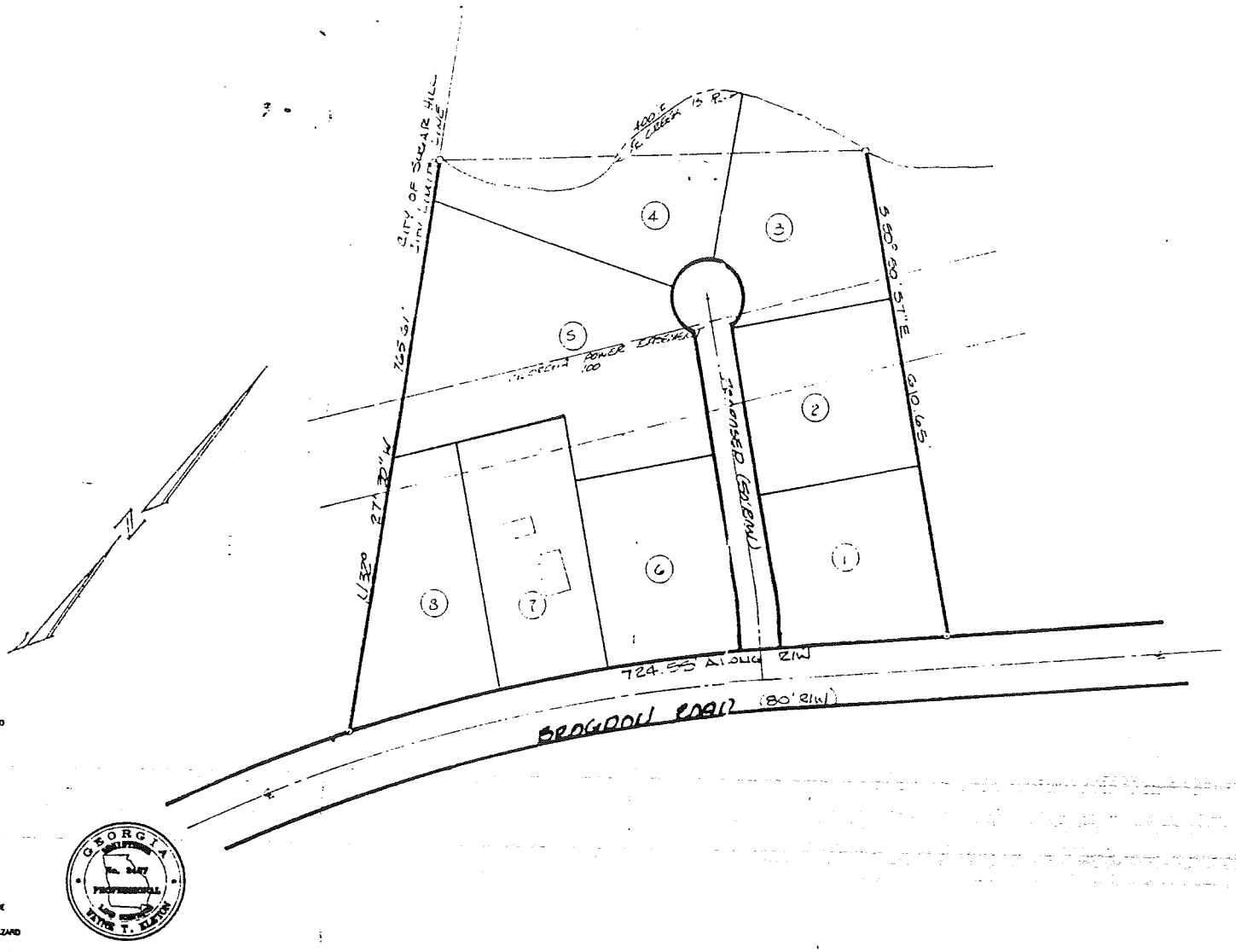
Paul M. Pugh (SEAL)
PAUL M. PUGH

Dorothy Pugh (SEAL)
DOROTHY PUGH

307043



VICINITY MAP
(NTS)



AREA = 10.5Ac±
TOTAL LOTS = 8 ACRES
MINIMUM LOT AREA = 48,560SF
EXISTING ZONING = M-1

LEGEND

I.P.F.	IRON PIN FOUND
I.P.S.	IRON PIN SET
C.M.F.	CONC. MONUM. FOUND
R/W	RIGHT OF WAY
℄	CENTERLINE
	PROPERTY LINE
	BUILDING LINE
L.L.	LAND LOT
BM	BENCH MARK
TC	TOP OF CURB
BC	BOTTOM OF CURB
PE	PAVEMENT ELEVATION
CB	CATCH BASIN
	EXIST. MANHOLE
	PROP. MANHOLE
	MARKED TREE
	PROPERTY CORNER
	POLE
	FIRE HYDRANT
	LAND LOT LINE
	FENCE
	TELEPHONE LINE
	GAS LINE
	WATER LINE
	SANITARY SEWER LINE
	POWER LINE
	BRANCH
	LIMITS OF FLOOD HAZARD
	HAYDALE CHECKDAM

GEORGIA REGISTERED PROFESSIONAL LAND SURVEYOR WAYNE T. ELETON

GRAPHIC SCALE

100 0 50' 100' 200'

(IN FEET)

1 inch = 100 ft.

DRAWN BY: W.T. ELETON
DATE: JUNE 25, 1997
SCALE: 1" = 100'
JOB No.
SHEET 1 of 1

ANNEXATION PLAT
FOR:
JENKINS, SANDOZ & ASSOC.

L.L./LOT 254 OF THE 7TH DISTRICT, GWINNETT COUNTY, GEORGIA

Cornerstone Development Consultants, Inc.
Land Planning • Development • Management • Surveying
3520 Lilburn - Stone Mtn. Road • P.O. Box 845 • Lilburn, GA 30048
(770) 925-0116 • Fax (770) 381-9685

PUBLIC HEARING

PLANNING COMMISSION RECOMMENDATION:

Public Hearing
Don W. Faulconer

RZ-97-007

MAP# 7-292-061 & 7-292-198

CKAS, INC. is requesting to rezone 0.578 acres off First Avenue, (A.K.A. East Broad Street) form RS-100 to BG for the purpose of a retail sales for Portable Buildings, Truck Accessories, and used Automobile Sales.

Board Member Ed Entrekin Made A Motion For The Mayor And Council To Approve This Variance Request For RZ-97-007 With The Stipulation That They Comply With The Requirements Of The Newly Adopted Zoning Ordinance, Buffers, And Paving For The Entrance And Parking. They Also Must Obtain A Letter From The Adjoining Residential Property Owner On The Buffer Agreement, Seconded By Vice Chairman Granville Betts, And Approved Unanimously By Those Present.

Stipulate entrance of business pav
of Hwy 20

Motion
2nd

Bailey
Davis
5-0

McFarland ◆ Dyer & Associates, Inc.

Memorandum

To: City of Sugar Hill Planning Commission
Mayor and City Council of Sugar Hill

From: Don McFarland, McFarland - Dyer & Associates, Inc.

Date: July 21, 1997

Subject: Report and Recommendation RZ-97-007, CK &S, Inc.

Case Number: RZ-97-007
Proposed Zoning: BG General Business District
Existing Zoning: RS-100
Applicant: CK &S, Inc.
3545 Buford Drive
Buford, Georgia 30519

Location: LL 292 - 7th District, Nelson Brogdon Blvd. (S.R. 20)
Size: .0578 acre
Proposed Use: Portable Bldg. Sales and Used Automobile Sales
Analysis:

The site plan submitted indicates The existing frame residence will be converted to an office for the sales facility. The applicant proposes to locate a facility similar to the current location on Buford Drive near Bogan Rd. The request for the gravel parking lot is due to the nature of the potable buildings and damage that would take place to a paved surface in loading and unloading the units.

Recommendation

The Comprehensive Plan indicates the property for commercial land usage. The Application should be approved as requested for the use proposed. Paved parking should be provided in areas where used car sales is to take place.

3550 Lawrenceville-Suwanee Road Suite 102 - Suwanee, Georgia 30174
Phone: 770-932-6550 Fax: 770-932-6551

REZONING APPLICATION

AN APPLICATION TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF SUGAR HILL, GEORGIA.

APPLICANT INFORMATION	OWNER INFORMATION
NAME: CKAS, Inc.	NAME: Chris Knight
ADDRESS: 3545 Buford Drive	ADDRESS: 719 Level Creek Road
CITY: Buford	CITY: Sugar Hill
STATE: GA ZIP: 30519	STATE: GA ZIP: 30518
PHONE: (770) 271-9300	PHONE: (770) 945-5368

CONTACT PERSON: J.C. Knight
PHONE: (770) 945-5368 FAX: (770) 271-9300

* Include any person having a property interest and any person having a financial interest in any business entity having property interest (use additional sheets if necessary).

APPLICANT IS THE:

____ OWNER'S AGENT __X__ PROPERTY OWNER ____ CONTRACT PURCHASER

PRESENT ZONING DISTRICT(S): RS-100 REQUESTED ZONING DISTRICT: BG

LAND DISTRICT(S): 7th LAND LOT(S): 292 ACREAGE: 0.578 TAX ID#: 7292061
7292198

ADDRESS OF PROPERTY: 4938 First Avenue

PROPOSED DEVELOPMENT: Portable building retail sales, truck accessory and used automobile sales.

PLEASE CHECK THE FOLLOWING IF APPLICABLE:

____ Proposal is a Development of Regional Impact
__X__ Proposal is within 2,000 feet from the Chattahoochee River

RESIDENTIAL DEVELOPMENT:	NON-RESIDENTIAL DEVELOPMENT:
NO. OF LOTS/DWELLING UNITS:	NO. OF BUILDING/LOTS
DWELLING UNIT SIZE (sq. ft.)	TOTAL GROSS SQUARE FEET
GROSS DENSITY	DENSITY
NET DENSITY	

LETTER OF INTENT

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED.

REZONING APPLICANT'S RESPONSE

STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

Please respond to the following standards in the space provided or use and attachment as necessary:

A. Whether a proposed rezoning (or Special Exception) will permit a use that is suitable in view of the use and development of adjacent and nearby property:

Since this property adjoins Shumaker Furniture business, I see this request as a logical request for rezoning of this property.

B. Whether a proposed rezoning (or Special Exception) will adversely affect the existing use or usability of adjacent or nearby property:

This rezoning will only enhance the property value of adjacent landowners and in turn will not operate during hours that would impose upon the other landowners.

C. Whether the property to be affected by a proposed rezoning (or Special Exception) has reasonable economic use as currently zoned:

From an economic standpoint, the current zoning is not a viable source of income. With the new zoning the property would be a profit center for the landowner and for the city.

D. Whether the proposed rezoning (or Special Exception) will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools:

This zoning will not pose any burdens on the current infrastructure within the city, the schools or on the transportation flow of the current roads.

E. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposed rezoning.

With requested property adjoining property owned by Mark Shumaker and being used as a business, I see no reason why the city would disapprove my request for rezoning.

* *

PLANNING AND DEVELOPMENT DEPARTMENT USE ONLY

CASE NUMBER _____

RECEIVED BY _____ DATE RECEIVED _____

CONFLICT OF INTEREST CERTIFICATION FOR REZONINGS

The undersigned below, making application for rezoning, has

REZONING PROPERTY OWNER'S CERTIFICATION

The undersigned below, or as attached, is the owner of the property considered in this application. The undersigned is aware that no application or reapplication affecting the same land shall be acted upon within 12 months from the date of last action by the Mayor and Council.

C. Knight — 6/25/97
Signature of Owner — Date

Chris Knight
Typed or Print Name and Title

Shirley C. Tuck — 6/25/97
Signature of Notary Public — Date — NOTARY SEAL

Notary Public, Gwinnett County, Georgia
My Commission Expires December 19, 2000

* *

PLANNING AND DEVELOPMENT DEPARTMENT USE ONLY

REZONING CHECKLIST

The following is a checklist of information required for submission of a Rezoning or Special Exception application. The Planning and Development Department reserves the right not to accept any uncompleted applications.

_____ Application completed with all information needed attached and rezoning fee paid.

Other information required to be submitted with the application:

___ Legal Description

___ Boundary Survey

___ Site Plan (this is optional)

___ Letter of Intent (is requested)

___ Applicant Certification

___ Conflict of Interest/Campaign Contributions

___ Adjoining Property Owner(s) of record List

___ Development of Regional Impact

___ Within 2,000 feet from the Chattahoochee River

I, Chris Knight have completed all of the above.
(Printed Name)

C/Knight 6/25/97
Applicant Signature Date

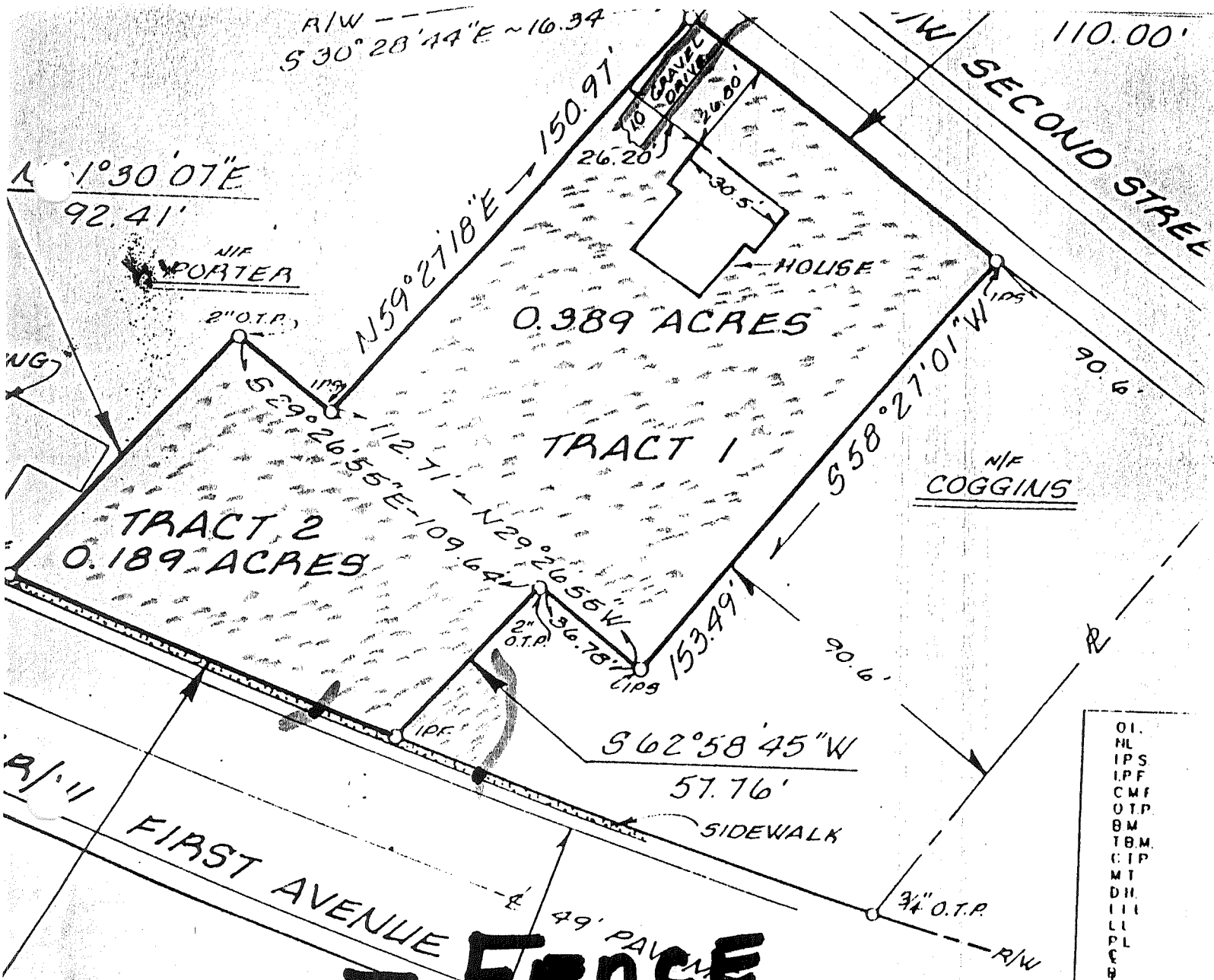
Completed Date: ___/___/___

MAKE SURE THIS CHECKLIST IS RETURNED WITH THE REZONING APPLICATION.

* *

PLANNING AND DEVELOPMENT DEPARTMENT USE ONLY

CASE NUMBER _____ ACCEPTED BY _____



GEORGIA
REGISTERED
NO. 2503
SURVEYOR
JEFF H. GRIFFIN

ABBOTT COMPANY
719 Level Creek Road
Buford, GA 30518
(770) 271-9300

IN MY OPINION, THIS PLAT IS A CORRECT

A TOPCON GTS-2 TOTAL STATION was used to obtain the linear and angular measurements used in

OI.
NL
IPS
I.P.F
CMF
O.T.P.
BM
TBM.
C.T.P
MT
DH.
I.I.L
LL
PL
℄
℄
R/W
S.S.E
DE
C & G
B.O.C
I.O.C
G.M.D
P.B./P.G.
D.B./P.G.
P.O.B
T.P.O.B
ELEV
I.E.
F.F.E
E.P.
C.M.P.
R.C.P.
D.I.P.
P.V.C.
V.C.P.
O.L.P.
U.P.P.
M.H.
B
J.B.
H.W.
D.I.
G.I.
F.H.
W.V.
W.M.
G.V.
+941.2
941.21
910
910
P

Letter of Intent
for requested rezoning of 4938 First Avenue

The landowner, Chris Knight, is hereby requesting a change in zoning from RS-100 to BG for the following:

Land District:	7	Land Lot:	292
Acreage:	0.578	Located at:	4938 First Avenue

The proposed use of this property is for retail portable building sales, retail truck accessory sales and used automobile sales. The intent is to gravel the parking area and chain link fence the entire property for insurance purposes. By using the existing building as office space, the square footage of the house will not deviate from its original 900 square feet. I also agree to design the parking area in compliance with the city ordinance and will agree to the buffers set by the city.

MEMORANDUM

To: Warren Nevad

From: Jorgia Northrup

Date: August 6, 1997

Re: Occupation Tax confidentiality

Question:

Whether occupation tax returns of a business, particularly gross receipt information, may be released?

Answer:

With some exceptions, no.

Discussion:

If the requestor makes a request under the state "Open Records Act," O.C.G.A. §48-13-15 states that information used to determine the amount of occupation tax (gross receipts, for instance) is confidential and exempt from disclosure.

Sugar Hill Code Sec. 18-25 states "All contents of said return shall be confidential and open only to the officials, employees, agents or clerks of the city using said returns for the purpose of this occupation tax levy and the collection of the tax." If someone not named in this list requests the information (requested other than through an "Open Records Request") for a purpose other than tax levy or collection, no information on the return may be released.

THOMPSON & SWEENY, P.C.
Law Offices
P. O. Drawer 1250
Lawrenceville, GA 30246-1250
Telephone: (770) 963-1997
Telephone Copier: (770) 822-2913

FACSIMILE TRANSMISSION

DATE: *August 6, 1997*

TO:	*Warren Nevad, City Manager, City of Sugar Hill*
TELECOPIER #:	*770.945.0281*
TELEPHONE #:	*770.945.6716*
FROM:	*Jorgia Northrup*
CLIENT/MATTER#:	*Occupation Tax Question*
NUMBER OF PAGES:	*2 (includes cover page)*
MESSAGE:	*Please see following.*

CONFIDENTIAL NOTICE

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS LEGALLY PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPY OF THIS TELECOPY IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS TELECOPY IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ADDRESS LISTED ABOVE VIA THE UNITED STATES POSTAL SERVICE. THANK YOU.

IF YOU ARE HAVING DIFFICULTIES WITH RECEPTION, PLEASE CALL **(770)963-1997**.

ORIGINAL MAILED?____YES____NO

SENT BY:_____ @ ___:___ ___.m.

RECEIPT CONFIRMED BY _____

MEMORANDUM 97-61

TO: Mayor/City Council

FR: Warren P. Nevad

RE: AUGUST 11, 1997 CITY MANAGER REPORT

DATE: August 6, 1997

1. EMPLOYEES:

We have made changes to the Street & Bridge Department. We have assigned Wayne Clement on a temporary basis to assist Donna Zinskie with the department's workload. Donna has prepared the attached remaining drainage projects for 1997.

We will transfer Nelson Lopez to the gas department to fill a vacant position. We will hire a meter reader to replace Nelson's position.

We have continued to assist Robertson Sanitation with the new volume base system.

2. PLANNING/ZONING:

The department issued 14 single family residential permits. A total of 420 inspections were conducted during this busy month. Tony Bauman is currently interviewing for a building inspector which will allow Joe Appling to concentrate more on code enforcement and landfill closure.

Bowen Builders and Our Generations have agreed to work together to solve the drainage problems plaguing Hessie Drive.

3. GAS DEPARTMENT:

The gas department installed 49 services during the month of July. Our gas crews will commence installing the 4 inch gas line on Whitehead Rd. within the next week. In order to alleviate the workload, we will contract out new services for the interim period so that we will be able to install the Whitehead Rd. Project in house. Also, we have contracted out the HWY. 20 project.

We have arranged a meeting with the Municipal Gas Authority and Transco to review our unaccounted for gas problem. Jordan Jones and Goulding will make a presentation at the Council Meeting in order to explain our strategy.

4. FINANCE:

The ending balance in the General Fund checking account as of today was $59,137. The balance in the LGIP fund is $808,000. In conjunction with our new computer software, we are auditing all business license activity. Jordan Jones and Goulding has commenced their investigation.

We will present our 1996 audit for Mayor/Council Approval.

5. SOLID WASTE:

We will be granted an extension by EPD regarding our landfill closure. EPD understands our legal entanglements and financial dilemma. We appreciate their cooperation. We have meet with Speaker Gringrich's staff to explore funding options to meet our landfill requirements.

Piedmont Olsen Hensley has prepared a proposal for landfill sampling for your consideration. The expected cost exceeds $14,000.

6. GOLF COURSE:

The golf course generated over $138,000 during July. We have been following our timetable specified in our consent order. We are awaiting EPD's approval of our proposed design development report.

Wade Queen has advised me that we need to install the irrigation pipe as soon as possible in order to keep the golf course open. We have instructed our engineers to push for early approval by EPD.

Best Wishes for a productive meeting.

WPN:bms

DRAINAGE PROJECTS
1997

1. 1134 Roberts Dr.----Ms. Shirley Jones----Erosion of creek bank----Cross-tie wall----Work to be contracted out---- Approximately $10,000.00.

2. 1381 Hickory Hills Dr.----Mr. Wallace----Erosion of ditch along side driveway coming from drainage system on Craig Dr. Approximately $3000.00.

3. 4427 Frontier Way----Ms. Kimbro----Install approximately 140' of 15" drainage pipe in right-of-way.----Approximately $850.00

4. Misc.----There are several small projects planned for 1997. Approximate cost $7500.00.

CITY OF SUGAR HILL AGENDA
COUNCIL MEETING - SEPTEMBER 8, 1997-7:30 P.M.

CALL TO ORDER AND INVOCATION:

APPROVAL OF AGENDA:

APPROVAL OF AUGUST 11TH MINUTES

DEPARTMENT REPORTS:		**NEVAD**
OLD BUSINESS:		
A:	UPDATE ON VISION 20/20 COMMITTEE:	BECHTOLD
B:	NEXTEL CELLULAR TOWER:	PAYNE
C:	CABLEVISION:	SPRADLIN
D:	CONSENT ORDER	THOMPSON
E:	CITY ABANDONMENT-HWY 20:	THOMPSON
F:	ANTI-NOISE ORDINANCE:	DAVIS

CITIZEN'S AND GUEST'S COMMENTS:

NEW BUSINESS:

A:	GWINNETT VISION 2010:	NEVAD
B:	PROPOSAL- NEW TELEPHONE SYSTEM	NEVAD
C:	HESSIE LANE -CDBG PROJECT	ZINSKIE
D:	REZONING- FRONTIER FOREST AREA	AVERY

CITY CLERK'S REPORT:

CITY MANAGER'S REPORT:

COUNCIL REPORTS:

EXECUTIVE SESSION:
POSSIBLE LITIGATION

ADJOURNMENT:

UNOFFICIAL MINUTES

CITY OF SUGAR HILL
SPECIAL CALLED MEETING
MINUTES-WEDNESDAY-SEPT. 17, 1997

The Special Called Meeting of Sept. 17, 1997 took place in the Community Center at 7:00 p.m. Notice of the meeting was placed on the doors of City Hall, the Community Center, on the board at Peachtree Ind. Blvd. and in the local papers.

Those present were: Mayor Pro-Tem Pugh, Council Members Bailey, Baird and Davis, City Attorney Lee Thompson, City Manager Warren Nevad, Assistant City Manager Scott Payne, City Clerk Gibbs, Deputy Clerk Switzer, members of the media, registered guests. Absent were Mayor Webster and Council Member Spradlin.

CALL TO ORDER AND INVOCATION:

Mayor Pro-Tem Pugh called the meeting to order at 7:00 p.m. and led the Pledge to the Flag. Council Member Bailey gave the invocation.

APPROVAL OF AGENDA:

Council Member Bailey made a motion to approve the agenda with some changes. He wanted to add Citizen's and Guest's Comments between Old and New Business. On advice of legal counsel, item C under New Business, Solid Waste Presentation, should be moved to Executive Session. A YMCA Presentation by Mr. Bob Wagner would replace item C. Council Member Baird made the second. Motion passed 3-0.

APPROVAL OF AUGUST 11th MINUTES:

Council Member Bailey made a motion to approve the August 11th minutes. Second was made by Council Member Baird. Motion passed 3-0.

OLD BUSINESS:

A: NEXTEL CELLULAR:
Assistant City Manager Scott Payne introduced Mr. Al Cavalier of Nextel Communications. Mr. Cavalier explained that the site they had chosen for the Nextel Cellular Tower, will be located on the lower level parking lot at the Gold Course. An area of 60 x 60 feet has been chosen, with a 10 x 20 foot building to house their equipment. They will fence this area and do some landscaping. Mr. Wade Queen, Director of Golf, had some concerns that they would loose some parking spaces. Mr. Cavalier did not think there would be any lose and they would preserve the parking area as much as possible. Council Member Bailey asked City Attorney Thompson if he had reviewed the lease and if it was in conflict with the Bell South lease. Mr. Thompson replied he had reviewed

approved 10-13-97

OLD BUSINESS CONT'D:

the lease and the only thing he found was in Paragraph 7 of the Bell South lease saying no other tower could be put up if it would interfere with the Bell South Tower transmission. Mr. Cavalier stated this was normal in all communications contracts and he saw no problems. Mr. Thompson was going to change some of the wording in the lease with Nextel so they would be aware of the restriction by Bell South. Another restriction in the Bell South lease, was the leasing of property around the Bell South Tower. Since this tower is located at the treatment plant, this would not be a problem. Mayor Pro-Tem Pugh wanted to make sure of the exact location. It was explained this was the first parking area on the way to the clubhouse, what is referred to as the overflow parking lot. Mr. Payne stated that Mr. Queen indicated they might use the parking lot 3 or 5 times a year. Mr. Pugh wanted to know if Nextel could fix a driveway that would take them directly into the area. Mr. Payne stated they were going to do everything possible to minimize the lose of parking spaces, a speed bump would be installed for water run-off, and the lot would be marked for parking spaces. Council Member Bailey made a motion to approve the lease subject to legal counsel review and any subsequent mutual agreement with Nextel Corp. and Bell South. Council Member Baird made the second. Motion passed 3 - 0.

CITIZEN'S AND GUEST'S COMMENTS:

Brenda Rich of 835 Level Creek Road stated she had two questions to ask. First, she wanted to know why, at the last Council Meeting, the public was not informed early in the meeting that staff could retrieve the information Council Member Spradlin had requested. The Council had voted to spend $600 for retrieval of records, but after Executive Session, the vote was rescinded with the statement that staff would furnish the records Mr. Spradlin wanted. City Manager Nevad and Mayor Pro-Tem Pugh explained why the vote was rescinded and that the $600 was for a computer program to retrieve this information. Her other question, why there was no update on the gas system on the agenda. It was explained this was a special called meeting so usual items on the agenda were not included.

Mr. Robert Bowie of 835 Level Creek Road wanted to know why, on the 8th, there was a champagne colored Bronco backed up to the back door at City Hall around 10:50 p.m. It was explained the car could have belonged to anyone and did not mean it was a City employee. City Manager Nevad explained he put in many hours a day and he did have keys to City Hall but you could not go in the back door without setting off the alarm. Mr. Bowie then wanted to know when the regular council meeting would be held for September. Mayor Pro-Tem Pugh responded that he did not know since the Mayor had canceled the regular meeting and was not able to attend the Special Called Meeting.

Mr. Herb Payne of 980 Old Spring Way requested that the timer for the lights at the tennis courts be reset to come on earlier. It was explained the timer had burned up and needed to be replaced. This had been done and the lights should be back on.

Brenda Rich wanted clarification on a rumor she had heard that the City was going to give the City house to the YMCA to use. She felt this was commercial property and could be used to pay for the landfill closure and upgrade the gas system. Mayor Pro-Tem Pugh stated he was not aware that this was true. The Council had not discussed this and as far as he knew had no plans to do so.

NEW BUSINESS

A: REZONING FRONTIER FOREST:
Meg Avery of Forest Green Drive wanted to express herself over a recent application for a rezoning of 2.6 acres located on Highway 20 near Frontier Forest. Eagle Realty had applied for the rezoning, wanting it zoned from OI to BG in order to put up a pharmacy and tire repair center. One of the main concerns of the residents, was the fact there would be two entrance and exit driveways coming into Frontier Drive from the new businesses. Traffic from Shoney's coming onto Frontier Drive was already a hazard, there was not a need for 2 more entrances. Why not use the parking lot at Big Lots and Quality Foods as an entrance to the new business. She was glad to hear that some members of the Planning Commission had spent some time observing the traffic in that area. Another concern was the detention pond that was included in the site plan. She reminded the Council of the problems with the detention pond at the Methodist Church. She was glad the Planning Commission had denied the rezoning and hoped when it came up at the October meeting, Council would follow their recommendation and deny this rezoning also.

B: PUBLIC HEARING: 1997 MILLAGE RATE:
Council Member Bailey made a motion to go into Public Hearing, second made by Council Member Baird. Motion passed 3 - 0. City Manager Nevad reported this resolution would set the millage rate at 4 mills. This would be the 4th straight year at this rate and would generate about $493,250 in revenue. Staff recommended the rate stay at 4 mills. There were no comments from the public. A motion was made and seconded to go back into regular session. Motion passed 3 - 0. Council Member Baird made a motion to approve the resolution setting the millage rate at 4 mills, second by Council Member Bailey. Motion passed 3 - 0.

C: SOLID WASTE PRESENTATION:
This item was removed from the agenda to be heard in Executive Session. A YMCA Presentation took its place.

YMCA PRESENTATION:
Mr. Bob Wagner reported that Mr. Ed Entrekin had resigned from the YMCA Steering Committee to run for a council position. He was recommending Katherine Cavanaugh as a replacement. Council Member Bailey made the motion to approve Ms. Cavanaugh as a replacement for Mr. Enterkin, with Council Member Baird making the second. Motion passed 3 - 0. Mr. Wagner responded to the rumor Ms. Rich had asked about. Mr. Wagner stated he was in charge of facilities for the YMCA and he had no knowledge that a City house was going to be donated to the YMCA. If the City had one they wanted to let them have, they would be glad to take it.

D: CITY TELEPHONE:
City Manager Nevad explained that the City's telephone system was very outdated. He had two proposals: one from Lucent Technology for $21,830, the other from Ty Communications/Northern Telecom for $17,900. This would provide new phones, voice mail, 8 phone lines. Ty Communications gives a 5 year warranty while Lucent only offers a 1 year warranty. It was his recommendation that the system from Ty Communications be the one the City chooses.

NEW BUSINESS CONT'D:

Council Member Baird asked if this was a budgeted item, if not where would the funds come from. Mr. Nevad stated it would be taken out of renewal and replacement. Council Member Bailey asked if more stations and lines could be added if necessary. After some more discussion, the motion was made and seconded to approve the purchase of the phone system from Ty Communications. Motion passed 3 - 0.

E: CDBG AMENDMENT:

City Manager Nevad stated that on August 26, 1997, the City had a bid opening on the Hessie Lane drainage project. The county had appropriated $91,190.50 for this project. Two bids were received, one from Georgia Sicilian for $99,000, the other from Wade Koutz for $275,365. The City needed to approve $8,000 to fund the remainder of the low bid. Council Member Baird asked City Manager Nevad to explain the Hessie Lane Project. Mr. Nevad explained that a 30 inch drainage pipe would be installed at Hessie Lane and Pass Court to help with water run off. Mr. Baird asked if the cause of the drainage problem had been investigated. He wanted to know if building in some of the surrounding subdivisions had caused the problem. Mr. Nevad stated that it was a low lying area and yes some of the problem was due to construction in older and newer subdivisions. Mr. Baird felt the City should not have to fund projects like this when the developers should pay or help pay for fixing drainage problems created by their development. After much discussion on who should be responsible for the difference in the CDBG grant and the amount of the bid, a motion was made and seconded to table this item until the October meeting, in order for the City Manager to do more research. Motion passed 3 - 0.

F: OTHER BUSINESS:

Mayor Pro-Tem Pugh stated this item had been placed on the agenda for him but he had nothing to say. Mr. Mike Gazda of 5490 Sugar Crossing Drive asked if he could address the Council since he missed the Citizen's and Guest's portion of the meeting. Council asked what his subject matter concerned. He stated it was concerning a drainage problem on his property. Since Council had been discussing drainage problems, the allowed him to speak. He told Council about the lake behind his house. This lake had been cleaned out to state specifications. After moving in the house, and after it had rained, he noticed that there was severe water run off. which was causing the lake to fill back up. No attempt had been made to control the erosion A large portion of his yard is in the lake and contaminating the lake water. He had paid out of his own pocket to have a study done to determine an appropriate way to stabilize his back yard. He felt what the developer wanted to do was inadequate, plus the developer did not want to do a major portion of the suggestions made on the study. The lake is state water and should have been protected during the entire construction process and this was not done. The City had adopted the Erosion and Control Law of 1975, and it was not followed during this process. During the June 11, 1990 Council Meeting, steps were taken to ensure that this lake would be protected from construction, the dam at the lake would be stabilized and other improvements would be made before a final plat would be approved for properties along the side of the lake.

OTHER BUSINESS CONT'D:

Mr. Gazda felt this was never done, the dam is in bad condition and he was afraid someone would get hurt. Mr. Baird asked him what exactly he wanted. Mr. Gazda stated he wanted his back yard fixed, the lake cleaned out, the dam maintained, all the things the developer had agreed to do in 1990. The City should do everything in its power to see that this was done. Mr. Baird and Mr. Pugh asked City Manager Nevad to get with Mr. Gazda in order to clear this problem up.

COUNCIL COMMENTS:

Council Member Davis stated he felt the new solid waste program was working. In July, there was 22.12 tons of recycling, in August, there was 22.35 tons of recycling While in Savannah, he met with a representative of Southeastern Recycling. This company recycles phone books, magazines, newspapers. They would like to place a bin at City Hall. Any proceeds above the cost of the recycling would go to the City to do what ever they wanted with it. He suggested the proceeds be given to the Gold Wing Club to help defray some of their costs.

No other Council Members had any comments.

A motion was made and seconded to go into Executive Session to discuss potential and pending litigation administrative action. Motion was passed 3 - 0.

Meeting was called back to order after Executive Session. Mayor Pro-Tem Pugh turned the floor over to City Attorney Thompson. Mr. Thompson explained that over the past few months, there was pending litigation with Mid-America inc. This had been discussed in several Executive Sessions. Two other law firms had been hired to help with this: one is a bankruptcy firm of Michael Lambert, the other is a firm that deals with environmental issues, Kilpatrick and Stockton. Through out the litigation, the City has taken the position Mid-America was responsible for the landfill closure under the restated lease agreement. Portions of the restated lease agreement was declared invalid but the rest was upheld by the court. Mid-America has taken the position that they are not responsible and the restated lease agreement is not valid. There was a claim in bankruptcy court for an undetermined amount, which could go up to $10 million. A negotiated settlement had been reached in bankruptcy court. The terms of the agreement gives the City $360,000 being held in escrow under the restated lease agreement, title to all the land included under the original landfill plan, which amounts to about 150 acres, estimated to be worth between 1 and 2 million dollars, and the City will take responsibility for the closure of the landfill. A consent order will have to be entered into with the state. He would try to have that at the October meeting. Official action was need for Mr. Thompson that would authorize Mr. Thompson, the Mayor and his designees to take action to carry out this plan. There would need to be a transfer of funds, deeds would have to be executed. Mr. Bailey made a motion to authorize the Mayor,, legal counsel, City Clerk and/or their designee to execute the terms of the agreement. Second by Mr. Baird. Motion passed 3 - 0

Council Member Bailey made a motion to adjourn, second by Council Member Baird. Motion passed 3 - 0

Meeting adjourned.

ORDINANCE

The Council of the City of Sugar Hill Hereby Ordains that the Code of the City of Sugar Hill, Georgia is hereby amended by deleting Section 12-95 (2) it its entirety and replacing said section with the following section:

(2) Radios, televisions, musical instruments and similar devices.

a. The using, operating or permitting to be played, used, or operated any radio receiving set, television, phonograph, musical instrument, stereo or other machine or device for the producing or reproducing of sound in such a manner as to disturb the peace, quiet, and comfort of the neighboring inhabitants or at any louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto. The operation of any such radio receiving set, television, phonograph, musical instrument, stereo, or other machine or device in such a manner as to be plainly audible at a distance of fifty (50) feet from the building, structure, or vehicle in which it is located shall be prima facie evidence of a violation of this section.

b. The operating or playing of any radio receiving set, television, phonograph, musical instrument, stereo or other such machine or device which produces or reproduces sound in such a manner as to exceed the levels set forth in Table 1 for the land use category.

c. The provisions of subparagraph b. shall be in addition to and cumulative to the prohibitions set forth in subparagraph a. and a violation of either subparagraph or both subparagraphs shall constitute a violation of this ordinance.

IT IS SO ORDAINED this ___ day of September, 1997.

_____
Council Member

_____
Council Member

_____
Council Member

(Signatures Continued On Next Page)

_____
Council Member

_____
Council Member

Submitted to Mayor:_____

Approved by Mayor, this ____ day of _____, 1997.

_____
Mayor

ATTEST: _____
City Clerk

CITY OF SUGAR HILL AGENDA
SPECIAL CALLED MEETING - SEPTEMBER 17, 1997-7:00 P.M.

CALL TO ORDER AND INVOCATION;

APPROVAL OF AGENDA;

APPROVAL OF AUGUST 11 MINUTES;

OLD BUSINESS;

A; NEXTEL CELLULAR TOWER; PAYNE

NEW BUSINESS:

REZONING-FRONTIER FOREST AREA: AVERY

PUBLIC HEARING: 1997 MILLAGE RATE: NEVAD

SOLID WASTE AUTHORITY PRESENTATION: THOMPSON

CITY TELEPHONE SYSTEM: NEVAD

1997 CDBG AMENDMENT NEVAD

OTHER BUSINESS: PUGH

EXECUTIVE SESSION;
POSSIBLE LITIGATION

ADJOURNMENT:

UNOFFICIAL MINUTES

CITY OF SUGAR HILL-COUNCIL MEETING
MINUTES-MONDAY AUGUST 11, 1997

The August 11, 1997 Council Meeting was held at 7:30 p.m. in the Community Center. The meeting was advertised in the local newspapers, notices were posted at City Hall, the Community Center and on the board at Peachtree Ind. Blvd.

Those present were: Mayor Gary Webster, Mayor Pro-Tem Pugh, Council Members Bailey, Baird, Davis, and Spradlin, City Attorney Lee Thompson, City Manager Warren Nevad, Assistant City Manager Scott Payne, Drainage Supervisor Donna Zinskie, Deputy Clerk Ruth Switzer, members of the media and registered guests.

CALL TO ORDER AND INVOCATION:

Mayor Webster called the meeting to order at 7:30 p.m. He led the Pledge to the Flag, with Council Member Spradlin giving the invocation.

APPROVAL OF AGENDA:

Mayor Webster asked for approval of the agenda. Mayor Pro-Tem Pugh made the motion to approve with Council Member Bailey making the second. Council Member Spradlin asked to make some changes to the agenda. Under new business, he wanted to add an item concerning tax billing and to move item K under New Business; GAS SYSTEM/DEPT.; to Old Business. Mr. Pugh suggested moving item K to Old Business as item F and make item K under New Business the tax billing. After more discussion, it was decided to combine item K with item D under Old Business and make item K under New Business Tax Billing, Software Contract. Motion passed 4 - 1

APPROVAL OF JULY 14 MINUTES

Council Member Spradlin made a motion to approve with one modification. On page 5, he felt the wording should be Quick Claim Deed instead of Quit Claim Deed. Attorney Thompson stated that Quit Claim was the correct wording. No changes were made. Mr. Pugh made the second. Motion passed.

DEPARTMENT REPORTS:

A: PLANNING AND ZONING, ZONING APPEALS BOARD:
City Manager Nevad reported that 14 single family permits were issued during July, 420 inspections were done. Tony Bauman had been interviewing for an assistant Building Inspector. This would allow Joe Appling to handle Code Enforcement and the landfill closure.

B. BUDGET AND FINANCE:
City Manager Nevad reported the ending balance in the General Fund Checking Account was $57,000. Funds had to be transferred from the LGIP to pay for gas improvements, leaving a balance of $808,426. Cross training was being done on payroll and accounts payable, on the new computer system. The Utility Billing Software should be on line in September. The 1996 Audit would be presented later in the evening for acceptance.

approved 9-8-97

DEPARTMENT REPORTS CONT'D:

C: GOLF:

Mr. Payne reported that in July, the Golf Course had $138,000 in revenues. The course was in good condition and he invited everyone out to play. He reported that on August 7th a business dinner was held at the Golf Course for local businesses. He thanked all those businesses that participated. Mr. Simpson of P.O.H. gave an update on the Golf Course consent order. He reported that EPD had requested some additional information, which they had provided. No final date had been given on the DDR. Mr. Pugh asked if they were going to proceed with the front line. Mr. Simpson stated he would not recommend additional construction without a DDR from the state. If the design did not meet state approval, the work would have to be done again. He did recommend going ahead with the clearing of the roadway to be used for the trunk line; but not to purchase any pipe at this time, as this might change with state requirements.

D: UTILITIES:

Mr. Payne reported that 49 new services were installed in July. Work would begin on the 4 inch line on Whitehead Road. New services would be contracted out to allow in house installation of the 4 inch line. Also, the Highway 20 project had been contracted out. City Manager Nevad reported that Chris Stripplehoff, of the Municipal Gas Authority, along with Bobby Sills and Don Peters of Jordan, Jones and Goulding, were on hand to explain the process used in trying to determine the loss of gas along with the billing audit. Mr. Stripplehoff explained that the Gas Authority as only an agent, they try to resolve any problems the City might have with Transco. Mr. Stripplehoff explained that it does take some time to solve these problems and at this point they have no conclusive evidence that the Transco meter is the problem. Prior to the end of June, there was no way to confirm or deny the readings at the Transco metering station. Near the end of June, a check meter was installed by the City downstream of the Transco meter. Readings can now be monitored daily in order to compare both meters. Unfortunately, at this time of year, it is a very low low and they are not prepared to draw any conclusions. They will need data from a high flow period, like winter, to determine if the Transco meter is reading improperly or not. If the problem is with the Transco metering station, the Gas Authority will represent the City in resolving the problem. Transco has been very good to work with, as they want to resolve this problem. City Manager Nevad stated that an analysis of 1992 and 1996 usage, based on Transco's readings, showed that in 1992 the average usage was 91 mcf per customer, in 1996 the average usage was 116 mcf per customer. This was an increase of 25%. This type of data, along with an update of the 1997 data, along with measurement of the backup meter, would be the basis to pursue a refund from Transco. Council Member Spradlin asked if Transco was going to reconfigure its meter was this the reason for the delay in installing the City's backup meter. He was informed that the City had asked Transco to hold off with the reconfiguring of the metering station until the City installed the backup meter. Mr. Stripplehoff explained, with the amount of gas loss being reported, examination and testing showed that at that point in time, there was not a problem with the Transco metering station. The next step was to look at metering errors behind the City gate. Were there customers not being metered or were they being metered in error. Also, was there a problem with the billing system. Another possibility was theft and cross connections with another gas system adjacent to the City's system and gas leaks.

Mr. Stripplehoff explained that nothing out of the ordinary was found. The backup meter could have been installed sooner, but Transco was doing some modifications to the system at the metering station. If the backup meter had been in place, it would have to be remove and reinstalled at City expense. This is why Transco was asked to wait on doing system modifications Transco agreed to wait and indicated that the company would pay to fix the meter if it was the problem. The company would also make reimbursement on any overcharge of gas due to a faulty meter reading. So far the modifications have not been done because the system needed to be the same as it was in January of 1996. Mr. Pugh asked if it were possible, technically, for gas to have been measured but not received. Mr. Don Peters stated that something might have happened electronically with the meter but so far that did not appear to be the problem. Mr. Pugh then asked, if Transco had found the problem would they have fixed it without telling anyone. Mr. Peters said it was possible but he felt that Transco was too honest a company to do that. He stated the equipment at the metering station is the same now as it was in January of 1996. Transco has changed nothing and are only doing monthly calibrations. Mr. Spradlin asked if Mr. Peters, in his 30 years of service, had every seen a meter off this far. Mr. Peters stated that he had seen it at least 3 times and it was due to internal problems in the measuring equipment. He further explained that these meters could be checked and calibrated each month and still be wrong without anyone being aware of the problem. A long and extensive search was usually required to find the problem. Mr. Davis asked Mr. Stripplehoff if he felt City Manager Nevad was correct in waiting to put in th backup meter would he himself done anything differently or would he have taken the same steps.

Mr. Stripplehoff stated he would not have done things any differently. Mr. Spradlin asked what the residential billing system audit cost, was it more than the cost of the back up meter. Mr. Nevad explained the residential audit cost $10,000 and the cost of the commercial audit was also $10,000. However, the commercial audit showed several meters that had not been billed properly for years. This was corrected which increased the commercial revenue and helped pay for the audit. Mr. Nevad asked Mr. Bobby Sills of Jordan, Jones, and Goulding, to explain the analysis of the audit. Mr. Sills explained they took the data from T.B.S. and looked at inconsistencies in the residential and commercial billings. They focused on high consumption and zero consumption. On the commercial accounts, they found 2 that were off by a factor of 10. The residential audit only revealed 3 meters that were incorrect. New developments were looked at to see if they had gas with Sugar Hill but were somehow being billed by another gas company, this was not the case. Mr. Spradlin asked Mr. Nevad if Transco said the average consumption was up would that account for the high gas loss, also, had the size of the average house gone up since 1992. Mr. Nevad responded that consumption would be a major part of the gas loss, as far as house size, he did not have that information There were no further questions from the Council Members.

E: STREET AND BRIDGE:
Ms. Zinskie reported that it had been a very busy month. Pick up of yard clippings had increased along with the chipping and keeping the right of ways mowed. Usage of the dump truck on the week ends had also increased. There had been some paving and patching done with some more that needed to be done. Playground equipment should be installed on Friday, August 15th. Mr. Pugh asked how long it would take to install. Ms. Zinskie reported it should be completed that day except for the sand. The recreation board wanted to put up a different wall around the playground and this would determine how much sand would be needed. Drainage issues would be discussed later on the agenda.

F: RECREATION:
Mr. Nevad stated that Ms. Zinskie had covered recreation and there would be a YMCA Steering Committee update later on the agenda.

G: SOLID WASTE:
Mr. Nevad reported the City had been granted an extension regarding the consent order for closure and post closure of the landfill. The City had met their requirements for Phase I of the consent order, installing the ground water monitoring wells. Speaker Gingrich's office had been helpful in getting information on the Super Fund Program. Mr. Nevad read two letters from local garbage companies into the record.(See Attached) The first letter was from Pat O'Conner of Robertson Sanitation explaining why it was not feasible for another garbage company to do business in Sugar Hill. The second letter was from Frank Grey of BFI, explaining that they would offer any assistance they could regarding the closing of the Sugar Hill landfill. However, they had no desire to purchase the landfill. Mr. Gary Simpson of P.O.H. reported on the sampling of the ground water. In mid July, P.O.H. sent out a proposal for the cost of monitoring the ground water wells and all the phases that were required by the Georgia EPD. The cost of the proposal was $14,500 per event, with 5 events in the first year. Mr. Pugh made a motion to approve the proposal with a second from Mr. Bailey. Motion passed. Mr. Simpson explained the methane monitoring has to be done at least twice a year and this would be $1500 per event. Mr. Bailey made the motion to approve the methane monitoring with a second by Mr. Pugh. Motion passed. Mr. Bailey asked if the proposal on the Golf Course topography was acted on under the Golf report, it was not. Mr. Simpson explained the proposal and why it was important. Mr. Bailey made a motion to approve the expenditure of $2,950 per pond, second by Mr. Pugh. Motion passed. On solid waste, Mr. Spradlin asked Mr. Nevad to check with Robertson Sanitation about getting a smaller size bag, at a cheaper price, for those people who did not have much garbage.

OLD BUSINESS:

A: UPDATE ON VISION 20/20 COMMITTEE:
Mr. Bechtold reported they were currently working on the land use map. They had about a 17% return on the survey and had collected some valuable data. The proto-type map they have been working on will be ate the meeting next Tuesday night. They are also working on having a map available at City Hall so residents may stop by to give their input. This is a very important part of the Comprehensive Plan, as this will determine how the City will grow regarding industrial, commercial and residential areas. He reported the task force had received a draft copy of the Comprehensive

Plan from Mayes, Sudderth and Etherdige, with the updates that had been made to goals and objectives. The task force would be reviewing this and give their input to Mike Warrix.

B: UPDATE ON YMCA STEERING COMMITTEE:
Council Member Davis asked Mr. Bob Wagner to give this report. Mr. Wagner reported this would be the last report until the November meeting. He reported they had added one more church to their group of facilities. Of the 73 activities the YMCA offers, they now have 46 facilities that can handle these activities. Only 14 kids had signed up for the summer camp. It was felt this was due to short notice plus the fact that most parents make summer plans early in the year. YMCA will have a summer camp in 1998 and notice of this will begin in January. The YMCA plans to have another program that will start in mid November. Ed Enterkin reported that some of things needed by the YMCA are: a sign or banner proclaiming the YMCA is in Sugar Hill, office space where people can register for the different programs and they need volunteers to work with the YMCA in specific programs. He stated they would like to start fund raising for the YMCA. He would have to check with legal counsel on how to set it up since this is a municipality. Rev. Steve Wood is requesting a meeting of all the clergy in the Sugar Hill area. So far a date has not been set for this meeting. Mr. Wagner then reported on the survey results (see attached). He also thanked 2 new businesses that have offered their help and facilities. 1) Great Beginnings Day Care had offered their building after hours for training classes, such as CPR, etc.
2) North Georgia Graphics, which had done the charts he was using.

C. 1996 AUDIT:
City Manager Nevad reported, last month the Audit was presented. It needs to be approved in order to be sent to the state. Council Member Spradlin made the motion to accept, with a second from Council Member Baird. Motion passed.

D. UPDATE ON GAS SYSTEM IMPROVEMENTS/GAS SYSTEM/DEPT:
City Manager Nevad reported on the remaining projects for the gas department. He gave the cost of contracting out installation of gas line along Whitehead Road, Hwy 20, and Suwanee Dam Road, versus having it done by City employees. It would save the City money to contract out new services and let City employees do installation and maintenance on pipe lines. On the Suwanee Dam Road project, it would cost the City $40,000 for upgrade and pipe. Gwinnett County has a program that will make a reimbursement to move utilities. On the high pressure project, the contract is for $271,000. So far, about $170,000 has been spent with $120,000 set aside for the easement they are trying to obtain. Gas Consultant Bobby Ellis felt with all these improvements, the City should have no problems with gas service this winter. Council Member Spradlin asked how far the extension on Whitehead Road would go and what would be the cost of the regulator station. Mr. Nevad said the regulator station would cost about $1,500 and there was money set aside for this.
On the Gas System/Dept. issue: Council Member Spradlin stated that in February, Ms. Brenda Rich read a memo addressed to the Mayor, Council and City Manager regarding the gas system. This memo, dated March of 1996, had not been seen by any of the Council Members, Mayor or the City Manager. The memo was reported to have come from Gas Superintendent Billy Hutchins regarding all the changes that needed to be don in order to prevent problems with low or no gas pressure. It was reported the memo was hand delivered and responded to: the Council would not appropriate

UPDATE ON GAS CONT'D

the money. Mr. Spradlin asked Mr. Hutchins if all the proposed changes would provide adequate gas for the City. Mr. Hutchins stated that the 2 inch on Riverside Road would need to be upgraded, as there would be 3 or 4 new subdivisions going in there but this would not be until 1998 so this could wait. If all the current upgrades are completed, Mr. Hutchins felt the City would be able to provide enough gas to the City. Another concern Council Member Spradlin wanted the Council to be aware of was morale in the gas department. With winter coming on, he felt the gas department needed to be at full capacity and everyone needed to work together. Council Member Baird felt this was an administrative problem, not one that the Council should be involved in. He felt the City Manager should handle this type of problem. In his opinion, Mr. Hutchins, Mr. Payne and Mr. Nevad were all aware that the upgrades needed to be completed on time; but personnel should be handled at the administrative level. Mr. Spradlin stated he just wanted the Council to be aware of the morale issue because the citizens needed to be able to depend on the gas department.

E: CABLEVISION:
Council Member Spradlin reported that Cablevision had filed an appeal to the City's appeal and they were waiting on an update from the FCC.

A 10 MINUTE BREAK WAS TAKEN

CITIZENS AND GUESTS COMMENTS:

Ms. Brenda Rich of 835 Level Creek Road stated she had listened very carefully to the report given by the gentlemen from the Gas Authority. After their presentation, she asked them one questions. She asked if they had been given any information on stopped meters. She explained how she and other employees had been asked to help read meters in December of 1995. This was done to help get the billing out before the end of the year. In January, people were calling about high bills. At one address, the resident had never received a bill for more than $6.94 in the 18 months she had lived there. Upon requesting a 12 month history from City Hall on this account, it indicated to the gas department that the meter had stopped. After doing some more research, it seemed there were many more accounts with stopped meters. The gentlemen from the Gas Authority stated this would have an effect on the lost and unaccounted for gas. They had not been told of all these stopped meters. She knew there should be a file showing the meter change outs with a print out of the history of the old meters. She asked that the Council investigate this and let her know the outcome. City Manager Nevad responded that there were only about 44 meters changed out, which would only account for 1% not the 20% gas loss. Mr. Payne stated that 100 meters were sent for rebuilding. The gas department is working to get the older meters changed out and rebuilt. Ms. Rich felt that there were massive amounts of stopped meters as the problem continued on into February and March. Mr. Nevad and Mr. Payne said the Gas Authority was informed of this problem. Ms. Rich felt that the gas department should have a print out of the meter readings if people are being billed only $6.94 in high usage months it would indicate that something is wrong. Council agreed to look into this matter.

Mr. Robert Bowie of 835 Level Creek Road asked why one of the City vehicles had Code Enforcement on it. Mr. Nevad explained that the City is going to have Joe Appling do enforcing of the City codes. Mr. Bowie then asked if the store at the end

of the street had a permit for a game room and why didn't the lady next door to the Planning Department have a business license. It was suggested he file a complaint at City Hall.

Mr. George Abury of 4555 Secret Cove Court commented on the lawsuit that had been filed by Medusa regarding the denial of a rezoning request at last months meeting. Mayor Webster stated that issue had not been discussed with legal counsel. Mr. Abury expressed his opinion on some issues that were mentioned in a news-paper article. He felt the City should defend itself in this lawsuit, that the concerns of the citizens were valid. He would not like to see the City being sued by other developers who might not get a rezoning they wanted. Ethics of some of the Council Members had been mentioned in an article and it was his opinion if the City did not defend itself, they might appear guilty.

Mr. Gary Pirkle of 5026 Oak Grove Drive addressed the issue of the sewer interceptor line the county was going to install on Level Creek Road and also on Highway 20. Being a member of the Vision 20/20, one of their concerns was a lack of sewer on Peachtree Ind. Blvd. Mayor Webster explained that when the water and sewer system was sold to the county, it was part of a 5 year agreement that the county would run sewer down Peachtree Ind. Blvd. He said he would check on this issue.

Malcom Birch of Richland Trace wanted to comment on a letter read earlier in the evening from BFI. He was concerned that BFI was trying to help with the landfill closure and this might interfere with the opposition to the expansion of BFI'S landfill in Buford. He was assured that was not the case, BFI was trying to clear the air and end rumors that they were interested in buying Sugar Hill's landfill.

Mr. Hugh Alexander commented on the Medusa rezoning vote at last month's meeting. He felt this represented the wants of the citizens. He wanted to ask the Council to hold fast in the way they voted. The citizens should be represented and not let developers use a lawsuit to get the Council to change their minds.

Meg Avery of Frontier Forest wanted to comment on the new recycling program. She is very pleased with this program She was also concerned about the formation of the Sugar Hill Housing Authority and the apartment complex. She inquired if the Council had checked with other cities that had housing authorities. Did they find out the advantages and disadvantages. Perhaps a housing authority would be a good idea but who would run the housing authority, has Gwinnett County been contacted about rules and regulations on housing authorities, how would it affect future development. Did Sugar Hill need to be in the housing authority business or was this just to help the developer. The developer had stated last month, after being denied the opportunity to make his presentation, there would be apartments on that site with o without backing from Sugar Hill. With Authority financing, they would be grade A apartments, with-out the financing a lower grade of apartments would be built. She felt there was a bank that would offer the financing to get a better grade of apartments without the City having to get into the Housing Authority business.

CITIZENS AND GUESTS COMMENTS CONT'D:

Mr. Bob Wagner stated that he lived near where the apartments would be built. He wanted the citizens to get use to the idea because the area was zoned for apartments 19 years ago. He was not happy with the situation but there was no legal way around it. Overcrowding of the schools and traffic on Level Creek Road would be affected by the apartment complex itself, not whether or not a Housing Authority or bank was involved. He challenged the citizens to either speak up about legal ways to stop the apartments or make the best of a bad situation.

Mrs. Nighta Davis wanted to comment on the recycling program. She was very pleased with it. She wanted to discuss an article that appeared in the paper quoting one of the Council Members about certain issues. Mayor Webster advised her not to use this time for personal attacks.

Mr. Ed Schoeck of Springhill Drive stated that this apartment complex would back up to his property. He felt that it was going to be good for the City. In his opinion they would be better than the one's that are already on Level Creek Road. As far as he understood, the biggest portion of the apartments will be 2 bedrooms, therefore there shouldn't be that many children. All in all he felt it was very good and will bring in some revenue.

Mr. Jerry Payne of 4752 Highland Avenue expressed his concerns over the Medusa Company still trying to build their plant here when the rezoning was denied.

Mr. Ted Birch of 5475 Maltdie Court expressed his concerns over the Sugar Hill Housing Authority. He did not understand how the City could make money without investing money. Council Members explained that the Housing Authority was an agent thru which the bonds could be financed without costing the City any money. The asked Mr. Smith, the developer to explain how it would work. Mr. Smith explained that the interest rate was lower on these bonds and that was the reason for using the Housing Authority. There was no obligation on the part of the City, state, or county. They have already started talking to county commissioners about putting in turn lanes on Level Creek Road. They are trying to address all the issues residents might have. Since this was the first item under new business, Mayor Webster interrupted to find out if there were other citizen comments so they could move on to new business. There were no other comments.

NEW BUSINESS:

A: SUGAR HILL HOUSING AUTHORITY:
Council Member Bailey made a motion to adopt the resolution to form the Housing Authority for the City of Sugar Hill, second made by Council Member Spradlin. Discussion on the motion included: Council Member Spradlin stating that in doing some research on the issue, there was not the opposition to the project like he had thought. The Mayor and Council Members reminded the audience that they too lived in the City and were affected by things like anyone else. Mayor Webster stated that in order to keep politics out of this, he was appointing people to serve on the board that were not politically involved, some did not eve live in the City. Motion passed 4-0-1 abstention.

B: ELECTION UPDATE:ORDINANCE:
Superintendent of Elections Mr. McCalla started his report on the recent seminar he attended in Macon. He stated that Clerk Gibbs would be responsible for the Absentee

Ballots, Ruth Switzer was going to assist as manager this year. He gave the dates of qualifying, which will be Sept. 8 - Sept. 12; 8:30 a.m. to 4:30 p.m. each day, last day to register to vote will be Oct. 6. The new voter I.D. law will go into effect in 1998. He gave a list of acceptable forms of identification. A motion was made and seconded to approve the date of the election, the qualifying dates. Motion passed. Another item he brought to Council's attention, there is a possibility the county would take over the handling of the City's election. Council gave their consent for Mr. McCalla to check into this. Appointment of a Chief Registrar was also mentioned. Mr. McCalla encouraged everyone to vote on November 4th.

C: GEORGIA TRANSMISSION EASEMENT:
City Manager Nevad introduced Mr. Sonny Brown of Georgia Transmission. Mr. Brown stated his company wanted to purchase a pole line easement outside the road right of way in front of the Golf Course. The amount offered was $4,000 plus another $2,500 for some additional buffer landscaping. A motion was made and seconded to accept the offer of the easement with the stipulation that Georgia Transmission do the landscaping to meet the City's specifications. Motion passed.

D: NEXTEL CELLULAR TOWER PROPOSAL:
Mr. Payne introduced Mr. Al Cavalier of Nextel Cellular which is interested in possibly using the Golf Course to install a communication tower. Mr. Cavalier explained that Nextel Communications wanted to install a mono pole at the Golf Course that would be 185 feet tall. This would be placed on a piece of property 100 x 100 feet in an area that would not interfere with play on the Golf Course. The proposed lease agreement was for $12,000 a year with all the necessary insurance coverage. It would be next to the golf cart barn by the driving range. The tower would accommodate 3 carriers. The building would house only their radio equipment they would not need water or sewer. They would need 24 hour access to the site. Since the Golf Course gates are locked after dark, they would need to put on their own locks. Council Member Bailey asked why they could not place their equipment on the current Bell South Tower. Mr. Cavalier stated they had talked to Bell South but for several reasons their equipment would not work on that tower. Mr. Bailey asked about the contract with Bell South, did it allow other communication companies to install another tower, had all the legal issues been checked into concerning this type of agreement. Discussion was held on the lease agreement with Bell South, the location of the tower and whether or not it would interfere with the spray irrigation consent order. Council Member Bailey made a motion to table this until next month. Mr. Pugh made the second. Mr. Cavalier asked why it needed to be tabled. Mr. Bailey explained they needed to make sure there was no legal conflict with the Bell South agreement and also to allow their engineers to define the point, also Mr. Pugh wanted the lease agreement gone over to make sure everything was in order especially where the pole would be sited. Several other questions were asked, such as electricity, if there would be an acceptable alternate site. Motion to table passed.

E: REQUEST FOR GAS SERVICE-PEC/FAIRFIELD:
City Manager Nevad reported that there was a request for gas service from 2 proposed subdivisions, outside the City limits. The homes would be valued at $200,000 to $300,000. There would be approximately 500 homes located on property by the river off Highway 20. Mr. Nevad felt with all the improvement being made and would continue to be made in the gas system, this request should be granted.

REQUEST FOR GAS SERVICE CONT'D:

This would keep Atlanta Gas from providing service, they were ready to do so if Sugar Hill relinquished the service to these projects. Mr. Pugh made the motion to provide gas service to this area, seconded by Mr. Baird. Discussion followed: Mr. Bailey wanted to have a letter from the gas engineer concerning volumetric capability to service this project, cost estimates, is it in the City limits. Mr. Spradlin felt the moratorium was in jeopardy. Other Council Members thought it was good for the City since it would be about a year before these homes would be built. Motion passed 4-1.

F: ANTI-NOISE ORDINANCE:
Council Member Davis requested this item be tabled until next month as he had Mr. Thompson checking out some things on this ordinance.

G: CITY ABANDONMENT-HIGHWAY 20"
Mr. Thompson asked that this be tabled until next month. There was more information he needed from the property owners and the county concerning water easements.

H: PUBLIC HEARING:ANNEXATION-AX-97-002-MAP 7-254-025 AND 7-254-044-JSA ASSOCIATES REQUESTING TO ANNEX 10.57 ACRES OFF BROGDON ROAD REQUEST HM1 ZONING FOR USE OF INDUSTRIAL PARK:
Council Member Bailey made the motion to go into Public Hearing, seconded by Council Member Davis. Motion passed 5-0.
Mr. McFarland stated this was a request for rezoning and annexation. At first it was thought this property was in the City limits but it was the only part of the property that was not inside. The county zoning is M1 and the City's zoning would be HM1, which is almost identical to the county zoning. The property owner wanted to keep the HM1 zoning. The planning and zoning board gave its approval for annexation and rezoning. Questions from the residents included: was there a proposed use for this land, what kind of industry would be there, could there be any outdoor storage facilities, height restrictions on buildings, would the new zoning ordinance be in effect on this property, total acreage of the property. The proposed use is for an industrial park. Council Member Spradlin asked if the developer would have any objections to a stipulation that it only be used as an industrial park. The developer said he would have no objections to that stipulation. He stated they hoped to have businesses such as plumbing companies, electrical contractors, etc. The HM1 zoning would allow for outdoor storage facilities, height restrictions would be 40 feet, the new zoning ordinance is already in effect, the acreage being annexed is 10.57, adjoining acreage of 13.5 which is already in the City, making a total of 24.07 acres. Council Member Baird made a motion to go back into general session, second by Mr. Pugh. Motion passed. Council Member Spradlin made the motion to approve the rezoning and annexation with the restriction that it remain and industrial park, second by Mr. Davis. Motion passed.

I: PUBLIC HEARING:RZ-97-007:MAPS # 7-292-061 AND 7-292-198:CKAS, INC IS REQUESTING TO REZONE .578 ACRES OFF OF FIRST AVENUE FROM RS-100 TO BG FOR THE PURPOSE OF RETAIL SALES FOR PORTABLE BUILDINGS TRUCK ACCESSORIES AND USED AUTOMOBILE SALES:
Council Member Bailey made the motion to go into Public Hearing, second by Council Member Spradlin. Motion passed. Mr. McFarland explained this property is located at the end of Broad Street at Highway 20, it is behind property already

PUBLIC HEARING CONT'D:

zoned BG that fronts on Highway 20. The land use plan for this area is commercial. The planning commission heard this request and after much discussion on having so many used car lots along Highway 20, they recommended approval with the provision that the only gravel area be where the storage buildings will be placed. The reason for this, when the buildings are loaded and unloaded it would ruin the asphalt area. Council Member Baird expressed his concern that so much activity would be going on in such a small area. Mr. McFarland stated there was more acreage, this was the only portion that needed to be rezoned. Mr. Ray Maddox of 4925 Hannah Street, an adjoining property owner, wanted to know if this lot comes to Alton Tucker Blvd. Would the business be on First Avenue or Alton Tucker. Where would the entrance to the business be located. Mr. McFarland stated the entrance would be on Highway 20. There is an existing house on the lot that would be used as an office. Mr. Maddox had no objections to this business if the entrance was going to be on Highway 20, if it was going to be on Alton Tucker he had some objections. No other comments from citizens. Motion made and seconded to go back into general session. Motion passed. Council Member Bailey made the motion to approve the rezoning as recommended by the Planning Commission with the following stipulations: That it comply with the requirements of the new zoning ordinance, buffers, paving of the entrance and parking to be solely on Highway 20, plus they eed to obtain letters from the adjoining property owners regarding the buffer agreement. Second to the motion made by Council Member Davis. Motion passed.

J: RECORDS ACCESS:

Council Member Spradlin submitted a letter to the City Manager regarding some records he had requested and been denied access to. He had requested the records of all the gas customers serviced by the City, a list of all Occupation Tax bills, any adjustments made to the gas accounts, and record of gas loss due to cut lines. To date he had received only a business license list with the tax information blacked out, a 164 gas account records and a haphazard list of cut gas lines. This was a formal request for the above items and he quoted sections of the City Code and Charter that he felt were in violation. Mr. Bailey felt the state law superseded the City Code. Mr. Thompson stated the gas records would be between Council and the City Manager but information in business license was confidential if it involved the part used to calculate the tax amount. Mr. Spradlin inquired if it was so confidential why was a business license record handed to a small child to play with. Mr. Nevad said TBS had given him a proposal of $600 to rewrite the program and he felt the Council would have to approve this expense. Council Member Bailey felt that Mr. Spradlin should submit his request in writing and give staff 2 or 3 business days to pull the records.

K: TAX BILLING:

Council Member Spradlin felt the Council had not been advised of the contract with TBS to do the tax billing. Mr. Nevad said he was not aware that Council had to approve of the tax billing. Mr. Spradlin read a letter from Smith Data regarding a quote they had submitted regarding tax billing. Since the City had already contracted with TBS there was no way to transfer this data to the new system. He wanted to know if we were having two billings on taxes. Mr. Nevad stated that the City was having problems with the transition to Smith Data and this was why we contracted to have TBS do the tax billing.

L: CITY MANAGER ORDINANCE:

Council Member Spradlin wanted to make a point that an amendment was made to

CITY MANAGER ORDINANCE CONT'D:

to the City Manager ordinance with regard to the removal of a person from this position. If he is removed he can remain on the job for 10 days, if he is stripped of all his authority he has to be paid for 90 days. He felt it should be 10 days on both or 90 days on both. After much discussion it was decided to leave the ordinance as is.

CITY CLERK'S REPORT:

Deputy Clerk Switzer stated that Ms. Gibbs was ill and had asked that she remind the Council that the milage rate needed to be set at the September meeting. Training with Smith Data on Business License would be August 21, and 22, utility billing would be on August 25, and 26. Mayor Webster thanked her for filling in for the City Clerk.

CITY MANAGERS REPORT:

City Manager Nevad reported that it had been a very busy month with trying to find the gas loss. He wanted approval from Council on the expense of $600 to TBS to retrive the records on gas accounts. 3 of the 5 Council Members gave approval of the expense. He expressed his sympathy to Mr. Bairds loss last month.

COUNCIL REPORTS:

Council Member Bailey gave his view on being a Council Member and he voiced his concern over what he felt was not needed on the council and what he felt was needed. He made several remarks about Mr. Spradlin. Mr. Spradlin called for a point of order, personal attacks were not allowed.

Council Member Baird thanked the Council for their support during the loss of his step-son. He also gave his opinion on the Medusa situation and knew he should not have given his real estate card to them.

Council Member Spradlin stated he wanted people to let him sign up for reelection before they accused him of running for reelection. He also thought the City would be using the voter ID if approval came from the Justice Department.

Council Member Davis wanted to let the City Manager know that he thought he was doing a good job and had his support.

Council Member Pugh felt that all the members of the council were good to work with even tho there were times when they disagreed on some items. He enjoyed working with all of them.

Mayor Webster reported there would be a meeting to orginize the Housing Authority. This would take place on Thursday August 14, 1997. The members would be sworn in at thsi time.

Motion was made and seconded to go into Executive Session.
Motion was made and seconded to go back in General Session.
Action taken in General Session: Council Member Davis made a motion to repeal the $600 expense to TBS for retrevial of records on all the gas account customers. Second made by Mr. Bailey.
Motion passed 4-0 of all those present.
Meeting adjourned.

To: Mayor/City Coun
Fr: Warren
FYI

Frank L. Gray III, P.E.
District Vice President

July 30, 1997

Warren Nevad
City Manager
City of Sugar Hill
Sugar Hill, Georgia

RE: Sale or purchase of the City of Sugar Hill Landfill

Dear Mr. Nevad:

It was a pleasure meeting with you this past week to discuss the problems you are faced with at your City of Sugar Hill landfill. As a good corporate citizen and neighbor to Sugar Hill, we of course are very interested in the progress you make towards both closure, and minimizing if not eliminating the risk to the environment. As I mentioned, if we can provide any technical advice to your consultants or staff people, please call.

To clarify a rumor circulating among the community, BFI does not have any interest in purchasing, operating or taking over the City of Sugar Hill Landfill. We have read several articles in the local paper and received telephone calls which indicate that BFI would like the opportunity to purchase the Landfill. ***These rumors are false***. As I previously stated, we are a good corporate citizen, neighbor and environmental steward. ***The purchase of your landfill is not our goal***.

If you would be so kind as to pass this information on at your next regularly scheduled council meeting, your kindness and understanding would be appreciated.

Sincerely,
BFI Disposal Systems of Georgia, Inc.

Frank L. Gray III, PE
District Vice President

cc/ Bobby Kerlin, City of Buford

YMCA PROGRAMS

242 AQUATICS

189 PHYSICAL EXERCISE

176 YOUTH SPORTS

168 FAMILY ACTIVITIES

143 ADULT SPORTS

135 YOUTH CAMPS

109 WELLNESS & EDUCATION

103 GYMNASTICS

80 CHILD CARE

79 TEEN ACTIVITIES

50 SENIORS EXERCISE

17 ADAPTIVE SPORTS

1491 TOTAL RESPONSE (17.5% OF HOMES)

224 ADULT SWIM

164 COMMUNITY SWIMMING

128 PRIVATE LESSONS

111 LAP SWIMMING

104 SCUBA DIVING

103 SWIM TEAMS (YMCA)

81 COMPETITIVE SWIMMING (LOCAL TEAMS)

76 YOUTH STROKE CLINICS

68 LIFEGUARD TRAINING & CERTIFICATION

63 SWIMMING INSTRUCTOR TRAINING & CERTIFICATION

52 ARTHRITIS WATER EXERCISE

50 SENIORS WATER AEROBICS

31 AQUATIC PHYSICAL REHABILITATION

22 ADAPTIVE AQUATICS

21 SYNCHRONIZED SWIMMING

10 WATER AEROBICS (UNSOLICITED RESPONSE)

1308 TOTAL RESPONSE

53% POSITIVE RESPONSE TO AQUATICS CENTER

EXECUTIVE SESSION MINUTES
CITY OF SUGAR HILL, GEORGIA

DATE: August 11, 1997

x **GARY WEBSTER, MAYOR**

x **TIM PUGH, MAYOR PROTEM**

x **STEVE BAILEY, COUNCIL MEMBER**

x **REUBEN DAVIS, COUNCIL MEMBER**

x **DORLAND BAIRD, COUNCIL MEMBER**

x **CHARLES SPRADLIN, COUNCIL MEMBER**
(left before any action taken)

x **WARREN P. NEVAD, CITY MANAGER**

x **SCOTT PAYNE, ASSISTANT CITY MANAGER**

x **LEE THOMPSON, CITY ATTORNEY**

Vicki Sweeney

~~Gary Simpson~~
Don McFarland

MOTION MADE TO GO INTO EXECUTIVE SESSION TO DISCUSS MATTERS PROPERLY EXLCUDED FROM THE GEORGIA OPEN AND PUBLIC MEETINGS LAW (O.C.G.A. 50-14) SPECIFICALLY

____ **DISCUSSION OR DELIBERATING UPON THE APPOINTMENT, EMPLOYMENT, HIRING DISCIPLINARY ACTION OR DISMISSAL, OR PERFORMANCE OF A PUBLIC OFFICER OR EMPLOYEE.**

____ **DISCUSSION OF FUTURE ACQUISITION OF REAL ESTATE.**

__X__ **DISCUSSION WITH LEGAL COUNCIL PERTAINING TO PENDING OR POTENTIAL LITIGATION, SETTLEMENT, CLAIMS, ADMINISTRATIVE PROCEEDINGS OR OTHER JUDICIAL ACTIONS.**

____ **OTHER:** _____

****

MOTION: _____ **SECOND:** _____ **VOTE:** _____ **TIME:** _____

MATTERS DISCUSSED/ACTION:	**VOTE:**
Motion was made & seconded to authorize Legal Council and the Mayor to enter into a settlement with the bankruptcy court re. Mid-American	4-0

MOTION TO ADJOURN: _____ **SECOND:** _____ **VOTE:** _____ **TIME:** _____

_____
Shirley J. Gibbs, City Clerk

Executive Session

Lee Thompson
Vicki Sweeney
Scott Payne
Gary Simpson
Bailey
Pugh
Warren
Bird
McFarland
Spradlin
Davis
Mayor Webster

Motion & 2nd to authorize legal Council & Mayor to enter into a settlement with bankruptcy court for Mid Amer as

ADMINISTRATIVE REPORT

PLANNING & DEVELOPMENT,
BUILDING INSPECTIONS DEPARTMENT

AUGUST 1997

PRINTED: 9-3-97

Kimberly B. Landers

SUBDIVISION LOT AVAILIBILITY LIST

Available Lots	Subdivision	Near What Major Street	Permits Issued	C.O.'s Issued	Lots Not Built On	City Gas
148	Abingdon Place	Whitehead Road	127	111	21	X
134	Arbor Clos	Highway 20	119	85	15	X
25	Bellmont Estates	Price Drive/Suwanee Dam Road				X
112	Bent Creek	Level Creek Road	110	110	2	X
7	Brandon Oaks	Austin Garner Road	6	6	1	
26	Brookside at Parkview	Parkview Mine Drive	26	26	0	X
39	Emerald Lakes IV	Cumming Highway	39	34	0	X
471	Wild Timber	Cumming Highway/MECA				
73	Hillcrest Glenn	Hillcrest Drive	62	41	11	X
131	Lakefield Forest	Level Creek Road	130	130	1	X
174	Princeton Oaks	Riverside Road	150	133	24	X
81	Richland Creek Unit I	Sycamore Road	31	26		X
106	Saddle Tree	Suwanee Dam Road	65	52	41	X
116	Secret Cove	Old Suwanee Road	116	115	0	X
96	Sugar Crossing	Austin Garner Road	95	94	1	X
34	Sugar Hill Plantation	Old Cumming Highway	5		29	X
178	Sycamore Summit	Sycamore Road/Riverside Road	178	178	0	X
57	The Glens at Sugar Hill	Hillcrest Drive	7	1	50	X
14	The Lakes at Riverside	Riverside Road	14	13	0	
51	The Links	Suwanee Dam Road	16	9	35	
156	The Oaks at Lanier	Highway 20	149	134	7	X
88	The Springs I	Highway 20	86	68	2	X
50	West Price Hill	West Price Road	47	46	3	X

Printed By: Kim Landers UPDATED: 09-03-97

1995 - 1997
COMMERCIAL PROJECT
LIST

PROJECT NAME	ADDRESS	ANNEXED	REZONED	CHANGE FROM	CHANGE TO	DEVELOP PERMIT	BLDG. NEW PERMIT	REMODEL PERMIT	ADDITION PERMIT	CERTIFICATE OF OCCUPANCY
GOLF COURSE CLUBHOUSE	6094 SUWANEE DAM ROAD						04-04-95			03-02-96
SONNY SMITH TRUCKING	663 BUFORD HIGHWAY					08-15-95	08-17-95			09-19-96
FREDRICK EQUIPMENT BLDG.	N.G. CENTER BLDG 4 SUITE D					08-25-95	08-25-95			03-02-96
GWINNETT GASTROENTEROLOGY	4700 HIGHWAY 20							9/5/95		01-29-96
BLOCKBUSTER VIDEO	1496 BUFORD HIGHWAY					09-18-95	09-18-95			01-29-96
S.H. UNIT. METH CHURCH-GYM	4600 HIGHWAY 20					09-27-95	10-17-95			3/27/96
	7-274-004 A PORTION OF		12-11-95	HM-1	BG					
N.G. DENTAL CARE	4901 ALTON TUCKER BLVD.							12/8/95		04-12-96
DR. MICHAEL PHELAN	4530 NELSON BROGDON BLVD.					01-02-96	01-03-96			12-06-96
MEMORIES OF A LIFETIME	4450 HIGHWAY 20 SUITE							1/5/96		01-26-96
B.T. BALTIMORE	7-253-008		01-08-96	HM-1	BG					
CITIZENS BANK	4450 HIGHWAY 20 SUITE							1/19/96		08-14-96
S.H. STATION SHELL ADDITION	1498 BUFORD HIGHWAY						02-06-96			01-29-96
INCHAPE TESTING SERVICES	1180 BUFORD HIGHWAY					01-11-96	02-27-96			03-29-96
COLONIAL LIGHTING	120 P'TREE IND. BLVD.		12-11-95	HM-1	BG	02-07-96	03-11-96			07-03-96
JOHNSON REALTY	4450 HIGHWAY 20 SUITE						03-18-96			04-12-96
PAPA JOHN'S	1498 BUFORD HIGHWAY SUITE B							4/9/96		07-03-96
FABRIC CARE DRY CLEANERS	1498 BUFORD HIGHWAY SUITE A							4/30/96		06-28-96
MAIL BOXES ETC.	1498 BUFORD HIGHWAY SUITE C						10-04-96			01-18-97
VARI BEST HOMES	5610 HIGHWAY 20		05-13-96	RS-150	OI					
CAR CARE AMERICIA	07-253-013 A PORTION OF		06-10-96	HM-1	BG	09-24-96	09-25-96			12-06-97
SHONEY'S	4500 HIGHWAY 20							6/6/96		08-14-96
G.A. EXPO INC.	350 BUFORD HIGHWAY						07-11-96			
JACKSON SERVICES	4614 PINECREST DRIVE					07-18-96	08-15-96			4/14/97
AAMCO PAVING	355 BROGDON ROAD		10-09-95	HM-1	HM-2	RECINDED 7-11-96				VOID
AAMCO PAVING	385 BROGDON ROAD					11-01-96	12-18-96			6/19/97
AAMCO PAVING MNT. BLDG.	385 BROGDON ROAD					11-01-96	12-02-96			6/19/97
BRICKTON PARTNERS	4705 HIGHWAY 20					06-12-96	08-13-96 CT			EXP 02-13-97
ONEX DEVELOPMENT- REDCO	5000 HIGHWAY 20					06-20-96	5/19/97			
ONEX DEVELOPMENT - MR. TRANS	5042 HIGHWAY 20					4/14/97	5/19/97			
BUFORD PRESBYTARIAN CHURCH	1242 BUFORD HIGHWAY					08-06-96				
ROBERT S. JORDAN	7-274-002A		*		LM					
CHARLES HOLLOWAY	679 BUFORD HIGHWAY 23	11-11-96	*	M-1	LM	UNDER REV.				
M.P. EQUIPMENT	380 BUFORD HIGHWAY									
NEW TRI-COUNTY MEDICAL BLDG	4720 NELSON BROGDON BLVD					11-21-96	12-06-96			6-19-97 TEMP
GREAT BEGINNINGS DAY CARE	1191 LEVEL CREEK ROAD					3/19/97	3/19/97			
THE SAXON GROUP INC.	249 NORTH PRICE ROAD		2/10/97	RS-100	BG			2/13/97		2-24-97 TEMP
BROGDON ROAD ASSOCIATES	355 BROGDON ROAD					3/6/97	7/1/97			
KSM CONSTRUCTION INC.	4200 JENKINS DRIVE					6/11/97	6/11/97			
J & K PLUMBING	4220 JENKINS DRIVE					6/26/97	6/26/97			

Printed By: Kim Landers UPDATED: 08-04-97

1997 PLANNING AND DEVELOPMENT MONTHLY REPORT

PERMIT TYPES	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEPT	OCT	NOV	DEC	YTD TOTAL
AD - ADDITION/GARAGE PERMITS	1	0	0	2	1	1	1	0					6
CC- CITIZENS COMPLAINTS NEW JUL							10	21					
CM - COMMERCIAL	2	0	1	1	3	2	1	0					10
CT - CONSTRUCTION/SALES TRAILER	2	1	6	1	1	1	1	1					14
DL - DEMOLITION	1	0	0	0	1	1	0	0					3
DP - DEVELOPMENT PERMIT	1	0	2	2	12	2	1	0					20
FP - FENCE	2	2	4	7	8	0	5	4					32
GP - GRADING PERMIT	0	0	0	1	0	0	2	0					3
MI - MISCELLANEOUS/COMPLIANCE	10	8	6	4	2	5	6	10					51
MN - NEW MOBILE HOME	3	1	1	1	0	2	1	1					10
PP - POOL PERMIT	0	0	2	0	2	0	1	0					5
RF - REVIEW FEES	0	2	2	1	2	1	2	1					11
RM - REMODELING PERMITS	1	1	1	2	2	2	2	1					12
SB - STORAGE BUILDING	3	0	4	1	1	0	1	1					11
SF - SINGLE FAMILY	25	37	24	20	33	51	14	29					233
SP - SIGN PERMIT	3	4	3	1	0	6	4	1					22
AV - ADMINISTRATIVE VARIANCE	0	12	0	3	4	3	1	11					34
VA - APPEALS VARIANCE	4	0	1	1	4	1	1	3					15
AX - ANNEXATION APPLICATIONS	1	0	0	0	0	1	0	0					2
RZ - REZONING APPLICATIONS	1	1	1	2	0	2	0	1					8
CERTIFICATES OF OCCUPANCY	15	22	25	34	45	17	33	35					226
GAS TAPS ISSUED	36	61	40	26	62	65	32	41					363
BUILDING INSPECTIONS	243	289	347	369	336	381	420	340					2725

PREPARED BY: KIM LANDERS PRINTED:09-03-97

CITY OF SUGAR HILL

PERIODIC REPORT OF PERMITS ISSUED (GROUPED BY REPORT CODE)

RANGE: 08/01/97 TO 08/31/97 Printed on: SEPTEMBER 3, 1997

	CODE	PRMS	VALUATION	FEES DUE	UNITS
NEW RESIDENTIAL HOUSEKEEPING BLDGS:					
* Single Family Houses Detached	101	29	2,243,712.00	19,250.00	0
* Single Family Houses Attached	102	0	0.00	0.00	0
* 2 Family Building	103	0	0.00	0.00	0
* 3 and 4 Family Buildings	104	0	0.00	0.00	0
* 5 or More Family Buildings	105	0	0.00	0.00	0
NEW RESIDENTIAL NON-HOUSEKEEPING BL:					
* Hotels, Motels & Tourist Cabins ..	213	0	0.00	0.00	0
* Other Non-Housekeeping Shelter ...	214	0	0.00	0.00	0
NEW NON-RESIDENTIAL BUILDINGS:					
* Amusement, Social, & Recreational	318	0	0.00	0.00	0
* Churches & Other Religious	319	0	0.00	0.00	0
* Industrial	320	0	0.00	0.00	0
* Prkng Garages (Blds & Open Decked)	321	0	0.00	0.00	0
* Service Stations & Repair Garages	322	0	0.00	0.00	0
* Hospitals & Institutional	323	0	0.00	0.00	0
* Offices, Banks, & Professional ...	324	0	0.00	0.00	0
* Public Works & Utilities	325	0	0.00	0.00	0
* Schools & Other Educational	326	0	0.00	0.00	0
* Stores & Customer Services	327	0	0.00	0.00	0
* Other Non-Residential Bldgs	328	0	0.00	0.00	0
* Stuctures Other than Buildings ...	329	0	0.00	0.00	0
ADDITIONS, ALTERATIONS, & CONVERSION					
* Residential	434	0	0.00	0.00	0
* Non-Residential & Non-Housekeeping	437	0	0.00	0.00	0
* Adds of Resid. Garages (Atch/Detc)	438	0	0.00	0.00	0
DEMOLITIONS AND RAZING OF BUILDINGS:					
* Single Family Houses (Atch/Detach)	645	0	0.00	0.00	0
* 2 Family Buildings	646	0	0.00	0.00	0
* 3 & 4 Family Buildings	647	0	0.00	0.00	0
* 5 or More Family Buildings	648	0	0.00	0.00	0
* All Other Buildings and Structures	649	0	0.00	0.00	0
TOTALS FOR PERMITS SHOWN ABOVE		29	2,243,712.00	19,250.00	0
Totals of other permits in the period		181	0.00	10,344.40	0
TOTAL FOR ALL PERMITS IN THE PERIOD		210	2,243,712.00	29,594.40	0

PERMITS ISSUED DURING THE PERIOD 08/01/97 THROUGH 08/31/97

THIS REPORT WAS PRINTED ON SEPTEMBER 3, 1997

CITY OF SUGAR HILL

PERMIT TYPE AND DESCRIPTION	# OF PERMITS	VALUATION	FEES DUE	FEES PAID
AV - ADMINISTRATIVE VARIANCE	11	0.00	1,650.00	1,650.00
CC - CITIZENS COMPLAINTS	21	0.00	0.00	0.00
CG - CLEARING & GRUBBING PERMIT	1	0.00	0.00	0.00
CT - CONSTRUCT/SALES/TEMPORARY USE	1	0.00	100.00	100.00
EC - ENERGY CODE AFFIDAVIT	6	0.00	0.00	0.00
EL - ELECTRICAL AFFADAVIT	31	0.00	0.00	0.00
FP - FENCE PERMIT	4	0.00	0.00	0.00
ME - HEATING/AIR AFFADAVIT	29	0.00	0.00	0.00
MH - MOBILE HOME INSTALLER AFFIDAVIT	1	0.00	0.00	0.00
MI - MISCELLANEOUS-COMPLIANCE PERMIT	10	0.00	267.50	267.50
MN - MOBILE HOME INSPECTION NEW	1	0.00	100.00	100.00
PL - PLUMBING AFFADAVIT	38	0.00	0.00	0.00
RF - REVIEW FEES	1	0.00	3,505.00	3,505.00
RM - REMODELING PERMIT	1	0.00	106.90	106.90
RZ - REZONING APPLICATION	1	0.00	350.00	350.00
SB - STORAGE BUILDING/GARAGE	1	0.00	25.00	25.00
SF - SINGLE FAMILY RESIDENTIAL	29	2,243,712.00	19,250.00	19,250.00
SP - SIGN PERMIT	1	0.00	25.00	25.00
TL - TRADE LICENSE REGISTRATION	6	0.00	60.00	60.00
TP - TAP & METER PAYMENTS	13	0.00	3,705.00	3,705.00
V APPEALS VARIANCE	3	0.00	450.00	450.00
TOTALS FOR ALL PERMIT TYPES	210	2,243,712.00	29,594.40	29,594.40

BASE FEE TRANSACTION SUMMARY DURING THE PERIOD 08/01/97 THROUGH 08/31/97

THIS REPORT WAS PRINTED ON SEPTEMBER 3, 1997

CITY OF SUGAR HILL

TRANS. DATE	#	RESIDENTIAL 1000-0001	COMMERCIAL 1000-0002	MISCELLANEOUS 1000-0003	MOBILE HOMES 1000-0004	DEVELOPMENT 1000-0005	GAS 1000-0006	WATER 1000-0007	SEWER 1000-0008
08/01/97	1	22.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00
08/04/97	1	150.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
08/05/97	2	442.60	0.00	10.00	0.00	0.00	285.00	0.00	0.00
08/07/97	5	1393.60	0.00	0.00	100.00	0.00	1140.00	0.00	0.00
08/12/97	2	131.90	0.00	0.00	0.00	0.00	0.00	0.00	0.00
08/13/97	6	1180.20	0.00	10.00	100.00	0.00	855.00	0.00	0.00
08/14/97	4	639.20	0.00	25.00	0.00	0.00	855.00	0.00	0.00
08/15/97	2	25.00	0.00	25.00	0.00	0.00	0.00	0.00	0.00
08/18/97	3	25.00	0.00	10.00	0.00	0.00	285.00	0.00	0.00
08/19/97	1	456.00	0.00	0.00	0.00	0.00	285.00	0.00	0.00
08/20/97	6	1675.80	0.00	0.00	0.00	0.00	1425.00	0.00	0.00
08/21/97	9	1075.00	0.00	0.00	0.00	0.00	285.00	0.00	0.00
08/22/97	6	4906.00	0.00	0.00	0.00	0.00	285.00	0.00	0.00
08/25/97	8	2603.20	0.00	10.00	0.00	0.00	1995.00	0.00	0.00
08/26/97	5	625.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
08/27/97	6	1385.00	0.00	10.00	0.00	0.00	855.00	0.00	0.00
08/28/97	11	975.00	0.00	10.00	0.00	0.00	2565.00	0.00	0.00
08/29/97	3	438.40	0.00	0.00	0.00	0.00	570.00	0.00	0.00
TOTALS	81	18149.40	0.00	110.00	200.00	0.00	11685.00	0.00	0.00

Non-Existing Categories	0.00
Current Categories	30144.40
Grand Total	30144.40

SUMMARY OF INSPECTIONS COMPLETED BY INSPECTOR ID DURING THE PERIOD 08/01/97 THROUGH 08/31/97

THIS REPORT WAS PRINTED ON SEPTEMBER 3, 1997

CITY OF SUGAR HILL

<< STATISTICAL BREAKOUT >>

	<---------- Inspections ---------->			<---------- Re-Inspections ---------->			Based On # Activities
# ACTIVITIES	INSPECTIONS (I)	PASSED	CORRECTIONS	RE-INSPECTIONS (R)	PASSED	CORRECTIONS	RE-INSPECTIONS REQUIRED
340	236	136	90	104	85	18	107
	% INSPECTIONS	% PASSED	% CORRECTIONS	% RE-INSPECTIONS	% PASSED	% CORRECTIONS	% RE-INSPECT. REQUIRED
	69	58	38	31	82	17	31

INSPECTOR ID BREAKDOWN

TONY - Building Inspections -149
JOE - Building Inspection - 182
Ellis Lamme' - Development Inspections - 9

TOTAL INSPECTIONS 340

APPLICATION RECEIVED 8-21-97

CASE # SUP-97-001

SPECIAL USE PERMIT APPLICATION

APPLICATION TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF SUGAR HILL, GEORGIA.

APPLICATION INFORMATION	OWNER INFORMATION
NAME: City of Sugar Hill	NAME: Lawrence D. Crenshaw ET AL
ADDRESS: 4988 West Broad Street	ADDRESS: 2722 Simpson Circle
CITY: Sugar Hill	CITY: Norcross
STATE; Georgia ZIP: 30518	STATE: Georgia ZIP: 30071
PHONE: 770-945-6716	PHONE:

CONTACT PERSON: Warren Nevad - City Manager

PHONE: 770-945-6716 FAX:

* Include any person having a property interest and any person having a financial interest in any business entity having property interest (use additional sheets if necessary).

APPLICANT IS THE: X CITY OF SUGAR HILL

____ OWNER'S AGENT ____ PROPERTY OWNER ____ CONTRACT PURCHASER

PRESENT ZONING DISTRICT(S): HM-1

LAND DISTRICT(S): 7th LAND LOT(S): 254 ACREAGE: 11.88 TAX ID#: 7-254-011

ADDRESS OF PROPERTY: 250 Buford Hwy S.R. 13

PROPOSED DEVELOPMENT: Cement Distribution Facility

PLEASE CHECK THE FOLLOWING IF APPLICABLE:

__X__ Proposal is a Development of Regional Impact
_____ Proposal is within 2,000 feet from the Chattahoochee River

RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
NO. OF LOTS/DWELLING UNITS:	NO. OF BUILDING/LOTS
DWELLING UNIT SIZE (sq. ft.)	TOTAL GROSS SQUARE FEET
GROSS DENSITY	DENSITY
NET DENSITY	

LETTER OF INTENT

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED.

REQUEST TO ALLOW THE TRACT OF LAND TO HAVE A RAILROAD SIDING AND TO ALLOW A HEIGHT TO BE APPROXIMATELY 130 FEET.

APPLICATION RECEIVED 8-21-97

REZONING APPLICATION

AN APPLICATION TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF SUGAR HILL, GEORGIA.

APPLICANT INFORMATION	OWNER INFORMATION
NAME: Eagle Service Corporation	NAME: Marilyn Brogdon Estate
ADDRESS: 4305 Lynburn Drive	ADDRESS: 12418 Creek Hollow Lane
CITY: Tucker	CITY: Soddy Daisy
STATE: GA ZIP: 30084	STATE: TN ZIP: 37379
PHONE: (770) 908-6683	PHONE: Executor - Jake Davenport
CONTACT PERSON: Tom Catanese	
PHONE: (404) 240-7474 FAX: (404) 240-7450	

* Include any person having a property interest and any person having a financial interest in any business entity having property interest (use additional sheets if necessary).

APPLICANT IS THE:

____ OWNER'S AGENT ____ PROPERTY OWNER __X__ CONTRACT PURCHASER

PRESENT ZONING DISTRICT(S): O & I REQUESTED ZONING DISTRICT: BG

LAND DISTRICT(S): 7th LAND LOT(S): 258 ACREAGE: 2.75 TAX ID#: 7-258-8

ADDRESS OF PROPERTY: 2.75 acre corner Hwy. 20/Frontier Forest

PROPOSED DEVELOPMENT: Retail

PLEASE CHECK THE FOLLOWING IF APPLICABLE:

____ Proposal is a Development of Regional Impact
____ Proposal is within 2,000 feet from the Chattahoochee River

RESIDENTIAL DEVELOPMENT:	NON-RESIDENTIAL DEVELOPMENT:
NO. OF LOTS/DWELLING UNITS:	NO. OF BUILDING/LOTS
DWELLING UNIT SIZE (sq. ft.)	TOTAL GROSS SQUARE FEET
GROSS DENSITY	DENSITY
NET DENSITY	

LETTER OF INTENT

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED.

Submitted August 21, 1997

APPEALS BOARD MEETING
MONDAY, AUGUST 25, 1997 - 7:00 P.M.
M I N U T E S

The Appeal's Board met on Monday, August 25, 1997 at 7:00 p.m.

Those present were: Chairman Ed Phillips, Board Members George Crimmins, and Bill Parker, and Administrative Assistant Kim Landers, and Citizens Ed Entrekin, Joe Horeah, Bobbie Queen, and Leigh Bailey, and Council Member Steve Bailey. Absent Board Member Ben Gravitt and Olin Holly.

Meeting called to order at 7:05 p.m.

Chairman Ed Phillips led in the Pledge to the flag.

READING AND APPROVAL OF PREVIOUS MINUTES

Chairman Ed Phillips made a motion to approve the July 28, 1997 minutes, seconded by Board Member George Crimmins, and approved unanimously by those present.

VARIANCE REQUEST

VARIANCE # 97-01437 JERRY LORD is requesting a variance to allow for a reduction in the rear set back being 8' fronm the rear property line, for an addition to the existing building at 1010 Peachtree Industrial Boulevard. Mr. Lord presented his request to the board members and a short discussion was held. Resident Bobbie Queen stated that she thought that it would be a good idea if adjoining property owners were notified for variance request. Mrs. Landers stated that they were not required to be notified and suggested that Mrs. Queen might want to address this to the Mayor and Council Members. **Board Member Bill Parker made a motion to grant the variance request, seconded by Board Member George Crimmins and approved unanimously by those present.**

CITIZEN COMMENTS

BOARD MEMBER COMMENTS

ADJOURNMENT

Chairman Ed Phillips made a motion to adjourn, seconded by Board Member Bill Parker, and approved unanimously by those present.

Meeting adjourned at 7:38 p.m.

✓ **UNOFFICIAL** **DATE APPROVED:** ___/___/__

Finance Report
August 1997

The ending balance in the General Fund checking account for August was $61,973.85

Funds had to be transferred from the LGIP to pay July's gas bill and for pipe purchased for the new gas main which leaves a balance for August of $737,328.51

We began training on the Utility Billing system August 25th and 26th Corry Clark from Smith Data, Shirley Fields and myself trained on setting new customers up, changing the monthly gas rates and connecting a new customer to his/her service location. Corry will return on September 8th and 9th to work with the front office on how to enter payments. Also Mark Tracy from Logicon will be here on September 8th to work on test data for our versaterms.

We have run into a small problem with the utility billing program apparently when the program was being discussed the non-utility billing side was never mentioned. So now Smith Data is working on a couple of solutions and will be back in touch with us. Ruth faxed Keith (the computer programmer) a list of the non-utility receipts yesterday. I should be hearing back from him soon.

I talked with Mark from Smith Data yesterday on how to print the budget worksheets. He informed me the budget program has not been installed, but that is something Corry can do when she is here Monday. So as soon as she gets the program loaded I will begin printing the worksheets and the department heads should have them by the middle of next week. A deadline has been set for September 19th for department heads to return their budget worksheet to Warren.

We should be receiving reimbursement for our final 2 vehicles totaling $38,404 in the next day or so. And we are also awaiting reimbursement from the State on the final 2 payments for the widening of PIB totaling $20,293.67

***A total of $92,201.87 has been spent on the landfill closure.**
(See attached sheet for break-down)

B 002 SANITATION FUND
004 EXPENSE
00450 SANITATION EXPENSES

CITY OF SUGAR HILL
GENERAL LEDGER REPORT FOR JANUARY

PD	DESCRIPTION	DATE	REFERENCE	DEBIT	CREDIT	YTD BAL	SUPPL APPR
	004 EXPENSE						
	00450 SANITATION EXPENSES						
47000	CONSULTANTS/CONTRACT FEES					.00	.00
05	KILPATRICK STOCKTON LLP	050797	AP PJ 0000427	7844.50		7844.50	
05	LAMBERTH,BONAPFEL,CIFELLI	050797	AP PJ 0000426	9172.68		17017.18	
05	PIEDMONT, OLSEN, & HENSLE	050897	AP PJ 0000439	21625.00		38642.18	
05	KILPATRICK STOCKTON LLP	052897	AP PJ 0000611	3255.45		41897.63	
05	LAMBERTH,BONAPFEL,CIFELLI	052897	AP PJ 0000610	906.69		42804.32	
06	PIEDMONT, OLSEN, & HENSLE	061297	AP PJ 0000751	13066.34		55870.66	
07	PIEDMONT, OLSEN, & HENSLE	070197	AP PJ 0000998	21343.56		77214.22	
07	LAMBERTH,BONAPFEL,CIFELLI	070997	AP PJ 0001059	2844.87		80059.09	
07	KILPATRICK STOCKTON LLP	070997	AP PJ 0001058	4030.70		84089.79	
07	KILPATRICK STOCKTON LLP	072397	AP PJ 0001244	473.15		84562.94	
07	PIEDMONT, OLSEN, & HENSLE	073097	AP PJ 0001276	6125.00		90687.94	
08	LAMBERTH,BONAPFEL,CIFELLI	082097	AP PJ 0001496	1513.93		92201.87	
TOTAL	CONSULTANTS/CONTRACT FEES			92201.87	.00	92201.87	.00
	TOTAL SANITATION EXPENSES			92201.87	.00	92201.87	.00
	TOTAL EXPENSE			92201.87	.00	92201.87	.00
TOTAL	SANITATION FUND			92201.87	.00	92201.87	.00
GRAND	TOTAL			92201.87	.00	92201.87	.00

AUGUST 1997
GAS DEPARTMENT MONTHLY REPORT

NO.	SUPR REC'D	BLDR REQUEST	SUBDIVISION	LOT#	DATE COMPLETED
01	07/30/97	07/30/97	380 BROGDON ROAD		08/04/97
02	06/25/97	07/22/97	HILLCREST GLENN	63A	08/04/97
03	06/25/97	07/22/97	HILLCREST GLENN	64A	08/04/97
04	06/11/97	07/22/97	HILLCREST GLENN	67A	08/04/97
05	05/09/97	07/22/97	ABINGDON PLACE	82A	08/05/97
06	06/05/97	07/23/97	DEER VALLEY	22C	08/05/97
07	07/24/97	07/24/97	LENOX PARK	28A	08/05/97
08	07/24/97	07/24/97	LENOX PARK	29A	08/05/97
09	07/24/97	07/24/97	LENOX PARK	30A	08/05/97
10	03/03/97	07/23/97	DEER VALLEY	65E	08/06/97
11	06/05/97	07/23/97	DEER VALLEY	87E	08/06/97
12	07/30/97	07/30/97	ROSEMOORE LAKE	50C	08/06/97
13	06/19/97	07/30/97	ARBOR CLOS	423B	08/07/97
14	07/28/97	07/30/97	355 BROGDON ROAD	ST104	08/07/97
15	06/11/97	07/28/97	OAKS @ LANIER	63B	07/07/97
16	03/13/97	07/24/97	ABINGDON PLACE	38A	08/08/97
17	03/03/97	07/14/97	ASCOT	61A	08/08/97
18	06/25/97	08/06/97	OAKS @ LANIER	80B	08/11/97
19	08/13/97	08/13/97	SUGAR HILL UNITED METHODIST		08/14/97
20	05/05/97	08/08/97	GLENS OF SUGAR HILL	5C	08/15/97
21	07/24/97	08/07/97	LENOX PARK	31A	08/19/97
22	06/11/97	08/13/97	SADDLE TREE	47A	08/19/97
23	06/11/97	08/13/97	SADDLE TREE	48A	08/19/97
24	06/19/97	08/06/97	ARBOR CLOS	328A	08/20/97
25	06/20/97	08/07/97	ARBOR CLOS	126B	08/20/97
26	06/19/97	08/30/97	ARBOR CLOS	419B	08/20/97
27	08/11/97	0813/97	SUWANEE DAM ROAD	5330	08/20/97
28	06/25/97	08/07/97	ARBOR CLOS	405B	08/21/97
29	06/25/97	08/05/97	ABINGDON PLACE	76B	08/25/97
30	04/30/97	07/30/97	ARBOR CLOS	339B	08/25/97
31	07/24/97	08/25/97	LENOX PARK	95A	08/25/97
32	07/24/97	08/07/97	LENOX PARK	155A	08/25/97
33	07/24/97	08/07/97	LENOX PARK	156A	08/25/97
34	07/24/97	08/07/97	LENOX PARK	157A	08/25/97
35	06/25/97	08/14/97	OAKS @ LANIER	55B	08/25/97
36	08/26/97	08/26/97	PUBLIX SHOPPING CNTR	302	08/26/97
37	08/26/97	08/26/97	OAKS @ LANIER	59B	08/26/97
~~38~~	~~04/11/97~~	~~08/13/97~~	~~SADDLE TREE~~	~~61A~~	~~08/26/97~~
39	06/25/97	07/30/97	ARBOR CLOS	217A	08/27/97
41	06/25/97	08/07/97	ARBOR CLOS	401B	08/27/97
40	06/25/97	08/26/97	HILLCREST GLENN	62A	08/27/97
42	06/09/97	08/26/97	HILLCREST GLENN	52B	08/27/97
43	06/09/97	08/26/97	HILLCREST GLENN	53A	08/27/97
44	08/25/97	08/26/97	HILLCREST GLENN	61A	08/27/97
45	03/11/97	08/13/97	SADDLE TREE	43A	08/27/97
46	06/19/97	07/28/97	OAKS @ LANIER	52A	08/28/97
47	05/09/97	08/14/97	RICHLAND CREEK	23A	08/28/97
~~48~~	~~08/19/97~~	~~08/20/97~~	~~ROSEMOORE LAKE~~	~~26C~~	~~08/28/97~~
49	03/13/97	07/14/97	ASCOT	8C	08/29/97
50	05/30/97	08/14/97	RICHLAND CREEK	24A	08/29/97

1997 GAS DEPARTMENT REPORT

	JANUARY	FEBRAURY	MARCH	APRIL	MAY	JUNE	JULY	A
NEW SERVICES ADDED	35	38	51	46	43	55	49	
LENGH IN FEET	3,435	2,984	4,231	4,126	3,445	4,663	3,695	
TYPE OF MATERIAL	PLASTIC	PLASTIC	PLASTIC	PLASTIC	PLASTIC	PLASTIC	PLASTIC	PI
SIZE OF PIPE	5/8 & 3/4	5/8 & 3/4	5/8 & 3/4	5/8 & 3/4	5/8 & 3/4	5/8 & 3/4	5/8 & 3/4	5/
CATHODICALLY PROTECTED?	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
NUMBER OF LEAK REPORTS	28			20	11	12	20	
CORROSION CAUSED	0	1	0	0	0	0	0	
CUT LINES - CITY EMPLOYEES	0	1	0	0	1	0	0	
MATERIAL DEFECT	0	0	3	0	1	0	0	
CUT OFF VAVLE LEAKS	2	4	1	2	0	3	3	
LOW PRESSURE	0	0	0	0	0	0	0	
METERS REPLACED	0	0	0	2	0	0	0	
REGULATORS REPLACED	3	0	0	1	0	0	0	
REGULATORS RESET	1	2	4	3	1	0	1	
CUSTOMER SIDE	6	3	1	1	0	1	0	
NO LEAKS FOUND	3	1	2	2	0	0	0	
THIRD PARTY CUT LINES	7	0	12	9	8	8	16	
BILLED	0	3	4	1	1	1	2	
PAYMENTS RECEIVED	0	0	0	0	0	0	0	
OUTSTANDING	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
KILLED SERVICES								
LENTH IN FEET	0	2	0	0	0	0	0	
TYPE OF MATERIAL	N/A	STEEL	N/A	N/A	N/A	N/A	N/A	
SIZE OF PIPE	N/A	4-Mar	N/A	N/A	N/A	N/A	N/A	
NEW MAINS PUT INTO SERVICE	1	3	1	3	2	1	1	
LENTH IN FEET-BREAKDOWN BELOW	1200	7700	1000	6545	6140	1000	2120	
TYPE OF MATERIAL	PLASTIC	PLASTIC	PLASTIC	PLASTIC	PLASTIC	PLASTIC	PLASTIC	PL
SIZE OF MAIN - 4"	1200	5200	0	720	2500	0	2120	
SIZE OF MAIN - 2"	0	2500	1000	5825	3560	1000	0	
CATHODICALLY PROTECTED?	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
LOCATES	376	440	459	530	544	435	627	

GEARON & COMPANY, INC.
1760 The Exchange, NW
Suite 200
Atlanta, Georgia 30339
Office: (770) 953-9400
Fax: (770) 952-4999

****

Memorandum

motion to table
Bailey — Berger
2nd — Berger
5-0

Date: 7/31/97

To: Scott Payne

From: Tim Ware / Dee Ware

Subject: NEXTEL is desirous of entering into a Lease on the property at:

Sugar Hill Golf Course

The basic terms of the Lease are as follows:

1. The term is for 5 years with 4 renewal options of 15%.
2. Size of parcel needed is 100' x 100'.
3. Tenant will pay for all improvements and utilities.
4. If Lessor's property taxes go up us a result of improvements, Tenant will pay the increase.
5. Tenant will indemnify and hold harmless Lessor and will provide insurance to do so.
6. Rent will be as follows:

Years 1 - 5	$12,000.00 per year
Years 6 - 10	$13,800.00 per year
Years 11 - 15	$15,870.00 per year
Years 16 - 20	$18,250.00 per year
Years 21 - 25	$20,988.00 per year

This will give you a total payout of $404,547.00 over the terms of the Lease.

Please call upon receipt of this memo with your comments. You can contact me at any of the following number:

Name: Tim Ware / Dee Ware

Office: 770-953-9400

Beeper: 888-361-0290 Cell phone 404-312-9909

ACORD. CERTIFICATE OF INSURANCE

ISSUE DATE (MM/DD/YY) 05/19/97

PRODUCER

'OHNSON & HIGGINS OF NEW JERSEY, INC.
5 WATERVIEW BOULEVARD
PARSIPPANY, NJ 07054-0499

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURED

NEXTEL COMMUNICATIONS, INC.
DIAL CALL INC
6575 THE CORNERS PARKWAY
NORCROSS, GA 30092

COMPANIES AFFORDING COVERAGE

COMPANY LETTER	A	TRAVELERS INDEMNITY COMPANY OF ILLINOIS
COMPANY LETTER	B	TRAVELERS INDEMNITY COMPANY OF AMERICA
COMPANY LETTER	C	TRAVELERS INDEMNITY COMPANY OF CONNECTICUT
COMPANY LETTER	D	CHARTER OAK FIRE INSURANCE COMPANY
COMPANY LETTER	E	N/A

COVERAGES

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED, NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

CO LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS	
A	GENERAL LIABILITY	UJGLSA752G226A-TIL97	02/05/97	02/05/98	GENERAL AGGREGATE	$ 2,000,000
	[X] COMMERCIAL GENERAL LIABILITY				PRODUCTS-COMP/OP AGG.	$ 2,000,000
	[ ] CLAIMS MADE [X] OCCUR.				PERSONAL & ADV. INJURY	$ 1,000,000
	OWNER'S & CONTRACTOR'S PROT.				EACH OCCURRENCE	$ 1,000,000
					FIRE DAMAGE (Any one fire)	$ 1,000,000
					MED. EXPENSE (Any one person)	$ 10,000
B	AUTOMOBILE LIABILITY	UJCAP752G2271TIL97	02/05/97	02/05/98	COMBINED SINGLE LIMIT	$ 1,000,000
	[X] ANY AUTO	UHCAP752G2283TIA97	02/05/97	02/05/98		
	[X] ALL OWNED AUTOS	(TX)			BODILY INJURY (Per person)	$
	[X] SCHEDULED AUTOS					
	[X] HIRED AUTOS				BODILY INJURY (Per accident)	$
	[X] NON-OWNED AUTOS					
	[X] GARAGE LIABILITY				PROPERTY DAMAGE	$
	EXCESS LIABILITY				EACH OCCURRENCE	$
	[ ] UMBRELLA FORM				AGGREGATE	$
	[ ] OTHER THAN UMBRELLA FORM					
D	WORKER'S COMPENSATION	UVYCOUB752G285A97	02/05/97	02/05/98	[X] STATUTORY LIMITS	
C	AND	UVYCEEUB752G229597	02/05/97	02/05/98	EACH ACCIDENT	$ 1,000,000
	EMPLOYERS' LIABILITY	(CA)			DISEASE--POLICY LIMIT	$ 1,000,000
					DISEASE--EACH EMPLOYEE	$ 1,000,000
	OTHER					

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/SPECIAL ITEMS (LIMITS MAY BE SUBJECT TO RETENTIONS)

EXCEPT WORKERS' COMPENSATION, THE CERTIFICATE HOLDER NAMED BELOW IS INCLUDED AS AN ADDITIONAL INSURED/LOSS PAYEE IF REQUIRED BY LEASE OR CONTRACTUAL AGREEMENT. SITE.: NO. : GA-1533-A BUCHANAN DIGITAL CELL SITE
PROPERTY ADDRESS : 1435 ZEBULON ROAD GRIFFIN, GA

CERTIFICATE HOLDER

LOYAL ORDER OF MOOSE
ATTN: HUGH LEWIS
GRIFFIN LODGE #1503, INC.
1435 ZEBULON ROAD
GRIFFIN GA 30224-5151

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING COMPANY WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE COMPANY, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

SUSAN L. MOLINEUX

©ACORD CORPORATION 1990

Market: Southeast
Site Name: Huston Garner
Site No: GA-1393

COMMUNICATIONS SITE LEASE AGREEMENT (GROUND)

This Lease Agreement ("Agreement") is entered into this _____ day of _____, 19____, between Dial Call, Inc., a Georgia Corporation, d/b/a Nextel Communications, ("Lessee"), and the city of Sugar Hill, a _____ corporation ("Lessor").

For good and valuable consideration the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

1. Premises. Lessor is the owner of a parcel of land (the "Land") located in the city of Sugar Hill, County of Gwinnett, State of Georgia, commonly known as Sugar Hill Golf Course. The Land is more particularly described in Exhibit A annexed hereto. Lessor hereby leases to Lessee and Lessee leases from Lessor, approximately ten thousand (10,000) square feet of the Land and all access and utility easements, if any, (the "Premises") as described in Exhibit B annexed hereto. Lessor grants to Lessee the right to unilaterally amend this Agreement by substituting the legal description of the Land and/or the Premises prepared from Lessor's deed and/or a survey or site plan obtained by Lessee for Exhibit A and Exhibit B respectively.

2. Use. The Premises may be used by Lessee for any activity in connection with the provision of communications services. Lessor agrees to cooperate with Lessee, at Lessee's expense, in making application for and obtaining all licenses, permits and any and all other necessary approvals that may be required for Lessee's intended use of the Premises.

3. Tests and Construction. Lessee shall have the right at any time following the full execution of this Agreement to enter upon the Land for the purpose of: making appropriate engineering and boundary surveys, inspections, soil test borings, other reasonably necessary tests and constructing the Lessee Facilities (as defined in Paragraph 6(a) below).

4. Term. The term of this Agreement shall be five (5) years commencing on the 1st day of Feb. 1, 1998 [six (6) months from date of execution] or the date on which Lessee begins construction of the Lessee Facilities, whichever first occurs ("Commencement Date") and terminating on the fifth (5th) anniversary of the Commencement Date (the "Term") unless otherwise terminated as provided in Paragraph 10. Lessee shall have the right to extend the Term for four (4) successive five (5) year periods (the "Renewal Terms") on the same terms and conditions as set forth herein. This Agreement shall automatically be extended for each successive Renewal Term unless Lessee notifies Lessor of its intention not to renew prior to commencement of the succeeding Renewal Term.

5. Rent. Within 15 days of the Commencement Date and on the first day of each month thereafter, Lessee shall pay to Lessor as rent one thousand and 00/100 DOLLARS ($1000.00) per month ("Rent") during the initial term. Lessee shall pay monthly rent for the first (1st) five (5) year Renewal Term of eleven hundred fifty and 00/100 DOLLARS ($1150.00); for the second (2nd) five (5) year Renewal Term of thirteen hundred twenty two and 00/100 DOLLARS ($1322.00); for the third (3rd) five (5) year Renewal Term of fifteen hundred twenty one and 00/100 DOLLARS ($1521.00); and for the fourth (4th) five (5) year Renewal Term of seventeen hundred forty nine and 00/100 DOLLARS ($1749.00). Rent for any fractional month at the beginning or at the end of the Term or

Renewal Term shall be prorated. Rent shall be payable to Lessor at: _____
_____; Attention: _____.

6. **Facilities; Utilities; Access.**

(a) Lessee has the right to erect, maintain and operate on the Premises radio communications facilities, including without limitation an antenna tower or pole and foundation, utility lines, transmission lines, air conditioned equipment shelter(s), electronic equipment, radio transmitting and receiving antennas, supporting equipment and structures thereto ("Lessee Facilities"). In connection therewith, Lessee has the right to do all work necessary to prepare, maintain and alter the Premises for Lessee's business operations and to install transmission lines connecting the antennas to the transmitters and receivers. All of Lessee's construction and installation work shall be performed at Lessee's sole cost and expense and in a good and workmanlike manner. Title to the Lessee Facilities shall be held by Lessee. All of Lessee Facilities shall remain Lessee's personal property and are not fixtures. Lessee has the right to remove all Lessee Facilities at its sole expense on or before the expiration or earlier termination of the Agreement; provided, Lessee repairs any damage to the Premises caused by such removal. Upon termination of this Agreement, Lessee shall not be required to remove any foundation more than one (1) foot below grade level.

(b) Lessee shall pay for the electricity it consumes in its operations at the rate charged by the servicing utility company. Lessee shall have the right to draw electricity and other utilities from the existing utilities on the Land or obtain separate utility service from any utility company that will provide service to the Land (including a standby power generator for Lessee's exclusive use). Lessor agrees to sign such documents or easements as may be required by said utility companies to provide such service to the Premises, including the grant to Lessee or to the servicing utility company at no cost to the Lessee, of an easement in, over across or through the Land as required by such servicing utility company to provide utility services as provided herein. Any easement necessary for such power or other utilities will be at a location acceptable to Lessor and the servicing utility company.

(c) Lessee, Lessee's employees, agents, subcontractors, lenders and invitees shall have access to the Premises without notice to Lessor twenty-four (24) hours a day, seven (7) days a week, at no charge. Lessor grants to Lessee, and its agents, employees, contractors, guests and invitees, a non-exclusive right and easement for pedestrian and vehicular ingress and egress across that portion of the Land described in Exhibit B.

(d) Lessor shall maintain all access roadways from the nearest public roadway to the Premises in a manner sufficient to allow pedestrian and vehicular access at all times under normal weather conditions. Lessor shall be responsible for maintaining and repairing such roadway, at its sole expense, except for any damage caused by Lessee's use of such roadways.

7. **Interference.**

(a) Lessee shall operate the Lessee Facilities in a manner that will not cause interference to Lessor and other lessees or licensees of the Land, provided that their installations predate that of the Lessee Facilities. All operations by Lessee shall be in compliance with all Federal Communications Commission ("FCC") requirements.

(b) Subsequent to the installation of the Lessee Facilities, Lessor shall not permit itself, its lessees or licensees to install new equipment on the Land or property contiguous thereto owned or controlled by Lessor, if such equipment is likely to cause interference with Lessee's operations. Such interference shall be deemed a material breach by Lessor. In the event interference occurs, Lessor agrees to take all reasonable steps necessary to eliminate such interference, in a reasonable time period.

8. Taxes. If personal property taxes are assessed, Lessee shall pay any portion of such taxes directly attributable to the Lessee Facilities. Lessor shall pay all real property taxes, assessments and deferred taxes on the Land.

9. Waiver of Lessor's Lien.

(a) Lessor waives any lien rights it may have concerning the Lessee Facilities which are deemed Lessee's personal property and not fixtures, and Lessee has the right to remove the same at any time without Lessor's consent.

(b) Lessor acknowledges that Lessee has entered into a financing arrangement including promissory notes and financial and security agreements for the financing of the Lessee Facilities (the "Collateral") with a third party financing entity (and may in the future enter into additional financing arrangements with other financing entities). In connection therewith, Lessor (i) consents to the installation of the Collateral; (ii) disclaims any interest in the Collateral, as fixtures or otherwise; and (iii) agrees that the Collateral shall be exempt from execution, foreclosure, sale, levy, attachment, or distress for any Rent due or to become due and that such Collateral may be removed at any time without recourse to legal proceedings.

10. Termination. This Agreement may be terminated without further liability on thirty (30) days prior written notice as follows: (i) by either party upon a default of any covenant or term hereof by the other party, which default is not cured within sixty (60) days of receipt of written notice of default, provided that the grace period for any monetary default is ten (10) days from receipt of notice; or (ii) by Lessee for any reason or for no reason, provided Lessee delivers written notice of early termination to Lessor no later than thirty (30) days prior to the Commencement Date; or (iii) by Lessee if it does not obtain or maintain any license, permit or other approval necessary for the construction and operation of Lessee Facilities; or (iv) by Lessee if Lessee is unable to occupy and utilize the Premises due to an action of the FCC, including without limitation, a take back of channels or change in frequencies; or (v) by Lessee if Lessee determines that the Premises are not appropriate for its operations for economic or technological reasons, including, without limitation, signal interference.

11. Destruction or Condemnation. If the Premises or Lessee Facilities are damaged, destroyed, condemned or transferred in lieu of condemnation, Lessee may elect to terminate this Agreement as of the date of the damage, destruction, condemnation or transfer in lieu of condemnation by giving notice to Lessor no more than forty-five (45) days following the date of such damage, destruction, condemnation or transfer in lieu of condemnation. If Lessee chooses not to terminate this Agreement, Rent shall be reduced or abated in proportion to the actual reduction or abatement of use of the Premises.

12. Insurance. Lessee, at Lessee's sole cost and expense, shall procure and maintain on the Premises and on the Lessee Facilities, bodily injury and property damage insurance with a combined single limit of at least One Million and 00/100 Dollars ($1,000,000.00) per occurrence. Such insurance shall insure, on an occurrence basis, against all liability of Lessee, its employees and agents arising out of or in connection with Lessee's use of the

Premises, all as provided for herein. Lessor shall be named as an additional insured on Lessee's policy. Lessee shall provide to Lessor a certificate of insurance evidencing the coverage required by this paragraph within thirty (30) days of the Commencement Date.

13. **Waiver of Subrogation.** Lessor and Lessee release each other and their respective principals, employees, representatives and agents, from any claims for damage to any person or to the Premises or to the Lessee Facilities thereon caused by, or that result from, risks insured against under any insurance policies carried by the parties and in force at the time of any such damage. Lessor and Lessee shall cause each insurance policy obtained by them to provide that the insurance company waives all right of recovery by way of subrogation against the other in connection with any damage covered by any policy. Neither Lessor nor Lessee shall be liable to the other for any damage caused by fire or any of the risks insured against under any insurance policy required by Paragraph 12.

14. **Assignment and Subletting.** Lessee may not assign, or otherwise transfer all or any part of its interest in this Agreement or in the Premises without the prior written consent of Lessor; provided, however, that Lessee may assign its interest to its parent company, any subsidiary or affiliate or to any successor-in-interest or entity acquiring fifty-one percent (51%) or more of its stock or assets, subject to any financing entity's interest, if any, in this Agreement as set forth in Paragraph 9 above. Lessor may assign this Agreement upon written notice to Lessee, subject to the assignee assuming all of Lessor's obligations herein, including but not limited to, those set forth in Paragraph 9 above, and Lessee may sublet or license all or any portion of the Premises to one or more entities for communications uses only, without Lessor's consent. Notwithstanding anything to the contrary contained in this Agreement, Lessee may assign, mortgage, pledge, hypothecate or otherwise transfer without consent its interest in this Agreement to any financing entity, or agent on behalf of any financing entity to whom Lessee (i) has obligations for borrowed money or in respect of guaranties thereof, (ii) has obligations evidenced by bonds, debentures, notes or similar instruments, or (iii) has obligations under or with respect to letters of credit, bankers acceptances and similar facilities or in respect of guaranties thereof.

15. **Warranty of Title and Quiet Enjoyment.** Lessor warrants that: (i) Lessor owns the Land in fee simple and has rights of access thereto and the Land is free and clear of all liens, encumbrances and restrictions; (ii) Lessor has full right to make and perform this Agreement; and (iii) Lessor covenants and agrees with Lessee that upon Lessee paying the Rent and observing and performing all the terms, covenants and conditions on Lessee's part to be observed and performed, Lessee may peacefully and quietly enjoy the Premises. Lessor agrees to indemnify and hold harmless Lessee from any and all claims on Lessee's leasehold interest.

16. **Repairs.** Lessee shall not be required to make any repairs to the Premises or Land unless such repairs shall be necessitated by reason of the default or neglect of Lessee. Except as set forth in Paragraph 6(a) above, upon expiration or termination hereof, Lessee shall restore the Premises to the condition in which it existed upon execution hereof, reasonable wear and tear and loss by casualty or other causes beyond Lessee's control excepted.

17. **Hazardous Substances.** Lessee agrees that it will not use, generate, store or dispose of any Hazardous Material on, under, about or within the Land in violation of any law or regulation. Lessor represents, warrants and agrees (1) that neither Lessor nor, to Lessor's knowledge, any third party has used, generated, stored or disposed of, or permitted the use, generation, storage or disposal of, any Hazardous Material (defined below) on, under, about or within the Land in violation of any law or regulation, and (2) that Lessor will not, and will not permit any third party to use, generate, store or dispose of any Hazardous Material on, under, about or within the

Land in violation of any law or regulation. Lessor and Lessee each agree to defend, indemnify and hold harmless the other and the other's partners, affiliates, agents and employees against any and all losses, liabilities, claims and/or costs (including reasonable attorney's fees and costs) arising from any breach of any representation, warranty or agreement contained in this paragraph. As used in this paragraph, "Hazardous Material" shall mean petroleum or any petroleum product, asbestos, any substance known by the state in which the Land is located to cause cancer and/or reproductive toxicity, and/or any substance, chemical or waste that is identified as hazardous, toxic or dangerous in any applicable federal, state or local law or regulation. This paragraph shall survive the termination of this Agreement.

18. Miscellaneous.

(a) This Agreement constitutes the entire agreement and understanding between the parties, and supersedes all offers, negotiations and other agreements concerning the subject matter contained herein. Any amendments to this Agreement must be in writing and executed by both parties.

(b) If any provision of this Agreement is invalid or unenforceable with respect to any party, the remainder of this Agreement or the application of such provision to persons other than those as to whom it is held invalid or unenforceable, shall not be affected and each provision of this Agreement shall be valid and enforceable to the fullest extent permitted by law.

(c) This Agreement shall be binding on and inure to the benefit of the successors and permitted assignees of the respective parties.

(d) Any notice or demand required to be given herein shall be made by certified or registered mail, return receipt requested, or reliable overnight courier to the address of the respective parties set forth below:

Lessor: City of
Sugar Hill
4988 W. Broad St.
Sugar Hill, GA 30518
770-945-6716

Lessee: Dial Call, Inc. ., a Georgia corporation,
d/b/a Nextel Communications
6575 The Corners Parkway, Suite 100s
Norcross, Georgia 30092
Attn.: Property Manager

With a copy to: Nextel Communications, Inc.
1505 Farm Credit Drive
McLean, VA 22102
Attn.: Legal Dept., Contracts Manager

Lessor or Lessee may from time to time designate any other address for this purpose by written notice to the other party. All notices hereunder shall be deemed received upon actual receipt.

(e) This Agreement shall be governed by the laws of the State of Georgia.

(f) Lessor acknowledges that a Memorandum of Agreement in the form annexed hereto as Exhibit C will be recorded by Lessee in the official records of the County where the Land is located. In the event the Land is encumbered by a mortgage or deed of trust, Lessor agrees to obtain and furnish to Lessee a non-disturbance and attornment instrument for each such mortgage or deed of trust. Lessor grants to Lessee the right to unilaterally

amend the Memorandum of Agreement by substituting the legal description of the Land and/or Premises prepared based on the terms of this Agreement or from Lessor's deed and/or a survey or site plan obtained by Lessee for Exhibit A and Exhibit B thereto, respectively.

(g) Lessee may obtain title insurance on its interest in the Land. Lessor shall cooperate by executing documentation required by the title insurance company.

(h) In any case where the approval or consent of one party hereto is required, requested or otherwise to be given under this Agreement, such party shall not unreasonably delay or withhold its approval or consent.

(i) All Riders and Exhibits annexed hereto form material parts of this Agreement.

(j) This Agreement may be executed in duplicate counterparts, each of which shall be deemed an original.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

(EXECUTION PAGES TO FOLLOW)

Market: Southeast
Site Name: Austin Garner
Site No: GA-1393

IN WITNESS WHEREOF, the parties have executed, set their hands and affixed their respective seals the date first above written.

LESSOR

_____

By: _____

Print Name: _____

Print Title: _____

Attest: _____

Print Name: _____

Print Title: _____

[AFFIX CORPORATE SEAL]

Date: _____

Tax ID#: _____

LESSEE

DIAL CALL INC., A GEORGIA CORPORATION
d/b/a NEXTEL COMMUNICATIONS

By: _____

Print Name: _____

Print Title: _____

Attest: _____

Print Name: _____

Print Title: _____

[AFFIX CORPORATE SEAL]

Date: _____

Market: Southeast
Site Name: Austin Garner
Site No: GA-1393

EXHIBIT A

DESCRIPTION OF LAND

to the Agreement dated _____, 199____, by and between the city of Sugar Hill, as Lessor, and Dial Call, Inc., a Georgia corporation, d/b/a Nextel Communications, as Lessee.

The Land is described and/or depicted as follows (metes and bounds description):

All that tract or parcel of land lying and being in Land Lots 346, 347, 348, 366 and 367 of the 7th Land District, Gwinnett County, Georgia, and being more particularly described on Exhibit "A" attached hereto and incorporated herein by this reference.

BOOK 3020 PAGE 50
GWINNETT CO. GEORGIA
REAL ESTATE TRANSFER TAX
$ 383.80
Date 4-12-85
Clerk of Superior Court

FILED & RECORDED
CLERK SUPERIOR COURT
GWINNETT CO., GA.
'85 APR 12 PM 4:23
GARY R. YATES, CLERK

Form 102

WARRANTY DEED

STATE OF GEORGIA COUNTY OF GWINNETT

THIS INDENTURE, Made the 11th day of APRIL, in the year one thousand nine hundred eighty-five, between WILLIAM NOAH PIRKLE AND LILLIAN PIRKLE BUICE, f/k/a LILLIAN VIRGINIA PIRKLE PASS, individulaly and as Co-executors under the Will of Margie Viola Head Pirkle, deceased and Carolyn Pirkle Hansard, Rachel Pirkle Hansard, SarahMargaret Pirkle Mayfield, and Winfred Lafayette Pirkle of the County of Gwinnett, and State of Georgia, as party or parties of the first part, hereinafter called Grantor, and

GUY B. FINDLEY, JAMES R. MAGBEE, AND PIPER DEVELOPMENT COMPANY, INC.

as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATIONS ~~( ) DOLLARS~~ in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee,

All that tract or parcel of land lying and being in Land Lots 347 and 348 of the 7th District, Gwinnett County, Georgia, containing 127.91 acres according to a plat of survey made for Margie Head Pirkle Estate, prepared by Thomas M. Patton, Registered Land Surveyor, No. 967, dated May 2, 1984, and being more particularly described according to said plat as follows:

TO FIND THE TRUE POINT OF BEGINNING, begin at the common corner of Land Lots 365, 366, 347, and 348, said District and County; running thence South 59 degrees 28 minutes 33 seconds West a distance of 50 feet to a point, and being the TRUE POINT OF BEGINNING; running thence South 89 degrees 46 minutes 17 seconds East a distance of 2265.71 feet to a point located on the northwesterly right of way of Suwanee-Buford Dam Road (having a 60-foot right of way); running thence South 35 degrees 20 minutes 00 seconds West along said right of way of Suwanee-Buford Dam Road a distance of 192.28 feet to a point; running thence South 64 degrees 04 minutes 43 seconds West a distance of 657.95 feet to a point; running thence South 64 degrees 04 minutes 43 seconds West a distance of 73.12 feet to a point located in the centerline of a Dirt Drive; running thence South 51 degrees 53 minutes 08 seconds West along the centerline of said Dirt Drive a distance of 29.59 feet to a point; continuing thence along the centerline of said Dirt Drive south 26 degrees 49 minutes 02 seconds West a distance of 120.73 feet to a point; continuing thence along the centerline of said Dirt Drive South 09 degrees 06 minutes 06 seconds West a distance of 158.10 feet to a point; continuing along the centerline of said Dirt Drive South 07 degrees 12 minutes 06 seconds West a distance of 227.46 feet to a point; continuing thence along the centerline of said Dirt Drive South 04 degrees 32 minutes 27 seconds West a distance of 58.53 feet to a point; continuing thence along the centerline of said Dirt Drive South 05 degrees 18 minutes 51 seconds East a distance of 105.91 feet to a point; continuing thence along the centerline of said Dirt Drive South 12 degrees 34 minutes 17 seconds East a distance of 36.94 feet to a point located at the intersection of the centerline of said Dirt Drive with the northwesterly right of way of Suwanee-Buford Dam Road; running thence South 34 degrees 57 minutes 23 seconds West along the northwesterly right of way of Suwanee-Buford Dam Road a distance of 21.63 feet to a point; continuing thence along said right of way of Suwanee-Buford Dam Road South 33 degrees 07 minutes 10 seconds West a distance of 276.41 feet to a point; running thence South 60 degrees 00 minutes 00 seconds West a distance of 256.70 feet to a point located on the line dividing Land Lots 348 and 347, said district and county; running thence South 30 degrees 00 minutes 00 seconds East along said Land Lot Line a distance of 130.12 feet to a point located on the northwesterly right of way of Suwanee-Buford Dam Road; running thence South 33 degrees 07 minutes 10 seconds West along said right of way a distance of 15.86 feet to a point; running thence South 33 degrees 37 minutes 34 seconds West along said right of way a distance of 114.18 feet to a point; running thence South 32 degrees 57 minutes 44 seconds West along said right of way a distance of 97.66 feet to a point; running thence South 30 degrees 51 minutes 34 seconds West a distance of 96.40 feet to a point; running thence South 26 degrees 28 minutes 24 seconds West along said right of way a distance of 101.24 feet to a point; running thence South 15 degrees 39 minutes 03 seconds West along said right of way a distance of 203.18 feet to a point; running thence South 07 degrees 44 minutes 36 seconds West along said right of way a distance of 96.99 feet to a point; running thence North 15 degrees 12 minutes 56 seconds West a distance of 204.98 feet to an iron pin found; running

(CONTINUED ON REVERSE SIDE HEREOF)

thence South 77 degrees 10 minutes 39 seconds West 267.05 feet to an iron pin found; running thence South 27 degrees 38 minutes 21 seconds West 238.26 feet to an iron pin found; running thence South 80 degrees 18 minutes 03 seconds West a distance of 739.34 feet to an iron pin; running thence South 83 degrees 08 minutes 42 seconds West a distance of 92.79 feet to an iron pin found; running thence North 48 degrees 54 minutes 57 seconds West a distance of 433.51 feet to an iron pin found; running thence North 48 degrees 42 minutes 04 seconds West a distance of 1384.81 feet to an iron pin found; running thence North 60 degrees 23 minutes 19 seconds East a distance of 1542.47 feet to an iron pin found; running thence North 30 degrees 00 minutes 11 seconds West a distance of 250.08 feet to an iron pin found; running thence North 59 degrees 28 minutes 33 seconds East a distance of 727.75 feet to an iron pin, and being the TRUE POINT OF BEGINNING.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in FEE SIMPLE.

AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons whomsoever.

IN WITNESS WHEREOF, the Grantor has signed and sealed this deed, the day and year above written.

Signed, sealed and delivered in presence of:

Notary Public, Ga. State at Large
My Commission Expires Mar 22, 1989

WILLIAM NOAH PIRKLE (Seal)
WILLIAM NOAH PIRKLE, individually and as*

Lillian Pirkle Buice (Seal)
LILLIAN PIRKLE BUICE, f/k/a Lillian Virginia Pirkle Pass, individually and as* (Seal)

*Co-executors under the Will of Margie Viola Head Pirkle, deceased

(CONTINUED BELOW)

WARRANTY DEED

FROM

TO

GEORGIA, ... County.
Clerk's Office, Superior Court
Filed for Record ..... day
of ..... 19.....
at ..... M., and Recorded in Deed
Book ..... Folio .....
..... 19.....
..... Clerk.

TENNANT, ANDERSEN & DAVIDSON
ATTORNEYS AT LAW
P.O. BOX 661
288 CLAYTON STREET
LAWRENCEVILLE, GEORGIA 30246

CHARGE AND RETURN

Carolyn Pirkle Hansard (SEAL)
CAROLYN PIRKLE HANSARD

Rachel Pirkle Hansard (SEAL)
RACHEL PIRKLE HANSARD

Sarah Margaret Pirkle Mayfield (SEAL)
SARAH MARGARET PIRKLE MAYFIELD

Winfred Lafayette Pirkle (SEAL)
WINFRED LAFAYETTE PIRKLE

BOOK 4815 PAGE 248

EXHIBIT "A"

All that tract or parcel of land lying and being in Land Lots 346, 347, 348, 366 and 367 of the 7th Land District, Gwinnett County, Georgia designated as Tracts 6, 7, 8, 9, 10 and 11 on that certain plat of survey prepared for Guy Findley and Baron Herman, Inc. dated October 9, 1987, last revised November 4, 1987, and being recorded at Plat Book 44, Page 196, Gwinnett County, Georgia Records, and being more particularly described as follows:

BEGINNING at a point which is the intersection of Land Lots 366, 365, 347, and 348 of the 7th Land District of Gwinnett County, running thence along the Land Lot line separating Land Lots 366 and 347, South 60 degrees 11 minutes 2 seconds West, a distance of 50 feet, to an iron pin found; thence South 88 degrees 49 minutes 09 seconds East, a distance of 1661.58 feet, to a point; thence North 53 degrees 23 minutes 26 seconds East, a distance of 315.60 feet, to a point; thence North 88 degrees 44 minutes 19 seconds East, a distance of 309.73 feet, to a point; thence South 55 degrees 29 minutes 04 seconds East, a distance of 150 feet, to a point on the northwest right-of-way of Suwanee-Buford Dam Road (80 foot right-of-way); thence South 34 degrees 48 minutes 54 seconds West, a distance of 101.19 feet, to an iron pin placed; thence South 34 degrees 30 minutes 56 seconds West, a distance of 47.77 feet, to a point; thence South 31 degrees 44 minutes 25 seconds West, a distance of 32.24 feet, to a point; thence leaving said right-of-way of Suwanee-Buford Dam Road and running South 60 degrees 00 minutes 00 seconds West, a distance of 801.25 feet, to a point; thence South 65 degrees 29 minutes 43 seconds West, a distance of 73.12 feet, to a point; thence South 52 degrees 53 minutes 18 seconds West, a distance of 39.68 feet, to a point; thence South 31 degrees 32 minutes 08 seconds West, a distance of 50.30 feet, to a point; thence South 21 degrees 44 minutes 40 seconds West, a distance of 50.48 feet, to a point; thence South 09 degrees 49 minutes 25 seconds West, a distance of 404.43 feet, to a point; thence South 01 degree 25 minutes 49 seconds West, a distance of 102.81 feet, to a point; thence South 12 degrees 41 minutes 16 seconds East, a distance of 76.31 feet, to a point on the Suwanee-Buford Dam Road (80 foot right-of-way); thence continuing along said right-of-way South 33 degrees 53 minutes 24 seconds West, a distance of 421.37 feet, to a point; thence leaving said right-of-way and running South 68 degrees 46 minutes 39 seconds West, a distance of 56.14 feet to a point; thence South 61 degrees 17 minutes 47 seconds West, a distance of 40.97 feet, to a point; thence South 56 degrees 49 minutes 16 seconds West, a distance of 21.19 feet, to a point; thence South 30 degrees 05 minutes 47 seconds East, a distance of 65.18 feet, to a point on the said right-of-way of Suwanee-Buford Dam Road; thence continuing along said right-of-way South 33 degrees 25 minutes 35 seconds West, a distance of 304.81 feet, to a point; thence South 26 degrees 38 minutes 14 seconds West, a distance of 130.48 feet, to a point; thence South 17 degrees 15 minutes 15 seconds West, a distance of 136.01 feet, to a point; thence South 08 degrees 12 minutes 26 seconds West, a distance of 123.11 feet, to a point; thence leaving said right-of-way of Suwanee-Buford Dam Road and running North 14 degrees 56 minutes 34 seconds West, a distance of 178.18 feet, to a point; thence South 77 degrees 27 minutes 01 second West, a distance of 267.98 feet, to a point; thence South 27 degrees 31 minutes 13 seconds West, a distance of 241.38 feet, to a point; thence South 80 degrees 56 minutes 35 seconds West, a distance of 739.60 feet, to a point; thence South 82 degrees 52 minutes 36 seconds West, a distance of 94.41 feet, to a point; thence North 48 degrees 31

minutes 13 seconds West, a distance of 433.50 feet, to a point; thence North 48 degrees 21 minutes 52 seconds West, a distance of 1185.85 feet, to a point; thence South 11 degrees 15 minutes 03 seconds West, a distance of 1502.23 feet, to an iron pin found on the northern right-of-way of Georgia Highway #20 (100 foot right-of-way); running thence along said right-of-way North 81 degrees 18 minutes 30 seconds West, a distance of 635.33 feet, to a point; thence North 19 degrees 14 minutes 40 seconds East, a distance of 1454.49 feet, to a point; thence South 65 degrees 10 minutes 03 seconds West, a distance of 75 feet; to a point; thence South 65 degrees 10 minutes 03 seconds West, a distance of 325.50 feet, to a point; thence South 65 degrees 10 minutes 39 seconds West, a distance of 303.62 feet, to a point; thence North 29 degrees 53 minutes 48 seconds West, a distance of 1177.20 feet, to a point; thence South 81 degrees 01 minute 00 seconds West, a distance of 581.85 feet, to a point; thence North 00 degrees 50 minutes 36 seconds West, a distance of 707.95 feet, to a point; thence North 38 degrees 22 minutes 07 seconds East, a distance of 565.70 feet, to a point; thence North 38 degrees 22 minutes 07 seconds East, a distance of 96.53 feet, to a point; thence North 62 degrees 59 minutes 03 seconds East, a distance of 100 feet, to a point; thence North 62 degrees 59 minutes 03 seconds East, a distance of 272.42 feet, to a point; thence South 32 degrees 36 minutes 48 seconds East, a distance of 504.66 feet, to a point; thence South 51 degrees 40 minutes 49 seconds East, a distance of 361.17 feet, to a point; thence North 73 degrees 40 minutes 19 seconds East, a distance of 319.82 feet, to a point; thence North 73 degrees 40 minutes 19 seconds East, a distance of 329.28 feet, to a point; thence South 41 degrees 10 minutes 00 seconds East, a distance of 85.67 feet, to a point; thence South 41 degrees 10 minutes 00 seconds East, a distance of 186.83 feet, to a point; thence North 69 degrees 30 minutes 00 seconds East, a distance of 181.40 feet, to a point; thence North 24 degrees 50 minutes 00 seconds East, a distance of 121.08 feet, to a point; thence North 24 degrees 50 minutes 00 seconds East, a distance of 335.32 feet, to a point; thence North 11 degrees 13 minutes 38 seconds East, a distance of 607.92 feet, to a point; thence North 72 degrees 48 minutes 10 seconds East, a distance of 267.18 feet, to a point; thence South 41 degrees 59 minutes 22 seconds East, a distance of 265.38 feet, to a point; thence South 02 degrees 20 minutes 30 seconds West, a distance of 175.72 feet, to a point; thence South 47 degrees 03 minutes 41 seconds East, a distance of 253.64 feet, to a point; thence South 84 degrees 29 minutes 37 seconds East, a distance of 513.59 feet, to a point; thence South 29 degrees 06 minutes 11 seconds East, a distance of 505.11 feet, to the point of beginning.

BOOK 4815 PAGE 250

EXHIBIT "B"

1. Right of Way Easement from Mrs. E. W. Sudderth to Sawnee Electric Membership Corporation dated October 30, 1975, recorded in Deed Book 1056, Page 54, Gwinnett County, Georgia Records.

2. Right of Way Agreement betwreen Earskin Sudderth a/k/a E. W. Sudderth and Transcontinental Gas Pipe Line Corporation, dated August 24, 1964, recorded in Deed Book 218, Page 496, aforesaid records.

3. Condemnation of a portion of subject property adjacent to the Chattahoochee River and Richland Creek by the United States Government for the purpose of allowing overflowing and flooding of the property, as evidenced by that certain Declaration of Taking recorded in Deed Book 159, Page 123, Gwinnett County, Georgia Records.

4. The provisions of the Metropolitan River Protection Act (Public Law no. 66, 1973 Ga. Laws 128, as amended), as implemented by the Atlanta Regional Commission.

5. Riparian rights incident to the premises.

6. Right of Way Easement, William Pirkle to Suwanee Electric Membership Corporation, dated November 11, 1968, recorded in Deed Book 311, Page 288, aforesaid records.

7. Right of Way Easement, Margie H. Pirkle to Suwanee Electric Membership Corporation, dated May 21, 1979, recorded in Deed Book 1781, Page 288, aforesaid records.

8. Those matters shown on the aforesaid boundary survey prepared by Civil Design, Inc.

9. Zoning ordinances and land use regulations affecting the property.

10. Perpetual Easement rights reserved by the United States of America in a Quitclaim Deed recorded at Deed Book 4798, Page 6, Gwinnett County, Georgia Records, which easement includes an affirmative duty on the Grantee to construct a roadway prior to June 1, 1989. The City of Sugar Hill agrees to assume the affirmative duty subject to the conditions set forth in the Quitclaim Deed.

11. Lakes and Overflow Easement and damage Release from W. L. Pirkle to United States of America dated October 20, 1959, recorded in Deed Book 152, Page 177, aforesaid records.

12. Judgment on Declaration of Taking, ordered October 8, 1958, in Civil Action Case no. 6657, United States District Court, Northern District of Georgia, Atlanta District, vs 210.77 acres, recorded at Deed Book 143, Page 492, aforesaid records.

13. Easement to Southern Bell Telephone and Telegraph Company, dated 3/26/40, recorded in Deed Book 66, Page 566, Gwinnett County, Georgia Records, for construction and maintenance of communication lines on poles, together with necessary accessories.

14. Right of way deed and drainage easement to State Highway Board of Georgia, dated 1/17/39, recorded in Deed Book 67, Page 395, conveying sufficient land for a right of way of Buford-Cumming Public Road 100 ft. in width.

15. Judgment on Declaration of Taking, rendered 1/22/60, in Civil Action #7076, United States District Court, Northern District of Georgia, Atlanta Division, United States of America vs. 304.98 Acres of Land, More or Less, recorded in Deed Book 159, Page 122, aforesaid records. By this judgment, the United States acquired the right to overflow, flood and/or cover portions of captioned property in connection with the Buford Dam and Reservoir Project and appurtenant works.


HM-2
Zoning
SUGAR HILL
GOLF COURSE

Market: Southeast
Site Name: Hwy 53 Garner
Site No: GA-1393

EXHIBIT B

DESCRIPTION OF PREMISES

to the Agreement dated _____, 199___, by and between the city of Sugar Hill, as Lessor, and Dial Call Inc., a Georgia corporation, d/b/a Nextel Communications, as Lessee.

The Premises are described and/or depicted as follows:

SEE Attached Site Sketch

Notes:

1. This Exhibit may be replaced by a land survey of the Premises once it is received by Lessee.
2. Setback of the Premises from the Land's boundaries shall be the distance required by the applicable governmental authorities.
3. Width of access road shall be the width required by the applicable governmental authorities, including police and fire departments.
4. The type, number and mounting positions and locations of antennas and transmission lines are illustrative only. Actual types, numbers, mounting positions may vary from what is shown above.

DETAILED SITE SKETCH

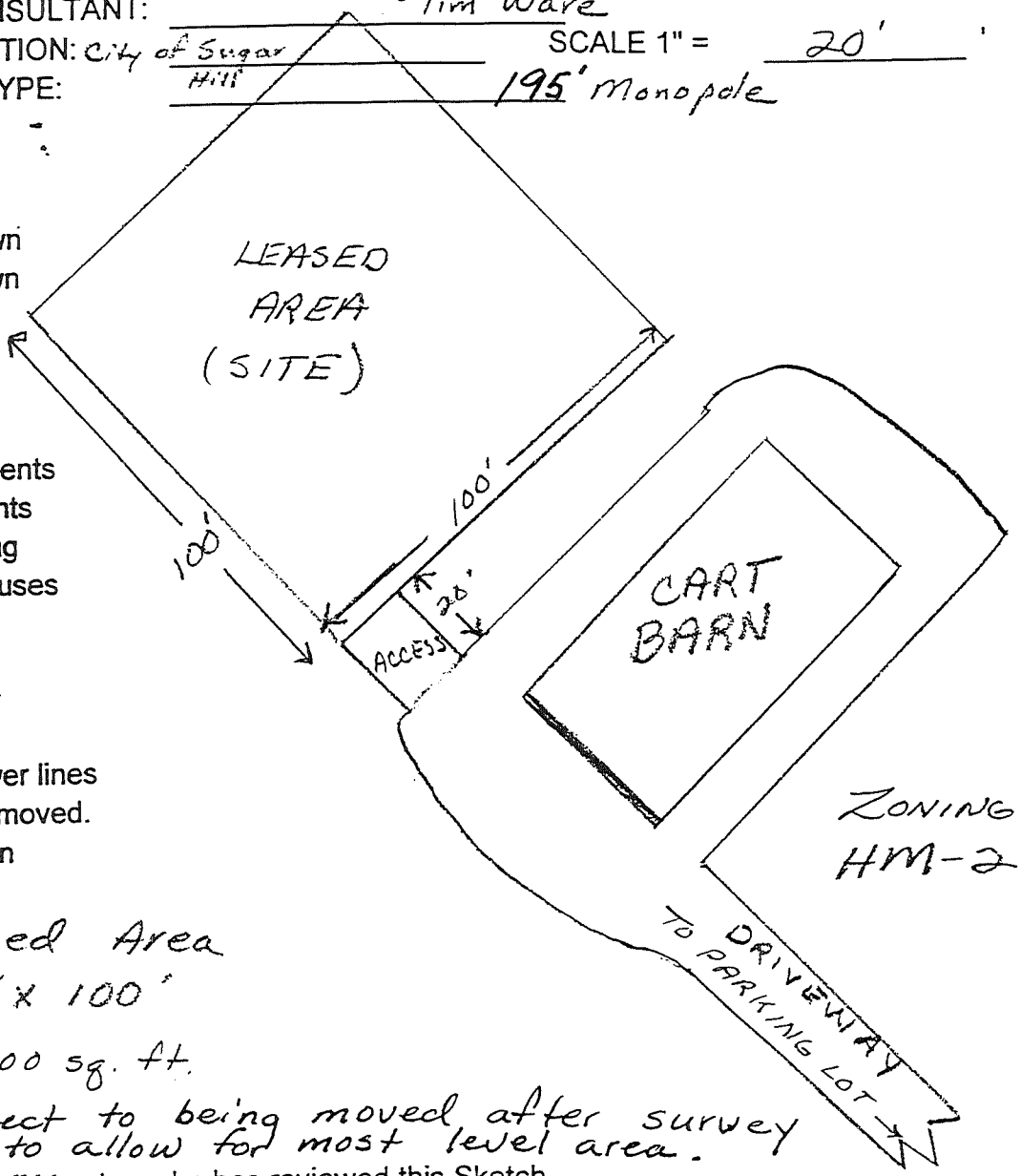
North

SITE NAME: Austin Garner
SITE #: GA. 1393

ACQUISITION CONSULTANT: Tim Ware
ZONING JURISDICTION: City of Sugar Hill
SCALE 1" = 20'
TOWER HEIGHT/TYPE: 195' Monopole

CHECKLIST

- ____ Setbacks shown
- ____ Fall zone shown
- ____ Landscaping requirements
- ____ Parent tract dimensions
- ____ Access easements
- ____ Utility easements
- ____ Adjacent zoning
- ____ Adjacent land uses
- ____ Surrounding structures
- ____ Streams/water locations
- ____ Overhead power lines
- ____ Trees to be removed.
- ____ Shelter location



Leased Area
100' x 100'
10,000 sq. ft.

Site is subject to being moved after survey to allow for most level area.

Name of Zoning Staff Member who has reviewed this Sketch _____
Phone #: _____

Note: Site size and square footage will remain 100' x 100'
10,000 square feet.

Market: Southeast
Site Name: Atlanta Corner
Site No: GA-1393

EXHIBIT C

MEMORANDUM OF AGREEMENT

to the Agreement dated _____, 199___, by and between the city of Sugar Hill, as Lessor, and Dial Call Inc., a Georgia corporation, d/b/a Nextel Communications, as Lessee.

Please return to:
Gearon Communications
1760 The Exchange, N.W.
Suite 200, Legal Dept.
Atlanta, Georgia 30339
Phone: (770) 953-9400

STATE OF Georgia
COUNTY OF Gwinnett

MEMORANDUM OF AGREEMENT

This Memorandum of Agreement is entered into on this ____ day of _____, 199___, by and between the city of Sugar Hill, a _____ corporation, with an office at 4988 W. Broad street, Sugar Hill Georgia 30518, (hereinafter referred to as "Lessor") and Dial Call Inc., a Georgia corporation d/b/a Nextel Communications, with an office at: 6575 The Corners Parkway, Suite 100, Norcross, Georgia 30092 (hereinafter referred to as "Lessee").

1. Lessor and Lessee entered into a Communications Site Lease Agreement ("Agreement") on the ____ day of _____ 199____, for the purpose of installing, operating and maintaining a radio communications facility and other improvements. All of the foregoing are set forth in the Agreement.

2. The term of the Agreement is for five (5) years commencing on the 1st day of Feb. 1, 1998 or the date on which Lessee begins construction of the Lessee Facilities, whichever first occurs ("Commencement Date"), and terminating on the fifth anniversary of the Commencement Date with four (4) successive five (5) year options to renew.

3. The Land which is the subject of the Agreement is described in Exhibit A annexed hereto. The portion of the Land being leased to Lessee (the "Premises") is described in Exhibit B annexed hereto.

[EXECUTION PAGES TO FOLLOW]

Market: Southeast
Site Name: Austin Corner
Site No: GA-1393

Please return to:
Gearon Communications
1760 The Exchange, N.W.
Suite 200, Legal Dept.
Atlanta, Georgia 30339
Phone: (770) 953-9400

STATE OF Georgia }
COUNTY OF Gwinnett

MEMORANDUM OF AGREEMENT

This Memorandum of Agreement is entered into on this ____ day of _____, 199___, by and between the city of Sugar Hill, a _____ corporation, with an office at 4988 W. Broad Street Sugar Hill Georgia 30518, (hereinafter referred to as "Lessor") and Dial Call Inc., a Georgia corporation d/b/a Nextel Communications, with an office at: 6575 The Corners Parkway, Suite 100, Norcross, Georgia 30092 (hereinafter referred to as "Lessee").

1. Lessor and Lessee entered into a Communications Site Lease Agreement ("Agreement") on the ____ day of _____ 199____, for the purpose of installing, operating and maintaining a radio communications facility and other improvements. All of the foregoing are set forth in the Agreement.

2. The term of the Agreement is for five (5) years commencing on the 1st day of Feb. 1, 1998 or the date on which Lessee begins construction of the Lessee Facilities, whichever first occurs ("Commencement Date"), and terminating on the fifth anniversary of the Commencement Date with four (4) successive five (5) year options to renew.

3. The Land which is the subject of the Agreement is described in Exhibit A annexed hereto. The portion of the Land being leased to Lessee (the "Premises") is described in Exhibit B annexed hereto.

[EXECUTION PAGES TO FOLLOW]

Market: Southeast
Site Name: Austin Garner
Site No: GA-1393

IN WITNESS WHEREOF, the parties have executed, set their hands and affixed their respective seals the date first above written.

LESSOR(S):

_____
(Print Name)

Signed, sealed and delivered in the presence of:

_____

By: _____

_____
Witness

Print Name: _____
Print Title: _____

_____
Notary Public

Attest: _____

Print Name: _____
Print Title: _____

My commission expires: _____

Date: _____

[AFFIX NOTARY SEAL]

(CORPORATE SEAL)

* * * * * * * * * * * * * * * * *

LESSEE:

DIAL CALL, INC., A GEORGIA CORPORATION
d\b\a NEXTEL COMMUNICATIONS

Signed, sealed and delivered in the presence of:

By: _____

_____
Witness

Print Name: _____
Print Title: _____

_____
Notary Public

Attest: _____

Print Name: _____
Print Title: _____

My commission expires: _____

Date: _____

[AFFIX NOTARY SEAL]

(CORPORATE SEAL)

THOMPSON & SWEENY, P.C.
Law Offices

V. LEE THOMPSON, JR.
VICTORIA SWEENY
MELANIE D. WILLIAMS
PAUL E. ANDREW
JORGIA C. NORTHRUP

Longleaf Commons
690 Longleaf Drive, Lawrenceville, GA 30245
Telephone: 770/963-1997
Telephone Copier: 770/822-2913

Mailing Address
P.O. Drawer 1250
Lawrenceville, Georgia 30246

MEMORANDUM

TO: Mayor and Council
City of Sugar Hill

FROM: V. Lee Thompson, Jr. VLT

DATE: September 5, 1997

Attached is a proposed resolution abandoning an unnamed street. This action has been requested by W.J. Dodd in conjunction with the Robinson family. Based on my research, it appears that this street was shown on an old subdivision plat but never actually developed as a public street, however, it appears that the City made a motion in the early seventies to grant Gwinnett County an easement for placement of a 48 inch water main along this street if the property constituted a public street.

The resolution attached closes and abandons the street to the extent a public street exists in this location. The resolution also provides that any easements granted to Gwinnett County or other entities will remain in effect and will not be extinguished by this abandonment by the City. The deeds which would be drafted to the property owners would contain similar language.

Both Mr. Dodd and a representative of the Robinson family have been advised that this matter will appear on the agenda Monday, September 8, 1997.

VLT/pbd

RESOLUTION OF ABANDONMENT OF MUNICIPAL STREET

WHEREAS, the Mayor and Council of the City of Sugar Hill have determined that an unnamed street from the intersection of that street with Highway 20 to the dead end of the street has ceased to be used by the public to such an extent that no substantial public purpose is accomplished by leaving the street as part of the municipal street system; and

WHEREAS, the Mayor and Council of the City of Sugar Hill have determined that the abandonment and closing of the unnamed street as shown on the plat which is attached hereto as Exhibit "A" is in the best interest of the citizens of the City of Sugar Hill; the Council of the City of Sugar Hill hereby ordains that the unnamed street as shown on Exhibit "A" which is attached hereto and incorporated herein by reference is hereby declared to be closed and abandoned as a part of the municipal streets system of the City of Sugar Hill. This action is taken pursuant to O.C.G.A. §32-7-2 following proper notice to all property owners located on the portions of the municipal streets system closed and abandoned by this action. This abandonment is subject to any and all previous utility easements conveyed to Gwinnett County or any other public or private entity or franchise holder and the easements or other property rights previously conveyed shall not be extinguished or altered by this action.

The Council further authorizes the Mayor and the City Clerk to take such action and execute such documents as are necessary to dispose of the abandoned property in accordance with the laws of the State of Georgia. Any deed disposing of said property shall contain a provision that the transfer is subject to all existing easements.

IT IS SO ORDAINED this _____ day of _____, 1997.

_____
Councilmember

_____
Councilmember

_____
Councilmember

_____
Councilmember

_____
Councilmember

(Signatures Continued on Next Page)

Submitted to Mayor: _____
Received from Mayor: _____

_____
Mayor

ATTEST:

_____
City Clerk

City
Sugl
MH
RS-100
BG
LM
HM-1
HSB
HIGHWAY
STATE (CUMMING)
STATE CONNECTION) HIGHWAY
ROUTE
NO. 20
H. SMITH BLVD
ALTON TUCKER BLVD
BROAD STREET

ORDINANCE

The Council of the City of Sugar Hill Hereby Ordains that the Code of the City of Sugar Hill, Georgia is hereby amended by deleting Section 12-95 (2) it its entirety and replacing said section with the following section:

(2) Radios, televisions, musical instruments and similar devices.

a. The using, operating or permitting to be played, used, or operated any radio receiving set, television, phonograph, musical instrument, stereo or other machine or device for the producing or reproducing of sound in such a manner as to disturb the peace, quiet, and comfort of the neighboring inhabitants or at any louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto. The operation of any such radio receiving set, television, phonograph, musical instrument, stereo, or other machine or device in such a manner as to be plainly audible at a distance of fifty (50) feet from the building, structure, or vehicle in which it is located shall be prima facie evidence of a violation of this section.

b. The operating or playing of any radio receiving set, television, phonograph, musical instrument, stereo or other such machine or device which produces or reproduces sound in such a manner as to exceed the levels set forth in Table 1 for the land use category.

c. The provisions of subparagraph b. shall be in addition to and cumulative to the prohibitions set forth in subparagraph a. and a violation of either subparagraph or both subparagraphs shall constitute a violation of this ordinance.

IT IS SO ORDAINED this ___ day of September, 1997.

_____
Council Member

_____
Council Member

_____
Council Member

(Signatures Continued On Next Page)

_____
Council Member

_____
Council Member

Submitted to Mayor:_____

Approved by Mayor, this ____ day of _____, 1997.

_____
Mayor

ATTEST: _____
City Clerk

GWINNETT VISION 2010

FINAL VISION DOCUMENT
Adopted April 21, 1997

INVITATION FOR YOUR INVOLVEMENT

Now that we have the final Gwinnett Vision 2010 document, you have an opportunity to help make the Vision reality. Private or public organizations you represent can become Vision Partners by endorsing the Vision. To become a Vision Partner, complete the following form and return it to :

Gwinnett Vision 2010
Attention: Sandra Walker
5110 Sugarloaf Parkway
Lawrenceville, GA 30243
Phone (770) 513-3000 x118
FAX (770) 963-5134

Organization Name:_____

Representative:_____

Address:_____

_____

Telephones-Day_____

Night_____

FAX_____

TASK FORCE CHAIRMAN-T. Michael Tennant
TASK FORCE MEMBERS

Forrest L. Adair
Brian Allen
Karen Armsby
Larry Askew
Norman Baggs
Carolyn Bagheri
Beauty Baldwin
Bill Barry
Les Beard
Phillip Beard
Adam Bearden
J.W. Benefield
Leeman Bennett
Dennis Billew
Gerald Blaney
Lex Bowen
Phil Boyd
Jim Braden
Selena Brockmeyer
Earl Brown
Patricia Brown
Marvin Brownlee
Dan Bruno
Michael Buice
Chuck Button
Lea Capone
Dorothy Carillo
J.D. Caswell
Bob Clark
Butch Conway
Jim Crumbley
Judith A. Czelusniak
Judge Warren Davis
Clint Day
Randy Dellinger
Melanie Derden
Betty Dominy
Mike Dominy

Wolfgang Driftmeier
Paul Ellingson
Dan English
Joe Estafen
Joe Fidelibus
Charlie Field
Jimmy Fleming
Jeff Fuller
Steve Gaultney
Ellen Gerstein
Alan Golden
Terry Gordon
Larry Gross
Nancy Gullickson
Jennifer McGowan Guynn
Michael Guynn
Amy Hardeman
Carol Hassell
George Heckman
Carolyn Hill
Freida Hill
Paula Hill
Wayne Hill
Susan S. Hite
Rev. Sid Hopkins
Tommy Hughes
Lisa Johnsa
John Johnson
Rory S. Johnson
Mary Kay Jordan
Jackie Joseph
Rosalyn Joseph
Nancy Keener
Carole Kendall
Rev. Erven Kimble
Cathy Kimbrel
Andrew LeBlanc
Steve Logan
Jesse Long

Pedro Marin
Tom Marney
Tom Martin
Miles H. Mason III MD
Bronnie Maxey
Nonnie McClellan
David McCleskey
Gerald McPhail
Elnor Melton
Pat Mitchell
Jonathan Mittelman
Jann Moore
Emory Morsberger
Patti Muise
Charlotte Nash
Monte Nichols
David Nicholson
Jim Nuszbaum
Joyce Nuszbaum
Tim Pakenham
Josh Pavel
Marina Peed
Mitch Peevy
Randy Pierce
JoAnn Pinder
Susan Polk
Randy Powers
Gilbert Quinones
Caryn Rachke
Louise Radloff
Howard Reed
Steve Reilly
Jack Reynolds
Deborah Rich
Sharon Rigsby
Frank Rinker
Deb Roberts
Dorothy Roberts

Bobby Robbins
Forrest Robinson
Jacqueline Rosier
Larry Rubenstein
Judy Schilling
David Seago
Anna Shackelford
Katherine Sherrington
Abby Shirley
Tammy Shumate
Steve Spellman
Bob Stanborough
Jim Steele
Frank Stephens
Elaine Still
Greg Stroupe
Jim Sugg
Helen Tapp
Sherry Tennant
Victoria Thomas
Denise Townsend
Richard Tucker
B.J. Van Gundy
Ray Virgin
Jim Watson
Glenn S. White
Paige White
Mike Whitmire
Connie Wiggins
Alvin Wilbanks
Brenda Williams
Kathleen Williams
Mike Williams
Preston Williams
Roger Willis
Phylecia Wilson
Richard Winegarden
Corbitt Woods

The names of the Steering Committee members are printed in bold type.
Facilitator-Henry Luke, LUKE Planning, Inc., Jacksonville, Florida

Process Management provided by the
Gwinnett Chamber of Commerce

Gwinnett Vision 2010

- will have a world class **education** system committed to comprehensive life-long learning that produces successful citizens.

- will be a proud, vibrant community that ensures the highest **quality of life** for all its citizens.

- will have **infrastructure** that supports economic development, meets the needs of the present and future population, and enhances the quality of life.

- will have a **business environment** where high wage companies can be globally competitive and provide the resources required for education, quality of life, community development and infrastructure.

- **governments** will be efficient and effective providers of quality services with competent elected officials and professional staff.

- **private sector leaders** will be proactive partners in addressing community challenges and supporting our community core values.

EDUCATION

"...comprehensive life-long learning..."

VISION

Gwinnett County will have a world class education system committed to comprehensive life-long learning that produces successful citizens.

STRATEGIES

K-12 School Systems

1. Expect[1] all students to graduate with the basic skills and academic excellence necessary to either go to a four-year college, a community college, a technical institute, or immediately join the workforce.

2. Attract and keep top quality educators, decrease the student-teacher ratio, maintain competitive teacher pay, and provide excellent teaching and administrative staff development resources.

3. Maintain and enhance the basic curriculum to include citizenship, core community values, conflict resolution, the arts, computer literacy and critical thinking skills.

4. Maintain a safe environment for learning without the distraction of gangs and drugs.
5. Ensure that students perform at grade level each school year in the basic skills.
6. Increase student participation and employer involvement in apprenticeship and work readiness programs. Increase student and parent awareness of trade and technical schools that provide excellent career opportunities.
7. Develop an attitude that expects excellence of all students among parents, teachers, administrators, students and the overall community.
8. Provide each student with the opportunity to make informed choices about their career opportunities.
9. Provide the classrooms and technology necessary for an expanding student base.
10. Recognize and incorporate diversity as a strength.
11. Ensure that English is the primary language for Gwinnett students and provide a mechanism for non-English speaking students to develop proficiency on an expedited basis.
12. Decrease the rate of absenteeism and increase the graduation rate.
13. Maintain a strong focus on educational issues and expect the remainder of the community to provide support for non-educational issues.
14. Increase awareness and support for children with learning disabilities.
15. Provide an opportunity for students to learn based on their individual learning style.

Business and Community Support

16. Expect parents to be involved in their children's education, and if parents are not involved, the community organizations, groups, individuals, churches, and synagogues will fill the gap with mentoring programs.

17. Develop strong community support for a comprehensive education system that begins with pre-kindergarten and provides learning opportunities throughout the life span.
18. Develop our schools as community activity centers.
19. Ensure multiple use of all educational facilities.
20. Increase employer support of the education system and students.

Higher Education

21. Build a comprehensive university in Gwinnett County that delivers programs leading to undergraduate and graduate degrees.

22. Expand Gwinnett Tech to meet the needs of the employers and citizens of the community in providing technical education and two year associate degrees.

23. Attract research grants from government and business.

Life-long Education

24. Encourage industry, higher education, government, libraries, and civic organizations to work together to provide life-long learning opportunities that vigorously increase productivity per individual.

25. Provide short term training and apprenticeship programs for immediate job openings. The educational institutions and employers will work together to ensure that the training is for marketable skills matching available jobs.

26. Expect each person to be responsible for constantly improving their productivity through training in literacy, job skills, leadership, and technology utilization.

27. Encourage all high school dropouts to take and pass the GED.

COMMUNITY DEVELOPMENT

"...ensures the highest quality of life for all its citizens..."

VISION

Gwinnett will be a proud, vibrant community that ensures the highest quality of life for all its citizens.

STRATEGIES

Public Safety, Crime and Justice

1. **Provide more police officers, utilize better communications, and involve police more directly in neighborhoods.**
2. Identify the root causes of crime, such as drugs, and develop prevention programs.
3. Provide strong enforcement of all laws.
4. Eliminate gang activities.
5. Create a common database among all of Gwinnett's law enforcement agencies and provide consistent county wide annual reporting to the community.

Human Services

6. **Provide access to appropriate healthcare for all citizens.**
7. Provide community support for families and children in need, including quality affordable child care.
8. Raise community awareness of threats to a healthy life and promote wellness and healthy lifestyles.
9. Prevent teen pregnancy.
10. Improve services to the elderly and disabled.
11. Increase opportunities in addition to sports for youth outside the school system.

Environmental Preservation

12. **Ensure that development standards are consistent with maintaining a quality environment.**
13. Maintain a sustained community movement to improve practices that result in a quality environment.
14. Provide Gwinnett leadership in Metro Atlanta that enhances regional planning and results in meeting or exceeding air and water standards.
15. Maintain a common sense approach to development that results in a clean and green community.
16. Maintain planning consistency among and between the 15 cities in Gwinnett County.
17. Include residential subdivisions in the tree preservation ordinance.

Living Environment/Neighborhood Development

18. **Maintain a continuous revitalization program that prevents maturing neighborhoods from entering a period of decline and decay. Create zoning categories to address mixed use development in blighted or declining areas.**
19. **Promote physical design for development which encourages community interaction, reduces the isolation of individuals, and reduces crime.**
20. Develop a housing code in all cites in the county.
21. Develop accessible and affordable housing.
22. Encourage pedestrian friendly areas with walkways between housing, shopping, recreation, education and job opportunities.
23. Maintain community planning that involves science instead of emotion.
24. Develop neighborhoods with schools as the center of activity.

Quality of Life

25. Provide parks and recreation consistent with our growing population. This includes a balance between active and open green spaces.
26. Maintain arts and culture that is accessible and affordable on a county wide basis.
27. Ensure preservation of our historical resources.

Civic Capital

28. Encourage public/private partnerships and cooperation for community development.
29. Build the civic will so that all of us in Gwinnett feel a responsibility for the future.
30. Create and sustain the model community for race relations.
31. Encourage grass roots participation that leads to neighborhood preservation.
32. Develop a mechanism to encourage Gwinnett citizens to be proud of Gwinnett.
33 Increase volunteerism.
34. Stimulate a strong bridge of love for each other among Gwinnett citizens.

[1]The Task Force participants voted by ballot to establish priority for the strategies within the six foundation areas.

INFRASTRUCTURE

"...meets the needs of the present and future population..."

Gwinnett will have infrastructure that supports economic development, meets the needs of the present and future population and enhances the quality of life.

STRATEGIES

TRANSPORTATION

1. **Provide a public transportation system.**
2. **Provide the leadership that ensures the Metro Atlanta region air quality problem is solved, preventing the loss of hundreds of millions of dollars in federal transportation funding.**
3. **Build the northern arc of the Outer Loop.**
4. Enhance the mobility of all Gwinnett citizens and employees and their access to transportation. This enhancement should be consistent with the growth in population and employment.
5. Provide bicycle paths and sidewalks for access to opportunities for work, education, shopping, recreation and for enhancing our sense of community.
6. Address all road safety needs.
7. Reduce the number of commuters by encouraging our citizens to live and work in Gwinnett.
8. Maintain a strong general aviation airport.
9. Provide incentives and disincentives that encourage people to reduce single-occupancy trips.
10. Enhance our roads to facilitate bus movement.
11. Encourage car pooling by employees and van pooling by employers.

ZONING AND LAND USE

12. **Create zoning and land use patterns that are effective, efficient and innovative in maintaining and enhancing Gwinnett's quality of life and economic development.**
13. Advance purchase as much land as can be afforded for open space and recreation for future generations.
14. Create and maintain affordable housing.

GENERAL

15. **Develop and maintain facilities that provide a globally competitive growth environment for our citizens and employers in the following categories:**

    a. **Solid Waste**
    b. **Storm Water**
    c. **Water Supply and Treatment**
    d. **Water and Wastewater Systems**
    e. **Public Safety**
    f. **Parks, Recreation, and Open Space**
    g. **Libraries and Other Cultural Facilities**
    h. **Education**
    i. **Hospitals, Public Health, and other Health Facilities**
    j. **Human Services**
    k. **General Government**
    l. **Transportation**

16. Provide the financing necessary to build and maintain the required infrastructure.
17. Provide opportunities for every person to be connected to a seamless information system with globally competitive access.
18. Use a 25-50 year time horizon in making infrastructure decisions.

19. Build and maintain all infrastructure in an environmentally responsible manner.
20. Ensure that all Gwinnett cities and the county work together in meeting infrastructure needs.
21. Encourage conservation and efficient use of Gwinnett's resources.
22. Eliminate all septic tanks.
23. Ensure that Gwinnett receives its share of state and federal dollars while making up any gap in requirements in local dollars.

ECONOMIC DEVELOPMENT

"...companies can be globally competitive and provide the resources required..."

VISION

Gwinnett will have a business environment where high wage companies can be globally competitive and provide the resources required for education, quality of life, community development and infrastructure.

STRATEGIES

1. **Target high wage jobs in the following sectors: high tech, manufacturing, wholesale trade, and the service industry. Maintain a proactive economic development system that creates high wage jobs, balanced between expansion and retention of existing business, creation of new business enterprises and recruitment.**
2. **Create and promote Gwinnett as a high tech community resulting from our high tech businesses, research and development centers, high tech business incubators and linkages to world class universities. Enhance the technology corridor tied to Georgia Tech and the technology corridor along University Parkway that links Georgia Tech, Gwinnett Tech, Gwinnett University, the University of Georgia and other technology resources.**
3. **Provide education, quality of life and infrastructure that results in access to a qualified labor force for every employer.**
4. **Expand the proactive alliance between business, government, and education that integrates market driven outcomes from the education system with employment opportunities in Gwinnett.**
5. **Expand the Civic Center facilities; develop a full service four star hotel adjacent to the Convention Center; vigorously promote the Civic Center as a magnet to draw visitors into the county to conventions and other meetings; provide an opportunity for large scale sporting events; and encourage the Center's continued use for Gwinnett civic events.**
6. Maintain a tax base that is 60% residential and 40% non-residential.
7. Maintain a tax and regulatory structure and proactive government that provides an opportunity for high wage employers to be globally competitive.
8. Develop a shared understanding of the importance of economic development in the unique Gwinnett way of life.
9. Develop networks of companies within industry clusters to increase productivity, financial viability, and global competitiveness of each cluster.
10. Encourage mentoring partnerships between large and small businesses that expands the national and international marketplace for Gwinnett business, and increases productivity.
11. Enhance the availability of capital and business skills training for entrepreneurs and startup companies.
12. Leverage the Gwinnett and Metro Atlanta existing international connections to become more globally competitive and connected.
13. Encourage our citizens to buy locally.

GOVERNMENT

"...efficient and effective providers of quality services..."

VISION

Gwinnett governments will be efficient and effective providers of quality services with competent elected officials and professional staff.

STRATEGIES

1. Reduce duplication in government where consolidated services can provide more efficient and effective results.
2. Attract qualified candidates for elected offices and professional staff and provide appropriate compensation for both elected officials and staff.
3. Expect every unit of government within Gwinnett County and our elected state and federal representatives to adopt Gwinnett Vision 2010, and incorporate it into their long term planning.
4. Demand that government be effective, efficient and accountable using the best quality management techniques and effective interdepartmental communications.
5. Expect Gwinnett County, its municipalities, and its elected state and federal representatives to work cooperatively in a formal process of governance.
6. Encourage Gwinnett County governments to think globally, plan regionally and act locally.
7. Develop an orderly process with established definite policies for seeking citizens input. Citizen input should be solicited early and throughout the decision making process. Seek to continually use the latest technology in communications to improve the quality and breadth of community dialogue. Expand the use of citizen advisory committees.
8. Develop procedures that increase voter participation.
9. Enhance the public/private partnership.
10. Encourage privatization of government services where effective and efficient.
11. Review all federal and state allocations of funding annually to ensure that Gwinnett County allocations remain consistent with the current population.
12. Implement a process that provides an opportunity for citizen input from neighboring constituencies in the county when zoning is being considered near a city boundary.
13. Expect Gwinnett's municipalities and the county government to incorporate Gwinnett Vision 2010 into the county's comprehensive plan.

PRIVATE SECTOR LEADERSHIP

"...proactive partners in addressing community challenges..."

VISION

Gwinnett private sector [2] leaders will be proactive partners in addressing community challenges and supporting our community core values.

STRATEGIES

1. **Encourage every organization in Gwinnett County to adopt and embrace Gwinnett Vision 2010 Visions, Strategies, and Benchmarks and incorporate them in their annual operating plans for the long term. Within the context of individual strategies, continuously identify needs, propose reasonable solutions, and generate the community support required for implementation.**
2. **Encourage all Gwinnett individuals, organizations and businesses to give back to the community through commitment of their financial and human resources.**
3. **Provide the leadership to articulate and promote the core values of our community.**
4. **Encourage our key leaders to take their turn in providing government leadership by running for elected office. Support these leaders during their term of office as they inevitably experience the conflicts and challenges of making difficult decisions in the best interest of the community at large.**
5. **Establish and maintain community events or forums that bring our citizens together to discuss and create consensus on the issues.**
6. Protect our individual freedom by expecting each individual and organization to look to themselves rather than the government to meet societal needs.
7. Enhance programs for leadership development at all levels within our community.
8. Expect all citizens to exercise citizenship in performance of duties and obligations.
9. Expect private sector leadership in public policy development.
10. Develop strong community organizations that can provide the necessary leadership for achieving our Vision.
11. Expect the media to provide balanced reporting.
12. Acknowledge what is not right in our community and then correct it.

[2] Private sector includes all not for profit and for profit organizations.

KEY BENCHMARKS

The key benchmarks and goals will be used to measure Gwinnett's progress each year until 2010.

• INCOME

The measure for success will be that the average private sector earnings per job will grow at least 1% per year in constant dollars and stay at least 10% above the national average.

History — Between 1970 and 1996 Gwinnett County's private sector earnings per job in constant dollars increased 1.21%[3] per year and the Gwinnett private sector average earnings per job were estimated to be $31,762 in 1996 or 6% above the U.S. at $29,953.

• JOB GROWTH

The measure for success will be that the percentage job growth will exceed the percentage population growth, be enough to decrease the net number of people leaving the county each day to work and be enough to maintain full employment.

History— Between 1970 and 1996 Gwinnett's annual job growth by place of work was 10.8% compared to the annual population growth of 7.3%. The unemployment rate in October 1996 was 2.8% and in November 1995 was 3.1% with 4 to 5% generally conceded to be full employment. The approximate number of people each day that leave the county to work minus the number coming into the county to work was as follows:

	Net Export of Jobs	*Working Age Population*	*Percent*
1970	*14,500*	*39,240*	*37%*
1996	*67,500*	*297,510*	*23%*

• CRIME

The measure for success will be an annual decrease in Part 1 crimes per 100,000 residents in murder, violent crime, and all crime.[4]

History— Part 1 Crimes per 100,000 Residents

	1992	*1993*	*1994*	*1995*	*1996*
Murder	*5.39*	*4.13*	*3.17*	*3.42*	*1.53*
Violent Crime	*215.8*	*224.2*	*205.4*	*196.6*	*192.3*
All Crimes	*4,795.7*	*4,871.0*	*4,639.8*	*5,083.7*	*4,287.3*

**Norcross data not included in 1992 and 1996*

• K-12 EDUCATION **The measure for success will be that K-12 education will result in Gwinnett students being in the top 10% in graduate outcomes in the U.S.**[5]

History— The Graduate Outcome Index measures graduation rate and college board scores with the U.S. average being 100 and a maximum of 150 and minimum of 50. A top 10% Graduate Outcome Index would be above 140. The well known Expansion Management magazine's annual data series resulted in a Gwinnett County School System Graduate Outcome Index of 119 in 1996.

• POVERTY **The measure for success will be a decrease in the percentage in the following categories in poverty: Families, female head of households, individuals, children under 18, and persons 64 plus.**[6]

History— The 1990 census revealed the following poverty percentages:

	% Families	*% Female Head of House*	*% Individuals*	*% Children under 18*	*% Persons 64 plus*
U.S.	*10.0*	*31.1*	*13.1*	*17.9*	*12.8*
Georgia	*11.5*	*34.3*	*14.7*	*19.8*	*20.4*
Gwinnett	*2.9*	*10.3*	*4.0*	*4.2*	*9.9*

[3] Job and income data are from the CEEDS 96 by Woods & Poole Economics, Washington, DC. Employment data is for all jobs including 2nd and 3rd jobs and military and is located by place of work. Population, employment and income data are for July 1 of each year. This employment definition is broad and includes wage and salary workers, proprietors, private household employees and miscellaneous workers. Because of the broad definitions and place of work counting, the number of jobs are frequently larger than other employment data series. The 1996 data is an estimate.

[4] The source for the crime data is the Gwinnett County and City Police Departments.

[5] The "Graduate Outcome Index" is from the September-October Expansion Management magazine. On a 50 to 150 scale, with 100 being the average, it provides a capsule summary of how a school district stands on a continuum of U.S. school districts with enrollments of 450 students or more, considering seven indicators of education quality. The three indexes include: Graduate Outcome Index-graduation rate and average college board scores; Resource Index-teacher salaries, per pupil dollars on instruction and student-to-teacher ratio; and Community Index-surrounding community's average level of education and average income level.

[6] Source: County and City Data Book 1994, Bureau of Census, 12th edition.

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THE VISION PROCESS

"One day we're all going to sit down to a banquet of our choices"— Robert Louis Stephenson

To ensure that in the future we will be pleased with our choices we have generated this draft vision for Gwinnett in the year 2010. This Vision is a statement of what we want to be expressed in six interdependent vision and strategies for Education, Community Development, Infrastructure, Economic Development, Government and Private Sector Leadership and five key Benchmarks to measure progress along the way.

PROCESS TO DEVELOP GWINNETT VISION 2010:

A. A diverse 21-person Steering Committee representative of the community was selected to guide the process.
B. The Steering Committee selected a diverse Vision Task Force from all sectors and geographic areas of the county.
C. The facilitator interviewed 110 individuals on December 16-18, 1996.
D. Over 400 people attended the Stakeholders Summit on January 15, 1997. Supporting organizations and the news media publicized this public meeting at the Gwinnett Justice and Administration Center. The participants selected their top ten issues to be considered by the Vision Task Force and selected 10 additional members to serve on the Vision Task Force.
E. The 154-member Vision Task Force met during January/February, 1997 and reached consensus on Vision, Strategies and five key Benchmarks. The draft was edited and was available for distribution March 19, 1997.
F. Organizations and individuals throughout the community were urged to review the draft document and provide comments at the Town Hall meeting on April 10, 1997.
G. Many Vision Task Force members made presentations on the draft Vision to community organizations between March 19, 1997 and the April 10, 1997 Town Hall meeting. Presentations were made to 35 organizations with over 1,000 people in attendance.
H. The draft Vision document was presented to the public the weekend of April 5-6, 1997 by the Gwinnett Daily Post and the Atlanta Journal Constitution.
I. A Town Hall meeting was held for citizen input at 7:00 p.m. on April 10, 1997, at the Gwinnett Justice and Administration Center with 65 people in attendance. Comments were received and incorporated into the final document.
J. The Steering Committee approved the final Vision document and will print copies for distribution.

COLLABORATIVE IMPLEMENTATION:

A. The Gwinnett Vision 2010 Steering Committee will be diverse and community based to provide oversight during the implementation process.
B. Private and public sector organizations of all kinds and individuals will be asked to adopt the Vision document and become Vision Partners. (May-July 1997)
C. Vision Partners who adopt the Vision will be asked to identify those Strategies they can incorporate and effectively implement within their normal mission, purpose and scope of operations or in strategic alliances with other organizations. Each Vision Partner or Strategic Alliance should develop action plans for the specific strategies they adopt and establish benchmarks to facilitate annual measurement of progress for each strategy. (August-October 1997)
D. Strategy identification and acceptance by Vision Partners will be reviewed by the Steering Committee to ensure that the Priority Strategies have been covered within the time frames for effective implementation. Progress on every Strategy cannot begin immediately, but will be phased in over a 5 to 10 year period as applicable.
E. Progress on Strategies will be communicated on a regular basis.
F. There will be an annual update of the five key Benchmarks and the benchmarks demonstrating progress on strategies identified by Vision Partners and Strategic Alliances.
G. The leadership of the Gwinnett 2010 Implementation Process will continue to be diverse and community-based with management support and coordination provided by the Gwinnett Chamber of Commerce for at least a five year period.

Ten Priorities from the Stakeholders Summit

The participants in the Stakeholders Summit on January 15, 1997 selected their Top Ten Priority Issues to be addressed in the **VISION** Process.

Priority Issues	**Number of Points out of possible 100**	**Addressed In**
Education	94	Education
Infrastructure	63	Infrastructure
Transportation	55	Infrastructure
Zoning and Land Use	55	Infrastructure
Public Safety, Crime and Justice	53	Community Development
Human Services	38	Community Development
Employment and Economic Dvlpt	35	Economic Development
Environmental Preservation	30.5	Community Development
Quality of Life-Parks and Rec	27	Community Development
Responsible Government	18	Government

The facilitator used this list during the **Vision facilitation process in January and February. These issues are addressed throughout the Vision and Strategies for the six interdependent foundations required to provide global competitive advantage for Gwinnett and specifically as noted above*

Equipment Analysis

System Configuration

Quantity	Equipment
1	Partner II Control Unit
4 1	206 Modules (2 Lines and 6 Extensions) CONFIGURED FOR 8 LINES & 24 EXTENSIONS MAXIMUM CAPACITY 16 LINES & 48 EXTENSIONS
1	6 Port Partner Mail System
3	34 Button Receptionist Consoles with 1 Call Assistant Adjunct
13	18 Button Display Speakerphone Sets
2	900 MHZ Multi-Line Wireless Sets with 2 Extra Batteries and 5 Slot Carrier
1	Mirage Headset with Base Unit
1	1000 VA Uninteruptable Power Supply / Battery Backup
1	Customized Digital "Magic-on-Hold" Program
16	Re-used Wire Runs
ALL	Installation, Shipping, Training, & 1 Year Warranty included

Investment Analysis

Leasing Options		
	Fair Market Value	**$1.00 Buyout**
36 Months	$669.31	$792.87
48 Months	$557.97	$615.82
60 Months	$469.35	$523.92

Investment Analysis	
Outright Purchase Price	$22,100.00
Installation / Shipping	$ 3,838.73
Trade - In Discount	-$ 4,108.73
Net Purchase Price	$21,830.00

1. A one-year on-site Warranty (Business Day Service) on all parts and labor is included with PARTNER systems. Post Warranty Maintenance options are also available. $252.15 Monthly
2. The above pricing does not include any applicable taxes.
3. PARTNER systems are designed, manufactured, distributed, installed, and maintained by LUCENT TECHNOLOGIES.

McFarland • Dyer & Associates, Inc.

September 3, 1997

Mr. Warren Nevad, City Manager
Mayor & Council
City of Sugar Hill
4988 West Broad Street
Sugar Hill, Georgia 30518

RE: Hessie Lane
Bids for Drainage Improvements Construction

Dear Warren, Mayor & Council:

The Hessie Lane Drainage project bid opening took place at Sugar Hill on 8/26/97. Bids were received until 2:50 p.m. and bids were opened at 3:00 p.m.

In attendance were:	Phyllis Lamme	McFarland Dyer & Associates
	Teresa Massingill	McFarland Dyer & Associates
	Ruth Switzer	City of Sugar Hill
	Mike Salvo	Georgia Sicilian Enterprises
	Gregg Coots	Wade Coots Co., Inc.

Two (2) bids were submitted and read aloud:

Georgia Sicilian Enterprise, Inc.	**$ 99,000.00 base bid**
	$ 31,700.00 alternate No. 1
Wade Coots Company, Inc.	**$ 275,365.00 base bid**
	$ 67,800.00 alternate No. 1

As we discussed, CDBG funds available for this project total $ 91,190.50. Both bids received are over the CDBG funds available for construction.

I spoke with Tony Lowe-Gwinnett County Community Development Block Grant Program, and the City has the following choices concerning this bid.

1. The City can accept the bid and pay the difference between the CDBG funds and the bid amount out of City Funds.
2. The City can throw out the bids, revise the plans, and rebid the project.

As I mentioned earlier today, we have not completed our bid evaluation process as of this date. We are awaiting unit prices on the bids(which was a condition of the bid) and are still looking over the contract forms submitted from the bidders to be sure everything is in order.

I will forward additional information before your council meeting on Monday night. If there are any questions, please call.

Sincerely,
McFarland-Dyer & Associates, Inc.

Phyllis Lamme

Phyllis Lamme
Principal
pal/pal
enclosure: bids

MEMORANDUM 97-71

TO: Mayor/City Council

FR: Warren P. Nevad

RE: SEPTEMBER 8, 1997 CITY MANAGER REPORT

DATE: September 3, 1997

1. EMPLOYEES:

We have promoted Nelson Lopez to the Gas Department. Donna Zinskie will assist Tony Bauman with building inspections. She will also provide office support to Kim Landers. Joe Appling will handle code enforcement and landfill closure.

Our gas system employees are currently changing out meters and installing the 4 inch gas line on Whitehead Rd.

2. PLANNING/ZONING:

The department issued 29 single family residential permits. A total of 340 inspections were conducted during this busy month.

We have applied for a special use permit for the dry cement distribution facility which will be located on Buford Hwy. The Planning and Zoning Board will review this application on September 15th. Thereafter, the permit will be considered by the Mayor/City Council at the October 13th meeting.

3. GAS DEPARTMENT:

The gas department installed 50 services during the month of August. We have privatized our new services with Hughes Construction. The year to date total for new services is 367. We have commenced our gas line improvement project on Highway 20.

Flynt Construction was awarded the contract for Suwanee Dam Rd. They have advised us that that will begin laying the 4 inch line from Level Creek Rd. To Hwy. 20. Total estimated cost is $76,000.

We have started a statistical study with the University of Georgia concerning our unaccounted for gas problem. This study will entail a multiple regression analysis correlating independent factors such as temperature and customer connections. We hope to question the validity of the TRANSCO readings during the past 18 months. The final report should be completed within two (2) weeks.

4. FINANCE:

The ending balance in the General Fund checking account as of today was approximately $60,000. The balance in the LGIP fund is $730,000. In conjunction with our new computer software, we are auditing all business license activity.

We have scheduled a meeting on September 17th to set our 1997 millage rate. Staff's recommendation is to maintain the millage rate at 4 mills. We are preparing our 1998 budget draft.

We will present our 1996 audit for Mayor/Council Approval.

5. SOLID WASTE:

E.P.D is currently conducting a site suitability study of the proposed Buford Landfill Expansion. After a site suitability letter is granted, the facility negotiation process commences. We will keep you advised.

Piedmont Olsen Hensley is currently conducting the methane monitoring program .The year to date expenses for the landfill exceed $116,000.

6. GOLF COURSE:

The golf course generated over $142,000 during August. We have been following our timetable specified in our consent order. We are awaiting EPD's approval of our proposed design development report.

Wade Queen has advised me that we need to install the irrigation pipe as soon as possible in order to keep the golf course open. We have instructed our engineers to push for early approval by EPD.

7. GRANTS:

During September we will apply for L.A.R.P and ISTEA funding. Also, we will apply for a local development fund grant from the State Department of Community Affairs.

Best Wishes for a productive meeting.

WPN:bms

UNOFFICIAL

CITY OF SUGAR HILL COUNCIL MEETING
MINUTES-OCTOBER 13, 1007

The City of Sugar Hill Council Meeting was held on October 13, 1997 at 7:30 p.m. in the Community Center. The meeting was advertised in the local papers, posted on the doors of City Hall and the Community Center and the board at Peachtree Ind. Blvd.

Those present were Mayor Gary Webster, Mayor Pro-Tem Pugh, Council Members Bailey, Baird, Davis, City Manager Warren Nevad, City Attorney Lee Thompson, Assistant City Manager Scott Payne, Deputy Clerk Ruth Switzer, members of the media, registered guests.

CALL TO ORDER AND INVOCATION:

Mayor Webster called the meeting to order at 7:30 p.m. He led the pledge to the flag. Council Member Bailey gave the invocation.

APPOINTMENT/OATH OF OFFICE OF COUNCIL MEMBER:

Council Member Bailey made a motion to appoint unopposed candidate Michael Mosley to fill the unexpired term of Council Member Charles Spradlin. Second to the motion was made by Mayor Pro-Tem Pugh, there was no discussion. Motion passed. Mayor Webster administered the oath of office to Mr. Mosley.

APPROVAL OF AGENDA:

Council Member Bailey made a motion to approve the agenda, second made by Council Member Baird. Motion passed 5-0.

APPROVAL OF SEPTEMBER 17th MINUTES:

Mayor Pro-Tem Pugh made the motion to approve the minutes, second by Council Member Bailey. Motion passed 6-0.

DEPARTMENT REPORTS:

A: PLANNING AND ZONING:
City Manager Nevad reported that during September, the planning and zoning department issued 35 single family residential permits, 332 inspections were done. The City had applied for a Special Use Permit for the dry cement facility which would be located on Buford Highway. The Planning and Zoning Commission met on September 15th to approve this request. Also on September 15th, they denied the rezoning request of property located on Highway 20 at Frontier Forest. The request had been to rezone from O I to Commercial.

B: FINANCE:
City Manager Nevad reported the ending balance in the Local Government Investment Pool was approximately $640,000, the checking account balance was approximately $96,000. The 1998 Budget Draft has been prepared for review. There will be a budget work shop held at a later date.

Approved 11/10/97

C: SOLID WASTE:
City Manager Nevad reported the City is negotiating with EPD on the implementation of closure and post closure part of the consent order. The engineers have advised the City they need to verify the existing topo and boundary survey, along with revising the closure and post closure plan that was originally prepared by Mid-American several years earlier.

D: RECREATION:
City Manager Nevad reported that new playground equipment was recently installed at E.E. Robinson Park. He invited everyone to visit the park to see the new playground equipment. In September, the City applied for a matching funding grant to fund a Master Recreation Plan for the City. The City has been working on the Park, the Golf Course and the YMCA; so a Master Plan was needed to coordinate all the activities. Mr. Nevad stated Mr. Payne would give the report on gas and golf but he had the results from the University of Georgia on the gas loss problem. The results were not surprising Basically, what the report stated was that the readings from the Transco meter, beginning in Janurary of 1996 and winter of 1997, were not reliable. They had used a number of factors, such as number of customers, temperature, size of meter. The City would use this information as a basis for a refund from Transco. A meeting would be scheduled with Transco, Municipal Gas Authority, and the gas consultant.

E: GAS:
Assistant City Manager Scott Payne reported there were 52 new gas services installed during September, making a total of 419 for the year. Residential service has been privatized with Hughes Construction. L & M Pipeline has approximately 1,000 feet of gas line to finish the high pressure project on Peevy Road. The project on Highway 20 and Whitehead Road is going extremely well, with about 9,000 feet of gas line already laid. From the regulator station on Suwanee Dam Road and Highway 20, the gas crews and contractors have progressed to the Arbor Clos Subdivision, on Whitehead, they have progressed to the Abingdon Subdivision. The target date for completion is the second week of November.

OLD BUSINESS:

A: CITY ABANDONMENT-HIGHWAY 20:
City Attorney Thompson explained that this was a request received several months ago from residents who own property along what was called Finch Road. On tax maps, this road did exist but it was never really a street. The county had obtained easements 20 - 25 years ago to run water lines. The property owners want to develop this area and are asking the City to abandon any claims it may have on this property. The county would still have easement rights on the property. One side belongs to Mr. Robinson, the other to Mr. Dodd. All parties involved had been notified and there were no objections. Mr. Bailey made the motion to accept the resolution to abandon the street, second by Mr. Pugh. Motion passed.

B: ANTI-NOISE ORDINANCE:
Council Member Davis wanted to amend this ordinance. Mr. Thompson had removed section 12-95 relating to decibel levels. This would make it more in line with the County Ordinance. Mr. Davis made the motion to adopt this ordinance, second by Mr. Bailey. Mr. Pugh asked how close this was to the county ordinance and who would enforce this ordinance.

ANTI-NOISE ORDINANCE CONT'D:

Mr. Thompson explained it was very close to the county ordinance, some of the wording was a little different. The code enforcer in the planning and zoning department would be able to enforce this ordinance or it could be done through the Gwinnett County Police Department. There was no more discussion. Motion passed.

C: OPEN BURNING BAN:

Council Member Bailey turned this over to City Attorney Lee Thompson, who explained this ordinance had been tabled 2 or 3 months ago. The City wanted a year round burning ban, within the corporate city limits, based on a ban the Georgia Department of Natural Resources has every year from May-September. The same kind of exemptions would apply; agriculture burning, recreational burning, such as cook-outs and training for fire departments, fires involved with street paving and patching, utility repairs and the disposal of packaging of explosives. Motion made by Mr. Bailey, second by Mr. Davis. Mr. Baird asked if this was not intended to keep fires out of subdivisions because houses are so close together. Mr. Davis agreed this was the main reason for the ordinance. After much discussion on allowing certain residents, like senior citizens, who have been burning leaves for years. Mr. Thompson told Council they might want to consider an effective date. As of October 1, developers could go back to burning but under this ordinance they could not. Planning and Zoning would need time to notify the developers of this new ordinance. Mr. Baird made a motion to table this until the details and the verbiage could be worked out. Ordinance tabled.

D: HESSIE LANE-CDBG PROJECT:

City Manager Nevad explained this had been on the agenda for September 17, 1997. Council Member Baird had expressed some concerns about the City funding part of this project. More research had been done, Mr. McFarland would explain. Mr. McFarland explained this is a CDBG Project and what was proposed in this project was to re-size the pipe that goes under Hessie Lane, put in drainage improvements around the lot that was in question. He understood that, several years ago, there was some sort of agreement between the property owner and previous council that this problem would be rectified. He stated this was in a mobile home subdivision that was developed before there was very much plan review what so ever. Since that time, the City has come back and tried to improve the area, it is a low to middle income area, by putting in curbing. This project is just below the Hillcrest Subdivision project. Mr. McFarland and Ms Lamay, who works for McFarland and Dyer, had looked at this area and the drainage problem. The Hessie Lane area had been identified in 1884 as a 1995 CDBG project. The Hillcrest Subdivision itself came after this area was identified as a CDBG project, it was initiated for development in 1995, final plated in 1996. To state that the subdivision was the cause of the drainage problems would be incorrect since it had already been identified as a CDBG project prior to the development of the Hillcrest Subdivision. They had looked at the entire drainage basin, there is another older subdivision in that area, that comes into that area; approximately 20 acres, with an existing creek running through the area. The pipe that was put under Hessie Lane was basically undersized and that has created the problems, not the subdivision. In addition to that, if it can not be proved that the subdivision created the damages, the City can not go back and say to the developer that he is responsible for helping fix the drainage damage. The City would have to show what damages were done and how the developer was at fault. Since this had previously been identified as a CDBG project, you could not say this work did not need to be done prior to the building of this subdivision.

HESSIE LANE - CDBG PROJECT CONT'D:

There was a period of time this summer when the detention pond had silted up, possibly causing more water to run through this area. This pond had since been drag lined, making the pond more efficient. Without re-surveying the pond, it would be hard to make that determination. The real question was, what does the City do with this property. One possibility, instead of doing full drainage improvements, would be to purchase a lot and put another detention pond on it. They had spoken to the county, this could be funded under CDBG. However, the lot would have to be purchased by the City from the owner, who happens to be the one for whom the drainage work was being done, so no progress had been made there.. This project is $90,000 funded with the City having to pay $9,000. There are exposed water lines that need to be taken care of. Mr. Baird stated he agreed that the subject property needed to be fixed but there were other areas that could be potential problems from the new subdivision. He had observed silt fence down causing stopped up storm drains, with water backing up in peoples back yards. He did not feel the City should pay to fix problems caused by developers or put in another detention pond. He was satisfied with what needed to be done to the subject property. Mr. McFarland stated some of the mobile homes are sitting on what would be considered flood plain at this time. Mr. Bailey asked why such a wide range in price. Mr. McFarland stated part of it was the economy, most of these companies are so busy, if they make a high bid and get the job they feel it is a worthwhile project; if they don't get the job they have plenty of others to keep them busy. City Manager Nevad stated there was a 60 day window on this, bid opening was on August 26th, a decision needed to be made. Mr. Webster asked how much was needed, did this include the price of the lot. Mr. McFarland stated this was just to fix the current drainage problems, not buying a lot to put another detention pond on, that was just an option the City could consider doing. Mr. Bailey made the motion to accept the $99,000 bid from Georgia Sicilian Company for the CDBG Project, also known as Hessie Lane, second by Mr. Baird. Motion passed.

CITIZENS AND GUESTS COMMENTS:

Mr. James McCalla, Superintendent of Elections, reminded people that the election would be November 4th. All the ballots and equipment had been ordered, it was too late to register to vote; cutoff date was October 6th. The City had over 4500 people registered to vote. He felt sure everyone was familiar with the candidates running for office.

Mrs. Betty Starling of 5107 Sunset Drive stated she was not happy to have read that City Manager Nevad was leaving to go to another city. She felt someone should do everything possible to keep him. It was her opinion that the City would go downhill a lot faster than it has been. She felt Mr. Nevad had done a lot for the citizens of Sugar Hill, he listened to their problems and tried to help. She knew he had personally helped her and she wanted him to stay.

NEW BUSINESS:

A: PUBLIC HEARING:SUP 97-001-SPECIAL USE PERMIT-MAP #7-254-011 11.88 ACRES-PURPOSE-DRY CEMENT DISTRIBUTION:
Mayor Pro-Tem Pugh made a motion to go into Public Hearing, second by Mr. Bailey. Mr. McFarland explained that a special use permit was different from a rezoning, he had prepared reports for the Mayor and Council, there was different criteria to go by.

PUBLIC HEARING CONT'D:

He reported this property is located on Buford Highway, next to Brown and Brown Wrecker, and Thomas Concrete. The zonings for adjacent property included HM2 to the right(Thomas), HM1(Brown), across the railroad tracks to the rear is LM, to the left of the tracks, as you face it, is located in Suwanee zoned C2, on which is located the Aurora Casket Company. Across the road, there is approximately 40 acres; part of which may have been annexed into the City of Suwanee. Mrs Landers had put together a package in conjunction with Mr. McFarland's package which showed the property is zoned R75 according to county zoning maps. However, one of the parcels may be zoned M1, according to tax information; but information he had gotten from the county it is zoned R75. Behind those two tracts is the Ruby Forest Subdivision which is zoned R75 that is located in the City of Suwanee. The property itself being zoned HM1 allows warehouse distribution facilities, the request is for a cement distribution facility. What is proposed to be located on the property is a 130 foot tower, that would be a silo. The cement itself is pre-manufactured and brought in on rail cars, there is a rail spur proposed. The cement would be downloaded from the rail cars to the silo. Approximately 20 trucks a day would leave the site to deliver it to companies such as Thomas Concrete. There would be approximately 6 railroad cars a day that would use the railroad siding 4 out of 5 days a week., there might be a day when they did not receive any material according to the Medusa Company. The Council should have his report on this, the general location of this. There was a Planning Commission meeting on this, there were a lot of comments from the people in Ruby Forest but to his knowledge there were no comments from the citizens of Sugar Hill. The minutes of the Planning Commission does become part of the official record, they have been attached and everything that has been dealt with is part of the record. Mayor Webster asked Mrs. Switzer to read the name of the first person on the sign up list of people who wished to speak at the Public Hearing. Mr. Steve Farmer was the first name on the list. Mayor Webster asked Mr. Thompson if they needed to address the joint venture on the Special Use Permit between the City and Medusa. Mr. Thompson stated that just for the record the application was filed by the City. Since that time they had received a letter from the property owner stating they had no objections to proceed with the special use permit and they had also received a letter from Medusa Cement indicating that they join the City in the special use permit. He did not know if the letter from Medusa was in the package Mr. McFarland gave them, if not he would provide one. .

Mr. Donald Stack of 100 Peachtree Street, Suite 2060 stated he wanted to wish City Manager Nevad well in his new job in East Point. He and Mr. Nevad did not always see eye to eye on things but he provided fair and unbiased hearings on issues. He stated it felt like old home week, as a lot of the people there had attended the meeting about one year ago pertaining to the asphalt plant.on Brogdon Road. Some of the concerns that were brought up then are the same concerns they have now. Several points he wanted to mention were: (1) the application of Sugar Hill's zoning ordinance, (2) procedural issues, (3) the suitability of the proposed site. Mr. Landers, one of the people concerned about this proposal, had passed out a packet of information that should help as they go through the presentation. First and foremost, his appearance at the meeting was merely that of spokesperson. If all 200 or more people who had signed the petition were allowed to speak, the meeting would last about a week. If all the people were allowed to speak, they would all express the same concerns that he himself had.

PUBLIC HEARING CONT'D:

As a starting point, he would like to draw their attention to some of the same types of issues that were used during the asphalt plant hearings. How the HM 1 zoning is utilizied, what is permitted and what is not permitted. Mr. McFarland had indicated this was a suitable site, however if you look at the unique qualities of Sugar Hill's Ordinance as opposed to what may exist in other parts of the state, Council may not be aware that from a state wide stand point, Sugar Hill had a unique ordinance. It places a great burden on the decision makers to do an analysis that is different than and more stringent than most city councils have to do. They could not come in after the fact and say, "If we had done the analysis, this is what we would have done." For example, he was sure they were all aware they had approved the 47 acre site. Mr. McFarland, in his report indicated in some form or fashion you should do the same type of analysis or the same type of analysis applies here. That is not the case, you actually have to walk it through and do the analysis, not say this is apples and oranges and somehow we will make it all apples. Starting at the first point is the City's own Section 909 which deals with HM1, on the first page of the permitting, that states in order to use the HM1 property you first have to make the determination that its not objectionable due to emission of noise or dust. It is not enough to say, this is a dry cement plant end of discussion, what has to be done is look at the analysis, look at the operation and make a determination. What is the best way to make this determination, the best way is to look at Medusa's own type of operations in other facilities. Take the one in Collage Park, in Clayton County. As part of the package, Medusa's own permit they received from the EPD of Georgia for a similar operation, which indicates that operation will produce in excess of 13 and 1/2 tons of particulate emission per year, that's 27,000 pounds. However, Sugar Hill's ordinance says it will not permit a facility that is objectionable because of dust. Dust is one form of particulate matter. You have to look at that and ask how would this factor in, it depends on other uses, then you have to look at Section 909 paragraph B of Article 9 of Sugar Hill's ordinance that says permitted uses and then it talks about this on page 2. It states that you must make a determination that is consistent with the types of land uses in the area and that it meets the standards of the zoning district. However, you have to do the analysis first, you have a business that is in direct conflict with the intent purpose of Sugar Hill's ordinance. Those are the first two legal challenges and basis that you have that prohibit the City from permitting this special use facility here..The third one relates to the conflict of Sugar Hill's ordinance and the application here. Section 501 of Sugar Hill's regulations, article 5 talks about height and density. No building, structure shall here after be erected, constructed, reconstructed, or altered to exceed the height limitation. There is no dispute that this facility will impose a violation of this article. The facility would have to apply for an Administrative Variance, which would be in conflict with Sugar Hill's ordinance, since it restricts buildings to a height of 70 feet. Therefore, if you walk through the variance, it will allow the silo to only be 85 feet. There is no dispute that 130 feet is much more than 85 feet, so the City would be in violation of its own ordinance. Apparently there has been an effort to address their next concern, which is the conflict of who the applicant is. The ordinance states that to apply for a Special Use Permit, it has to be the land owner or his authorized agent.

PUBLIC HEARING CONT'D:

It is absolutely undisputed, that at the time the special use permit was first considered, the applicant was the City of Sugar Hill., that's improper on the face of Sugar Hill's own ordinance. The City can not come in after the fact and say they have a letter from the property owner authorizing them to apply for a special use permit. The Georgia Supreme Court or any court that hears this would use that as a basis to over turn any permit the City might have issued. The next issue is Sugar Hill's own ordinance that states an analysis must be done to see if there will be added congestion in the area and what impact it has on adjacent and nearby property. Mr. McFarland ostensibly gives an analysis on this issue but if you really look at the report, it only looks at the adjacent property, he only states that nearby property is zoned R75. He does not say what impact it will have on people in Suwanee or Sugar Hill. He felt that was another flaw in the analysis or lack of an analysis. Article 17 section 17-07 of the ordinance requires that an evaluation be done on the adverse impact of the surrounding area with regard to traffic and land value. It is not enough to have statements that say "We don't think there is going to be an impact." That is not an analysis, it is a rationalization. Mr. McFarland refers to section 17-02 of the ordinance and says it is not a problem because of adjacent property, Mr. Stack wanted to be very clear on what was meant by adjacent property. It ignores Secret Cove, C.K. Homes, Ruby Forest, Dollar Circle Subdivision, Lanier Middle School, George Pierce Park. All these areas are ignored. There is no analysis of what kind of impact this will have. Point 2 of Mr. McFarland's report fails to acknowledge that under the Steinberg Act, that this property now has an economically viable usage without granting this permit.. That is one of the factors that is supposed to be analyzed, are you actually preventing the land owner from making a living if you don't grant this special use permit and the answer is no. There is no requirement that the City act as the land owners agent to make sure that he makes all he can out of the property by impacting everyone else in the surrounding area. With respect to point #4, Mr. McFarland states an evaluation should be done to see if it creates an overcrowding condition, s similar warehouse facility would have the same impact. Mr. Stack felt this was not an analysis just a way of saying, if it is developed as a warehouse it will have and impact, it is developed as a dry cement plant it will have an impact. You should ask what type of impact is it going to have. If it is going to be an adverse impact, the answer is clear, it is. Mr. McFarland further states that you should look at road use ability. It is a two lane road, whereas the 47 acre parcel originally permitted was on a four lane road. Mr. McFarland makes the statement, "Whenever the State of Georgia improves this road." Mr. Stack stated you could not make a decision on permitting this facility on some future action that might be taken by the state, county or any other entity. The decision of the Council should be based on conditions as they exist today, it is very clear that road is not suitable. The height variance is improper, the rationalization as opposed to analysis is improper, stating that we had been through this once, we don't have to go through it again. Actually, you do, and the reason for that is the size of the property. There are 47 acres as opposed to 11 acres, there is a two lane road instead of a four lane road. The only thing that is the same is the impact it will have on the people. Mr. Stack felt it was rather ironic that some of the earlier discussion had been on open burning and storm water damage. No analysis had been done on this site as to how they would handle the storm water. If a permit is issued, he felt that the City would be asked in the future to budget an additional $15,000-$20,000 to fix the storm water damage caused by Medusa. In summary, this was not a proper site, you could not fit a square peg in a round hole. He knew the City was concerned because Medusa had sued once and would again if this facility was not permitted, but this was not a legal basis to give a special use permit.

PUBLIC HEARING CONT'D:

What the City had was the right, ability and obligation, to look at this site on its own merits and once it was determined that it did not meet the City's own ordinance, the permit should be denied

Carole Bowler of 3985 Cheery Ridge Walk in Ruby Forest Subdivision stated she was against the issuance of the special use permit for the dry cement plant for the same reasons stated by Attorney Stack.

Linda Webster of 3845 Cherry Ridge Walk lives in Suwanee, The City of Suwanee has also expressed its concerns at Sugar Hill's Planning and Zoning meeting last month. Also, she understood there was supposed to be an ARC impact study done. Was this done and what were the results. Was the City going to move ahead with this project without the results of this study.

City Manager Nevad responded that ARC was given 45 days to review the impact. He stated it should be done in about 2 weeks. The City's position is that they approved the site on PIB which was adjacent to residential property. There shouldn't be a problem with ARC approving this site.

Steve Farmer of 150 Roberts Road in Suwanee stated that Mr. Stack had said a lot of neat stuff. Mr. Farmer had pictures of the Medusa facility in Forest Park. The first set of pictures show trees that are mature but do not hide the silos from the road. There are 3 silos and that property is higher than the Buford property. Just for the sake argument, assume it sits at road level, they had referenced a lot of properties and the zoning of those properties; the properties that are at road level, same elevation as Buford Highway or higher and within one half mile of the proposed site. These are properties that when you look out your front door or your back door you will be looking at this silo. Not just Ruby Forest but parts of Sugar Hill, the county, not just one town. Another concern of his was the railroad spur. To him, railroad spurs were like road intersections, most accidents happened at these intersections. When you put in a railroad spur you increase the likelihood of accidents. He was concerned that a railroad car with some hazardous material would be involved in an accident due to the addition of this railroad spur. He just did not want to have to look at this silo nor have anyone else have to look at it.

Mr. Alan Landers of 230 Roberts Road in Suwanee stated the particular use of this property was not what was needed there. The people in Ruby Forest, Secret Cove, C.K. Homes were not opposed to business, but he felt there were better uses that would benefit Sugar Hill and the owner of the property. The businesses are out there and they can be found. One such company is one that makes parts for caskets. This would be an ideal company for this site since the Aurora Casket Company is right next door.

Kim Holland of 880 Secret Cove Drive stated she had been attending the meeting for the last couple of months, after living in Sugar Hill for about a year. The residents of Sugar Hill had made it known less than two months ago how they felt about the Medusa Cement plant. It would appear that the Council had chosen to ignore the input of the residents and simply move the operation of the Medusa operation from a site traveled by Sugar Hill residents to a site traveled more by residents of Suwanee.

PUBLIC HEARING CONT'D:

The residents of Suwanee will have no voice in the upcoming election. She travels Buford Highway several times a day from her home in Secret Cove and is aware that when she tops the hill she needs to be going about 30 miles an hour. Trucks from Thomas Concrete are pulling out into the road. If Medusa is allowed to build there, it will be worse. She urged the Council to consider their previous decision and please oppose this special use permit and with draw that section from the Council's consideration.

Mr. Bob Wagner of 4969 Hidden Branch Drive stated that he had opposed the asphalt plant, the two landfills on grounds of environmental concerns. He did disagree with all the comments being made about the Medusa facility. He felt that Medusa people were very bright, well organized. If there had been some sort of environmental mishap, it would be all over the news. He felt Mr. Stack was saying if you did not see things his way, he was going to sue. If there were no grounds to sue, he felt the City should not be intimidated. As far as the dust goes, he understood it is a vacuum system with a back up seal. If these things leak, how come no one showed it. As far as the zoning goes, he had looked at Suwanee's zoning map. They have industrial zoning along Buford Highway. He felt that the problem of zoning was not Sugar Hill's but Suwanee's. Ruby Forest is a beautiful subdivision, but he did not think it should have been built on Buford Highway. Buford Highway is an industrial highway, it is the area that is growing and there will be more truck traffic. If not from the Medusa company, from some other company. He felt that Medusa was a great company with good financial backing, no environmental problems. It was his opinion that someone should start standing up for the City, he was tired of the City always being under attack.

Phil Cashots of 621 Carrolls Way off of Woodward Mill Road. He stated he agreed with Mr. Stack in needing more evaluation of the type of traffic on Buford Highway. He felt it had gotten worse in the year he had lived here. He urged the Council to do everything it could to keep from issuing the special use permit to Medusa.

Alan Landers wanted to explain that the EPD permit planned for this facility is a self regulating permit. It is not something the EPD goes out on a regular basis and inspects. The company would be solely responsible for this permit, since EPD is not staffed to make these kinds of inspections.

Rachel Buckner of Ruby Forest Subdivision, 159 Roberts Road. She felt this was an emotional issue. but she did not think we were there to get involved in emotional issues. In her opinion, more research should be done to find out the impact, both positive and negative. Everyone was concerned about traffic congestion, more railroad cars, noise. She urged the Council to give it a lot of thought before issuing this permit.

Nancy Miller of 4009 Treemont Lane stated she had done a lot of research on EPD permits. An EPD permit allows a company to emit so much pollution into the air. The cement plant does have a vacuum system but it will still emit some dust into the air. She urged the Council not to issue this special use permit.

Motion made by Council Member Bailey to return to general session, second by Mayor Pro-Tem Pugh. There was no discussion, motion passed. Council Member Bailey made a motion to table until after the Executive Session. Issue tabled.

B: PUBLIC HEARING:RZ-97-008-REZONING:MAP#7-258-008:
2.75 ACRES-HIGHWAY 20/FRONTIER DRIVE:
Mr. McFarland explained this application was for a commercial development, a tire center and a pharmacy. The tire center had been withdrawn, there had been negations with the home owners. The applicant had requested this be tabled in order to work out some things with the neighborhood. Mayor Pro-Tem Pugh asked Mrs Avery if she was involved with these negations, she answered she was. Item tabled.

C: ANNEXATION APPLICATION-AX-97-003-MAP 7-339-079, 142,068,071 & 069-6.93 ACRES OFF HIGHWAY 20:
Mr. McFarland stated this is an application for annexation which has to be accepted. A motion has to be made to accept the application in order to start the process. It will then go to the Planning and Zoning Board, then come back before the Council at a later date. Council Member Bailey made the motion to accept, second made by Mayor Pro-Tem Pugh. Motion passed.

D: GWINNETT VISION 2010:
City Manager Nevad stated that the City had put together a Vision 20/20 committee to update the comprehensive plan. In the interim, Gwinnett County had put together a Vision 2010 statement that addressed such issues as infrastructure, education, government cooperation and business environment. It is a very progressive statement, and staff recommends a motion to support the Vision 2010 statement. Mr. Bailey asked if it would be in conflict with the City's Comprehensive Plan. Mr. Nevad stated it would not. Motion made to approve this report by Council Member Baird, second by Council Member Bailey. Motion passed.

E: 1997 COMPREHENSIVE PLAN:
After thanking all the members of the Vision 20/20 Task Force, Mr. Bechtold turned the presentation over to Mr. Holbrook of MSE. Mr. Holbrook stated that the intent of this was to update the plan prepared by MSE in 1992. He gave information on how much the population had increased and how much it was expected to increase by the year 2020. The land use table was different from the draft plan. He gave the increase in the different use of land in different categories. The employment picture showed a good growth of jobs in the Gwinnett County area. The committee had a series of goals and objectives, with an implementation plan. Motion to adopt the plan was made by Mr. Bailey, second by Mr. Pugh. Mr. Bailey wanted to thank all the members of the Task Force,Mayes, Sudderth and Ethridge for a great job. Motion passed.

D: BOARD APPOINTMENTS:
This item was tabled, in order for the new administration to make these appointments.

CITY CLERK'S REPORT:
Deputy Clerk Switzer stated there really wasn't a clerk's report. The taxes had been sent to TBS. They might not be out by the 15th but they should be out by the 20th.

CITY MANAGER'S REPORT:
City Manager Nevad reported that he would like to recognize two employees. Ruth Switzer and Johnny Upchurch. Both employees had been working long hours.

COUNCIL REPORTS:

Mayor Webster asked Mr. Mosley if he had anything to say, since it was his first night on the Council. Mr. Mosley asked for a moment of silence for the two police officers in Atlanta. He stated most people did not think of them until something like this happens. It is a concern of everyone involved in public safety.

Mr. Bailey had nothing to report.

Mr. Baird wanted to welcome Mr. Mosley to the Council. He wished him a successful 4 years. He expressed his sympathy to Mrs. Avery in her loss, she and her family were in his prayers.

Mr. Pugh wanted to thank the gas crew and Mr. Payne. He was real impressed with their work. He also welcomed Mr. Mosley to the Council.

Mr. Davis welcomed Mr. Mosley to the Council, also remember Mrs. Avery in her time of sorrow.

Mayor Webster wanted to thank the community for its support during his families time of sorrow. His grandmother, who was 102, had passed away. He expressed his thanks to several area churches. He also expressed his sympathy to Mrs. Avery in her loss. He also welcomed Mr. Mosley to the Council.

Council Member Bailey made a motion to go into Executive Session to discuss pending and possible litigation and personnel issues. Second by Mr. Pugh. Motion passed.

Mayor Webster brought the regular session back to order. Mr. Bailey made a motion to amend the agenda to include personnel matters. Second by Mr. Baird. Motion passed. Council Member Bailey proposed that pursuant to Section 2.114 of the City Ordinance to make the following two changes: one - that the 90 days compensation be changed to 180 days; two- here forth that it will take 4/5 of the entire Council Members to amend said ordinance..Second made by Council Member Baird. Motion passed

A motion was made by Council Member Bailey to table the special use permit issue. No action would be taken on the special use permit. It would be discussed at the next regular Council Meeting.

A motion was made for Mayor Webster to sign the consent order on October 31, 1997. Second was made to the motion. Motion passed.

Meeting adjourned.

Bailey - Motion
Davis - 2nd
Tabled

ORDINANCE

The Council of the City of Sugar Hill hereby ordains as follows:

WHEREAS, the Georgia Department of Natural Resources has adopted rules and regulations restricting the type of open burning allowed within Gwinnett County and the City of Sugar Hill to protect the air quality in the metropolitan Atlanta area; and

WHEREAS, the Georgia Department of Natural Resources prohibits additional types of open burning during the summer months; and

WHEREAS, the Mayor and County of the City of Sugar Hill have determined that the prohibition of certain types of open burning on a year round basis would improve the air quality within the City of Sugar Hill and promote the health, safety, convenience, order, prosperity and general welfare of the present and future inhabitants of the City of Sugar Hill;

IT IS HEREBY ORDAINED as follows:

1. No person shall cause, suffer, allow, or permit open burning in any area located within the corporate boundaries of the City of Sugar Hill, Georgia at any time except as follows:

a. The burning is for the purpose of carrying out recognized agricultural procedures necessary for production or harvesting of crops;

b. The burning is for recreational purposes or the cooking of food for the immediate human consumption;

c. The fire is set for the purpose of training fire fighting personnel and has been authorized by the appropriate government entity and the guidelines set by the Georgia Department of Natural Resources and other appropriate government agencies are strictly observed;

d. The fire is in connection with the operation of devices using open flames such as tar kettles, blow torches, welding torches, portable heaters and other flame making equipment;

e. The fire is a small fire established and maintained by a contractor or tradesman which is necessary for activities such as street paving work or installation or repair of utilities. All such fires shall be kept small in size, shall produce no smoke emissions exceeding 40 percent opacity and shall comply with all other regulations which may prohibit or regulate all such activities;

e. The fire is for the disposal of packaging materials previously containing explosives and is used in accordance with U.S. Department of Labor Safety Regulations.

2. This ordinance may be enforced by the City Manager and the City Manager's designees including, but not limited to, the staff of the Planning and Development Department. In addition, the fire marshall's office and personnel of the Gwinnett County Department of Fire and Emergency Services will have the authority to summarily abate any conditions which are in violation of any other provisions of this ordinance and which may constitute an immediate threat to life or property.

3. Any one violating the provisions of this ordinance shall be subject to a fine not to exceed $500.00 and/or imprisonment for a period not to exceed thirty (30) days. Each day a violation continues shall be considered a separate offense.

IT IS SO ORDAINED THIS _____ day of _____, 1997.

_____
Council Member

_____
Council Member

_____
Council Member

_____
Council Member

_____
Council Member

Attest:_____
City Clerk

Submitted to Mayor: _____
Approved by Mayor, this _____ day of _____, 1997.

_____
Mayor

UNOFFICIAL MINUTES

CITY OF SUGAR HILL
SPECIAL CALLED MEETING
MINUTES-WEDNESDAY-SEPT. 17, 1997

The Special Called Meeting of Sept. 17, 1997 took place in the Community Center at 7:00 p.m. Notice of the meeting was placed on the doors of City Hall, the Community Center, on the board at Peachtree Ind. Blvd. and in the local papers.

Those present were: Mayor Pro-Tem Pugh, Council Members Bailey, Baird and Davis, City Attorney Lee Thompson, City Manager Warren Nevad, Assistant City Manager Scott Payne, City Clerk Gibbs, Deputy Clerk Switzer, members of the media, registered guests. Absent were Mayor Webster and Council Member Spradlin.

CALL TO ORDER AND INVOCATION:

Mayor Pro-Tem Pugh called the meeting to order at 7:00 p.m. and led the Pledge to the Flag. Council Member Bailey gave the invocation.

APPROVAL OF AGENDA:

Council Member Bailey made a motion to approve the agenda with some changes. He wanted to add Citizen's and Guest's Comments between Old and New Business. On advice of legal counsel, item C under New Business, Solid Waste Presentation, should be moved to Executive Session. A YMCA Presentation by Mr. Bob Wagner would replace item C. Council Member Baird made the second. Motion passed 3-0.

APPROVAL OF AUGUST 11th MINUTES:

Council Member Bailey made a motion to approve the August 11th minutes. Second was made by Council Member Baird. Motion passed 3-0.

OLD BUSINESS:

A: NEXTEL CELLULAR:
Assistant City Manager Scott Payne introduced Mr. Al Cavalier of Nextel Communications. Mr. Cavalier explained that the site they had chosen for the Nextel Cellular Tower, will be located on the lower level parking lot at the Gold Course. An area of 60 x 60 feet has been chosen, with a 10 x 20 foot building to house their equipment. They will fence this area and do some landscaping. Mr. Wade Queen, Director of Golf, had some concerns that they would loose some parking spaces. Mr. Cavalier did not think there would be any lose and they would preserve the parking area as much as possible. Council Member Bailey asked City Attorney Thompson if he had reviewed the lease and if it was in conflict with the Bell South lease. Mr. Thompson replied he had reviewed

approved 10-13-97

OLD BUSINESS CONT'D:

the lease and the only thing he found was in Paragraph 7 of the Bell South lease saying no other tower could be put up if it would interfere with the Bell South Tower transmission. Mr. Cavalier stated this was normal in all communications contracts and he saw no problems. Mr. Thompson was going to change some of the wording in the lease with Nextel so they would be aware of the restriction by Bell South. Another restriction in the Bell South lease, was the leasing of property around the Bell South Tower. Since this tower is located at the treatment plant, this would not be a problem. Mayor Pro-Tem Pugh wanted to make sure of the exact location. It was explained this was the first parking area on the way to the clubhouse, what is referred to as the overflow parking lot. Mr. Payne stated that Mr. Queen indicated they might use the parking lot 3 or 5 times a year. Mr. Pugh wanted to know if Nextel could fix a driveway that would take them directly into the area. Mr. Payne stated they were going to do everything possible to minimize the lose of parking spaces, a speed bump would be installed for water run-off, and the lot would be marked for parking spaces. Council Member Bailey made a motion to approve the lease subject to legal counsel review and any subsequent mutual agreement with Nextel Corp. and Bell South. Council Member Baird made the second. Motion passed 3 - 0.

CITIZEN'S AND GUEST'S COMMENTS:

Brenda Rich of 835 Level Creek Road stated she had two questions to ask. First, she wanted to know why, at the last Council Meeting, the public was not informed early in the meeting that staff could retrieve the information Council Member Spradlin had requested. The Council had voted to spend $600 for retrieval of records, but after Executive Session, the vote was rescinded with the statement that staff would furnish the records Mr. Spradlin wanted. City Manager Nevad and Mayor Pro-Tem Pugh explained why the vote was rescinded and that the $600 was for a computer program to retrieve this information. Her other question, why there was no update on the gas system on the agenda. It was explained this was a special called meeting so usual items on the agenda were not included.

Mr. Robert Bowie of 835 Level Creek Road wanted to know why, on the 8th, there was a champagne colored Bronco backed up to the back door at City Hall around 10:50 p.m. It was explained the car could have belonged to anyone and did not mean it was a City employee. City Manager Nevad explained he put in many hours a day and he did have keys to City Hall but you could not go in the back door without setting off the alarm. Mr. Bowie then wanted to know when the regular council meeting would be held for September. Mayor Pro-Tem Pugh responded that he did not know since the Mayor had canceled the regular meeting and was not able to attend the Special Called Meeting.

Mr. Herb Payne of 980 Old Spring Way requested that the timer for the lights at the tennis courts be reset to come on earlier. It was explained the timer had burned up and needed to be replaced. This had been done and the lights should be back on.

Brenda Rich wanted clarification on a rumor she had heard that the City was going to give the City house to the YMCA to use. She felt this was commercial property and could be used to pay for the landfill closure and upgrade the gas system. Mayor Pro-Tem Pugh stated he was not aware that this was true. The Council had not discussed this and as far as he knew had no plans to do so.

NEW BUSINESS

A: REZONING FRONTIER FOREST:
Meg Avery of Forest Green Drive wanted to express herself over a recent application for a rezoning of 2.6 acres located on Highway 20 near Frontier Forest. Eagle Realty had applied for the rezoning, wanting it zoned from OI to BG in order to put up a pharmacy and tire repair center. One of the main concerns of the residents, was the fact there would be two entrance and exit driveways coming into Frontier Drive from the new businesses. Traffic from Shoney's coming onto Frontier Drive was already a hazard, there was not a need for 2 more entrances. Why not use the parking lot at Big Lots and Quality Foods as an entrance to the new business. She was glad to hear that some members of the Planning Commission had spent some time observing the traffic in that area. Another concern was the detention pond that was included in the site plan. She reminded the Council of the problems with the detention pond at the Methodist Church. She was glad the Planning Commission had denied the rezoning and hoped when it came up at the October meeting, Council would follow their recommendation and deny this rezoning also.

B: PUBLIC HEARING: 1997 MILLAGE RATE:
Council Member Bailey made a motion to go into Public Hearing, second made by Council Member Baird. Motion passed 3 - 0. City Manager Nevad reported this resolution would set the millage rate at 4 mills. This would be the 4th straight year at this rate and would generate about $493,250 in revenue. Staff recommended the rate stay at 4 mills. There were no comments from the public. A motion was made and seconded to go back into regular session. Motion passed 3 - 0. Council Member Baird made a motion to approve the resolution setting the millage rate at 4 mills, second by Council Member Bailey. Motion passed 3 - 0.

C: SOLID WASTE PRESENTATION:
This item was removed from the agenda to be heard in Executive Session. A YMCA Presentation took its place.

YMCA PRESENTATION:
Mr. Bob Wagner reported that Mr. Ed Entrekin had resigned from the YMCA Steering Committee to run for a council position. He was recommending Katherine Cavanaugh as a replacement. Council Member Bailey made the motion to approve Ms. Cavanaugh as a replacement for Mr. Enterkin, with Council Member Baird making the second. Motion passed 3 - 0. Mr. Wagner responded to the rumor Ms. Rich had asked about. Mr. Wagner stated he was in charge of facilities for the YMCA and he had no knowledge that a City house was going to be donated to the YMCA. If the City had one they wanted to let them have, they would be glad to take it.

D: CITY TELEPHONE:
City Manager Nevad explained that the City's telephone system was very outdated. He had two proposals: one from Lucent Technology for $21,830, the other from Ty Communications/Northern Telecom for $17,900. This would provide new phones, voice mail, 8 phone lines. Ty Communications gives a 5 year warranty while Lucent only offers a 1 year warranty. It was his recommendation that the system from Ty Communications be the one the City chooses.

NEW BUSINESS CONT'D:

Council Member Baird asked if this was a budgeted item, if not where would the funds come from. Mr. Nevad stated it would be taken out of renewal and replacement. Council Member Bailey asked if more stations and lines could be added if necessary. After some more discussion, the motion was made and seconded to approve the purchase of the phone system from Ty Communications. Motion passed 3 - 0.

E: CDBG AMENDMENT:

City Manager Nevad stated that on August 26, 1997, the City had a bid opening on the Hessie Lane drainage project. The county had appropriated $91,190.50 for this project. Two bids were received, one from Georgia Sicilian for $99,000, the other from Wade Koutz for $275,365. The City needed to approve $8,000 to fund the remainder of the low bid. Council Member Baird asked City Manager Nevad to explain the Hessie Lane Project. Mr. Nevad explained that a 30 inch drainage pipe would be installed at Hessie Lane and Pass Court to help with water run off. Mr. Baird asked if the cause of the drainage problem had been investigated. He wanted to know if building in some of the surrounding subdivisions had caused the problem. Mr. Nevad stated that it was a low lying area and yes some of the problem was due to construction in older and newer subdivisions. Mr. Baird felt the City should not have to fund projects like this when the developers should pay or help pay for fixing drainage problems created by their development. After much discussion on who should be responsible for the difference in the CDBG grant and the amount of the bid, a motion was made and seconded to table this item until the October meeting, in order for the City Manager to do more research. Motion passed 3 - 0.

F: OTHER BUSINESS:

Mayor Pro-Tem Pugh stated this item had been placed on the agenda for him but he had nothing to say. Mr. Mike Gazda of 5490 Sugar Crossing Drive asked if he could address the Council since he missed the Citizen's and Guest's portion of the meeting. Council asked what his subject matter concerned. He stated it was concerning a drainage problem on his property. Since Council had been discussing drainage problems, the allowed him to speak. He told Council about the lake behind his house. This lake had been cleaned out to state specifications. After moving in the house, and after it had rained, he noticed that there was severe water run off. which was causing the lake to fill back up. No attempt had been made to control the erosion A large portion of his yard is in the lake and contaminating the lake water. He had paid out of his own pocket to have a study done to determine an appropriate way to stabilize his back yard. He felt what the developer wanted to do was inadequate, plus the developer did not want to do a major portion of the suggestions made on the study. The lake is state water and should have been protected during the entire construction process and this was not done. The City had adopted the Erosion and Control Law of 1975, and it was not followed during this process. During the June 11, 1990 Council Meeting, steps were taken to ensure that this lake would be protected from construction, the dam at the lake would be stabilized and other improvements would be made before a final plat would be approved for properties along the side of the lake.

OTHER BUSINESS CONT'D:

Mr. Gazda felt this was never done, the dam is in bad condition and he was afraid someone would get hurt. Mr. Baird asked him what exactly he wanted. Mr. Gazda stated he wanted his back yard fixed, the lake cleaned out, the dam maintained, all the things the developer had agreed to do in 1990. The City should do everything in its power to see that this was done. Mr. Baird and Mr. Pugh asked City Manager Nevad to get with Mr. Gazda in order to clear this problem up.

COUNCIL COMMENTS:

Council Member Davis stated he felt the new solid waste program was working. In July, there was 22.12 tons of recycling, in August, there was 22.35 tons of recycling While in Savannah, he met with a representative of Southeastern Recycling. This company recycles phone books, magazines, newspapers. They would like to place a bin at City Hall. Any proceeds above the cost of the recycling would go to the City to do what ever they wanted with it. He suggested the proceeds be given to the Gold Wing Club to help defray some of their costs.

No other Council Members had any comments.

A motion was made and seconded to go into Executive Session to discuss potential and pending litigation administrative action. Motion was passed 3 - 0.

Meeting was called back to order after Executive Session. Mayor Pro-Tem Pugh turned the floor over to City Attorney Thompson. Mr. Thompson explained that over the past few months, there was pending litigation with Mid-America inc. This had been discussed in several Executive Sessions. Two other law firms had been hired to help with this: one is a bankruptcy firm of Michael Lambert, the other is a firm that deals with environmental issues, Kilpatrick and Stockton. Through out the litigation, the City has taken the position Mid-America was responsible for the landfill closure under the restated lease agreement. Portions of the restated lease agreement was declared invalid but the rest was upheld by the court. Mid-America has taken the position that they are not responsible and the restated lease agreement is not valid. There was a claim in bankruptcy court for an undetermined amount, which could go up to $10 million. A negotiated settlement had been reached in bankruptcy court. The terms of the agreement gives the City $360,000 being held in escrow under the restated lease agreement, title to all the land included under the original landfill plan, which amounts to about 150 acres, estimated to be worth between 1 and 2 million dollars, and the City will take responsibility for the closure of the landfill. A consent order will have to be entered into with the state. He would try to have that at the October meeting. Official action was need for Mr. Thompson that would authorize Mr. Thompson, the Mayor and his designees to take action to carry out this plan. There would need to be a transfer of funds, deeds would have to be executed. Mr. Bailey made a motion to authorize the Mayor,, legal counsel, City Clerk and/or their designee to execute the terms of the agreement. Second by Mr. Baird. Motion passed 3 - 0

Council Member Bailey made a motion to adjourn, second by Council Member Baird. Motion passed 3 - 0

Meeting adjourned.

Finance Report
September 1997

The ending balance in the General Fund checking account for September was $96,094.94.

Funds had to be transferred from the LGIP to pay August's gas bill and for the Hwy. 20 gas project which leaves a balance of $640,328.51 for September.

We are still in training on the Utility billing system. Corry Clark from Smith Data was here on September 8th. She hooked up our modem and we're in the process of getting it on line. She will return on October 15th and 16th to work with the front office on how to enter payments and also with the meter readers. Mauricio and Debbie has worked hard on rerouting their versaterms and getting rid of not needed information that is stored in the versaterms.

Shirley Fields and myself found out that the PC for versaterms has a modem and support software installed and we are now in the process of getting it on line with Logicon. This will allow them to connect with our PC if we ever need any help with the versaterms.

I want to thank all the department heads for getting their budget worksheets to me by September 19th. I was able to put the information together and give the Mayor and Council their budget draft on October 1st.

On September 4th we received the BellSouth Franchise Tax in the amount of $43,032.82 and we also received the Cable Franchise Tax in the amount of $10,638.60

On September 26th we had the advertised bid openings on the vehicles and received $12,562.00.

SEPTEMBER 1997
GAS DEPARTMENT MONTHLY REPORT

NO.	SUPR REC'D	BLDR REQUEST	SUBDIVISION	LOTS#	DATE COMPLETED
01	07/24/97	08/07/97	LENOX PARK	153A	09/01/97
02	07/24/97	08/07/97	LENOX PARK	154A	09/01/97
03	06/25/97	09/03/97	ARBOR CLOS	402B	09/03/97
04	08/22/97	08/25/97	HIGHLANDS @ BRIDGEGATE	30B	09/03/97
05	08/18/97	08/25/97	HIGHLANDS @ BRIDGEGATE	11B	09/04/97
06	06/25/97	08/26/97	ARBOR CLOS	403B	09/04/97
07	07/21/97	09/03/97	OAKS @ LANIER	81B	09/04/97
08	06/25/97	08/28/97	OAKS @ LANIER	82B	09/04/97
09	07/09/97	08/26/97	SPRINGS UNIT 2	20B	09/04/97
10	03/31/97	07/28/97	ARBOR CLOS	216A	09/05/97
11	06/20/97	08/27/97	ARBOR CLOS	424B	09/05/97
12	07/24/97	09/07/97	LENOX PARK	152A	09/05/97
13	07/21/97	08/26/97	ARBOR CLOS	418B	09/08/97
14	05/09/97	08/28/97	ASCOT	24A	09/08/97
15	05/09/97	08/28/97	ASCOT	25A	09/08/97
16	09/02/97	09/03/97	ROSEMOORE LAKE	21C	09/08/97
17	07/21/97	09/04/97	ARBOR CLOS	426A	09/11/97
18	06/25/97	09/04/97	ARBOR CLOS	421B	09/11/97
19	07/03/97	09/11/97	ARBOR CLOS	420A	09/12/97
20	06/25/97	09/08/97	ARBOR CLOS	422A	09/12/97
21	09/04/97	09/05/97	DEER VALLEY	13B	09/12/97
22	05/30/97	08/29/97	PRINCETON OAKS	105A	09/12/97
23	07/24/97	09/10/97	OAKS @ LANIER	64B	09/15/97
24	05/30/97	08/29/97	PRINCETON OAKS	103A	09/15/97
25	06/27/97	08/29/97	PRINCETON OAKS	135B	09/15/97
26	06/25/97	09/08/97	ARBOR CLOS	429A	09/16/97
27	05/09/97	08/28/97	ASCOT	23A	09/16/97
28	05/30/97	08/29/97	PRINCETON OAKS	74A	09/16/97
29	06/25/97	08/25/97	SADDLE TREE	23A	09/16/97
30	09/10/97	09/12/97	LENOX PARK	102A	09/17/97
31	09/04/97	09/05/97	DEER VALLEY	76E	09/18/97
32	09/10/97	09/12/97	LENOX PARK	98A	09/18/97
33	09/04/97	09/12/97	LENOX PARK	99A	09/18/97
34	09/10/97	09/12/97	LENOX PARK	150A	09/18/97
35	09/10/97	09/12/97	LENOX PARK	151A	09/18/97
36	09/17/97	09/17/97	BROGDON ROAD - 355	STE 101	09/19/97
37	09/17/97	09/17/97	BROGDON ROAD - 355	STE 102	09/19/97
38	09/12/97	09/16/97	LENOX PARK	22A	09/19/97
39	09/10/97	09/12/97	LENOX PARK	101A	09/19/97
40	09/10/97	09/12/97	LENOX PARK	103A	09/19/97
41	09/11/97	09/12/97	LEXINGTON MANOR	18A	09/19/97
42	06/27/97	09/03/97	HIDDEN BRANCH ESTATES	5B	09/23/97
43	07/03/97	09/16/97	ASCOT	116A	09/24/97
44	07/03/97	09/16/97	ASCOT	117A	09/24/97
45	07/03/97	09/16/97	ASCOT	118A	09/24/97
46	07/03/97	09/16/97	ASCOT	119A	09/24/97
47	06/19/97	09/16/97	ASCOT	31C	09/24/97

ADMINISTRATIVE REPORT

PLANNING & DEVELOPMENT, BUILDING INSPECTIONS DEPARTMENT

SEPTEMBER 1997

PRINTED: 9-3-97

Kimberly B. Landers

PERMITS ISSUED DURING THE PERIOD 09/01/97 THROUGH 09/30/97

THIS REPORT WAS PRINTED ON OCTOBER 7, 1997

CITY OF SUGAR HILL

PERMIT TYPE AND DESCRIPTION	# OF PERMITS	VALUATION	FEES DUE	FEES PAID
AD - ADDITION/GARAGE PERMIT	5	40,000.00	1,695.55	1,695.55
AV - ADMINISTRATIVE VARIANCE	6	0.00	900.00	900.00
AX - ANNEXATION APPLICATION	1	0.00	350.00	350.00
CC - CITIZENS COMPLAINTS	2	0.00	0.00	0.00
CM - COMMERCIAL PERMIT	1	60,000.00	1,540.00	1,540.00
CT - CONSTRUCT/SALES/TEMPORARY USE	2	0.00	200.00	200.00
DP - DEVELOPMENT PERMIT	3	0.00	6,030.00	6,030.00
EL - ELECTRICAL AFFADAVIT	44	0.00	0.00	0.00
GP - GRADING PERMIT	1	0.00	250.00	250.00
ME - HEATING/AIR AFFADAVIT	40	0.00	0.00	0.00
MH - MOBILE HOME INSTALLER AFFIDAVIT	2	0.00	0.00	0.00
MI - MISCELLANEOUS-COMPLIANCE PERMIT	9	0.00	294.00	294.00
MN - MOBILE HOME INSPECTION NEW	2	0.00	200.00	200.00
PL - PLUMBING AFFADAVIT	36	0.00	0.00	0.00
RF - REVIEW FEES	1	0.00	500.00	500.00
RM - REMODELING PERMIT	1	0.00	865.00	865.00
RZ - REZONING APPLICATION	1	0.00	350.00	350.00
SF - SINGLE FAMILY RESIDENTIAL	35	2,483,300.00	22,550.40	22,550.40
SP - SIGN PERMIT	1	0.00	25.00	25.00
TL - TRADE LICENSE REGISTRATION	13	0.00	120.00	120.00
TP - TAP & METER PAYMENTS	38	0.00	10,545.00	10,545.00
APPEALS VARIANCE	1	0.00	0.00	0.00
TOTALS FOR ALL PERMIT TYPES	245	2,583,300.00	46,414.95	46,414.95

BASE FEE TRANSACTION SUMMARY DURING THE PERIOD 09/01/97 THROUGH 09/30/97

THIS REPORT WAS PRINTED ON OCTOBER 7, 1997

CITY OF SUGAR HILL

TRANS. DATE	#	RESIDENTIAL 1000-0001	COMMERCIAL 1000-0002	MISCELLANEOUS 1000-0003	MOBILE HOMES 1000-0004	DEVELOPMENT 1000-0005	GAS 1000-0006	WATER 1000-0007	SEWER 1000-0008
09/02/97	1	25.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
09/04/97	5	25.00	0.00	0.00	0.00	0.00	1140.00	0.00	0.00
09/05/97	11	2842.60	0.00	0.00	0.00	0.00	3135.00	0.00	0.00
09/08/97	5	55.00	0.00	0.00	0.00	4460.00	570.00	0.00	0.00
09/09/97	1	0.00	0.00	10.00	0.00	0.00	0.00	0.00	0.00
09/10/97	29	4524.40	0.00	10.00	0.00	0.00	7125.00	0.00	0.00
09/11/97	3	25.00	0.00	0.00	100.00	0.00	0.00	0.00	0.00
09/12/97	10	1446.20	0.00	10.00	100.00	950.00	570.00	0.00	0.00
09/15/97	6	537.40	865.00	10.00	0.00	0.00	1140.00	0.00	0.00
09/16/97	1	0.00	0.00	0.00	0.00	250.00	0.00	0.00	0.00
09/17/97	3	0.00	1540.00	10.00	0.00	620.00	0.00	0.00	0.00
09/19/97	3	100.00	0.00	10.00	0.00	0.00	0.00	0.00	0.00
09/22/97	3	500.00	0.00	20.00	0.00	0.00	0.00	0.00	0.00
09/23/97	18	4874.55	0.00	0.00	0.00	0.00	3705.00	0.00	0.00
09/24/97	6	29.00	1165.00	10.00	100.00	0.00	570.00	0.00	0.00
09/25/97	9	0.00	0.00	10.00	0.00	0.00	2280.00	0.00	0.00
09/26/97	2	306.80	0.00	0.00	100.00	0.00	285.00	0.00	0.00
09/29/97	2	234.00	0.00	10.00	0.00	0.00	0.00	0.00	0.00
09/30/97	1	0.00	0.00	10.00	0.00	0.00	0.00	0.00	0.00
.S	119	15524.95	3570.00	120.00	400.00	6280.00	20520.00	0.00	0.00

Non-Existing Categories	0.00
Current Categories	46414.95
Grand Total	46414.95

1995 - 1997
COMMERCIAL PROJECT
LIST

PROJECT NAME	ADDRESS	ANNEXED	REZONED	CHANGE FROM	CHANGE TO	DEVELOP PERMIT	BLDG. PERMIT	NEW REMODEL PERMIT	ADDITION PERMIT	CERTIFICATE OF OCCUPANCY
GOLF COURSE CLUBHOUSE	6094 SUWANEE DAM ROAD						04-04-95			03-02-96
SONNY SMITH TRUCKING	663 BUFORD HIGHWAY					08-15-95	08-17-95			09-19-96
FREDRICK EQUIPMENT BLDG.	N.G. CENTER BLDG 4 SUITE D					08-25-95	08-25-95			03-02-96
GWINNETT GASTROENTEROLOGY	4700 HIGHWAY 20							9/5/95		01-29-96
BLOCKBUSTER VIDEO	1496 BUFORD HIGHWAY					09-18-95	09-18-95			01-29-96
S.H. UNIT. METH CHURCH-GYM	4660 HIGHWAY 20					09-27-95	10-17-95			3/27/96
N.G. DENTAL CARE	4901 ALTON TUCKER BLVD.							12/8/95		04-12-96
DR. MICHAEL PHELAN	4530 NELSON BROGDON BLVD.					01-02-96	01-03-96			12-06-96
MEMORIES OF A LIFETIME	4450 HIGHWAY 20 SUITE							1/5/96		01-26-96
CITIZENS BANK	4460 HIGHWAY 20 SUITE							1/19/96		08-14-96
S.H. STATION SHELL ADDITION	1498 BUFORD HIGHWAY						02-06-96			01-29-96
INCHAPE TESTING SERVICES	1180 BUFORD HIGHWAY					01-11-96	02-27-96			03-29-96
COLONIAL LIGHTING	120 P'TREE IND. BLVD.		12-11-95	HM-1	BG	02-07-96	03-11-96			07-03-96
JOHNSON REALTY	4460 HIGHWAY 20 SUITE						03-18-96			04-12-96
PAPA JOHN'S	1498 BUFORD HIGHWAY SUITE B							4/9/96		07-03-96
FABRIC CARE DRY CLEANERS	1498 BUFORD HIGHWAY SUITE A							4/30/96		08-28-96
MAIL BOXES ETC.	1498 BUFORD HIGHWAY SUITE C						10-04-96			01-18-97
CAR CARE AMERICIA	07-253-013 A PORTION OF		08-10-96	HM-1	BG	09-24-96	09-25-96			12-06-97
SHONEY'S	4500 HIGHWAY 20							6/6/96		08-14-96
G.A. EXPO INC.	350 BUFORD HIGHWAY						07-11-96			
JACKSON SERVICES	4614 PINECREST DRIVE					07-18-96	08-15-96			4/14/97
AAMCO PAVING	355 BROGDON ROAD		10-09-95	HM-1	HM-2	RECINDED 7-11-96				VOID
AAMCO PAVING	385 BROGDON ROAD					11-01-96	12-18-96			6/19/97
AAMCO PAVING MNT. BLDG.	385 BROGDON ROAD					11-01-96	12-02-96			6/19/97
BRICKTON PARTNERS	4705 HIGHWAY 20					06-12-96	08-13-96 CT			EXP 02-13-97
ONEX DEVELOPMENT- REDCO	5000 HIGHWAY 20					06-20-96	5/19/97			
ONEX DEVELOPMENT - MR. TRANS	5042 HIGHWAY 20					4/14/97	5/19/97			
BUFORD PRESBYTARIAN CHURCH	1242 BUFORD HIGHWAY					08-06-96				
M.P. EQUIPMENT	380 BUFORD HIGHWAY									
NEW TRI-COUNTY MEDICAL BLDG	4720 NELSON BROGDON BLVD					11-21-96	12-06-96			6-19-97 TEMP
GREAT BEGINNINGS DAY CARE	1191 LEVEL CREEK ROAD					3/19/97	3/19/97			
THE SAXON GROUP INC.	249 NORTH PRICE ROAD		2/10/97	RS-100	BG			2/13/97		2-24-97 TEMP
BROGDON ROAD ASSOCIATES	355 BROGDON ROAD					3/6/97	7/1/97			
KSM CONSTRUCTION INC.	4200 JENKINS DRIVE					6/11/97	6/11/97			
J & K PLUMBING	4220 JENKINS DRIVE					6/26/97	6/26/97			
JSA & ASSOCIATES	165 PEACHTREE IND. BLVD.					9/17/97	9/17/97			

Printed By: Kim Landa UPDATED: 10-08-97

1997 PLANNING AND DEVELOPMENT MONTHLY REPORT

PERMIT TYPES	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEPT	OCT	NOV	DEC	YTD TOTAL
AD - ADDITION/GARAGE PERMITS	1	0	0	2	1	1	1	0	5				11
CC- CITIZENS COMPLAINTS NEW JUL							10	21	2				
CM - COMMERCIAL	2	0	1	1	3	2	1	0	1				11
CT - CONSTRUCTION/SALES TRAILER	2	1	6	1	1	1	1	1	2				16
DL - DEMOLITION	1	0	0	0	1	1	0	0	0				3
DP - DEVELOPMENT PERMIT	1	0	2	2	12	2	1	0	3				23
FP - FENCE	2	2	4	7	8	0	5	4	0				32
GP - GRADING PERMIT	0	0	0	1	0	0	2	0	1				4
MI - MISCELLANEOUS/COMPLIANCE	10	8	6	4	2	5	6	10	9				60
MN - NEW MOBILE HOME	3	1	1	1	0	2	1	1	2				12
PP - POOL PERMIT	0	0	2	0	2	0	1	0	0				5
RF - REVIEW FEES	0	2	2	1	2	1	2	1	1				12
RM - REMODELING PERMITS	1	1	1	2	2	2	2	1	1				13
SB - STORAGE BUILDING	3	0	4	1	1	0	1	1	0				11
SF - SINGLE FAMILY	25	37	24	20	33	51	14	29	35				268
SP - SIGN PERMIT	3	4	3	1	0	6	4	1	1				23
AV - ADMINISTRATIVE VARIANCE	0	12	0	3	4	3	1	11	6				40
VA - APPEALS VARIANCE	4	0	1	1	4	1	1	3	1				16
AX - ANNEXATION APPLICATIONS	1	0	0	0	0	1	0	0	1				3
RZ - REZONING APPLICATIONS	1	1	1	2	0	2	0	1	0				8
CERTIFICATES OF OCCUPANCY	15	22	25	34	45	17	33	35	23				249
GAS TAPS ISSUED	36	61	40	26	62	65	32	41	72				435
BUILDING INSPECTIONS	243	289	347	369	336	381	420	340	332				3057

PREPARED BY: KIM LANDERS PRINTED:10-08-97

SUBDIVISION LOT AVAILIBILITY LIST

Available Lots	Subdivision	Near What Major Street	Permits Issued	C.O.'s Issued	Lots Not Built On	City Gas
148	Abingdon Place	Whitehead Road	134	113	14	X
134	Arbor Clos	Highway 20	123	92	11	X
25	Bellmont Estates	Price Drive/Suwanee Dam Road				X
112	Bent Creek	Level Creek Road	110	110	2	X
7	Brandon Oaks	Austin Garner Road	6	6	1	
26	Brookside at Parkview	Parkview Mine Drive	26	26	0	X
39	Emerald Lakes IV	Cumming Highway	39	36	0	X
471	Wild Timber	Cumming Highway/MECA				
73	Hillcrest Glenn	Hillcrest Drive	70	45	3	X
131	Lakefield Forest	Level Creek Road	130	130	1	X
174	Princeton Oaks	Riverside Road	155	133	19	X
81	Richland Creek	Sycamore Road	31	27	50	X
106	Saddle Tree	Suwanee Dam Road	69	54	37	X
116	Secret Cove	Old Suwanee Road	116	116	0	X
96	Sugar Crossing	Austin Garner Road	95	95	1	X
34	Sugar Hill Plantation	Old Cumming Highway	5	1	29	X
178	Sycamore Summit	Sycamore Road/Riverside Road	178	178	0	X
57	The Glens at Sugar Hill	Hillcrest Drive	11	2	46	X
14	The Lakes at Riverside	Riverside Road	14	13	0	
51	The Links	Suwanee Dam Road	16	9	35	
156	The Oaks at Lanier	Highway 20	150	138	6	X
88	The Springs I	Highway 20	88	69	0	X
50	West Price Hill	West Price Road	47	47	3	X

Printed By: Kim Landers UPDATED: 10-08-97

SUMMARY OF INSPECTIONS COMPLETED BY INSPECTOR ID DURING THE PERIOD 09/01/97 THROUGH 09/30/97

THIS REPORT WAS PRINTED ON OCTOBER 7, 1997

CITY OF SUGAR HILL

<< STATISTICAL BREAKOUT >>

	<---------- Inspections ---------->			<---------- Re-Inspections ---------->			Based On # Activities
# ACTIVITIES	INSPECTIONS (I)	PASSED	CORRECTIONS	RE-INSPECTIONS (R)	PASSED	CORRECTIONS	RE-INSPECTIONS REQUIRED
332	260	181	78	72	62	9	87
	% INSPECTIONS	% PASSED	% CORRECTIONS	% RE-INSPECTIONS	% PASSED	% CORRECTIONS	% RE-INSPECT. REQUIRED
	78	70	30	22	86	13	26

INSPECTOR ID BREAKDOWN

TONY - Building Inspections -149
JOE - Building Inspection - 155
DONNA - Building Inspections - 3
Ellis Lamme' - Development Inspections - 25

TOTAL INSPECTIONS 340

APPEALS BOARD MEETING
MONDAY, SEPTEMBER 22, 1997 - 7:00 P.M.

M I N U T E S

The Appeals Board met on Monday, September 22, 1997 at 7:00 p.m.

Those present were: Chairman Ed Phillips, Board Members George Crimmins, and Olin Holly, Administrative Assistant Kim Landers, Acting Planning Director Don McFarland, and Ellis Lamme, Citizens and Guests. Absent Board Member Ben Gravitt and Bill Parker.

Meeting called to order at 7:05 p.m.

Chairman Ed Phillips led in the Pledge to the flag.

READING AND APPROVAL OF PREVIOUS MINUTES

Board Member George Crimmins made a motion to approve the August 25, 1997 minutes, seconded by Board Member Olin Holly, and approved unanimously by those present.

VARIANCE REQUEST

VARIANCE # 97-01557 ALAN DENSMORE INC is requesting a variance to allow for crusher run parking lot surface for his track equipment for the property located at 734 Brogdon Road. Alan Densmore presented his request to the members of the board. Discussion held on this issue. **Board Member George Crimmins made a motion to grant this variance request to allow crusher run parking for the track equipment only, seconded by Board Member Olin Holly, and approved unanimously by those present.**

VARIANCE # 97-01604 THE LINKS HOMEOWNERS ASSOCIATION is requesting a variance to reduce the front set back 20' and the side set back 5' at 620 Links View Drive in The Links Subdivision for the purpose of adding a Tennis Court for this lot set aside by the Developer for the Recreational Area. Resident of The Links Subdivision, Bill Eddy presented this request to the Board. Mr. Eddy stated that this was community property owned by The Links Homeowners Association to be used for the purpose of utilizing this area as the Recreational Area. Mr. Eddy stated that by granting this request it would help enhance the entrance of the subdivision, and it would provide more distance between the Tennis Court and the home on Suwanee Dam Road. This request would also allow them to save a couple 100+/- year old Oak Trees. Mr. Eddy stated that this wouldn't have any adverse affect on any of the Homeowners in subdivision nor for the property located off Suwanee Dam Road. Developer Joe Nodvin stated that there would be a total of 42 homes in the Subdivision when built out. Chairman Ed Phillips asked if there would be adequate parking. Mr. Eddy stated that he and Mr. Nodvin had been working with Mr. McFarland to make sure they are following the proper guidelines. **Board Member Olin Holly made a motion to grant the variance request to reduce the front set back 20' and the side set back 5' for the property located at 620 Links View Drive, seconded by Board Member George Crimmins, and approved unanimously by those present.**

VARIANCE # 97-01646 JSA & ASSOCIATES INC. is requesting a variance to allow for a buffer reduction from 70' to 20' for the side yard property line located at Tax Parcel ID: 7-254-044 & 7-254-025 located off Brogdon Road which is adjacent to the church property. Cliff Sandoz owner and developer of this project presented his request to the members of the board. Mr. Sandoz stated with the terrain of the land this buffer reduction would allow more buildable space for the lots in this area to be developed as industrial. Mr. Sandoz

stated that he would be planting a row of trees across the back of these lots which will be in line with the landscaping that is currently at the Church property. Board Member **Olin Holly made a motion to grant the buffer reduction from 70' to 20', seconded by Board Member George Crimmins, and approved unanimously by those present.**

OTHER BUSINESS

Administrative Assistant Kim Landers stated that she thought there was an zoning error on the Official Zoning Map for the property at 5305 Highway 20 known as Sugar Hill Animal Hospital, because the property showed a LM zoning classification and old Official Maps showed a HSB zoning classification for this property and she couldn't find where it had officially been changed. Mrs. Landers stated that she asked Mr. McFarland about this and he suggested placing this on the agenda for a zoning clarification. Since this has been placed on the agenda Mrs. Landers has found where this property was rezoned in June of 1993 with a LM zoning classification for the purpose of having a veterinarian's office and that if they should move from the site the condition was placed upon the property that it go back to a HSB zoning classification. Staff has taken care of this clarification.

CITIZEN COMMENTS

BOARD MEMBER COMMENTS

ADJOURNMENT

Chairman Ed Phillips made a motion to adjourn, seconded by Board Member George Crimmins, and approved unanimously by those present.

Meeting adjourned at 7:24 p.m.

H. E. (ED) ENTREKIN
4585 FOREST GREEN DRIVE
SUGAR HILL, GA. 30518

Sept. 15, 1997

HONORABLE MAYOR AND CITY COUNCIL
CITY OF SUGAR HILL, GEORGIA
4988 West Broad Street
Sugar Hill, Georgia 30518

Gentlemen:

This is to confirm a conversation between myself and the City Manager on Wednesday, 9/10/97 regarding my eligibility to continue in my position on the Planning and Zoning Board, should I choose to run for a Council position in the upcoming election. Mr. Nevad advised, after conferring with Legal Council, that the law was not clear with regard to an appointed Board member. However, I expressed that since it was not clear, I would resign my position.

I appreciate the confidence and support that City Council has given me and intend to continue working with and for the city.

H. E. (ED) ENTREKIN

H. E. Entrekin

c.c. Mr. Warren Nevad
City Clerk
P&Z Board

DISCUSSION OF ATTENDANCE OF APPEALS BOARD MEMBER BEN GRAVITT

THOMPSON & SWEENY, P.C.
Law Offices

V. LEE THOMPSON, JR.
VICTORIA SWEENY
MELANIE D. WILLIAMS
PAUL E. ANDREW
JORGIA C. NORTHRUP

Longleaf Commons
690 Longleaf Drive, Lawrenceville, GA 30245
Telephone: 770/963-1997
Telephone Copier: 770/822-2913

Mailing Address
P.O. Drawer 1250
Lawrenceville, Georgia 30246

Motion - Sanders
2nd - Pugh
5 - 0

MEMORANDUM

TO: Mayor and Council
City of Sugar Hill

FROM: V. Lee Thompson, Jr. VLT

DATE: September 5, 1997

Attached is a proposed resolution abandoning an unnamed street. This action has been requested by W.J. Dodd in conjunction with the Robinson family. Based on my research, it appears that this street was shown on an old subdivision plat but never actually developed as a public street, however, it appears that the City made a motion in the early seventies to grant Gwinnett County an easement for placement of a 48 inch water main along this street if the property constituted a public street.

The resolution attached closes and abandons the street to the extent a public street exists in this location. The resolution also provides that any easements granted to Gwinnett County or other entities will remain in effect and will not be extinguished by this abandonment by the City. The deeds which would be drafted to the property owners would contain similar language.

Both Mr. Dodd and a representative of the Robinson family have been advised that this matter will appear on the agenda Monday, September 8, 1997.

VLT/pbd

RESOLUTION OF ABANDONMENT OF MUNICIPAL STREET

WHEREAS, the Mayor and Council of the City of Sugar Hill have determined that an unnamed street from the intersection of that street with Highway 20 to the dead end of the street has ceased to be used by the public to such an extent that no substantial public purpose is accomplished by leaving the street as part of the municipal street system; and

WHEREAS, the Mayor and Council of the City of Sugar Hill have determined that the abandonment and closing of the unnamed street as shown on the plat which is attached hereto as Exhibit "A" is in the best interest of the citizens of the City of Sugar Hill; the Council of the City of Sugar Hill hereby ordains that the unnamed street as shown on Exhibit "A" which is attached hereto and incorporated herein by reference is hereby declared to be closed and abandoned as a part of the municipal streets system of the City of Sugar Hill. This action is taken pursuant to O.C.G.A. §32-7-2 following proper notice to all property owners located on the portions of the municipal streets system closed and abandoned by this action. This abandonment is subject to any and all previous utility easements conveyed to Gwinnett County or any other public or private entity or franchise holder and the easements or other property rights previously conveyed shall not be extinguished or altered by this action.

The Council further authorizes the Mayor and the City Clerk to take such action and execute such documents as are necessary to dispose of the abandoned property in accordance with the laws of the State of Georgia. Any deed disposing of said property shall contain a provision that the transfer is subject to all existing easements.

IT IS SO ORDAINED this _____ day of _____, 1997.

_____
Councilmember

_____
Councilmember

_____
Councilmember

_____
Councilmember

_____
Councilmember

(Signatures Continued on Next Page)

Submitted to Mayor: _____
Received from Mayor: _____

_____
Mayor

ATTEST:

_____
City Clerk

MH
RS-100
BG
LM
HM-1
HSB
HIGHWAY
STATE (CUMMING)
BROADWAY
TUCKER BLVD.
ALTON
PEACHTREE
STREET
NO. 20
ST. HWY. (CONN.)

ORDINANCE

The Council of the City of Sugar Hill Hereby Ordains that the Code of the City of Sugar Hill, Georgia is hereby amended by deleting Section 12-95 (2) it its entirety and replacing said section with the following section:

Davis - Motion
Bailey - 2nd
5-0

(2) Radios, televisions, musical instruments and similar devices.

a. The using, operating or permitting to be played, used, or operated any radio receiving set, television, phonograph, musical instrument, stereo or other machine or device for the producing or reproducing of sound in such a manner as to disturb the peace, quiet, and comfort of the neighboring inhabitants or at any louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto. The operation of any such radio receiving set, television, phonograph, musical instrument, stereo, or other machine or device in such a manner as to be plainly audible at a distance of fifty (50) feet from the building, structure, or vehicle in which it is located shall be prima facie evidence of a violation of this section.

b. The operating or playing of any radio receiving set, television, phonograph, musical instrument, stereo or other such machine or device which produces or reproduces sound in such a manner as to exceed the levels set forth in Table 1 for the land use category.

c. The provisions of subparagraph b. shall be in addition to and cumulative to the prohibitions set forth in subparagraph a. and a violation of either subparagraph or both subparagraphs shall constitute a violation of this ordinance.

IT IS SO ORDAINED this ___ day of September, 1997.

_____
Council Member

_____
Council Member

_____
Council Member

(Signatures Continued On Next Page)

_____
Council Member

_____
Council Member

Submitted to Mayor:_____

Approved by Mayor, this ____ day of _____, 1997.

_____
Mayor

ATTEST: _____
City Clerk

Bailey - Motte
Davis - 2nd
Adopted

ORDINANCE

The Council of the City of Sugar Hill hereby ordains as follows:

WHEREAS, the Georgia Department of Natural Resources has adopted rules and regulations restricting the type of open burning allowed within Gwinnett County and the City of Sugar Hill to protect the air quality in the metropolitan Atlanta area; and

WHEREAS, the Georgia Department of Natural Resources prohibits additional types of open burning during the summer months; and

WHEREAS, the Mayor and County of the City of Sugar Hill have determined that the prohibition of certain types of open burning on a year round basis would improve the air quality within the City of Sugar Hill and promote the health, safety, convenience, order, prosperity and general welfare of the present and future inhabitants of the City of Sugar Hill;

IT IS HEREBY ORDAINED as follows:

1. No person shall cause, suffer, allow, or permit open burning in any area located within the corporate boundaries of the City of Sugar Hill, Georgia at any time except as follows:

a. The burning is for the purpose of carrying out recognized agricultural procedures necessary for production or harvesting of crops;

b. The burning is for recreational purposes or the cooking of food for the immediate human consumption;

c. The fire is set for the purpose of training fire fighting personnel and has been authorized by the appropriate government entity and the guidelines set by the Georgia Department of Natural Resources and other appropriate government agencies are strictly observed;

d. The fire is in connection with the operation of devices using open flames such as tar kettles, blow torches, welding torches, portable heaters and other flame making equipment;

e. The fire is a small fire established and maintained by a contractor or tradesman which is necessary for activities such as street paving work or installation or repair of utilities. All such fires shall be kept small in size, shall produce no smoke emissions exceeding 40 percent opacity and shall comply with all other regulations which may prohibit or regulate all such activities;

e. The fire is for the disposal of packaging materials previously containing explosives and is used in accordance with U.S. Department of Labor Safety Regulations.

2. This ordinance may be enforced by the City Manager and the City Manager's designees including, but not limited to, the staff of the Planning and Development Department. In addition, the fire marshall's office and personnel of the Gwinnett County Department of Fire and Emergency Services will have the authority to summarily abate any conditions which are in violation of any other provisions of this ordinance and which may constitute an immediate threat to life or property.

3. Any one violating the provisions of this ordinance shall be subject to a fine not to exceed $500.00 and/or imprisonment for a period not to exceed thirty (30) days. Each day a violation continues shall be considered a separate offense.

IT IS SO ORDAINED THIS _____ day of _____, 1997.

_____
Council Member

_____
Council Member

_____
Council Member

_____
Council Member

_____
Council Member

Attest:_____
City Clerk

Submitted to Mayor: _____
Approved by Mayor, this _____ day of _____, 1997.

_____
Mayor

McFarland • Dyer & Associates, Inc.

Bailey - Motion
Prudent 2nd
5-0

September 3, 1997

Mr. Warren Nevad, City Manager
Mayor & Council
City of Sugar Hill
4988 West Broad Street
Sugar Hill, Georgia 30518

RE: Hessie Lane
Bids for Drainage Improvements Construction

Dear Warren, Mayor & Council:

The Hessie Lane Drainage project bid opening took place at Sugar Hill on 8/26/97. Bids were received until 2:50 p.m. and bids were opened at 3:00 p.m.

In attendance were:	Phyllis Lamme	McFarland Dyer & Associates
	Teresa Massingill	McFarland Dyer & Associates
	Ruth Switzer	City of Sugar Hill
	Mike Salvo	Georgia Sicilian Enterprises
	Gregg Coots	Wade Coots Co., Inc.

Two (2) bids were submitted and read aloud:

Georgia Sicilian Enterprise, Inc.	**$ 99,000.00 base bid**
	$ 31,700.00 alternate No. 1
Wade Coots Company, Inc.	**$ 275,365.00 base bid**
	$ 67,800.00 alternate No. 1

As we discussed, CDBG funds available for this project total $ 91,190.50. Both bids received are over the CDBG funds available for construction.

Land Planning • Landscape Architecture • Civil Engineering
3550 Lawrenceville-Suwanee Road • Suite 102 • Suwanee, Georgia 30174
Phone: (770) 932-6550 • Fax (770) 932-6551

I spoke with Tony Lowe-Gwinnett County Community Development Block Grant Program, and the City has the following choices concerning this bid.

1. The City can accept the bid and pay the difference between the CDBG funds and the bid amount out of City Funds.
2. The City can throw out the bids, revise the plans, and rebid the project.

As I mentioned earlier today, we have not completed our bid evaluation process as of this date. We are awaiting unit prices on the bids(which was a condition of the bid) and are still looking over the contract forms submitted from the bidders to be sure everything is in order.

I will forward additional information before your council meeting on Monday night. If there are any questions, please call.

Sincerely,
McFarland-Dyer & Associates, Inc.

Phyllis Lamme

Phyllis Lamme
Principal
pal/pal
enclosure: bids

McFarland • Dyer
& Associates, Inc.

September 16, 1997

Mr. Warren Nevad
City of Sugar Hill
4988 West Broad Street
Sugar Hill, Georgia 30518

RE: Evaluation of Bids
CDBG Drainage Project
Hessie Lane

Dear Mr. Nevad:

As City Engineers, we have review and evaluated the bids received on 8/26/97 for the above referenced project. The following bids were submitted (listed from highest to lowest bid amount):

Contractor	Lump Sum Bid Amount Phase 1 & 2	Bid Bond	Received Addendum #1 & #2
Wade Coots Company, Inc. 298 Six Flags Parkway Austell, Georgia 30168 770-819-0601	$ 275,365.00	yes	yes
Georgia Sicilian Enterprise, Inc. 2635 Kingsbrooke Lane, N.W. Duluth, Georgia 30097 770-623-8075	$ 99,000.00	yes	yes

We have requested, received and reviewed a schedule of values for each bidder. We have reviewed their bid documents and find that they are responsive to the requirements associated with this project.

As we discussed, CDBG funds available for this project total $91,190.50. Both bids received are over the CDBG funds available for the construction. The City has the following choices concerning this bid.

1. The City can accept the apparent low bidder (Georgia Sicilian) and pay the difference between the CDBG funds and the bid amount out of City Funds, or
2. The City can throw the bids out, revise the plans, and rebid the project.

We have completed our bid evaluation process at this time, if you require additional information before your Council meeting regarding this bid, please call. We will notify the bidders when a decision has been made.

Sincerely,
McFarland - Dyer & Associates, Inc.

Phyllis A. Lamme

Phyllis A. Lamme
Principal
PAL/pal
enclosures: Bid Information
cc: Tony Lowe
Gwinnett County
Community Development Block Grant Program

CITY OF SUWANEE

P.O. BOX 58
323 U.S. Hwy. 23

SUWANEE, GEORGIA 30174
PHONE (404) 945-8996

September 8, 1997

Mayor Gary L. Webster
City of Sugar Hill
4988 West Broad Street
Sugar Hill, GA 30518

Dear Mayor Webster:

On behalf of the citizens of the City of Suwanee, I would like to express several concerns about the proposed dry cement distribution facility on Buford Highway in Sugar Hill just north of the Suwanee City Limits. Presently, our major concerns are potential for increased noise, negative visual impact of silos, potential dust pollution, and additional heavy truck traffic on busy roadways.

Our City Administrator, Hardin Watkins, met with your City Manager, Warren Nevad, last week in order to gather information about the proposed project. We appreciate your City's efforts to share information about this potential new development. However, we still have some lingering questions and concerns about the proposed facility and we plan on attending the Sugar Hill Planning Commission Meeting on September 15, 1997 and the Sugar Hill City Council Meeting on October 13, 1997 in order to learn more about the proposal and to ask questions on behalf of the citizens of Suwanee.

Our more detailed technical questions such as "Who is the special use permit applicant?" and "What are the air quality regulations and permit process requirements?" may be answered prior to the September 15, 1997 meeting. If you can be of any assistance in answering these questions, please let us know prior to the meeting.

The City of Suwanee will continue to stay abreast of the latest information and details concerning the proposed dry cement distribution facility. We would greatly appreciate you keeping us informed of any new information as it becomes available. Thank you for your thoughtful consideration of our concerns.

Sincerely,

Richard A. Trice
Mayor

cc: Warren Nevad, Sugar Hill City Manager
Sugar Hill City Council Members
Sugar Hill Planning Commission Members
Harry West, ARC
Beverly Rhea, ARC

CITY OF SUGAR HILL

PUBLIC COMMENTS

If you wish to speak, please complete comment sheet with the following information:

DATE: 9/15/97
NAME: Brent Eldred
ADDRESS: 15 Cherrystone

REGARD TO: Dry cement plant

Complete and give to Chairman or clerk before the meeting begins.

You have a time limit of 3 minutes to speak. Time limit will be strictly enforced so as to provide time for each person to speak. We also ask that issues/comments brought before the board not be duplicated in order to give everyone a chance to speak. Thank You!

CITY OF SUGAR HILL

PUBLIC COMMENTS

If you wish to speak, please complete comment sheet with the following information:

DATE: 9-15-97
NAME: Nancy Miller
ADDRESS: 4032 Treemont
Suwanee
REGARD TO: Medussa site.

Complete and give to Chairman or clerk before the meeting begins.

You have a time limit of 3 minutes to speak. Time limit will be strictly enforced so as to provide time for each person to speak. We also ask that issues/comments brought before the board not be duplicated in order to give everyone a chance to speak. Thank You!

CITY OF SUGAR HILL

PUBLIC COMMENTS

If you wish to speak, please complete comment sheet with the following information:

DATE: SEPTEMBER 15, 1997
NAME: GEORGE R WELLINGTON
ADDRESS: 150 RUBY FOREST PARKWAY
SUWANEE, GA
REGARD TO: SPECIAL USE PERMIT

Complete and give to Chairman or clerk before the meeting begins.

You have a time limit of 3 minutes to speak. Time limit will be strictly enforced so as to provide time for each person to speak. We also ask that issues/comments brought before the board not be duplicated in order to give everyone a chance to speak. Thank You!

CITY OF SUGAR HILL

PUBLIC COMMENTS

If you wish to speak, please complete comment sheet with the following information:

DATE: 9-15-97
NAME: Grady Howington
ADDRESS: 889 Buford Hwy

REGARD TO: Concrete Plant

Complete and give to Chairman or clerk before the meeting begins.

You have a time limit of 3 minutes to speak. Time limit will be strictly enforced so as to provide time for each person to speak. We also ask that issues/comments brought before the board not be duplicated in order to give everyone a chance to speak. Thank You!

CITY OF SUGAR HILL

PUBLIC COMMENTS

If you wish to speak, please complete comment sheet with the following information:

DATE: 9/15/97
NAME: STEVE FARMER
ADDRESS: 150 ROBERTS ROAD
SUWANEE
REGARD TO: SPECIAL USE PERMIT
SUP-97-001 MAP# 7-254-011
Railroad access grading & 130 Foot height

Complete and give to Chairman or clerk before the meeting begins.

You have a time limit of 3 minutes to speak. Time limit will be strictly enforced so as to provide time for each person to speak. We also ask that issues/comments brought before the board not be duplicated in order to give everyone a chance to speak. Thank You!

CITY OF SUGAR HILL

PUBLIC COMMENTS

If you wish to speak, please complete comment sheet with the following information:

DATE: 9/15/97
NAME: Linda Webster
ADDRESS: 3845 Cherry Ridge Walk
Suwanee, GA. 30024
REGARD TO: ~~Letter~~ SUP 97-001

Complete and give to Chairman or clerk before the meeting begins.

You have a time limit of 3 minutes to speak. Time limit will be strictly enforced so as to provide time for each person to speak. We also ask that issues/comments brought before the board not be duplicated in order to give everyone a chance to speak. Thank You!

CITY OF SUGAR HILL

PUBLIC COMMENTS

If you wish to speak, please complete comment sheet with the following information:

DATE: Sept 15
NAME: RUTH LOCKE
ADDRESS: 3983 ROSEWOOD VIEW DR
SUWANEE
REGARD TO: RV CEMENT FACILITY

Complete and give to Chairman or clerk before the meeting begins.

You have a time limit of 3 minutes to speak. Time limit will be strictly enforced so as to provide time for each person to speak. We also ask that issues/comments brought before the board not be duplicated in order to give everyone a chance to speak. Thank You!

CITY OF SUGAR HILL

PUBLIC COMMENTS

If you wish to speak, please complete comment sheet with the following information:

DATE: 9/15/97
NAME: Dan Doherty
ADDRESS: 3554 Treemont Lane
Suwanee GA 30174
REGARD TO: ~~City Council~~ - Special use Permit

Complete and give to Chairman or clerk before the meeting begins.

You have a time limit of 3 minutes to speak. Time limit will be strictly enforced so as to provide time for each person to speak. We also ask that issues/comments brought before the board not be duplicated in order to give everyone a chance to speak. Thank You!

CITY OF SUGAR HILL

PUBLIC COMMENTS

If you wish to speak, please complete comment sheet with the following information:

DATE: 9/15
NAME: BILL SYRETT
ADDRESS: 114 AZALEA CHASE DR
SUWANEE GA 30024
REGARD TO: CEMENT FACILITY

Complete and give to Chairman or clerk before the meeting begins.

You have a time limit of 3 minutes to speak. Time limit will be strictly enforced so as to provide time for each person to speak. We also ask that issues/comments brought before the board not be duplicated in order to give everyone a chance to speak. Thank You!

CITY OF SUGAR HILL

PUBLIC COMMENTS

If you wish to speak, please complete comment sheet with the following information:

DATE: 9/15/97

NAME: Richard Trice

ADDRESS: 5155 Meadowbrook Cir/c Sawanee

REGARD TO: Cement Facility

Complete and give to Chairman or clerk before the meeting begins.

You have a time limit of 3 minutes to speak. Time limit will be strictly enforced so as to provide time for each person to speak. We also ask that issues/comments brought before the board not be duplicated in order to give everyone a chance to speak. Thank You!

CITY OF SUGAR HILL

PUBLIC COMMENTS

If you wish to speak, please complete comment sheet with the following information:

DATE: 9/15/97
NAME: Rachel Buckner
ADDRESS: 159 Roberts
Suwanee, GA 30024
REGARD TO:
Dry Cement Facility

Complete and give to Chairman or clerk before the meeting begins.

You have a time limit of 3 minutes to speak. Time limit will be strictly enforced so as to provide time for each person to speak. We also ask that issues/comments brought before the board not be duplicated in order to give everyone a chance to speak. Thank You!

Dear Mayor and City County Officials,

As a concerned citizen for the continual development in the Ruby Forest Sub Division, I would like to voice the reasons why I oppose the potential Concrete facility being built across from us.

We recently moved from out of state to Georgia. Before coming we stated priorities for the counties which we would look at prospective homes.

We settled into Ruby Forest because of 1) Great Schools 2) Quality of life - it seemed that by going farther out we would be surrounded by natural settings and residential subdivisions.

This would cease to be

if the concrete facility were built where they intend - on Buford Hwy, across from our Subdivision.

This is a great disappointment as it is because. So many reasons will be void if this site is allowed.

1). Visually unappealing
2). Market Value of homes surrounding will decrease
3). Noise level increases
4). The peacefulness & natural beauty will be impaired
5). Increased traffic
6). Health issues

We hope that you can take serious reconsideration of this location. ~~They~~ There must be other sites being considered, without citizens in great objection to the plant being built. Sincerely,

Kim Hull

Atlanta Regional Commission
200 Northcreek, Suite 300
3715 Northside Parkway
Atlanta, Georgia 30327-2809

50 YEARS 1947-1997
of Regional Cooperation, Leadership & Planning

ARC

September 17, 1997

Honorable Gary L. Webster, Mayor
City of Sugar Hill
4988 West Broad Street
Sugar Hill GA 30518

RE: Development of Regional Impact - Medusa Dry Cement Storage and Distribution Facility

Dear Mayor Webster:

We appreciate your staff's submittal of the Medusa Dry Cement Storage and Distribution Facility for review. We have determined that this facility proposed on Buford Highway is a Development of Regional Impact (DRI) and we are initiating review. As a part of our review, we are notifying the following agencies to afford them an opportunity to comment on the proposal -- Gwinnett County, City of Suwanee, and Georgia Departments of Transportation, Community Affairs, and Natural Resources.

Enclosed is a copy of our preliminary report. We expect to complete our review not later than October 29, 1997. In the meantime, please feel free to call us if you have any questions at all about our review.

Sincerely,

Beverly Rhea

Beverly Rhea
Review Coordinator

Enclosure

c: Mr. Warren Nevad, City Manager
Ms. Kim Landers, City Planning
Mr. Don McFarland, Consultant

Facility: Medusa Dry Cement Storage & Distribution Facility
Preliminary Report: September 16, 1997
Final Report:

DEVELOPMENTS OF REGIONAL IMPACT

REVIEW REPORT

GENERAL

According to information on the review form or comments received from potentially affected governments:

Is the proposed project consistent with the host-local government's comprehensive plan? If not, identify inconsistencies.

Yes, according to information submitted with the review.

Is the proposed project consistent with any potentially affected local government's comprehensive plan? If not, identify inconsistencies.

To be determined in the review process. However, it is noted that the site is located very near both unincorporated Gwinnett County and the City of Suwanee.

Will the proposed project impact the implementation of any local government's short-term work program? If so, how?

To be determined in the review process.

Will the proposed project generate population and/or employment increases in the Region? If yes, what would be the major infrastructure and facilities improvements needed to support the increase?

The information submitted with the review indicates that 100 jobs will be created by the development.

What other major development projects are planned in the vicinity of the proposed project?

None in the immediate vicinity.

Will the proposed project displace housing units or community facilities? If yes, identify and give number of units, facilities, etc.

No.

Will the development cause a loss in jobs? If yes, how many.

No..

LOCATION

Where is the proposed project located within the host-local government's boundaries?

The site is located in southwest Sugar Hill between the Southern Railway and Buford Highway across from Ruby Forest Boulevard. 34 05'/84 03'.

Will the proposed project be located close to the host-local government's boundary with another local government? If yes, identify the other local government.

Yes. Gwinnett County and the City of Suwanee.

Will the proposed project be located close to land uses in other jurisdictions that would benefit or be negatively impacted by the project? Identify those land uses which would benefit and those which would be negatively affected and describe impacts.

To be determined in the review process.

ECONOMY OF THE REGION

According to information on the review form or comments received from potentially affected governments:

What new taxes will be generated by the proposed project?

According to information submitted $75,000 annual property tax.

How many short-term jobs will the development generate in the Region?

10.

Is the regional work force sufficient to fill the demand created by the proposed project?

Yes.

In what ways could the proposed development have a positive or negative impact on existing industry or business in the Region?

There is a shortage of concrete at this time in the Atlanta area and this will provide additional raw materials.

NATURAL RESOURCES

Will the proposed project be located in or near wetlands, groundwater recharge area, water supply watershed, protected river corridor or other environmentally sensitive area of the Region? If yes, identify those areas.

The site is located in the Chattahoochee River large (over 100 square miles) water supply watershed.

In what ways could the proposed project create impacts that would damage or help to preserve the resource?

To be determined.

HISTORIC RESOURCES

Will the proposed project be located near a national register site? If yes, identify site.

No.

In what ways could the proposed project create impacts that would damage the resource?

N/A.

In what ways could the proposed project have a positive influence on efforts to preserve or promote the historic resource?

N/A.

INFRASTRUCTURE
Transportation

How much traffic (both average daily and peak a.m./p.m.) will be generated by the proposed project?

Information submitted with the review indicates 20 trucks per day.

What are the existing traffic patterns and volumes on the local, county, state and interstate roads that serve the site?

To be determined.

What transportation improvements are under construction or planned for the Region that would affect or be affected by the proposed project? What is the status of those improvements (long or short range or other)?

To be determined.

Will the proposed project be located in a rapid transit station area? If yes, how will the proposed project enhance or be enhanced by the rapid transit system?

No.

Is the site served by transit? If so, describe type and level of service.

No.

Are there plans to provide or expand transit service in the vicinity of the proposed project?

No.

What transportation demand management strategies does the developer propose (carpool, flex-time, transit subsidy, etc.)?

None.

What is the cumulative trip generation of this and other DRI's or major developments? Is the transportation system (existing and planned) capable of accommodating these trips?

To be determined.

INFRASTRUCTURE
Wastewater and Sewage

How much wastewater and sewage will be generated by the proposed project?

Information submitted with the review indicates zero wastewater generation.

Which facility will treat wastewater from the project?

What is the current permitted capacity and average annual flow to this facility?

What other major developments will be served by the plant serving this project?

INFRASTRUCTURE
Water Supply and Treatment

How much water will the proposed project demand?

Information submitted with the review indicates zero water demand.

How will the proposed project's demand for water impact the water supply or treatment facilities of the jurisdiction providing the service?

INFRASTRUCTURE
Solid Waste

How much solid waste will be generated by the project? Where will this waste be disposed?

Less than one ton annually according to information submitted.

Other than adding to a serious regional solid waste disposal problem, will the project create any unusual waste handling or disposal problems?

No.

Are there any provisions for recycling this project's solid waste.

No.

INFRASTRUCTURE
Other facilities

According to information gained in the review process, will there be any unusual intergovernmental impacts on:

- Levels of governmental service?
- Administrative facilities?
- Schools?
- Libraries or cultural facilities?
- Fire, police, or EMS? To be determined.
- Other government facilities?
- Other community services/resources (day care, health care, low income, non-English speaking, elderly, etc.)?

HOUSING

Will the proposed project create a demand for additional housing?

No.

Will the proposed project provide housing opportunities close to existing employment centers?

No.

Is there housing accessible to the project in all price ranges demanded?

Yes.

Is it likely or unlikely that potential employees of the proposed project be able to find affordable* housing?

Likely.

* Defined as 30 percent of the income of a family making 80 percent of the median income of the Region. 1996 median family income of $52,100 for Atlanta MSA.

* 55 MPH SPEED LIMIT

BUFORD HWY.

SUWANEE CITY LIMITS LINE

FOREST

ROBERTS ROAD

RECREATION AREA

PARKWAY

CHASE

AZALEA

CHASE DRIVE

AZALEA CHASE POINT

DOGWOOD VIEW LN

DOGVIEW CT

FOREST BLVD

RUBY FOREST PARKWAY

RUBY DRIVE

LAKE

MAGNOLIA LN.

TERREMONT TRACE

CHERRY STONE CT.

CHERRY STONE WALK

CHERRY RIDGE WALK

CHERRY WALK

TERREMONT LANE

ROSEWOOD DRIVE

ROBERTS COVE TERR.

R-85

R-100

R-100

SUWANEE CITY LIMITS LINE

1688'

1576'

55.76 AC±

35AC±

LEGEND: NUMBER IN ( ) INDICATES ORIGINAL SUBDIVISION LOT NO - OPEN NUMBER INDICATES TAX MAP LOT NUMBER.
——— (DASHED LINE) IS ORIGINAL SUBDIVISION LOT LINE.
——— (SOLID LINE) IS LIMIT OF OWNERSHIP.

NOTE: THIS MAP WAS COMPILED FROM AN AERIAL SURVEY IT IS TO BE USED FOR TAX PURPOSES ONLY THE COUNTY AND/OR THE COMPANY ASSUMES NO RESPONSIBILITY FOR THE ACCURACY OF INFORMATION CONTAINED HEREIN.

(8) RUBY FOREST NO.5
(7) RUBY FOREST PH.2, NO.4
(6) RUBY FOREST PH. 2, NO.3
(5) RUBY FOREST PH.2, NO.2
(4) RUBY FOREST PH. 2, NO.1
(3) RUBY FOREST PH.1, NO.3
(2) RUBY FOREST PH-1 NO-2
(1) RUBY FOREST PH-1 NO-1

GWINNETT COUNTY, GEORGIA
MAP NO.
7-234

M-1 SPEED LIMIT SIGN HERE CHANGES TO 45 MPH

RUBY FOREST HERE

R-75

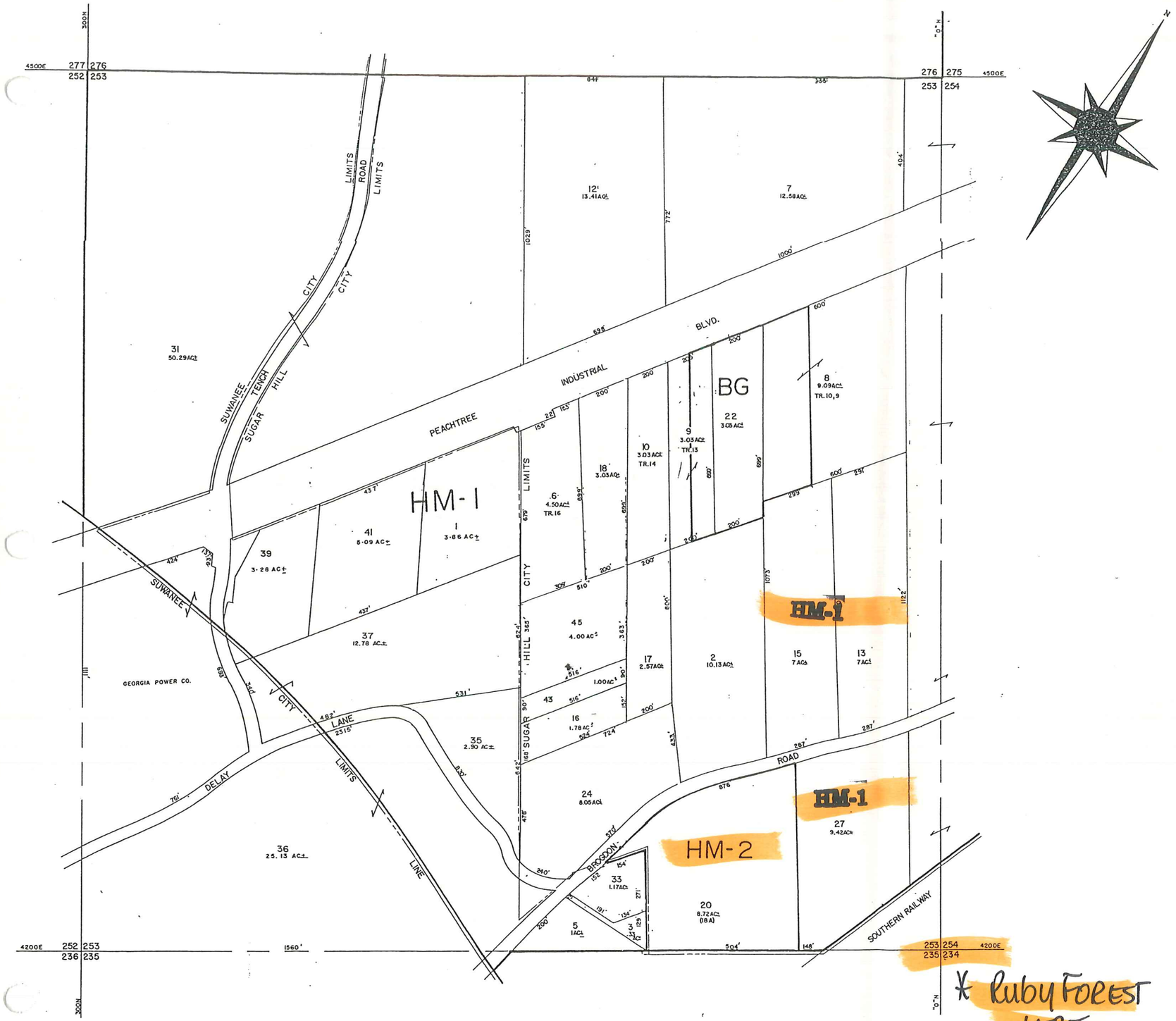
SUWANEE LAKE ESTATE SUBD.
DOLLAR ACRES SUBD. #2
GEORGE PIERCE SUBD.

LEGEND: NUMBER IN ( ) INDICATES ORIGINAL SUBDIVISION LOT NO.
OPEN NUMBER INDICATES TAX MAP LOT NUMBER
_ _ _ _ DASHED LINE IS ORIGINAL SUBDIVISION LOT LINE.
_____ SOLID LINE IS LIMIT OF OWNERSHIP.

NOTE:
THIS MAP WAS COMPILED FROM AN AERIAL SURVEY IT IS TO BE USED FOR TAX PURPOSES ONLY. THE COUNTY AND/OR THE COMPANY ASSUMES NO RESPONSIBILITY FOR THE ACCURACY OF INFORMATION CONTAINED HEREIN

ENLARGED 12-14-62

Gwinnett County, G
SHEET NO
7-235
DATE 12-14-62 SCALE 1



HM-1

HM-1

HM-2

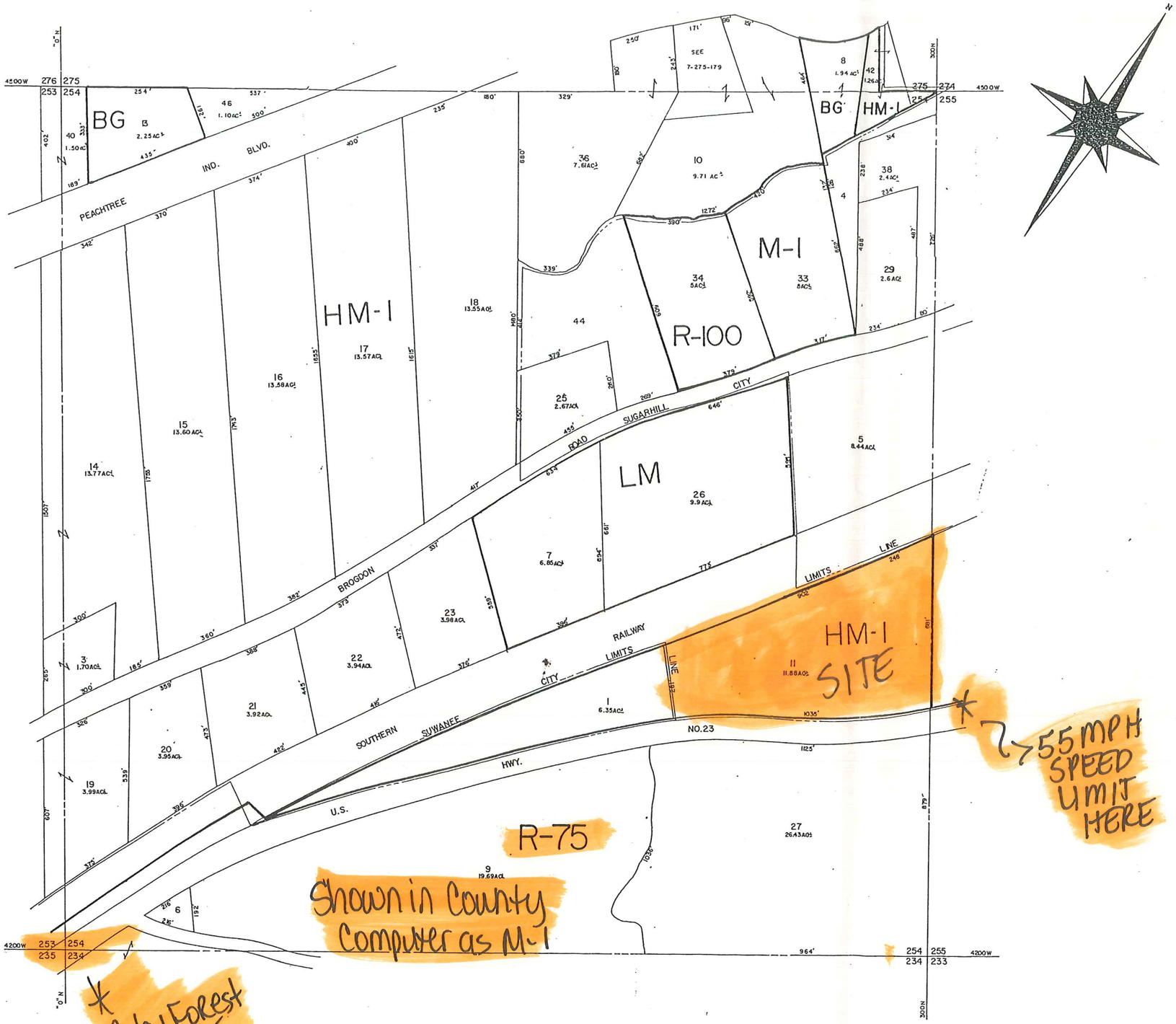
* Ruby Forest HERE

LEGEND: NUMBER IN ( ) INDICATES ORIGINAL SUBDIVISION LOT NO - OPEN NUMBER INDICATES TAX MAP LOT NUMBER.
——— (DARKNED LINE) IS ORIGINAL SUBDIVISION LOT LINE.
——— (SOLID LINE) IS LIMIT OF OWNERSHIP.

NOTE: THIS MAP WAS COMPILED FROM AN AERIAL SURVEY IT IS TO BE USED FOR TAX PURPOSES ONLY THE COUNTY AND/OR THE COMPANY ASSUMES NO RESPONSIBILITY FOR THE ACCURACY OF INFORMATION CONTAINED HEREIN.

GWINNETT COUNTY, GEORGIA

GWINNETT COUNTY, GE
MAP NO.
7-253
DATE: 1987
SCALE: 1" = 2



LEGEND: NUMBER IN ( ) INDICATES ORIGINAL SUBDIVISION LOT NO
OPEN NUMBER INDICATES TAX MAP LOT NUMBER.
(DASHED LINE) IS ORIGINAL SUBDIVISION LOT LINE.
(SOLID LINE) IS LIMIT OF OWNERSHIP.

NOTE:
THIS MAP WAS COMPILED FROM AN AERIAL SURVEY IT IS TO BE USED FOR TAX PURPOSES ONLY THE COUNTY AND/OR THE COMPANY ASSUMES NO RESPONSIBILITY FOR THE ACCURACY OF INFORMATION CONTAINED HEREIN.

GWINNETT COUNTY, GEORGIA

GWINNETT COUNTY, GE
MAP NO.
7-254
DATE: 1986
SCALE: 1"=20

```
ACTION: R SCREEN: PARC USERID: LOOK                          CHANGE-REASON:
-------------------- PARCEL NAME/ADDRESS ------------------------------------
JURISDICTION= GC YR= 97 ROLL= RP PARCEL= R7254 009                      CU: GC
 ------+-------------------------------------------------+-----------------------
SAMPLE 3 1600.. A PENNSYLVANIA..... BLVD NW 123.. 3 EXTRA ID
ADDRESS3 WASHINGTON..... DC 20202..... CR75 USA      3 ALTKEY   1409349
-------+-------------------------------------------------+-----------------------
OWNER  3 VEAL NELL KIMSEY                             3
CO-OWNR3 C/O KIMSEY CHARLES MORRISS        EDIT? N    3
STREET 3 4035     SANDY HILL           RD             3 MAP SHEET   342708
ADDRESS3 BUFORD          GA 30519-3724 R004 USA       3 %OWNERSHIP  100.00
       3                                              3 SUBDIVISION M1
SITUS  3 0        BUFORD HWY                          3 ACTIVITY 66 GMD 1604
ADDRESS3 COUNTY                TAX DISTRICT: 01       3 STAT/CMP A  COMPLETE
-------+-------------------------------------------------+-----------------------
SPECIAL3                                      EDIT?    3 BILLS TO MORTGAGE CO.
BILLING3                                               3   CODE:
ADDRESS3                                               3   ACCT:
-------+-------------------------------------------------+-----------------------
ASSOC. LEGAL         ID: HWY 23                          JYR: GC 97 RP RC: LG
PARCEL ACREAGE       ID: 000019.69                       JYR: GC 97 RP RC: AC


ACTION: R SCREEN: LEGL USERID: LOOK                          CHANGE-REASON:
H-  ---------------------------------------------------------------------------
    LEGAL DESCRIPTION
    ---------------------------------------------------------------------------
    JURISDICTION= GC ROLL= RP PARCEL= R7254 009                      YEAR= 97
    PAGE= 1

    LINE                              DESCRIPTION
    =  ==  ---------------------------------------------------------
01- 1  05  A/C TO 7254 27 1438/59 7/19/78 DOTT
02-
03-
04-
05-
06-
07-
08-
09-
10-
11-
12-
02-*L009 HEADER CHANGE
```

McFarland ◆ Dyer & Associates, Inc.

Memorandum

To: Mayor and City Council of Sugar Hill

From: Don McFarland, McFarland - Dyer & Associates, Inc.

Date: October 7, 1997

Subject: Findings and Recommendation SUP 01-97.

Proposed Use: Railroad Spur and Height Increase to 130 feet.

Existing Zoning: HM-1 Light Industry District.

Applicant: City of Sugar Hill

Owner: Harvey R. Crenshaw
15760 Hamby Road
Alpharetta, Georgia 30004

Location: LL 254 - 7th District; 7-258-011
Buford Highway

Size: 11 +/- acres

Proposed Use: Dry Cement Distribution Facility

Analysis:

The analysis of this application is based on the following findings upon applying the standards as set forth in the 1997 Zoning Ordinance of the City of Sugar Hill both for the rezoning of property, which is not required specifically for a Special Use Permit, and the requirements of a Special Use Permit as stated in Sections 1702 and 1707. (copies of Sections are attached)

The analysis of the application is made based upon the "Standards Governing Exercise of the Zoning Power" as stated in Section 1702 of The 1997 Zoning Ordinance of the City of Sugar Hill.

1. ***Will the rezoning requested permit a use that is suitable in view of the use and development of adjacent and nearby property?***

   Yes. The adjacent properties within the City of Sugar Hill is zoned HM-1 (Brown Automotive Salvage Yard) and HM-2 (Thomas Concrete, a concrete mixing facility), both of which are located to the northeast adjoining the site. The property is bounded on the northwest by the Seaboard Railroad and LM zoned property on the opposite side of the railroad within the City of Sugar Hill. The adjoining tract to the southeast is zoned C-2 General Business and is located within the City Limits of Suwanee and has a casket manufacturing company located upon it. The

Section 1705. Conditional Zoning.

In adopting an amendment to the Zoning Map, or approving a Special Use Permit or a Variance, the City Council may impose special conditions which it deems necessary in order to make the requested action acceptable and consistent with the purposes of the district(s) involved and to further the goals and objectives of the Comprehensive Plan. Such conditions may consist of: setback requirements from any lot line; specified or prohibited locations for buildings, parking, loading or storage areas or other land uses; driveway curb cut restrictions; restrictions as to what land uses or activities shall be permitted; maximum building heights or other dimensions; special drainage or erosion provisions; landscaping or planted area which may include the location, type and maintenance of plant materials; fences, walls, berms, or other buffering provisions or protective measures; preservation of existing trees or other vegetation; special measures to alleviate undesirable views, light, glare, noise, dust or odor; permitted hours of operation; architectural style; a requirement that the existing building(s) be retained; a requirement that developers must build according to the site plans as adopted; a limitation on exterior modifications of existing buildings; or any other requirement that the City Council may deem appropriate and necessary as a condition of rezoning or issuance of a variance or Special Use Permit.

Such conditions:

1. Shall only be valid if they are included in the motion approving the amendment for adoption;
2. Shall be in effect for the period of time specified in the amendment;
3. Shall be required of the property owner and all subsequent owners as a condition of their use of the property; and
4. Shall be interpreted and continually enforced by the City Manager in the same manner as any other provision of this Ordinance.

Section 1706. Special Use Permits.

The Special Use Permit is designed to be used when:

a. A Special Use listed under the Zoning District is desired for development and a more intensive Zoning District which contains that use as a use by right would not be appropriate for the property, or,
b. A Special Use listed under the Zoning District is desired for development and no Zoning District contains that use as a use by right, or,
c. A unique use not addressed in any Zoning District is desired for development and is not likely to be duplicated within City of Sugar Hill, or,
d. The density of development may be affected by the height of a building, or,
e. The neighboring properties may be affected by the height of any structure, and,
f. The Special Use would be consistent with the needs of the neighborhood or the community as a whole, be compatible with the neighborhood and would not be in conflict with the overall objective of the Comprehensive Plan.

Section 1707. Special Use Permit Procedure.

In order to accommodate Special Uses, the Special Use Permit allows the City Council to approve a Special Use on a particular parcel without changing the general Zoning District. Such approval shall be subject to the requirements set forth below and any additional conditions deemed necessary to ensure the compatibility of the Special Use with the surrounding properties. All Special Use Permit applications shall be for firm development proposals only. The Special Use Permit shall not be used for securing early zoning for conceptual proposals which may not be undertaken for some time. A Special Use Permit application shall be considered only if it is made by the owner of the property or his/her authorized agent. The minimum requirements for a Special Use Permit are:

1. Any uses permitted under a Special Use Permit shall also conform to the requirements of this Ordinance and the Development Regulations for the use as found in the Zoning District.
2. The application and review process for a Special Use Permit shall be the same as for the Zoning District under which the Special Use is found. In addition to the information and/or site plans which are required to be submitted for the proposed development, additional information deemed necessary by the City Manager in order to evaluate a proposed use and its relationship to the surrounding area shall be submitted. In the review process, particular emphasis shall be given to the evaluation of the characteristics of the proposed use in relationship to its immediate neighborhood and the compatibility of the proposed use with its neighborhood.
3. In the approval process for a Special Use Permit application, the City Council shall consider the policies and objectives of the Comprehensive Plan, particularly in relationship to the proposed site and surrounding area, and shall consider the potential adverse impacts on the surrounding area, especially in regards but not limited to traffic, storm drainage, land values and compatibility of land use activities.
4. If an application is approved and a Special Use Permit is granted, all conditions which may have been attached to the approval are binding on the property. All subsequent development and use of the property shall be in accordance with the approved plan and conditions. Once established, the Special Use shall be in continuous operation. Upon discovery that the operation of the Special Use has or had ceased for a period of 90 days or more and the owner of the property has not requested voluntary termination of the Special Use Permit, the City Manager shall forward a report to the City Council through the Planning Commission which may recommend that action be taken to remove the Special Use Permit from the property.
5. Changes to a Special Use, or development of a site for the Special Use, shall be treated as an amendment to the Special Use Permit and shall be subject to the same application and review process as a new application.

6. The Special Use for which a Special Use Permit is granted shall commence operations or construction within 12 months of the date of approval by the City Council. If, at the end of this 12-month period, the City Manager determines that active efforts are not proceeding toward operation or construction, a report may be forwarded to the City Council through the Planning Commission which may recommend that action be taken to remove the Special Use Permit from the property.
7. An application for a Special Use Permit in a residential district and which use is proposed to operate in a dwelling or as an accessory use to a dwelling is subject to the following additional requirements:
   a. The Special Use Permit shall be valid for no more than a two-year period. Upon or before the expiration of a Special Use Permit, the owner shall make application to continue the Special Use Permit if continuance is desired. However, after the first two year period the City Council may waive the two year time limitation with the concurrence of the Planning Commission.
   b. The Special Use shall operate within the dwelling on the property or, if approved by the City Council, in an accessory structure.
   c. The exterior character of the dwelling shall be preserved in its residential state and there shall be no outside evidence of the operation of the Special Use to the neighborhood, except for any accessory structure approved by the City Council.
   d. The owner of the property shall occupy the property and shall operate any business associated with the Special Use.
   e. The owner of the property shall submit with the application a signed statement in which he/she agrees that the Special Use Permit, if approved, shall automatically terminate in the event that the property is sold, transferred, or otherwise conveyed to any other party, or the business which operates the Special Use is sold, transferred, otherwise conveyed or discontinued. The owner shall also agree to notify the City Manager in writing upon the occurrence of any of these events.
   f. In addition to the information and/or site plans required by this Section, the owner of the property shall submit with the application for a Special Use Permit information regarding the ownership of any business associated with the use, the experience and background qualifications related to the operation of said business, prior similar businesses operated, applicable State of Georgia certifications, licenses and like information.

8. The owner of the property approved for a Special Use Permit, may voluntarily request termination of the Special Use Permit by notifying the City Manager in writing. The City Manager shall notify the City Council through the Planning Commission of the voluntary termination as they occur and shall change the official zoning maps to reflect any voluntary termination. The approval of a Special Use Permit for a specific use which may be operated by a lessee under a private agreement with a lessor in any non-residential district shall not obligate the City Council to be responsible for or be required to resolve any disputes which may arise out of the voluntary termination of the Special Use Permit by the property owner.
9. The City shall have the right to periodically examine the operation of the specific use to determine compliance with the requirements and any conditions. If the City Manager determines that the requirements and conditions are being violated, a written notice shall be issued to the owner of the property outlining the nature of the violation and giving the owner of the property a maximum of ten (10) days to come into compliance. If after ten (10) days the violations continue to exist, the City Manager shall forward a report to the City Council through the Planning Commission which may recommend that action be taken to remove the Special Use Permit from the property.
10. Upon approval by the City Council, a Special Use Permit shall be identified on the official zoning maps.
11. Upon approval by the City Council of a Special Use Permit, the owner of the property shall be issued a notice from the City Manager which states the specific use permitted, the requirements of this Section and any conditions attached to the approval.
12. The City shall not issue a Certificate of Occupancy for the specific use unless all requirements and conditions of the Special Use Permit have been fulfilled by the owner of the property.

Once an application for an amendment to the zoning map or an application for a Variance or Special Use Permit has been made, the applicant may withdraw such application without prejudice only until such time as the legal advertisement of a public hearing thereon is placed. No application shall be allowed to be withdrawn without action by the City Council after public notice of the public hearing has been placed. All applications, having been advertised, shall be considered by the City Council or Zoning Board of Appeals, as appropriate, and shall receive final action.

Section 1701. Initiation of Amendments.

Applications for amendment of the text or maps of this Ordinance may be initiated by Resolution of the City Council, or by motion of the Planning Commission, or by petition of any property owner addressed to the City Council. In the case of a petition for the rezoning of property, such petition shall be submitted by the owner of record of said property, the owner's agent or by a contract purchaser with the owner's written consent.

Any amendment request brought before the City Council by petition of any property owner, cannot be resubmitted by petition of a property owner, in less than six (6) months from the date of hearing by the City of Sugar Hill City Council, unless the petition was allowed to be withdrawn by The City of Sugar Hill Council at the public hearing.

A. Initiation by motion of the City Council or by motion of the Planning Commission.

Once a map amendment is initiated by the City Council or by motion of the Planning Commission, no application for a clearing, grubbing, grading, septic tank, building, development or other similar permit, for the affected property shall be accepted until final action is taken by the City Council on the proposed map amendment. Provided, however, that if the City Council does not take final action on the proposed map amendment within six (6) months from the date of initiation, Permit applications shall again be accepted and reviewed pursuant to existing zoning. And, further provided that such permit applications shall be accepted during the map amendment process if the proposed use is authorized under the same conditions in both the existing and proposed Zoning District.

Section 1702. Standards Governing Exercise of the Zoning Power.

The City Council finds that the following standards are relevant in balancing the interest in promoting the public health, safety, morality, or general welfare against the right to the unrestricted use of property and shall govern the exercise of the zoning power:

a. Whether a proposed rezoning will permit a use that is suitable in view of the use and development of adjacent and nearby property;
b. Whether a proposed rezoning will adversely affect the existing use or usability of adjacent or nearby property;
c. Whether the property to be affected by a proposed rezoning has a reasonable economic use as currently zoned;
d. Whether the proposed rezoning will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools;
e. Whether the proposed rezoning is in conformity with the policy and intent of the Land Use Plan; and
f. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposed rezoning.

3. ***In the approval process for a Special Use Permit application, the City Council shall consider the policies and objectives of the Comprehensive Plan, particularly in relationship to the proposed site and surrounding area, and shall consider the potential adverse impacts on the surrounding area, especially in regards but not limited to traffic, storm drainage, land values and compatibility of land use activities.***

The Comprehensive Plan for the City of Sugar Hill and the City of Suwanee indicates the properties fronting along Buford Highway to be non-residential land use. The City of Sugar Hill indicates this area for intensive industrial land use, with the character having been established by the "junk yard" and the Thomas concrete mixing plant. Land values of non residential property will not be affected. The residential property immediately across Buford Highway from the site would not be affected with the addition of the proposed use. Statements have been made that the value of residential property over one half mile as you drive south from the site will be impacted. Those properties were not impacted by the existing concrete plant and junk yard and therefore the addition of a less obtrusive distribution facility should not impact property values of property that is approximately one thousand (1000) feet due south of the site with undeveloped property lying between the site and the existing residential development.

The traffic impact has be previously addressed in this report.

A site plan will be required for a development permit and storm drainage will be addressed the same as for any existing HM-1 property.

Recommendation

Approval of the Special Use Permit subject to the following enumerated conditions:

1. To restrict the use of the property as follows:

A. Cement distribution facility.

2. To satisfy the following site development considerations:

A. No more than one exits/entrances on Buford Highway, subject to approval of Georgia Department of Transportation.

B. Lighting shall be of a sodium type, contained in cut-off type luminaries and shall be directed in toward the property so as not to reflect into adjacent residential properties.

C. Provide and undisturbed fifty (50) foot tree save area adjoining Buford Highway, except for the driveway access to the site.

The Section identifying the review process of a Special Use Permit is set forth in *The 1997 Zoning Ordinance of the City of Sugar Hill, Section 1707. Special Use Permit Procedure.* The first three numbered items identify the review and procedure in the consideration of a Special Use Permit with the remaining numbers giving procedures after approval or amendments to the use. This analysis will deal with the review and approval process.

1. ***Any uses permitted under a Special Use Permit shall also conform to the requirements of this Ordinance and the Development Regulations for the use as found in the zoning district.***

   The site is proposed to be developed for a cement distribution facility. The buildings proposed will be required to meet the same setbacks as the current HM-1 will require. There are no variances to existing ordinance proposed and adequate parking and required development improvements for access to the site will be submitted.

   The applicant will have to submit plans for a Development Permit if the application is approved.

2. ***The application and review process for a Special Use Permit shall be the same as for the Zoning District under which the Special Use is found. In addition to the information and/or site plans which are required to be submitted for the proposed development, additional information deemed necessary by the City Manager in order to evaluate a proposed use and its relationship to the surrounding area shall be submitted. In the review process, particular emphasis shall be given to the evaluation of the characteristics of the proposed use in relationship to its immediate neighborhood and the compatibility of the proposed use with its neighborhood.***

   The applicant in this case is the City of Sugar Hill and has reviewed the same or similar facility on a previous occasion. The previous analysis of the Standards governing Zoning Power, should be utilized to make the analysis of the land use within the immediate neighborhood. The predominant character of the site and the area northwest of Buford Highway would be considered to be Heavy Industrial with the "junk yard" and concrete plant immediately adjoining the site. The property across Buford Highway is undeveloped and with an appropriate undisturbed buffer adjoining Buford Highway little or no affect will be made to that property.

property is bounded by Buford Highway on the southeast, and across this Major Thoroughfare, the property is vacant and zoned R-75 Single Family Residential within unincorporated Gwinnett County.

2. ***Will the rezoning requested adversely affect the existing use or usability of adjacent or nearby properties?***

   No. The property is developed non-residential on each side and is located within an industrial corridor between Buford Highway and Brogdon Road.

3. ***Does the property for which the rezoning is requested have a reasonable economic use as currently zoned?***

   The property as zoned could be developed with uses allowed within the HM-1 Classification.

4. ***Will the rezoning requested create an overcrowding condition with respect to the existing streets, transportation facilities, or schools?***

   Buford Highway is a Major Thoroughfare on which this property fronts. The roadway is a two lane roadway with limited sight distance along sections between Sugar Hill and Suwanee. Whenever the State of Georgia and Gwinnett County improve this section the roadway will be straightened and the site distance will be improved to state standards.

   The site will generate approximately twenty trucks from the facility per day. The site is estimated to eventually have a total of 100 employees The trip generation from this number is estimated to average five trips per day per employee, giving a daily average of 500 per day. The property as currently zoned without a Special Use Permit will generate 51.8 trips per acre giving a total of 570 per day. The site, if developed for warehousing would generate an average of 50 trips per day per acre, which would total approximately 550 trips per day. The impact of the facility would be equal to or less than the existing uses that could locate on the property at the current time.

5. ***Does the rezoning requested conform to the Sugar Hill Land Use Plan?***

   The 2010 Comprehensive Plan indicates this area for the land use requested.

6. ***Are there other existing or changing conditions affecting the use and development of the property which would give support to an approval or disapproval of the rezoning request?***

   No.

REZONING

CASE # RZ-97-008

MAP # 7-258-008
2.75 ACRES
CORNER NELSON BROGDON BOULEVARD & FRONTIER DRIVE

REZONING APPLICATION

AN APPLICATION TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF SUGAR HILL, GEORGIA.

APPLICANT INFORMATION	OWNER INFORMATION
NAME: Eagle Service Corporation	NAME: Marilyn Brogdon Estate
ADDRESS: 4305 Lynburn Drive	ADDRESS: 12418 Creek Hollow Lane
CITY: Tucker	CITY: Soddy Daisy
STATE: GA ZIP: 30084	STATE: TN ZIP: 37379
PHONE: (770) 908-6683	PHONE: Executor - Jake Davenport

CONTACT PERSON: Tom Catanese
PHONE: (404) 240-7474 FAX: (404) 240-7450

* Include any person having a property interest and any person having a financial interest in any business entity having property interest (use additional sheets if necessary).

APPLICANT IS THE:

____ OWNER'S AGENT ____ PROPERTY OWNER __X__ CONTRACT PURCHASER

PRESENT ZONING DISTRICT(S): 0 & 1 REQUESTED ZONING DISTRICT: BG

LAND DISTRICT(S): 7th LAND LOT(S): 258 ACREAGE: 2.75 TAX ID#: 7-258-8

ADDRESS OF PROPERTY: 2.75 acre corner Hwy. 20/Frontier Forest

PROPOSED DEVELOPMENT: Retail

PLEASE CHECK THE FOLLOWING IF APPLICABLE:

____ Proposal is a Development of Regional Impact
____ Proposal is within 2,000 feet from the Chattahoochee River

RESIDENTIAL DEVELOPMENT:	NON-RESIDENTIAL DEVELOPMENT:
NO. OF LOTS/DWELLING UNITS:	NO. OF BUILDING/LOTS
DWELLING UNIT SIZE (sq. ft.)	TOTAL GROSS SQUARE FEET
GROSS DENSITY	DENSITY
NET DENSITY	

LETTER OF INTENT

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED.

REZONING APPLICANT'S RESPONSE

STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

Please respond to the following standards in the space provided or use and attachment as necessary:

A. Whether a proposed rezoning (or Special Exception) will permit a use that is suitable in view of the use and development of adjacent and nearby property:

The applicant's request is compatible with adjoining property.

B. Whether a proposed rezoning (or Special Exception) will adversely affect the existing use or usability of adjacent or nearby property:

The proposed rezoning will not adversely affect the surrounding area.

C. Whether the property to be affected by a proposed rezoning (or Special Exception) has reasonable economic use as currently zoned:

The property does have a economic use as currently zoned. The highest and best use would be that similiar to the adjoining property.

D. Whether the proposed rezoning (or Special Exception) will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools:

It is not anticipated that the proposed request will adversely impact the existing public services.

E. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposed rezoning.

The site is in a central location, next to other commercial land zoned BG providing services that are used by entire community and surrounding area.

* *

PLANNING AND DEVELOPMENT DEPARTMENT USE ONLY

CASE NUMBER _____

RECEIVED BY _____ DATE RECEIVED _____

REZONING APPLICANT'S CERTIFICATION

The undersigned below is authorized to make this application. The undersigned is aware that no application or reapplication affecting the same land shall be acted upon within 12 months from the date of last action by the Mayor and Council.

X _____ 8/19/97
Signature of Applicant — Date

C.J Sechler Jr President
Typed or Print Name and Title

Patricia L. Moore 8/19/97
Signature of Notary Public — Date — NOTARY SEAL

Notary Public, DeKalb County, Georgia
My Commission Expires Jan. 15, 2000

* *

PLANNING AND DEVELOPMENT DEPARTMENT USE ONLY

CASE NUMBER _____

RECEIVED BY _____ DATE RECEIVED _____

REZONING PROPERTY OWNER'S CERTIFICATION

The undersigned below, or as attached, is the owner of the property considered in this application. The undersigned is aware that no application or reapplication affecting the same land shall be acted upon within 12 months from the date of last action by the Mayor and Council.

Marilyn Brogdon Estate Jule Davenport 8,1,97
Signature of Owner Date

JAMES B. MULLENIX, JR.
Typed or Print Name and Title

James B Mullenix Jr 08,01,97
Signature of Notary Public Date NOTARY SEAL
EXPIRES MARCH 18, 1998

* *

PLANNING AND DEVELOPMENT DEPARTMENT USE ONLY

CASE NUMBER _____

RECEIVED BY _____ DATE RECEIVED _____

CONFLICT OF INTEREST CERTIFICATION FOR REZONINGS

The undersigned below, making application for rezoning, has complied with the Official Code of Georgia Section 36-67A-1, et. seq, Conflict of Interest in Zoning Actions, and has submitted or attached the required information on the forms provided.

X C.J. Sechler Jr 8/19/97 C.J. Sechler Jr President
Signature of Applicant Date Type or Print Name and Title

_____ __/__/__ _____
Signature of Applicant's Attorney or Representative Date Type or Print Name and Title

Patricia Gigi Moore 8/19/97
Signature of Notary Public Date NOTARY SEAL

Notary Public, DeKalb County, Georgia
My Commission Expires Jan. 15, 2000

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating $250.00 or more to a member of the Mayor and Council or a member of the City of Sugar Hill Planning and Zoning Board.

_____ (yes/no)

If the answer is yes, please completed the following section:

NAME AND OFFICIAL POSITION OF GOVERNMENT OFFICIAL	CONTRIBUTIONS (List all Which Aggregate to $250 or More)	DATE CONTRIBUTION WAS made (Within Last Two Years)

Attached additional sheets if necessary to disclose or describe all contributions.

* *

PLANNING AND DEVELOPMENT DEPARTMENT USE ONLY

CASE NUMBER _____

RECEIVED BY _____ DATE RECEIVED _____

Additional sheet to disclose or describe all contributions.

NAME AND OFFICIAL POSITION OF GOVERNMENT OFFICIAL	CONTRIBUTIONS (List all Which Aggregate to $250 or More)	DATE CONTRIBUTION WAS made (Within Last Two Years)

REZONING CHECKLIST

The following is a checklist of information required for submission of a Rezoning or Special Exception application. The Planning and Development Department reserves the right not to accept any uncompleted applications.

_____ Application completed with all information needed attached and rezoning fee paid.

Other information required to be submitted with the application:

✓ **Legal Description**

✓ **Boundary Survey**

___ **Site Plan (this is optional)** have 8 x 11 by 8-29-97

___ **Letter of Intent (is requested)**

✓ **Applicant Certification**

✓ **Conflict of Interest/Campaign Contributions**

___ **Adjoining Property Owner(s) of record List**

N/A **Development of Regional Impact**

N/A **Within 2,000 feet from the Chattahoochee River**

I, C.J. Sechler **have completed all of the above.**
(Printed Name)

[signature] 8/19/97
Applicant Signature **Date**

Completed Date: ___/___/___

MAKE SURE THIS CHECKLIST IS RETURNED WITH THE REZONING APPLICATION.

* *

PLANNING AND DEVELOPMENT DEPARTMENT USE ONLY

CASE NUMBER _____ ACCEPTED BY _____

Letter of Intent 8-22-97

Sugarhill Planning & Zoning

Ref. 2.6 Acre Hwy 20 / Frontier Forest

Application has been made for A proposed Retail Center located on the rear of the property and a free standing Drug store to be located on the front corner.

Thank-You

Tom Catanese

SITE NOTES:

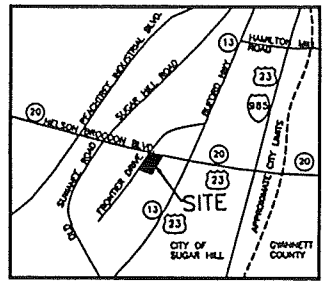
1. SITE IS CURRENTLY ZONED O&I. PROPOSED ZONING IS BG.
2. OVERALL PROPERTY CONTAINS 2.609 ACRES.
3. SITE IS CURRENTLY UNOCCUPIED AND WOODED.
4. PROPOSED USE IS FOR A RETAIL USE.
5. THIS SITE IS NOT LOCATED IN A FLOOD HAZARD ZONE ZACCORDING TO F.I.R.M. PANEL NUMBER 130322 0060 C FOR GWINNETT COUNTY, GEORGIA.
6. BOUNDARY INFORMATION TAKEN FROM A SURVEY FOR EAGLE REAL ESTATE CORPORATION BY RINGO ABERNATHY & ASSOCIATES DATED 7/23/97.

SUMMARY:

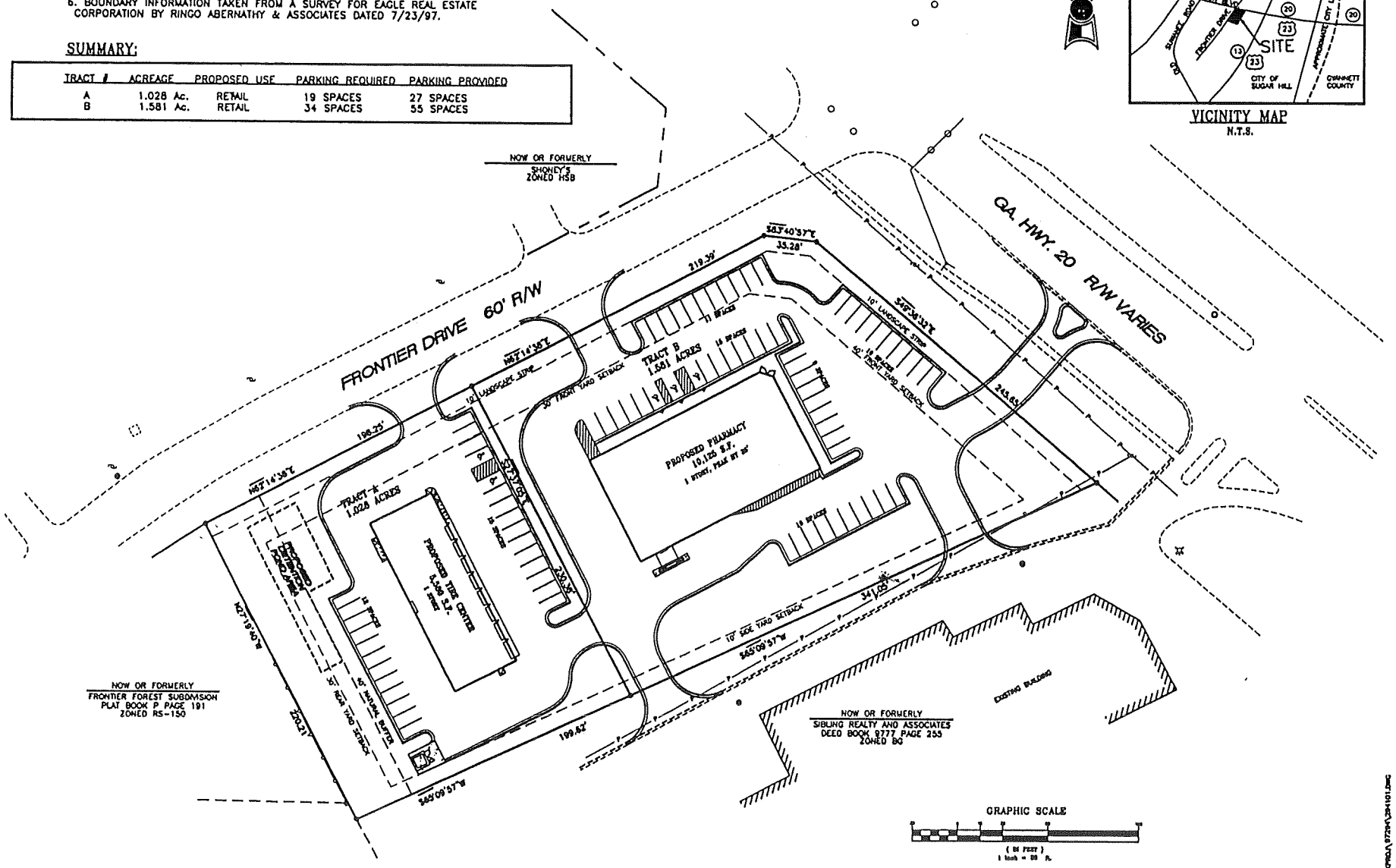
TRACT #	ACREAGE	PROPOSED USE	PARKING REQUIRED	PARKING PROVIDED
A	1.028 Ac.	RETAIL	19 SPACES	27 SPACES
B	1.581 Ac.	RETAIL	34 SPACES	55 SPACES

OWNER:
BROGDON ESTATE

APPLICANT:
EAGLE REAL ESTATE SERVICES CORPORATION
3340 PEACHTREE ROAD
TOWER PLACE, SUITE 1090
ATLANTA, GA 30326
PH: 404-240-7474



VICINITY MAP
N.T.S.



Precision Planning, Inc.
planners, engineers, architects & surveyors
P.O. Box 2210
400 Pike Boulevard
Lawrenceville, GA 30246-2210
(770) 339-0080
(770) 822-8900 Fax

Eagle Real Estate Services Corporation
Ga. Hwy. 20, Sugar Hill
LAND LOTS 258, 259
7TH DISTRICT
GWINNETT COUNTY, GEORGIA

REZONING PLAN

SHEET TITLE

DESIGN JER
DRAWN JER
CHECKED GM

DATE | NO | DESCRIPTION

REVISION

PROJECT

8/26/97
DATE

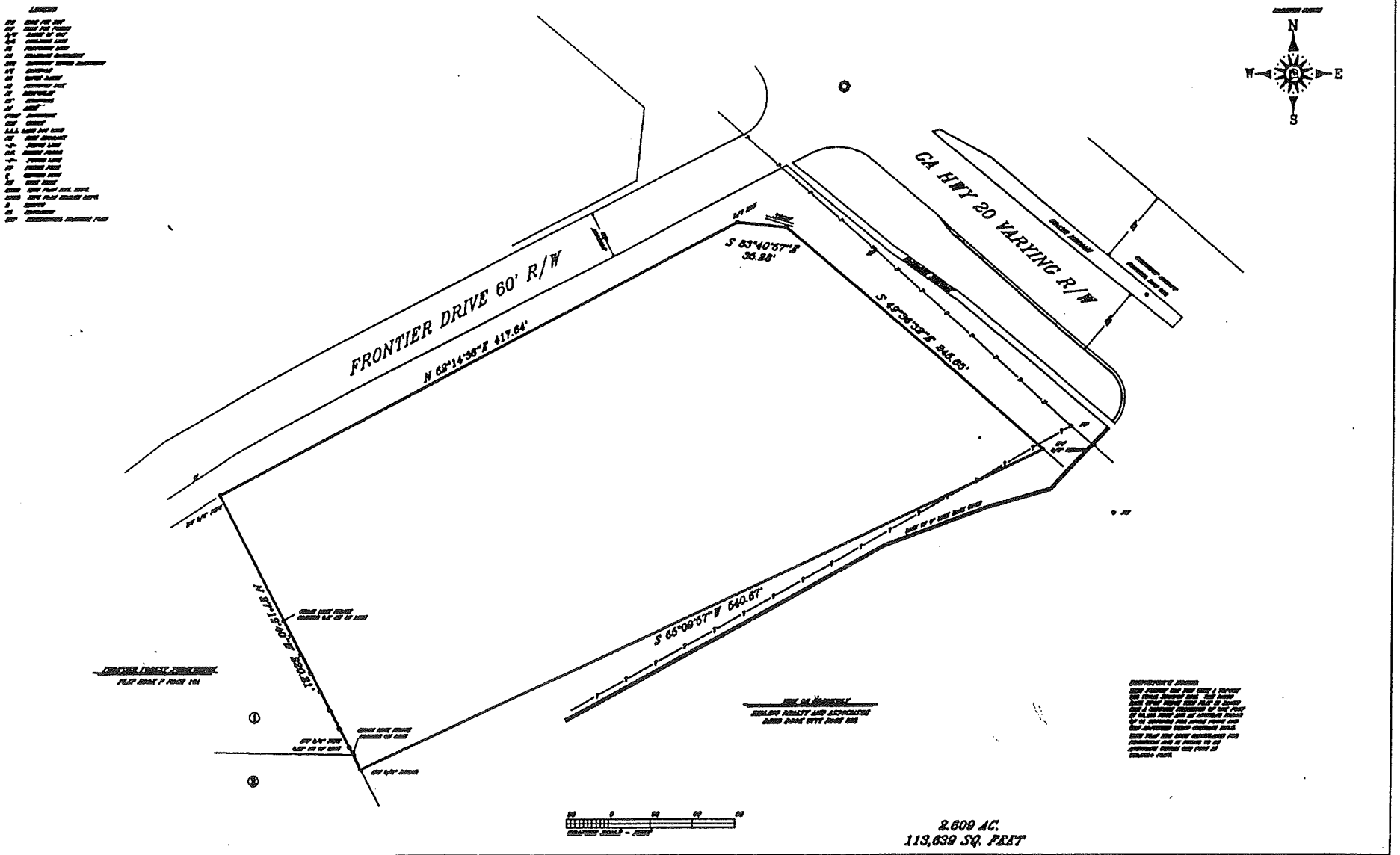
97-294
JOB NUMBER

FILE NUMBER

1
SHEET

STAMP

C:\DESIGN\DRAW\97294\JER1101.DWG



2.609 AC.
113,639 SQ. FEET

COUNTY:	GWINNETT
DISTRICT:	7 TH
LAND LOT:	258 259
DATE:	07/25/07
SCALE:	1" = 30'
JOB NO. :	070651

EAGLE REAL ESTATE SERVICES CORPORATION

RINGO ABERNATHY & ASSOCIATES
CONSULTANTS
SURVEYORS
ENGINEERS
PLANNERS
109 CRESTMONT STREET • LAWRENCEVILLE, GA. 30045 • (770) 962-0406

L E G A L D E S C R I P T I O N

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 258 OF THE 7 TH LAND DISTRICT, GWINNETT COUNTY, GEORGIA.

BEGINNING AT A CONC. RIGHT OF WAY MONUMENT ON THE MITERED 60' RIGHT OF WAY OF FRONTIER DRIVE, SAID POINT BEING THE TRUE POINT OF BEGINNING.

THENCE South 83 degrees 40 minutes 57 seconds East for a distance of 35.28 feet TO A POINT ON THE SOUTHWESTERLY RIGHT OF WAY OF GA. HWY. 20, SAID R/W VARIES.
THENCE South 49 degrees 36 minutes 32 seconds East for a distance of 245.65 feet TO AN IRON PIN FOUND.
THENCE South 65 degrees 09 minutes 57 seconds West for a distance of 540.65 feet TO AN IRON PIN FOUND.
THENCE North 27 degrees 19 minutes 40 seconds West for a distance of 220.21 feet TO AN IRON PIN FOUND.
THENCE North 62 degrees 14 minutes 38 seconds East for a distance of 417.64 feet TO A R/W MON., SAID POINT BEING THE TRUE POINT OF BEGINNING.

Together with and subject to covenants, easements, and restrictions of record.

Said property contains 2.61 acres more or less.

VIA FACSIMILE

DOUG STACKS
3721 WYNSHIP COURT
LITHONIA, GA. 30058

PHONE: 770-922-4667 PAGER: 770-379-2301

Date: September 12, 1997

To: Kim Landers
Planning, Zoning & Inspections
City of Sugar Hill

Subject: RZ 97-008 20/Frontier Drive
Amendment to application

Please accept the following amendments to the subject application. One involves changes to the Standards Governing the Exercise of Zoning Power and the other is a request for reduction of the buffer in accordance with the site plan that has been previously submitted.

Should you have any questions, please call. Thank you.

Fax No. 7-945-2145 Pages: 4

Amended Rezoning Applicant's Response
Standards Governing the Exercise of The Zoning Power

(A) Whether a proposed rezoning will permit a use that is suitable in view of the use and development of adjacent and nearby property:

The Applicant desires to rezone the subject 2.75 acre property for retail and service uses. The proposed uses shown on the site plan are a free standing drug store on the front of the property and a tire store to the rear of the property. The site is designed to enhance the neighborhood by having its uses face Nelson Brogdon Blvd. To the west, the adjacent property is residential where a 40 foot buffer is proposed. To the north, south, and east, there are miscellaneous commercial uses ranging from medical offices to automobile sales and service to industrial uses. The HSB zoning district in which the Shoney's is located extends 1000 +/- feet from Nelson Brogdon Blvd.

This proposed use is similar to those found throughout the area along Buford Highway and Nelson Brogdon Blvd. and is viewed as suitable for the property.

(B) Whether the proposed rezoning will adversely affect the existing use or usability of adjacent or nearby property:

The buildings on the site are oriented toward Nelson Brogdon Blvd. and a natural buffer, supplemented where necessary, will be provided adjoining the residential property to the rear.

Safety is a concern of the applicant. Traffic hazards resulting from U-turns on Nelson Brogdon Blvd. warrant the site's critical access to Frontier Drive's traffic signal. Two curb cuts are proposed on Frontier Drive to the site within approximately 350 feet from Nelson Brogdon Blvd. There are two existing commercial curb cuts currently located on Frontier Drive - one approximately 150 feet and the other approximately 600 feet from Nelson Brogdon Blvd.

The impacts of the proposed use will not adversely affect the existing use or usability of adjacent or nearby property.

(C) Whether the property to be affected by the proposed rezoning has reasonable economic use as currently zoned:

There is property surrounding the site zoned HSB and BG. Because of its zoning, this "island" of Office-Institutional property has a lesser economic use when compared to similar properties.

(D) Whether the proposed rezoning will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools:

With Nelson Brogdon Blvd. being a median highway with limited median breaks, the

Amended Rezoning Applicant's Response
Standards Governing the Exercise of The Zoning Power

resulting from U-turns and higher speeds on Nelson Brogdon Blvd. warrant the site's critical access to Frontier Drive's traffic signal. Access to and from the site will be eased because of the existing signal at Frontier Drive. Additional use of Frontier Drive would result regardless of the use of the subject property.

As stated in paragraph (B), safety is a major concern of the applicant. Their safety concern is not only for their property but also for residents of Frontier Forest. The stretch of Frontier Drive fronting the subject property is a straight line for more than 400 feet from Hwy. 20. Inter-parcel access as proposed will reduce the necessity of leaving one property to get to the other.

There will not be an excessive or burdensome use of existing streets, transportation facilities, or utilities. There will be no impact upon schools.

(E) Whether the proposed rezoning is in conformity with the policy and intent of the land use plan:

The proposal is in conformity with the policy and intent of the Land Use Plan.

(F) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposed rezoning:

The adjoining commercial uses and nearby properties give supporting grounds for approval of this request. The proposal, with its aesthetic qualities and limited impacts, should be an asset to the adjacent and nearby properties.

It is for these and other reasons that the owners believe that this is a reasonable request and that action contradictory to the rezoning of the property will constitute a taking of property in violation of the Just Compensation Clause of the Fifth Amendment and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States, and Article 1, Section 1, Paragraph 1, and Article 1, Section 3, Paragraph 1 of the Constitution of Georgia, denying the owner viable use of its land.

SW Corner of Nelson Brogdon Blvd. and Frontier Drive
OI - Existing Zoning
BG - Proposed Zoning
Eagle Service Corporation - Applicant
Marilyn Brogdon Estate - Owner

It is the desire of the applicant to reduce the buffer requirements for the subject property from 75 feet to 40 feet as a condition of the zoning.

The topography of the property is low in the area of the buffer and is a natural drainage area. The site plan shows an encroachment of the detention pond into the buffer. Where, and if, this encroachment occurs, a replanting landscape plan is proposed that will meet City requirements. The buildings on the site are oriented toward Nelson Brogdon Blvd. and additional distance is provided between the building and the rear property line as proposed.

We feel this request is reasonable in view of the use and development of the subject property. We look forward to your approval of this request.

McFarland ◆ Dyer & Associates, Inc.

Memorandum

To: City of Sugar Hill Planning Commission
Mayor and City Council of Sugar Hill

From: Don McFarland, McFarland - Dyer & Associates, Inc.

Date: September 10, 1997

Subject: Report and Recommendation RZ-97-008, Eagle Service Corp.

Case Number: RZ-97-008

Proposed Zoning: BG General Business District

Existing Zoning: O-I Office - Institutional District

Applicant: Eagle Service Corporation
4305 Lynburn Drive
Tucker, Georgia 30084
770-908-6683

Owner: Marilyn Brogdon Estate
12418 Creek Hollow Lane
Soddy Daisy, Tenn. 37379

Location: LL 258 - 7th District; 7-258-8
Nelson Brogdon Blvd. (S.R. 20) and Frontier Forest

Size: 2.75 acres

Proposed Use: Drug Store and Tire Sales and mounting facility.

Analysis:

The Site Plan indicates the site is to be developed with two uses, a stand alone Drug Store and a Tire sales facility. The site plan indicates inter-parcel access with the adjoining Shopping Center and one curb-cut on S.R. 20, with two curb cuts shown on Frontier Drive.

The analysis of the application is made based upon the "Standards Governing Exercise of the Zoning Power" as stated in Section 1702 of The 1997 Zoning Ordinance of the City of Sugar Hill.

1. ***Will the rezoning requested permit a use that is suitable in view of the use and development of adjacent and nearby property?***

   The site adjoins and was originally part of the adjoining shopping center parcel when the shopping center was developed. A Shoney's restaurant is located across Frontier Drive from the site with access to Frontier Drive. The uses proposed are similar to uses found on other commercial properties surrounding the intersection of Buford Highway and Nelson Brogdon Blvd. (S.R. 20) and other uses north and south along Nelson Brogdon Boulevard.

2. ***Will the rezoning requested adversely affect the existing use or usability of adjacent or nearby properties?***

   The impact of the development as proposed will be on the residents of Frontier Drive. The site adjoins the Frontier Forest Subdivision and buffers are required to be maintained by ordinance. The site plan submitted indicates the use of the property will be oriented to Nelson Brogdon Blvd. and only the rear of the tire center with parking will be adjoining existing residentially zoned properties.

3. ***Does the property for which the rezoning is requested have a reasonable economic use as currently zoned?***

   The property as zoned could be developed with uses allowed within the O-I Classification.

4. ***Will the rezoning requested create an overcrowding condition with respect to the existing streets, transportation facilities, or schools?***

   Frontier Drive will receive the greatest impact due to this development. Nelson Brogdon Blvd. and Frontier Drive is a signalized intersection with Nelson Brogdon Blvd. being a divided median roadway. Inter-parcel access is being provided to the adjoining shopping center and an additional curb cut is being requested on Nelson Brogdon Boulevard. The addition of two curb cuts on Frontier Drive may create an additional safety hazard to the citizens utilizing the street and should be reduced to one access to this development.

5. ***Does the rezoning requested conform to the Sugar Hill Land Use Plan?***

   The 2010 Comprehensive Plan indicates this area for the land use requested.

6. ***Are there other existing or changing conditions affecting the use and development of the property which would give support to an approval or disapproval of the rezoning request?***

   The development of residential properties in the north end of Gwinnett County and around Sugar Hill have increased demand for commercial services within the area.

Recommendation

Based upon the above analysis the application should be approved with the following conditions:

Approval as BG subject to the following enumerated conditions:

1. To restrict the use of the property as follows:

A. Retail and service commercial and accessory uses to include a drug store and tire service facility.

B. No billboards are permitted.

2. To satisfy the following site development considerations:

A. No more than one exits/entrances on Georgia Highway 20, and one exits/entrances on Frontier Drive. Entrance/Exit design on Highway 20 subject to approval of Georgia Department of Transportation.

B. Dumpsters shall be screened by a fence or wall. Pickup shall be limited to between the hours of 7:00 A. M. to 9:00 P. M.

C. Provide inter-parcel access to the adjoining shopping center.

D. Buildings shall be finished with architectural treatments of glass and/or brick, stone, or stucco, or submit alternate architectural plans for approval of the Planning Commission prior to issuance of a building permit.

E. Provide a sidewalk within the dedicated rights of way of Georgia Highway 20.

F. Lighting shall be of a sodium type, contained in cut-off type luminaries and shall be directed in toward the property so as not to reflect into adjacent residential properties.

G. Bays for the tire center shall face Nelson Brogdon Boulevard or the shopping center.

CITY OF SUGAR HILL

PUBLIC COMMENTS

If you wish to speak, please complete comment sheet with the following information:

DATE: 9.15.97
NAME: Meg Avery
ADDRESS: 4575 Forest Green Dr

REGARD TO: Rezoning Hwy 20 & Frontier Dr

Complete and give to Chairman or clerk before the meeting begins.

You have a time limit of 3 minutes to speak. Time limit will be strictly enforced so as to provide time for each person to speak. We also ask that issues/comments brought before the board not be duplicated in order to give everyone a chance to speak. Thank You!

CITY OF SUGAR HILL

PUBLIC COMMENTS

If you wish to speak, please complete comment sheet with the following information:

DATE: 9-15-97
NAME: George Haggard
ADDRESS: Frontier Dr
Sugar Hill
REGARD TO: Rezoning Hwy 20/Frontier

Complete and give to Chairman or clerk before the meeting begins.

You have a time limit of 3 minutes to speak. Time limit will be strictly enforced so as to provide time for each person to speak. We also ask that issues/comments brought before the board not be duplicated in order to give everyone a chance to speak. Thank You!

CITY OF SUGAR HILL

PUBLIC COMMENTS

If you wish to speak, please complete comment sheet with the following information:

DATE: 4/15/97
NAME: Elaine Hilson
ADDRESS: 1252 Frontier Dr.

REGARD TO: ~~Gate~~ entrance for business on Frontier Forest

Complete and give to Chairman or clerk before the meeting begins.

You have a time limit of 3 minutes to speak. Time limit will be strictly enforced so as to provide time for each person to speak. We also ask that issues/comments brought before the board not be duplicated in order to give everyone a chance to speak. Thank You!

CITY OF SUGAR HILL

PUBLIC COMMENTS

If you wish to speak, please complete comment sheet with the following information:

Marge Castelle

DATE: Sept 15, 1997
NAME: Marge Castelle
ADDRESS: 442 W Note Dad
Sugar Hill, Ga
REGARD TO: Street cut for entrance to Frontier Forest for dog park & fire house

Complete and give to Chairman or clerk before the meeting begins.

You have a time limit of 3 minutes to speak. Time limit will be strictly enforced so as to provide time for each person to speak. We also ask that issues/comments brought before the board not be duplicated in order to give everyone a chance to speak. Thank You!

CITY OF SUGAR HILL

PUBLIC COMMENTS

If you wish to speak, please complete comment sheet with the following information:

DATE: 9-15-97
NAME: Linette Barr
ADDRESS: 4551 S. Roberts Dr
Sugar Hill, GA 30518
REGARD TO: Frontier Forest
Pharmacy & Tire Shop

Complete and give to Chairman or clerk before the meeting begins.

You have a time limit of 3 minutes to speak. Time limit will be strictly enforced so as to provide time for each person to speak. We also ask that issues/comments brought before the board not be duplicated in order to give everyone a chance to speak. Thank You!

CITY OF SUGAR HILL

PUBLIC COMMENTS

If you wish to speak, please complete comment sheet with the following information:

DATE: 15 Sep 97
NAME: Bill Parker
ADDRESS: 4621 S. Roberts Drive

REGARD TO: Frontier Daire Development

Complete and give to Chairman or clerk before the meeting begins.

You have a time limit of 3 minutes to speak. Time limit will be strictly enforced so as to provide time for each person to speak. We also ask that issues/comments brought before the board not be duplicated in order to give everyone a chance to speak. Thank You!

CITY OF SUGAR HILL

PUBLIC COMMENTS

If you wish to speak, please complete comment sheet with the following information:

DATE: 9/15/97
NAME: Rick Downey
ADDRESS: 1282 Frontier DR.
Sugar Hill
REGARD TO: Rezoning of property at
Frontier Forest DR & GA 20.

Complete and give to Chairman or clerk before the meeting begins.

You have a time limit of 3 minutes to speak. Time limit will be strictly enforced so as to provide time for each person to speak. We also ask that issues/comments brought before the board not be duplicated in order to give everyone a chance to speak. Thank You!

CITY OF SUGAR HILL

PUBLIC COMMENTS

If you wish to speak, please complete comment sheet with the following information:

DATE: 9/15/97
NAME: HART NOLL
ADDRESS: 4554 FOREST GREEN DR

REGARD TO: Re zoning on Dunlap Way

Complete and give to Chairman or clerk before the meeting begins.

You have a time limit of 3 minutes to speak. Time limit will be strictly enforced so as to provide time for each person to speak. We also ask that issues/comments brought before the board not be duplicated in order to give everyone a chance to speak. Thank You!

CITY OF SUGAR HILL

PUBLIC COMMENTS

If you wish to speak, please complete comment sheet with the following information:

DATE: 9-15-97
NAME: THOMAS L WILLIAMS
ADDRESS: 4485 FOREST GREEN DR.
SUGARHILL, GA.
REGARD TO: FRONTIER DRIVE DRIVEWAYS

Complete and give to Chairman or clerk before the meeting begins.

You have a time limit of 3 minutes to speak. Time limit will be strictly enforced so as to provide time for each person to speak. We also ask that issues/comments brought before the board not be duplicated in order to give everyone a chance to speak. Thank You!

We, the undersigned residents of Frontier Forest, Sugar Hill, Georgia, do hereby petition the City of Sugar Hill that we are **not** in favor of a proposed rezoning from OI to BG for property at the corner of Hwy 20 and Frontier Drive for the purpose of a proposed pharmacy and proposed tire center. We also oppose the present proposed site plan because having two entrances and/or exits on Frontier Drive would pose a safety hazard to the residents of this subdivision. We wish this land to remain zoned OI.

PRINTED NAME	ADDRESS	SIGNATURE
Margaret Avery	4575 Forest Green Dr	Margaret Avery
Jimmy C Jones	1431 Frontier Dr	Jimmy C Jones
Lauren Jones	1431 Frontier Dr.	Lauren Jones
Fannie Lou Anderson	1382 Frontier Dr.	
Jean Payne	1412 Frontier Drive	
Darrell A Powers	1421 Frontier Drive	
Marie Stell	1401 Frontier Dr.	Marie Stell
Grady Stell	" " "	Grady Stell
Bertha Ritchett	1372 Frontier Dr.	Bertha Ritchett
Kelly + Lou Kimbro	4427 Frontier Way	
Larry Puckett	1352 Frontier Dr.	
Douglas C Bain	1351 FRONTIER DR.	
Robert Carver	1361 FRONTIER DR	
Nicole Parker	1362 Frontier Dr.	
Beth Thompson	1321 Frontier Dr.	
Jim Stanley	4481 S. Roberts Dr.	

We, the undersigned residents of Frontier Forest, Sugar Hill, Georgia, do hereby petition the City of Sugar Hill that we are **not** in favor of a proposed rezoning from OI to BG for property at the corner of Hwy 20 and Frontier Drive for the purpose of a proposed pharmacy and proposed tire center. We also oppose the present proposed site plan because having two entrances and/or exits on Frontier Drive would pose a safety hazard to the residents of this subdivision. We wish this land to remain zoned OI.

PRINTED NAME	ADDRESS	SIGNATURE
TOM E. ROBINSON	4452 White Oak Dr. Sugar Hill, Ga.	Tom E. Robinson
Frankie Bagwell	4436 Frontier Way Buford, Ga	Frankie Bagwell
Helen Bagwell	4436 Frontier Way Buford, Ga	Helen Bagwell
Linda Lynn	4426 Frontier Way Buford Ga 30518	Linda Lynn
Jerry Lynn	4426 Frontier Way Buford Ga 30518	Jerry Lynn
Dottie Bagley	4416 Frontier Way Buford Ga 30518	Dottie Bagley
Gibbs Bagley	4416 Frontier Way Buford Ga 30518	Gibbs Bagley
Brielle Nixon	4406 Frontier Way	
D.H. JOHNSA	4396 FRONTIER WAY	D.H. Johnson
Margie J. Wilson	4386 Frontier Way	Margie J. Wilson
Ruben B. Wilson	4386 Frontier Way	
Jean Cochran	4376 Frontier Way	
Ben Cochran	4376 Frontier Way	
Katherine Perry	4407 Frontier Way	
Frances Crane	4407 Frontier Way	
Carolyn Bagley	4437 Frontier Way	
Carolyn Bagley		

We, the undersigned residents of Frontier Forest, Sugar Hill, Georgia, do hereby petition the City of Sugar Hill that we are **not** in favor of a proposed rezoning from OI to BG for property at the corner of Hwy 20 and Frontier Drive for the purpose of a proposed pharmacy and proposed tire center. We also oppose the present proposed site plan because having two entrances and/or exits on Frontier Drive would pose a safety hazard to the residents of this subdivision. We wish this land to remain zoned OI.

PRINTED NAME	ADDRESS	SIGNATURE
John W. Bagley	4437 Frontier Way	John W. Bagley
[illegible]	4437 FRONTIER WAY	Sue Bagley
Elaine Wilson	1252 Frontier	ELAINE WILSON
George Haggard	1301 Frontier Forest	George Haggard
Jeff & Shae Fox	4442 White Oak Dr.	Jeff & Shae Fox
Randy & Suzie Bowers	4443 White Oak Dr	Randy & Suzie Bowers
CAROLYN McAfee	Carolyn McAfee	4432 White Oak Dr
Charles MCAFEE	4432 WHITE OAK DR.	Charles McAfee
A.E. MAYES	4422 White Oak DR.	A. E. Mayes
Nat Mayes	4422 White Oak Dr.	Nat Mayes
Roberta Crabb	4363 White Oak Dr	Roberta Crabb
Mildred Hayes	4457 Frontier Way	
Ford Grant	4417 Frontier Way	Ford Grant
WILLIAM C LADDER		
Walt Ladder	1297 Frontier TRAIL	Walt Ladder
Shirley Lipsey	1306 Frontier Trail	SHIRLEY LIPSEY
I J Lipsey	1306 Frontier Dr	I J Lipsey

We, the undersigned residents of Frontier Forest, Sugar Hill, Georgia, do hereby petition the City of Sugar Hill that we are **not** in favor of a proposed rezoning from OI to BG for property at the corner of Hwy 20 and Frontier Drive for the purpose of a proposed pharmacy and proposed tire center. We also oppose the present proposed site plan because having two entrances and/or exits on Frontier Drive would pose a safety hazard to the residents of this subdivision. We wish this land to remain zoned OI.

PRINTED NAME	ADDRESS	SIGNATURE
Geraldine Sosebee	1317 Frontier Tr.	Geraldine Sosebee
HELEN LONG	4353 WHITE OAK DR	Helen Long
Gary Reidelberger	4456 Frontier Way	
Dale Reidelberger	4456 Frontier Way	Dale Reidelberger
Delmar Reidelberger	2568 Robert C Dr	Delmar Reidelberger

MINUTES

Steve Farmer Resident of Ruby Forest. Mr. Farmer stated that if we don't do something different from what we are doing then this thing is going to go on for forever. He understood the job that the commission had, and that they are doing the best that they can for their city, however, the current issue happens to effect Suwanee. He doesn't know if this has been thought about before, if it's legal or whatever, bit isn't there some way that a group from Suwanee and a group from Sugar Hill can get together to look at some of the issues as a joint group. Our communities are beside each other, can't we come up with the best use for the properties in this area. If Suwanee decides to come up and put in a nuclear waste dump beside Ruby Forest , Sugar Hill would be upset about it. These two communities as closely tied together as they are should have some way of getting both parties together to review this for mutual benefit for both communities. If you like that idea he would like to volunteer.

Chairman Jay Asgari asked if there were anymore questions.

Vice Chairman Granville Betts stated that he would agree the first site which was closer to his home than this one is, which he didn't oppose, was probably overall the better of the two sites, but it didn't work out. As a member of this board, this is an industrial corridor, on the railroad, and he has no problem recommending that this facility be located on this site.

Vice Chairman Granville Betts made a recommendation for the Mayor and Council to approve this request for the Special Use Permit with the condition that Medusa look at the trees, and buffer, to see what they can leave in order to put that plant in, seconded by Larry Newberry with the added condition that Medusa make this as attractive, safe and sitely as possible before final approval. Vote 3 - for, 1 - opposed. Board Member Bob Parris opposed.

Mr. McFarland stated that the City Council is scheduled to hear this application at their regular meeting on October 13, 1997 at 7:30 p.m.

REZONINGS

RZ-97-008 MAP# 7-258-008

Eagle Service Corporation is requesting to rezone 2.75 acres at the corner of Highway 20 and Frontier Drive from it's current zoning of OI to BG for the use of a Pharmacy and Retail Tire Center. Chairman Jay Asgari asked Mr. McFarland to open on this request. Mr. McFarland stated that this property is currently zoned OI, the property to the north is zoned HSB, and to the South where Big Lots is, is zoned BG. The rear of this site is zoned residential, there would be a 75' required buffer adjoining any residential property according to the current zoning ordinance. He's reviewed this request and given the board a written analysis. Staff has recommended approval on this with numerous conditions. The main portion of those conditions is the site plans showed two driveways on Frontier Drive, and they recommended that it be reduced to one at this time. He's been informed that the Planning & Development Department has received comments that the residents didn't want any entrances off Frontier Drive, so he expects this will be the topic of discussion for this hearing. At this time they are showing access to the

shopping center, however easement has not been granted at this time. They were also showing a curb cut on Highway 20 that has not yet been approved by the Department of Transportation, and they might very possibly have a concern with having an additional curb cut in between the existing shopping center and Frontier Drive. The other conditions are, the Tire Center if developed would have to face the bays towards the existing shopping center or to Highway 20, and no bay could face Frontier Drive nor residential properties if that were to be the case. This way the buffer would be behind the building. Based on the site plan submitted, there was a driveway coming around the building. After discussion with the applicant recommendation was made that this was to be a one way drive, where the cars were to be parked when finished, and that no cars are to be parked on this side of the building until finished, then they could go pick up their cars. Mr. McFarland stated that the board has a copy of these recommendations.

Chairman Jay Asgari asked if there was anyone present to represent Eagle Service Corporation.

Doug Stack stated that he was representing the applicant and owner of this property which consists of 2.6 acre tract. There are two lots proposed the site plan, showing two users, a pharmacy and tire center. The buildings will face Highway 20. The Tire Center bays will face away from the residential area. Access points have been touched by Mr. McFarland, the Highway 20 access is anticipated approval by the D.O.T. for right in, right out access, which means if you are headed out South on 20, then you can turn right straight into the site, and to leave the site you have to turn right out. The other access shown is at the shopping center, and there is nothing in writing at this time from them owner giving this access, this is only proposed. The other access points are for Frontier Drive, one for each lot, both are farther away from the subdivision than the existing curb cuts for commercial areas across the street. The curb cuts and access to Frontier Drive are predominately for safety, and ease access measures. The safety is because of the access provided by the center. The signal light has a left turn dedicated so that you have a stacking area into the site, what that eliminates is people stacking, and doing a U-turn crossing three lanes of traffic to get back into the property. The same is true for the entering on the north end of the property, this will eliminate U-turns at a very high speed. Mr. Stacks stated that the landscaping would enhance the area and the aesthetics of the building recommended as a condition of zoning by Mr. McFarland would mandate the quality of the site. Board Member Bob Parris questions Mr. Stacks on how far would the Tire Center be from the curb to Frontier Drive. Mr. Stacks stated approximately 150'. Board Member Bob Parris stated that Mr. Stacks didn't put anything in his report regarding the outdoor storage for the tires and etc. Mr. Stacks stated there would be no outdoor storage. Vice Chairman Granville Betts asked Mr. Stacks if he understood him correctly in stating that from the curb cut there is only 50' left to the property line in the rear and they don't have the 75' which is required for the buffer. Mr. Stacks stated that this was correct that this drawing was only a conceptual plan and they would be requesting a waiver of the 75' to 40' buffer, and then the area that is disturbed would be replanted according to the city ordinances. Vice Chairman Granville Betts stated that he would not be able to use this buffer area for retention, and they couldn't take any trees down in order to do this, therefore this plan even though it conceptual is not workable. Chairman Jay Asgari stated that they had this problem before with the Methodist Church. Mr. Stacks stated that they would design a plan that is more specific if approved, with the pond appropriately located. Mr. Stacks stated that they had enough room to shift this around one way or another. Chairman Jay Asgari stated that he visited the proposed property and with the curb cut shown

on this plan which is closest to the house located at 1431 Frontier Drive, appears to be very dangerous because it's such a short distance and you don't have good site distance coming around that curve. Chairman Jay Asgari stated this appears to be more of a safety hazard that to be of use. Board Member Larry Newberry stated that he wasn't excited about reducing the buffer adjoining a residential area. Mr. Stacks stated that this request would be because this is a low area where the natural drainage flows, and the subdivision is higher. Board Member Larry Newberry stated that he's concerned with the noise, and noise pollution. Chairman Jay Asgari stated that this house at 1431 Frontier Drive has a pool, and he's just not comfortable with reducing the buffer zone for this area.

Chairman Jay Asgari opened the floor for citizens comments:

Meg Avery Resident of Frontier Forest. Mrs. Avery stated that she lives on Forest Green which is the furthest street away from this project, but she's very concerned with this project. She spoke with Tom Cantaneze who is supposedly in charge of this project. Mr. Stacks mentioned that in this area the street is nice and straight, and asked Mr. Stacks if he's driven down this street and noticed that immediately following this nice straight area is a very dangerous curve. Mrs. Avery gives and example of a possible traffic accident occurring with a School Bus, homeowner, irate customer leaving the tire center, and someone leaving from the pharmacy. They don't want to see any driveways coming off Frontier Drive much less 1 or 2 driveways. All the homes that she went to, all the homeowners wanted to know if they could shut down the Shoney's Driveway because it's bad enough. All of the homeowners know that when they are at the traffic light and it turns green, you know not to immediately take off, you have to wait and see who's trying to "beat the light" or you're going to get hit. This project would just cause more traffic hazards. According to the Planning & Zoning Ordinance Frontier Drive is a collector street, Planning & Zoning Codes state that Shopping Center shall have access and egress only on a Major Street. Office Institution provides for limited Commercial and Institutional Land Uses where traffic noise and congestion are minimized. General Business provided for a wide range for retail land service establishments and a central business environment. They already have a shopping center there, rather large, so they don't need an additional 2 acre shopping center. It was pointed out to her that this was something that the community needs, and it would benefit the community and enhance the neighborhood. There are approximately 10 pharmacy's within a 10 mile radius, and approximately 5 tire centers within a 5 mile radius, and she doesn't think this is something the community needs. The D.O.T. would also have to approve the plan the way it is, because of the major safety hazard, it was pointed out to her that this property may be granted for General Business but approval for that curb cut it would never be granted. Since this is an unacceptable site plan, she recommended that the Planning Commission deny this request until an acceptable site plan is submitted. It was pointed out to her that development was coming, and she understands this but doesn't think it should just automatically be approved. She wanted to know when Gwinnett County was going to quit being Shopper's Paradise County, they moved into Gwinnett County and don't need to go shopping at their back door, it's just not necessary, the city needs to plan what is best for this community. The Realtor informed Ms. Avery that the property owner has a right to make a profit on this property and she agrees with this, but not at the expense of other citizens. Citizens have a right to claim their home as their investment, and there are more of them. Mrs. Avery stated she appreciates Chairman Jay Asgari pointing out the detention/retention pond problems between Roberts Drive and the

Methodist Church. She would like for the Commission to look into the fact that some homeowners have brought to her attention that their warranty states that no businesses are allowed in the Frontier Forest Subdivision. She's very concerned about this request and feels it's unacceptable.

George Haggard Resident of Frontier Forest. Mr. Haggard stated that as Mayor Trice of Suwanee stated earlier they do appreciate the time that the members of the board who are volunteers, give. Mrs. Avery has pretty well spoken. All members of the Planning Commission have taken time to drive down to the site and consider the safety factors. He's been part of past administration where they approved a tire store and the outdoor storage and mosquitoes were terrible. They will tell you they are not going to leave tires, outside but they do. He wanted to make sure that the Commission was aware that there was still a suit pending regarding a retention pond. When Mr. Stacks stated that he felt like he could get a cut in from the state off Highway 20, from that traffic light to the shopping center, Mr. Haggard stated that he has a few people that he can contact, and don't think that he will be granted that cut in because this intersection was very dangerous.

Elaine Wilson Resident of Frontier Forest. Ms. Wilson stated that her concerns have already been addressed, the only thing she wanted to add was that she lived on the Frontier Drive and that was their only way in and out and they didn't need any additional traffic.

Marge Castelle Resident of Frontier Forest. Ms. Castelle stated that she has not objection to progress, however she does have concerns with safety and it's already very dangerous coming in and out of Shoney's and they just don't need additional traffic. They don't want the retention pond, because she can see the kids all trying to play in it, and the 75' required buffer alone just doesn't seem like enough. They don't want to see any additional curb cuts off of Frontier Drive and she doesn't feel like the state will grant this curb cut because there is not enough room. Even with the light existing there is still a tremendous amount off accidents there, and she's sorry, but she wishes that these people would just go elsewhere.

Linette Barr Resident of Frontier Forest. Ms. Barr stated that the problem they keep referring to regarding the Church belongs to her. She owns a detention pond across the whole back of her yard and has no buffer. She was assured although there was nothing that could be done for her because everything they done was legal, now the ordinances have changed and people would be protected in the future. They have no trees between their house and the curb, the whole pond drains into their ½ acre lot, and they were told everything was done legal. Ms. Barr asked that the Commission use her experience and their conscience and not do this to someone else. She's not going to speak about the safety because she feels that this has already been covered, but she feels like these homeowners where this project is trying to go in need to be protected.

Bill Parker Resident of Frontier Forest. Mr. Parker stated that he's not against development and growth, and he feels like a property owner has a right to develop their property under a current zoning as they see fit as long as they follow the proper guidelines. He doesn't feel like this development, as it is, getting on tract without a lot of request for amendment, changes and buffer reductions. It's kind of like trying to fit a

square peg in a round hole. His children ride the bus in an out of there everyday, and he drives that way everyday. Going the speed limit, you don't have enough time to adjust someone coming out of Shoney's , and you don't have enough time for someone coming out of the Doctor office entrance, adding two more driveways, or even one more is like trying to fit a bigger square peg into that little bitty round hole. It's not going to work and someone is going to get hurt.

Rick January Resident of Frontier Forest. Mr. January stated that he's a former member of the Appeals Board and he can attest to the motions that ran through several meetings held over detention ponds and other issues. It was indeed why detention ponds were made illegal to be placed in buffer zones. If the city stands on it own laws there is no way they are going to be able to develop this project as shown here tonight. He finds it amazing that our city planner would recommend approval on a rezoning for a plat that isn't even legal. You would think his first recommendation would be for them to present something that is workable. He can't see how the Planning Commission can vote or make recommendation for an illegal plat. These people need to be sent back and asked to bring in something workable, the ordinance states a variance should be granted because of conditions that are not a resulting act of the property owner. Developing a piece of property where the plat shows a detention pond in the buffer is a result of the property owner or developer poor judgment, so they don't deserve a variance, and this is just a insult to every citizen in Sugar Hill. We've discussed the safety issues, and the legality of certain issues, and most importantly the Quality of Life. Frontier Forest is an old subdivision, and they were lucky when Mill Creek Trace was added and they have a wonderful community. The last thing they need is to turn it into a General Business, it needs to remain OI. This property needs to develop to blend naturally with the already existing subdivision and businesses on Highway 20..

Hart Noll Resident of Frontier Forest for 15 years. Mr. Noll stated that every speaker before him has been very ultimate and he can't touch that. As he counts, he came up with 7 drug stores and 6 tire stores and he doesn't feel there is a need for this development to occur. What happens when these business go under, then what will be placed there next. If General Business is allowed anything can go there, this needs to be taken into consideration. It's not workable, it doesn't make since, and they don't need this there so it should not be approved.

Thomas Williams Resident of Frontier Forest. Mr. Williams stated that everyone has addressed all his concerns except that Mr. Stacks stated the drive is straight coming up, and wanted to know how he could say it was straight when there was that big curve there. Mr. Williams continues to discuss the safety issues and stated, and that this is out of place and should be denied.

Meg Avery submits a copy of 65 signatures of a petition for the Planning Commission. She will give the original to the Mayor and Council for when they actually vote on this.

Some lady in the audience request that although this is not the issue brought before the board tonight, she would like for someone to look into getting that light that crosses over Highway 20 to last longer. With the way it is now you cannot cross it on foot.

MINUTES

There were several other citizens comments made and discussion held that will not be detailed into these minutes due to the fact that they didn't sign the public comment form as requested. Therefore record of their comments will not be recorded, this includes, Margie Wilson, Frances Crane, Geraldine Sosbee, Jimmy Jones, Bob Waogner, Bill Parker, Mickey Skelton, J.D. Payne, and Steve Queen. Most comments were already addressed earlier. For the record, Jimmy Jones is the resident that would back up directly to this project, he stated that with the Mall of Georgia under way that this development was just not necessary. Mr. Waogner stated that he didn't even live in the city, nor even near this development, but he would like to state for the record that he too felt like this intersection was very dangerous.

More discussion held on this matter. Mr. Stacks stated that they would do whatever to get a favorable consideration, and suggested speed humps which didn't seem favorable to the audience. Mr. Stacks stated if they couldn't get easement from Halpern, or the curb cut off 20 and the city denied this request because they didn't want to allow any curb cuts off Frontier Drive. This would make a land locked piece of property, and the city can't do this. There is HSB zoning across the street from this project which would allow for a Tire Center and Drug Store to use the existing curb cut tomorrow without any questions asked. Meg Avery stated there is already two curb cuts for the existing shopping center where the Big Lots is and that this agent should work with the owner of this shopping center. Agent Tom Cantanese stated safety issues are very important to him. He has a wife and children as well, and he's been working with the developer and purchaser of this project and been in contact with the people from Brickton. He has been informed that there will be an additional traffic light installed on 20 when you come over the bridge before you get to the light at Frontier Drive which would slow people down. Mr. Cantanese stated that he worked in the past with the former Mayor Mr. Haggard, on the project where the brick medical building is and he's been a part of this community quite sometime, and wants to do a nice project to enhance the area. Comments from the audience were they still were not in favor of this request

Board Member Bob Parris asked Mr. Cantanese if he didn't get approval for that turn in on Highway 20 would that kill the project. Mr. Cantanese stated that he didn't think so.

Ms. Barr questioned the access at the shopping center. I if he were granted this access by the property owner, and then he also had access off Frontier Drive, knowing how hard it is to get across 20, wouldn't that invite all the traffic trying to get across 20 to Frontier Drive. It's either got to be one of the other, they wouldn't be able to use this, and there would only be more traffic on Frontier Drive getting in there. If they close it off they are going to say hardship because they have no entrance. It's going to be a lot worse if you give them access from the shopping center and Frontier Drive, therefore it's got to be one or the other.

Mr. Cantanese asked Mr McFarland if this piece of property, if it fronts on Frontier Drive would this be it's access point. Mr. McFarland stated there were some statements made earlier that he didn't feel was correct. There is nothing in the regulations that says you cannot have access from the road whether is from whatever zoning classification. You can have access subject to conditions of zoning. If it's already zoned a given zoning classification you cannot limit the access right-of-way to the property unless there is a site distance problem and then you attempt through engineering design drawing to locate the driveway

to the safest possible point. The other thing stated that was incorrect was the zoning application is iron clad and you've got to have a workable site plan when submitted. Obviously no one wants to go through the process if they are not going to be granted the zoning, a concept plan is all that is required for a zoning application, it doesn't have to be a complete detailed plan. In addition, the Planning Commission has a right to modify, make conditions, they could even require a 100' Buffer if that be the case, therefore, this is the reason a complete plan is not required. The other statement was correct which Mr. Stacks made. If you cannot get easement to the shopping center, nor curb cut on Highway 20 because of the safety issues, the only access they can legally get is access from Frontier Drive. You cannot deny them access regardless of what the zoning is. It has to be guaranteed to the property owner you cannot land lock a piece of property. They can attempt to get access like that, but if a developer took the city to court they would get a mandamus told to issue the permit because you cannot deny them the access.

Mr. Cantanese stated that he willing to work with what the people want. Mr. Haggard stated that an additional light would probably slow down the traffic somewhat, and asked if they are working with the existing shopping center. Mr. Cantanese stated that he's been working with them but hasn't gotten anything in writing, he's willing to try and make a happy medium. Mr. Haggard stated that Mr. Cantanese has always been willing to work with everyone, and suggested that maybe they all need to get together and have a meeting before the Council hearing. He knew they couldn't be denied access but he would like to see the access off 20, or maybe an easement given from the existing shopping center. Mr. Haggard asked if Mr. Cantanese could use the cut off Highway 20 for in and out. Mr. Cantanese stated that he felt like the red light would be safer. More discussion held.

Vice Chairman Granville made a recommendation that the Mayor and Council deny this request because of the traffic loads, safety, the entrance on to Frontier Drive which is dangerous, buffers, retention pond, and the fact that a Tire Center doesn't belong in front of a subdivision, and it's not appropriate. Vice Chairman Granville Betts stated that he would like to include in this motion that he doesn't have a problem with the Pharmacy but there are some things that need to be worked out before he would even consider recommending approval for that, therefore this request is recommended for denial, seconded by Board Member Bob Parris, and approved unanimously by those present.

Mr. McFarland stated that he wanted to make a clarification for the record, and asked was there anything in the staff recommendation that indicated that any ordinance should be violated. Board Member Bob Parris stated there was not. Mr. McFarland stated that he just wanted to clarify this for the record.

BOARD MEMBER COMMENTS

Vice Chairman Granville Betts stated that he just wanted for the record to state that Board Member Ed Entrekin has resigned his position in order to run for Council, and thanked him for his words of wisdom while serving on the board and wished him well in all his endeavors. All other members of the board agreed with Vice Chairman Granville Betts.

MINUTES

ADJOURNMENT

Board Member Bob Parris made a motion to adjourn, seconded by Board Vice Chairman Granville Betts, and approved unanimously by those present.

Meeting adjourned at 9:35 p.m.

✓ UNOFFICIAL DATE APPROVED: ___/___/___

PREPARED BY: KIMBERLY B. LANDERS

ANNEXATION APPLICATION

This annexation petition is made pursuant to the provisions of the official code of Georgia annotated 36-36, Article 2, "Annexation Pursuant to Application by 60 percent of Landowners and Electors."

Application is hereby made to the City of Sugar Hill, Georgia by the undersigned property owners and electors residing on property proposed for annexation, to have the attached described land(s) annexed into the corporate limits of the City of Sugar Hill.

Map Reference #: Tax Parcel # 142 Total Number of Acres to be annexed: 1.19

It is requested that a zoning classification of (Professional Office) O&I be assigned to the property upon annexation. The property is currently zoned (____) R-100 in Gwinnett County.

Is this property vacant? ___ yes X no (If no, it is necessary for the elector to sign.) (Same as Landowner Currently)

LANDOWNER:

Name: Thomas Dwaine Thompson

Address: 5715 Georgia Hwy 20

City: Buford/Sugar Hill State: GA Zip Code: 30518

Phone: 770/271/9250 Home _____ Work

Date: 9/9/97 Signature: Thomas Dwaine Thompson

Melissa D. Thompson

ELECTOR (Registered Voter):

Name: Yes Same as above

Address: _____

City: _____ State: _____ Zip Code: _____

Phone: _____ Home _____ Work

Date: _____ Signature: _____

Mayor & Council Annexation Application Acceptance Meeting Date: 10-13-97

P & Z Public Hearing: 10-20-97 Mayor & Council Public Hearing: 11-10-97

Deadline for submitting application in order to follow this schedule: 9-26-97

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PLANNING AND DEVELOPMENT DEPARTMENT USE ONLY

FILE NUMBER: _____ ACCEPTED BY: _____

DATE: _____ AMOUNT PAID: _____ CHECK #: _____

REZONING APPLICATION

AN APPLICATION TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF SUGAR HILL, GEORGIA.

APPLICANT INFORMATION	OWNER INFORMATION
NAME: Robert B. Fortin	NAME: Thomas Dwayne Thompson
ADDRESS: 10600 Montclair Way	ADDRESS: 5715 Georgia Hwy. 20
CITY: Duluth	CITY: Buford/Sugar Hill
STATE: GA ZIP: 30155	STATE: GA ZIP: 30518
PHONE: 770-476-1638	PHONE: 770-271-9250

CONTACT PERSON: Peter Fontaine @ Norton Agency
PHONE: 770/614-2579 FAX: _____

* Include any person having a property interest and any person having a financial interest in any business entity having property interest (use additional sheets if necessary).

APPLICANT IS THE:

____ OWNER'S AGENT ____ PROPERTY OWNER X CONTRACT PURCHASER

PRESENT ZONING DISTRICT(S): R100 REQUESTED ZONING DISTRICT: O&I

LAND DISTRICT(S): 7th LAND LOT(S): 339 ACREAGE: 1.19 TAX ID#: 7-339-142

ADDRESS OF PROPERTY: 5715 Georgia Highway 20

PROPOSED DEVELOPMENT: Chiropratic Office

PLEASE CHECK THE FOLLOWING IF APPLICABLE:

____ Proposal is a Development of Regional Impact
____ Proposal is within 2,000 feet from the Chattahoochee River

RESIDENTIAL DEVELOPMENT:	NON-RESIDENTIAL DEVELOPMENT:
NO. OF LOTS/DWELLING UNITS: _____	NO. OF BUILDING/LOTS 1
DWELLING UNIT SIZE (sq. ft.) _____	TOTAL GROSS SQUARE FEET 2100 + 1600 Basement
GROSS DENSITY _____	DENSITY _____
NET DENSITY _____	

LETTER OF INTENT

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED.

ANNEXATION APPLICATION

This annexation petition is made pursuant to the provisions of the official code of Georgia annotated 36-36, Article 2, "Annexation Pursuant to Application by 60 percent of Landowners and Electors."

Application is hereby made to the City of Sugar Hill, Georgia by the undersigned property owners and electors residing on property proposed for annexation, to have the attached described land(s) annexed into the corporate limits of the City of Sugar Hill.

Map Reference #: Tax Parcel 7.339 #79 Total Number of Acres to be annexed: 1.003

It is requested that a zoning classification of (O&I) Office & Inst be assigned to the property upon annexation. The property is currently zoned (R-100) Residential in Gwinnett County.

Is this property vacant? ___ yes ___ no (If no, it is necessary for the elector to sign.)

LANDOWNER:

Name: David V. Edwards & Iris Edwards

Address: 5717 GA Hwy 20

City: Sugar Hill State: GA Zip Code: 30518

Phone: 770/271-3686 Home 407/674-4756 Work

Date: 9/12/97 Signature: x David V. Edwards
x Iris Edwards

ELECTOR (Registered Voter):

Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Phone: _____ Home _____ Work

Date: _____ Signature: _____

Mayor & Council Annexation Application Acceptance Meeting Date: 10/13/97
P & Z Public Hearing: 10/20/97 Mayor & Council Public Hearing: 11/10/97
Deadline for submitting application in order to follow this schedule: 9/26/97

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PLANNING AND DEVELOPMENT DEPARTMENT USE ONLY

FILE NUMBER: _____ ACCEPTED BY: _____
DATE: _____ AMOUNT PAID: _____ CHECK #: _____

ANNEXATION APPLICATION

This annexation petition is made pursuant to the provisions of the official code of Georgia annotated 36-36, Article 2, "Annexation Pursuant to Application by 60 percent of Landowners and Electors."

Application is hereby made to the City of Sugar Hill, Georgia by the undersigned property owners and electors residing on property proposed for annexation, to have the attached described land(s) annexed into the corporate limits of the City of Sugar Hill.

Map Reference #: Tax Parcel #68 Total Number of Acres to be annexed: 1.738 Ac

It is requested that a zoning classification of (_____) _____ be assigned to the property upon annexation. The property is currently zoned (_____) _____ in Gwinnett County.

Is this property vacant? ___ yes ✓ no (If no, it is necessary for the elector to sign.)

LANDOWNER:

Name: Truman E. & Mae B. Thompson

Address: 5711 Old Cumming Rd (& GA Hwy 20)

City: Sugar Hill State: GA Zip Code: 30518

Phone: (770) 945-7175 Home _____ Work

Date: 9/12/97 Signature: Truman B Thompson

Mae B. Thompson

ELECTOR (Registered Voter):

Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Phone: _____ Home _____ Work

Date: _____ Signature: _____

Mayor & Council Annexation Application Acceptance Meeting Date: 10/13/97

P & Z Public Hearing: 10/20/97 Mayor & Council Public Hearing: 11/20/97

Deadline for submitting application in order to follow this schedule: 9/26/97

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PLANNING AND DEVELOPMENT DEPARTMENT USE ONLY

FILE NUMBER: _____ ACCEPTED BY: _____

DATE: _____ AMOUNT PAID: _____ CHECK #: _____

ANNEXATION APPLICATION

This annexation petition is made pursuant to the provisions of the official code of Georgia annotated 36-36, Article 2, "Annexation Pursuant to Application by 60 percent of Landowners and Electors."

Application is hereby made to the City of Sugar Hill, Georgia by the undersigned property owners and electors residing on property proposed for annexation, to have the attached described land(s) annexed into the corporate limits of the City of Sugar Hill.

Map Reference #: Tax Parcel #69 Total Number of Acres to be annexed: 1.07

It is requested that a zoning classification of (_____) _____ be assigned to the property upon annexation. The property is currently zoned (_____) _____ in Gwinnett County.

Is this property vacant? ___ yes ✓ no (If no, it is necessary for the elector to sign.)

LANDOWNER:

Name: Lillie B. Turner

Address: (Old Cumming & GA 20) 5705 Old Cumming Rd.

City: Sugar Hill State: GA Zip Code: 30518

Phone: (770) 932-1907 Home _____ Work

Date: 9/12/97 Signature: Lillie B. Turner

ELECTOR (Registered Voter):

Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Phone: _____ Home _____ Work

Date: _____ Signature: _____

Mayor & Council Annexation Application Acceptance Meeting Date: 10/13/97
P & Z Public Hearing: 10/20/97 Mayor & Council Public Hearing: 11/20/97
Deadline for submitting application in order to follow this schedule: 9/26/97

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PLANNING AND DEVELOPMENT DEPARTMENT USE ONLY

FILE NUMBER: _____ ACCEPTED BY: _____
DATE: _____ AMOUNT PAID: _____ CHECK #: _____

ANNEXATION APPLICATION

This annexation petition is made pursuant to the provisions of the official code of Georgia annotated 36-36, Article 2, "Annexation Pursuant to Application by 60 percent of Landowners and Electors."

Application is hereby made to the City of Sugar Hill, Georgia by the undersigned property owners and electors residing on property proposed for annexation, to have the attached described land(s) annexed into the corporate limits of the City of Sugar Hill.

Map Reference #: Tax Parcel #71 Total Number of Acres to be annexed: 1.59 Ac

It is requested that a zoning classification of (_____) _____ be assigned to the property upon annexation. The property is currently zoned (_____) _____ in Gwinnett County.

Is this property vacant? ___ yes ✓ no (If no, it is necessary for the elector to sign.)

LANDOWNER:

Name: Tom B. Turner

Address: 5705 Old Cumming

City: Sugar Hill State: GA Zip Code: 30518

Phone: 770/932-1907 Home _____ Work

Date: 9/12/97 Signature: Tom Turner

ELECTOR (Registered Voter):

Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Phone: _____ Home _____ Work

Date: _____ Signature: _____

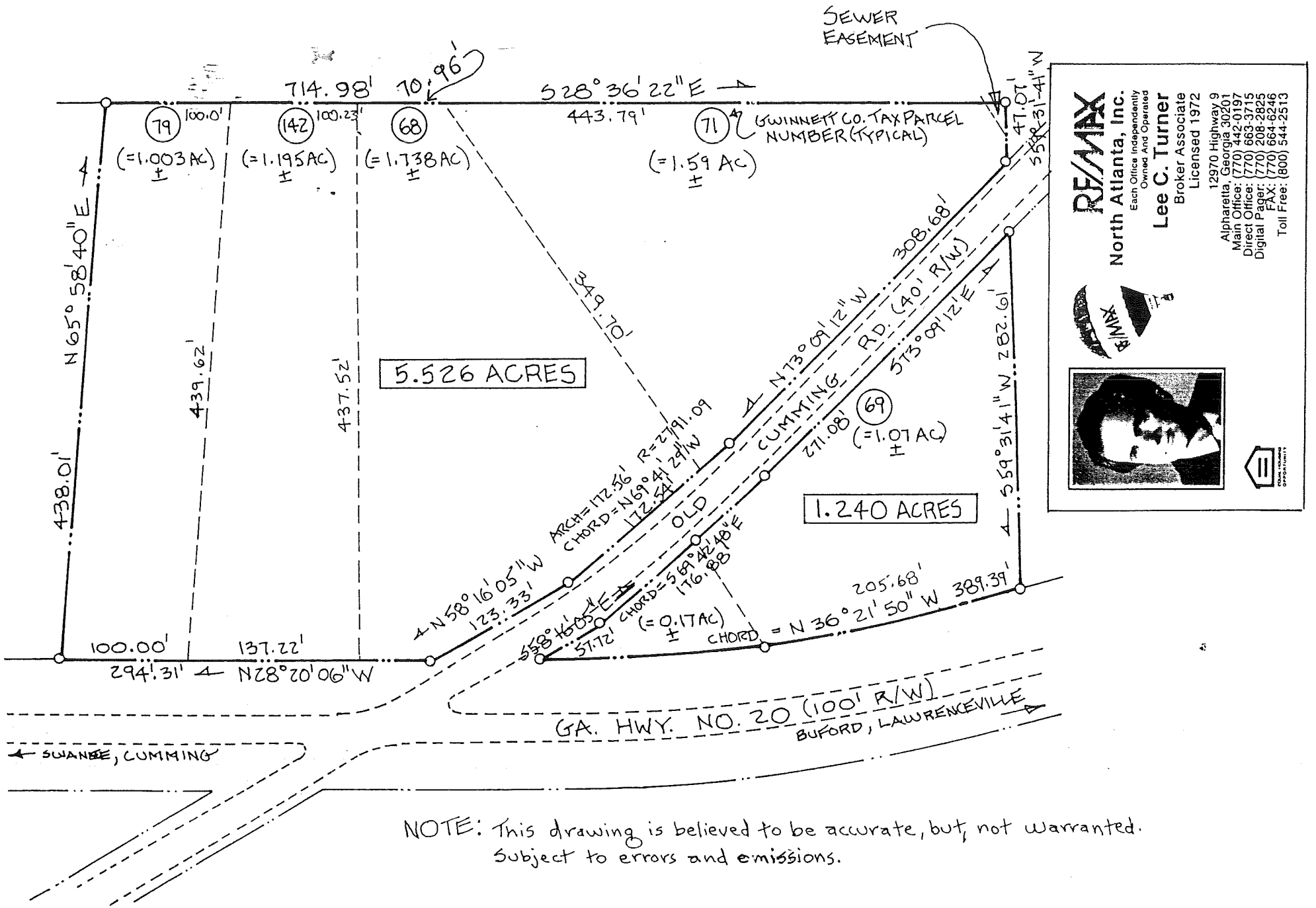
Mayor & Council Annexation Application Acceptance Meeting Date: 10/13/97
P & Z Public Hearing: 10/20/97 Mayor & Council Public Hearing: 11/20/97
Deadline for submitting application in order to follow this schedule: 9/26/97

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PLANNING AND DEVELOPMENT DEPARTMENT USE ONLY

FILE NUMBER: _____ ACCEPTED BY: _____

DATE: _____ AMOUNT PAID: _____ CHECK #: _____



NOTE: This drawing is believed to be accurate, but, not warranted. Subject to errors and emissions.

RE/MAX North Atlanta, Inc.
Each Office Independently Owned And Operated
Lee C. Turner
Broker Associate
Licensed 1972
12970 Highway 9
Alpharetta, Georgia 30201
Main Office: (770) 442-0197
Direct Office: (770) 663-3715
Digital Pager: (770) 208-2825
FAX: (770) 664-6246
Toll Free: (800) 544-2513

MEMORANDUM 97-81

TO: Mayor/City Council

FR: Warren P. Nevad

RE: OCTOBER 13, 1997 CITY MANAGER REPORT

DATE: October 8, 1997

1. EMPLOYEES:

We have promoted Nelson Lopez to the Gas Department. Donna Zinskie will assist Tony Bauman with building inspections. She will also provide office support to Kim Landers. Joe Appling will handle code enforcement and landfill closure.

Johnny Upchurch deserves special merit for training our new gas employees. He has worked well with management in implementing our gas system improvements.

Scott Payne has been working closely with me to ensure a smooth transition.

2. PLANNING/ZONING:

The department issued 35 single family residential permits. A total of 332 inspections were conducted during this busy month.

We have applied for a special use permit for the dry cement distribution facility which will be located on Buford Hwy. The Planning and Zoning Board approved this on September 15th. The Mayor/City Council will consider said request at the October 13th meeting.

3. GAS DEPARTMENT:

The gas department installed 52 services during the month of September. We have privatized our new services with Hughes Construction. The year to date total for new services is 419. The Highway 20 project is progressing very well. We should be within a 1,000 ft. Of Oaks at Lanier. The crews will install the 4 inch line on Whitehead to Abingdon. Thereafter, we will contract out to the Oaks at Lanier. A special master will review the condemnation hearing on October 15th. L & F Pipeline lacks only 1100 ft for completion of the High Pressure Project. Flynt Construction is laying the 4 inch pipe upgrade on Suwanee Dam Rd. (from Level Creek to Hwy. 20). We have commenced our gas line improvement project on Highway 20. Mr. Payne has spearheaded these projects.

We have concluded our statistical study with the University of Georgia concerning our unaccounted for gas problem. This study entailed a multiple regression analysis correlating independent factors such as temperature, orifice factors and customer connections. Based on statistical modeling, the reports states that the predicted volume based on the aforementioned

factors was 90,000 MCF less than the observed TRANSCO reading. This figure was derived from data relating to the 1996 winter.

In summary, the report concludes that the analysis may be ambiguous due to alternative explanations but does provide evidence that the TRANSCO readings were unusually high after January 1, 1996. Further, the report stipulates that the probability of TRANSCO's winter readings being so high based on statistical modeling was very low.

4. FINANCE:

The ending balance in the General Fund checking account as of today was approximately $96,000. The balance in the LGIP fund is $640,328. In conjunction with our new computer software, we are auditing all business license activity.

We have prepared our 1998 budget draft. One issue that needs to be addressed is the funding of the enhanced spray irrigation equipment. Hopefully, reserves can be used to fund this project and/or a dedicated revenue source (i.e. surcharge fee).

5. SOLID WASTE:

We have advised the State that a geotechnical study is necessary to evaluate current ground cover thickness and integrity. We also need to verify the existing topographic and boundary surveys along with revising the closure/post closure plan that was prepared by Mid-American several years earlier.

Piedmont Olsen Hensley is currently conducting the methane monitoring program .The year to date expenses for the landfill exceed $116,000.

6. GOLF COURSE:

We have requested an interim spray field upgrade. EPD has approved our design development report for our spray field upgrade at the golf course. We are extremely pleased with their decision. The golf course generated over $ 97,000 during September.

7. GRANTS:

During September we applied for a matching grant to fund a master recreation plan for the City. This plan will encompass YMCA, golf course and the city park.

Best Wishes for a productive meeting.

WPN:bms

CITY OF SUGAR HILL

4988 WEST BROAD ST. SUGAR HILL, GEORGIA 30518
(770) 945-6716

November 10, 1997

TO; MAYOR AND COUNCIL

FROM; CITY CLERK/SUPERINTENDENT OF ELECTIONS:

The results of the Election, held on November 4, 1997, need to be certified.

FOR MAYOR;

ROBERTA CRABB	433
W.J. DODD	352
CHARLES A. SPRADLIN	509

FOR COUNCIL:

MICHAEL J. MOSLEY	1030

FOR COUNCIL;

H.E.(ED) ENTREKIN	467
GARY PIRKLE	801

CITY OF SUGAR HILL AGENDA
COUNCIL MEETING - NOVEMBER 10, 1997-7:30 P.M.

CALL TO ORDER AND INVOCATION:

APPROVAL OF AGENDA: B + P – 4-0

APPROVAL OF OCTOBER 13TH MINUTES P + B 4-0

DEPARTMENT REPORTS: NEVAD

OLD BUSINESS:

A: OPEN BURNING BAN: P + B - Table 4-0 BAILEY

B: SUP 97-001- SPECIAL USE PERMIT- – P - M - 4-0
MAP# 7-254-011 -11.88 ACRES- PURPOSE- DRY CEMENT DISTRIBUTION: MCFARLAND withdrawn

C: PUBLIC HEARING-RZ-97-008- REZONING -MAP# 7-258-008: ACRES- HWY.20/ FRONTIER DR.-O & I TO BG: P-D MCFARLAND 4-0

CITIZEN'S AND GUEST'S COMMENTS:

NEW BUSINESS:

A. PUBLIC HEARING-AX-97-003- ANNEXATION-LEE TURNER- 6.766 ACRES HWY 20- O & I ZONING P + B - 4-0 P + M - 4-0 4-0 MCFARLAND

B. PUBLIC HEARING- RZ-97-009- BEN GIBSON: WAGES WAY/ HIDDEN CIRCLE- RS 100 TO BG MCFARLAND

C. CITY ASSISTANCE RESOLUTION B - P 4-0 NEVAD

D. CERTIFICATION OF ELECTION B - M - 4-0 MCCALLA

CITY CLERK'S REPORT:

CITY MANAGER'S REPORT:

COUNCIL REPORTS:

EXECUTIVE SESSION: P + B - 4-0
POSSIBLE LITIGATION
PERSONNEL

ADJOURNMENT:

UNOFFICIAL MINUTES

CITY OF SUGAR HILL - COUNCIL MEETING
MINUTES - MONDAY, NOVEMBER 10, 1997

The Mayor and Council of the City of Sugar Hill held their regular monthly meeting on November 10, 1997 at 7:30 p.m. in the Community Center.

The meeting was advertised in the local papers, notices were placed on the doors of the City Hall and the Community Center, It was also posted on the signs at Alton Tucker Blvd and Peachtree Ind Blvd and at Highway 20 and Peachtree Ind Blvd.

Those present were: Mayor Webster, Mayor Pro-Tem Pugh, Council Members: Baird, Davis, and Mosley, City Manager Warren Nevad, City Attorney Lee Thompson, Assistant City Manager Scott Payne, Consultant Don McFarland, City Clerk Gibbs, registered guests and members of the media. Absent was Council Member Bailey, whose wife had surgery on Monday.

CALL TO ORDER AND INVOCATION:

Mayor Webster called the meeting to order at 7:30 p.m., led the pledge to the Flag and Council Member Baird gave the invocation.

APPROVAL OF THE AGENDA:

Council Member Baird made a motion to approve the agenda, second made by Mayor Pro-Tem Pugh. Motion passed 4-0.

APPROVAL OF OCTOBER 13th MINUTES:

Mayor Pro-Tem Pugh made the motion to approve the October 13th minutes, second by Council Member Baird. Motion passed 4-0

Before continuing with the meeting, Mayor Webster turned the floor over to Mayor Pro-Tem Pugh to make a presentation. Mr. Pugh stated that a few weeks ago, the Gwinnett Daily Post ran a survey on golf courses in the Gwinnett County area. There were about 8 different categories and out of the 8, Sugar Hill's golf course placed in just about every one. There were a number of the golf course employees in attendance. Mr. Pugh asked them to come forward. Mr. Wade Queen, Director of Golf, made the introductions: Tommy Everett Assistant Greens Superintendent, Lisa Terry, Secretary; David Bowman, Head Pro and Jeff Hefner, Certified Greens Superintendent. After applause from the audience, Mr. Pugh thanked them for all their hard work and dedication in making Sugar Hill's golf course a great place.

DEPARTMENT REPORTS:

City Manager Nevad gave the following report: Last month the Planning and Zoning Department issued 26 single family permits, with 378 inspections, a special use permit was on the agenda to be considered for a dry cement plant; which had the approval of the ARC.

Approved 12/8/97

DEPARTMENT REPORTS CONT'D:

The balance in the Local Government Investment Pool was $514,000. The City had applied for a $100,000 grant; from the City Assistance Program; to help with the enhanced spray irrigation at the golf course. Also, the City had applied for an Ice T grant to help build sidewalks from West Price Hills Subdivision to Level Creek Road. Finally, on Solid Waste, the EPD would conduct a Public Hearing on November 17th at 6:30 p.m. at the Justice Center in Lawrenceville. This hearing was to help determine site suitability of the proposed expansion of the Buford Landfill.

Mr. Payne gave the following report on gas: 81 new services were installed in October. The gas crews had been doing meter change outs - replacing the old 175 meters with a 275 meter. So far, about 150 meters had been replaced. In all, they expected to replace about 250 meters. The 4 inch gas line on Highway 20 and Whitehead was in place. Crews and contractors are working to make sure these lines are hot soon. By running the gas line down Whitehead and Highway 20, allowed them to go to the Oaks of Lanier Subdivision. The long range goal on the project is to go to Hillcrest Drive.

OLD BUSINESS:

A: OPEN BURNING BAN:
A motion was made by Mayor Pro-Tem Pugh to table this item. Wording on the ban was still not correct for the developers. Council Member Baird made the second. Motion passed 4-0

B: SUP 97-001 - SPECIAL USE PERMIT - MAP # 7-254-011 - 11.88 ACRES
PURPOSE - DRY CEMENT DISTRIBUTION :
Mayor Webster asked Mr. Donald Stack to speak before Mr. McFarland gave his presentation. Mr. Stack gave the following presentation on behalf of Concerned Citizens and Friends of Suwanee. They had some supplemental information for the Council to consider before making their decision. Perhaps, it would give them a different perspective on the dry cement plant.
He disagreed with City Manager Nevad on the findings by ARC on their DRI. ARC does not approve or disapprove anything, they only offer their findings or recommendations, since they have no regulatory or enforcement authority.
He felt sure Mr. McFarland would state that ARC felt this was in the best interest of the state. He did not feel that anyone would disagree with the need for a dry cement plant in this part of the state; however, the concern of the Suwanee residents was the location of this dry cement plant. That concern was reflected in the comments made by ARC, stating this area needs to be evaluated, as some surrounding areas are residential, it needs to be screened and most importantly, that the proposed silos should be no higher that those of the surrounding area, specifically Thomas Concrete, whose silo is only 50 to 60 feet high. The proposd silos for Medusa are 130 feet high. Mr. Stack. stated that without rehashing everything that was presented at the last Council meeting, he had some additional concerns that should be addressed. He reported that a member of the community had stated he was all for the cement plant, after all if there was anything bad, they would have reported it. In the packets he was presenting, there was information they had gotten from EPD on the comparable plant in College Park. This is a self reporting industry, compliance inspections are rare. When they do occur, it is usually based on a complaint. In the College Park facility that uses the same air pollution control equipment, EPD did determine that the company

by passed the normal air pollution control equipment. What is normally used is a pulse jet cleaner for the bag house. Medusa determined that these were not effective or usable for them. Mr. Buckles, the EPD inspector, asked what they were doing. In all his years of inspections, he had never seen anything like it before. Mr. Buckles was the EPD inspector who suggested that the asphalt plant was an inappropriate facility. For Mr. Buckles to state that he had neve seen anything like it, should give you an idea of what is going on. What company comes in and knowingly dismantles equipment that is supposed to control their air pollution. Medusa has not submitted an application to EPD for this site, so all this information pertains to the Peachtree Ind Blvd site. The logical conclusion would be that Medusa did not want anyone to know what they were doing.
A while back, when he and Mr. Lee Thompson were talking about land use and the issues that arise in Sugar Hill, Suwanee and Gwinnett County, Mr. Thompson made the comment that when you have three entities in close proximity, it has the potential for some really difficult issues. This Council has been presented with some of these difficult issues. This is not the first time an issue like this has come up in Georgia. In May, of 1997, the Georgia legislature enacted a new statue that requires governments that are in close proximity in the same county, to start coordinating their land use plans, to start making the effort to ensure that you do not have the problems that are occurring here, where the action of one community can affect the surrounding communities. Those provisions are stated in the packets as the last two exhibits, specifically in the Official Code of Georgia 36-70-24A. The point is, Sugar Hill is going to have to coordinate with Suwanee and Gwinnett County to ensure that the action the Council takes is consistent with the surrounding area. If you look at the surrounding area, like Suwanee, nowhere do you see the word industrial in their land use plan.
No where in the surrounding area of Gwinnett County is it zoned for this type of facility. In fact, ARC recognized this in their DRI, when they referenced the residential area to the South and East. He suggested the City look at it's own Comprehensive Land Use Plan and make sure it complies with the City's zoning ordinances. He had yet to hear from Mr. McFarland or Medusa; based on the City's zoning ordinance, how they could get a variance of more than 15 feet. With a 15 foot variance, that would make the silos a total of 85 feet, the proposed silos are 130 feet. Additionally, they would ask the Council to consider its own Comprehensive Land Use Plan. The Vision 20/20 plan says this area should be commercial, light industry. No where does it state that this area should be used for this type of facility. He felt that the Council was aware of their concerns, but they had not been adequately addressed. He felt the Council should properly evaluate this application in light of Medusa's past history.

Mr. McFarland stated he had nothing to add. The report had been submitted to the Council, copies of the zoning ordinance were in the report. A Special Use Permit is set up to allow height increases as specified under that section of the ordinance, which was a part of the report.

Mayor Pro-Tem Pugh made the following motion: He moved that SUP-97-001 for a Special Use Permit which would allow a railroad spur and a height increase to a maximum of 130 feet for silos be approved subject to the following conditions: (1) Use of the property be restricted to a dry cement distribution facility. In addition, the project shall be required to satisfy the following site

OLD BUSINESS CONT'D:

development conditions: consideration prior to a certificate of occupancy being issued. No more than one exit, entrance shall be located on Buford Highway. The location of the exit, entrance shall be subject to approval by the Georgia Department of Transportation. (2) Lights shall be of the sodium type, contain a cut off type of luminary that shall be directed in toward the property so as not to reflect toward adjacent residential property. (3) Except for a driveway access to the site, an undisturbed 50 foot tree save area shall be provided adjoining Buford Highway. In approving SUP 97-001, the Council of the City of Sugar Hill here by incorporates the findings of facts set forth in a memorandum prepared by Don McFarland, of McFarland , Dyer and Associates, dated October 7, 1997; which memorandum is a part of the record that was submitted to the Mayor and Council as part of the Public Hearing process on October 13, 1997. In addition, the Mayor and Council incorporates the findings of fact, the development of regional impact report by the Atlanta Regional Commission, dated October 24, 1997, which report was transmitted to the City in a letter by Harry West dated October 27, 1997 and which report has been included as a supplemental to the record at this evenings meeting. In approving the Special Use Permit, the Council of the City of Sugar Hill, specifically finds that the proposed use of the property, including the railroad spur and the increased height limitation of the silos to a maximum 130 feet satisfies the requirements of a Special Use Permit and satisfies the criteria established for the approval of the Special Use Permit pursuant to the section 17-06 and 17-07 of the Zoning Ordinance of the City of Sugar Hill, Georgia. The City Council finds that the proposed use of the property, as a dry cement facility, would be consistent with the needs of the neighborhood, of the community as a whole, be compatible with the neighborhood and would not be in conflict with the over all objectives of the Comprehensive Plan of the City of Sugar Hill. And the Council further finds that the proposed use is not objectionable by reason of the admission of noise, vibrations, smoke, dust, gas fumes, odors or radiation and does not create a fire or explosion hazard or other objectionable conditions.
Second to the motion made by Council Member Davis. Motion passed 4-0

C: PUBLIC HEARING-RZ-97-008=REZONING-MAP# 7-258-008:
ACRES-HWY 20/FRONTIER DR.-O & I TO BG:
Mr. McFarland stated that Mr. Doug Stacks had reported to him that they wished to withdraw this as the contract had fallen through and there was not a user for the property. According to the ordinance, a motion has to be made and voted on to allow some one to withdraw a request. Mayor Pro-Tem Pugh made the motion to allow them to withdraw their request, second by Council Member Davis. Motion passed 4-0

CITIZEN'S AND GUEST'S COMMENTS:

Linda Webster, a Suwanee resident, was very disappointed in the decision made by the Council. When they fought the asphalt plant , they were criticized forbeing late in expression their concerns. This time, they were aware of what was going on and she felt the Council had not taken the time to read the information in their packets before making their decision.

CITIZEN AND GUEST COMMENTS CONT'D:

Ruth Logous, a Suwanee resident, expressed her disappointment with the decision made by the Council. She felt they were not being good neighbors, they would be putting more trucks on the road. Women and children would be at risk She felt their reasons for making this decision was wrong.

George Wellington felt this was an issue of money versus a quality of life. He felt the City could get the tax money from other sources. The City's Planning and Zoning approved the site on Peachtree Ind Blvd but when the residents of Sugar Hill did not want the facility there the Council did not approve that rezoning. Planning and Zoning approved the site on Buford Highway and he thought that they would be allowed to speak before it was voted on. He felt that if the near by residents didn't want it, why should they be treated any differently.

Brenda Rich of 835 Level Creek Road stated she was proud of the Council's decision. The Medusa plant was not very well liked by the Suwanee residents. She stated that Thomas Concrete was there before Ruby Forest was built. If she felt it was bad for her child, she would be the first to say so but she felt it would be a good thing, not well liked. She understood that the DOT was looking into the traffic situation there with a view to making more turn lanes and to widen the road.

Ed Entrekin of 4585 Forest Green Drive, Sugar Hill stated he had visited a plant run by Medusa in Perryville, Ga. He said that in years past that part of Georgia was covered in dust. Since Medusa had taken over and started using state of the art air pollution control equipment, the area was cleaner. He pointed out that the Peachtree Ind Blvd site required a rezoning, the Buford Highway site did not require a rezoning. This plant uses a total vacuum system, when the doors are opened dust goes in not out.

Rachel Buckner of Ruby Forest Subdivision stated she had listened to all the talk and the decision but she was not concerned, there was a long way to go. Medusa still had to make the decision to build.

Lori Coligito of Ruby Forest Subdivision, stated her concern that the two people from Sugar Hill who did speak were so much in favor of this, why did the residents of Sugar Hill not want the Peachtree Ind Blvd site. Another concern was the indifference she saw on the faces on the members of the Council.

Nancy Miller of Ruby Forest felt that the Council had been waiting on the finding from ARC. Since ARC had approved it but pointed out the height of the silos should be restricted. As she understood it, they were not going to be restricted. If the plant had to be there, let them build more silos only shorter.

Phil Kashots of 621 Carrolls Way stated he was very much against the decision made by the Council.

Sherri Killen of 1264 Hidden Circle stated she was not pleased with the decision made to allow the dry cement plant.

CITIZEN AND GUEST COMMENTS CONT'D:

Mr. Dorland Baird expressed his views on how he arrived at the decision to vote for this dry cement plant. This property did not have to be rezoned, the other site did and he was not in favor of rezoning to make people happy. He felt that most every one had cement in their homes, work place, recreation areas. He felt the drivers of the concrete trucks were doing a job just like every one else. He did not feel the Council had made a decision in haste.

NEW BUSINESS:

A. PUBLIC HEARING-AX-97-003-ANNEXATION-LEE TURNER-
6.766 ACRES HWY 20-O & I ZONING:

Mr. McFarland stated this was a request for annexation of 6.766 acres where Old Cumming Road ~~goes off to the left for the first time~~. It is a conglomeration of 5 or 6 parcels of land. The Planning Commission had heard the request and had recommended approval, however there were certain conditions involving the the existing structures. ~~Most were set back about 300 feet from the road~~. These were in the report he had submitted. There was some concern over whether or or not portions of Highway 20 should be zoned something other than residential. During the Comprehensive Plan this was looked at, The county comprehensive plan states that major thoroughfares need to be looked at in this fashion, that alternative uses should be looked at. O & I was one of these alternatives. ~~That means~~ the existing structure will be used as an office. If someone wants to build a new office, they would have to get approval from the Council. Mayor Pro-Tem Pugh made the motion to go into Public Hearing, second made by Council Member Baird. Motion passed 4-0

c There were no comments from the Public. Mayor Pro-Tem Pugh made the motion to go back in general session, second by Council Member Baird. Motion passed 4-0. Mayor Pro-Tem Pugh made the motion to approve the annexation with the conditions Mr. McFarland set out. Second made by Council Member Baird. Motion passed 4-0

B. PUBLIC HEARING -RZ-97-009-BEN GIBSON: WAGES WAY/
HIDDEN CIRCLE-RS 100 TO BG:

Mr. McFarland stated this was property located on the corner of Wages Way and Hidden Circle. Wages Way is the street that runs in front of the Napa store, Hidden Circle goes into Frontier Forest. The Planning Commission heard the request. The proposed use is for an aquatic plant center. There would be a couple of display ponds, they did plan on building an office. The Planning Commission recommended approval. Mayor Pro-Tem Pugh made the motion to go into Public Hearing, second by Council Member Baird. Motion passed 4-0

Sherry Killan of 1245 Hidden Circle stated she is the 6th house down from this proposed rezoning. Frontier Forest is one of the oldest subdivisions in Sugar Hill. There are some beautiful trees, people take pride in their lawns and homes. She felt there should be a buffer zone. With all the trees cut on that corner, they would be able to see all the traffic on Highway 20. Another question she had was if there was such a demand for pond flowers, why would the local nurseries not be selling them. What if the business fails, would it be rezoned back to

CORRECTIONS TO NOVEMBER 10, 1997
MINUTES, PAGE 6

NEW BUSINESS:

A: PUBLIC HEARING-AX-97-003-ANNEXATION-LEE TURNER-6.766 ACRES HWY 20-O&I ZONING:

Mr. McFarland stated this was a request for annexation of 6.766 acres at the intersection of Old Cumming Road and Highway 20 near Suwanee Dam Road. It is a conglomeration of 5 or 6 parcels of land. The Planning Commission had heard the request and had recommended approval, however there were certain conditions involving the existing structures. These conditions were in the report he had submitted. There was some concern over whether or not portions of Highway 20 should be zoned something other than residential. During the Comprehensive Plan this was looked at. The county comprehensive plan states that major thoroughfares need to be looked at in this fashion, that alternative uses should be looked into. O & I was one of those alternatives. The existing structure will be used as an office. If someone wants to build a new office, they would have to get approval from the Council and file another rezoning request. Mayor Pro-Tem Pugh made the motion to go into Public Hearing, second made by Council Member Baird. Motion passed 4-0

There were no comments from the Public. Mayor Pro-Tem Pugh made the motion to go back in general session, second by Council Member Baird. Motion passed 4-0. Mayor Pro-Tem Pugh made the motion to approve the annexation with the conditions Mr. McFarland set out. Second made by Council Member Baird. Motion passed 4-0.

NEW BUSINESS CONT'D:

residential. She did not feel this was an appropriate site for a business. She urged the Council to keep this a residential zoning. There were no other comments from the Public. Mayor Pro-Tem Pugh made the motion to go back in general session, second made by Council Member Baird. Motion passed 4-0
There was much discussion about where the property was located, buffers already existing, where the entrance and exit would be located. Debbie Gibson, the owner, stated that on their plan had called for an entrance on Wages Way, they also wanted to leave lots of trees because it was supposed to look like a back to nature setting. Mayor Pro-Tem Pugh made a motion for approval with the following conditions; That there be a 10 foot high fence going across the back of the lot, that a tree buffer be left up on the Hidden Circle side of the business and only one entrance to the business on Wages Way and that it be limited to the BG zoning and aquatic plant business only. Second made by Council Member Baird Motion passed 4-0

C. CITY ASSISTANCE RESOLUTION:
City Manager Nevad read the resolution concerning the enhanced spray irrigation system at the golf course. Staff was seeking assistance from Gwinnett County to help fund the cost of this project with a grant from Gwinnett County. Mayor and Council supported staff's application for a $100,000 construction grant from Gwinett County. Motion to approve the resolution was made by Council Member Baird, second by Council Member Mosley. Motion passed 4-0

D. CERTIFICATION OF ELECTION:
On behalf of Elections Superintendent, James McCalla, Clerk Gibbs asked that the results of the election held on November 4, 1997 be certified.

For Mayor: ROBERTA CRABB received 433 votes
W.J. DODD received 352 votes
CHARLES SPRADLIN received 509 votes

For Council MICHAEL MOSLEY received 1030 votes.

For Council ED ENTREKIN received 467 votes
GARY PIRKLE received 801 votes

Council Member Mosley made the motion to accept the results and certify the election, second by Council Member Baird. Motion passed 4-0

CITY CLERK's REPORT:

Clerk Gibbs reminded the Council that the Gwinnett Municipal Association dinner would be on Tuesday, November 11, 1997 in Grayson. She also thanked Ruth Switzer for filling in for her while she had been out during her back surgery.

CITY MANAGER'S REPORT:

City Manager Nevad stated his opinion on comments made by the residents of Ruby Forest. Since the asphalt plant, he felt the City had made changes, made sure that Suwanee was notified in a timely fashion. He was pleased with the vote made by the Council. He thought that the November 4th election was handled very well and the run off would go as smoothly. An orientation with

the new Council Members. He also commended Mr. Thompson on his handling of the recent condemnation hearing.

COUNCIL REPORTS:

Council Member Davis expressed his appreciation for the fine job done by the Council, the election staff on the recent election. He also congratulated Gary Pirkle and stated he looked forward to working with him for at least two years.

Mayor Pro-Tem Pugh expressed his opinion on comments made about the Council. He always votes for what he feels is best for the City. It may not be liked by the residents but he will vote.

Council Member Baird wanted every one to pray for Council Member Bailey's wife, she was having surgery this evening. He congratulated Gary Pirkle on his election. He thanked Mr Michael Wyatt of Hillcrest Glenn, he felt that they had gotten some things they needed to know and they would be working with him.

Council Member Mosley expressed his concern for Mrs. Bailey. He reminded every one to vote in the run off even if they had not voted in the general election. He congratulated Gary Pirkle and looked forward to working with him.

Mayor Pro-Tem Pugh made the motion to adjourn to go into Executive Session, second by Council Member Baird. Motion passed 4-0.

EXECUTIVE SESSION:
POSSIBLE LITIGATION:
PERSONNEL:
No action was taken out of Executive Session.

ADJOURNMENT:
Meeting adjourned at 10:00p.m

ORDINANCE

RZ-97-008

The Council of the City of Sugar Hill, Georgia hereby ordains:

That "The Zoning Ordinance of the City of Sugar Hill" is hereby amended by amending the official zoning map adopted by that ordinance to classify the area described on Exhibit A which is attached hereto and incorporated herein by reference as Office and Institutional District (OI) on said official zoning map.

BE IT FURTHER ORDAINED THAT the following conditions are hereby included on the property as a condition of zoning:

_____

_____

_____

_____

IT IS SO ORDAINED, this ____ day of _____, 1997.

_____
Mayor

_____
Council Member

_____
Council Member

_____
Council Member

_____
Council Member

_____
Council Member

ATTEST: _____
City Clerk

Submitted to Mayor: _____

Approved by Mayor, this ____ day of _____, 1997.

_____
Mayor

EXECUTIVE SESSION MINUTES
CITY OF SUGAR HILL, GEORGIA

DATE: 11/10/97

✓ **GARY WEBSTER, MAYOR**

✓ **TIM PUGH, MAYOR PROTEM**

____ **STEVE BAILEY, COUNCIL MEMBER**

✓ **REUBEN DAVIS, COUNCIL MEMBER**

✓ **DORLAND BAIRD, COUNCIL MEMBER**

✓ ~~**CHARLES SPRADLIN**~~ Michael Mosley, **COUNCIL MEMBER**

✓ **WARREN P. NEVAD, CITY MANAGER**

✓ **SCOTT PAYNE, ASSISTANT CITY MANAGER**

✓ **LEE THOMPSON, CITY ATTORNEY**

Bill Johnson - POH

Gary Simpson - PON

MOTION MADE TO GO INTO EXECUTIVE SESSION TO DISCUSS MATTERS PROPERLY EXLCUDED FROM THE GEORGIA OPEN AND PUBLIC MEETINGS LAW (O.C.G.A. 50-14) SPECIFICALLY

✓ **DISCUSSION OR DELIBERATING UPON THE APPOINTMENT, EMPLOYMENT, HIRING DISCIPLINARY ACTION OR DISMISSAL, OR PERFORMANCE OF A PUBLIC OFFICER OR EMPLOYEE.**

____ **DISCUSSION OF FUTURE ACQUISITION OF REAL ESTATE.**

✓ **DISCUSSION WITH LEGAL COUNCIL PERTAINING TO PENDING OR POTENTIAL LITIGATION, SETTLEMENT, CLAIMS, ADMINISTRATIVE PROCEEDINGS OR OTHER JUDICIAL ACTIONS.**

____ **OTHER:** _____

****

MOTION: _____ **SECOND:** _____ **VOTE:** _____ **TIME:** _____

MATTERS DISCUSSED/ACTION: **VOTE:**

_____ _____

_____ _____

_____ _____

_____ _____

MOTION TO ADJOURN: _____ **SECOND:** _____ **VOTE:** _____ **TIME:** _____

_____

Shirley J. Gibbs, City Clerk

O R D I N A N C E

RZ-97-005

The Council of the City of Sugar Hill, Georgia hereby ordains:

That "The Zoning Ordinance of the City of Sugar Hill" is hereby amended by amending the official zoning map adopted by that ordinance to classify the area described on Exhibit A which is attached hereto and incorporated herein by reference as Light Industry District (HM-1) on said official zoning map.

BE IT FURTHER ORDAINED THAT the following conditions are hereby included on the property as a condition of zoning:

_____

_____

_____

_____

IT IS SO ORDAINED, this _____ day of _____, 1997.

_____
Mayor

_____
Council Member

_____
Council Member

_____
Council Member

_____
Council Member

_____
Council Member

ATTEST: _____
City Clerk

Submitted to Mayor: _____

Approved by Mayor, this _____ day of _____, 1997.

_____
Mayor

EXHIBIT "A"
RZ-97-005

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 272 OF THE 7TH LAND DISTRICT, GWINNETT COUNTY, CITY OF SUGAR HILL, GEORGIA, CONTAINING 47.2 ACRES, MORE OR LESS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN AT THE INTERSECTION OF THE WESTERN MARGIN OF THE 120-FOOT RIGHT-OF-WAY OF SOUTHERN RAILWAY COMPANY AND THE SOUTHERN MARGIN OF THE 30-FOOT RIGHT-OF-WAY OF HIGHLAND AVENUE; THENCE SOUTH 18 DEGREES 57 MINUTES 46 SECONDS WEST, 1873.80 FEET ALONG THE WESTERN MARGIN OF THE RIGHT-OF-WAY OF SAID SOUTHERN RAILWAY COMPANY TO A POINT; THENCE 219.74 FEET ALONG THE ARC OF A CURVE TO THE RIGHT TO A POINT, SAID CURVER HAVING A RADIUS OF 4719.13 FEET AND CHORD BEARING AND DISTANCE OF SOUTH 20 DEGREES 17 MINUTES 48 SECONDS WEST, 219.72 FEET; THENCE DEPARTING SAID RIGHT-OF-WAY, NORTH 67 DEGREES 41 MINUTES 17 SECONDS WEST, 1066.38 FEET TO A POINT; THENCE NORTH, 67 DEGREES 00 MINUTES 36 SECONDS WEST, 340.68 FEET TO A POINT; THENCE NORTH, 14 DEGREES 04 MINUTES 46 SECONDS WEST, 28 FEET, MORE OR LESS, TO A POINT IN THE CENTERLINE OF A CREEK, THENCE ALONG THE CENTERLINE OF THE CREEK IN A NORTHERLY DIRECTION 980 FEET, MORE OR LESS, TO A POINT, THENCE DEPARTING THE CENTERLINE OF THE CREEK, North 19 DEGREES 01 MINUTES 17 SECONDS WEST, 494.68 FEET TO APOINT; THENCE NORTH 48 DEGREES 07 MINUTES 12 SECONDS EAST 232.89 FEET TO APOINT; THENCE NORTH 24 DEGREES 36 MINUTES 25 SECONDS EAST, 161.93 FEET TO APONT; THENCE NORTH 04 DEGREES 14 MINUTES 31 SECONDS WEST, 166.54 FEET TO APOINT; THENCE SOUTH 75 DEGREES 54 MINUTES 16 SECONDS EAST, 839.00 FET TO APOINT; THENCE NORTH 19 DEGREES 26 MINUTES 51 SECONDS EAST, 136.33 FEET TO APONT ON THE SOUTHERN MARGIN OF THE 30- FOOT RIGHT-OF-WAY OF SAID HIGHLAND AVENUE; THENCE SOUTH 75 DEGREES 24 MINUTES 49 SECONDS EAST, 132.58 FEET ALONG THE MARGIN OF THE SAID RIGHT-OF-WAY OF HIGHLAND AVENUE TO THE TRUE POINT OF BEGINNING.

RESOLUTION 97-11

SUPPORTING STAFF'S APPLICATION FOR $100,000 TO THE GWINNETT COUNTY CONSTRUCTION ASSISTANCE PROGRAM

WHEREAS, the City of Sugar Hill operates a land application system (golf course) to handle treated effluent from a Gwinnett County Wastewater Treatment facility;

WHEREAS, the City of Sugar Hill has limited financial funds to construct an enhanced spray irrigation system at the City Golf Course;

WHEREAS, the City and County desires to comply with appropriate regulations stipulated by EPD concerning wastewater management;

WHEREAS, the city consultants have estimated the cost to expand our spray irrigation system to approach $300,000;

WHEREAS, the City is seeking Gwinnett County Construction Assistance of $100,000 to fund said project; and

WHEREAS, the application meets the attached qualifying parameters duly noted.

NOW THEREFORE BE IT RESOLVED THAT THE MAYOR/CITY COUNCIL SUPPORTS STAFF'S APPLICATION OF A $100,000 CONSTRUCTION GRANT FROM GWINNETT COUNTY.

_____
Mayor

_____
Mayor Pro Tem

_____
Council Member

_____
Council Member

_____
Council Member

_____
Council Member

_____
Attest: City Clerk

November 01, 1994

GWINNETT COUNTY CONSTRUCTION ASSISTANCE FOR CITIES

POLICY STATEMENT (AMENDMENT #2)

Gwinnett County will provide limited construction assistance or financial assistance for construction projects to all cities within county boundaries upon approval by the Board of Commissioners and availability of funds.

QUALIFYING PARAMETERS

(1) The property on which the project is to be constructed must be owned by a government entity. For projects on property not owned by the city, appropriate approval from the property owner must be obtained by the city.

(2) The city's governing authority must formally approve each construction or financial assistance request presented to the county by resolution.

(3) The city is responsible for producing an engineering plan and cost estimate for each request submitted. If required by the county, the city shall provide certification by a registered engineer of the plan and estimate.

(4) If approved by the Board of Commissioners, a contract prepared by the Gwinnett County Law Department must be signed by the legal representatives for both the city and county. This contract will specify that the city is responsible for 100% of the engineering cost of the project. The county and city will each be responsible for up to 50% of the remaining cost of the project, including materials, manpower, equipment usage, and fuel, except that the maximum contribution by the county shall not exceed $100,000.

(5) The approved project will be placed on the County's construction priority list which is based on its urgency and the date of its approval. If financial assistance is provided, funding shall be by reimbursement to the city for actual expenses incurred.

(6) Maintenance responsibility for the project rests with the city after construction and the county's acceptance of the work. Furthermore, city shall assume by contract all legal liability for the project.

(7) The finished project must be available for public use by city and county residents.

11/05/1997 12:36 7709326551 MCFARLAND DYER PAGE 02

UNOFFICIAL

CITY OF SUGAR HILL COUNCIL MEETING
MINUTES-OCTOBER 13, 1007

The City of Sugar Hill Council Meeting was held on October 13, 1997 at 7:30 p.m. in the Community Center. The meeting was advertised in the local papers, posted on the doors of City Hall and the Community Center and the board at Peachtree Ind. Blvd.

Those present were Mayor Gary Webster, Mayor Pro-Tem Pugh, Council Members Bailey, Baird, Davis, City Manager Warren Nevad, City Attorney Lee Thompson, Assistant City Manager Scott Payne, Deputy Clerk Ruth Switzer, members of the media, registered guests.

CALL TO ORDER AND INVOCATION:

Mayor Webster called the meeting to order at 7:30 p.m. He led the pledge to the flag. Council Member Bailey gave the invocation.

APPOINTMENT/OATH OF OFFICE OF COUNCIL MEMBER:

Council Member Bailey made a motion to appoint unopposed candidate Michael Mosley to fill the unexpired term of Council Member Charles Spradlin. Second to the motion was made by Mayor Pro-Tem Pugh, there was no discussion. Motion passed. Mayor Webster administered the oath of office to Mr. Mosley.

APPROVAL OF AGENDA:

Council Member Bailey made a motion to approve the agenda, second made by Council Member Baird. Motion passed 5-0.

APPROVAL OF SEPTEMBER 17th MINUTES:

Mayor Pro-Tem Pugh made the motion to approve the minutes, second by Council Member Bailey. Motion passed 6-0.

DEPARTMENT REPORTS:

A: PLANNING AND ZONING:
City Manager Nevad reported that during September, the planning and zoning department issued 35 single family residential permits, 332 inspections were done. The City had applied for a Special Use Permit for the dry cement facility which would be located on Buford Highway. The Planning and Zoning Commission met on September 15th to approve this request. Also on September 15th, they denied the rezoning request of property located on Highway 20 at Frontier Forest. The request had been to rezone from O I to Commercial.

B: FINANCE:
City Manager Nevad reported the ending balance in the Local Government Investment Pool was approximately $640,000, the checking account balance was approximately $96,000. The 1998 Budget Draft has been prepared for review. There will be a budget work shop held at a later date.

Approved 11/10/97

C: SOLID WASTE:
City Manager Nevad reported the City is negotiating with EPD on the implementation of closure and post closure part of the consent order. The engineers have advised the City they need to verify the existing topo and boundary survey, along with revising the closure and post closure plan that was originally prepared by Mid-American several years earlier.

D: RECREATION:
City Manager Nevad reported that new playground equipment was recently installed at E.E. Robinson Park. He invited everyone to visit the park to see the new playground equipment. In September, the City applied for a matching funding grant to fund a Master Recreation Plan for the City. The City has been working on the Park, the Golf Course and the YMCA; so a Master Plan was needed to coordinate all the activities. Mr. Nevad stated Mr. Payne would give the report on gas and golf but he had the results from the University of Georgia on the gas loss problem. The results were not surprising Basically, what the report stated was that the readings from the Transco meter, beginning in Janurary of 1996 and winter of 1997, were not reliable. They had used a number of factors, such as number of customers, temperature, size of meter. The City would use this information as a basis for a refund from Transco. A meeting would be scheduled with Transco, Municipal Gas Authority, and the gas consultant.

E: GAS:
Assistant City Manager Scott Payne reported there were 52 new gas services installed during September, making a total of 419 for the year. Residential service has been privatized with Hughes Construction. L & M Pipeline has approximately 1,000 feet of gas line to finish the high pressure project on Peevy Road. The project on Highway 20 and Whitehead Road is going extremely well, with about 9,000 feet of gas line already laid. From the regulator station on Suwanee Dam Road and Highway 20, the gas crews and contractors have progressed to the Arbor Clos Subdivision, on Whitehead, they have progressed to the Abingdon Subdivision. The target date for completion is the second week of November.

OLD BUSINESS:

A: CITY ABANDONMENT-HIGHWAY 20:
City Attorney Thompson explained that this was a request received several months ago from residents who own property along what was called Finch Road. On tax maps, this road did exist but it was never really a street. The county had obtained easements 20 - 25 years ago to run water lines. The property owners want to develop this area and are asking the City to abandon any claims it may have on this property. The county would still have easement rights on the property. One side belongs to Mr. Robinson, the other to Mr. Dodd. All parties involved had been notified and there were no objections. Mr. Bailey made the motion to accept the resolution to abandon the street, second by Mr. Pugh. Motion passed.

B: ANTI-NOISE ORDINANCE:
Council Member Davis wanted to amend this ordinance. Mr. Thompson had removed section 12-95 relating to decibel levels. This would make it more in line with the County Ordinance. Mr. Davis made the motion to adopt this ordinance, second by Mr. Bailey. Mr. Pugh asked how close this was to the county ordinance and who would enforce this ordinance.

ANTI-NOISE ORDINANCE CONT'D:

Mr. Thompson explained it was very close to the county ordinance, some of the wording was a little different. The code enforcer in the planning and zoning department would be able to enforce this ordinance or it could be done through the Gwinnett County Police Department. There was no more discussion. Motion passed.

C: OPEN BURNING BAN:

Council Member Bailey turned this over to City Attorney Lee Thompson, who explained this ordinance had been tabled 2 or 3 months ago. The City wanted a year round burning ban, within the corporate city limits, based on a ban the Georgia Department of Natural Resources has every year from May-September. The same kind of exemptions would apply; agriculture burning, recreational burning, such as cook-outs and training for fire departments, fires involved with street paving and patching, utility repairs and the disposal of packaging of explosives. Motion made by Mr. Bailey, second by Mr. Davis. Mr. Baird asked if this was not intended to keep fires out of subdivisions because houses are so close together. Mr. Davis agreed this was the main reason for the ordinance. After much discussion on allowing certain residents, like senior citizens, who have been burning leaves for years. Mr. Thompson told Council they might want to consider an effective date. As of October 1, developers could go back to burning but under this ordinance they could not. Planning and Zoning would need time to notify the developers of this new ordinance. Mr. Baird made a motion to table this until the details and the verbiage could be worked out. Ordinance tabled.

D: HESSIE LANE-CDBG PROJECT:

City Manager Nevad explained this had been on the agenda for September 17, 1997. Council Member Baird had expressed some concerns about the City funding part of this project. More research had been done, Mr. McFarland would explain. Mr. McFarland explained this is a CDBG Project and what was proposed in this project was to re-size the pipe that goes under Hessie Lane, put in drainage improvements around the lot that was in question. He understood that, several years ago, there was some sort of agreement between the property owner and previous council that this problem would be rectified. He stated this was in a mobile home subdivision that was developed before there was very much plan review what so ever. Since that time, the City has come back and tried to improve the area, it is a low to middle income area, by putting in curbing. This project is just below the Hillcrest Subdivision project. Mr. McFarland and Ms Lamay, who works for McFarland and Dyer, had looked at this area and the drainage problem. The Hessie Lane area had been identified in 1884 as a 1995 CDBG project. The Hillcrest Subdivision itself came after this area was identified as a CDBG project, it was initiated for development in 1995, final plated in 1996. To state that the subdivision was the cause of the drainage problems would be incorrect since it had already been identified as a CDBG project prior to the development of the Hillcrest Subdivision. They had looked at the entire drainage basin, there is another older subdivision in that area, that comes into that area; approximately 20 acres, with an existing creek running through the area. The pipe that was put under Hessie Lane was basically undersized and that has created the problems, not the subdivision. In addition to that, if it can not be proved that the subdivision created the damages, the City can not go back and say to the developer that he is responsible for helping fix the drainage damage. The City would have to show what damages were done and how the developer was at fault. Since this had previously been identified as a CDBG project, you could not say this work did not need to be done prior to the building of this subdivision.

HESSIE LANE - CDBG PROJECT CONT'D:

There was a period of time this summer when the detention pond had silted up, possibly causing more water to run through this area. This pond had since been drag lined, making the pond more efficient. Without re-surveying the pond, it would be hard to make that determination. The real question was, what does the City do with this property. One possibility, instead of doing full drainage improvements, would be to purchase a lot and put another detention pond on it. They had spoken to the county, this could be funded under CDBG. However, the lot would have to be purchased by the City from the owner, who happens to be the one for whom the drainage work was being done, so no progress had been made there.. This project is $90,000 funded with the City having to pay $9,000. There are exposed water lines that need to be taken care of. Mr. Baird stated he agreed that the subject property needed to be fixed but there were other areas that could be potential problems from the new subdivision. He had observed silt fence down causing stopped up storm drains, with water backing up in peoples back yards. He did not feel the City should pay to fix problems caused by developers or put in another detention pond. He was satisfied with what needed to be done to the subject property. Mr. McFarland stated some of the mobile homes are sitting on what would be considered flood plain at this time. Mr. Bailey asked why such a wide range in price. Mr. McFarland stated part of it was the economy, most of these companies are so busy, if they make a high bid and get the job they feel it is a worthwhile project; if they don't get the job they have plenty of others to keep them busy. City Manager Nevad stated there was a 60 day window on this, bid opening was on August 26th, a decision needed to be made. Mr. Webster asked how much was needed, did this include the price of the lot. Mr. McFarland stated this was just to fix the current drainage problems, not buying a lot to put another detention pond on, that was just an option the City could consider doing. Mr. Bailey made the motion to accept the $99,000 bid from Georgia Sicilian Company for the CDBG Project, also known as Hessie Lane, second by Mr. Baird. Motion passed.

CITIZENS AND GUESTS COMMENTS:

Mr. James McCalla, Superintendent of Elections, reminded people that the election would be November 4th. All the ballots and equipment had been ordered, it was too late to register to vote; cutoff date was October 6th. The City had over 4500 people registered to vote. He felt sure everyone was familiar with the candidates running for office.

Mrs. Betty Starling of 5107 Sunset Drive stated she was not happy to have read that City Manager Nevad was leaving to go to another city. She felt someone should do everything possible to keep him. It was her opinion that the City would go downhill a lot faster than it has been. She felt Mr. Nevad had done a lot for the citizens of Sugar Hill, he listened to their problems and tried to help. She knew he had personally helped her and she wanted him to stay.

NEW BUSINESS:

A: PUBLIC HEARING:SUP 97-001-SPECIAL USE PERMIT-MAP #7-254-011 11.88 ACRES-PURPOSE-DRY CEMENT DISTRIBUTION:
Mayor Pro-Tem Pugh made a motion to go into Public Hearing, second by Mr. Bailey. Mr. McFarland explained that a special use permit was different from a rezoning, he had prepared reports for the Mayor and Council, there was different criteria to go by.

PUBLIC HEARING CONT'D:

He reported this property is located on Buford Highway, next to Brown and Brown Wrecker, and Thomas Concrete. The zonings for adjacent property included HM2 to the right(Thomas), HM1(Brown), across the railroad tracks to the rear is LM, to the left of the tracks, as you face it, is located in Suwanee zoned C2, on which is located the Aurora Casket Company. Across the road, there is approximately 40 acres; part of which may have been annexed into the City of Suwanee. Mrs Landers had put together a package in conjunction with Mr. McFarland's package which showed the property is zoned R75 according to county zoning maps. However, one of the parcels may be zoned M1, according to tax information; but information he had gotten from the county it is zoned R75. Behind those two tracts is the Ruby Forest Subdivision which is zoned R75 that is located in the City of Suwanee. The property itself being zoned HM1 allows warehouse distribution facilities, the request is for a cement distribution facility. What is proposed to be located on the property is a 130 foot tower, that would be a silo. The cement itself is pre-manufactured and brought in on rail cars, there is a rail spur proposed. The cement would be downloaded from the rail cars to the silo. Approximately 20 trucks a day would leave the site to deliver it to companies such as Thomas Concrete. There would be approximately 6 railroad cars a day that would use the railroad siding 4 out of 5 days a week., there might be a day when they did not receive any material according to the Medusa Company. The Council should have his report on this, the general location of this. There was a Planning Commission meeting on this, there were a lot of comments from the people in Ruby Forest but to his knowledge there were no comments from the citizens of Sugar Hill. The minutes of the Planning Commission does become part of the official record, they have been attached and everything that has been dealt with is part of the record. Mayor Webster asked Mrs. Switzer to read the name of the first person on the sign up list of people who wished to speak at the Public Hearing. Mr. Steve Farmer was the first name on the list. Mayor Webster asked Mr. Thompson if they needed to address the joint venture on the Special Use Permit between the City and Medusa. Mr. Thompson stated that just for the record the application was filed by the City. Since that time they had received a letter from the property owner stating they had no objections to proceed with the special use permit and they had also received a letter from Medusa Cement indicating that they join the City in the special use permit. He did not know if the letter from Medusa was in the package Mr. McFarland gave them, if not he would provide one. .

Mr. Donald Stack of 100 Peachtree Street, Suite 2060 stated he wanted to wish City Manager Nevad well in his new job in East Point. He and Mr. Nevad did not always see eye to eye on things but he provided fair and unbiased hearings on issues. He stated it felt like old home week, as a lot of the people there had attended the meeting about one year ago pertaining to the asphalt plant.on Brogdon Road. Some of the concerns that were brought up then are the same concerns they have now. Several points he wanted to mention were: (1) the application of Sugar Hill's zoning ordinance, (2) procedural issues, (3) the suitability of the proposed site. Mr. Landers, one of the people concerned about this proposal, had passed out a packet of information that should help as they go through the presentation. First and foremost, his appearance at the meeting was merely that of spokesperson. If all 200 or more people who had signed the petition were allowed to speak, the meeting would last about a week. If all the people were allowed to speak, they would all express the same concerns that he himself had.

PUBLIC HEARING CONT'D:

As a starting point, he would like to draw their attention to some of the same types of issues that were used during the asphalt plant hearings. How the HM 1 zoning is utilizied, what is permitted and what is not permitted. Mr. McFarland had indicated this was a suitable site, however if you look at the unique qualities of Sugar Hill's Ordinance as opposed to what may exist in other parts of the state, Council may not be aware that from a state wide stand point, Sugar Hill had a unique ordinance. It places a great burden on the decision makers to do an analysis that is different than and more stringent than most city councils have to do. They could not come in after the fact and say, "If we had done the analysis, this is what we would have done." For example, he was sure they were all aware they had approved the 47 acre site. Mr. McFarland, in his report indicated in some form or fashion you should do the same type of analysis or the same type of analysis applies here. That is not the case, you actually have to walk it through and do the analysis, not say this is apples and oranges and somehow we will make it all apples. Starting at the first point is the City's own Section 909 which deals with HM1, on the first page of the permitting, that states in order to use the HM1 property you first have to make the determination that its not objectionable due to emission of noise or dust. It is not enough to say, this is a dry cement plant end of discussion, what has to be done is look at the analysis, look at the operation and make a determination. What is the best way to make this determination, the best way is to look at Medusa's own type of operations in other facilities. Take the one in Collage Park, in Clayton County. As part of the package, Medusa's own permit they received from the EPD of Georgia for a similar operation, which indicates that operation will produce in excess of 13 and 1/2 tons of particulate emission per year, that's 27,000 pounds. However, Sugar Hill's ordinance says it will not permit a facility that is objectionable because of dust. Dust is one form of particulate matter. You have to look at that and ask how would this factor in, it depends on other uses, then you have to look at Section 909 paragraph B of Article 9 of Sugar Hill's ordinance that says permitted uses and then it talks about this on page 2. It states that you must make a determination that is consistent with the types of land uses in the area and that it meets the standards of the zoning district. However, you have to do the analysis first, you have a business that is in direct conflict with the intent purpose of Sugar Hill's ordinance. Those are the first two legal challenges and basis that you have that prohibit the City from permitting this special use facility here..The third one relates to the conflict of Sugar Hill's ordinance and the application here. Section 501 of Sugar Hill's regulations, article 5 talks about height and density. No building, structure shall here after be erected, constructed, reconstructed, or altered to exceed the height limitation. There is no dispute that this facility will impose a violation of this article. The facility would have to apply for an Administrative Variance, which would be in conflict with Sugar Hill's ordinance, since it restricts buildings to a height of 70 feet. Therefore, if you walk through the variance, it will allow the silo to only be 85 feet. There is no dispute that 130 feet is much more than 85 feet, so the City would be in violation of its own ordinance. Apparently there has been an effort to address their next concern, which is the conflict of who the applicant is. The ordinance states that to apply for a Special Use Permit, it has to be the land owner or his authorized agent.

PUBLIC HEARING CONT'D:

It is absolutely undisputed, that at the time the special use permit was first considered, the applicant was the City of Sugar Hill., that's improper on the face of Sugar Hill's own ordinance. The City can not come in after the fact and say they have a letter from the property owner authorizing them to apply for a special use permit. The Georgia Supreme Court or any court that hears this would use that as a basis to over turn any permit the City might have issued. The next issue is Sugar Hill's own ordinance that states an analysis must be done to see if there will be added congestion in the area and what impact it has on adjacent and nearby property. Mr. McFarland ostensibly gives an analysis on this issue but if you really look at the report, it only looks at the adjacent property, he only states that nearby property is zoned R75. He does not say what impact it will have on people in Suwanee or Sugar Hill. He felt that was another flaw in the analysis or lack of an analysis. Article 17 section 17-07 of the ordinance requires that an evaluation be done on the adverse impact of the surrounding area with regard to traffic and land value. It is not enough to have statements that say "We don't think there is going to be an impact." That is not an analysis, it is a rationalization. Mr. McFarland refers to section 17-02 of the ordinance and says it is not a problem because of adjacent property, Mr. Stack wanted to be very clear on what was meant by adjacent property. It ignores Secret Cove, C.K. Homes, Ruby Forest, Dollar Circle Subdivision, Lanier Middle School, George Pierce Park. All these areas are ignored. There is no analysis of what kind of impact this will have. Point 2 of Mr. McFarland's report fails to acknowledge that under the Steinberg Act, that this property now has an economically viable usage without granting this permit.. That is one of the factors that is supposed to be analyzed, are you actually preventing the land owner from making a living if you don't grant this special use permit and the answer is no. There is no requirement that the City act as the land owners agent to make sure that he makes all he can out of the property by impacting everyone else in the surrounding area. With respect to point #4, Mr. McFarland states an evaluation should be done to see if it creates an overcrowding condition, s similar warehouse facility would have the same impact. Mr. Stack felt this was not an analysis just a way of saying, if it is developed as a warehouse it will have and impact, it is developed as a dry cement plant it will have an impact. You should ask what type of impact is it going to have. If it is going to be an adverse impact, the answer is clear, it is. Mr. McFarland further states that you should look at road use ability. It is a two lane road, whereas the 47 acre parcel originally permitted was on a four lane road. Mr. McFarland makes the statement, "Whenever the State of Georgia improves this road." Mr. Stack stated you could not make a decision on permitting this facility on some future action that might be taken by the state, county or any other entity. The decision of the Council should be based on conditions as they exist today, it is very clear that road is not suitable. The height variance is improper, the rationalization as opposed to analysis is improper, stating that we had been through this once, we don't have to go through it again. Actually, you do, and the reason for that is the size of the property. There are 47 acres as opposed to 11 acres, there is a two lane road instead of a four lane road. The only thing that is the same is the impact it will have on the people. Mr. Stack felt it was rather ironic that some of the earlier discussion had been on open burning and storm water damage. No analysis had been done on this site as to how they would handle the storm water. If a permit is issued, he felt that the City would be asked in the future to budget an additional $15,000-$20,000 to fix the storm water damage caused by Medusa. In summary, this was not a proper site, you could not fit a square peg in a round hole. He knew the City was concerned because Medusa had sued once and would again if this facility was not permitted, but this was not a legal basis to give a special use permit.

PUBLIC HEARING CONT'D:

What the City had was the right, ability and obligation, to look at this site on its own merits and once it was determined that it did not meet the City's own ordinance, the permit should be denied

Carole Bowler of 3985 Cheery Ridge Walk in Ruby Forest Subdivision stated she was against the issuance of the special use permit for the dry cement plant for the same reasons stated by Attorney Stack.

Linda Webster of 3845 Cherry Ridge Walk lives in Suwanee, The City of Suwanee has also expressed its concerns at Sugar Hill's Planning and Zoning meeting last month. Also, she understood there was supposed to be an ARC impact study done. Was this done and what were the results. Was the City going to move ahead with this project without the results of this study.

City Manager Nevad responded that ARC was given 45 days to review the impact. He stated it should be done in about 2 weeks. The City's position is that they approved the site on PIB which was adjacent to residential property. There shouldn't be a problem with ARC approving this site.

Steve Farmer of 150 Roberts Road in Suwanee stated that Mr. Stack had said a lot of neat stuff. Mr. Farmer had pictures of the Medusa facility in Forest Park. The first set of pictures show trees that are mature but do not hide the silos from the road. There are 3 silos and that property is higher than the Buford property. Just for the sake argument, assume it sits at road level, they had referenced a lot of properties and the zoning of those properties; the properties that are at road level, same elevation as Buford Highway or higher and within one half mile of the proposed site. These are properties that when you look out your front door or your back door you will be looking at this silo. Not just Ruby Forest but parts of Sugar Hill, the county, not just one town. Another concern of his was the railroad spur. To him, railroad spurs were like road intersections, most accidents happened at these intersections. When you put in a railroad spur you increase the likelihood of accidents. He was concerned that a railroad car with some hazardous material would be involved in an accident due to the addition of this railroad spur. He just did not want to have to look at this silo nor have anyone else have to look at it.

Mr. Alan Landers of 230 Roberts Road in Suwanee stated the particular use of this property was not what was needed there. The people in Ruby Forest, Secret Cove, C.K. Homes were not opposed to business, but he felt there were better uses that would benefit Sugar Hill and the owner of the property. The businesses are out there and they can be found. One such company is one that makes parts for caskets. This would be an ideal company for this site since the Aurora Casket Company is right next door.

Kim Holland of 880 Secret Cove Drive stated she had been attending the meeting for the last couple of months, after living in Sugar Hill for about a year. The residents of Sugar Hill had made it known less than two months ago how they felt about the Medusa Cement plant. It would appear that the Council had chosen to ignore the input of the residents and simply move the operation of the Medusa operation from a site traveled by Sugar Hill residents to a site traveled more by residents of Suwanee.

PUBLIC HEARING CONT'D:

The residents of Suwanee will have no voice in the upcoming election. She travels Buford Highway several times a day from her home in Secret Cove and is aware that when she tops the hill she needs to be going about 30 miles an hour. Trucks from Thomas Concrete are pulling out into the road. If Medusa is allowed to build there, it will be worse. She urged the Council to consider their previous decision and please oppose this special use permit and with draw that section from the Council's consideration.

Mr. Bob Wagner of 4969 Hidden Branch Drive stated that he had opposed the asphalt plant, the two landfills on grounds of environmental concerns. He did disagree with all the comments being made about the Medusa facility. He felt that Medusa people were very bright, well organized. If there had been some sort of environmental mishap, it would be all over the news. He felt Mr. Stack was saying if you did not see things his way, he was going to sue. If there were no grounds to sue, he felt the City should not be intimidated. As far as the dust goes, he understood it is a vacuum system with a back up seal. If these things leak, how come no one showed it. As far as the zoning goes, he had looked at Suwanee's zoning map. They have industrial zoning along Buford Highway. He felt that the problem of zoning was not Sugar Hill's but Suwanee's. Ruby Forest is a beautiful subdivision, but he did not think it should have been built on Buford Highway. Buford Highway is an industrial highway, it is the area that is growing and there will be more truck traffic. If not from the Medusa company, from some other company. He felt that Medusa was a great company with good financial backing, no environmental problems. It was his opinion that someone should start standing up for the City, he was tired of the City always being under attack.

Phil Cashots of 621 Carrolls Way off of Woodward Mill Road. He stated he agreed with Mr. Stack in needing more evaluation of the type of traffic on Buford Highway. He felt it had gotten worse in the year he had lived here. He urged the Council to do everything it could to keep from issuing the special use permit to Medusa.

Alan Landers wanted to explain that the EPD permit planned for this facility is a self regulating permit. It is not something the EPD goes out on a regular basis and inspects. The company would be solely responsible for this permit, since EPD is not staffed to make these kinds of inspections.

Rachel Buckner of Ruby Forest Subdivision, 159 Roberts Road. She felt this was an emotional issue. but she did not think we were there to get involved in emotional issues. In her opinion, more research should be done to find out the impact, both positive and negative. Everyone was concerned about traffic congestion, more railroad cars, noise. She urged the Council to give it a lot of thought before issuing this permit.

Nancy Miller of 4009 Treemont Lane stated she had done a lot of research on EPD permits. An EPD permit allows a company to emit so much pollution into the air. The cement plant does have a vacuum system but it will still emit some dust into the air. She urged the Council not to issue this special use permit.

Motion made by Council Member Bailey to return to general session, second by Mayor Pro-Tem Pugh. There was no discussion, motion passed. Council Member Bailey made a motion to table until after the Executive Session. Issue tabled.

B: PUBLIC HEARING:RZ-97-008-REZONING:MAP#7-258-008:
2.75 ACRES-HIGHWAY 20/FRONTIER DRIVE:
Mr. McFarland explained this application was for a commercial development, a tire center and a pharmacy. The tire center had been withdrawn, there had been negations with the home owners. The applicant had requested this be tabled in order to work out some things with the neighborhood. Mayor Pro-Tem Pugh asked Mrs Avery if she was involved with these negations, she answered she was. Item tabled.

C: ANNEXATION APPLICATION-AX-97-003-MAP 7-339-079,
142,068,071 & 069-6.93 ACRES OFF HIGHWAY 20:
Mr. McFarland stated this is an application for annexation which has to be accepted. A motion has to be made to accept the application in order to start the process. It will then go to the Planning and Zoning Board, then come back before the Council at a later date. Council Member Bailey made the motion to accept, second made by Mayor Pro-Tem Pugh. Motion passed.

D: GWINNETT VISION 2010:
City Manager Nevad stated that the City had put together a Vision 20/20 committee to update the comprehensive plan. In the interim, Gwinnett County had put together a Vision 2010 statement that addressed such issues as infrastructure, education, government cooperation and business environment. It is a very progressive statement, and staff recommends a motion to support the Vision 2010 statement. Mr. Bailey asked if it would be in conflict with the City's Comprehensive Plan. Mr. Nevad stated it would not. Motion made to approve this report by Council Member Baird, second by Council Member Bailey. Motion passed.

E: 1997 COMPREHENSIVE PLAN:
After thanking all the members of the Vision 20/20 Task Force, Mr. Bechtold turned the presentation over to Mr. Holbrook of MSE. Mr. Holbrook stated that the intent of this was to update the plan prepared by MSE in 1992. He gave information on how much the population had increased and how much it was expected to increase by the year 2020. The land use table was different from the draft plan. He gave the increase in the different use of land in different categories. The employment picture showed a good growth of jobs in the Gwinnett County area. The committee had a series of goals and objectives, with an implementation plan. Motion to adopt the plan was made by Mr. Bailey, second by Mr. Pugh. Mr. Bailey wanted to thank all the members of the Task Force,Mayes, Sudderth and Ethridge for a great job. Motion passed.

D: BOARD APPOINTMENTS:
This item was tabled, in order for the new administration to make these appointments.

CITY CLERK'S REPORT:
Deputy Clerk Switzer stated there really wasn't a clerk's report. The taxes had been sent to TBS. They might not be out by the 15th but they should be out by the 20th.

CITY MANAGER'S REPORT:
City Manager Nevad reported that he would like to recognize two employees. Ruth Switzer and Johnny Upchurch. Both employees had been working long hours.

COUNCIL REPORTS:

Mayor Webster asked Mr. Mosley if he had anything to say, since it was his first night on the Council. Mr. Mosley asked for a moment of silence for the two police officers in Atlanta. He stated most people did not think of them until something like this happens. It is a concern of everyone involved in public safety.

Mr. Bailey had nothing to report.

Mr. Baird wanted to welcome Mr. Mosley to the Council. He wished him a successful 4 years. He expressed his sympathy to Mrs. Avery in her loss, she and her family were in his prayers.

Mr. Pugh wanted to thank the gas crew and Mr. Payne. He was real impressed with their work. He also welcomed Mr. Mosley to the Council.

Mr. Davis welcomed Mr. Mosley to the Council, also remember Mrs. Avery in her time of sorrow.

Mayor Webster wanted to thank the community for its support during his families time of sorrow. His grandmother, who was 102, had passed away. He expressed his thanks to several area churches. He also expressed his sympathy to Mrs. Avery in her loss. He also welcomed Mr. Mosley to the Council.

Council Member Bailey made a motion to go into Executive Session to discuss pending and possible litigation and personnel issues. Second by Mr. Pugh. Motion passed.

Mayor Webster brought the regular session back to order. Mr. Bailey made a motion to amend the agenda to include personnel matters. Second by Mr. Baird. Motion passed. Council Member Bailey proposed that pursuant to Section 2.114 of the City Ordinance to make the following two changes: one - that the 90 days compensation be changed to 180 days; two- here forth that it will take 4/5 of the entire Council Members to amend said ordinance..Second made by Council Member Baird. Motion passed

A motion was made by Council Member Bailey to table the special use permit issue. No action would be taken on the special use permit. It would be discussed at the next regular Council Meeting.

A motion was made for Mayor Webster to sign the consent order on October 31, 1997. Second was made to the motion. Motion passed.

Meeting adjourned.

CITY OF SUGAR HILL

PUBLIC COMMENTS

If you wish to speak, please complete comment sheet with the following information:

DATE: 10/13/97

NAME: DONALD STACK

ADDRESS: 100 PEACHTREE ST. STE 2060
ATLANTA GA 30303

REGARD TO: SUP- 97-001

CITY OF SUGAR HILL

PUBLIC COMMENTS

If you wish to speak, please complete comment sheet with the following information:

ATHORNEY DONALD STACK FOR

DATE: 10-13-97

NAME: ALAN LANDERS

ADDRESS: 230 ROBERTS Rd
SUWANEE, GA 30024

REGARD TO: SUP 97-001

CITY OF SUGAR HILL

PUBLIC COMMENTS

If you wish to speak, please complete comment sheet with the following information:

DATE: 10/13/97

NAME: STEVE FARMER

ADDRESS: 150 ROBERTS ROAD
SUWANEE

REGARD TO: MEDISA CEMENT FACILITY

CITY OF SUGAR HILL

PUBLIC COMMENTS

If you wish to speak, please complete comment sheet with the following information:

DATE: Oct 13, 1997
NAME: Linda Webster
ADDRESS: 3845 Cherry Ridge Walk
Suwanee, Ga 30024
REGARD TO: A - New Business

CITY OF SUGAR HILL

PUBLIC COMMENTS

If you wish to speak, please complete comment sheet with the following information:

DATE: 10/13/97

NAME: Carol A. Bowler

ADDRESS: 3985 Cherry Ridge Wk
Suwanee, GA 30174

REGARD TO: Proposed Medusa Concrete Plant

MAYOR AND COUNCIL MEETING

SIGN IN SHEET

DATE OF MEETING: 10-13-97

REGISTERED GUESTS, RESIDENTS, VISITORS:

Alan Landers 230 Roberts Rd. Suwanee
Tom Holbrook Mayer, Sadderth & Etheridge
Carol A Bowler 3985 Cherry Ridge Wk Suwanee
Sara A. Ingram Gwinnett Daily Post
Linda Webster Suwanee, Ga.
DONALD SOSACK 100 PEACHTREE ST. ATLANTA GA
Roland - Betty Cessenlie 195 Roberts Road
Mike + Susan Harris 4165 Ruby Forest Blvd.
Glenda Sears 185 Roberts Rd. Suwanee, Ga.
Ivan + Sharon Pegram 4095 Magnolia Leaf Ln Suwanee GA
Anne & George Hellington 150 Ruby Forest Parkway, Suwanee
Rachel Buckner 159 Roberts Rd Suwanee, GA
Jack & Kathryn Wagner 4020 Cherry Ridge Walk, Suwanee, GA
Kim & Tim Hall 880 Secret Cove Dr S.H.
JENNIFER YORK 905 GARNER SPRING LN, SUGAR HILL
WJ DOLL
STEVE FARMER 150 ROBERTS RD. SUWANEE
Phil Kashat 621 Carrolls Way Sugar Hill
John + Cheri Culver 4034 DOLLAR CIR. SUWANEE
Ed Estes 4585 FOREST GREEN DR.
Ryan Quatlin 4135 Cherry Ridge WK Suwanee
K. Johnson 122 Fontana Dr. S.H.
Michael PANICCIA 4158 Cherry Ridge WALK SUWANEE, GA.
Mike Johnson 170 Roberts Rd Suwanee GA

EXECUTIVE SESSION MINUTES
CITY OF SUGAR HILL, GEORGIA

DATE: 10-13-97

✓ **GARY WEBSTER, MAYOR**

✓ **TIM PUGH, MAYOR PROTEM**

✓ **STEVE BAILEY, COUNCIL MEMBER**

✓ **REUBEN DAVIS, COUNCIL MEMBER**

✓ **DORLAND BAIRD, COUNCIL MEMBER**

✓ **MICHAEL MOSLEY ~~CHARLES SPRADLIN~~, COUNCIL MEMBER**

✓ **WARREN P. NEVAD, CITY MANAGER**

✓ **SCOTT PAYNE, ASSISTANT CITY MANAGER**

✓ **LEE THOMPSON, CITY ATTORNEY**

Garey Simpson - POH

MOTION MADE TO GO INTO EXECUTIVE SESSION TO DISCUSS MATTERS PROPERLY EXLCUDED FROM THE GEORGIA OPEN AND PUBLIC MEETINGS LAW (O.C.G.A. 50-14) SPECIFICALLY

✓ **DISCUSSION OR DELIBERATING UPON THE APPOINTMENT, EMPLOYMENT, HIRING DISCIPLINARY ACTION OR DISMISSAL, OR PERFORMANCE OF A PUBLIC OFFICER OR EMPLOYEE.**

____ **DISCUSSION OF FUTURE ACQUISITION OF REAL ESTATE.**

✓ **DISCUSSION WITH LEGAL COUNCIL PERTAINING TO PENDING OR POTENTIAL LITIGATION, SETTLEMENT, CLAIMS, ADMINISTRATIVE PROCEEDINGS OR OTHER JUDICIAL ACTIONS.**

____ **OTHER:** _____

****

MOTION: _____ **SECOND:** _____ **VOTE:** _____ **TIME:** _____

MATTERS DISCUSSED/ACTION: **VOTE:**

Retention of City Manager - $5,000 addition to base salary, pro-rate over balance of year. 5% raise 1-1-98 with travel allowance. 180 day separation pay if ever necessary. 4/5 majority to release from employment. 4/5 majority to amend City Manager Ordinance — 5/0

MOTION TO ADJOURN: _____ **SECOND:** _____ **VOTE:** 5-0 **TIME:** 10:15

Ruth L. Switzer, Deputy City Clerk

Shirley J. Gibbs, City Clerk

ADMINISTRATIVE REPORT

PLANNING & DEVELOPMENT,
BUILDING INSPECTIONS DEPARTMENT

OCTOBER 1997

PRINTED: 11-5-97

Kimberly B. Landers

SUMMARY OF INSPECTIONS COMPLETED BY INSPECTOR ID DURING THE PERIOD 10/01/97 THROUGH 10/31/97

THIS REPORT WAS PRINTED ON NOVEMBER 3, 1997

CITY OF SUGAR HILL

<< STATISTICAL BREAKOUT >>

	<---------- Inspections ---------->			<---------- Re-Inspections ---------->			Based On # Activities
# ACTIVITIES	INSPECTIONS (I)	PASSED	CORRECTIONS	RE-INSPECTIONS (R)	PASSED	CORRECTIONS	RE-INSPECTIONS REQUIRED
378	248	139	101	130	100	26	126
	% INSPECTIONS	% PASSED	% CORRECTIONS	% RE-INSPECTIONS	% PASSED	% CORRECTIONS	% RE-INSPECT. REQUIRED
	66	56	41	34	77	20	33

INSPECTOR ID BREAKDOWN

TONY - Building Inspections -212
JOE - Building Inspection - 141
DONNA - Building Inspections - 17
Ellis Lamme' - Development Inspections - 8

TOTAL INSPECTIONS 378

1995 - 1997
COMMERCIAL PROJECT
LIST

PROJECT NAME	ADDRESS	ANNEXED	REZONED	CHANGE FROM	CHANGE TO	DEVELOP PERMIT	BLDG. NEW PERMIT	REMODEL PERMIT	ADDITION PERMIT	CERTIFICATE OF OCCUPANCY
GOLF COURSE CLUBHOUSE	6094 SUWANEE DAM ROAD						04-04-95			03-02-96
SONNY SMITH TRUCKING	663 BUFORD HIGHWAY					08-15-95	08-17-95			09-18-96
FREDRICK EQUIPMENT BLDG.	N.G. CENTER BLDG 4 SUITE D					08-25-95	08-25-95			03-02-96
GWINNETT GASTROENTEROLOGY	4700 HIGHWAY 20							9/5/95		01-29-96
BLOCKBUSTER VIDEO	1496 BUFORD HIGHWAY					09-18-95	09-18-95			01-29-96
S.H. UNIT. METH CHURCH-GYM	4600 HIGHWAY 20					09-27-95	10-17-95			3/27/96
N.G. DENTAL CARE	4901 ALTON TUCKER BLVD.							12/8/95		04-12-96
DR. MICHAEL PHELAN	4530 NELSON BROGDON BLVD.					01-02-96	01-03-96			12-06-96
MEMORIES OF A LIFETIME	4460 HIGHWAY 20 SUITE							1/5/96		01-28-96
CITIZENS BANK	4450 HIGHWAY 20 SUITE							1/19/96		08-14-96
S.H. STATION SHELL ADDITION	1498 BUFORD HIGHWAY						02-06-96			01-29-96
INCHAPE TESTING SERVICES	1180 BUFORD HIGHWAY					01-11-96	02-27-96			03-29-96
COLONIAL LIGHTING	120 P'TREE IND. BLVD.		12-11-95	HM-1	BG	02-07-96	03-11-96			07-03-96
JOHNSON REALTY	4450 HIGHWAY 20 SUITE						03-18-96			04-12-96
PAPA JOHN'S	1498 BUFORD HIGHWAY SUITE B							4/9/96		07-03-96
FABRIC CARE DRY CLEANERS	1498 BUFORD HIGHWAY SUITE A							4/30/96		06-28-96
MAIL BOXES ETC.	1498 BUFORD HIGHWAY SUITE C						10-04-96			01-18-97
CAR CARE AMERICIA	07-253-013 A PORTION OF		06-10-96	HM-1	BG	09-24-96	09-25-96			12-06-97
SHONEY'S	4500 HIGHWAY 20							6/6/96		08-14-96
G.A. EXPO INC.	350 BUFORD HIGHWAY						07-11-96			
JACKSON SERVICES	4614 PINECREST DRIVE					07-18-96	08-15-96			4/14/97
AAMCO PAVING	355 BROGDON ROAD		10-09-95	HM-1	HM-2	RECINDED 7-11-96				VOID
AAMCO PAVING	385 BROGDON ROAD					11-01-96	12-18-96			6/19/97
AAMCO PAVING MNT. BLDG.	385 BROGDON ROAD					11-01-96	12-02-96			6/19/97
BRICKTON PARTNERS	4705 HIGHWAY 20					06-12-96	08-13-96 CT			EXP 02-13-97
ONEX DEVELOPMENT- REDCO	5000 HIGHWAY 20					08-20-96	5/19/97			
ONEX DEVELOPMENT - MR. TRANS	5042 HIGHWAY 20					4/14/97	5/19/97			
BUFORD PRESBYTARIAN CHURCH	1242 BUFORD HIGHWAY					08-06-96				
M.P. EQUIPMENT	380 BUFORD HIGHWAY									8/19/97
NEW TRI-COUNTY MEDICAL BLDG	4720 NELSON BROGDON BLVD					11-21-96	12-06-96			6/19/97
GREAT BEGINNINGS DAY CARE	1191 LEVEL CREEK ROAD					3/19/97	3/19/97			6/13/97
THE SAXON GROUP INC.	249 NORTH PRICE ROAD		2/10/97	RS-100	BG			2/13/97		2/24/97
BROGDON ROAD ASSOCIATES	355 BROGDON ROAD					3/6/97	7/1/97			
KSM CONSTRUCTION INC.	4200 JENKINS DRIVE					6/11/97	6/11/97			
J & K PLUMBING	4220 JENKINS DRIVE					6/26/97	6/26/97			
JSA & ASSOCIATES	165 PEACHTREE IND. BLVD.					9/17/97	9/17/97			

Printed By: Kim Landers UPDATED: 10-08-97

SUBDIVISION LOT AVAILIBILITY LIST

Units under Development	Available Lots	Subdivision	Near What Major Street	Permits Issued	C.O.'s Issued	Lots Not Built On	City Gas
All	148	Abingdon Place	Whitehead Road	140	113	8	X
Units I - IV	134	Arbor Clos	Highway 20	125	92	9	X
All	25	Bellmont Estates	Price Drive/Suwanee Dam Road	2	0	23	X
All	112	Bent Creek	Level Creek Road	110	110	2	X
All	7	Brandon Oaks	Austin Garner Road	6	6	1	
All	26	Brookside at Parkview	Parkview Mine Drive	26	26	0	X
All	212	D.R. Horton	Cumming Highway/MECA			212	X
All	39	Emerald Lakes IV	Cumming Highway	39	36	0	X
All	471	Wild Timber	Cumming Highway/MECA				X
All	73	Hillcrest Glenn	Hillcrest Drive	70	52	3	X
All	131	Lakefield Forest	Level Creek Road	130	130	1	X
All	174	Princeton Oaks	Riverside Road	155	134	19	X
All	81	Richland Creek	Sycamore Road	35	28	46	X
All	110	Riverside Road Tract	Riverside Road			110	X
All	106	Saddle Tree	Suwanee Dam Road	70	59	36	X
All	116	Secret Cove	Old Suwanee Road	116	116	0	X
All	96	Sugar Crossing	Austin Garner Road	96	96	0	X
All	34	Sugar Hill Plantation	Old Cumming Highway	5	1	29	X
All	178	Sycamore Summit	Sycamore Road/Riverside Road	178	178	0	X
All	57	The Glens at Sugar Hill	Hillcrest Drive	12	2	45	X
All	14	The Lakes at Riverside	Riverside Road	14	13	0	
All	51	The Links	Suwanee Dam Road	16	10	35	
Units 1 - 6	180	The Oaks at Lanier	Highway 20	160	144	20	X
All	84	The Springs I	Highway 20	84	69	0	X
All	50	West Price Hill	West Price Road	47	47	3	X

Printed By: Kim Landers UPDATED: 11-5-97

1997 PLANNING AND DEVELOPMENT MONTHLY REPORT

PERMIT TYPES	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEPT	OCT	NOV	DEC	YTD TOTAL
AD - ADDITION/GARAGE PERMITS	1	0	0	2	1	1	1	0	5	0			11
CC- CITIZENS COMPLAINTS NEW JUL							10	21	2	22			
CM - COMMERCIAL	2	0	1	1	3	2	1	0	1	0			11
CT - CONSTRUCTION/SALES TRAILER	2	1	6	1	1	1	1	1	2	1			17
DL - DEMOLITION	1	0	0	0	1	1	0	0	0	0			3
DP - DEVELOPMENT PERMIT	1	0	2	2	12	2	1	0	3	2			25
FP - FENCE	2	2	4	7	8	0	5	4	0	7			39
GP - GRADING PERMIT	0	0	0	1	0	0	2	0	1	0			4
MI - MISCELLANEOUS/COMPLIANCE	10	8	6	4	2	5	6	10	9	12			72
MN - NEW MOBILE HOME	3	1	1	1	0	2	1	1	2	0			12
PP - POOL PERMIT	0	0	2	0	2	0	1	0	0	1			6
RF - REVIEW FEES	0	2	2	1	2	1	2	1	1	3			15
RM - REMODELING PERMITS	1	1	1	2	2	2	2	1	1	3			16
SB - STORAGE BUILDING	3	0	4	1	1	0	1	1	0	1			12
SF - SINGLE FAMILY	25	37	24	20	33	51	14	29	35	26			294
SP - SIGN PERMIT	3	4	3	1	0	6	4	1	1	1			24

AV - ADMINISTRATIVE VARIANCE	0	12	0	3	4	3	1	11	6	5			45
VA - APPEALS VARIANCE	4	0	1	1	4	1	1	3	1	1			17
AX - ANNEXATION APPLICATIONS	1	0	0	0	0	1	0	0	1	0			3
RZ - REZONING APPLICATIONS	1	1	1	2	0	2	0	1	0	1			9
CERTIFICATES OF OCCUPANCY	15	22	25	34	45	17	33	35	23	30			279
GAS TAPS ISSUED	36	61	40	26	62	65	32	41	72	59			494
BUILDING INSPECTIONS	243	289	347	369	336	381	420	340	332	378			3435

PREPARED BY: KIM LANDERS PRINTED:10-08-97

PERMITS ISSUED DURING THE PERIOD 10/01/97 THROUGH 10/31/97

THIS REPORT WAS PRINTED ON NOVEMBER 4, 1997

CITY OF SUGAR HILL

PERMIT TYPE AND DESCRIPTION	# OF PERMITS	VALUATION	FEES DUE	FEES PAID
AV - ADMINISTRATIVE VARIANCE	5	0.00	750.00	750.00
CC - CITIZENS COMPLAINTS	22	0.00	0.00	0.00
CF - COURT FINES	1	0.00	500.00	500.00
CT - CONSTRUCT/SALES/TEMPORARY USE	1	0.00	100.00	100.00
DP - DEVELOPMENT PERMIT	2	0.00	620.00	620.00
EL - ELECTRICAL AFFADAVIT	22	0.00	0.00	0.00
FP - FENCE PERMIT	7	0.00	0.00	0.00
ME - HEATING/AIR AFFADAVIT	23	0.00	0.00	0.00
MH - MOBILE HOME INSTALLER AFFIDAVIT	1	0.00	0.00	0.00
MI - MISCELLANEOUS-COMPLIANCE PERMIT	12	0.00	402.25	402.25
MN - MOBILE HOME INSPECTION NEW	2	0.00	200.00	200.00
PL - PLUMBING AFFADAVIT	24	0.00	0.00	0.00
PP - POOL PERMIT	1	0.00	50.00	50.00
RF - REVIEW FEES	3	0.00	1,710.00	1,710.00
RM - REMODELING PERMIT	3	0.00	796.00	796.00
RZ - REZONING APPLICATION	1	0.00	350.00	350.00
SB - STORAGE BUILDING/GARAGE	1	0.00	144.00	144.00
SF - SINGLE FAMILY RESIDENTIAL	26	2,021,582.00	14,857.20	14,857.20
SP - SIGN PERMIT	1	0.00	25.00	25.00
TL - TRADE LICENSE REGISTRATION	12	0.00	120.00	120.00
TP - TAP & METER PAYMENTS	33	0.00	10,611.98	10,611.98
- APPEALS VARIANCE	1	0.00	150.00	150.00
TOTALS FOR ALL PERMIT TYPES	204	2,021,582.00	31,386.43	31,386.43

BASE FEE TRANSACTION SUMMARY DURING THE PERIOD 10/01/97 THROUGH 10/31/97

THIS REPORT WAS PRINTED ON NOVEMBER 4, 1997

CITY OF SUGAR HILL

TRANS. DATE	#	RESIDENTIAL 1000-0001	COMMERCIAL 1000-0002	MISCELLANEOUS 1000-0003	MOBILE HOMES 1000-0004	DEVELOPMENT 1000-0005	GAS 1000-0006	WATER 1000-0007	SEWER 1000-0008
10/01/97	7	817.60	200.00	510.00	0.00	580.00	0.00	0.00	0.00
10/02/97	6	2055.80	0.00	0.00	0.00	0.00	1140.00	0.00	0.00
10/03/97	3	0.00	0.00	0.00	0.00	0.00	2261.98	0.00	0.00
10/06/97	5	350.00	0.00	35.00	100.00	0.00	285.00	0.00	0.00
10/08/97	7	2587.20	0.00	0.00	0.00	0.00	1425.00	0.00	0.00
10/09/97	1	0.00	0.00	0.00	0.00	0.00	285.00	0.00	0.00
10/10/97	4	50.00	0.00	17.25	0.00	0.00	0.00	0.00	0.00
10/13/97	4	705.20	0.00	10.00	100.00	0.00	285.00	0.00	0.00
10/14/97	3	25.00	0.00	10.00	0.00	0.00	285.00	0.00	0.00
10/15/97	2	999.60	0.00	0.00	0.00	0.00	285.00	0.00	0.00
10/16/97	10	460.00	0.00	0.00	0.00	0.00	2280.00	0.00	0.00
10/17/97	3	635.00	445.00	0.00	0.00	0.00	570.00	0.00	0.00
10/21/97	7	70.00	0.00	0.00	100.00	0.00	855.00	0.00	0.00
10/22/97	9	856.20	0.00	30.00	0.00	0.00	855.00	0.00	0.00
10/23/97	4	841.00	0.00	0.00	0.00	0.00	285.00	0.00	0.00
10/24/97	4	447.20	0.00	30.00	0.00	0.00	285.00	0.00	0.00
10/27/97	5	1475.40	0.00	10.00	0.00	0.00	0.00	0.00	0.00
10/28/97	2	144.00	0.00	0.00	0.00	0.00	85.00	0.00	0.00
10/29/97	3	70.00	0.00	0.00	0.00	40.00	0.00	0.00	0.00
10/30/97	4	405.00	0.00	10.00	0.00	0.00	570.00	0.00	0.00
'31/97	13	1003.00	0.00	0.00	0.00	0.00	3135.00	0.00	0.00
TOTALS	106	13997.20	645.00	662.25	300.00	620.00	15171.98	0.00	0.00

Non-Existing Categories	0.00
Current Categories	31396.43
Grand Total	31396.43

Finance Report
October 1997

The ending balance in the General Fund checking account for October was $58,097.75.

Funds had to be transferred from the LGIP to pay September's gas bill and the final sanitation bill which leaves a balance of $515,328.51 for October.

We are still in training on the Utility billing system. Everyone is working hard to learn the new system. If everything goes as planned, we will be going live with the new billing system on December 8th.

TIE Communications will being installing the new telephone system on November 3rd. They will train us on November 7th. The new system should be on line by November 10th.

On October 20th we received the Insurance Premium Tax in the amount of $170,517.65.

OCTOBER 1997
GAS DEPARTMENT MONTHLY REPORT

NO.	SUPR REC'D	BLDR REQUEST	SUBDIVISION	LOT #'S	DATE COMPLETED
01	03/27/97	09/29/97	ARBOR CLOS	307A	10/01/97
02	06/25/97	08/26/97	ARBOR CLOS	404B	10/01/97
03	07/21/97	09/08/97	ARBOR CLOS	406B	10/01/97
04	07/21/97	09/16/97	ARBOR CLOS	414B	10/01/97
05	09/04/97	09/05/97	ARBOR CLOS	85E	10/01/97
06	08/11/97	08/29/97	RICHLAND CREEK	13C	10/01/97
07	09/24/97	09/25/97	HIGHWAY 20	5000	10/02/97
08	06/11/97	09/17/97	HILLCREST GLENN	36A	10/02/97
09	08/19/97	09/17/97	HILLCREST GLENN	39A	10/02/97
10	09/17/97	09/17/97	HILLCREST GLENN	40A	10/02/97
11	08/18/97	09/17/97	HILLCREST GLENN	45A	10/02/97
12	09/05/97	09/08/97	HILLCREST GLENN	46A	10/02/97
13	09/05/97	09/08/97	HILLCREST GLENN	47A	10/02/97
14	10/24/96	09/22/97	NELSON BROGDON BLVD	STE A	10/02/;97
15	09/11/97	10/02/97	RIVERSIDE DRIVE	645	10/02/97
16	09/05/97	09/08/97	HILLCREST GLENN	48A	10/03/97
17	08/21/97	09/17/97	HILLCREST GLENN	60A	10/03/97
18	09/26/97	09/26/97	LENOX PARK	106A	10/03/97
19	09/26/97	09/26/97	LENOX PARK	107A	10/03/97
20	10/06/97	10/06/97	BUFORD HWY	653	10/06/97
21	10/06/97	10/06/97	PUBLIX SHOPPING CENTER	STE 111/112	10/06/97
22	09/05/97	09/08/97	HILLCREST GLENN	50A	10/07/97
23	09/05/97	09/08/97	HILLCREST GLENN	51A	10/07/97
24	09/26/97	09/26/97	LENOX PARK	111A	10/07/97
25	09/26/97	09/26/97	LENOX PARK	112A	10/07/97
26	09/26/97	09/26/97	LENOX PARK	113A	10/07/97
27	08/18/97	09/17/97	HILLCREST GLENN	38A	10/08/97
28	09/09/97	09/09/97	JENKINS DRIVE	STE 1	10/08/97
29	09/09/97	09/09/97	JENKINS DRIVE	STE 2	10/08/97
30	06/11/97	09/18/97	ARBOR CLOS	112B	10/09/97
31	07/11/97	09/29/97	ARBOR CLOS	427B	10/09/97
32	08/21/97	09/17/97	HILLCREST GLENN	41A	10/09/97
33	08/21/97	09/17/97	HILLCREST GLENN	42A	10/09/97
34	08/21/97	09/17/97	HILLCREST GLENN	43A	10/09/97
35	05/09/97	10/01/97	ABINGDON PLACE	37A	10/10/97
36	05/09/97	10/01/97	ABINGDON PLACE	39A	10/10/97
37	07/11/97	09/29/97	ARBOR CLOS	344B	10/10/97
38	09/26/97	09/26/97	LENOX PARK	147A	10/10/97
39	09/26/97	09/26/97	LENOX PARK	148A	10/10/97
40	09/26/97	09/26/97	LENOX PARK	149A	10/10/97
41	08/28/97	10/02/97	OAKS AT LANIER	83A	10/13/97
42	06/25/97	01/02/97	OAKS AT LANIER	53B	10/13/97
43	08/11/97	10/02/97	OAKS AT LANIER	54B	10/13/97
44	08/11/97	10/02/97	OAKS AT LANIER	62B	10/13/97
45	08/28/97	10/02/97	OAKS AT LANIER	84B	10/13/97
46	10/06/97	1006/97	PUBLIX SHOPPING CENTER	406	10/13/97
47	09/24/97	09/25/97	RIVERSIDE ROAD	584	10/15/97
48	09/30/96	09/08/97	SPRING HILL DR	4977	10/18/97
49	10/20/97	10/20/97	BROGDON ROAD, 355	103	10/21/97
50	09/06/97	09/06/97	BROGDON ROAD,	365	10/21/97
51	09/24/97	09/25/97	WHITEHEAD DRIVE	304	10/21/97
52	06/25/97	10/10/97	ARBOR CLOS	338B	10/20/97
53	08/21/97	10/14/97	ARBOR CLOS	428A	10/20/97
54	10/21/97	10/21/97	PUBLIX SHOPPING CENTER	301	10/21/97
55	03/31/97	10/01/97	ARBOR CLOS	340B	10/22/97
56	09/05/97	09/08/97	HILLCREST GLENN	49A	10/22/97
57	08/11/97	10/01/97	HILLCREST GLENN	55A	10/22/97
58	08/11/97	10/01/97	HILLCREST GLENN	56A	10/22/97
59	10/06/97	10/10/97	SUWANEE DAM ROAD	5340	10/22/97
60	10/28/97	10/28/97	HILLCREST DRIVE (METER ONLY)	1329	10/29/97
61	10/16/97	10/16/97	LENOX PARK	105A	10/27/97
62	10/16/97	10/16/97	LENOX PARK	141A	10/27/97

63	10/16/97	10/16/97	LENOX PARK	145A	10/27/97
64	10/06/97	10/20/97	GLENS OF SUGAR HILL	15C	10/28/97
65	10/16/97	10/16/97	LENOX PARK	144A	10/28/97
66	10/16/97	10/16/97	LENOX PARK	146A	10/28/97
67	08/27/97	10/24/97	ABINGDON PLACE	75A	10/30/97
68	09/05/97	09/08/97	ABINGDON PLACE	78A	10/30/97
69	08/27/97	10/24/97	ABINGDON PLACE	79A	10/30/97
70	09/11/97	10/24/97	ABINGDON PLACE	80A	10/30/97
71	09/11/97	10/24/97	ABINGDON PLACE	81A	10/30/97
72	09/11/97	10/24/97	ABINGDON PLACE	101A	10/30/97
73	09/11/97	10/10/97	GLENS OF SUGAR HILL	10C	10/30/97
74	05/14/97	10/15/97	OLD SUWANEE ESTATES	66	10/30/97
75	05/14/97	10/15/97	OLD SUWANEE ESTATES	67	10/30/97
76	06/19/97	10/10/97	SADDLE TREE	34A	10/30/97
77	08/11/97	10/10/97	SADDLE TREE	102A	10/30/97
78	10/16/97	10/16/97	LENOX PARK	100A	10/31/97
79	10/16/97	10/16/97	LENOX PARK	108A	10/31/97
80	05/09/97	10/15/97	OLD SUWANEE ESTATES	3B	10/31/97
81	05/14/97	10/31/97	OLD SUWANEE ESTATES	4B	10/31/97

1997 GAS DEPARTMENT REPORT

	JANUARY	FEBRAURY	MARCH	APRIL	MAY	JUNE	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	YTD TOTAL
NEW SERVICES ADDED	35	38	51	46	43	55	49	50	47	81			
LENGH IN FEET	3,435	2,984	4,231	4,126	3,445	4,663	3,695	3,858	3340	5580			
TYPE OF MATERIAL	PLASTIC	PLASTIC	PLASTIC	PLASTIC	PLASTIC	PLASTIC	PLASTIC	PLASTIC	PLASTIC	PLASTIC	PLASTIC	PLASTIC	PLASTIC
SIZE OF PIPE	5/8 & 3/4	5/8 & 3/4	5/8 & 3/4	5/8 & 3/4	5/8 & 3/4	5/8 & 3/4	5/8 & 3/4	5/8 & 3/4	5/8 & 3/4	5/8 & 3/4	5/8 & 3/4	5/8 & 3/4	5/8 & 3/4
CATHODICALLY PROTECTED?	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
NUMBER OF LEAK REPORTS	28			20	11	12	20	13	6	26			
CORROSION CAUSED	0	1	0	0	0	0	0	0	0	0			
CUT LINES - CITY EMPLOYEES	0	1	0	0	1	0	0	0	0	2			
MATERIAL DEFECT	0	0	3	0	1	0	0	0	0	2			
CUT OFF VAVLE LEAKS	2	4	1	2	0	3	3	1	1	3			
LOW PRESSURE	0	0	0	0	0	0	0	0	0	0			
METERS REPLACED	0	0	0	2	0	0	0	0	61	0			
REGULATORS REPLACED	3	0	0	1	0	0	0	0	0	2			
REGULATORS RESET	1	2	4	3	1	0	1	1	0	0			
CUSTOMER SIDE	6	3	1	1	0	1	0	0	0	1			
NO LEAKS FOUND	3	1	2	2	0	0	0	0	0	2			
THIRD PARTY CUT LINES	7	0	12	9	8	8	16	11	5	14			
BILLED	0	3	4	1	1	1	2	1	0	0			
PAYMENTS RECEIVED	0	0	0	0	0	0	0	1	0	0			
OUTSTANDING	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A			
KILLED SERVICES													
LENTH IN FEET	0	2	0	0	0	0	0	0	0	0			
TYPE OF MATERIAL	N/A	STEEL	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A			
SIZE OF PIPE	N/A	4-Mar	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A			
NEW MAINS PUT INTO SERVICE	1	3	1	3	2	1	1	2	3	20 & WHTHD			
LENTH IN FEET-BREAKDOWN BELOW	1200	7700	1000	6545	6140	1000	2120	4220	11026	8100			
TYPE OF MATERIAL	PLASTIC	PLASTIC	PLASTIC	PLASTIC	PLASTIC	PLASTIC	PLASTIC	PLASTIC	PLASTIC	PLASTIC			
SIZE OF MAIN - 4"	1200	5200	0	720	2500	0	2120	2720	10726	8100			
SIZE OF MAIN - 2"	0	2500	1000	5825	3560	1000	0	1500	300	0			
CATHODICALLY PROTECTED?	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A			
LOCATES	376	440	459	530	544	435	627	798	777	635			

SPECIAL USE PERMIT

CASE # SUP-97-001

MAP # 7-254-011
11.88 ACRES

BUFORD HIGHWAY 23

PURPOSE: DRY CEMENT DISTRIBUTION CENTER

PLANNING COMMISSION MEETING
MONDAY, SEPTEMBER 15, 1997 - 7:00 P.M.

MINUTES

The Planning Commission met on Monday September 15, 1997 at 7:00 p.m.

Those present were: Chairman Jay Asgari, Vice Chairman Granville Betts, Board Members Larry Newberry, and Bob Parris, City Manager Warren Nevad, Administrative Assistant Kimberly B. Landers, and Acting Planning Director Don McFarland, Citizens and Guests..

Chairman Jay Asgari welcomed everyone to Sugar Hill and ask that they sign the guest register located at the front table, and that agenda's were available on the table as well. Chairman Jay Asgari stated that if any citizens or guests wanted to speak on behalf of an agenda item during public comments they should fill out a Public Comment form and turn it in to him or the Clerk before the meeting begins, and that due to the time, and the fact that the Planning Commission wants to give everyone a fair chance to speak there will be a 3 minute time limit per person, and if the issues or concerns have already been addressed to the Commission when it is your turn to speak that you don't take up additional time and allow someone who's not gotten a chance to speak to do so. Chairman Jay Asgari gave citizens and guests a couple more minutes to fill out and turn in the Public Comments form.

Chairman Jay Asgari called the meeting to order at 7:15 p.m.

Chairman Jay Asgari stated that he would like to begin by amending the agenda in order to hear the Special Use Permit before the Rezoning.

Reading and Approval of Previous Minutes
Vice Chairman Granville Betts made a motion to approve the July 21, 1997 minutes, seconded by Board Member Bob Parris, and approved unanimously by those present.

SPECIAL USE PERMIT

SUP-97-001 **MAP# 7-254-011**

THE CITY OF SUGAR HILL is requesting a Special Use Permit be granted in order to allow this tract of land to have railroad siding access, and to allow a maximum height of 130' for the property located at 250 Buford Highway for the Use of a Dry Cement Distribution Facility. **Acting Planning Director Don McFarland** opened to present this request. Mr. McFarland stated that this request is for a Special Use Permit, and that is not a Zoning Request. This property is located on Buford Highway just South of the Marine Center, there is the Brown & Brown Wrecker Service adjoining on the right, and adjoining to the rear is Thomas Concrete Facility. The property backs up to the Railroad, and Aurora Casket Company is on the left hand, or western end of the property. This property consists of approximately 11 acres. Mr. McFarland stated for the Planning Commission information the City of Sugar Hill is making the application, and as they were aware the Dry Cement Distribution Facility was denied by the Mayor and Council for the site on Peachtree Industrial Boulevard. The City felt that they wanted to locate this facility within the city limits, this property was looked at, therefore, the city is making the application for the Special Use Permit. The potential developer of the site is still looking around in the area, from the city stand point, they wanted to alleviate the law suit that had been filed. If

this site was approved, it's very possible this legal action would be withdrawn. After reviewing the request, the zoning of the property in the area within the city limits is HM-2 where Thomas Concrete is, which immediately adjoins Brown & Brown Salvage which is zoned HM-1, with a LM zoning across the railroad tracks, and the Aurora Casket Company which is in Suwanee City Limits and is Zoned C-2. As far as a recommendation for this site, it is immediately adjoining Heavy Industrial Uses therefore, the **recommendation would be for approval**. Chairman Jay Asgari asked Mr. McFarland if there were any representatives from Medusa present. Mr. McFarland stated that there wasn't and he didn't anticipate anyone being present since the City made the application. City Manager Warren Nevad stated that the Development of Regional Impact Application has been submitted to the Atlanta Regional Commission for their review. This review commenced last week and should take approximately 30 - 40 day to complete. City Manager Warren Nevad stated that this project has already been reviewed and approved by ARC for the location on Peachtree Industrial, which was denied by the City Council. Mr. McFarland stated that for everyone here that was not at that meeting, the traffic generation for the site was approximately 20 trucks per day coming to and from the site, the rail cars were to be delivered in the morning hours, and there were none to be delivered at night whatsoever. They would get approximately 6 cars per day, and about every fifth day or so they may not receive any. In comparison to the Thomas Concrete already located adjacent to the site which has approximately 100 truck coming to and from per day, they would only have approximately 20 trucks per day. Chairman Jay Asgari questioned if the site would be operating during the weekend hours. Mr. McFarland stated that it was his understanding that they did not operate during the weekend in the past and they would continue operating in this fashion. Someone from the audience asked that staff expand on why this project was denied on Peachtree Industrial. Mr. McFarland stated that this was a legislative action by the City Council, and there really wasn't any explanation to why, it was up to them, they made this decision therefore, this question needs to be addressed directly to them. Vice Chairman Granville Betts stated that the Planning Commission had recommended approval for the site on Peachtree Industrial Boulevard. Board Member Larry Newberry asked City Manager Warren Nevad to expand on the lawsuit. City Manager Warren Nevad stated that he didn't have anything up to date, but he knows that they have not dropped the lawsuit. Some lady from the audience speaking out of order asked why there was a lawsuit. Vice Chairman Granville Betts stated that the first time that Medusa came before the Planning Commission there were some concerns about the closeness to the residential area. This closeness was due to the developers trying to get the most area out of this total development and allow for expansion of future developments. Although it met all the buffer requirements, it was still backed up very close to this residential area. This request was turned down by the Planning Commission with the condition that they go back ,at their expense, reconfigure this location to make it more towards the central portion of the property. Correction were made to locate this Plant more toward the center of the property which pulled it away from the residential area, and created a larger buffer, this was brought back before the Planning Commission the following month and recommended for approval by the Planning Commission, however it was denied by the City Council. Chairman Jay Asgari stated they would begin taking comments from the citizens and guests.

Brent Elford - Resident of Ruby Forest. Mr. Elford stated that when he bought his property in Ruby Forest it was zoned Light Industrial and he wouldn't have bought his home if the property had been zoned Heavy Industrial. From what he understands is was underhandedly turned into Heavy Industrial, and with

the experience the City has had with the Asphalt plant, and with the resistance, he can't believe that the City would not expect this kind of resistance from the homeowners with something like this going on. Vice Chairman Granville Betts asked Mr. Elford if he knew anything about how this plant operated. He stated that he didn't care, because he didn't buy a house across from a heavy industrial place, he bought a house across from a Light Industrial place. Vice Chairman Betts also asked Mr. Elford if he was aware that before Ruby Forest was developed that this property was zoned Industrial and was rezoned to residential. Shouting from the audience was that this did not matter.

Nancy Miller Resident of Ruby Forest. Ms. Miller stated that she worked diligently on the denial for the Asphalt Plant, and that she's already been in contact with Beverly Rhea with the Atlanta Regional Commission, and spoke with Mr. Cornwell at EPD regarding the Air Quality Permit. EPD informed Ms. Miller that the plant will required an Air Quality permit, and the only reason they will be getting a permit is, because they will be getting a permit to "pollute the air." Ms. Miller asked him what would be the pollution that would be emitted, and she was informed that it would be primarily dust, and he wasn't sure how many tons per year this plant would be allowed to emit but they would be allowed to emit a certain amount of tonnage per year. She also spoke with Beverly Rhea and their main concern would be towards the additional truck travel down Buford Highway. She's spoke with the City Planner from the City of Suwanee and he's been in contact with the people from Medusa. Medusa has informed him that they are concerned that the community wants them to be at this location, and if they see all of them coming from Ruby Forest telling them that they don't want them to be across from us, they're going to listen to that. Ms. Miller stated that this project is only going to be approximately a ¾ of a mile from Ruby Forest, although it may be somewhat further if you go to the entrance, but you can see where the land has been cleared for future development of Ruby Forest. The people from Ruby Forest will be able to see those silo's, and from what she's seen from of the site plan, the silo's are so located closest to the Aurora Casket Company. Ruby Forest residents are already having problems getting out of the subdivision because of the traffic, and the hill at Ruby Forest. They've already contacted the Department of Transportation to try and get something done at this entrance, possibly a traffic light or something before a bus gets hit by a concrete truck. This plant will only bring additional traffic that residents in the area are very concerned about. This plant that Medusa is trying to locate now is a replacement for the Button Gwinnett plant which is much farther down and closer to the perimeter. All those people that are now getting concrete in that area will be traveling up Buford Highway, Peachtree Industrial, 985, and 85 which is going to impact this whole area. This plant will effect the value of the homes and safety for the Ruby Forest residents, and she feels this is a bad idea and that the Commission should take this into consideration before approving this project.

George Wellington Resident of Ruby Forest. Mr. Wellington stated that Ms. Miller has already mentioned all the things that he would like to address however, the board didn't make a comment as to why the Mayor and Council opposed this project for the Peachtree Industrial site. The paper quoted that with strong opposition from the city residents, the Council turned down Medusa's request to rezone 42+/- acres along Peachtree Industrial. He can't understand how a company wants 42 acres to develop on and then can get the work done in 11+/- acres. It appeared to him that they were just trying to squeeze this project in. It was mentioned about the truck travel being 20 trucks per day, this doesn't specify how many

trips per truck, you could be making 5 trips per truck. There is already a problem coming out of Ruby Forest, you can pull out with no traffic in site and then a vehicle be right there on you, as you are pulling out. There's a 45 MPH speed limit, but the cars coming down the road are going 55 MPH or faster . Vice Chairman Granville Betts stated that there was an error in the paper regarding the amount of land that Medusa would be using, the 42 acres was for the total site, but they were only asking for 8 acres of this land for the Medusa project.

Grady Howington Mr. Howington stated that he owns the property directly across from this site, and he has no objections for this project being there. This is what Buford Highway is zoned for. The people from Ruby Forest that are complaining about not being able to get out into the road are complaining about their own Developers problem. They closed Robert's Road when they developed Ruby Forest, and took away 197' of road frontage from him, which he's never gotten anything from it, nor been notified by anyone when this project was developed. With the garbage that has been thrown out by the residents of Ruby Forest, and the trees pushed over onto his property during this development, he'd much rather see a Commercial and Industrial Development come in rather than a subdivision, because a residential subdivision are where you begin having all the traffic problems.

Steve Farmer Resident of Ruby Forest. Mr. Farmer stated that he would just like to begin with stating that he's in opposition of this plant. He lives directly behind the Aurora Casket Company, and is not interested in seeing a 130' tower back there regardless of what they are dispensing. He doesn't want the dust drifting across the road settling on his property, the value of his property to go down, nor the traffic to increase, and he doesn't want a railroad spur that's going to back up to Suwanee Dam Road and increase trains shuffling back and forth trying to dump off 6 railroad cars per day. He's amazed that the city did this with the asphalt plant, and they only one's that made money off of this was the lawyers. The Commission and Council shouldn't think that this was going to go any easier than that Asphalt Plant, because if they did, they had another thing coming to them.

Linda Webster Resident of Ruby Forest. Ms. Webster stated that she was instrumental in helping with opposing the asphalt plant and understands that this plant would have approximately 20 trucks per day, this would add to the already 100 trucks per day that they get from Thomas Concrete. When you start looking at the emissions that these facilities put out, will EPD look at the two combined as to how much they will allow them, or will they only be putting together what the new plant will have? She's amazed as stated before how can the city not have learned anything from the Asphalt Plant. The people in Sugar Hill came up against the fact that they wanted to put the spur on the other side at Peachtree Industrial, denied it, and then turn around and dump it on Suwanee again. As a Suwanee resident she can't stand for this, she's not trying to condone the city, there are solutions, Sugar Hill needs to find a position in their government to find someone who can solicit businesses to their city that is not going to be harmful, and will be environmentally healthy for the rest of the community, and not just money for the city's pocket.

Ruth Locke Resident of Ruby Forest. Ms. Locke stated that she's a resident of this community which includes Sugar Hill and that she works from the house. A mother of two, while most people are gone between 9:00 - 5:00 everyday, therefore they do not live in this community and they don't drive up and

down Buford Highway every day with the Thomas Concrete trucks that are already there. The fact that the city will be adding any kinds of trucks at all means that you're simply not aware of the environment. There is a park, a school, churches in the area. There is a lot of people not being good citizens, and this area has a chance of having a awesome community. We're not fully built out, but if we find great corporate citizens who give us good jobs, and more tax base, then everyone could be happy and she doesn't see what is wrong with everyone being happy. She has friends that are residents of Sugar Hill, and they agree with the way that she feels. Hamsters even know better, they try to do things in the corner, and that's what Sugar Hill is trying to do. They are all a community and everyone is in this together and we're growing so fast that it's scary. The precedents are not for heavy industrial, the precedents are for a family community. There is plenty of room for businesses but not for businesses that puts our children in danger, and she hopes that representatives of the city will come out and watch the school buses, and she'll drive by with her two toddlers strapped in so they can watch how dangerous it is, and think about what kind of impact additional trucks would make.

Dan Doherty Resident of Ruby Forest. Mr. Doherty stated that from look at the Commission's body language, he doesn't think they care what the resident are saying, and that when Mr. McFarland made the comments earlier about where it's located, Ruby Forest was not mentioned, and he thinks that Mr. McFarland deliberately didn't mention the subdivision. The residents of Ruby Forest did not want a concrete plant on this site, nor for this property to remain with Heavy Industrial Zoning classification, and he can't understand why this Commission would go forward with this after what happened with the asphalt plant. He feels like this is just a personal attack against the City of Suwanee and Ruby Forest Subdivision.

Mr. McFarland stated that the only comment that he did not make earlier was that the property directly across the street is vacant.

Bill Syrett Resident of Ruby Forest. Mr. Syrett stated that he was involved with the Asphalt effort, and that he's opposed to this development that understands where the city is coming from trying to avoid a law suit, and wanting to generate tax revenue, therefore there are two big benefits for the city, and he can understand. It's really frustrating because again the city is throwing something on their door step that they don't want. They listened to the residents of Sugar Hill and they didn't want the plant at the Peachtree Industrial site, so they put it on their door step, and they are no longer given the consideration as the Sugar Hill folks, they are second hand citizens, for the second time around. The truck traffic is approximately 20/day, and that he's not comfortable with that, because that's just to start out. At what capacity will this plant be running. With the asphalt plant they seen projections as to what kind of truck traffic it would have, and then they seen the plant would run at 25 - 30% capacity which nobody bought into that, so what capacity will this plant be operating under?

Mr. McFarland stated that at the previous Planning Commission meeting that this would be the number of trucks on average at all times. Mr. Syrett stated that this still didn't give the capacity of the plant. You've already got a plant next to it that's going to crank out 100 +/- trucks per day, and this one is only 20, this sounds low, but even one more would be too many. He's not seen and projections whatsoever to

widen Buford Highway, and with the subdivision there with 200+/- homes there, which will eventually be 400 and then 500, how bad is it going to get? It's really frustrating how Sugar Hill keeps dumping on them and they are tired of it.

City Manager Warren Nevad stated that the City wasn't trying to dump on the residents of Ruby Forest, the City's Land Use Plan stipulates that the corridor along Buford Highway and Brogdon Road are zoned for Industrial. Whether or not you have a dry cement facility there or what, you will have some type of industrial use there because the property isn't going to be vacant for forever.

Vice Chairman Granville Betts stated that there wasn't anyone from the City of Suwanee that bothered to notify the City of Sugar Hill when they were putting in all these trucking facilities on Buford Highway and how that traffic count was going to impact the Community, therefore this goes both ways.

Mr. Syrett stated that he understands that Mr. Betts might have some concerns too, but that has nothing to do with the issue that is being discussed at this time.

Vice Chairman Granville Betts stated that this is an industrial corridor that is so zoned so and located inside Sugar Hill. Mr. Syrett stated that the city is placing this directly upon the residents of Ruby Forest, and it's adversely impacting the value on their homes.

Richard Trice Mayor of Suwanee. Mr. Trice asked the board if they received a copy of the letter addressed to the Commission and to the Mayor. Chairman Jay Asgari stated that they received a copy. Mr. Trice stated that he wasn't here to attack the board, and that they too have volunteers for their boards, and appreciates the time that they put in. In addition to the letter submitted by Suwanee, concerns of noise, air, trucks, and visible silo's, Suwanee would be at an informational and educational mode, to observe and attend these public hearings to see how they were going to go. City Manager Warren Nevad was nice enough to provide the City of Suwanee with the video tape that Medusa had provided for them at the previous rezoning. Suwanee Council has reviewed it and they are becoming aware. His major question would be if either of the property owners have applied for a Special Use Permit or Development Permit in writing. Mr. McFarland stated they had not. Mr. Trice asked if Medusa Cement Company had requested for either in writing. Mr. McFarland stated they had not. Mr. Trice stated that if no written request have been received, then why is the City of Sugar Hill moving forward with a Special Use Permit for this property when there has been no written request for this to be done by either the property owner or the company involved. This is like contract zoning. Suwanee is concerned with what the city is doing is creating a use that has not been requested. If this project is to be approved, and we hope it doesn't', we hope that the City will look at the adequate buffers, and the City would look at tree lines to hide these silo's . Suwanee just passed an ordinance restricting the height of cellular towers way ahead of the County, in order to limit them in Suwanee. The 130' is a tall silo therefore, if this does have to happen, please make sure that it is buffered properly. Suwanee is very concerned with the fact that Sugar Hill is granting a Special Use Permit when the owner, nor applicant has requested it. This just doesn't make since, and they wouldn't do this in Suwanee.

Mr. McFarland stated that the Zoning Resolution stated that there are three people that can initiate an application, the property owner or someone who has it under contract with the homeowners permission, the Planning Commission, or the City Council can initiate an application dealing with the zoning ordinance, and all those have equal value. In this case the City Council has made this application.

Rachel Buckner Resident of Ruby Forest. Ms. Buckner stated that she was present to oppose the Dry Cement Distribution Facility and that she would be echoing a lot of what has already been discussed. She can't understand if the residents of Sugar Hill rejected the facility why would the city attempt to place it in close proximity to Suwanee. A dry cement facility would definitely affect the sales and property values to the homes in the area. She's a new resident of the area and when she read about the Asphalt Plant coming into the area, she struck Ruby Forest off of her list. The only reason that she moved into Ruby Forest was because someone had the courage to fight off the Asphalt Facility, and then she went back and took a second look and bought in the Ruby Forest Subdivision. Now she is standing before Sugar Hill trying to fight another issue resulting in a heavy industrial facility. There homes are their investment, and they don't want their property values diminished by this facility. This facility will cause excessive noise and assist in damaging the streets in the area. She came from a community that when she purchased her home there is was zoned residential, and they turned it into commercial, and put in an industrial building behind the home that she had before, and they said it would not be used at night. They brought in semi-truck trailers and they would come in at 11:00 - 12:00 at night, but when they put the facility there they promised the same things that are promised tonight, that there would be limited amount of trucks, and they wouldn't operate on weekends. Once something is approved you no longer have control over it. Where she lives now in Ruby Forest is relatively quiet, they have trains that go by, but most of the homeowners are accustomed to that, but a cement facility with a 130' silo would be an eyesore not only to the development but to anyone driving up and down Buford Highway. There has to be a more suitable location for this type of facility, and she feels like if they can't then someone isn't doing their homework in Sugar Hill. If the city's wants this facility, there has to be another location that more suitable than across from Ruby Forest or even along Buford Highway. Members of the Planning Commission should just think about this, and ask themselves if they would want this facility to be located across from their neighborhood, children, and grandchildren. She would also like to state that in reference to the traffic light that everyone keeps mentioning for the entrance of the Subdivision. She got a letter last week stating that there would not be a light installed at that entrance, because they did a study and the light would increase the rear end accidents in this area. So there will not be a red light at this entrance.

City Manager stated that he had a resident named Kim Hall and she called him today concerning her opposition to this facility, and he would like for the record to reflect this.

Board Member Larry Newberry stated that he wanted to mention that the members of the board are volunteers, and they are trying to do the best thing for their community that they can. When people come in and attack them, as if they had already decided and voted on this, it's very irritating. As far as he's concerned we don't live in a communistic society, and if someone makes application for whatever, they have an obligation to hear the request. This is all they are doing tonight and he doesn't appreciate being attacked.

MINUTES

Steve Farmer Resident of Ruby Forest. Mr. Farmer stated that if we don't do something different from what we are doing then this thing is going to go on for forever. He understood the job that the commission had, and that they are doing the best that they can for their city, however, the current issue happens to effect Suwanee. He doesn't know if this has been thought about before, if it's legal or whatever, bit isn't there some way that a group from Suwanee and a group from Sugar Hill can get together to look at some of the issues as a joint group. Our communities are beside each other, can't we come up with the best use for the properties in this area. If Suwanee decides to come up and put in a nuclear waste dump beside Ruby Forest , Sugar Hill would be upset about it. These two communities as closely tied together as they are should have some way of getting both parties together to review this for mutual benefit for both communities. If you like that idea he would like to volunteer.

Chairman Jay Asgari asked if there were anymore questions.

Vice Chairman Granville Betts stated that he would agree the first site which was closer to his home than this one is, which he didn't oppose, was probably overall the better of the two sites, but it didn't work out. As a member of this board, this is an industrial corridor, on the railroad, and he has no problem recommending that this facility be located on this site.

Vice Chairman Granville Betts made a recommendation for the Mayor and Council to approve this request for the Special Use Permit with the condition that Medusa look at the trees, and buffer, to see what they can leave in order to put that plant in, seconded by Larry Newberry with the added condition that Medusa make this as attractive, safe and sitely as possible before final approval. Vote 3 - for, 1 - opposed. Board Member Bob Parris opposed.

Mr. McFarland stated that the City Council is scheduled to hear this application at their regular meeting on October 13, 1997 at 7:30 p.m.

REZONINGS

RZ-97-008 MAP# 7-258-008

Eagle Service Corporation is requesting to rezone 2.75 acres at the corner of Highway 20 and Frontier Drive from it's current zoning of OI to BG for the use of a Pharmacy and Retail Tire Center. Chairman Jay Asgari asked Mr. McFarland to open on this request. Mr. McFarland stated that this property is currently zoned OI, the property to the north is zoned HSB, and to the South where Big Lots is, is zoned BG. The rear of this site is zoned residential, there would be a 75' required buffer adjoining any residential property according to the current zoning ordinance. He's reviewed this request and given the board a written analysis. Staff has recommended approval on this with numerous conditions. The main portion of those conditions is the site plans showed two driveways on Frontier Drive, and they recommended that it be reduced to one at this time. He's been informed that the Planning & Development Department has received comments that the residents didn't want any entrances off Frontier Drive, so he expects this will be the topic of discussion for this hearing. At this time they are showing access to the

CASE # SUP-97-001

SPECIAL USE PERMIT APPLICATION

AN APPLICATION TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF SUGAR HILL, GEORGIA.

APPLICATION INFORMATION	OWNER INFORMATION
NAME: City of Sugar Hill	NAME: Lawrence D. Crenshaw ET AL
ADDRESS: 4988 West Broad Street	ADDRESS: 2722 Simpson Circle
CITY: Sugar Hill	CITY: Norcross
STATE: Georgia ZIP: 30518	STATE: Georgia ZIP: 30071
PHONE: 770-945-6716	PHONE:

CONTACT PERSON: Warren Nevad - City Manager

PHONE: 770-945-6716 FAX:

* Include any person having a property interest and any person having a financial interest in any business entity having property interest (use additional sheets if necessary).

APPLICANT IS THE: X CITY OF SUGAR HILL

____ OWNER'S AGENT _____ PROPERTY OWNER ____ CONTRACT PURCHASER

PRESENT ZONING DISTRICT(S): HM-1

LAND DISTRICT(S): 7th LAND LOT(S): 254 ACREAGE: 11.88 TAX ID#: 7-254-011

ADDRESS OF PROPERTY: 250 Buford Hwy S.R. 13

PROPOSED DEVELOPMENT: Cement Distribution Facility

PLEASE CHECK THE FOLLOWING IF APPLICABLE:

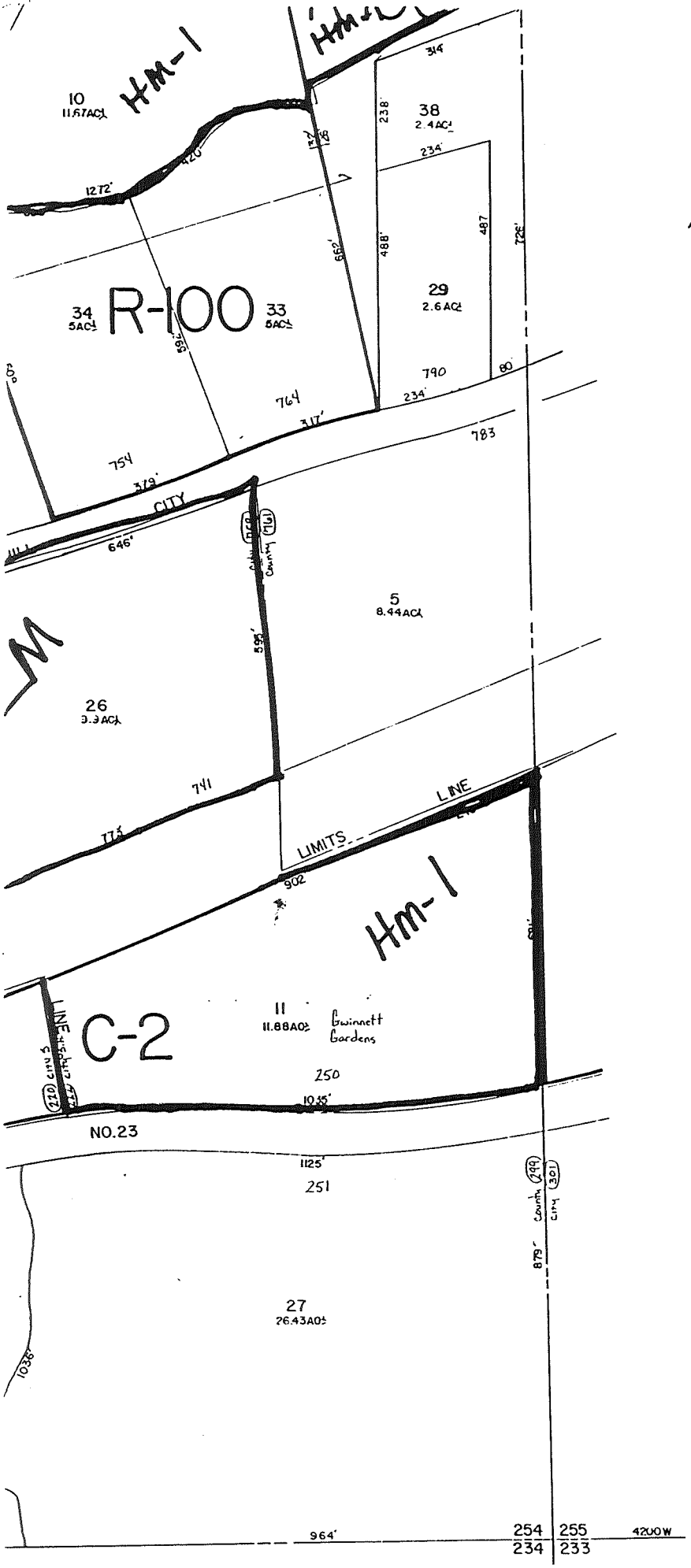
__X__ **Proposal is a Development of Regional Impact**
_____ **Proposal is within 2,000 feet from the Chattahoochee River**

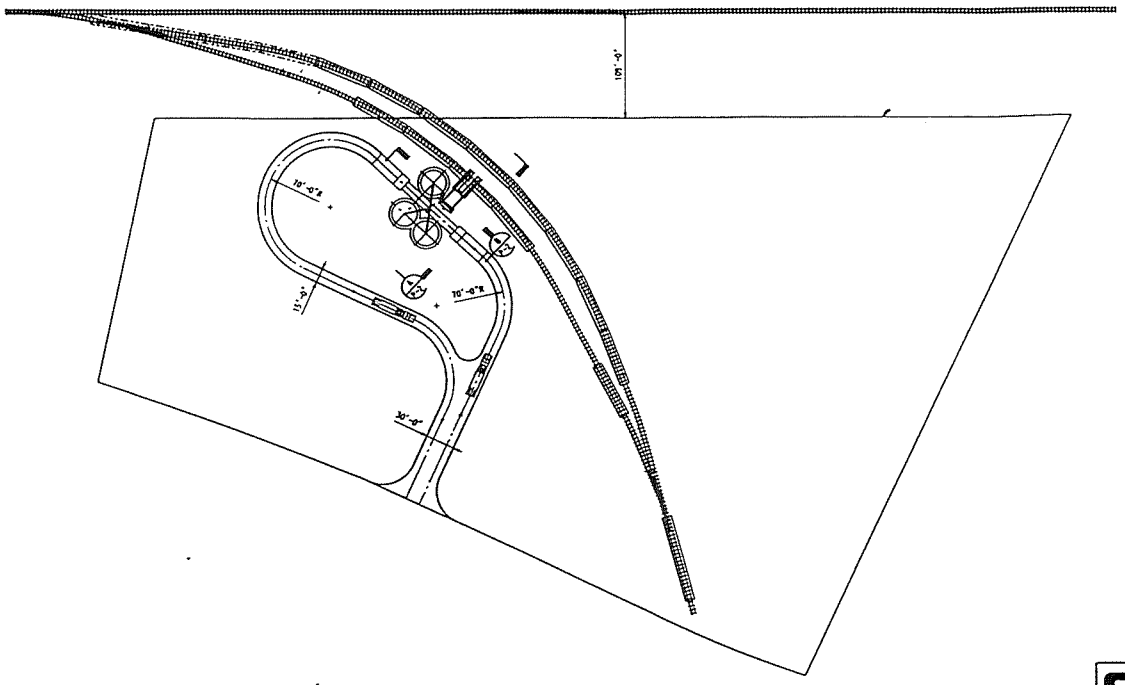
RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
NO. OF LOTS/DWELLING UNITS:	NO. OF BUILDING/LOTS
DWELLING UNIT SIZE (sq. ft.)	TOTAL GROSS SQUARE FEET
GROSS DENSITY	DENSITY
NET DENSITY	

LETTER OF INTENT

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED.

REQUEST TO ALLOW THE TRACT OF LAND TO HAVE A RAILROAD SIDING AND TO ALLOW A HEIGHT TO BE APPROXIMATELY 130 FEET.


HM-1
10
11.67AC±
38
2.4AC±
29
2.6AC±
34
5AC±
R-100
33
5AC±
5
8.44AC±
26
9.3AC±
HM-1
C-2
11
11.88AC±
Gwinnett
Gardens
LIMITS
LINE
CITY
NO.23
251
27
26.43AC±
964'
254
234
255
233
4200W



PROPOSED SITE PLAN 1" = 50'

SEI ENGINEERS, IN

75 E. WILSON BRIDGE RD., SUITE C-4
WORTHINGTON, OHIO 43085

CEMENT DISTRIBUTION TERMINAL
MEDUSA CEMENT COMPANY
GWINNETT COUNTY, GEORGIA

PROPOSED SITE PLAN

FAH			97430	P-1
MJM		9-1-97		

CITY OF SUGAR HILL

4988 WEST BROAD ST. SUGAR HILL, GEORGIA 30518
(770) 945-6716

Beverly Rhea
Atlanta Regional Commission
Building 200, Suite 300
3715 Northside Parkway
Atlanta, Georgia 30327

Re: Development of Regional Impact - Cement Plant - Buford Highway

Dear Ms. Rhea:

Please accept this letter as a request for a DRI review of the above referenced land use. This site is currently zoned HM-1 and is adjoining an existing concrete plant and an automobile salvage yard. The City of Sugar Hill is the applicant for the Special Use Permit for the rail spur and a height of 130 feet. A copy of a location sketch, a zoning map, and a concept plan is included. If you have any questions, please feel free to contact the City or Don McFarland of McFarland - Dyer, our Planning and Zoning consultant.

Yours Truly,

Warren Nevad
City Manager, City of Sugar Hill

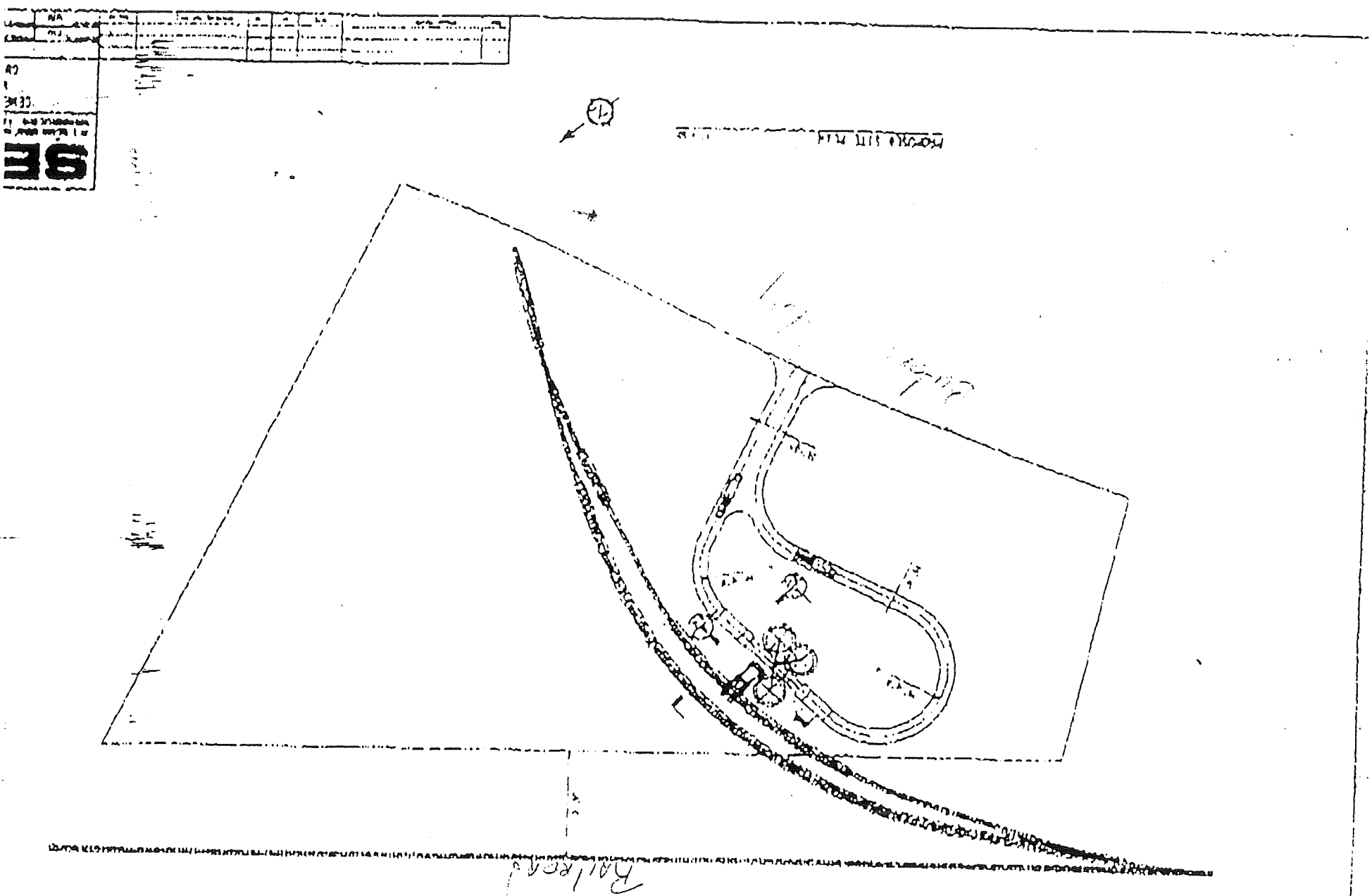
TRANSMISSION VERIFICATION REPORT

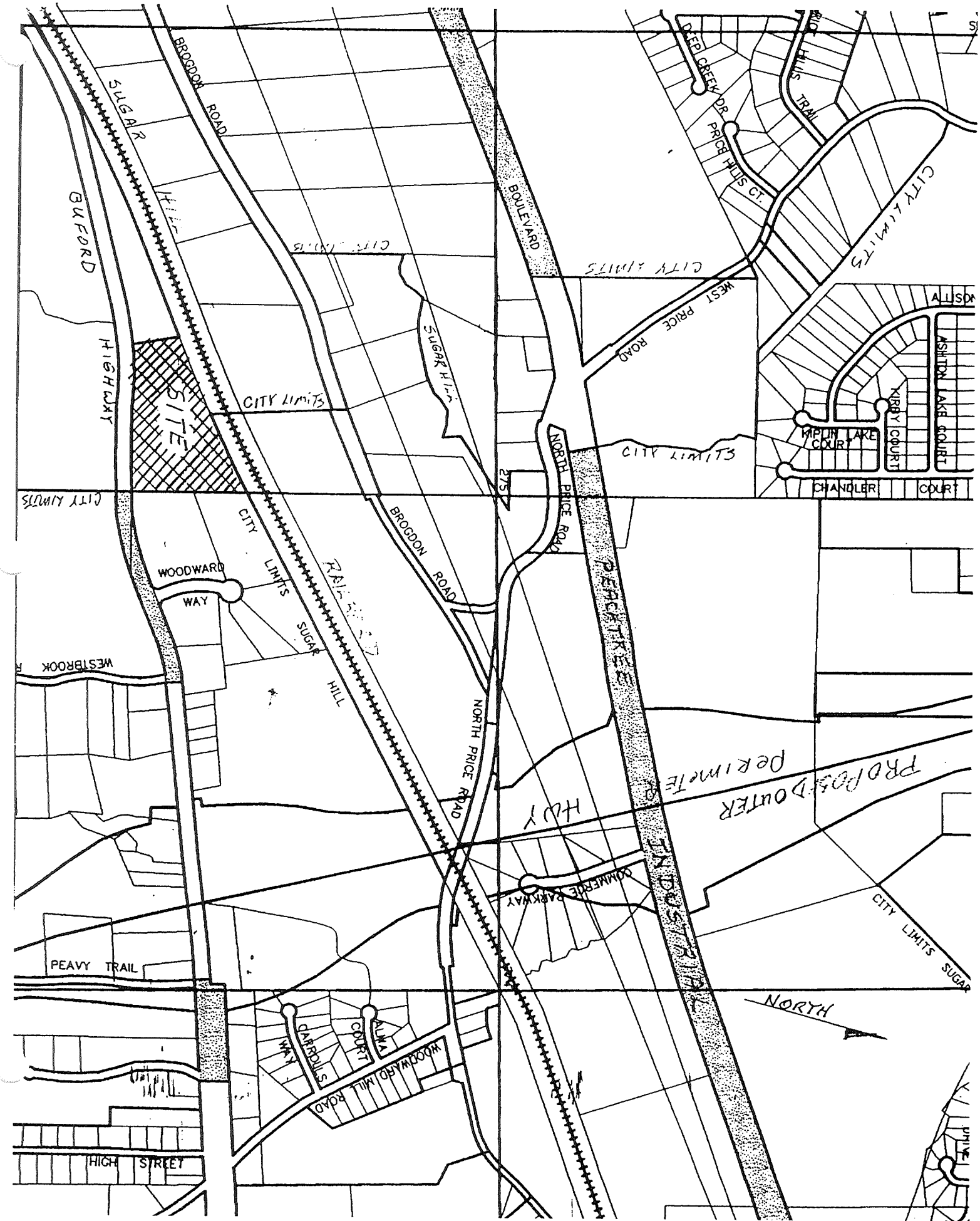
TIME : 09/12/1997 10:53
NAME : CITY OF SUGAR HILL
FAX : 770-945-2145
TEL : 770-945-6716

Post-it® Fax Note 7671	Date 9-12	# of pages ▶ 8
To Beverly Rhea	From Kim Landers	
Co./Dept. ARC	Co: City of Sugar Hill	
Phone #	Phone # 945-6716	
Fax # 404-364-9570	Fax # 945-2145	

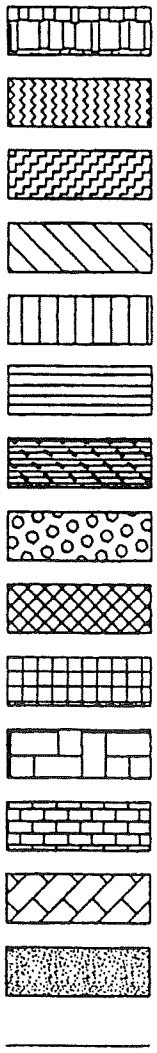
Mail Hard Copy original

DATE, TIME	09/12 10:46
FAX NO. /NAME	4043649570




BUFORD HIGHWAY
SUGAR HILL
BROGDON ROAD
CITY LIMITS
SITE
BOULEVARD
DEEP CREEK DR.
PRICE HILLS CT.
SMITH TRAIL
WEST PRICE ROAD
SUGAR HILL
NORTH PRICE ROAD
275
ASHTON LAKE COURT
KIRBY COURT
KAPLIN LAKE COURT
CHANDLER COURT
WOODWARD WAY
WESTBROOK
PEACHTREE INDUSTRIAL
HWY
PROPOSED OUTER PERIMETER
COMMERCE PARKWAY
PEAVY TRAIL
HIGH STREET
DARROLLS WAY
ALMA COURT
WOODWARD MILL ROAD
NORTH

ZONING
LEGEND



AF	AGRICULTURE AND FOREST
RS – 200	SINGLE FAMILY RESIDENTIAL, LOW DENSITY
RS – 175	SINGLE FAMILY RESIDENTIAL, LOW DENSITY
RS – 150	SINGLE FAMILY RESIDENTIAL, LOW DENSITY
RS – 100	SINGLE FAMILY RESIDENTIAL, MEDIUM DENSITY
RM	MULTI – FAMILY RESIDENTIAL
MH	MOBILE HOME PARK OR SUBDIVISION
OI	OFFICE INSTITUTIONAL
HSB	HIGHWAY SERVICE BUSINESS
BG	GENERAL BUSINESS
LM	LIGHT MANUFACTURING AND INDUSTRIAL
HM – 1	LIGHT INDUSTRY DISTRICT
HM – 2	HEAVY INDUSTRY DISTRICT
	MAJOR STREETS
	CITY LIMITS

SITE
BUFORD HWY
BROOK RUN
BOULEVARD
WEST PRICE ROAD
ALISON DR
CHANDLER COURT
NORTH PRICE ROAD
BROGDON ROAD
275
PEACHTREE
WOODWARD
WES BROOK
PEAVY TRAIL
CARROLL ST
ALMA COURT
WOODWARD MILL ROAD
HIGH STREET
BUFORD HWY

HARVEY R. CRENSHAW
15760 HAMBY RD.
ALPHARETTA, GA. 30004
PHONE: 770-475-3362

Sept. 26, 1997

Mr. Don MacFarland
City of Sugar Hill

RE: TAX PARCEL #7-254-011

Dear Mr. MacFarland,

You are hereby advised that I have no objections to the City of Sugar Hill filing for a special use permit to allow for a cement distribution facility on the above subject property which I own.

Sincerely,

Harvey R. Crenshaw

Harvey R. Crenshaw

Atlanta Regional Commission
200 Northcreek, Suite 300
3715 Northside Parkway
Atlanta, Georgia 30327-2809

50 YEARS 1947-1997
of Regional Cooperation, Leadership & Planning

ARC

October 27, 1997

Honorable Gary Webster, Mayor
City of Sugar Hill
4988 West Broad Street
Sugar Hill, GA 30518

RE: Development of Regional Impact--Medusa Dry Cement Storage & Distribution Facility

Dear Mayor Webster:

I am writing to let you know that the ARC staff has completed review of the proposed Medusa Dry Cement Storage & Distribution Facility, a Development of Regional Impact (DRI). Our finding is that this DRI is in the best interest of the State. I do want to note that this finding is based on the development being strictly a storage and distribution facility and not a concrete plant.

Enclosed is a copy of our detailed report on the DRI. You will note in the report our staff recommendation that Sugar Hill require a tree save area along Buford Highway to screen the silos and that the height of the silos be limited to that of the Thomas Concrete Plant silos on the contiguous parcel.

For information, we received comments from Gwinnett County (also recommending some screening along Buford Highway) and from the City of Suwanee expressing a number of concerns about the proposed development. These comments are enclosed along with unsolicited comments from individuals.

We hope that our report is helpful to the City in its decisionmaking on this project, and we ask that you call us if we can provide any further information.

Sincerely,

Harry West
Director

Enclosure

c Mr. Warren Nevad, City of Sugar Hill
Mr. Don McFarland, Consultant
Mr. Wayne Shackelford, GDOT
Mr. Harold Rebeis, GEPD
Mr. Paul Radford, GDCA
Hon. Richard Trice, City of Suwanee

Facility: Medusa Dry Cement Storage & Distribution Facility
Preliminary Report: September 16, 1997
Final Report: October 24, 1997

DEVELOPMENTS OF REGIONAL IMPACT

REVIEW REPORT

GENERAL

According to information on the review form or comments received from potentially affected governments:

Is the proposed project consistent with the host-local government's comprehensive plan? If not, identify inconsistencies.

Yes, according to information submitted with the review.

Is the proposed project consistent with any potentially affected local government's comprehensive plan? If not, identify inconsistencies.

The site is located very near both unincorporated Gwinnett County and the City of Suwanee. However, the majority of the property surrounding the cement plant site is used, zoned, or designated as commercial or industrial with the exception of the undeveloped residential property across Buford Highway in unincorporated Gwinnett County.

Will the proposed project impact the implementation of any local government's short-term work program? If so, how?

No impacts were identified in the review process.

Will the proposed project generate population and/or employment increases in the Region? If yes, what would be the major infrastructure and facilities improvements needed to support the increase?

The information submitted with the review indicates that 100 jobs will be created by the development.

What other major development projects are planned in the vicinity of the proposed project?

None in the immediate vicinity.

Will the proposed project displace housing units or community facilities? If yes, identify and give number of units, facilities, etc.

No.

Will the development cause a loss in jobs? If yes, how many.

No.

LOCATION

Where is the proposed project located within the host-local government's boundaries?

The site is located in southwest Sugar Hill between the Southern Railway and Buford Highway across from Ruby Forest Boulevard. 34 05'/84 03'.

Will the proposed project be located close to the host-local government's boundary with another local government? If yes, identify the other local government.

Yes. Gwinnett County and the City of Suwanee.

Will the proposed project be located close to land uses in other jurisdictions that would benefit or be negatively impacted by the project? Identify those land uses which would benefit and those which would be negatively affected and describe impacts.

The site appears to be contiguous to the city limits of Suwanee and a casket manufacturing company in the city. There also is a strip of undeveloped property in the unincorporated County area between the Medusa site and the residential area in Suwanee across Buford Highway. ARC staff would recommend that Sugar Hill require a tree save area along Buford Highway to screen the Medusa development and that the silos be made no taller than those at Thomas Concrete.

ECONOMY OF THE REGION

According to information on the review form or comments received from potentially affected governments:

What new taxes will be generated by the proposed project?

According to information submitted $75,000 annual property tax.

How many short-term jobs will the development generate in the Region?

10.

Is the regional work force sufficient to fill the demand created by the proposed project?

Yes.

In what ways could the proposed development have a positive or negative impact on existing industry or business in the Region?

There is a shortage of concrete at this time in the Atlanta area and this will provide additional raw materials.

NATURAL RESOURCES

Will the proposed project be located in or near wetlands, groundwater recharge area, water supply watershed, protected river corridor or other environmentally sensitive area of the Region? If yes, identify those areas.

In what ways could the proposed project create impacts that would damage or help to preserve the resource?

Watershed Protection

The proposed project site is located within the Chattahoochee watershed, a large water supply watershed. However, it is not located within a seven mile radius of a reservoir boundary nor is it located within seven miles of a Chattahoochee River water supply intake therefore, there is no specified minimum criteria for protection.

Floodplains

Areas within the proposed project site are not located within the 100 or 500 year floodplain.

Storm Water / Water Quality

Steps should be taken to limit the amount of pollutants that will be produced during and after construction. During construction, the project should conform to the City's erosion and sediment control requirements. After construction, water quality can be impacted without storm water pollution controls. The amount of pollutants that will be produced after construction of the proposed dry cement storage and distribution facility was estimated by ARC. These estimates are based on some simplifying assumptions for typical pollutant loading factors (lbs\ac\year). The loading factors are based on the results of regional storm water monitoring data from the Atlanta Region. The following table summarizes the results of the analysis.

Estimated Pounds Of Pollutants Per Year

Land Coverage	Total Phosphorus	Total Nitrogen	BOD	TSS	Zinc	Lead
Office/Light Industrial (11.8 ac.)	22.42	202.13	1345.20	8354.40	17.46	2.24

If the development is approved, the City of Sugar Hill should take steps to mitigate potential impacts. The Interim Regional Storm Water Quality Management Guidelines, adopted by the Atlanta Region, provide suggestions for addressing storm water quality. These guidelines offer general guidance for the control of post-development pollution in storm water (find attached).

The proposed site does not include any wetlands or streams.

Structural Storm Water Pollution Controls

The City of Sugar Hill should require that the developer submit a storm water management plan as a key component of the Plan of Development. The storm water plan should include location, construction and design details and all engineering calculations for all storm water quality control measures. Atlanta Regional Commission staff recommends that the City require that any structural controls be maintained at an 80% - 90% total suspended solids removal efficiency.

The Plan should also include a monitoring program to ensure storm water pollution control facilities function properly. Atlanta Regional Commission recommends that structural controls be designed to accommodate the installation, operation and maintenance of automatic equipment at inlet and outlet locations for the monitoring of flow rates and water quality. It is recommended that the monitoring program consists of the following minimum elements:

- monitoring of four storms per year (1 per quarter);
- collection of a flow weighted composite of the inflow to the structure during the entire storm event;
- collection of a flow weighted composite of the outflow from the structure - the sampling period should include the peak outflow resulting from the storm event;
- analysis of inflow and outflow flow weighted composite samples for biochemical oxygen demand (BOD), total suspended solids (TSS), zinc, lead, total phosphorus (TP) and total nitrogen (TKN & NO_3); and,
- collection of grab samples at the inlet and outlet locations during the periods of peak inflow and outflow for pH, dissolved oxygen (D.O.) and fecal coliform bacteria.

The City's Engineering Department should finalize the number and size of storms to be monitored as well as who should be responsible for conducting the monitoring. Monitoring should be conducted at the developer's and owner's expense. Analysis should conform to EPA standards. Specific monitoring procedures and parameters analyzed may change in the future based on continuing storm water runoff and water quality studies.

The storm water plan should require the developer to submit a detailed, long-term schedule for inspection and maintenance of the storm facilities. This schedule should describe all maintenance and

inspection requirements and persons responsible for performing maintenance and inspection activities. These provisions and the monitoring program should be included in a formal, legally binding maintenance agreement between the City and the responsible party.

In addition to inspections required in the storm water management plan, the formal maintenance agreement between the developer and City of Sugar Hill should allow for periodic inspections of the storm water facilities to be conducted by appropriate City personnel. If inadequate maintenance is observed, the responsible party should be notified and given a period of time to correct any deficiencies. If the party fails to respond, the City should be given the right to make necessary repairs and bill the responsible party.

The City should not release the site plans for development or issue any grading or construction permits until a storm water management plan has been approved, and a fully executed maintenance/monitoring agreement is in place.

HISTORIC RESOURCES

Will the proposed project be located near a national register site? If yes, identify site.

No.

In what ways could the proposed project create impacts that would damage the resource?

N/A.

In what ways could the proposed project have a positive influence on efforts to preserve or promote the historic resource?

N/A.

INFRASTRUCTURE
Transportation

How much traffic (both average daily and peak am/pm) will be generated by the proposed project?

Land Use	Acres Sq. Feet Units	Weekday	AM Peak Hour Enter	AM Peak Hour Exit	PM Peak Hour Enter	PM Peak Hour Exit
Cement Distribution Facility	100 employees	492	57	9	15	58
	20 trucks	–	–	–	–	–

The above trip generation figures were calculated using the Institute of Traffic Engineers Trip Generation (5th Edition) manual and information submitted by the applicant.

What are the existing traffic patterns and volumes on the local, county, state and interstate roads that serve the site?

The following volumes are based on 1996 GDOT coverage counts from area facilities that will likely provide the primary routes for traveling to the proposed development. 2010 volumes for these facilities were obtained from the ARC transportation model. (number of lanes = number of lanes in each direction)

Facility	1996 Number of Lanes	1996 Volume	1996 V/C Ratio	2010 Number of Lanes	Forecast 2010 volume	2010 V/C Ratio
Buford Hwy (SR 13/ US 23) from Westbrook Rd to Hall County.	2	9,600	.41	2	25,800	.51
Buford Hwy (SR 13/ US 23) from White St (Suwanee) to Westbrook Rd.	1	9,400	.41	1	11,548	.51
Peachtree Industrial Blvd. from Tench Rd to Hall County.	1	9,700	.43	1	11,917	.53
Level Creek Rd from Suwanee Dam Rd to Oakgrove Dr	n/a	3,200	n/a	n/a	n/a	n/a
I-985 from I-85 to SR 20/ US 23	2	38,100	.42	2	46,809	.52

The above table indicates that roads in the vicinity of the site operate at an acceptable level of service. Future volume estimates indicate that these roads will provide acceptable levels of service in 2010.

What transportation improvements are under construction or planned for the Region that would affect or be affected by the proposed project? What is the status of those improvements (long or short range or other)?

The ARC's adopted Atlanta Regional Transportation Improvement Program FY 1996 - FY 2001 (TIP), as amended September 25, 1996, includes the following proposed projects in the vicinity of this site:

GW-AR 069 I-985 @ SR 20. Interchange reconstruction. Construction scheduled for FY 1999.

GW 100 Peachtree Industrial Blvd. from SR 20 to Hall County line. Two to four lanes. Construction authorized for FY 1998.

AR 023 Outer Loop from SR 371/ Forsyth County to Alcovy Rd. 0 to 4. PE authorized for FY 1996. ROW and CST in long range.

The long range element of ARC's Regional Transportation Plan: 2010 includes the following project in the vicinity of this site:

GW 119 Build McGinnis Ferry Rd. Extension from Lawrenceville-Suwanee Rd to Peachtree Industrial Blvd. from 0 to 4 lanes. Portion between Peachtree Industrial Blvd. and Satellite Rd. is to be open to traffic by 1997-1998.

AR 023 Outer Loop from SR 371/ Forsyth County to Alcovy Rd. 0 to 4. No work scheduled to begin on ROW and CST until FY 2002 or later.

The Atlanta Region Bicycle and Pedestrian Walkways Plan, 1995 Update includes the following long range project which has not been scheduled for construction.

Suwanee Dam Rd. from Peachtree Industrial Blvd. to Level Creek Rd. Sidewalk.

Will the proposed project be located in a rapid transit station area? If yes, how will the proposed project enhance or be enhanced by the rapid transit system?

No.

Is the site served by transit? If so, describe type and level of service.

No.

Are there plans to provide or expand transit service in the vicinity of the proposed project?

No.

What transportation demand management strategies does the developer propose (carpool, flex-time, transit subsidy, etc.)?

None.

What is the cumulative generation of this and other DRIs or major developments? Is the transportation system (existing and planned) capable of accommodating these trips?

Roads in the vicinity of this site are expected to operate at acceptable levels of service at present and in 2010. Provided that the scope or use of this facility does not change and traffic does not increase dramatically, the transportation system is expected to be capable of accommodating these trips.

TRANSPORTATION AIR QUALITY ANALYSIS

Analysis Methodology

The emissions analysis for the proposed Medusa cement facility in Sugar Hill is based on trip generation estimates for the development classified as a warehouse facility. Trip generation rates are a direct function of the number of persons employed at the proposed development. The estimated emissions were established based upon (i) light duty gas vehicles (passenger automobiles) using a mix of peak highway and off peak off off-highway conditions assuming 20% cold starts for each and (ii) heavy duty truck traffic (20 trips per day to and from facility).

Results of Analysis

Estimates for both hydrocarbons and nitrogen oxides resulting from this development are presented in the following table.

	Tons Per Year	Tons Per Day
Nitrogen Oxides	3.433	0.013
Hydrocarbons	1.587	0.006

The proposed development does not exceed acceptable thresholds for harmful emissions and is, therefore, acceptable from an air quality standpoint.

INFRASTRUCTURE
Wastewater and Sewage

How much wastewater and sewage will be generated by the proposed project?

Information submitted with the review indicates zero wastewater generation. However, there will be restroom facilities required for employees.

Which facility will treat wastewater from the project?

N/A
What is the current permitted capacity and average annual flow to this facility?

N/A
What other major developments will be served by the plant serving this project?

N/A

INFRASTRUCTURE
Water Supply and Treatment

How much water will the proposed project demand?

Information submitted with the review indicates zero water demand. However, there will be restroom facilities required for employees and therefore minimal water demand.

How will the proposed project's demand for water impact the water supply or treatment facilities of the jurisdiction providing the service?

N/A

INFRASTRUCTURE
Solid Waste

How much solid waste will be generated by the project? Where will this waste be disposed?

Less than one ton annually according to information submitted.

Other than adding to a serious regional solid waste disposal problem, will the project create any unusual waste handling or disposal problems?

No.

Are there any provisions for recycling this project's solid waste.

No.

INFRASTRUCTURE

Other facilities

According to information gained in the review process, will there be any unusual intergovernmental impacts on:

- Levels of governmental service?
- Administrative facilities?
- Schools?
- Libraries or cultural facilities?
- Fire, police, or EMS?
- Other government facilities?
- Other community services/resources (day care, health care, low income, non-English speaking, elderly, etc.)?

No.

HOUSING

Will the proposed project create a demand for additional housing?

No.

Will the proposed project provide housing opportunities close to existing employment centers?

No.

Is there housing accessible to the project in all price ranges demanded?

Yes.

Is it likely or unlikely that potential employees of the proposed project be able to find affordable* housing?

Likely.

* Defined as 30 percent of the income of a family making 80 percent of the median income of the Region. 1996 median family income of $52,100 for Atlanta MSA.

PLANNING COMMISSION MEETING
MONDAY, OCTOBER 20, 1997 - 7:00 P.M.

MINUTES

The Planning Commission met on Monday October 20, 1997 at 7:00 p.m.

Those present were: Chairman Jay Asgari, Board Members Larry Newberry, and Bob Parris, Administrative Assistant Kimberly B. Landers, and Acting Planning Director Don McFarland, Citizens and Guests. Absent Vice Chairman Granville Betts..

Reading and Approval of Previous Minutes
Board Member Bob Parris made a motion to approve the September 15, 1997 minutes, seconded by Board Member Larry Newberry, and approved unanimously by those present.

ANNEXATION

AX-97-003 MAP# 7-339- Parcel #'s: 068, 069, 071, 079, & 142

Lee Turner is requesting to annex 6.766 acres off Highway 20 with a zoning classification of Office and Institutional (OI). The only proposed use at this time would be for Parcel #: 7-339-142 for the use of a Chiropractor Office. Acting Planning Director Don McFarland opened by giving the information above and stating that staff recommended approval with the following conditions;

1) No new structure shall be built and only the existing single family homes may be converted for office use.
2) Parking shall be located in the front of the existing structures.
3) Inter parcel access shall be provided between the individual parcels to limit the number of driveways accessing Highway 20.

Lee Turner asked Mr. McFarland about if in the future they wanted to build a new structure, and if they wanted to get access off each individual parcel what would need to happen. Mr. McFarland explained to Mr. Turner that these were only conditions placed on the zoning, any future changes in these conditions would require being brought back before the board for a "Change in Conditions" by following the necessary Public Hearing Procedures. Mr. Turner explained to the board members and to the citizens and guest that they originally wanted to annex parcel 142 which they have a use for, but because they didn't meet the 1/8th rule, they needed the other properties in order to annex. Mr. McFarland stated that typically the reason for inter parcel access on a situation like this is, the existing driveways are usually not wide enough and the Department of Transportation would rather see inter parcel access going both ways rather than a curb cut for each, for safety measures. Mr. Turner stated that he didn't foresee a problem but of course he would need to check with Dr. Forton to make sure he's in agreement with this. Peter Fontaine stated that he was representing Mr. Forton. Guests Britt Kaminsky and Brent Mileur, expressed their concerns about the buffer in between the businesses and the Emerald Lakes Subdivision. Mr. McFarland stated that for the proposed Chiropractor Office they would have the parking in the front and only employee parking in the back, then there would be a couple 100 feet of wooded area in addition to the required 50' buffer between them and the Subdivision. **BOARD MEMBER BOB PARRIS MADE A RECOMMENDATION FOR THE MAYOR AND COUNCIL TO APPROVE THIS ANNEXATION REQUEST WITH THE OI ZONING ALONG WITH THE CONDITIONS NOTED ABOVE, SECONDED BY BOARD MEMBER LARRY NEWBERRY, AND APPROVED UNANIMOUSLY BY THOSE PRESENT.**

✓ UNOFFICIAL DATE APPROVED: ___/___/___

PREPARED BY: KIMBERLY B. LANDERS

CITY OF SUGAR HILL

ITEM COUNT FOR FEE CALCULATION

PERMIT : 9701774 TYPE: AX - ANNEXATION APPLICATION

MASTER PERMIT: NOT FOUND

PROJECT: 97 TB ADDRESS: 7-339 PARCELS 079,142,068,071, & 069

OWNER NAME:

CONTRACTOR: LEE TURNER

FEE DUE FROM: LEE TURNER CODE CNT

DESCRIPTION OF ITEMS SELECTED		QUANTITY	AMOUNT
ANNEXATION APPLICATION	RC# 113	1.00	350.00
SUBTOTAL OF ITEM AMOUNTS			350.00

Check- 1420

PAID
SEP 12 1997
CITY OF SUGAR HILL

CITY OF SUGAR HILL

ITEM COUNT FOR FEE CALCULATION

ERMIT : 9701775 TYPE: RZ - REZONING APPLICATION

MASTER PERMIT: NOT FOUND

PROJECT: 97 TB ADDRESS: 7-339 PARCELS 079,142,068,071, & 069

OWNER NAME:

CONTRACTOR: LEE TURNER

FEE DUE FROM: LEE TURNER

DESCRIPTION OF ITEMS SELECTED	CODE CNT	QUANTITY	AMOUNT
ALL REZONINGS	RC#113	1.00	350.00
SUBTOTAL OF ITEM AMOUNTS			350.00

Check-1420

PAID
SEP 12 1997
CITY OF SUGAR HILL

ANNEXATION APPLICATION

This annexation petition is made pursuant to the provisions of the official code of Georgia annotated 36-36, Article 2, "Annexation Pursuant to Application by 60 percent of Landowners and Electors."

Application is hereby made to the City of Sugar Hill, Georgia by the undersigned property owners and electors residing on property proposed for annexation, to have the attached described land(s) annexed into the corporate limits of the City of Sugar Hill.

Map Reference #: Tax Parcel # 142 Total Number of Acres to be annexed: 1.19

It is requested that a zoning classification of (Professional Office) O & I be assigned to the property upon annexation. The property is currently zoned (____) R-100 in Gwinnett County.

Is this property vacant? ___ yes X no (If no, it is necessary for the elector to sign.) (Same as Landowner Currently)

LANDOWNER:

Name: Thomas Dwayne Thompson

Address: 5715 Georgia Hwy 20

City: Buford/Sugar Hill State: GA Zip Code: 30518

Phone: 770/271/9250 Home _____ Work

Date: 9/9/97 Signature: Thomas Dwayne Thompson

ELECTOR (Registered Voter): Melissa O. Thompson

Name: Yes Same as above

Address: _____

City: _____ State: _____ Zip Code: _____

Phone: _____ Home _____ Work

Date: _____ Signature: _____

Mayor & Council Annexation Application Acceptance Meeting Date: 10-13-97

P & Z Public Hearing: 10-20-97 Mayor & Council Public Hearing: 11-10-97

Deadline for submitting application in order to follow this schedule: 9-26-97

****

PLANNING AND DEVELOPMENT DEPARTMENT USE ONLY

FILE NUMBER: _____ ACCEPTED BY: _____

DATE: _____ AMOUNT PAID: _____ CHECK #: _____

AV-SH-002

ANNEXATION APPLICATION

This annexation petition is made pursuant to the provisions of the official code of Georgia annotated 36-36, Article 2, "Annexation Pursuant to Application by 60 percent of Landowners and Electors."

Application is hereby made to the City of Sugar Hill, Georgia by the undersigned property owners and electors residing on property proposed for annexation, to have the attached described land(s) annexed into the corporate limits of the City of Sugar Hill.

Map Reference #: Tax Parcel 7-339 #79 Total Number of Acres to be annexed: 1.003

It is requested that a zoning classification of (O&I) office & Inst be assigned to the property upon annexation. The property is currently zoned (R-100) Residential in Gwinnett County.

Is this property vacant? ___ yes ___ no (If no, it is necessary for the elector to sign.)

LANDOWNER:

Name: David V. Edwards & Iris Edwards

Address: 5717 GA HWY 20

City: Sugar Hill State: GA Zip Code: 30518

Phone: 770/271-3686 Home 407/674-4756 Work

Date: 9/12/97 Signature: x David V. Edwards
x Edwards

ELECTOR (Registered Voter):

Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Phone: _____ Home _____ Work

Date: _____ Signature: _____

Mayor & Council Annexation Application Acceptance Meeting Date: 10/13/97
P & Z Public Hearing: 10/20/97 Mayor & Council Public Hearing: 11/10/97
Deadline for submitting application in order to follow this schedule: 9/26/97

****

PLANNING AND DEVELOPMENT DEPARTMENT USE ONLY

FILE NUMBER: AX-97-003 ACCEPTED BY: K. Landers
DATE: 9-12-97 AMOUNT PAID: $700.00 CHECK #: 1420

ANNEXATION APPLICATION

This annexation petition is made pursuant to the provisions of the official code of Georgia annotated 36-36, Article 2, "Annexation Pursuant to Application by 60 percent of Landowners and Electors."

Application is hereby made to the City of Sugar Hill, Georgia by the undersigned property owners and electors residing on property proposed for annexation, to have the attached described land(s) annexed into the corporate limits of the City of Sugar Hill.

Map Reference #: Tax Parcel #71 Total Number of Acres to be annexed: 1.59 Ac

It is requested that a zoning classification of (_____) _____ be assigned to the property upon annexation. The property is currently zoned (_____) _____ in Gwinnett County.

Is this property vacant? ___ yes ✓ no (If no, it is necessary for the elector to sign.)

LANDOWNER:

Name: Tom B. Turner

Address: 5705 Old Cumming

City: Sugar Hill State: GA Zip Code: 30518

Phone: 770/932-1907 Home _____ Work

Date: 9/12/97 Signature: Tom Turner

ELECTOR (Registered Voter):

Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Phone: _____ Home _____ Work

Date: _____ Signature: _____

Mayor & Council Annexation Application Acceptance Meeting Date: 10/13/97
P & Z Public Hearing: 10/20/97 Mayor & Council Public Hearing: 11/20/97
Deadline for submitting application in order to follow this schedule: 9/26/97

****

PLANNING AND DEVELOPMENT DEPARTMENT USE ONLY

FILE NUMBER: _____ ACCEPTED BY: _____
DATE: _____ AMOUNT PAID: _____ CHECK #: _____

AX-97-002

ANNEXATION APPLICATION

This annexation petition is made pursuant to the provisions of the official code of Georgia annotated 36-36, Article 2, "Annexation Pursuant to Application by 60 percent of Landowners and Electors."

Application is hereby made to the City of Sugar Hill, Georgia by the undersigned property owners and electors residing on property proposed for annexation, to have the attached described land(s) annexed into the corporate limits of the City of Sugar Hill.

Map Reference #: Tax Parcel #69 Total Number of Acres to be annexed: 1.07

It is requested that a zoning classification of (_____) _____ be assigned to the property upon annexation. The property is currently zoned (_____) _____ in Gwinnett County.

Is this property vacant? ___ yes ✓ no (If no, it is necessary for the elector to sign.)

LANDOWNER:

Name: Lillie B. Turner

Address: (Old Cumming & GA 20) 5705 Old Cumming Rd.

City: Sugar Hill State: GA Zip Code: 30518

Phone: (770) 932-1907 Home _____ Work

Date: 9/12/97 Signature: Lillie B. Turner

ELECTOR (Registered Voter):

Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Phone: _____ Home _____ Work

Date: _____ Signature: _____

Mayor & Council Annexation Application Acceptance Meeting Date: 10/13/97
P & Z Public Hearing: 10/20/97 Mayor & Council Public Hearing: 11/20/97
Deadline for submitting application in order to follow this schedule: 9/26/97

****

PLANNING AND DEVELOPMENT DEPARTMENT USE ONLY

FILE NUMBER: _____ ACCEPTED BY: _____
DATE: _____ AMOUNT PAID: _____ CHECK #: _____

AV 07 003

ANNEXATION APPLICATION

This annexation petition is made pursuant to the provisions of the official code of Georgia annotated 36-36, Article 2, "Annexation Pursuant to Application by 60 percent of Landowners and Electors."

Application is hereby made to the City of Sugar Hill, Georgia by the undersigned property owners and electors residing on property proposed for annexation, to have the attached described land(s) annexed into the corporate limits of the City of Sugar Hill.

Map Reference #: Tax Parcel #68 Total Number of Acres to be annexed: 1.738Ac

It is requested that a zoning classification of (_____) _____ be assigned to the property upon annexation. The property is currently zoned (_____) _____ in Gwinnett County.

Is this property vacant? ___ yes ✓ no (If no, it is necessary for the elector to sign.)

LANDOWNER:

Name: Truman B. & Mae B. Thompson

Address: 5711 Old Cumming Rd (& GA Hwy 20)

City: Sugar Hill State: GA Zip Code: 30518

Phone: (770) 945-7175 Home _____ Work

Date: 9/12/97 Signature: Truman B Thompson

Mae B. Thompson

ELECTOR (Registered Voter):

Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Phone: _____ Home _____ Work

Date: _____ Signature: _____

Mayor & Council Annexation Application Acceptance Meeting Date: 10/13/97
P & Z Public Hearing: 10/20/97 Mayor & Council Public Hearing: 11/20/97
Deadline for submitting application in order to follow this schedule: 9/26/97

****

PLANNING AND DEVELOPMENT DEPARTMENT USE ONLY

FILE NUMBER: _____ ACCEPTED BY: _____
DATE: _____ AMOUNT PAID: _____ CHECK #: _____

AV 97 002

REZONING APPLICATION

AN APPLICATION TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF SUGAR HILL, GEORGIA.

APPLICANT INFORMATION	OWNER INFORMATION
NAME: Robert F. Fortin	NAME: Thomas Dwayne Thompson
ADDRESS: 10600 Montclair Way	ADDRESS: 5715 Georgia Hwy. 20
CITY: Duluth	CITY: Buford/Sugar Hill
STATE: GA ZIP: 30155	STATE: GA ZIP: 30518
PHONE: 770-476-1638	PHONE: 770-271-9250

CONTACT PERSON: Peter Fontaine @ Norton Agency
PHONE: 770/614-2579 FAX: _____

* Include any person having a property interest and any person having a financial interest in any business entity having property interest (use additional sheets if necessary).

APPLICANT IS THE:

____ OWNER'S AGENT ____ PROPERTY OWNER X CONTRACT PURCHASER

PRESENT ZONING DISTRICT(S): R100 REQUESTED ZONING DISTRICT: OI

LAND DISTRICT(S): 7th LAND LOT(S): 339 ACREAGE: 1.19 TAX ID#: 7-339-142

ADDRESS OF PROPERTY: 5715 Georgia Highway 20

PROPOSED DEVELOPMENT: Chiropratic Office

PLEASE CHECK THE FOLLOWING IF APPLICABLE:

____ Proposal is a Development of Regional Impact
____ Proposal is within 2,000 feet from the Chattahoochee River

RESIDENTIAL DEVELOPMENT:	NON-RESIDENTIAL DEVELOPMENT:
NO. OF LOTS/DWELLING UNITS: ____	NO. OF BUILDING/LOTS 1
DWELLING UNIT SIZE (sq. ft.) ____	TOTAL GROSS SQUARE FEET 2100 + 1600 Basement
GROSS DENSITY ____	DENSITY ____
NET DENSITY ____	

LETTER OF INTENT

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED.

AV 07-003

REZONING APPLICANT'S RESPONSE

STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

Please respond to the following standards in the space provided or use and attachment as necessary:

A. Whether a proposed rezoning (or Special Exception) will permit a use that is suitable in view of the use and development of adjacent and nearby property:

Yes - Immediate area going business as example new Publix Shopping Complex just opened.

B. Whether a proposed rezoning (or Special Exception) will adversely affect the existing use or usability of adjacent or nearby property:

No - Several properties have proposed and existing land use/zoning changes.

C. Whether the property to be affected by a proposed rezoning (or Special Exception) has reasonable economic use as currently zoned:

No - Existing traffic increase detrimental to residential use, but conducive to office/commercial use.

D. Whether the proposed rezoning (or Special Exception) will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools:

No - Minimal patient traffic/employee traffic. 5 patients/3 employees + Doctor

E. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposed rezoning.

Adjoining 4 tracts of land up for sale as proposed office or commercial. Supported on both sides by existing owners.

* *

PLANNING AND DEVELOPMENT DEPARTMENT USE ONLY

CASE NUMBER _____

RECEIVED BY _____ DATE RECEIVED _____

AV 07-003

REZONING APPLICANT'S CERTIFICATION

The undersigned below is authorized to make this application. The undersigned is aware that no application or reapplication affecting the same land shall be acted upon within 12 months from the date of last action by the Mayor and Council.

Signature of Applicant — Date: 9/10/97

Robert F. Fortin
Typed or Print Name and Title

Signature of Notary Public — Date: 9/10/97 — NOTARY SEAL

THOMAS E. POHLMEIER
NOTARY PUBLIC, FULTON COUNTY, GEORGIA
MY COMMISSION EXPIRES JUNE 5, 2001

* *

PLANNING AND DEVELOPMENT DEPARTMENT USE ONLY

CASE NUMBER AX-97-003

RECEIVED BY K. Sanders DATE RECEIVED _____

REZONING PROPERTY OWNER'S CERTIFICATION

The undersigned below, or as attached, is the owner of the property considered in this application. The undersigned is aware that no application or reapplication affecting the same land shall be acted upon within 12 months from the date of last action by the Mayor and Council.

Thomas Dwayne Thompson 9/12/97
Signature of Owner Date

Thomas Dwayne Thompson
Typed or Print Name and Title

Virginia F Sani 9/12/97
Signature of Notary Public Date NOTARY SEAL

Notary Public, Gwinnett County, Georgia
My Commission Expires Feb. 24, 1999

* *

PLANNING AND DEVELOPMENT DEPARTMENT USE ONLY

CASE NUMBER AX-97-003

RECEIVED BY K. Landers DATE RECEIVED _____

REZONING PROPERTY OWNER'S CERTIFICATION

The undersigned below, or as attached, is the owner of the property considered in this application. The undersigned is aware that no application or reapplication affecting the same land shall be acted upon within 12 months from the date of last action by the Mayor and Council.

Robert F Fortin 9/10/97
Signature of Owner Date

Robert F Fortin
Typed or Print Name and Title

Thomas E Pohlmeier 9/10/97
Signature of Notary Public Date NOTARY SEAL

THOMAS E. POHLMEIER
NOTARY PUBLIC, FULTON COUNTY, GEORGIA
MY COMMISSION EXPIRES JUNE 5, 2001

* *

PLANNING AND DEVELOPMENT DEPARTMENT USE ONLY

CASE NUMBER AX-97-003

RECEIVED BY K. Landers DATE RECEIVED _____

CONFLICT OF INTEREST CERTIFICATION FOR REZONINGS

The undersigned below, making application for rezoning, has complied with the Official Code of Georgia Section 36-67A-1, et. seq, Conflict of Interest in Zoning Actions, and has submitted or attached the required information on the forms provided.

Robert F. Fortin 9/10/97 Robert F. Fortin
Signature of Applicant Date Type or Print Name and Title

Robert F. Fortin 9/10/97
Signature of Applicant's Attorney or Representative Date Type or Print Name and Title

Thomas E. Pohlmeier 9/10/97
Signature of Notary Public Date NOTARY SEAL

THOMAS E. POHLMEIER
NOTARY PUBLIC, FULTON COUNTY, GEORGIA
MY COMMISSION EXPIRES JUNE 2, 1998

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating $250.00 or more to a member of the Mayor and Council or a member of the City of Sugar Hill Planning and Zoning Board.

No (yes/no)

If the answer is yes, please completed the following section:

NAME AND OFFICIAL POSITION OF GOVERNMENT OFFICIAL	CONTRIBUTIONS (List all Which Aggregate to $250 or More)	DATE CONTRIBUTION WAS made (Within Last Two Years)

Attached additional sheets if necessary to disclose or describe all contributions.

* *

PLANNING AND DEVELOPMENT DEPARTMENT USE ONLY

CASE NUMBER AX-97-003

RECEIVED BY K. Landers DATE RECEIVED _____

September 10, 1997

City of Sugar Hill
RE: Letter of Intent
5715 Georgia Highway 20

To Whom It May Concern:

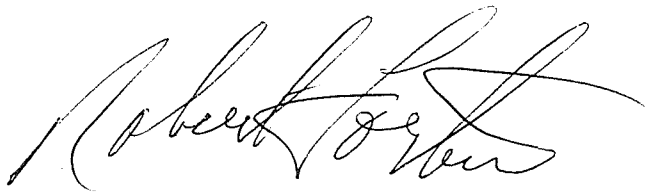
I am applying for annexation and rezoning of residential property located at 5715 Georgia Highway 20. The house which has approx. 2000 S. F. including the garage on the main level and 1600 S. F. of basement is situated on a 1.19 acre lot approx. 0.13 miles east of the new Publix Shopping Center at Highway 20 and Sawnee Dam Rd.

Our intent is to convert the house to a medical facility for Dr. Fortin, my son, for his Chiropractor with Physical Therapy facilities and therefore we are requesting the zoning be changed to O & I for professional office use.

The initial parking would be located in front of the office with appropriate landscaping about the parking lot. There would be enough room for 16 parking spaces in front with an additional 10 future employee spaces in the rear if needed.

The present house which has a roof height of approximately 12 feet will be remodeled inside and a courtyard will be built around the front entrance. The front and side building setbacks will be unchanged and a 50 foot undisturbed rear buffer will be maintained. Since the adjacent property is requested to be changed to O & I under the same application, there is no requirement for a side buffer.

Robert F Fortin, M.D.



AV-OH 002

McFarland ◆ Dyer & Associates, Inc.

Memorandum

To: City of Sugar Hill Planning Commission
Mayor and City Council of Sugar Hill

From: Don McFarland, McFarland - Dyer & Associates, Inc.

Date: October 17, 1997

Subject: Report and Recommendation AX-97-003

Proposed Zoning: O-I Office - Instutional District

Existing Zoning: R-100 Single Family Residential (Gwinnett County)

Owners:

David V. Edwards
5717 Ga. Hwy 20
Sugar Hill, Ga.

Truman B. & Mae B Thompson
5711 Old Cumming Rd.
Sugar Hill, Ga.

Tom B. & Lillie B. Turner
5705 Old Cumming Rd.
Sugar Hill, Ga.

Thomas Dwayne Thompson
5715 Ga. Hwy 20
Sugar Hill, Georgia

Location: LL 339 - 7th District, Ga. Hwy. 20

Size: 6.766 acres total

Proposed Use: Office and Institutional uses and the location of a Chiropractor Doctors Office on one of the parcels

Analysis:

The sites are adjoining fronting on Ga. Hwy. 20 and Old Cumming Road. Land Use within the immediate area consists of residential uses and scattered commercial uses along Ga. Hwy. 20 between Peachtree Industrial Blvd. and Suwanee-Dam Rd. The character of recent development within the area has been predominantly residential development with larger parcels being developed with lots fronting on interior roadways. The Comprehensive Plan adopted by Gwinnett County and the City of Sugar Hill has designated this area as low density residential. However, that same plan also has provisions for smaller parcels of land fronting along major thoroughfares to be considered for low intensive non-residential uses buffering residential uses to the rear.

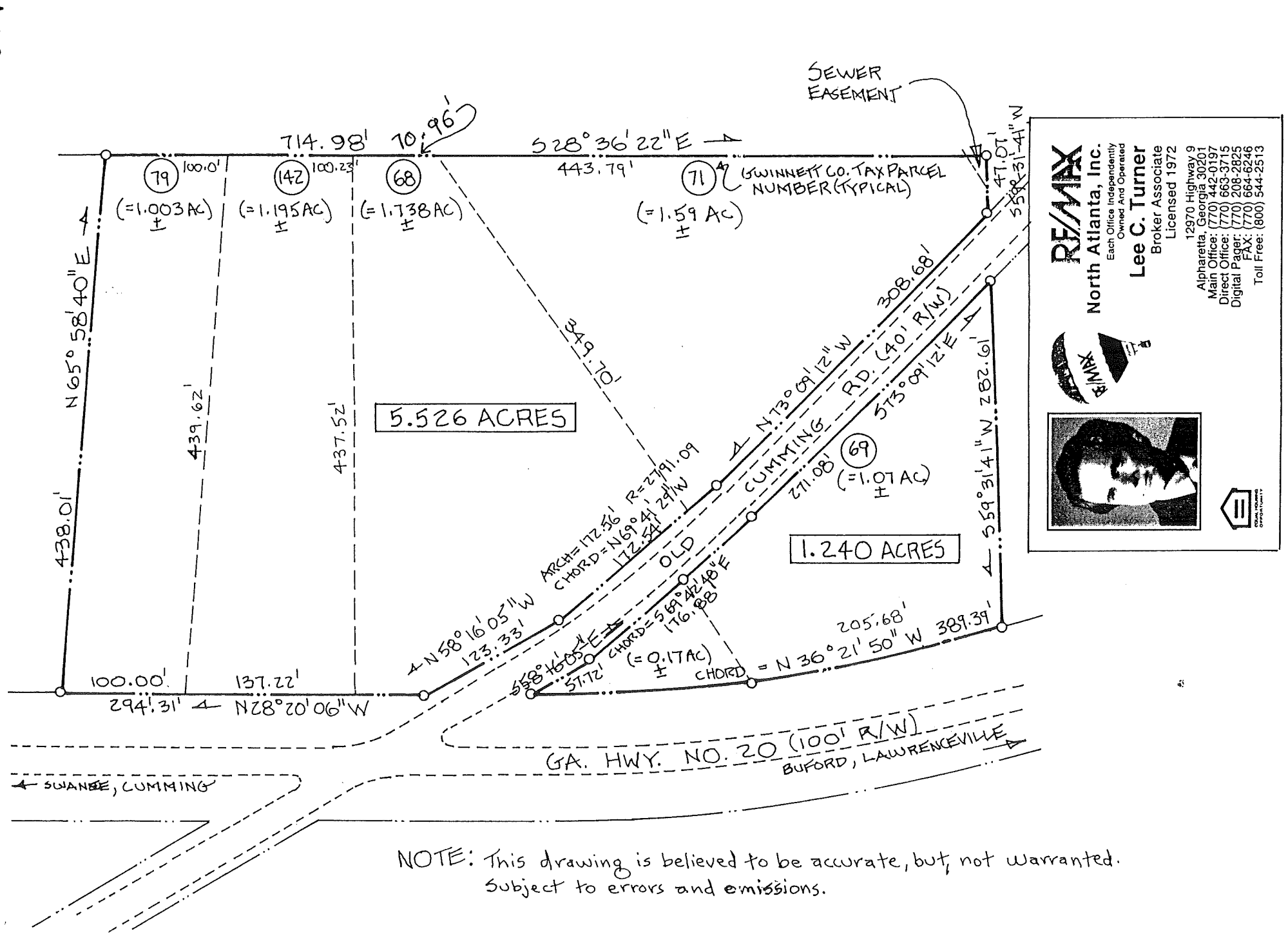
Recommendation:

The change in zoning classification should be anticipated for a considerable number of parcels fronting along Ga. Hwy. 20. As these changes are considered, the use of the property should be the main concern of the review of each zoning or rezoning request. If a use is not proposed with a request, the only non-residential classification that should be considered should be an O-I Office Institutional District. This would allow office uses as the only use for properties that would be undesirable for residential lots fronting along a major thoroughfare. The zoning for the proposed tracts should be designated as O-I. One of the parcels included in this annexation is for the property located at 5711 Ga Hwy 20 and is proposed for the conversion of the existing residence into a Chiropractor Office. A site plan should be submitted, so as to determine whether the O-I uses proposed are in conformance with surrounding residential properties.

The annexations should be considered for approval with the following minimum conditions:

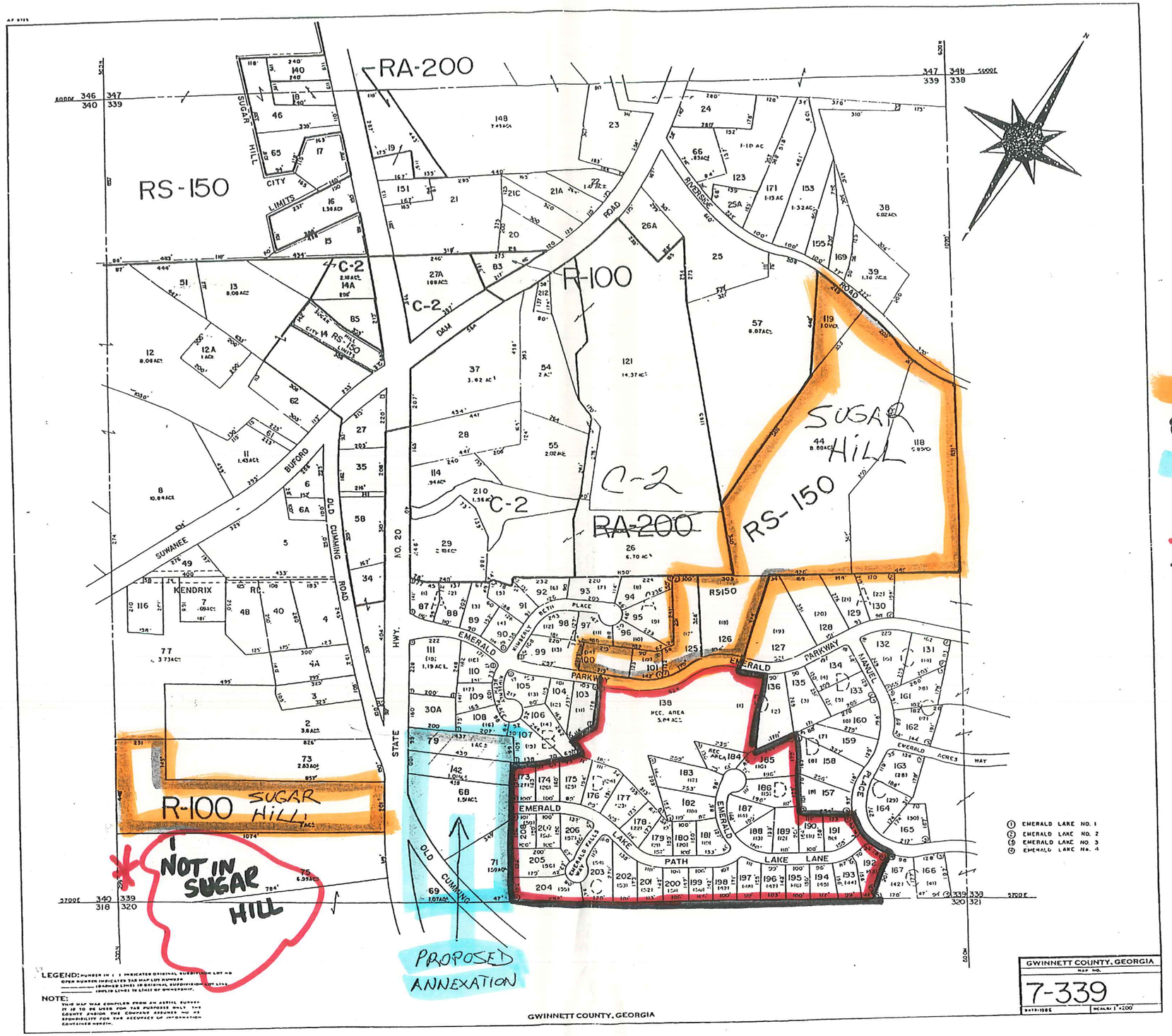
Approval of the Annexations as O-I District provided the following conditions are met:

1. No new structures shall be built and only the existing single family homes may be converted for office use.
2. Parking shall be located in front of the existing structures.
3. Inter parcel access shall be provided between the individual parcels to limit the number of driveways accessing S.R. 20.



RE/MAX North Atlanta, Inc.
Each Office Independently Owned And Operated
Lee C. Turner
Broker Associate
Licensed 1972
12970 Highway 9
Alpharetta, Georgia 30201
Main Office: (770) 442-0197
Direct Office: (770) 663-3715
Digital Pager: (770) 208-2825
FAX: (770) 664-6246
Toll Free: (800) 544-2513

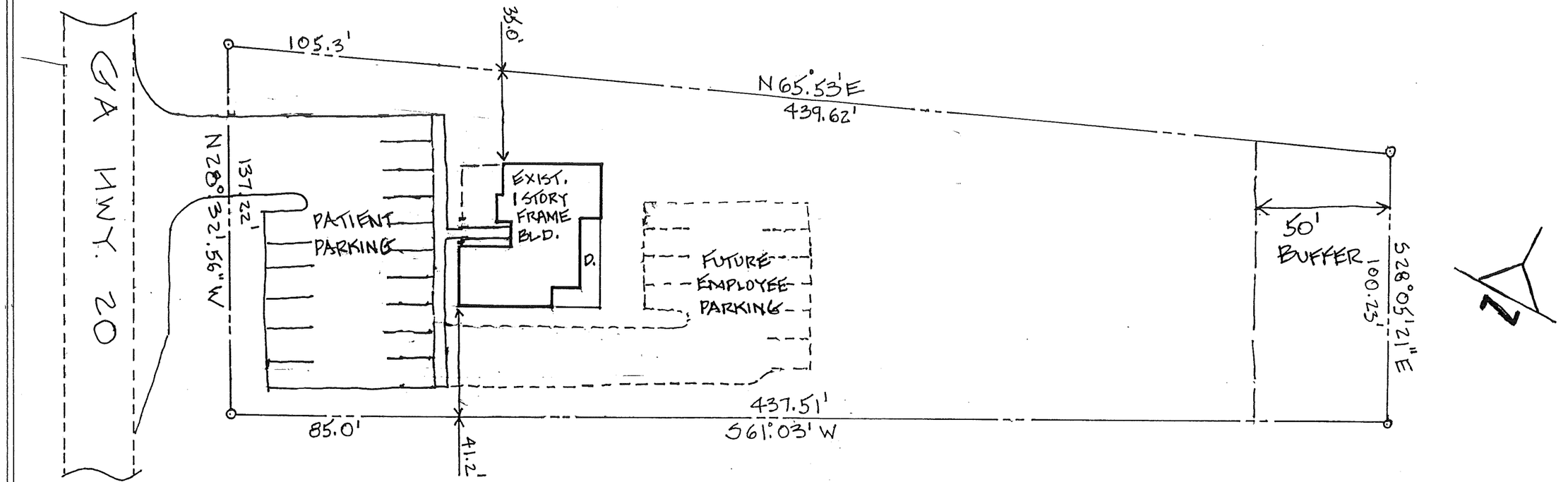
NOTE: This drawing is believed to be accurate, but, not warranted. Subject to errors and emissions.



What County showing as in S.H

Proposed Annexation

What's in SH that County not showing.



PROPOSED SITE PLAN FOR: DR. FORTIN - CHIROPRACTIC OFFICE

5715 GEORGIA HIGHWAY 20 - SUGAR HILL, GA. (TAX PARCEL 142)

PROPOSED ANNEXATION FROM GWINNETT CO. TO CITY OF SUGAR HILL

PROPOSED REZONING FROM R-100 TO O & I - 16 PARKING SPACES (10 FUTURE EMPLOYEE SPACES)

EXISTING RESIDENCE TO BE RENOVATED

(PROPERTY LINES BASED ON SURVEY BY J.A. PAGE, JR. 12/19/94
GA. REGISTERED LAND SURVEYOR NO. 1894

NOTE: INFORMATION BELIEVED TO BE ACCURATE BUT NOT WARRANTED - SUBJECT TO ERRORS AND OMMISSIONS

SCALE 1" = 40'

SEPTEMBER 11, 1997

GWINNETT COUNTY
Office of the County Administrator
(770)822-7020

October 21, 1997

Kimberly B. Landers
Administrative Assistant
City of Sugar Hill
4988 West Broad Street
Sugar Hill GA 30518

Dear Ms. Landers:

Our operating departments have examined the tract of land being petitioned for annexation into the City of Sugar Hill. Enclosed you will find a memorandum and map from our Department of Planning & Development expressing concerns with the annexation of Land Lot 339, 7th District of Gwinnett County, parcels 7-339-068, -069,-071,-079,and -142.

Please send additional information to address our concerns stated in the memo regarding Land Use Plan designation and "one eighth rule". Thank you in advance for your help.

Kindest regards,

Steve North
Assistant County Administrator

enclosure

SN/scp

cc: Wayne Hill, Chairman BOC
Charlotte Nash, County Administrator

Department of Planning and Development
Planning Division

MEMORANDUM

DATE: October 21, 1997

TO: Michael C. Williams, Director, Planning and Development

FROM: Ken Belliveau, AICP, Principal Planner KB
Long Range Planning Section

SUBJECT: **Proposed Annexation and Rezoning, City of Sugar Hill**

The City of Sugar Hill recently notified the county of a request to annex and rezone several properties located in Land Lot 339, 7th District of Gwinnett County into the City of Sugar Hill. The area in question contains a total of approximately 6.766 acres of land contained in parcels 7-339-068, -069, -071, -079, and -142. A copy of a tax plat is attached indicating the location of the subject properties.

All of these parcels are currently zoned R-100 by Gwinnett County, and have a Land Use Plan (LUP) designation of Low Density Residential. The Annexation/Rezoning Applications indicates that O-I zoning is being requested for these properties which would be contrary to the county's LUP. There is commercial zoning in the area, but it is not contiguous to the properties in question.

If these parcels are annexed into the City of Sugar Hill, they would expand an existing "island" of Sugar Hill, although it would not connect them to the main body of the existing city limits. It should also be noted that the proposed annexation appears to violate the "one eighth rule." Simply stated, the 1/8th rule requires that annexations approved by the 60% method have a minimum of 1/8th of the aggregate external boundary of the area to be annexed contiguous with the existing city boundary at the time of annexation. This does not appear to be the case in this instance.

Please call me at ext. 7608 if you have any questions or need any additional information.

c.: Sue Cato, County Administration
Steve Logan, AICP, Director of Planning
Don Jascomb, AICP, Director of Development
Jim Summerbell, AICP, Manager Long Range Planning 822-7607

PLANNING COMMISSION MEETING
MONDAY, OCTOBER 20, 1997 - 7:00 P.M.

MINUTES

REZONING

RZ-97-009 **MAP# 7-292-031**

Ben Gibson is requesting to rezone 1.1864 acres at the corner of Wages Way and Hidden Circle Drive from the existing zoning of RS-100 to BG for the Use of a Water Lily Garden and Nursery. Acting Planning Director Don McFarland opened by stating that the drawings that were submitted to him was not clear on exactly which corner this project would be going on. According to his recommendation he referred to meeting the required buffers, after looking at the conceptual plan to a full scale, he can see that this property is located on the other corner which is adjacent to a Light Manufacturing Zoning therefore a buffer would not be required. Debbie Gibson stated that her husband was unable to be present and that she was appearing on behalf of him to answer any questions that the members of the board might have. Discussion was held on whether the proper zoning would be for HSB or for BG, and by allowing the BG would allow for a wider range of Commercial Businesses in the future if they were to sell out. Mr. McFarland stated that BG requires more of a Buffer, but your couldn't deny them the requested zoning. However, you could condition the zoning for the Aquatic Garden Center Only. More discussion held. **BOARD MEMBER LARRY NEWBERRY MADE A RECOMMENDATION FOR THE MAYOR AND COUNCIL TO APPROVE THIS REZONING REQUEST FROM RS-100 TO BG WITH THE CONDITION THAT THIS PROPERTY BE USED FOR THE AQUATIC GARDEN CENTER ONLY AND THAT ANY FUTURE USE MUST BE BROUGHT BACK BEFORE THE BOARD AND FOLLOW ANY PUBLIC HEARING PROCEDURES, SECONDED BY BOARD MEMBER BOB PARRIS, AND APPROVED UNANIMOUSLY BY THOSE PRESENT.**

BOARD MEMBER COMMENTS

CITIZENS COMMENTS

ADJOURNMENT

Board Member Bob Parris made a motion to adjourn, seconded by Board Member Larry Newberry, and approved unanimously by those present.

Meeting adjourned at 7:45 p.m.

✓ UNOFFICIAL DATE APPROVED: ___/___/___

PREPARED BY: KIMBERLY B. LANDERS

CITY OF SUGAR HILL

ITEM COUNT FOR FEE CALCULATION

PERMIT : 9701946 TYPE: RZ - REZONING APPLICATION

MASTER PERMIT: NOT FOUND

PROJECT: 97 UW ADDRESS: 7-292-031

OWNER NAME: BEN R. GIBSON

CONTRACTOR: PERRY'S WATER GARDENS

FEE DUE FROM: PERRY'S WATER GARDENS

DESCRIPTION OF ITEMS SELECTED	CODE CNT	QUANTITY	AMOUNT
ALL REZONINGS	RC#113	1.00	350.00
SUBTOTAL OF ITEM AMOUNTS			350.00

Check-5421

PAID

OCT 06 1997

CITY OF SUGAR HILL

REZONING APPLICATION

AN APPLICATION TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF SUGAR HILL, GEORGIA.

APPLICANT INFORMATION	OWNER INFORMATION
NAME: Ben R. Gibson	NAME: same
ADDRESS: 1831 Leatherman Gap Rd	ADDRESS:
CITY: Franklin	CITY:
STATE: NC. ZIP: 28734	STATE: ZIP:
PHONE: 704-369-5648	PHONE:
CONTACT PERSON: Ben Gibson JO ANN BARNHART 770-868	
PHONE: 704-369-5648 FAX: 704-369-2050	8546

* Include any person having a property interest and any person having a financial interest in any business entity having property interest (use additional sheets if necessary).

APPLICANT IS THE:

____ OWNER'S AGENT ✓ PROPERTY OWNER ____ CONTRACT PURCHASER

PRESENT ZONING DISTRICT(S): Sugar Hill RS-100 REQUESTED ZONING DISTRICT: BG

LAND DISTRICT(S): 7th of Gwinett LAND LOT(S): 292 ACREAGE: 1.1864 TAX ID#: D70292031

ADDRESS OF PROPERTY: Corner of Wages Way and Hidden Circle Dr. off Hwy 20 Buford

PROPOSED DEVELOPMENT: Water Lily Gardens & Nursery

PLEASE CHECK THE FOLLOWING IF APPLICABLE:

_____ Proposal is a Development of Regional Impact
_____ Proposal is within 2,000 feet from the Chattahoochee River

RESIDENTIAL DEVELOPMENT:	NON-RESIDENTIAL DEVELOPMENT:
NO. OF LOTS/DWELLING UNITS:	NO. OF BUILDING/LOTS 1
DWELLING UNIT SIZE (sq. ft.)	TOTAL GROSS SQUARE FEET
GROSS DENSITY	DENSITY
NET DENSITY	

LETTER OF INTENT

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED.

REZONING APPLICANT'S RESPONSE

STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

Please respond to the following standards in the space provided or use and attachment as necessary:

A. Whether a proposed rezoning (or Special Exception) will permit a use that is suitable in view of the use and development of adjacent and nearby property:

It will be an asset to anyone, who is nearby, a site of visual beauty a photographers paradise.

B. Whether a proposed rezoning (or Special Exception) will adversely affect the existing use or usability of adjacent or nearby property:

It's a grad visual effect, and sound effect of the trickle of water. Unlike Garage no loud horns, or motors running.

C. Whether the property to be affected by a proposed rezoning (or Special Exception) has reasonable economic use as currently zoned:

Currently zoned residential, is unsuitable so near to major road and in site of. Surrounding properties already zoned C1+C

D. Whether the proposed rezoning (or Special Exception) will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools:

should be little change if any, to traffic on streets.

E. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposed rezoning.

We think people will be very pleased to have us. I see no problems this could cause anyone to disapro

* *

PLANNING AND DEVELOPMENT DEPARTMENT USE ONLY

CASE NUMBER _____

RECEIVED BY _____ DATE RECEIVED _____

REZONING APPLICANT'S CERTIFICATION

The undersigned below is authorized to make this application. The undersigned is aware that no application or reapplication affecting the same land shall be acted upon within 12 months from the date of last action by the Mayor and Council.

Ben R Gibson — 9/23/97
Signature of Applicant — Date

Ben. Robert Gibson
Typed or Print Name and Title

Linda Johnson — 9/23/97
Signature of Notary Public — Date — NOTARY SEAL
Gwinnett Co. Ga
Expires 00/08/01

* *

PLANNING AND DEVELOPMENT DEPARTMENT USE ONLY

CASE NUMBER _____

RECEIVED BY _____ DATE RECEIVED _____

REZONING PROPERTY OWNER'S CERTIFICATION

The undersigned below, or as attached, is the owner of the property considered in this application. The undersigned is aware that no application or reapplication affecting the same land shall be acted upon within 12 months from the date of last action by the Mayor and Council.

Ben R Gibson — 9/23/97
Signature of Owner — Date

Ben Robert Gibson
Typed or Print Name and Title

Linda Gibson — 9/23/97
Signature of Notary Public — Date — NOTARY SEAL
Gwinnett Co., Ga.
Expires 00/08/01

* *

PLANNING AND DEVELOPMENT DEPARTMENT USE ONLY

CASE NUMBER _____

RECEIVED BY _____ DATE RECEIVED _____

CONFLICT OF INTEREST CERTIFICATION FOR REZONINGS

The undersigned below, making application for rezoning, has complied with the Official Code of Georgia Section 36-67A-1, et. seq, Conflict of Interest in Zoning Actions, and has submitted or attached the required information on the forms provided.

Ben R Gibson — 9/22/97 — Ben Robert Gibson
Signature of Applicant — Date — Type or Print Name and Title

Same as above — _/_/_ — Ben Robert Gibson
Signature of Applicant's Attorney or Representative — Date — Type or Print Name and Title

Linda Gibson — 9/22/97
Signature of Notary Public, State of Ga, My Expires 00/08/01 — Date — NOTARY SEAL

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating $250.00 or more to a member of the Mayor and Council or a member of the City of Sugar Hill Planning and Zoning Board.

No (yes/no)

If the answer is yes, please completed the following section:

NAME AND OFFICIAL POSITION OF GOVERNMENT OFFICIAL	CONTRIBUTIONS (List all Which Aggregate to $250 or More)	DATE CONTRIBUTION WAS made (Within Last Two Years)

Attached additional sheets if necessary to disclose or describe all contributions.

* *

PLANNING AND DEVELOPMENT DEPARTMENT USE ONLY

CASE NUMBER _____

RECEIVED BY _____ DATE RECEIVED _____

REZONING CHECKLIST

The following is a checklist of information required for submission of a Rezoning or Special Exception application. The Planning and Development Department reserves the right not to accept any uncompleted applications.

✓ Application completed with all information needed attached and rezoning fee paid.

Other information required to be submitted with the application:

✓ **Legal Description**

✓ **Boundary Survey**

✓ **Site Plan (this is optional)**

✓ **Letter of Intent (is requested)**

✓ **Applicant Certification**

✓ **Conflict of Interest/Campaign Contributions**

✓ **Adjoining Property Owner(s) of record List**

N/A **Development of Regional Impact**

N/A **Within 2,000 feet from the Chattahoochee River**

I, Ben Robert Gibson **have completed all of the above.**
(Printed Name)

Ben R Gibson 9/22/97
Applicant Signature **Date**

Completed Date: 9/23/97

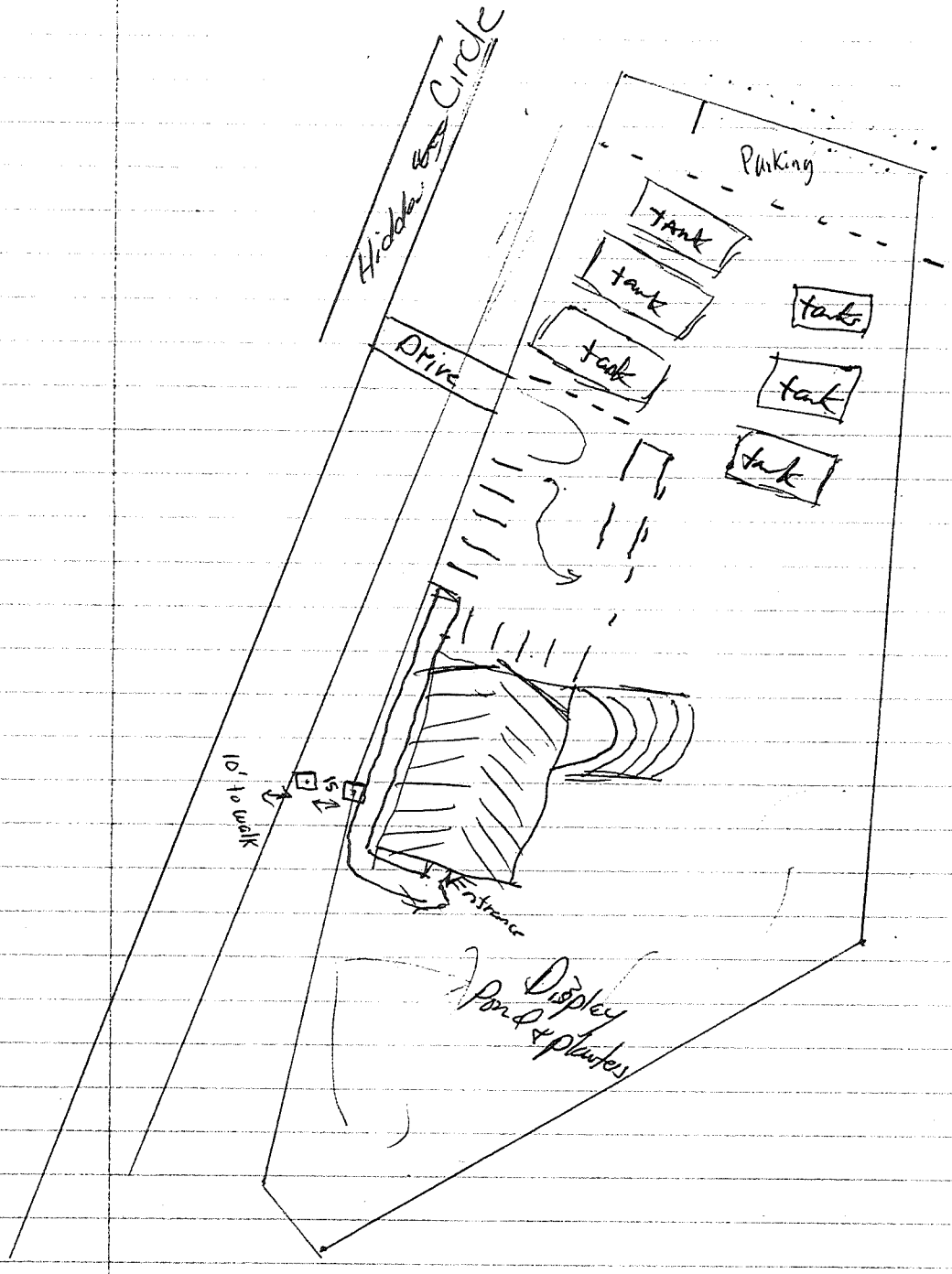
MAKE SURE THIS CHECKLIST IS RETURNED WITH THE REZONING APPLICATION.

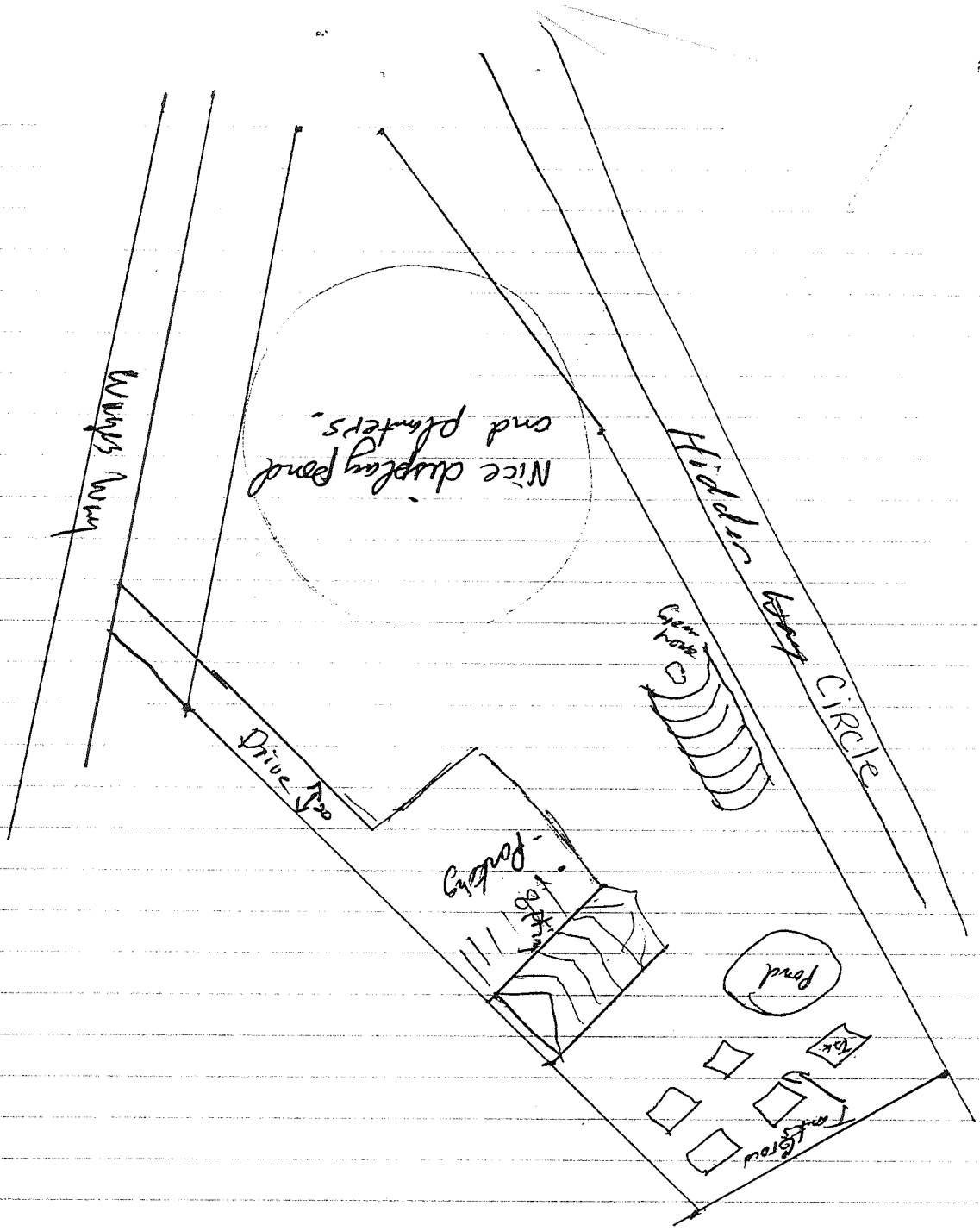
* *

PLANNING AND DEVELOPMENT DEPARTMENT USE ONLY

CASE NUMBER _____ ACCEPTED BY _____

1/8" = 8'
1" = 65'


Hidden Circle
Parking
tank
tank
tank
tank
tank
tank
Drive
10' to walk
15'
Entrance
Display
Pond & Planters



Joanne here are a couple of rough Drawings. maybe it will give you an idea of what we will need.

We will try to get someone to make up someth better

Thanks for all your help

Ben

STATE OF GEORGIA
COUNTY OF Gwinnett

WARRANTY DEED

THIS INDENTURE, Made this 20th day of September in the Year of our Lord One Thousand Nine Hundred and Ninety-Seven between

Paul Johnson,

of the State of Georgia, as Party or parties of the first part, hereinafter called Grantor, and

Ben R. Gibson

of the State of Georgia, as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH:

THAT: Grantor, for and in consideration of Ten and no/100ths ($10.00) and OTHER VALUABLE CONSIDERATIONS, in hand paid, at and before the sealing and delivery of these presents, the receipt of which is hereby acknowledged, has granted, bargained, sold aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee,

FOR A COMPLETE LEGAL DESCRIPTION, SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART OF THIS DEED BY REFRENCE.

This conveyance is made subject to all easements and restrictions of record.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in FEE SIMPLE.

AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons whomsoever.

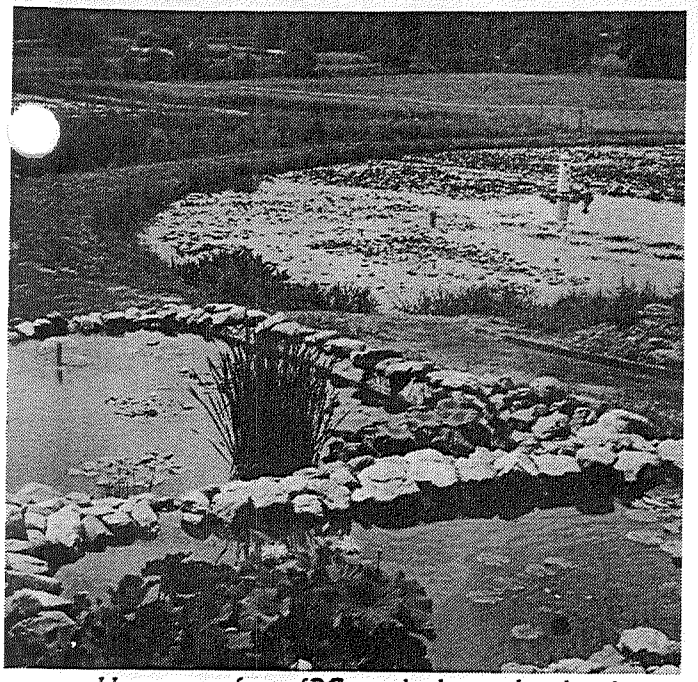
IN WITNESS WHEREOF, the Grantor has signed and sealed this deed, the day and year above written.

Signed, sealed and delivered
in the presence of:

Kay Kunis
Unofficial Witness

Paul Johnson (Seal)

Notary Public



Here are a few of 39 ponds devoted to hardy water lilies, lotus, water iris, & other aquatics.

Perry's WATER GARDENS

191 LEATHERMAN GAP ROAD • FRANKLIN, N.C. 28734

In Cowee Valley — Close to Ruby Mines.
About 8 Miles Northwest of Franklin, N.C.
NO ADMISSION · Supported By Donation
Open For Business - April 1st. - Nov. 1st
Open For Tourists and Visitors - Friday
Before Memorial Day - Labor Day
Hours: 9.00 - 5:00 Weekdays
1:00 - 5.00 Sundays
Ben Gibson, Owner and Manager
Debbie Gibson, Secretary & Treasurer
Phone: (704) 524-3264
If No Answer, call Perry Slocum
Phone: (704) 524-2937

Perry Slocum is founder of Perry's Water Gardens and former owner of Slocum Water Gardens.

This property Land Lot 292 of 7th district.
1.1864 acres. Zone requested C-2
This property will be used for a small Aquatic garden Center. We will sell potted aquatic plants to Home owners for there small pools or patio planters.
The Center will be Keep up and made to look neat so to create interst in this field of gardening.
We would need a building forastore about 1,500 sq. ft. one storie. We also would need a Greenhouse about 1,500 sq ft.
We fill that 15 parking spaces would be ok.
The rest of acreage would consist of nice display Pools 18" deep. Being property is only 1.1864 acres we would like to ask for a small buffer maybe 10' on Back side or no buffer with the promise that we would leave Tree line there and or privacy fench.



Here are a few of 39 ponds devoted to hardy water lilies, lotus, water iris, & other aquatics.

Perry's WATER GARDENS

183 ~~101~~ LEATHERMAN GAP ROAD • FRANKLIN, N.C. 28734

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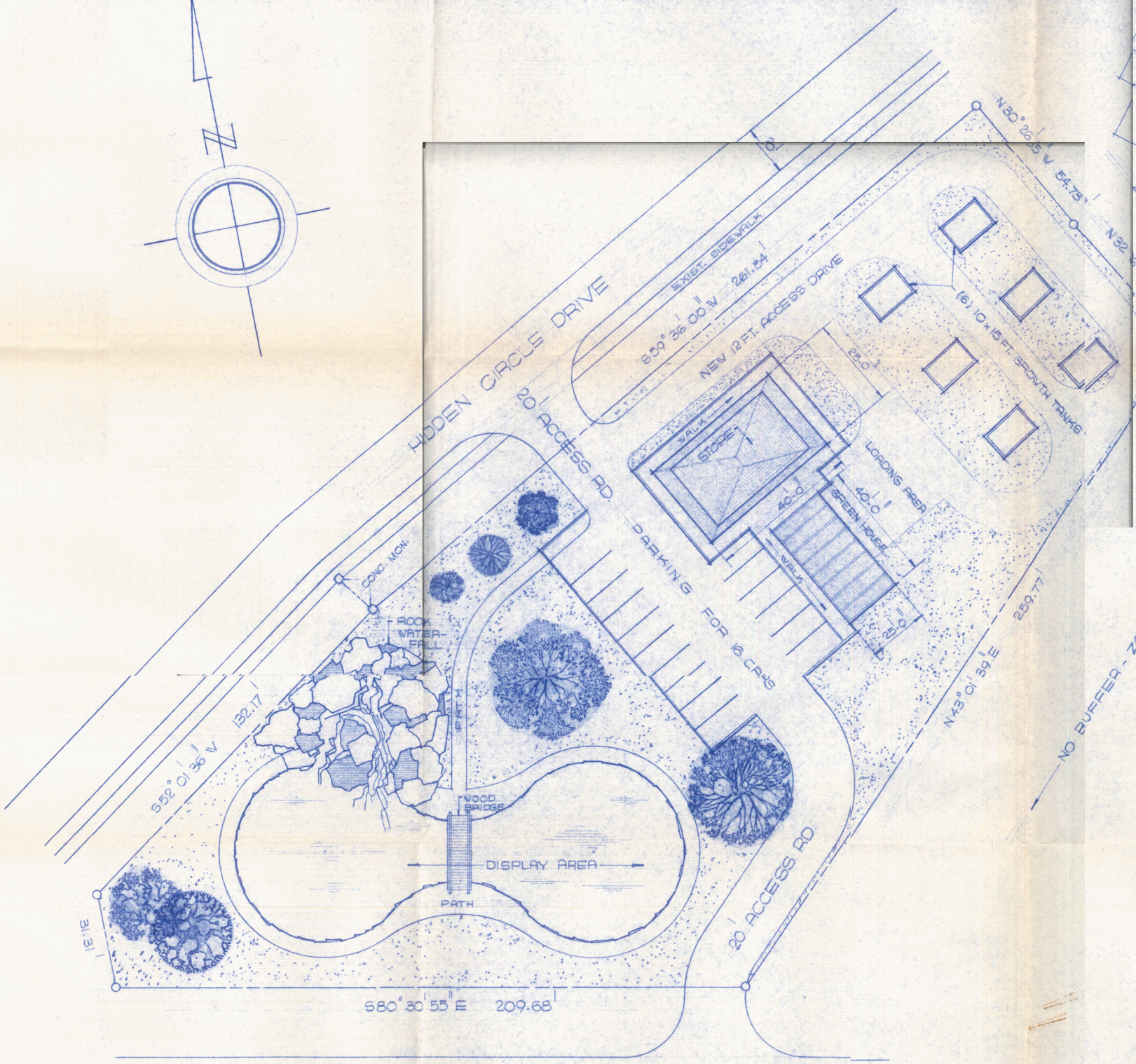
Perry Slocum is founder of Perry's Water Gardens and former owner of Slocum Water Gardens.

Adjoining Propertys

Side off of Wages Way rd. Zone ~~AA-1~~ LM

Hugh Andrew's
4181 Gunnins Rd.
Norcross, GA. 30092
Property ID# 070292 032

Back Ronald Taylor Zone ~~AA-1~~ LM
1324 Hidden Circle
Buford GA. 30518
Property ID# 070292180



NOTE:
APPROXIMATION OF EXISTING HOUSE AND ITS LOCATION

PURPOSED

"WATER GARDEN"

BEN & DEBBIE GIBSON

BUFORD, GEORGIA SCALE: 1" = 20'-0" OCTOBER 1997

DESIGN & DRAFTING SER.

TOM ALLIGOOD - FRANKLIN, N.C.

ORDINANCE

RZ-97-008

The Council of the City of Sugar Hill, Georgia hereby ordains:

That "The Zoning Ordinance of the City of Sugar Hill" is hereby amended by amending the official zoning map adopted by that ordinance to classify the area described on Exhibit A which is attached hereto and incorporated herein by reference as Office and Institutional District (OI) on said official zoning map.

BE IT FURTHER ORDAINED THAT the following conditions are hereby included on the property as a condition of zoning:

_____

_____

_____

_____

IT IS SO ORDAINED, this ____ day of _____, 1997.

_____
Mayor

_____
Council Member

_____
Council Member

_____
Council Member

_____
Council Member

_____
Council Member

ATTEST: _____
City Clerk

Submitted to Mayor: _____

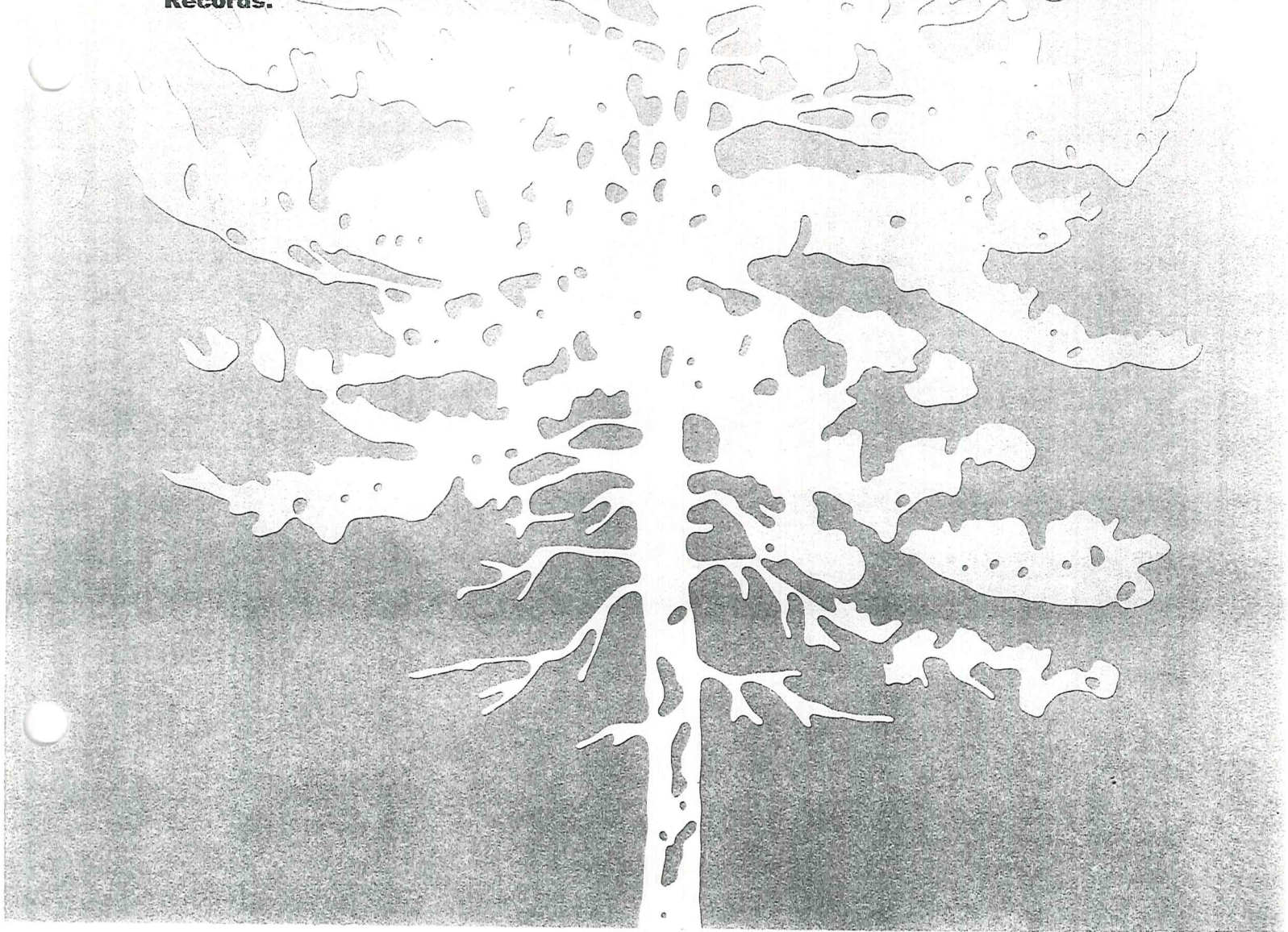
Approved by Mayor, this ____ day of _____, 1997.

_____
Mayor

EXHIBIT "A"
RZ-97-009

BEGINNING at the southeasterly corner of Lot 26 according to a survey by G.O. Mauldin & R.E. Duncan, dated September 1922, and recorded in Plat Book B, Page 34, Gwinnett county records, and said point lying on the Land Lot Line common to Land Lots 286 and 271, according to said plat, and thence according to a survey by william Lee Whitley, RLS No. 1516, dated March 23, 1996, and entitled "Survey of Property Located in Land Lot 292 7th District, Gwinnett County, Georgia", thence proceeding North 30 degrees 26 minutes 55 seconds West a distance of 54.73 feet to an iron pin found, thence proceeding North 32 degrees 26 minutes 58 seconds West a distance of 50.48 feet to an iron pin found, thence proceeding North 43 degrees 01 minutes 39 seconds East a distance of 259.77 feet to an iron pin found; thence proceeding South 80 degrees 30 minutes 55 seconds East a distance of 209.68 feet to an iron pin placed, thence South 1 degrees 25 minutes38 Seconds East a distance of 31.31 feet to a concrete monument, thence South 52 degrees 01 minutes 36 seconds West a distance of 132.17 feet to a concrete monument, thence South 59 feet 36 minutes 00 seconds West along the land lot line common to Land Lot 292 and Land Lot 271 a distance of 261.84 feet to an iron pin found, and the true point of beginning.

This portion of the property conveyed to Paul Johnson from Eugene Johnson by Warrant Deed recorded in Deed Book 99, Page 568, Gwinnett County Records.



CITY OF SUGAR HILL

ITEM COUNT FOR FEE CALCULATION

PERMIT : 9701946 TYPE: RZ - REZONING APPLICATION

MASTER PERMIT: NOT FOUND

PROJECT: 97 UW ADDRESS: 7-292 031

OWNER NAME: BEN R. GIBSON

CONTRACTOR: PERRY'S WATER GARDENS

FEE DUE FROM: PERRY'S WATER GARDENS

DESCRIPTION OF ITEMS SELECTED	CODE CNT	QUANTITY	AMOUNT
ALL REZONINGS	RC#113	1.00	350.00
SUBTOTAL OF ITEM AMOUNTS			350.00

Check-5421

PAID
OCT 06 1997
CITY OF SUGAR HILL

McFarland ◆ Dyer & Associates, Inc.

Memorandum

To: City of Sugar Hill Planning Commission
Mayor and City Council of Sugar Hill

From: Don McFarland, McFarland - Dyer & Associates, Inc.

Date: October 20, 1997

Subject: Report and Recommendation RZ-97-009, Ben R. Gibson.

Case Number: RZ-97-009
Proposed Zoning: BG General Business District
Existing Zoning: RS-100
Applicant: Ben R. Gibson
1831 Leatherton Gap Rd.
Franklin, North Carolina 28734

Location: LL 292 - 7th District, Wages Way & Hidden Circle Dr., (Off Hwy 20)

Size: 1.1864 acres

Proposed Use: Water Lily Gardens & Nursery

Analysis:

The Applicant proposes to locate aquatic garden center which will have display ponds and plants for home owners to locate small ponds in their yards for landscaping purposes. They propose to construct a 1500 square foot building and 1500 square foot greenhouse to house the plants and provide for the retail area.

Recommendation

The Comprehensive Plan indicates the property for commercial land usage. The Application should be approved as requested for the use proposed. Paved parking should be provided in areas where public parking is to take place. The use as requested should be approved BG with a condition that only the Aquatic Garden Center will be allowed on the site and should any other use be proposed for the site that a change in zoning conditions will require another public hearing.

MEMORANDUM 97-91

TO: Mayor/City Council

FR: Warren P. Nevad

RE: NOVEMBER 10, 1997 CITY MANAGER REPORT

DATE: November 3, 1997

1. EMPLOYEES:

We have several employees enrolled in the gas operator certification training. This is a new requirement by the Public Service Commission.

2. PLANNING/ZONING:

The department issued 26 single family residential permits. A total of 378 inspections were conducted during this busy month.

We have applied for a special use permit for the dry cement distribution facility which will be located on Buford Hwy. The Planning and Zoning Board approved this on September 15th. The Mayor/City Council will consider said request at the November 10th meeting. This project has been approved by the Atlanta Region Commission.

We will consider at rezoning request at Hidden Circle and Wages Way. This requests entails the development of a plant nursery.

3. GAS DEPARTMENT:

The gas department installed 81 services during the month of October. We have privatized our new services with Hughes Construction. The year to date total for new services is 500. We have previously submitted a memorandum (attached) updating our gas system improvements. The special master has awarded $17,200 for the Howington Condemnation. The property owner had requested nearly $200,000.

4. FINANCE:

The balance in the LGIP fund is $514,328. We have expended $83,000 on our Hwy. 20 gas improvement project. Originally, we planned to construct the line to Arbor Clos. Savings generated from in house construction along Whitehead Rd. has allowed us to extend the Hwy 20 line to the Oaks at Lanier.

5. SOLID WASTE:

We have advised the State that a geotechnical study is necessary to evaluate current ground cover thickness and integrity. We also need to verify the existing topographic and boundary surveys

along with revising the closure/post closure plan that was prepared by Mid-American several years earlier.

Piedmont Olsen Hensley is currently conducting the methane monitoring program .The year to date expenses for the landfill exceed $116,000.

6. GOLF COURSE:

We have requested an interim spray field upgrade. EPD has approved our design development report for our spray field upgrade at the golf course. We are extremely pleased with their decision. The golf course has generated over $ 1,084,000during 1997.

7. GRANTS:

We have applied for a city assistance grant of $100,000 in order to assist funding of our spray irrigation equipment at the golf course. Also, we are currently applying for an ISTEA grant to fund the construction of a sidewalk from West Price Hills to Level Creek Rd.

Best Wishes for a productive meeting.

WPN:bms

October 21, 1997

MEMO

TO: Mayor/City Council

FR: Warren Nevad
Scott Payne

RE: Update on System Pressure Improvements

The City is in the process of completing the first phase of system wide pressure improvements program. The following outlines the program

1) HIGH PRESSURE LOOP

The special master will make a decision at the October 23rd hearing regarding the Howington condemnation. According to L&F Pipeline, the high pressure loop along Woodward Mill and West Price Road to Level Creek Rd. is nearing completion. The 6" steel high pressure loop when completed in early November will correct the bottle neck problem that has plague the system for years.

2) WHITEHEAD RD.

The city crews have paralleled the existing 2" main from Suwanee Dam Rd. To Oaks at Lanier with a 4" polyethylene main. The 4" main will connect to a regulator station at Suwanee Dam Rd/ Whitehead Rd. and the recently installed 4" main on Whitehead Dr. We will bore into Abingdon, Lennox Park, Lexington Manor, Regency Lake, and Sugar Ridge Dr. Hughes Construction will handle the bores. We will then solicit quotes for extending the 4" main from Oaks at Lanier to West Broad St.

3) HWY 20

Hughes Construction is paralleling the existing 2" main on Old Hwy 20 and HWY 20 to Oaks at Lanier a distance of nearly 10,000 ft., with a 4" polyethylene main. Once constructed sufficient pressure and capacity will be available along the Hwy 20 service area provided that we have adequate pressure at the TRANSCO take point.

4) SUWANEE DAM RD

In addition to the above improvements, the City is relocating a portion of its steel high pressure loop and distribution piping on Suwanee Dam Road. This relocation is required due to road widening and improvements. The existing 2" steel low pressure main is being replaced with a 4" polyethylene main. Flint Construction will handle this project. Gwinnett County is paying for the relocation. The City is required to pay for the betterment.

Alan Landers
230 Roberts Road
Suwanee, GA 30024
770 271-4382

November 4, 1997

11/4/97 11:00 AM
Date Time

Int.

Clerk's Office
City of Sugar Hill, Georgia
4988 W. Broad Street
Sugar Hill, GA 30518

Attention: Clerk or Public Records Officer

Re: Request for Inspection of Public Records

Dear Sir or Madam:

Pursuant to the Georgia Inspection of Public Records Act, O.C.G.A., Sections 50-18-70 through 50-18-76, and by way of this letter, I am requesting copies of the following:

(1) The analysis, investigation and recommendation documentation related to support of the approval of Special Use Permit Application for Case # SUP-97-001.
(2) Any and all written records from the City of Sugar Hill related to the investigation and recommendations regarding Case # SUP-97-001, including information made available before or after the City Council motion to table SUP 97-001 on 10/13/97.
(3) ~~Sugar Hill City Council minutes of the October 13, 1997 meeting.~~ HAVE
4) Copy of Agenda For Council Meeting to be on 11/10/97. (AL)

If for any reason you determine that certain portions of the requested documents or information are exempt from disclosure under the Georgia Inspection of Public Records Act, please delete any such allegedly exempt material, and furnish copies of those portions of the documents which are not exempt. If any documents are withheld or portions deleted, please identify those documents, the substance of such documents or deletions, and the grounds for withholding such documents or making such deletions. My consent to such deletion at this time in no way waives my right to appeal any determination that may be made concerning the applicability of any exemptions under the Georgia Inspection of Public Records Act to the requested documents and information.

I request that you provide me with exact copies of the requested documents or, where no actual official document exists, a complete and accurate account of the information requested. I agree to pay all reasonable search and associated administrative and copying costs: however, if these costs exceed $100.00, I request that you notify me before proceeding.

Thank you for your assistance and attention to this request. If you have any questions concerning the foregoing, or if you require further information, please contact me immediately.

Very truly yours,

Alan Landers

Copies FOR TERESA LANDERS 9-29-97

Anytime - 271-4382

1) Copy New 1997 Zoning ORDINANCE
(passed at HM2 zoning hearing - read by City Attorney Thompson)

2) (Peachtree Ind. location for Medusa Dry Cement facility.)
a) Copy of Zoning request from LM to HM1 application
b) Copy of Special use permit request N/A
c) Copy of planning + Zoning Board Review + Findings minutes

3) (Buford Hwy location for Medusa Dry Cement facility)
a) Copy of Special use permit request
b) Copy of planning + zoning Board review + findings

exemptions under the Georgia Inspection of Public Records Act to the requested documents and information.

I request that you provide me with exact copies of the requested documents or, where no actual official document exists, a complete and accurate account of the information requested. I agree to pay all reasonable search and associated administrative and copying costs: however, if these costs exceed $100.00, I request that you notify me before proceeding.

Thank you for your assistance and attention to this request. If you have any questions concerning the foregoing, or if you require further information, please contact me immediately.

Very truly yours,

Alan Landers

Alan Landers
230 Roberts Road
Suwanee, GA 30024
770 271-4382

received
10-8-97 11:06 am
B. Winters

October 7, 1997

Clerk's Office
City of Sugar Hill, Georgia
4988 W. Broad Street
Sugar Hill, GA 30518

Attention: Clerk or Public Records Officer

Re: Request for Inspection of Public Records

Dear Sir or Madam:

Pursuant to the Georgia Inspection of Public Records Act, O.C.G.A., Sections 50-18-70 through 50-18-76, and by way of this letter, I am requesting copies of the following:

(1) Time and dates of meetings and/or conversations Sugar Hill City officials or representatives had with Members of Medusa Cement Company regarding the 11 acre parcel of land located at 250 Buford Highway, Sugar Hill, Ga. ,7th district, land lot 254.
(2) Any records of content of conversations or meetings relating to (1) above.
(3) Any and all documents relating, providing support for or detailing information as it relates to Case # SUP-97-001. Kim
(4) Documentation related to or supporting the planning and zoning approval of Special Use Permit Application for Case # SUP-97-001. P & Z minutes Kim
(4) Any and all written records from the Planning and Zoning Committee indicating the investigation and recommendations regarding Case # SUP-97-001. Same thing as P & Z minutes Kim
(5) Time and dates of meetings and/or conversations Sugar Hill City officials or representatives had with Lawrence D. Crenshaw, landowner of the 11.88 acre parcel of land located in the 7th district, land lot 254, located at 250 Buford highway, Sugar Hill GA., regarding the 11 acre parcel of land located at 250 Buford Highway, Sugar Hill, Ga. ,7th district, land lot 254.
(6) Any records of content of conversations or meetings relating to (5) above.

If for any reason you determine that certain portions of the requested documents or information are exempt from disclosure under the Georgia Inspection of Public Records Act, please delete any such allegedly exempt material, and furnish copies of those portions of the documents which are not exempt. If any documents are withheld or portions deleted, please identify those documents, the substance of such documents or deletions, and the grounds for withholding such documents or making such deletions. My consent to such deletion at this time in no way waives my right to appeal any determination that may be made concerning the applicability of any

December 1997

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
	1 Rosa Parks Day	2	3	4	5	6
7	8 C.MTG 7:00P.M Immaculate Conception	9	10	11	12 GMA DINNER-SNELLVILLE	13
14	15 P&Z MTG 7:00P.M.	16	17	18	19 EMPLOYEE LUNCH	20
21	22	23	24 CLOSE 1/2 DAY Hanukkah	25 CITY HALL CLOSE Christmas	26 CITY HALL CLOSE Kwanzaa	27
28	29	30	31			

NOVEMBER

S	M	T	W	T	F	S
						1
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9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

JANUARY

S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

Jewish holidays begin at sundown of the previous day

UNOFFICIAL MINUTES

CITY OF SUGAR HILL COUNCIL MEETING
MINUTES, DECEMBER 8, 1997
7:30 P.M. COMMUNITY CENTER

The regular Council Meeting of the City of Sugar Hill was held on December 8, 1997 at 7:30 P.M. in the Community Center. Those present were Mayor Gary Webster, Mayor Pro-Tem Pugh, Council Members, Steve Bailey, Reuben Davis, Dorland Baird, Michael Mosley, City Manager Warren Nevad, Assistant City Manager Scott Payne, City Attorney Lee Thompson, Consultant Don McFarland, City Clerk Gibbs, employees registered guests and members of the media.

The meeting was advertised in the local papers, notices were posted on the doors of City Hall and the Community Center and on the signs at Alton Tucker and Peachtree Ind Blvd, and Highway 20 and Peachtree Ind Blvd.

Mayor Webster called the meeting to order at 7:30 p.m., led the Pledge to the Flag. Council Member Bailey gave the Invocation.

APPOINTMENT/OATH OF OFFICE OF COUNCIL MEMBER: WEBSTER

This item was moved to item E under New Business.

APPROVAL OF AGENDA:

Motion was made and seconded to approve the agenda. Motion passed 5-0

APPROVAL OF NOVEMBER 10th MINUTES:

Motion was made and seconded to approve the minutes from the November 10, 1997 meeting. Motion passed 5-0.

DEPARTMENT REPORTS: NEVAD
City Manager Nevad gave the following Department Reports:
PLANNING AND ZONING:
In November 18 single family permits were issued, 249 inspections were done
The developer at the Riverside Subdivision had been fined $2500 for soil erosion violations. Also, a fence had been constructed around the detention pond at Hillcrest Glenn.
FINANCE:
The ending balance in the General Fund for November was $64,464. The balance in the LGIP Fund was $524,328. He and Kelley Canady had prepared a preliminary budget draft for 1998. A budget work shop was held earlier in the evening. Key budget items are: maintenance of the millage rate, compliance of EPD consent orders for the Golf Course and landfill, maintenance of the gas rate and improvements to gas system and labor adjustments.
SOLID WASTE:
The City had entered into a Consent Order with EPD. The City appreciated the state working with the City in reaching their goal in cleaning up the landfill. There had been many problems with Mid-American on who was responsible for cleaning up the landfill.

Approved 1/12/98

SOLID WASTE CONT'D:

The City took the iniative on the landfill closure and the state has been garcious in allowing more time to come into compliance with the Consent Order.

Mr. Nevad had three service awards to give out before Mr. Payne gave his report on the gas and golf course.
The first award was given to Danny Hughes, who has been with the City for 10 years. Danny has worked with the gas department, sewer treatment plant. When the City needs to update the gas maps, all they have to do is ask Danny and he can tell them where the lines are.
Donna Zinskie has also been with the City for 10 years. She started out in meter reading, she has worked in sewer and drainage. She currently is working with Tony, learning how to do inspections.
Ruth Switzer has been with the City for 5 years. She has worked with the gas department, accounts payable and currently is Deputy City Clerk. All the employees share one trait, and that trait is versatility.
GAS AND GOLF:
Mr. Payne gave the following report on gas and golf:
The gas department installed 40 new services in November, bringing the year to date total to 540 new services. There were also 49 meter change outs for the month. The Highway 20 and Whitehead Road project was completed with the major subdivisions being connected to the new lines. The regulator station at the intersection of Whitehead and Suwanee Dam was completed. He wanted to thank the City's gas crew, Hughes Construction for getting these lines in place. L & F Pipeline should have the high pressure gas line completed soon. The gas department was currently conducting a system wide corrosion survey, identifying all the gas services. This is being done at the request of the Public Service Commission, and the City has until Jan 1st to get this completed. After the survey is completed, they will evaluate the gas service and develop a plan of action to see what improvements need to be made. The City was also aggressively monitoring the heavy gas consumption and analyzing Transco's past and current deliveries to the take station. This data will be collected until after the winter season and then meet again with the Municipal Gas Authority to review the gas loss situation.
Council Member Mosley asked if everything was on track to get the inspections done by January 1st. Mr. Payne responded that it was.
The Golf Course had generated over $72,000 in revenues in November. The time table for the consent order was being followed. Mr. Gary Simpson of Piedmont Olsen Hensley was present to give an update on the Golf Course consent order. Mr. Simpson reported that they had received a letter from the Georgia EPD approving the interim expansion of the spray irrigation field and they can begin spraying on that field as soon as possible.
Council Member Pugh asked Mr. Simpson if the 23,000 gallon of new pipe laying on the ground now was the part that would be permitted. Mr. Simpson responded that this was what was being permitted. Any new piping would have to have a new permit.
City Manager Nevad asked Mr. Simpson about reviewing the proposal to install 8 ground water monitoring wells for the spray irrigation field. Earlier in the evening, at the budget workshop, they had estimated the cost of the wells and pipe at some $300,000. He asked Mr. Simpson to present the proposal. Mr. Simpson stated that in a spray field operation that monitoring wells be placed around the perimeter, which will include 2 upgrade wells.

GAS AND GOLF CONT'D:

These are required by the Georgia EPD and they are used to monitor the ground water quality that hopefully will not be impacted by the spraying of the effluant from the sewer treatment plant. They have negoatied with the state for a reduction in the number of wells that were originally planned, down from 14 to 8 wells. Those wells will be drilled in solid rock and this cost had been included in the budget. City Manager Nevad stated this proposal was for $67,775 and staff request a motion to approve this work. A motion was made by Mayor Pro-Tem Pugh, second by Council Member Bailey. Mr. Pugh wanted to know what fields these wells would cover. Mr. Simpson stated it would cover the 68 acres of land that encompass the western part of the course. He stated there was additional acreage beyond the 68 acres but they would have to monitor on the perimeter of that acreage. Mr. Pugh wanted to make sure that the wells would cover the entire spray irrigation field. Mr. Simpson stated that it would cover everything. The area had already been permitted, it was just a matter of installing the spray field and installing the wells so that it could be operated under the Georgia EPD requirements. After some more discussion on the wells and fields and the amount of water to be sprayed on the golf course, the motion was voted on, with the motion passing with a vote of 5-0.

OLD BUSINESS:

A. LANDFILL CONSENT ORDER:
Mayor Pro-Tem Pugh made a motion to move this item to Executive Session. Second made by Council Member Baird. Motion passed 5-0

B. OPEN BURNING BAN:
City Attorney Thompson explained that this had been on the agenda for several months. It had been revised to cover some of the concerns that had been brought up by some of the council members. There was a lengthy discussion on the number of feet from neighboring houses before you could burn. Council Member Bailey made the motion to approve the ordinance with the stipulation that the footage be put at 100 feet and that developers be given a 90 day notice. Council Member Davis made the second. Motion passed 4-1

CITIZEN'S AND GUEST'S COMMENTS:

Mr. Joe Herrera of Secret Cove Subdivision asked if the lights in the parking lot could be turned on, on nights of meetings, since it is late and dark when the meetings are over.

Mr. Malcom Birch stated he had heard that there was going to be a vote to take the cameras out of the council meetings. He was opposed to this move and he hoped if they did take them out, the new council members would bring the cameras back to the meeting.

Mr. Herb Payne of 980 Old Spring Way stated that he also was opposed to taking the cameras out of the meetings. He felt that this was the only means some of the residents had of knowing what was going on in the community. He asked that the council reconsider eliminating cameras from the meetings.

CITIZEN'S AND GUEST'S COMMENTS CONT'D:

Mrs. Roberta Birch of 1147 Richland Trace stated she also was opposed to the removal of the cameras from the council meetings. She also wanted to comment on the ordinance that was passed to limit the weight of trucks in the City limits. She felt this was not being enforced, especially on Sycamore Road. She stated that the signs on Sycamore Road were missing. She would like for this to be fixed and the ordinance to be enforced. She also made a request for the Citizen and Guest Comment portion be extended to allow a person to speak on the recent election when he arrived.

NEW BUSINESS:

A: PUBLIC HEARING: 1997 OCCUPATIONAL TAX:
Mayor Pro-Tem Pugh made a motion to go into Public Hearing, second made by Council Member Baird. Motion passed 5 - 0
Clerk Gibbs stated that the revenue for 1997 Occupational Tax had exceeded the budget amount by $9.090.48. Staff recommended that this excess be used for gas system improvements. There were no comments from the public. A motion was made and seconded to go back into general session. Motion passed 5-0
A motion was made by Council Member Bailey to accept staff's recommendation to apply the excess to gas system improvements, second made by Council Member Baird. Motion passed 5 - 0

B: NORTHEAST GWINNETT CABLE REVIEW:
City Manager Nevad stated that in December the City reviewed its franchise agreement with Cablevision. For the public's information, Cablevision had proposed another rate increase, about $1.00 for the basic tier. Earlier this year the City had objected to this rate increase and so far the City had not heard a final determination from the FCC, so Cablevision has asked for another rate increase., The City has prepared a letter objecting to this rate increase. Also, during the year there were problems with the televising of the Council Meetings There was an active participant who criticized the reliability of the programming. There had been some meetings that got out of control, several council members had asked for this to be put on the agenda. Council Member Bailey made a motion to terminate the taping and broadcast of the council meetings, second by Council Member Baird. Council Member Bailey stated that he could not even find the channel that showed the meetings. He further stated he felt the cameras were responsible for some of the grandstanding by some of the residents. He felt that some people asked to be put on the agenda just to promote their political agenda. He did not want to limit who could be on the agenda , he would rather get rid of the cameras. He also did not like people who did not live in Sugar Hill who wish to pretend to play in the City's politics. Mr. Nevad stated that of the 15 cities and municipalities in Gwinnett County, only Lawrenceville and Sugar Hill broadcast their meetings. There was no more discussion. Motion passed 4 - 1

NEW BUSINESS CONT"D:

C: SERVICE DELIVERY STRATEGY APPOINTMENTS:
City Manager Nevad stated that every city in the state of Georgia was required to come up withe a Service Delivery Strategy plan to work in conjunction with their county. He had attended several meetings with Gwinnett County on their Service Delivery Strategy with other cities Sugar Hill's chief concerns are adequate law enforcement and land use coordination. There are two committees that the City must appoint people to serve on. One is a staff technical committee and the other is a policy governing committee. Each city has to appoint a staff member and an elected official. Staff's recommendation was to appoint Don McFarland to the staff technical committee, because he works with other cities he was the director of Gwinnett County Planning and Development. For the elected official, his recommendation was Gary Pirkle. Mr. Pirkle had served on the Vision 20/20 Committee and was familiar with the demographics of the City. Council Member Bailey made a motion to approve the recommendations, second by Mayor Pro-Tem Pugh. Motion passed 5 - 0

D: ELECTION CERTIFICATION:
Before Mr. McCalla gave the results of the election, Mayor Webster presented him with a plaque for his 3 years of service as Elections Superintendent.
Mr. McCalla asked the Council to certify the results of the run-off election held on November 25, 1997. Roberta Crabb had 670 votes; Charles A. Spradlin had 487. Mr. McCalla expressed his feelings on working with the elections for the past 3 years. He had seen a lot of turmoil during those 3 years and he was glad the cameras would be turned off. He felt that a lot of people who complain do not attend the council meetings, therefore they had no idea what was going on in the City. Mr. McCalla gave his views on the elections, how they are run, the way some people distort facts. This would be his last meeting, as he and his wife will be moving back to Nashville. A motion was made and seconded to certify the results of the November 25, 1997 run-off election. Motion passed 5-0

E: OATH OF OFFICE-COUNCIL MEMBERS - ELECT:
Mayor Webster asked Mr. Mike Mosley and Mr. Gary Pirkle to join him at the podium. He then administered the Oath of Office to each man.

F: MAYOR/COUNCIL RECOGNITION:
Mayor Pro-Tem Pugh stated they had 3 clocks and 1 plaque to give out. The first one was presented to Mr. Charles Spradlin for his service as a Council Member. The second one was presented to Mayor Gary Webster for his service as Mayor. The third was presented to Dorland Baird for his service as a Council Member. Mr. Reuben Davis was presented a plaque for his 10 years of service on the Council.

G: SERVICE ANNIVERSARY AWARDS:
This item was presented earlier in the program.

NEW BUSINESS CONT'D:

H: ANNEXATION STUDY:

Mayor Pro-Tem Pugh stated he would like to start the process of doing a study of all the land ajoining Sugar Hill. He would like to see if it could be opened up to people who might want to annex into the city could do so without paying the annexation fee. The land would have to be contiguous with other land already in the city limits. The property would have to be identified, letters would have to be mailed to the owners, a time frame set for the offer of free annexation. He asked City Manager Nevad to get with the P & Z Board to help get this project started.

CITY CLERK'S REPORT:

Clerk Gibbs stated that Mrs. Landers had prepared a list of the members of the P & Z and Appeals Board whose terms had expired. These members needed to be replaced. She also reminded them of the GMA meeting on Friday night.

CITY MANAGER' S REPORT:

City Manager Nevad stated that the City would again have its Christmas turkey drive. Mr. J.C. Henry of Mr. Tubs had generously donated the turkeys. He also wanted to thank Mr. Gordon Durham for all his help with the country Christmas He thanked the Mayor for all the work Mayor Webster had done during his four years in office,. He had helped bring in the recycling program, update the zoning ordinance, make improvements to the gas system by selling the water and sewer system. The biggest thing was is involvement with the Golf Course. He made it possible for the City to go ahead with the building of the club house, he had sponsored the Mayor's Day Cup for 3 years, which generated over $20,000 for the food bank, which he serves as a board member. City Manager Nevad then presented Mayor Webster with a plaque, from the employees of the City, which gave him a key to the Golf Club. He also thanked Mr. Baird for all his work while he was on the council, especially his work with the youth.

COUNCIL REPORTS:

Council Member Baird stated that he had enjoyed working with all the council members. He felt the council had moved in the right direction, solved a lot of problems. He also stated he had enjoyed working with the employees of the City.

Mayor Pro-Tem Pugh wanted to thank the gas crews, Hughes Construction, Mr. Nevad and Mr. Payne for all their work on getting the gas lines in place. He felt they had done an excellent job.

Council Member Davis stated that he had really enjoyed working with the Mayor, Council Member Baird and that he would miss them. He also wanted to welcome aboard the new council members and the new mayor. He looked forward to working with them.

COUNCIL REPORTS CONT'D:

Mayor Webster stated it had been an honor being Mayor for the last 4 years. He stated the council was elected to serve all the people of Sugar Hill, not just a few of the residents. He felt that this council had done that and now it was time for some new members to take it to another level.

Counciil Member Bailey made a motion to go into Executive Session, with the possibility of taking action after the session, second by Mayor Pro-Tem Pugh. Motion passed 5-0

Action taken out of the Executive Session:

Council Member Bailey made a motion on Item 1 which would allow the Mayor to sign the agreement relative to the easement gas matter pursuant to terms already agreed on in a previous letter. Second by Council Member Davis. Motion passed 4-0

On item 2 Council Member Bailey made a motion to give City Manage Nevad authority to enter into an agreement with Piedmont Olsen and Hensley, not to exceed $75, 450 concerning the matter of landfill closure, based on investigation of an alternate source to do the landfill closure.to be in compliance with the EPD. Second made by Council Member Baird. Motion passed 4-0

Motion made and seconded to adjourn meeting. Motion passed. Meeting adjourned.

ORDINANCE

The Council of the City of Sugar Hill hereby ordains as follows:

WHEREAS, the Georgia Department of Natural Resources has adopted rules and regulations restricting the type of open burning allowed within Gwinnett County and the City of Sugar Hill to protect the air quality in the metropolitan Atlanta area; and

WHEREAS, the Georgia Department of Natural Resources prohibits additional types of open burning during the summer months; and

WHEREAS, the Mayor and County of the City of Sugar Hill have determined that the prohibition of certain types of open burning on a year round basis would improve the air quality within the City of Sugar Hill and promote the health, safety, convenience, order, prosperity and general welfare of the present and future inhabitants of the City of Sugar Hill;

IT IS HEREBY ORDAINED as follows:

1. No person shall cause, suffer, allow, or permit open burning in any area located within the corporate boundaries of the City of Sugar Hill, Georgia at any time except as follows:

a. The burning is for the purpose of carrying out recognized agricultural procedures necessary for production or harvesting of crops;

b. The burning is for recreational purposes or the cooking of food for the immediate human consumption;

c. The fire is set for the purpose of training fire fighting personnel and has been authorized by the appropriate government entity and the guidelines set by the Georgia Department of Natural Resources and other appropriate government agencies are strictly observed;

d. The fire is in connection with the operation of devices using open flames such as tar kettles, blow torches, welding torches, portable heaters and other flame making equipment;

e. The fire is a small fire established and maintained by a contractor or tradesman which is necessary for activities such as street paving work or installation or repair of utilities. All such fires shall be kept small in size, shall produce no smoke emissions exceeding 40 percent opacity and shall comply with all other regulations which may prohibit or regulate all such activities;

UNOFFICIAL MINUTES

CITY OF SUGAR HILL - COUNCIL MEETING
MINUTES - MONDAY, NOVEMBER 10, 1997

The Mayor and Council of the City of Sugar Hill held their regular monthly meeting on November 10, 1997 at 7:30 p.m. in the Community Center.

The meeting was advertised in the local papers, notices were placed on the doors of the City Hall and the Community Center, It was also posted on the signs at Alton Tucker Blvd and Peachtree Ind Blvd and at Highway 20 and Peachtree Ind Blvd.

Those present were: Mayor Webster, Mayor Pro-Tem Pugh, Council Members: Baird, Davis, and Mosley, City Manager Warren Nevad, City Attorney Lee Thompson, Assistant City Manager Scott Payne, Consultant Don McFarland, City Clerk Gibbs, registered guests and members of the media. Absent was Council Member Bailey, whose wife had surgery on Monday.

CALL TO ORDER AND INVOCATION:

Mayor Webster called the meeting to order at 7:30 p.m., led the pledge to the Flag and Council Member Baird gave the invocation.

APPROVAL OF THE AGENDA:

Council Member Baird made a motion to approve the agenda, second made by Mayor Pro-Tem Pugh. Motion passed 4-0.

APPROVAL OF OCTOBER 13th MINUTES:

Mayor Pro-Tem Pugh made the motion to approve the October 13th minutes, second by Council Member Baird. Motion passed 4-0

Before continuing with the meeting, Mayor Webster turned the floor over to Mayor Pro-Tem Pugh to make a presentation. Mr. Pugh stated that a few weeks ago, the Gwinnett Daily Post ran a survey on golf courses in the Gwinnett County area. There were about 8 different categories and out of the 8, Sugar Hill's golf course placed in just about every one. There were a number of the golf course employees in attendance. Mr. Pugh asked them to come forward. Mr. Wade Queen, Director of Golf, made the introductions: Tommy Everett Assistant Greens Superintendent, Lisa Terry, Secretary; David Bowman, Head Pro and Jeff Hefner, Certified Greens Superintendent. After applause from the audience, Mr. Pugh thanked them for all their hard work and dedication in making Sugar Hill's golf course a great place.

DEPARTMENT REPORTS:

City Manager Nevad gave the following report: Last month the Planning and Zoning Department issued 26 single family permits, with 378 inspections, a special use permit was on the agenda to be considered for a dry cement plant; which had the approval of the ARC.

Approved 12/8/97

DEPARTMENT REPORTS CONT'D:

The balance in the Local Government Investment Pool was $514,000. The City had applied for a $100,000 grant; from the City Assistance Program; to help with the enhanced spray irrigation at the golf course. Also, the City had applied for an Ice T grant to help build sidewalks from West Price Hills Subdivision to Level Creek Road. Finally, on Solid Waste, the EPD would conduct a Public Hearing on November 17th at 6:30 p.m. at the Justice Center in Lawrenceville. This hearing was to help determine site suitability of the proposed expansion of the Buford Landfill.

Mr. Payne gave the following report on gas: 81 new services were installed in October. The gas crews had been doing meter change outs - replacing the old 175 meters with a 275 meter. So far, about 150 meters had been replaced. In all, they expected to replace about 250 meters. The 4 inch gas line on Highway 20 and Whitehead was in place. Crews and contractors are working to make sure these lines are hot soon. By running the gas line down Whitehead and Highway 20, allowed them to go to the Oaks of Lanier Subdivision. The long range goal on the project is to go to Hillcrest Drive.

OLD BUSINESS:

A: OPEN BURNING BAN:
A motion was made by Mayor Pro-Tem Pugh to table this item. Wording on the ban was still not correct for the developers. Council Member Baird made the second. Motion passed 4-0

B: SUP 97-001 - SPECIAL USE PERMIT - MAP # 7-254-011 - 11.88 ACRES
PURPOSE - DRY CEMENT DISTRIBUTION :
Mayor Webster asked Mr. Donald Stack to speak before Mr. McFarland gave his presentation. Mr. Stack gave the following presentation on behalf of Concerned Citizens and Friends of Suwanee. They had some supplemental information for the Council to consider before making their decision. Perhaps, it would give them a different perspective on the dry cement plant.
He disagreed with City Manager Nevad on the findings by ARC on their DRI. ARC does not approve or disapprove anything, they only offer their findings or recommendations, since they have no regulatory or enforcement authority.
He felt sure Mr. McFarland would state that ARC felt this was in the best interest of the state. He did not feel that anyone would disagree with the need for a dry cement plant in this part of the state; however, the concern of the Suwanee residents was the location of this dry cement plant. That concern was reflected in the comments made by ARC, stating this area needs to be evaluated, as some surrounding areas are residential, it needs to be screened and most importantly, that the proposed silos should be no higher that those of the surrounding area, specifically Thomas Concrete, whose silo is only 50 to 60 feet high. The proposd silos for Medusa are 130 feet high. Mr. Stack. stated that without rehashing everything that was presented at the last Council meeting, he had some additional concerns that should be addressed. He reported that a member of the community had stated he was all for the cement plant, after all if there was anything bad, they would have reported it. In the packets he was presenting, there was information they had gotten from EPD on the comparable plant in College Park. This is a self reporting industry, compliance inspections are rare. When they do occur, it is usually based on a complaint. In the College Park facility that uses the same air pollution control equipment, EPD did determine that the company

by passed the normal air pollution control equipment. What is normally used is a pulse jet cleaner for the bag house. Medusa determined that these were not effective or usable for them. Mr. Buckles, the EPD inspector, asked what they were doing. In all his years of inspections, he had never seen anything like it before. Mr. Buckles was the EPD inspector who suggested that the asphalt plant was an inappropriate facility. For Mr. Buckles to state that he had neve seen anything like it, should give you an idea of what is going on. What company comes in and knowingly dismantles equipment that is supposed to control their air pollution. Medusa has not submitted an application to EPD for this site, so all this information pertains to the Peachtree Ind Blvd site. The logical conclusion would be that Medusa did not want anyone to know what they were doing.
A while back, when he and Mr. Lee Thompson were talking about land use and the issues that arise in Sugar Hill, Suwanee and Gwinnett County, Mr. Thompson made the comment that when you have three entities in close proximity, it has the potential for some really difficult issues. This Council has been presented with some of these difficult issues. This is not the first time an issue like this has come up in Georgia. In May, of 1997, the Georgia legislature enacted a new statue that requires governments that are in close proximity in the same county, to start coordinating their land use plans, to start making the effort to ensure that you do not have the problems that are occurring here, where the action of one community can affect the surrounding communities. Those provisions are stated in the packets as the last two exhibits, specifically in the Official Code of Georgia 36-70-24A. The point is, Sugar Hill is going to have to coordinate with Suwanee and Gwinnett County to ensure that the action the Council takes is consistent with the surrounding area. If you look at the surrounding area, like Suwanee, nowhere do you see the word industrial in their land use plan.
No where in the surrounding area of Gwinnett County is it zoned for this type of facility. In fact, ARC recognized this in their DRI, when they referenced the residential area to the South and East. He suggested the City look at it's own Comprehensive Land Use Plan and make sure it complies with the City's zoning ordinances. He had yet to hear from Mr. McFarland or Medusa; based on the City's zoning ordinance, how they could get a variance of more than 15 feet. With a 15 foot variance, that would make the silos a total of 85 feet, the proposed silos are 130 feet. Additionally, they would ask the Council to consider its own Comprehensive Land Use Plan. The Vision 20/20 plan says this area should be commercial, light industry. No where does it state that this area should be used for this type of facility. He felt that the Council was aware of their concerns, but they had not been adequately addressed. He felt the Council should properly evaluate this application in light of Medusa's past history.

Mr. McFarland stated he had nothing to add. The report had been submitted to the Council, copies of the zoning ordinance were in the report. A Special Use Permit is set up to allow height increases as specified under that section of the ordinance, which was a part of the report.

Mayor Pro-Tem Pugh made the following motion: He moved that SUP-97-001 for a Special Use Permit which would allow a railroad spur and a height increase to a maximum of 130 feet for silos be approved subject to the following conditions: (1) Use of the property be restricted to a dry cement distribution facility. In addition, the project shall be required to satisfy the following site

OLD BUSINESS CONT'D:

development conditions: consideration prior to a certificate of occupancy being issued. No more than one exit, entrance shall be located on Buford Highway. The location of the exit, entrance shall be subject to approval by the Georgia Department of Transportation. (2) Lights shall be of the sodium type, contain a cut off type of luminary that shall be directed in toward the property so as not to reflect toward adjacent residential property. (3) Except for a driveway access to the site, an undisturbed 50 foot tree save area shall be provided adjoining Buford Highway. In approving SUP 97-001, the Council of the City of Sugar Hill here by incorporates the findings of facts set forth in a memorandum prepared by Don McFarland, of McFarland , Dyer and Associates, dated October 7, 1997; which memorandum is a part of the record that was submitted to the Mayor and Council as part of the Public Hearing process on October 13, 1997. In addition, the Mayor and Council incorporates the findings of fact, the development of regional impact report by the Atlanta Regional Commission, dated October 24, 1997, which report was transmitted to the City in a letter by Harry West dated October 27, 1997 and which report has been included as a supplemental to the record at this evenings meeting. In approving the Special Use Permit, the Council of the City of Sugar Hill, specifically finds that the proposed use of the property, including the railroad spur and the increased height limitation of the silos to a maximum 130 feet satisfies the requirements of a Special Use Permit and satisfies the criteria established for the approval of the Special Use Permit pursuant to the section 17-06 and 17-07 of the Zoning Ordinance of the City of Sugar Hill, Georgia. The City Council finds that the proposed use of the property, as a dry cement facility, would be consistent with the needs of the neighborhood, of the community as a whole, be compatible with the neighborhood and would not be in conflict with the over all objectives of the Comprehensive Plan of the City of Sugar Hill. And the Council further finds that the proposed use is not objectionable by reason of the admission of noise, vibrations, smoke, dust, gas fumes, odors or radiation and does not create a fire or explosion hazard or other objectionable conditions.
Second to the motion made by Council Member Davis. Motion passed 4-0

C: PUBLIC HEARING-RZ-97-008=REZONING-MAP# 7-258-008:
ACRES-HWY 20/FRONTIER DR.-O & I TO BG:
Mr. McFarland stated that Mr. Doug Stacks had reported to him that they wished to withdraw this as the contract had fallen through and there was not a user for the property. According to the ordinance, a motion has to be made and voted on to allow some one to withdraw a request. Mayor Pro-Tem Pugh made the motion to allow them to withdraw their request, second by Council Member Davis. Motion passed 4-0

CITIZEN'S AND GUEST'S COMMENTS:

Linda Webster, a Suwanee resident, was very disappointed in the decision made by the Council. When they fought the asphalt plant , they were criticized forbeing late in expression their concerns. This time, they were aware of what was going on and she felt the Council had not taken the time to read the information in their packets before making their decision.

CITIZEN AND GUEST COMMENTS CONT'D:

Ruth Logous, a Suwanee resident, expressed her disappointment with the decision made by the Council. She felt they were not being good neighbors, they would be putting more trucks on the road. Women and children would be at risk She felt their reasons for making this decision was wrong.

George Wellington felt this was an issue of money versus a quality of life. He felt the City could get the tax money from other sources. The City's Planning and Zoning approved the site on Peachtree Ind Blvd but when the residents of Sugar Hill did not want the facility there the Council did not approve that rezoning. Planning and Zoning approved the site on Buford Highway and he thought that they would be allowed to speak before it was voted on. He felt that if the near by residents didn't want it, why should they be treated any differently.

Brenda Rich of 835 Level Creek Road stated she was proud of the Council's decision. The Medusa plant was not very well liked by the Suwanee residents. She stated that Thomas Concrete was there before Ruby Forest was built. If she felt it was bad for her child, she would be the first to say so but she felt it would be a good thing, not well liked. She understood that the DOT was looking into the traffic situation there with a view to making more turn lanes and to widen the road.

Ed Entrekin of 4585 Forest Green Drive, Sugar Hill stated he had visited a plant run by Medusa in Perryville, Ga. He said that in years past that part of Georgia was covered in dust. Since Medusa had taken over and started using state of the art air pollution control equipment, the area was cleaner. He pointed out that the Peachtree Ind Blvd site required a rezoning, the Buford Highway site did not require a rezoning. This plant uses a total vacuum system, when the doors are opened dust goes in not out.

Rachel Buckner of Ruby Forest Subdivision stated she had listened to all the talk and the decision but she was not concerned, there was a long way to go. Medusa still had to make the decision to build.

Lori Coligito of Ruby Forest Subdivision, stated her concern that the two people from Sugar Hill who did speak were so much in favor of this, why did the residents of Sugar Hill not want the Peachtree Ind Blvd site. Another concern was the indifference she saw on the faces on the members of the Council.

Nancy Miller of Ruby Forest felt that the Council had been waiting on the finding from ARC. Since ARC had approved it but pointed out the height of the silos should be restricted. As she understood it, they were not going to be restricted. If the plant had to be there, let them build more silos only shorter.

Phil Kashots of 621 Carrolls Way stated he was very much against the decision made by the Council.

Sherri Killen of 1264 Hidden Circle stated she was not pleased with the decision made to allow the dry cement plant.

CITIZEN AND GUEST COMMENTS CONT'D:

Mr. Dorland Baird expressed his views on how he arrived at the decision to vote for this dry cement plant. This property did not have to be rezoned, the other site did and he was not in favor of rezoning to make people happy. He felt that most every one had cement in their homes, work place, recreation areas. He felt the drivers of the concrete trucks were doing a job just like every one else. He did not feel the Council had made a decision in haste.

NEW BUSINESS:

A. PUBLIC HEARING-AX-97-003-ANNEXATION-LEE TURNER-6.766 ACRES HWY 20-O & I ZONING:

. . Mr. McFarland stated this was a request for annexation of 6.766 acres where Old Cumming Road goes off to the left for the first time. It is a conglomeration of 5 or 6 parcels of land. The Planning Commission had heard the request and had recommended approval, however there were certain conditions involving the the existing structures. Most were set back about 300 feet from the road. These were in the report he had submitted. There was some concern over whether or or not portions of Highway 20 should be zoned something other than residential. During the Comprehensive Plan this was looked at, The county comprehensive plan states that major thoroughfares need to be looked at in this fashion, that alternative uses should be looked at. O & I was one of these alternatives. That means the existing structure will be used as an office. If someone wants to build a new office, they would have to get approval from the Council. Mayor Pro-Tem Pugh made the motion to go into Public Hearing, second made by Council Member Baird. Motion passed 4-0

c There were no comments from the Public. Mayor Pro-Tem Pugh made the motion to go back in general session, second by Council Member Baird. Motion passed 4-0. Mayor Pro-Tem Pugh made the motion to approve the annexation with the conditions Mr. McFarland set out. Second made by Council Member Baird. Motion passed 4-0

B. PUBLIC HEARING -RZ-97-009-BEN GIBSON: WAGES WAY/ HIDDEN CIRCLE-RS 100 TO BG:

Mr. McFarland stated this was property located on the corner of Wages Way and Hidden Circle. Wages Way is the street that runs in front of the Napa store, Hidden Circle goes into Frontier Forest. The Planning Commission heard the request. The proposed use is for an aquatic plant center. There would be a couple of display ponds, they did plan on building an office. The Planning Commission recommended approval. Mayor Pro-Tem Pugh made the motion to go into Public Hearing, second by Council Member Baird. Motion passed 4-0

Sherry Killan of 1245 Hidden Circle stated she is the 6th house down from this proposed rezoning. Frontier Forest is one of the oldest subdivisions in Sugar Hill. There are some beautiful trees, people take pride in their lawns and homes. She felt there should be a buffer zone. With all the trees cut on that corner, they would be able to see all the traffic on Highway 20. Another question she had was if there was such a demand for pond flowers, why would the local nurseries not be selling them. What if the business fails, would it be rezoned back to

CORRECTIONS TO NOVEMBER 10, 1997
MINUTES, PAGE 6

NEW BUSINESS:

A: PUBLIC HEARING-AX-97-003-ANNEXATION-LEE TURNER-
6.766 ACRES HWY 20-O&I ZONING:

Mr. McFarland stated this was a request for annexation of 6.766 acres at the intersection of Old Cumming Road and Highway 20 near Suwanee Dam Road. It is a conglomeration of 5 or 6 parcels of land. The Planning Commission had heard the request and had recommended approval, however there were certain conditions involving the existing structures. These conditions were in the report he had submitted. There was some concern over whether or not portions of Highway 20 should be zoned something other than residential. During the Comprehensive Plan this was looked at. The county comprehensive plan states that major thoroughfares need to be looked at in this fashion, that alternative uses should be looked into. O & I was one of those alternatives. The existing structure will be used as an office. If someone wants to build a new office, they would have to get approval from the Council and file another rezoning request. Mayor Pro-Tem Pugh made the motion to go into Public Hearing, second made by Council Member Baird. Motion passed 4-0

There were no comments from the Public. Mayor Pro-Tem Pugh made the motion to go back in general session, second by Council Member Baird. Motion passed 4-0. Mayor Pro-Tem Pugh made the motion to approve the annexation with the conditions Mr. McFarland set out. Second made by Council Member Baird. Motion passed 4-0.

NEW BUSINESS CONT'D:

residential. She did not feel this was an appropriate site for a business. She urged the Council to keep this a residential zoning. There were no other comments from the Public. Mayor Pro-Tem Pugh made the motion to go back in general session, second made by Council Member Baird. Motion passed 4-0
There was much discussion about where the property was located, buffers already existing, where the entrance and exit would be located. Debbie Gibson, the owner, stated that on their plan had called for an entrance on Wages Way, they also wanted to leave lots of trees because it was supposed to look like a back to nature setting. Mayor Pro-Tem Pugh made a motion for approval with the following conditions; That there be a 10 foot high fence going across the back of the lot, that a tree buffer be left up on the Hidden Circle side of the business and only one entrance to the business on Wages Way and that it be limited to the BG zoning and aquatic plant business only. Second made by Council Member Baird Motion passed 4-0

C. CITY ASSISTANCE RESOLUTION:
City Manager Nevad read the resolution concerning the enhanced spray irrigation system at the golf course. Staff was seeking assistance from Gwinnett County to help fund the cost of this project with a grant from Gwinnett County. Mayor and Council supported staff's application for a $100,000 construction grant from Gwinett County. Motion to approve the resolution was made by Council Member Baird, second by Council Member Mosley. Motion passed 4-0

D. CERTIFICATION OF ELECTION:
On behalf of Elections Superintendent, James McCalla, Clerk Gibbs asked that the results of the election held on November 4, 1997 be certified.
For Mayor: ROBERTA CRABB received 433 votes
W.J. DODD received 352 votes
CHARLES SPRADLIN received 509 votes

For Council MICHAEL MOSLEY received 1030 votes.

For Council ED ENTREKIN received 467 votes
GARY PIRKLE received 801 votes
Council Member Mosley made the motion to accept the results and certify the election, second by Council Member Baird. Motion passed 4-0

CITY CLERK's REPORT:

Clerk Gibbs reminded the Council that the Gwinnett Municipal Association dinner would be on Tuesday, November 11, 1997 in Grayson. She also thanked Ruth Switzer for filling in for her while she had been out during her back surgery.

CITY MANAGER'S REPORT:

City Manager Nevad stated his opinion on comments made by the residents of Ruby Forest. Since the asphalt plant, he felt the City had made changes, made sure that Suwanee was notified in a timely fashion. He was pleased with the vote made by the Council. He thought that the November 4th election was handled very well and the run off would go as smoothly. An orientation with

the new Council Members. He also commended Mr. Thompson on his handling of the recent condemnation hearing.

COUNCIL REPORTS:

Council Member Davis expressed his appreciation for the fine job done by the Council, the election staff on the recent election. He also congratulated Gary Pirkle and stated he looked forward to working with him for at least two years.

Mayor Pro-Tem Pugh expressed his opinion on comments made about the Council. He always votes for what he feels is best for the City. It may not be liked by the residents but he will vote.

Council Member Baird wanted every one to pray for Council Member Bailey's wife, she was having surgery this evening. He congratulated Gary Pirkle on his election. He thanked Mr Michael Wyatt of Hillcrest Glenn, he felt that they had gotten some things they needed to know and they would be working with him.

Council Member Mosley expressed his concern for Mrs. Bailey. He reminded every one to vote in the run off even if they had not voted in the general election. He congratulated Gary Pirkle and looked forward to working with him.

Mayor Pro-Tem Pugh made the motion to adjourn to go into Executive Session, second by Council Member Baird. Motion passed 4-0.

EXECUTIVE SESSION:

POSSIBLE LITIGATION:

PERSONNEL:

No action was taken out of Executive Session.

ADJOURNMENT:

Meeting adjourned at 10:00p.m

ADMINISTRATIVE REPORT

PLANNING & DEVELOPMENT,
BUILDING INSPECTIONS DEPARTMENT

NOVEMBER 1997

PRINTED: 11-5-97

Kimberly B. Landers

BASE FEE TRANSACTION SUMMARY DURING THE PERIOD 11/01/97 THROUGH 11/30/97

THIS REPORT WAS PRINTED ON DECEMBER 3, 1997

CITY OF SUGAR HILL

TRANS. DATE	#	RESIDENTIAL 1000-0001	COMMERCIAL 1000-0002	MISCELLANEOUS 1000-0003	MOBILE HOMES 1000-0004	DEVELOPMENT 1000-0005	GAS 1000-0006	WATER 1000-0007	SEWER 1000-0008
11/03/97	2	325.00	0.00	10.00	0.00	0.00	285.00	0.00	0.00
11/05/97	6	275.00	1450.00	20.00	0.00	40.00	2020.00	0.00	0.00
11/06/97	1	0.00	0.00	0.00	0.00	0.00	414.50	0.00	0.00
11/07/97	4	1155.00	0.00	0.00	0.00	0.00	570.00	0.00	0.00
11/10/97	2	150.00	0.00	0.00	0.00	0.00	285.00	0.00	0.00
11/11/97	3	604.00	0.00	0.00	0.00	0.00	360.00	0.00	0.00
11/12/97	8	0.00	63.00	30.00	0.00	440.00	855.00	0.00	0.00
11/13/97	4	175.00	0.00	10.00	0.00	0.00	285.00	0.00	0.00
11/14/97	9	5270.20	0.00	0.00	0.00	0.00	2565.00	0.00	0.00
11/19/97	6	2080.00	0.00	10.00	0.00	250.00	1140.00	0.00	0.00
11/20/97	4	66.85	0.00	20.00	0.00	1160.00	0.00	0.00	0.00
11/21/97	1	0.00	0.00	10.00	0.00	0.00	0.00	0.00	0.00
11/24/97	3	0.00	0.00	10.00	0.00	0.00	570.00	0.00	0.00
11/25/97	1	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
TOTALS	54	10101.05	1513.00	120.00	0.00	1890.00	9349.50	0.00	0.00

Non-Existing Categories	0.00
Current Categories	22973.55
Grand Total	22973.55

PERMITS ISSUED DURING THE PERIOD 11/01/97 THROUGH 11/30/97

THIS REPORT WAS PRINTED ON DECEMBER 3, 1997

CITY OF SUGAR HILL

PERMIT TYPE AND DESCRIPTION	# OF PERMITS	VALUATION	FEES DUE	FEES PAID
AV - ADMINISTRATIVE VARIANCE	2	0.00	300.00	300.00
CC - CITIZENS COMPLAINTS	1	0.00	0.00	0.00
CG - CLEARING & GRUBBING PERMIT	1	0.00	0.00	0.00
CM - COMMERCIAL PERMIT	2	135,000.00	2,963.00	2,963.00
DP - DEVELOPMENT PERMIT	2	0.00	480.00	480.00
EL - ELECTRICAL AFFADAVIT	27	0.00	0.00	0.00
FP - FENCE PERMIT	5	0.00	0.00	0.00
GP - GRADING PERMIT	1	0.00	250.00	250.00
ME - HEATING/AIR AFFADAVIT	20	0.00	0.00	0.00
MI - MISCELLANEOUS-COMPLIANCE PERMIT	3	0.00	151.85	151.85
PL - PLUMBING AFFADAVIT	20	0.00	0.00	0.00
RF - REVIEW FEES	1	0.00	1,160.00	1,160.00
RM - REMODELING PERMIT	1	0.00	109.00	109.00
SF - SINGLE FAMILY RESIDENTIAL	18	1,863,872.00	14,645.20	14,645.20
SP - SIGN PERMIT	1	0.00	25.00	25.00
TL - TRADE LICENSE REGISTRATION	12	0.00	120.00	120.00
TP - TAP & METER PAYMENTS	10	0.00	2,769.50	2,769.50
VA - APPEALS VARIANCE	4	0.00	0.00	0.00
TOTALS FOR ALL PERMIT TYPES	131	1,998,872.00	22,973.55	22,973.55

SUMMARY OF INSPECTIONS COMPLETED BY INSPECTOR ID DURING THE PERIOD 11/01/97 THROUGH 11/30/97

THIS REPORT WAS PRINTED ON DECEMBER 3, 1997

CITY OF SUGAR HILL

<< STATISTICAL BREAKOUT >>

	<---------- Inspections ---------->			<---------- Re-Inspections ---------->			Based On # Activities
# ACTIVITIES	INSPECTIONS (I)	PASSED	CORRECTIONS	RE-INSPECTIONS (R)	PASSED	CORRECTIONS	RE-INSPECTIONS REQUIRED
249	167	100	65	82	64	17	81
	% INSPECTIONS	% PASSED	% CORRECTIONS	% RE-INSPECTIONS	% PASSED	% CORRECTIONS	% RE-INSPECT. REQUIRED
	67	60	39	33	78	21	33

INSPECTOR ID BREAKDOWN

TONY - Building Inspections -119
JOE - Building Inspection - 87
DONNA - Building Inspections - 34
Ellis Lamme' - Development Inspections - 9

TOTAL INSPECTIONS 378

SUBDIVISION LOT AVAILIBILITY LIST

Units under Development	Available Lots	Subdivision	Near What Major Street	Permits Issued	C.O.'s Issued	Lots Not Built On	City Gas
All	148	Abingdon Place	Whitehead Road	140	119	8	X
Units I - V	165	Arbor Clos	Highway 20	141	96	24	X
All	25	Bellmont Estates	Price Drive/Suwanee Dam Road	2	0	23	X
All	112	Bent Creek	Level Creek Road	110	110	2	X
All	7	Brandon Oaks	Austin Garner Road	6	6	1	
All	26	Brookside at Parkview	Parkview Mine Drive	26	26	0	X
All	212	D.R. Horton	Cumming Highway/MECA			212	X
All	39	Emerald Lakes IV	Cumming Highway	39	36	0	X
All	471	Wild Timber	Cumming Highway/MECA				X
All	73	Hillcrest Glenn	Hillcrest Drive	70	57	3	X
All	131	Lakefield Forest	Level Creek Road	130	130	1	X
All	174	Princeton Oaks	Riverside Road	156	134	18	X
All	81	Richland Creek	Sycamore Road	35	30	46	X
All	110	Riverside Road Tract	Riverside Road			110	X
All	106	Saddle Tree	Suwanee Dam Road	70	60	36	X
All	116	Secret Cove	Old Suwanee Road	116	116	0	X
All	96	Sugar Crossing	Austin Garner Road	96	96	0	X
All	34	Sugar Hill Plantation	Old Cumming Highway	5	1	29	X
All	178	Sycamore Summit	Sycamore Road/Riverside Road	178	178	0	X
All	57	The Glens at Sugar Hill	Hillcrest Drive	12	5	45	X
All	14	The Lakes at Riverside	Riverside Road	14	13	0	
All	51	The Links	Suwanee Dam Road	16	10	35	
Units 1 - 6	180	The Oaks at Lanier	Highway 20	160	148	20	X
All	84	The Springs I	Highway 20	84	72	0	X
All	50	West Price Hill	West Price Road	47	47	3	X

Printed By: Kim Landers UPDATED: 12-4-97

1995 - 1997
COMMERCIAL PROJECT
LIST

PROJECT NAME	ADDRESS	ANNEXED	REZONED	CHANGE FROM	CHANGE TO	DEVELOP PERMIT	BLDG. NEW PERMIT	REMODEL PERMIT	ADDITION PERMIT	CERTIFICATE OF OCCUPANCY
GOLF COURSE CLUBHOUSE	6094 SUWANEE DAM ROAD						04-04-95			03-02-96
SONNY SMITH TRUCKING	663 BUFORD HIGHWAY					08-16-95	08-17-95			09-19-96
FREDRICK EQUIPMENT BLDG.	N.G. CENTER BLDG 4 SUITE D					08-25-95	08-25-95			03-02-96
GWINNETT GASTROENTEROLOGY	4700 HIGHWAY 20							9/5/95		01-29-96
BLOCKBUSTER VIDEO	1496 BUFORD HIGHWAY					09-18-95	09-18-95			01-29-96
S.H. UNIT. METH CHURCH-GYM	4600 HIGHWAY 20					09-27-95	10-17-95			3/27/96
N.G. DENTAL CARE	4901 ALTON TUCKER BLVD.							12/8/95		04-12-96
DR. MICHAEL PHELAN	4630 NELSON BROGDON BLVD.					01-02-96	01-03-96			12-06-96
MEMORIES OF A LIFETIME	4450 HIGHWAY 20 SUITE							1/5/96		01-26-96
CITIZENS BANK	4450 HIGHWAY 20 SUITE							1/19/96		08-14-96
S.H. STATION SHELL ADDITION	1498 BUFORD HIGHWAY						02-06-96			01-29-96
INCHAPE TESTING SERVICES	1180 BUFORD HIGHWAY					01-11-96	02-27-96			03-29-96
COLONIAL LIGHTING	120 P'TREE IND. BLVD.		12-11-95	HM-1	BG	02-07-96	03-11-96			07-03-96
JOHNSON REALTY	4450 HIGHWAY 20 SUITE						03-18-96			04-12-96
PAPA JOHN'S	1498 BUFORD HIGHWAY SUITE B							4/9/96		07-03-96
FABRIC CARE DRY CLEANERS	1498 BUFORD HIGHWAY SUITE A							4/30/96		06-28-96
MAIL BOXES ETC.	1498 BUFORD HIGHWAY SUITE C						10-04-96			01-18-97
CAR CARE AMERICIA	07-263-013 A PORTION OF		06-10-96	HM-1	BG	09-24-96	09-25-96			12-06-97
SHONEY'S	4600 HIGHWAY 20							6/6/96		08-14-96
G.A. EXPO INC.	350 BUFORD HIGHWAY						07-11-96			
JACKSON SERVICES	4614 PINECREST DRIVE					07-18-96	08-15-96			4/14/97
AAMCO PAVING	385 BROGDON ROAD		10-09-95	HM-1	HM-2	RECINDED 7-11-96				VOID
AAMCO PAVING	385 BROGDON ROAD					11-01-96	12-18-96			6/19/97
AAMCO PAVING MNT. BLDG.	385 BROGDON ROAD					11-01-96	12-02-96			6/19/97
BRICKTON PARTNERS	4705 HIGHWAY 20					06-12-96	08-13-96 CT			EXP 02-13-97
ONEX DEVELOPMENT- REDCO	5000 HIGHWAY 20					06-20-96	6/19/97			
ONEX DEVELOPMENT - MR. TRANS	5042 HIGHWAY 20					4/14/97	6/19/97			
BUFORD PRESBYTARIAN CHURCH	1242 BUFORD HIGHWAY					08-06-96				
M.P. EQUIPMENT	350 BUFORD HIGHWAY									8/19/97
NEW TRI-COUNTY MEDICAL BLDG	4720 NELSON BROGDON BLVD					11-21-96	12-06-96			6/19/97
GREAT BEGINNINGS DAY CARE	1191 LEVEL CREEK ROAD					3/19/97	3/19/97			6/13/97
THE SAXON GROUP INC.	249 NORTH PRICE ROAD		2/10/97	RS-100	BG			2/13/97		2/24/97
BROGDON ROAD ASSOCIATES	385 BROGDON ROAD					3/6/97	7/1/97			
KSM CONSTRUCTION INC.	4200 JENKINS DRIVE					6/11/97	6/11/97			
J & K PLUMBING	4220 JENKINS DRIVE					6/26/97	6/26/97			
JSA & ASSOCIATES	165 PEACHTREE IND. BLVD.					9/17/97	9/17/97			
BRUCE BAMFORD	4530 BAMFORD DRIVE						11/5/97			
NEXTEL	6094 SUWANEE DAM ROAD						11/12/97			

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1997 PLANNING AND DEVELOPMENT MONTHLY REPORT

PERMIT TYPES	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEPT	OCT	NOV	DEC	YTD TOTAL
AD - ADDITION/GARAGE PERMITS	1	0	0	2	1	1	1	0	5	0	0		11
CC- CITIZENS COMPLAINTS NEW JUL							10	21	2	22	1		
CM - COMMERCIAL	2	0	1	1	3	2	1	0	1	0	2		13
CT - CONSTRUCTION/SALES TRAILER	2	1	6	1	1	1	1	1	2	1	0		17
DL - DEMOLITION	1	0	0	0	1	1	0	0	0	0	0		3
DP - DEVELOPMENT PERMIT	1	0	2	2	12	2	1	0	3	2	2		27
FP - FENCE	2	2	4	7	8	0	5	4	0	7	5		44
GP - GRADING PERMIT	0	0	0	1	0	0	2	0	1	0	1		5
MI - MISCELLANEOUS/COMPLIANCE	10	8	6	4	2	5	6	10	9	12	3		75
MN - NEW MOBILE HOME	3	1	1	1	0	2	1	1	2	0	0		12
PP - POOL PERMIT	0	0	2	0	2	0	1	0	0	1	0		6
RF - REVIEW FEES	0	2	2	1	2	1	2	1	1	3	1		16
RM - REMODELING PERMITS	1	1	1	2	2	2	2	1	1	3	1		17
SB - STORAGE BUILDING	3	0	4	1	1	0	1	1	0	1	0		12
SF - SINGLE FAMILY	25	37	24	20	33	51	14	29	35	26	18		312
SP - SIGN PERMIT	3	4	3	1	0	6	4	1	1	1	1		25
AV - ADMINISTRATIVE VARIANCE	0	12	0	3	4	3	1	11	6	5	2		47
VA - APPEALS VARIANCE	4	0	1	1	4	1	1	3	1	1	4		21
AX - ANNEXATION APPLICATIONS	1	0	0	0	0	1	0	0	1	0	0		3
RZ - REZONING APPLICATIONS	1	1	1	2	0	2	0	1	0	1	0		9
CERTIFICATES OF OCCUPANCY	15	22	25	34	45	17	33	35	23	30	31		310
GAS TAPS ISSUED	36	61	40	26	62	65	32	41	72	59	30		524
BUILDING INSPECTIONS	243	289	347	369	336	381	420	340	332	378	249		3684

PREPARED BY: KIM LANDERS PRINTED:12-4-97

CITY OF SUGAR HILL

PERIODIC REPORT OF PERMITS ISSUED (GROUPED BY REPORT CODE)

DATE RANGE: 11/01/97 TO 11/30/97 Printed on: DECEMBER 3, 1997

	CODE	PRMS	VALUATION	FEES	DUE	UNITS
NEW RESIDENTIAL HOUSEKEEPING BLDGS:						
* Single Family Houses Detached	101	18	1,863,872.00	14,645.20		0
* Single Family Houses Attached	102	0	0.00	0.00		0
* 2 Family Building	103	0	0.00	0.00		0
* 3 and 4 Family Buildings	104	0	0.00	0.00		0
* 5 or More Family Buildings	105	0	0.00	0.00		0
NEW RESIDENTIAL NON-HOUSEKEEPING BL:						
* Hotels, Motels & Tourist Cabins ..	213	0	0.00	0.00		0
* Other Non-Housekeeping Shelter ...	214	0	0.00	0.00		0
NEW NON-RESIDENTIAL BUILDINGS:						
* Amusement, Social, & Recreational	318	0	0.00	0.00		0
* Churches & Other Religious	319	0	0.00	0.00		0
* Industrial	320	0	0.00	0.00		0
* Prkng Garages (Blds & Open Decked)	321	0	0.00	0.00		0
* Service Stations & Repair Garages	322	0	0.00	0.00		0
* Hospitals & Institutional	323	0	0.00	0.00		0
* Offices, Banks, & Professional ...	324	0	0.00	0.00		0
* Public Works & Utilities	325	1	40,000.00	63.00		0
* Schools & Other Educational	326	0	0.00	0.00		0
* Stores & Customer Services	327	1	95,000.00	2,900.00		0
Other Non-Residential Bldgs	328	0	0.00	0.00		0
Stuctures Other than Buildings ...	329	0	0.00	0.00		0
ADDITIONS, ALTERATIONS, & CONVERSION						
* Residential	434	1	0.00	109.00		0
* Non-Residential & Non-Housekeeping	437	0	0.00	0.00		0
* Adds of Resid. Garages (Atch/Detc)	438	0	0.00	0.00		0
DEMOLITIONS AND RAZING OF BUILDINGS:						
* Single Family Houses (Atch/Detach)	645	0	0.00	0.00		0
* 2 Family Buildings	646	0	0.00	0.00		0
* 3 & 4 Family Buildings	647	0	0.00	0.00		0
* 5 or More Family Buildings	648	0	0.00	0.00		0
* All Other Buildings and Structures	649	0	0.00	0.00		0
TOTALS FOR PERMITS SHOWN ABOVE		21	1,998,872.00	17,717.20		0
Totals of other permits in the period		110	0.00	5,256.35		0
TOTAL FOR ALL PERMITS IN THE PERIOD		131	1,998,872.00	22,973.55		0

CITY COURT
Tuesday, December 2, 1997 - 5:30 p.m.

AGENDA

1. From the September 30th Agenda: **Roy Dalton Citation Numbers 0001, 0002, & 0003-**
   a. **Mr. Dalton Failed to appear, Judge Washburn ordered a Citation for Contempt be issued, he could purge himself of contempt by paying the $500.00 fine or by serving 10 days in jail. Mr. Dalton was ordered to reappear on December 2, 1997 at 5:30 p.m.**
2. From the September 30th Agenda: **Keith Guthrie Citation Numbers 0007, & 0644**
   a. **Judge Washburn ordered that a Court Order be issued to Mr. Guthrie stating that a total fine of $250.00 for both citations be issued and that Mr. Guthrie be placed on probation for 6 months and/or until these fines are paid. Vickie Avin can report on the status of Mr. Guthrie's probation.**
3. From the September 30th Agenda: **G & G Citation Number 0010**
   a. **Chris Grogan failed to appear, Judge Washburn ordered to reduce citation to a warning, and requested to notify defendant and leasee again by mail. This was done and dumpster has been removed.**
4. RCI Interests Inc. - Citation Numbers: 011, 015, 018, 021, 024, 027, 030, 033, 036, 039, 042, 045, 048, 051, 054, 057, 060, 063, & 066. Violation of Erosion & Sediment Control Ordinance Sections 20 - 24.
5. RCI Interests Inc. - Citation Numbers: 012, 016, 019, 022, 025, 028, 031, 034, 037, 040, 043, 046, 049, 052, 055, 058, 061, 064, & 067. Violation Zoning Ordinance Section 604.
6. RCI Interests Inc. - Citation Numbers: 013, 017, 020, 023, 026, 029, 032, 035, 038, 041, 044, 047, 050, 053, 056, 059, 062, 065, & 068. Violation Development Regulations Section 8.5.2.
7. James Daniel - Citation Number 014. Violation Zoning Ordinance Section 700.
8. Denise Smith - Citation Number: 069. Violation Zoning Ordinance Section 613.
9. Flavio Torres - Citation Number 071. Violation Zoning Ordinance Section 613.
10. Flavio Torres - Citation Number 079. Violation Zoning Ordinance Section 605.
11. Jerry Vaughn - Citation Number 072. Violation Zoning Ordinance Section 600.
12. Jerry Vaughn - Citation Number 077. Violation Zoning Ordinance Section 605.
13. Ann Knight - Citation Number 074. Violation Zoning Ordinance Section 613.
14. Keith Guthrie - Citation Number 075. Violation Zoning Ordinance Section 605.
15. Gillespie Tree Service Citation Number 076. Violation Occupational Tax Ordinance Section 21.
16. Gillespie Tree Service Citation Number 077. Violation Occupational Tax Ordinance Section 21.
17. Gillespie Tree Service Citation Number 078. Violation Zoning Ordinance Section 607, Sub. Sec. 4.
18. Gillespie Tree Service Citation Number 079. Violation Zoning Ordinance Section 607. Sub. Sec. 6.
19. Gillespie Tree Service Citation Number 080. Violation Zoning Ordinance Section 607. Sub. Sec. 7
20. Gillespie Tree Service Citation Number 081. Violation Zoning Ordinance Section 607. Sub. Sec. 9.
21. Gillespie Tree Service Citation Number 082. Violation Zoning Ordinance Section 605.
22. Gillespie Tree Service Citation Number 083. Violation Zoning Ordinance Section 1300.
23. Gillespie Tree Service Citation Number 084. Violation Zoning Ordinance Section 1300.
    a. **Attorney Diane Frix spoke with Margaret Washburn today about getting a continuance for all Gillespie Citations. Margarate Washburn has granted the continuance and rescheduled for December 23, 1997 at 5:30 p.m.**

COURT ADJOURNED

CITY COURT
Tuesday, December 2, 1997 - 5:30 p.m.

MINUTES

1. From the September 30th Agenda: **Roy Dalton Citation Numbers 0001, 0002, & 0003-**
   a. **Issued a Bench Warrant for his arrest. $500.00 Fine, $200.00 - Contempt, $50.00 Bench Warrant, $50.00 Recall, & $50.00 Court Cost. Total $850.00 CASH.**
2. From the September 30th Agenda: **Keith Guthrie Citation Numbers 0007, & 0644**
   a. **$250.00 Fine Paid off, and Mr. Guthrie has been released from his probation.**
3. From the September 30th Agenda: **G & G Citation Number 0010**
   a. **Case dismissed.**
4. RCI Interests Inc. - Citation Numbers: 011, 015, 018, 021, 024, 027, 030, 033, 036, 039, 042, 045, 048, 051, 054, 057, 060, 063, & 066. Violation of Erosion & Sediment Control Ordinance Sections 20 - 24.
5. RCI Interests Inc. - Citation Numbers: 012, 016, 019, 022, 025, 028, 031, 034, 037, 040, 043, 046, 049, 052, 055, 058, 061, 064, & 067. Violation Zoning Ordinance Section 604.
6. RCI Interests Inc. - Citation Numbers: 013, 017, 020, 023, 026, 029, 032, 035, 038, 041, 044, 047, 050, 053, 056, 059, 062, 065, & 068. Violation Development Regulations Section 8.5.2.
   a. **RCI Interest plead nolo to all (3) items, and a $2,500.00 Fine was imposed which was paid by Check # 5380 at Court.**
7. James Daniel - Citation Number 014. Violation Zoning Ordinance Section 700.
   a. **Mr. Daniel was fined $100.00 which was suspended since he corrected the violation.**
8. Denise Smith - Citation Number: 069. Violation Zoning Ordinance Section 613.
   a. **Failed to appear a Court Order was issued a $100.00 fine along with the $50.00 Court Cost, Total of $150.00 to be paid by December 17, 1997. Ms. Smith is also ordered to comply with the violation by December 17, 1997. If taken care of and inspected by Code Enforcer, $100.00 fine can be suspended and citation can be dropped, otherwise Ms. Smith will need to reappear for the called court on December 23, 1997 at 5:30 p.m.**
9. Flavio Torres - Citation Number 071. Violation Zoning Ordinance Section 613.
10. Flavio Torres - Citation Number 079. Violation Zoning Ordinance Section 605.
    a. **Failed to appear a Court Order was issued imposing a $100.00 fine for each citation along with $50.00 Court Cost for each citation, Total of $300.00 to be paid by December 17, 1997. Mr. Torres is also ordered to comply with the violation by December 17, 1997. If taken care of and inspected by Code Enforcer, $100.00 fine can be suspended and citation can be dropped, otherwise Mr. Torres will need to reappear for the called court on December 23, 1997 at 5:30 p.m.**
11. Jerry Vaughn - Citation Number 072. Violation Zoning Ordinance Section 600.
12. Jerry Vaughn - Citation Number 077. Violation Zoning Ordinance Section 605.
    a. **Failed to appear. Citation Number 072 was suspended since the Utility Trailer was removed. Citation Number 077 since the letter sent to Mr. Vaughn was not specific in the Outdoor Storage in/or around his yard a fine of $100.00 was imposed along with $50.00 Court Cost a Total of $150.00 to be paid by December 17, 1997 which will be suspended if cleaned up by this deadline, otherwise Mr. Vaughn will be issued another citation and ordered to reappear for the called court on December 23, 1997.**
13. Ann Knight - Citation Number 074. Violation Zoning Ordinance Section 613.
    a. **Citation reduced to a warning, cars were removed before Court started.**
14. Keith Guthrie - Citation Number 075. Violation Zoning Ordinance Section 605.

7. Gillespie Tree Service Citation Number 082. Violation Zoning Ordinance Section 605.
8. Gillespie Tree Service Citation Number 083. Violation Zoning Ordinance Section 1300.
9. Gillespie Tree Service Citation Number 084. Violation Zoning Ordinance Section 1300.
    a. **Attorney Diane Frix spoke with Margaret Washburn today about getting a continuance for all Gillespie Citations. Margarate Washburn has granted the continuance and rescheduled for December 23, 1997 at 5:30 p.m.**

COURT ADJOURNED 6:30 P.M.

APPEALS BOARD MEETING
MONDAY, NOVEMBER 24, 1997 - 7:00 P.M.

M I N U T E S

The Appeals Board met on Monday, November 24, 1997 at 7:00 p.m.

Those present were: Chairman Ed Phillips, Board Members George Crimmins, Bill Parker, and Olin Holly, Administrative Assistant Kim Landers, Acting Planning Director Don McFarland, Building Official Tony Bauman, and Citizens and Guests. Absent Board Member Ben Gravitt.

Meeting called to order at 7:05 p.m. Chairman Ed Phillips led in the Pledge to the flag.

READING AND APPROVAL OF PREVIOUS MINUTES

Board Member Bill Parker made a motion to approve the October 27, 1997 minutes, seconded by Board Member George Crimmins, and approved unanimously by those present.

VARIANCE REQUEST

VARIANCE # 97-02189 JOSEPH AVELLIO is requesting an Appeal of Administrative Decision for his privacy fence located at 5258 Underhill Lane.

VARIANCE # 97-02190 BENJAMIN SMITH is requesting an Appeal of Administrative Decision for his privacy fence located at 5256 Under Way.

Mr. Avellino stated he and his wife were present to speak on behalf of their request and informed the members of the board that he was not aware of the Ordinance for having to get a permit. Mr. Avellino stated that he checked with his Architect Board and got approval from them. Discussion Held. Board Member George Crimmins asked Mr. Avellino if he was aware of the IMPORTANT NOTICE reminding him to check with the City about permits. Mr. Avellino stated that he was aware of the notice but he didn't think anything about having to have a permit for a fence. Resident of the Oaks at Lanier Subdivision Denise Smith stated that she too lived in the Subdivision and got her permit and approval from the Homeowners Association Architect Board and was denied by the Architect Board to extend her fence on out, and if this request is approved then she wants to be able to extend her fence further out. Board Member Bill Parker asked if the Architect Board worked with the city. Mr. Bechtold stated that he was a member of the Vision 20/20 for updating the Comprehensive Plan, and was also a member of the Architect Board for the Subdivision and was aware there were zoning ordinances but he wasn't familiar with all of them. Discussion held on this matter. Mr. McFarland stated that the issue brought before the board is to appeal the Building Official Administrative decision on whether or not these areas should be classified as front yards, and his recommendation would be to deny this request, therefore these variance request would need to be brought back before the board to ask for a variance. Mrs. Smith stated that she thought that she was asking for a Variance Request and that she filled out a form for a variance. Mrs. Landers stated that at the time they came in for the request that she gave them a form for a Variance Request and that after the Building Official talked with the City Engineer they decided that an Appeal for Administrative Decision could be filed, and this would save them each $150.00. Mrs. Landers stated that she was instructed by her Supervisor to prepare an Application for Appeal of Administrative Decision which was given to Mr. Avellino, when Mr. Smith came back in to turn in his variance request Mrs. Landers stated that she explained to him that he could file for an Appeal of Administrative Decision and not have to pay the $150.00, and that instead of him filling out the Appeal of

Administrative Decision form she would just accept the form that he already filled out since it basically had the same information. Discussion held. **Board Member Bill Parker made a motion to go into executive session for approximately 15 minutes, seconded by Olin Holly and approved unanimously by those present.** Meeting adjourned at 7:40 p.m.

Meeting reconvened at 8:05 p.m.

Chairman Ed Phillips stated that since both variance request are of the same nature then they would just combine them and make one motion. **Board Member Bill Parker made a motion to deny the Appeal of Administrative Decision for what the definition of a front yard is, seconded by Olin Holly, motion carried 3-for 1 abstained (George Crimmins.**

Chairman Ed Phillips stated that the applicants should now submit for a variance request. Due to the confusion and the time frame that's already involved, the earliest a called meeting could be held considering the legal ads that have run, would be December 15, 1997 at 7:00 p.m. Chairman Ed Phillips stated that Mr. Avellino would need to fill out a variance request. Mrs. Landers stated that she would give them a form after adjournment and have them fill it out before leaving. Some gentleman who also lives in the Subdivision asked if he wanted to connect to one of these fences that is requesting the variance would he be able to do that since it would be aesthetically pleasing. Chairman Ed Phillips stated that he would have to request a variance and anyone else that might want a variance would have to follow normal procedure and file for a variance. The Gentleman asked if he could file for a variance at this time. Chairman Ed Phillips stated that this called meeting would be for these two items only, any other request would have to follow the normal deadline and schedule.

CITIZEN COMMENTS

BOARD MEMBER COMMENTS

ADJOURNMENT
Chairman Ed Phillips made a motion to adjourn, seconded by Board Member George Crimmins, and approved unanimously by those present.

Meeting adjourned at 8:20 p.m.

Finance Report
November 1997

The ending balance in the General Fund checking account for November was $64,464.29.

No funds had to be transferred from the LGIP, which leaves an ending balance for November of $524,328.51.

We are still in training on the Utility billing system. On December 4th, Jerry Black with Significant Digits will be here to begin training on our new versaterms. Jessica with Smith Data will also be here that day to help us get our data converted. As of now we plan to begin December 8th on the new Utility billing software and to begin reading meters using the new versaterms.

TIE Communications completed installing the new telephone system on November 10th. It seems to be working well. Everyone seems to like the voice mail and everyone is getting their messages a lot better than before. And I believe its a lot better on RuthAnn, Linda and Sarah.

On November 19th we received $24,750.00 from the County for 1996's drainage improvements.

On November 26th we received Suwanee Dam reimbursements in the amount of $43,492.55

1997 GAS DEPARTMENT REPORT

	January	February	March	April	May	June	July	August	September	October	November	December	YTD TOTAL
NEW SERVICES ADDED	35	38	51	46	43	55	49	50	47	81	40		
LENGTH IN FEET	3435	2984	4231	4126	3445	4695	3695	3858	3340	5580	2935		
TYPE OF MATERIAL	PLASTIC	PLASTIC	PLASTIC	PLASTIC	PLASTIC	PLASTIC	PLASTIC	PLASTIC	PLASTIC	PLASTIC	PLASTIC		
SIZE OF PIPE	5/8 & 3/4	5/8 & 3/4	5/8 & 3/4	5/8 & 3/4	5/8 & 3/4	5/8 & 3/4	5/8 & 3/4	5/8 & 3/4	5/8 & 3/4	5/8 & 3/4	5/8 & 3/4		
CATHODICALLY PROTECTED?	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A		
NUMBER OF LEAK REPORTS	28			20	11	12	20	13	6	26	23		
CORROSION CAUSED	0	1	0	0	0	0	0	0	0	0	0		
CUT LINES-CITY EMPLOYEES	0	1	0	0	1	0	0	0	0	0	0		
MATERIAL DEFECT	0	0	3	0	1	0	0	0	0	2	1		
CUT OFF VAVLE LEAKS	2	4	1	2	0	3	3	1	1	3	2		
LOW PRESSURE	0	0	0	0	0	0	0	0	0	0	2		
METERS REPLACED	0	0	0	0	0	0	0	0	61	0	0		
REGULARORS REPLACED	3	0	0	1	0	0	0	0	0	2	1		
REGULATORS RESET	1	2	4	3	1	0	1	1	0	0	0		
CUSTOMER SIDE	6	3	1	1	0	1	0	0	0	1	0		
NO LEAKS FOUND	3	1	2	2	0	0	0	0	0	2	4		
THIRD PARTY CUT LINES	7	0	12	9	8	8	16	11	5	14	16		
BILLED	0	3	4	1	1	1	2	1	0	0	1		
PAYMENTS RECEIEVED	0	0	0	0	0	0	0	1	0	0	0		
OUTSTANDING	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A		
KILLED SERVICES											1		
LENTH IN FEET	0	2	0	0	0	0	0	0	0	0	45		
TYPE OF MATERIAL	N/A	STEEL	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	STEEL		
SIZE OF PIPE	N/A	4-MAR	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A		
NEW MAINS PUT INTO SERVICE	1	3	1	3	2	1	1	2	3	20 & WHTHD	2		
ENTH IN FEET-BREAKDOWN BELO	1200	7700	1000	6545	6140	1000	2120	4220	11026	8100	3710		
TYPE OF MATERIAL	PLASTIC	PLASTIC	PLASTIC	PLASTIC	PLASTIC	PLASTIC	PLASTIC	PLASTIC	PLASTIC	PLASTIC	PLASTIC		
SIZE OF MAIN - 4	1200	5200	0	720	2500	0	2120	2720	10726	8100	600		
SIZE OF MAIN -2	0	2500	1000	5825	3560	1000	0	1500	300	0	3110		
CATHODICALLY PROTECTED?	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	M/A	N/A	N/A		
LOCATES	376	440	459	530	544	435	627	798	777	635	475		

NOVEMBER 1997
GAS DEPARTMENT MONTHLY REPORT

NO.	SUPR REC'D	BLDR REQUESST	SUBDIVISION	LOT#	DATE COMPLETED
01	06/17/97	10/24/97	ASCOT SUBDIVISION	33A	11//07/97
02	10/31/97	10/31/97	CUMMING HIGHWAY	SUITE 404 &405	11/10/97
03	10/20/97	10/20/97	GLENS OF SUGAR HILL	11C	11/10/97
04	08/29/97	10/23/97	DEER VALLEY	8C	11/10/97
05	08/29/97	10/23/97	DEER VALLEY	9C	11/10/97
06	08/29/97	10/23/97	DEER VALLEY	10C	11/10/97
07	10/16/97	10/16/97	LENOX PARK	96A	11/10/97
08	11/03/97	11/03/97	LENOX PARK	158A	11/10/97
09	11/03/97	11/03/97	LENOX PARK	27C	11/10/97
10	09/11/97	10/24/97	ABINGDON PLACE	1A	11/11/97
11	08/27/97	10/24/97	ABINGDON PLACE	62A	11/11/97
12	10/27/97	10/27/97	ABINGDON PLACE	77A	11/11/97
13	08/27/97	10/28/97	OAKS AT LANIER	68B	11/11/97
14	09/09/97	10/28/97	OAKS AT LANIER	71B	11/11/97
15	11/12/97	11/12/97	NORTH AVENUE(METER ONLY)	1	11/11/97
16	10/30/97	10/31/97	PEACHTREE IND. BLVD		11/12/97
17	08/29/97	10/10/97	ARBOR CLOS	413B	11/12/97
18	10/21/97	10/21/97	DOGWOOD HILLS DR.		11/12/97
19	11/13/97	11/13/97	CUMMING HIGHWAY(METER ONLY)	105	11/13/97
21	11/05/97	11/05/97	DEER VALLEY	68E	11/16/97
22	08/29/97	10/10/97	DEER VALLEY	78E	11/16/97
23	10/24/97	11/17/97	CUMMING HIGHWAY(METER ONLY)	101	11/17/97
24	08/29/97	11/14/97	DEER VALLEY	77E	11/18/97
25	11/03/97	11/03/97	LENOX PARK	109A	11/18/97
26	11/03/97	11/03/97	LENOX PARK	110A	11/18/97
27	11/03/97	11/03/97	LENOX PARK	114A	11/18/97
28	11/03/97	11/03/97	LENOX PARK	143A	11/18/97
29	10/16/97	10/17/97	SUWANEE DAM RD.		11/18/97
30	09/11/97	10/24/97	ABINGDON PLACE	86A	11/19/97
31	07/03/97	10/24/97	ASCOT	112A	11/19/97
32	06/11/97	11/06/97	THE LINKS	22B	11/19/97
33	09/05/97	11/07/97	THE SPRINGS	21B	11/19/97
34	04/04/97	11/19/97	THE OAKS AT LANIER	73B	11/20/97
35	06/19/97	11/19/97	ASCOT SUBDIVISION	14C	11/24/97
36	11/10/97	11/10/97	SUWANEE DAM ROAD		11/25/97
37	09/11/97	11/19/97	ASCOT	104A	11/25/97
38	11/06/97	11/06/97	HIGHWAY 20	SUITE B	11/26/97
39	11/24/97	11/25/97	LENOX PARK	104A	11/26/97
40	11/24/97	11/25/97	LENOX PARK	142A	11/26/97

ORDINANCE

The Council of the City of Sugar Hill hereby ordains as follows:

WHEREAS, the Georgia Department of Natural Resources has adopted rules and regulations restricting the type of open burning allowed within Gwinnett County and the City of Sugar Hill to protect the air quality in the metropolitan Atlanta area; and

WHEREAS, the Georgia Department of Natural Resources prohibits additional types of open burning during the summer months; and

WHEREAS, the Mayor and County of the City of Sugar Hill have determined that the prohibition of certain types of open burning on a year round basis would improve the air quality within the City of Sugar Hill and promote the health, safety, convenience, order, prosperity and general welfare of the present and future inhabitants of the City of Sugar Hill;

IT IS HEREBY ORDAINED as follows:

1. No person shall cause, suffer, allow, or permit open burning in any area located within the corporate boundaries of the City of Sugar Hill, Georgia at any time except as follows:

a. The burning is for the purpose of carrying out recognized agricultural procedures necessary for production or harvesting of crops;

b. The burning is for recreational purposes or the cooking of food for the immediate human consumption;

c. The fire is set for the purpose of training fire fighting personnel and has been authorized by the appropriate government entity and the guidelines set by the Georgia Department of Natural Resources and other appropriate government agencies are strictly observed;

d. The fire is in connection with the operation of devices using open flames such as tar kettles, blow torches, welding torches, portable heaters and other flame making equipment;

e. The fire is a small fire established and maintained by a contractor or tradesman which is necessary for activities such as street paving work or installation or repair of utilities. All such fires shall be kept small in size, shall produce no smoke emissions exceeding 40 percent opacity and shall comply with all other regulations which may prohibit or regulate all such activities;

f. The fire is for the disposal of packaging materials previously containing explosives and is used in accordance with U.S. Department of Labor Safety Regulations.

g. Burning of leaves, limbs and other natural vegetation that may fall on one's own property, provided that said burning is conducted during daylight hours when prevailing winds are not in excess of 15 mph and the fire is located at least _____ feet from the nearest property line.

2. This ordinance may be enforced by the City Manager and the City Manager's designees including, but not limited to, the staff of the Planning and Development Department. In addition, the fire marshall's office and personnel of the Gwinnett County Department of Fire and Emergency Services will have the authority to summarily abate any conditions which are in violation of any other provisions of this ordinance and which may constitute an immediate threat to life or property.

3. Any one violating the provisions of this ordinance shall be subject to a fine not to exceed $500.00 and/or imprisonment for a period not to exceed thirty (30) days. Each day a violation continues shall be considered a separate offense.

IT IS SO ORDAINED THIS _____ day of _____, 1997.

_____
Council Member

_____
Council Member

_____
Council Member

_____
Council Member

_____
Council Member

Attest:_____
City Clerk

Submitted to Mayor: _____
Approved by Mayor, this _____ day of _____, 1997.

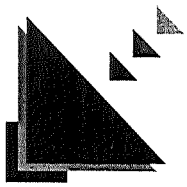
_____
Mayor

December 4, 1997

The 1997 Occupational Tax Budget was $56,000. Actual revenue for 1997 is $65,090.48. That gives the City an excess of $9090.48.

Staff proposes that this excess be used for improvements on the gas system.

Shirley Gibbs
City Clerk



November 24, 1997

RIFKIN & ASSOCIATES, INC.

Mr. Warren P. Nevad
City Manager
City of Sugar Hill
4988 West Broad Street
Sugar Hill, Georgia 30518

RE: CABLE EQUITIES OF COLORADO, LTD, d/b/a N.E. GWINNETT CABLEVISION ("CABLEVISION"), NOTICE OF BASIC SERVICE TIER RATE INCREASE IN THE CITY OF SUGAR HILL [GA0328]

Dear Mr. Nevad:

This letter is to notify the City of Sugar Hill of CableVision's intent to increase its Basic Service Tier (BST) rate on January 1, 1998 from its current level of $12.70 to $13.45, an increase of $0.75. At the same time, CableVision will increase its Cable Programming Service Tier (CPST) from its current level of $17.05 to $18.05, an increase of $1.00. As you may remember, CableVision submitted to the City on January 20 , 1997 an FCC Form 1210 supporting a Maximum Permitted BST Rate of $13.46. CableVision's new BST rate of $13.45 is still slightly below the Maximum Permitted Rate as supported by that filing.

Also, at the time of the increase, CableVision will move two, yet to be determined, channels from the CPST to the BST. Obviously, our BST customers will receive an improved value just with this move, not to mention the other valuable channels already provided on the Basic Tier.

Should you have questions or require further information regarding this matter, please do not hesitate to contact me at your convenience.

Sincerely,

Dan Ryan,
Director - Operations & Regulatory Affairs

Enclosures

cc: Rick Ferrall - General Manager, CableVision

360 South Monroe Street • Denver, CO 80209 • 303-333-1215 • (Fax) 303-322-3553

CABLEVISION
COMMUNICATIONS

3075 Breckinridge Blvd,
Suite 450
Duluth, GA 30096
Phone (770) 806-7070
Fax (770) 806-7099

December 1, 1997

Warren Nevad
4988 W. Broad Street
Sugar Hill, Georgia 30518

Dear Mr. Nevad:

In an effort to keep you informed of changes affecting cable television service, I wanted to provide you this brief update.

As you are aware, CableVision Communications is currently in the midst of a $15.5 million upgrade to its cable system. Improvements to the network, including the replacement of coaxial cable with advanced fiber optic technology, are being made in response to customer requests for better reliability, enhanced picture quality and greater programming choice.

In addition to the technical benefits of our state-of-the-art network (i.e. fewer service interruptions, quicker response time, etc.), CableVision Communications customers in Sugar Hill now are enjoying three new channels as a direct result of our upgrade. Your community can now enjoy Home and Garden TV, Romance Classics and Animal Planet. Once our upgrade is complete in your area, our Total TV Terminal and Starsight guide will offer advanced services like HBO multi-channeling, on-screen programming and impulse pay-per-view to our customers' fingertips. And in a matter of months, CableVision Communications will offer area residents high-speed access to on-line services, including the Internet.

In short, CableVision Communications has added tremendous value to the service received by our Sugar Hill customers. As a reflection of these improvements, CableVision is adjusting its pricing structure beginning January 1, 1998, as follows:

	Current Rates	1/1/98 Rates	Change
Limited Basic	$12.70	$13.45	$0.75
Standard Service	$17.05	$18.05	$1.00
	$29.75	$31.50	$1.75

Prices for additional outlets will also be adjusted from .15 to .50 per month for customers who elect not to subscribe to our Pic-Sure Service Maintenance Plan.

We are pleased that the relationship we have established with our loyal customers has allowed us to invest in our network and deliver to them the benefits of cable technology. I look forward to personally discussing these and other issues regarding cable television service in the near future.

Sincerely,

Rick Ferrall
General Manager

EXAMPLE ANNEXATION LETTER

DRAFT

September 11, 1997

Name
Company Name
Address
City, State, Zip

Re: City of Suwanee Annexation Program
Map Reference #:

Dear:

The City of Suwanee has targeted several parcels on the southern and western boundaries of the present City Limits for annexation in 1997. The Mayor and City Council have identified tracts of land adjacent to I-85, Buford Highway, Scales Road, and Smithtown Road in order to clean up the present City boundaries. The City Council feels that it is important to include these properties in order to have a logical, clearly defined boundary that make service delivery more efficient and more effective. As development and growth continue in our community, the City must be proactive in order to maintain the high quality of life standards that our community is used to.

Your tract of land has been identified as one of the parcels that the City of Suwanee would like to consider for annexation into the City Limits during 1997. The City Council is confident that we can provide you a superior level of service and benefits at a minimal cost. The benefits of annexation into the City of Suwanee include:

- Outstanding City of Suwanee Police Department protection and service;
- Local control of planning, zoning, and development;
- Convenient access to City elected officials and administrative staff;
- Identification with a vibrant community with tremendous community spirit;
- Many other direct and indirect benefits.

DRAFT

There are some other important facts about the City of Suwanee and this annexation program that we would like to share with you:

- Property taxes have remained stable at 2.5 mills for the past seven years. The City of Suwanee has not raised property taxes during this period.
- The standard annexation fee of $125 is being waived for the Fall 1997 annexation effort.
- The City of Suwanee plans to bring in a large group at one time in order to be more efficient and keep the administrative costs of annexation to a minimum.
- The property taxes collected by the City of Suwanee on a property with no homestead exemptions with a market value of $100,000 will cost $100 per year. This represents one of the best values in Metro Atlanta.

The City would like to have your support and approval for the annexation of your property. A Member of the City Council and/or City Staff will be happy to visit with you at your convenience to outline the positive aspects of annexation into the City of Suwanee. A cost analysis can be prepared at your request to show you the estimated cost of annexation for your property. This analysis will provide a clear picture of how much additional tax you will pay.

Please contact City Administrator Hardin Watkins at (770) 945-8996 or write us at the above address with you comments and questions. We look forward to hearing from you very soon regarding annexation into the City of Suwanee.

With best regards,

Richard A. Trice
Mayor

LISTING OF VACANT POSITIONS FOR 1998

BOARD OF APPEALS MEMBERS

1. Ed Phillips - Term Expires 12-31-97
2. Bill Parker - Term Expires 12-31-97
3. Ben Gravitt - Term Expires 12-31-99 - Has only attended 1 of the 11 meetings that we had in 1997. Council may want to suggest that if he's not going to participate and attend the meeting that he resign his position.

PLANNING COMMISSION MEMBERS

1. Granville Betts - Term Expires 12-31-97.
2. Larry Newberry - Term Expires 12-31-97.
3. Bob Parris - Term Expires 12-31-97.
4. Ed Entrekin - Term Expires 12-31-99 - VACANT SINCE HE RESIGNED IN SEPTEMBER TO RUN FOR COUNCIL SEAT.

BECAUSE THERE WILL BE SO MANY VACANT POSITION AFTER THE FIRST OF THE YEAR, IT WILL MAKE IT VERY DIFFICULT TO HAVE A QUORUM FOR MEETINGS.

Updated 12-4-97

1997
BOARD OF APPEALS MEMBERS

Ed Phillips
5162 Creek Lane
Sugar Hill, Ga. 30518
Term Expires:12-31-97
Home: 932-2739
Beeper: 404-703-0418

George Crimmins
5255 Arbor View Way
Sugar Hill, Ga. 30518
Term Expires:12-31-99
Home: 271-1811
Work: None

Ben Gravitt
4423 White Oak Drive
Sugar Hill, Ga. 30518
Term Expires: 12-31-99
Home: 945-0739
Work: 248-4421
Beeper: 404-533-6761

Bill Parker
4621 South Roberts Drive
Sugar Hill, Ga. 30518
Term Expires: 12-21-97
Home: 945-4021
Work: 531-1900

Olin Holly
680 Simmons Mine Circle
Sugar Hill, Ga. 30518
Term Expires: 12-31-99
Home: 932-5313
Work: 343-2737
Beeper: 1-800-759-8888 pin: 8627119

1997
PLANNING COMMISSION MEMBERS

Jay Asgari
380 Chandler Court
Sugar Hill, Ga. 30518
Term Expires: 12-31-99
Home: 271-1024
Work: 271-1347
Beeper: 404-896-5010

Granville Betts
1150 Secret Cove Drive
Sugar Hill, Ga. 30518
Term Expires: 12-21-97
Home: 932-2892
Work: 299-3108
Mobile: 557-1475

Larry Newberry
1050 Hunters Oak Trail
Sugar Hill, Ga. 30518
Term Expires: 12-21-97
Home: 932-0825
Wife's Work: 418-5149

Bob Parris
5050 Sugar Creek Drive
Sugar Hill, Ga. 30518
Term Expires 12-21-97
Home: 932-2655
Work 945-6662

Ed Entrekin
4585 Forest Green Drive
Sugar Hill, Ga. 30518
Term Expires: 12-31-99
Home: 932-1908
Work: 962-5365
Beeper: 404-570-1444

VACANT - RAN FOR COUNCIL SEAT IN 1997 ELECTION

MEMORANDUM 97-91

TO: Mayor/City Council

FR: Warren P. Nevad

RE: DECEMBER 13, 1997 CITY MANAGER REPORT

DATE: December 3, 1997

1. EMPLOYEES:

We will have our Christmas luncheon on Friday, December 19th at noon in the Community Center. City Hall will close on Wednesday, December 24th at noon. We will reopen on Monday, December 29th. I will be on vacation in Florida on December 29th thru January 1st.

Wayne Clement and Nelson Lopez attended a gas operation certification course sponsored by the University of Georgia. Joe Appling and Tony Bauman recently attended a Georgia State Energy Code Workshop.

We appreciate the outstanding work conducted by Shirley Gibbs, Ruth Switzer and James McCalla during our recent elections.

We will present 200 seniors in Sugar Hill a certificate for a free turkey at Quality Foods. We appreciate the generous contribution by J.C. Henry. This has been an annual Christmas tradition for the seniors in Sugar Hill. We have also been busy assisting in the planning and organizing Country Christmas to be held on Saturday, December 6th at 5:30 p.m. at E.E. Robinson Park. We have secured nearly $800 in donations.

2. PLANNING/ZONING:

The department issued 18 single family residential permits. A total of 249 inspections were conducted during this busy month. We have fined the developer at the Riverside Rd. Subdivision $2500 in soil erosion violations.

Bowen Builders and Our Generations have agreed to work together to solve the drainage problems plaguing Hilcrest Glens. We should receive a letter shortly.

3. GAS DEPARTMENT:

The gas department installed 40 services during the month of November. The year to date total for new services is 540. We also changed out 49 gas meters. Our gas crews have finished installing the 4 inch gas line on Whitehead Rd. Hwy 20 project has also been

completed. The High Pressure projected should be completed within one (1) week, weather permitting.

We are aggressively monitoring all heavy gas consumption and analyzing all Transco past and current gas usage. We will compile all data after the winter season and meet again with the Municipal Gas Authority and Transco to review our unaccounted for gas problem.

The gas department is currently conducting a system-wide corrosion survey identifying all gas services. The Public Service Commission has given us until January 1, 1998 to complete the survey. After completing the system-wide survey, we will detail to the Public Service Commission a written schedule describing the replacement, or insertion, or protection of those services identified in the survey. Thereafter, the City will implement a vigorous and continuous replacement or insertion of all identified bare gas services plus the protection or renewal of all unprotected coated and wrapped services.

4. FINANCE:

The ending balance in the General Fund checking account as of today was $64,464. The balance in the LGIP fund was $524,328.

Kelley Canady and I have prepared our 1998 budget draft. Key budgetary objectives include: maintenance of millage rate; compliance with EPD consent orders, maintenance of the base gas rate; continued gas system improvements; and appropriate labor adjustments.

5. GOLF COURSE:

The golf course generated over $ 72,000 during November. We have been following our timetable specified in our consent order. We are awaiting EPD's approval of our proposed design development report.

Wade Queen has advised me that we need to install the irrigation pipe as soon as possible in order to keep the golf course open. We have instructed our engineers to push for early approval by EPD.

Michael Thomas will be involved in overseeing the restaurant/bar operations of the golf course.

Best Wishes for a productive meeting!