

AGENDA  
CITY OF SUGAR HILL  
COUNCIL MEETING  
MONDAY, DECEMBER 12, 1994  
7:30 P.M.

CALL TO ORDER, PLEDGE OF ALLEGIANCE TO THE FLAG, INVOCATION:

APPROVAL OF AGENDA:

APPROVAL OF NOVEMBER 1994 MINUTES:

COMMITTEE REPORTS:

- A) Planning and Zoning Board
- B) Zoning Appeals Board
- C) Recreation Board
- D) Budget and Finance
- E) Solid Waste and Economic Development
- F) Golf and Waste Water Treatment

CITIZEN'S AND GUESTS COMMENTS:

Kathy Williamson-Kiwanis Presentation

OLD BUSINESS:

- A) Report on Golf Course Club House Bids
- B) 1994 Amendments to Budget
- C) Steven O'Day Contract
- D) Annexation of Scott Huges Property
- E) Discussion on Landfill Court Ruling in relation to completion of Solid Waste Plan
- F) Abandonment for portion of Dispain Road and portion of Millard Duncan Road.

NEW BUSINESS:

- A) Access to City Buildings
- B) Adoption of 1995 Budget
- C) Resignation - Superintendent of Elections

CITY CLERK'S REPORT:

CITY ATTORNEY'S REPORT:

CITY MANAGER'S REPORT:

COUNCIL REPORTS:

CITIZEN'S COMMENTS:

EXECUTIVE SESSION:

- A) Discussion of Personnel and possible litigation

ADJOURNMENT:

**MINUTES  
COUNCIL MEETING  
MONDAY, DECEMBER 12, 1994  
7:30 P.M.**

The Mayor and Council of the City of Sugar Hill, held their regular monthly meeting on Monday, December 12, 1994, at 7:30 P.M. in the Community Center.

Those present were Mayor Gary L. Webster, Mayor Pro tem Charles Spradlin, Council Members Steven C. Bailey, Reuben Davis, W. J. Dodd, and Jim Stanley, City Manager Warren P. Nevad, City Clerk/Finance Director Betty B. Garbutt, Development Director Ken Crowe, Director of Street Department Danny Pugh, Customer Service Supervisor Margaret McEachern, Golf Director Wade Queen, registered guest Steve Gaultney, other citizens and guests, and representatives of the news media.

Mayor Webster called the meeting to order, led in the Pledge of Allegiance, and Council Member Dodd gave the invocation.

Council Member Dodd made a motion to approve the Agenda, seconded by Council Member Bailey and passed unanimously. (5-0)

Council Member Bailey made a motion to approve the November Minutes as received and read by Council, Council Member Davis seconded the motion which passed unanimously. (5-0)

**COMMITTEE REPORTS:**

**PLANNING AND ZONING AND APPEALS BOARD:**

Council Member Stanley reported that the P & Z Board met in November and considered an annexation of the Scott Hudgens property by the Golf Course. This will be considered under Old Business later in the meeting.

The Appeals Board met to consider a request for variance, on the sign ordinance, from the Gwinnett Medical Center. They have requested that they be allowed to add to their sign with a public message board. The Appeals Board approved this request.

**RECREATION BOARD:**

Council Member Davis reported that there was very little going on in the Recreation Department due to cold weather, the leagues have completed play, and the bathrooms at the park have been winterized. Action at the park will begin again in the Spring.

**BUDGET AND FINANCE:**

Finance Director Garbutt reported that the new health and life policy will go into effect on January 1, 1995. There were nine (9) proposals reviewed and the policy chosen gives better benefits to the employees and also at a cost savings to the City of \$35,000.00

to \$40,000.00 per year.

The 1994 Budget Amendments will not be completed until later in the month. The City will need a Called Meeting to approve the amendments should there be a need to do so.

**SOLID WASTE AND ECONOMIC DEVELOPMENT:**

Council Member Spradlin gave a report on the ruling handed down by Judge Fred Bishop concerning the Restated Lease Agreement. (see attached). He reported that legal bills have totaled in excess of \$39,000.00 of which \$30,000.00 has been paid leaving a balance of \$9,667.55 due to Smith, Gambrell, and Russell.

He reported the Economic Development Board met, in a very productive meeting, on December 6, 1994 with 6 members present. The committee will meet to tour the Sugar Hill business facilities and review city infrastructure on January 10, 1995. Director Ken Crowe will conduct the tour. (see attached report)

**GOLF AND WASTE WATER TREATMENT:**

Council Member Bailey reported that there was an increase of 24% in rounds in November over last November. Revenues were up by 34%. (see attached report)

Council Member Bailey reported the Waste Water Plant continues to operate well. There has been some tampering with manholes with a tricycle, automobile batteries and tree stumps being found in one manhole. The crews are spot welding the tops to the manholes to prevent tampering. He reported that the tampering results in more work for the crews and trouble for homeowners when manholes stop up. (see attached report)

**CITIZEN'S COMMENTS:**

Mr. Simon Johnson commented on the overrun on the Golf Course and Waste Water project. He questioned waste and overspending on the project. He commented on articles written in the papers concerning this subject. He commented on the ruling of the Court concerning the Landfill. He continued to comment on these subjects, stating that utility rates were too high, and if they continued to rise, the citizen's would have to leave town.

Mrs. Nightha Davis commented on the Landfill and read excerpts from a letter Engineer Stanley wrote in 1989 to the City concerning details on operating landfills. She also commented on how difficult it was for the City to meet their expenses without the needed revenues to run the City, some of which could come from a landfill. She commented on the pros and cons of an area landfill and on subjects related to the operations of the city.

Mr. Stanley responded to the issues raised by Mrs. Davis. He commented on the technical details of EPD concerning operating a



landfill project. He stands with the letter presented. He stated that surely we will face difficulty without landfill revenues. He stated that the levels of service will have to match the revenues, regardless of what level that is.

Mr. Tom Wilson commented on his request that Council Members Spradlin and Stanley resign.

Mrs. Meg Avery commented on the Economic Development Committee and how they are working to bring development into the City of Sugar Hill. She made positive comments concerning what can be for the City of Sugar Hill.

Mr. Herb Payne commented on the issue of the gas utility funding other enterprise funds. Manager Warren addressed this issue and informed Mr. Payne he has access to a copy of the budget if he wishes. Mayor Webster assured Mr. Payne that the issue is being addressed. Mr. Payne again brought up the issue of the shredder and Mayor Webster reported that the shredder is a dead issue and no longer at City Hall.

Mrs Gail Kelly asked about the Budget. Manager Nevad reported that there had been a work session on Saturday, December 3, 1994, and Mayor Webster stated that subject would be discussed later in the meeting.

**OLD BUSINESS:**

**A) Report on Golf Course Club House:**

Manager Nevad reported there were two (2) sealed bids on the Club House. One from Paradise Construction from Cumming, Georgia at \$369,000. Humphry Construction bid \$558,000.00. This was discussed by Council. Manager Nevad stated that the calculations on the bids would be examined. Further considerations will be made at the January 12, 1995 meeting.

**B) 1994 Amendments to the Budget:**

Finance Director Garbutt reported that the amendments were not ready for the 1994 Budget and recommended that there be a called meeting the last week in December to make the amendments should there be a need to do so. A called meeting will be held on Tuesday, December 27, 1994 at 7:30 P.M. in the Community Service Building for any business needing to be transacted at the time.

**C) Steven O'Day Contract:**

Manager Nevad reported that the Council had approved \$30,000.00 for the Contract with the Steven O'Day account and that he has instructed staff to pay no more than that amount. Mayor Pro tem Spradlin gave the details of the overrun of \$9,667.55 and stated that this is reasonable for the extra work which was done concerning the litigation. He made a motion that the Council



approve the amount of \$9,667.55 to be paid to Steven O'Day. Council Member Stanley seconded the motion, which after more intense discussion, failed with Council Members Bailey, Davis, and Dodd voting against and Mayor Pro tem Spradlin and Council Member Stanley for. (3-2)

Council Member Stanley stated that he intends to request reconsideration of this matter on the second Monday of January 1996. He stated that this will be right after the 1995 Elections.

**D) Annexation of Scott Hudgens Property:**

Mayor Webster asked for a motion to go into a Public Hearing at 8:30 P.M. Council Member Bailey made the motion, Council Member Dodd seconded the motion which passed unanimously. (5-0)

Development Director Crowe gave a detailed explanation, assisted by Mr. Steve Gaultney, who also gave a detailed explanation, of the Hudgens Property and the area proposed for annexation. There were numerous questions from the citizens, and statements from some of the Council, concerning this annexation. There was to be no action taken at this meeting. Annexation and rezoning, of this property, will be on the January 9, 1995 Agenda. After much more discussion concerning the location of entry and exit roads, buffer zones and other pertinent details, the Public Hearing was adjourned at 9:00 P.M. on a motion by Council Member Bailey, seconded by Council Member Dodd and passed unanimously. (5-0)

The meeting returned to the Regular Session at 9:02 P.M.

**E) Discussion on Landfill Court Ruling in relation to completion of Solid Waste Plan:**

Attorney Thompson stated that most of this was discussed during Mayor Pro tem Spradlin's report but he would answer any question that anyone has. He has copies of the three (3) orders entered by Judge Bishop. He reviewed and explained these orders. There were five (5) issues raised for Summary Judgement. The first was that the meeting held, on August 9th, 1993, by the City Council of Sugar Hill had violated the Open Meetings Act. The second was that the meeting constituted a term siting decision, which deals with location of landfills. The third was that the City had failed to institute a Solid Waste Plan and was not authorized to adopt the agreement. The fourth was that the agreement violated City Zoning Ordinances. The fifth was that it violated the Chatahoochee River Tributaries Act. He reported that Mr. Day concurred with the first four. Judge Bishop made no ruling on the last three, stating they were issues of fact which would require a trial. The Restated Lease Agreement is a void issue, as a matter of law, at this time due to the ruling of Judge Bishop, and the appeal process will run later this month. The Judge ruled in a position which Mr. O'Day has taken. Council Member Stanley gave a detailed Memo (see attached). This was discussed by the Council, with opinions from other Council Member being expressed.

**F) ABANDONMENT FOR PORTION OF DISPAIN ROAD AND PORTION OF MILLARD DUNCAN ROAD.**

Development Director Crowe gave a detailed report on the portions of Dispain Road and Millard Duncan Road to be abandoned. Director Crowe reported that all parties were in agreement to closing the proposed portions and no one has expressed opposition to the closing. Attorney Thompson read the Resolution of Abandonment. Council Member Dodd made a motion to accept the Resolution as read, seconded by Council Member Bailey and passed unanimously. (5-0)

Mrs. Leigh Bailey presented the City of Sugar Hill with a Plaque of Appreciation from the North Gwinnett Kiwanis Club for the use of the Community Service Building in 1993-1994. They also presented the City with a check in the amount of \$100.00.

Mayor Webster called for a 5 minute recess.

**NEW BUSINESS:**

**A) ACCESS TO CITY BUILDINGS:**

Mayor Pro tem Spradlin raised the issue of a Memo handed down by Mayor Webster relating to access to City Hall with keys to all buildings. Mayor Pro tem Spradlin stated that he has no access to get papers and information he needs from time to time. There were differing views of this matter expressed by each Council Member. Council Member Davis made a motion, seconded by Council Member Dodd to abide by the decision on the key policy made by Mayor Webster and Manager Nevad. There was much more discussion on this issue and the motion passed with Council Members Bailey, Davis, and Dodd voting for and with Council Member Stanley, and Mayor Pro tem Spradlin voting against. (3-2)

**B) ADOPTION OF 1995 BUDGET:**

Clerk/Finance Director Garbutt reported that a Budget Workshop was held at City Hall on December 3, 1994. The 1995 Budget for the City was unanimously approved by the Mayor and Council after careful deliberations, adjustments, and revisions being made. There will be advertisements on December 16, 23, and 30, 1994 for a Public Hearing to be held on January 9, 1995 at 6:30 P.M. immediately preceding the January Council Meeting. The 1995 Budget will be formally adopted at the January 9, 1995 Council Meeting.

**C) RESIGNATION-SUPERINTENDENT OF ELECTIONS:**

Clerk/Finance Director Garbutt read a letter of resignation from Mrs. Ruth Switzer, Election Superintendent, for the City, effective on 01/01/95. Clerk Garbutt recommended that the decision to fill this position be tabled until 1995. Mayor Pro tem Spradlin made a motion to this effect, seconded by Council Member Dodd and passed unanimously. (5-0)

**CITY CLERK'S REPORT:**

Clerk Garbutt reported changes are still being made on property taxes as the reassessments are received from Gwinnett County.

Work is being completed on the Ordinance for 1995 Business Occupational Taxes. This is to be completed by January 1, 1995. The Ordinance will be adopted at the Called Meeting on December 27, 1994, if the Council approves the proposed Ordinance.

City employees will observe December 23, and 26 as Christmas Holidays. (see attached report)

**CITY ATTORNEY'S REPORT:**

Attorney Thompson stated that he will report to the Council in the Executive Session on the litigation discussed at the last Council Meeting Executive Session.

**CITY MANAGER'S REPORT:**

Manager Nevad reported that Billy Hutchins celebrated his 25th anniversary with the City on December 3rd. The City is very proud of Billy, and he has been a wonderful role model for other employees.

Golf Director Wade Queen has implemented new security procedures at the Golf Course to save money next year.

Shirley Gibbs is preparing an ethics guide for employees. Staff is preparing annual reports to measure our levels of public service this year. A brochure is being prepared to market our natural gas system and we are waiting a legal opinion from MGAG concerning the flyer distributed by Georgia Power two months ago.

Council Member Dodd stated that he felt that an employees who is given a plaque of appreciation, should be given recognition at the Council Meeting so the citizens will know who is being recognized. Mayor Webster stated he would have Mr. Hutchins at the January Council Meeting.

**COUNCIL REPORTS:**

Council Member Dodd had nothing to report.

Council Member Davis commented on some statements, made during the Council Meeting, which he resented.

Council Member Bailey expressed wishes of Merry Christmas and Happy New Year to everyone.

Mayor Webster wished everyone a Merry Christmas and a Happy New Year.



Mayor Pro tem Spradlin wished everyone a Merry Christmas.

Council Member Stanley reminded Council that they received from Attorney Thompson a sample ordinance for Occupational Taxes. There will have to be a determination made by the Council from three different methods of calculation of the tax. The methods are by Gross Sales with profitability ratio, by employees, or by Gross Sales. He explained that if this is not done by January 1, 1995, it will be more complicated to deal with. This was discussed by the Council. Mayor Webster stated that this will be added to the Agenda for the December 27th Called Meeting.

#### **CITIZEN'S COMMENTS:**

Mr. David Edwards expressed his feeling about this season of the year and stated that he does not like the way the meeting went tonight and he challenged the Council to work together to find the many good things that can be for this City. He stated that if the Council cannot do it alone, ask the citizens and they will be glad to help. He wished everyone a Merry Christmas.

Mrs. Meg Avery commented on a statement she heard that the first part of the meeting was a waste of time. She stated that she did not feel that it was a waste of time to attend to City business, and even though it might not affect everyone on every subject, it is still the way to conduct business. She wanted the Council to know that their time is not being wasted.

Mr. Herb Payne stated that he echoed the sentiments of the first two citizens and he felt that the Council should be peace makers and not try to disrupt the meetings by expressing ill feelings about each other. Facts and courtesy should be presented and not just innuendos. He expressed a Merry Christmas.

Mrs. Nighta Davis commended the Mayor and Council for making some good policy decisions, and she agreed that we must have peace in the City. She again expressed her feelings concerning some of the Council Members.

Mr. Kyle Parker expressed dismay at not having peace, and questioned some of the Council concerning their opinions on certain subjects. Mayor Webster called for order in the discussion.

Mayor Webster stated adamantly that he is tired of the residents comments in the paper and statements made at the Council Meetings, and he asked who really wants peace?

Council Member Stanley commented that it was hard to have peace in a knock-down, no holes barred, winner take all fight. There cannot be compromises on basic fundamental principals when there are two sides to a critical issue such as the landfill. He stated not to expect peace, but expect a long struggle. The issues must be understood. Differences of opinions do not count, it is an

issue of having a Regional Landfill in the middle of the community. He stated it is not an issue he will compromise on and he will fight anyone who promotes the development of the landfill. Mayor Pro tem Spradlin echoed these same sentiments.

**EXECUTIVE SESSION:**

Council Member Dodd made a motion to go into Executive Session, Council Member Stanley called a "point of order". Council Member Stanley stated he was not aware of a personnel issue, or a matter of litigation. Mayor Webster stated that there was a personnel issue and Mr. Thompson stated that he has a determination concerning the litigation discussed in the last Executive Session held on November 14, 1994. Council Member Stanley asked if there was to be discussion concerning disposition of property. Mayor Webster stated there was not. Council Member Dodd called for the question.

Council Member Davis seconded the motion which passed 4-0. Mayor Pro tem Spradlin abstained on the vote.

The Council entered into Executive Session at 10:10 P.M.

The Council returned to Regular Session at 10:29 P.M. Council Member Davis made a motion to give each full time employee of the City of Sugar Hill a Christmas Bonus of \$100.00. The motion was seconded by Council Member Stanley and approved on a vote of 4-0. Mayor Pro tem Spradlin abstained from voting.

Meeting adjourned at 10:35 P. M.

## SOLID WASTE REPORT - 12/12/94

As many of you are aware, Judge Fred Bishop with Gwinnett County Superior Court has issued a ruling in the matter concerning the "Restated Lease Agreement" on The Sugar Hill landfill. Judge Bishop ruled in favor of the Plaintiffs and against Mid-American Waste Systems of Georgia, Inc., Mr. Ed Groves and Mr. Ed Driver as well as the City of Sugar Hill.

According to O.C.G.A. Section 12-8-26(b), "The Governing authority of any county or municipality taking action resulting in a publicly or privately owned municipal solid waste disposal facility siting decision shall cause to be published within a newspaper ... a notice of the meeting at which such siting decision is to be made at least once a week for two weeks immediately preceding the date of such meeting . . . A siting decision shall include, but is not limited to, such activities as the final selection of property for landfilling and the execution of contracts or agreements pertaining to the location of municipal solid waste disposal facilities within the jurisdiction..."

In his ruling, on the issue of "siting", Judge Bishop ruled that "the City of Sugar Hill failed to provide the statutorily required public notice of the meeting called for the locating and leasing of the landfill. That failure renders the city's acts of locating and leasing the landfill to be ultra vires acts and , therefore, void. Such ultra vires acts also vest the plaintiffs with standing to file this action. --- Accordingly, summary judgment is hereby granted in favor of plaintiffs, and the Sugar Hill Council resolution of August 9, 1993 approving the Restated Lease and Operating Agreement is hereby declared void."

Judge Bishop, on the issue concerning parklands, ruled that "the city did not have the power to alienate the parklands in question ... The transfer was ultra vires due to the conflict with state law".

Now, ultra vires basically means "not having the authority" or "overstepping your legal limits". I don't think there is any doubt that past administrations had overstepped their limits on many occasions.

Legal bills have totalled in excess of \$39,000.00 to date. With a population of over 6000 people, that works out to less than \$7.00 per resident, a small price to pay to stop this tragic administrative blunder! These costs could go higher if further action is taken to move this city toward a landfill. In fact, the City of Sugar Hill still has a balance of \$ 9,667.55 due to Smith Gambrell and Russell for legal services rendered in this matter.



## ECONOMIC DEVELOPMENT COMMISSION REPORT - 12/12/94

The Economic Development Commission met on December 6, 1994 with 6 members meeting. I would characterize the meeting as "very productive".

Members of the Commission are interested in reviewing the city's zoning map and utility installations throughout the city. There was much concern expressed about the possibility that the city's sign ordinance might be hindering potential businesses from locating here in Sugar Hill. The commission felt that a review of the sign ordinance would be appropriate and will recommend any changes that it feels might be necessary.

The next scheduled meeting for the Commission, in lieu of Tuesday, January 6th, is on Saturday, January 10, 1995 at 1:00 p.m. here at City Hall. The Commission is planning a tour of city and business facilities and a review of infrastructure installations. Ken Crowe has agreed to assist in that endeavor and let me add that his assistance so far has been invaluable. Charles Duncan of "The News" has asked to take photographs of the Commission and this also will be done at the January meeting.

***Council Report for the Golf Course & Waste Water Treatment Facility  
December 12, 1994  
By Steven C. Bailey, Council Member***

***Golf Course***

November, like the months before, again showed an increase in rounds of play. In November of 1993, there were 1307 total rounds, but November 1994 had 1622 total rounds. This resulted in a 24% increase in rounds. Likewise, revenues were up by 34%, rising from \$41,641.16 to \$56,191.31 for the same period. Non-resident play increased by 15% while resident play increased by 132%!

***Waste Water Treatment Facility***

The plant continues to operate well and has easily handled the increase in water volume due to unseasonal rains. The personnel at the facility wish to remind the residents to be aware of not to put non-biodegradable solids in the sewer system. This material causes imbalances to the system as well as a disposal expense at the facility.

Additionally, our citizens should refrain from tampering with manholes. Recently, at a manhole on Roberts Drive in Frontier Forest, one manhole experiencing backup of sewage was found to be clogged with: one fully assembled tricycle, 2 automobile batteries, and various tree stumps. Such activity by uncaring people not only causes sewage backups, but costs your City in man-hours and pumping services, and this effects us all.

The staff is spot welding the covers at such problem sites, but of course this does cause a delay in future access, but hopefully will discourage further tampering and the resultant impact in costs.

MEMO TO: Mayor and City Council  
FROM: Jim Stanley  
SUBJECT: Sanitary Landfill and Restated Lease Agreement Issues  
DATE: 12/12/94

On November 22, 1994 Superior Court Judge Fred Bishop ruled that the Restated Lease Agreement between the City and Mid-American Waste Systems of Georgia, Inc. (MAWS) was void. As is commonly the case in Summary Judgment proceedings, Judge Bishop issued his ruling on very narrow and specific legal issues. The Judge noted properly that there were other issues of material fact for which summary judgment was not appropriate, but which would require a full judicial trial.

We should be very careful NOT to misunderstand the meaning of Judge Bishop's ruling. Judge Bishop was NOT saying that the only problem with the City's actions and with the Restated Lease Agreement was the failure to provide the statutorily required public notice of the meeting held August 9, 1993 at which the Restated Lease Agreement was approved. Judge Bishop was saying that entering into the Restated Lease Agreement was a solid waste facility siting decision, and that the failure to comply with public notice requirements was itself alone sufficient reason to void the actions taken.

There are many additional legal problems with the Restated Lease Agreement which are obvious but which have not YET been ruled on by the courts. Before we move forward with any actions to reconsider the Restated Lease Agreement, it is incumbent upon us to carefully review and resolve the issues which are certain to be challenged. To do any less would subject the City and its Citizens to further, entirely unnecessary, legal expenses and criticism. In particular, the law requires every one of the following:

1. The City must prepare a detailed Solid Waste Management Plan under rules specified in the Official Code of Georgia Annotated (OCGA) 12-8-31, and must submit that plan for review and approval by our Regional Development Commission, the Atlanta Regional Commission (ARC). During the ARC review process, the SWMP must also be reviewed and approved by the Department of Community Affairs (DCA) and by the Georgia Department of Natural Resources, Environmental Protection Division (EPD). Only after those reviews have been completed can the City finally adopt and approve the SWMP. No siting decision for a Solid Waste Facility is legal in Georgia unless it is in compliance with an APPROVED Solid Waste Management Plan. We are already on formal written notice from ARC, the City of Buford, Gwinnett County, and The National Parks Service that specific elements of the Revised Lease Agreement and of our earlier SWMP draft are unacceptable.
2. The Georgia Planning Act of 1989, effective October 1, 1991 requires that the City initiate a Development of Regional Impact (DRI) review for any solid waste facility expansion project involving an expansion of the facility by more than fifty percent. Such a review involves a formal application, a review by the City, a review by ARC, a review by all other political jurisdictions directly affected (in this case, the



City of Buford and Gwinnett County), and a final Statement of Public Finding by ARC. The City is not authorized to proceed with a siting decision without first completing the DRI review process.

3. OCGA 12-8-32 requires that after a site suitability has been granted by EPD, the public must be given an opportunity to participate in a Facilities Negotiation Process with regard to the proposed facility. The Facilities Negotiation Process completed during 1993 did not consider the expanded facility described in the Restated Lease Agreement. The Facilities Negotiation process must therefore be repeated before formal approvals such as those in the Restated Lease Agreement can be granted.

4. The Metropolitan River Protection Act, OCGA 12-5-453(b) specifies undisturbed stream buffers which must be provided to protect the water quality of the Chattahoochee River and its tributaries. The City's Chattahoochee River Protection Ordinance adopted the same restrictions. The Restated Lease Agreement ignores the stream buffering requirements and allows a perennial stream through the proposed site to be encased in a culvert and buried under garbage.

5. The Rules of The Department of Natural Resources, EPD, Ratified by the General Assembly 391-3-4-.05(1)(a) require that, "The site must conform to all local zoning/land use ordinances. Written verification must be submitted to the Division..." Land proposed for use as a landfill in the Restated lease agreement is not properly zoned for use as a landfill, not in Sugar Hill, not in Buford, and not in Gwinnett County. Georgia EPD is not permitted to even consider site suitability unless all three jurisdictions certify in writing that the proposed siting complies with all Zoning and all Land Use Regulations. A modification to our Zoning Ordinance, followed by approval of necessary rezonings would be required in advance of the siting decision.

6. EPD Rules 391-3-4-.05(1)(e) provide that, "A solid waste handling facility shall not be located in wetlands,..." except under very special and limited conditions. The site proposed in the Restated Lease Agreement includes many acres of wetlands. EPD formally requested a wetlands delineation survey of the proposed site in a letter dated October 28, 1992, signed by Unit Coordinator Mark O. Smith. The wetlands delineation survey has never been submitted.

Each of us, upon taking office, swore a solemn oath to uphold the Constitution of the United States, the Constitution of the State of Georgia, and the Charter and Ordinances of the City of Sugar Hill. In the past several years, the City Council of Sugar Hill has not done an acceptable job of honoring the oath of office. Instead of knowing and understanding what the law says and requires, our Council has often acted as if it could *do* anything it wanted to do, provided a voting majority agreed on the action. The Council has behaved as if gut feelings, intuition, or what seems best, are sufficient guidelines for action. They are not!

With the decision of Judge Bishop in hand, we are relieved of the tremendous problems imposed on the City by the Restated Lease Agreement. We are obligated now to proceed, in full accordance with law, to develop and obtain approval for a SWMP. As we proceed, we are obligated to keep the public fully involved and informed. I would remind each of you that a formal petition circulated to every residence in Sugar Hill resulted in 1,737 signatures, representing 93% of the households responding, certifying opposition to any landfill expansion beyond the 44 acres currently under lease.

CITY CLERK'S REPORT

I am still adding personal property to the tax digest. I am receiving the evaluations from Gwinnett County most every day.

I am also having to make adjustment on some property taxes, because of the slow appeal process with Gwinnett County.

We are in the process of getting letters out to determine the best way to go with the Occupational License Tax. I have received a sample ordinance from Attorney Lee Thompson's office and I am reviewing it. *Along w/ Council*

The employees will observe Friday, December 23rd and Monday, December 26th as the Christmas Holidays.



### FINANCE DIRECTOR'S REPORT

The final 1995 Budget Draft is in your hands. We will have a Public Hearing at 6:30 P.M. on January 9, 1995 before the Regular Council Meeting. Please call if you have any questions concerning the Budget. I hope it will pass without any controversy from the public. We will have copies available for citizens at the Public Hearing. Since you have already approved the 1995 Budget at the Work Session, all that needs to be done is officially adopt it.

W2's will be ready before the first payroll of 1995 is run on January 11, 1995. We are in the process of checking them for any errors at the present time.

I have encouraged the Department Heads to be as frugal in 1995 as they were the last six (6) months of 1994. Every one of them worked real hard to make the needed adjustments and we certainly owe them our thanks for "biting the bullet".

DEPTSUM.XLS

December 1994 Revenue Expense Report by Dept .

Dept:	Budget	YTD	Percent	Net (YTD-Budget)
<b>1) Admin:</b>				
Rev.	878,733	775,969	88.31%	(102,764)
Exp.	685,648	742,925	108.35%	57,277
Net Income	193,085	33,044	17.11%	(160,041)
<b>2) Inspec.:</b>				
Rev.	74,000	91,372	123.48%	17,372
Exp.	59,078	73,351	124.16%	14,273
Net Income	14,922	18,021	120.77%	3,099
<b>3) Street:</b>				
Rev.	72,800	111,757	153.51%	38,957
Exp.	229,346	208,320	90.83%	(21,026)
Net Income	(156,546)	(96,563)	61.68%	59,983
<b>4) Sanitation:</b>				
Rev.	405,158	385,039	95.03%	(20,119)
Exp.	324,905	365,893	112.62%	40,988
Net Income	80,253	19,146	23.85%	(61,107)
<b>5) Gas:</b>				
Rev.	2,166,079	2,077,917	95.93%	(88,162)
Exp.	1,678,244	1,141,441	68.01%	(536,803)
Net Income	487,835	936,476	191.96%	448,641
<b>6) Water:</b>				
Rev.	702,744	662,122	94.22%	(40,622)
Exp.	677,735	690,866	101.94%	13,131
Net Income	25,009	(28,744)	-1.14%	(53,753)
<b>7) Sewer:</b>				
Rev.	623,118	498,245	79.96%	(124,873)
Exp.	884,802	803,735	90.84%	(81,067)
Net Income	(261,684)	(305,490)	-1.17%	(43,806)
<b>8) Golf:</b>				
Rev.	690,343	763,118	110.54%	72,775
Exp.	849,167	765,168	90.11%	(83,999)
Net Income	(158,824)	(2,050)	1.29%	156,774
<b>9) Total Funds:</b>				
Rev.	5,612,975	5,365,539	95.68%	(247,436)
Exp.	5,388,925	4,791,699	88.91%	(597,226)
Total Income	224,050	573,840	258.00%	349,790

AGENDA  
CITY OF SUGAR HILL, GEORGIA  
SPECIAL CALLED MEETING  
COMMUNITY SERVICE BUILDING  
DECEMBER 27, 1994 7:30 P.M.

CALL TO ORDER, PLEDGE OF ALLEGIANCE TO FLAG, AND INVOCATION

BUSINESS:

- A) REVIEW AND APPROVAL OF OCCUPATIONAL LICENSE ORDINANCE:
- B) AMENDMENTS TO 1994 BUDGET:
- C) OTHER BUSINESS:

ADJOURNMENT:



**SPECIAL CALLED MEETING  
CITY OF SUGAR HILL  
TUESDAY, DECEMBER 27, 1994  
7:30 P.M.**

The Mayor and Council of the City of Sugar Hill held a Special Called Meeting on Tuesday, December 27, 1994, at 7:30 P.M. in the Community Service Building.

The purpose of the meeting was to amend the 1994 Budget and to approve the proposed Ordinance to regulate Occupational Taxes and Licenses, and any other business which may need to be transacted.

Those present were Mayor Gary L. Webster, Council Members Steve Bailey, W. J. Dodd, and Jim Stanley, City Manager Warren P. Nevad, City Clerk/Finance Director Betty B. Garbutt, several citizens and representatives of the news media.

Mayor Webster called the meeting to order, led in the Pledge of Allegiance to the Flag and Council Member Dodd gave the invocation.

Council Member Dodd made a motion to approve the Proposed Occupational Tax Ordinance. Council Member Bailey seconded the motion. There was discussion concerning the Ordinance by the Council, the Citizens present, and Staff. Council Member Stanley requested that no business be charged more than 100% of the amount paid in 1994. This issue was discussed and it was the consensus of the Council to approve Council Member Stanley's request. This will be honored unless the City is challenged by the State. Council Member Stanley also requested that the tables, using the SIC Codes, in the book "Taxing and Licensing Businesses and Occupations Under Georgia Law" be added as appendixes. The motion was approved on a vote of 3-0, with the requests of Council Member Stanley to be added.

Council Member Dodd made a motion to approve the Resolution to amend the 1994 Budget. Council Member Stanley seconded the motion which passed on a vote of 3-0.

There was no other business to come before Council. Council Member Dodd made a motion to adjourn at 7:56 P.M., seconded by Council Member Bailey and passed on a vote of 3-0.

AGENDA  
CITY OF SUGAR HILL  
COUNCIL MEETING  
MONDAY, JANUARY 9, 1995 7:30 P.M.

CALL TO ORDER AND PRAYER:

APPROVAL OF AGENDA:

APPROVAL OF MINUTES OF DECEMBER MEETINGS:

COMMITTEE REPORTS:

- A) PLANNING AND ZONING, ZONING APPEALS BOARDS:
- B) RECREATION BOARD:
- C) BUDGET AND FINANCE:
- D) SOLID WASTE AND ECONOMIC DEVELOPMENT:
- E) GOLF AND WASTE WATER TREATMENT:

CITIZEN'S AND GUEST COMMENTS:

OLD BUSINESS:

- A) RECOGNITION OF CITY EMPLOYEES:
- B) ADOPTION OF 1995 BUDGET:
- C) SOLID WASTE MANAGEMENT PLAN:
- D) CLUB HOUSE DISCUSSION:
- E) ED DRIVER-MID AMERICA
- F) ANNEXATION AND REZONING OF SCOTT HUDGENS PROPERTY

NEW BUSINESS:

- A) ELECTION OF MAYOR PRO TEM:
- B) APPOINTMENT OF LIAISONS BY MAYOR WEBSTER:
- C) ORDINANCE ADOPTING NEW RATES:
- D) BLOOD MOBILE SITE-COUNCIL MEMBER W.J. DODD:
- E) PROCEDURES FOR OPERATING COUNCIL MEETINGS-COUNCIL MEMBER W.J. DODD:
- F) CABLE FRANCHISE EXTENSION:
- G) CONSIDERATION OF BEER AND WINE LICENSE:

CITY CLERK'S REPORT:

CITY MANAGER'S REPORT:

COUNCIL REPORTS:

CITIZEN'S AND GUESTS COMMENTS:

ADJOURNMENT:

**CITY OF SUGAR HILL  
COUNCIL MEETING  
MONDAY, JANUARY 9, 1995, 7:30 P.M.**

The Mayor and Council of the City of Sugar Hill met for the Regular Monthly Meeting on Monday, January 9, 1995, at 7:30 P.M. in the Community Center.

Those present were: Mayor Gary L. Webster, Mayor Pro tem Charles Spradlin, Councilmembers Steve Bailey, Reuben Davis, W. J. Dodd, and Jim Stanley, City Manager Warren P. Nevad, City Clerk/Finance Director Betty B. Garbutt, Development Director Ken Crowe, Golf Director Wade Queen, Customer Service Manager Margaret McEachern, Assistant to Golf Director Lisa Terry, Utilities Director William Hutchins, Street Department Head Danny Pugh, Water Department Head Scott Payne, employee Danny Hughes, registered guests, Ray Sinker, Steve Gaultney of Scott Hudgens Co., Lari Webster, Suzanne and Gilton Califf, other citizens and guests, and representatives of the news media.

Mayor Webster called the meeting to order, led in the Pledge of Allegiance to the Flag, and Council Member Dodd gave the invocation.

The Agenda was approved, on a motion by Council Member Bailey, after being amended to include under Old Business item G: Election of Election Superintendent, under New Business item H: Appointment of various Board Members, item I: Resolution to Participate in Lease Pool and item J: Application for Annexation of property. The Motion was seconded by Council Member Dodd, and approved unanimously by Council. (5-0)

Mayor Webster gave detailed instructions as to what the decorum of the meeting was to be. He stated it would be according to the Charter and Roberts Rules of Order. He informed the Council and the citizens that the Chair has control of the meetings and there would be no interruptions by citizens or Council while someone was addressing the Chair.

Council Member Stanley made a motion to approve the minutes of the December Meetings. The motion was seconded by Council Member Bailey and approved unanimously. (5-0)

**COMMITTEE REPORTS:**

**A: PLANNING AND ZONING, ZONING APPEALS BOARD:**

Council Member Stanley reported that there were no meetings held during the month of December. The item added to the Agenda will be discussed later in the meeting.

**B: RECREATION BOARD:**

Council Member Davis reported that Spring Soft Ball is being



discussed. He also reported that some vandalism has been done at the park. An electric box was torn off the concession stand, but has been repaired by the Street Department.

**C: BUDGET AND FINANCE:**

Finance Director Garbutt reported that a 1995 Budget Hearing was held from 6:30 until 7:25 preceding the Regular Council Meeting tonight. There were several interested citizens who attended.

Department Heads have been asked to continue being frugal in 1995. They did an excellent job the last six (6) months of 1994.

Director Garbutt reported she will be instructing the Finance Section of the Clerk's Mandatory Training during Clerk's Week from February 5-10, 1995, at the University of Georgia.

**D: SOLID WASTE AND ECONOMIC DEVELOPMENT:**

Mayor Pro tem Spradlin reported Steven O'Day has filed with the court to no longer represent the City of Sugar Hill, due to his not being paid.

The Economic Development Board toured the City this past weekend. Mayor Pro tem Spradlin thanked Director Crowe for his excellent help in leading the tour for the Board. There have been other persons who have expressed an interest in serving on the Board and he made a motion that the Board be expanded to eleven (11) members instead of nine (9). Council Member Stanley seconded the motion which passed unanimously. (5-0)

**E: GOLF COURSE AND WASTE WATER TREATMENT:**

Council Member Bailey reported that the Waste Water Treatment Plant continues to operate well. Two lift station problems in December were resolve within four hours each. He praised the staff for their efficiency and reported that an average of 216,932 gallons per day was treated during 1994.

December had a 42.41% increase over last December in rounds and a fantastic 47.21% increase in revenue at the Golf Course. Annually the course saw an increase of 15.47% in rounds and an increase in revenue of 22.5%. Council Member Bailey expressed concern over the non-resident play and stated that something must be done to increase this segment more. There was an overall \$156,774 above expectation. He praised the staff at the course.

**CITIZEN'S COMMENTS:**

Mr. Herb Payne expressed concern on the amount of monies taken from the Gas Fund and moved into the General Fund. He thanked the Council and Staff for getting some of his requested information to him.

He also expressed concern on the economics of the club house

for the Golf Course. He felt the debt to the City and the economics of the project was not looked at in the right perspective.

He again commented on the different revenues and where they are diverted. He expressed a wish for taxes to support the service area they should, and not take out of the Gas fund monies which should be raised through taxes.

Mr. Ray Sinker commented on problems with the Mayor and Council opting for Executive Session when the matters should have been discussed in open meetings. He commented on the \$100.00 Bonus given to personnel. He also commented on Executive Sessions held in 1993 concerning the Restated Lease Agreement on the Landfill. He referred several times to the Georgia Sunshine Law in relation to these Executive Sessions.

**OLD BUSINESS:**

**A: RECOGNITION OF CITY EMPLOYEES:**

Manager Nevad stated that four (4) City Employees have reached a mile stone in their service to the City. A plaque was given to Mr. Billy Hutchins for 25 years of service. A plaque was given to Ms. Shirley Gibbs Deputy Clerk, Mrs. Margaret McEachern Customer Service Supervisor, and Mrs. Lisa Terry Assistant at the Golf Course, for 5 years service each.

**B: ADOPTION OF 1995 BUDGET:**

Council Member Dodd made a motion to adopt the 1995 Budget. The motion was seconded by Council Member Bailey and passed by unanimous vote. (5-0)

**C: SOLID WASTE MANAGEMENT PLAN:**

Manager Nevad presented a plan (see attached) to outline the steps to be followed for the City of Sugar Hill to resubmit their Solid Waste Management Plan. He gave a summary of what was needed.

Council Member Stanley commented on the debates on this issue and he feels that the question on the expansion of the Landfill should come before the citizens in the form of a referendum, and give the people of Sugar Hill the opportunity to express their wishes. He made a motion to place on the November Ballot the question, "Should the Sugar Hill Landfill be limited to the 44 acres already under lease or originally under lease by Burton Gwinnett?" Mayor Pro tem Spradlin seconded the motion and after several comments and more discussion, the motion failed on a vote of Stanley and Spradlin for and Bailey, Davis, and Dodd against. (3-2)

**D: CLUB HOUSE DISCUSSION:**

Manager Nevad reported that a meeting was held with Paradise Construction Co. to review the Club House bid of \$369,000.00 that was discussed at the December 12, 1994 Council Meeting. He reported that other buildings have been toured that Paradise has built. He had pictures to show these buildings. A project budget of \$500,000.00 has been prepared to include new furniture, construction of a new water line and lift station, and other related costs. Three (3) proposals have been received for tax revenue bonds from People's Bank, South Trust Bank and Meridian and Dunhill. People's Bank had the most attractive offer with a 6% interest rate. Over a ten (10) year span this equates to approximately \$66,000.00 per year. Manager Nevad asked for a motion to accept the proposal by People's Bank contiguous upon the Council formally accepting the bid by Paradise Construction Co. Council Member Bailey made a motion to this effect, seconded by Council Member Dodd. This was commented on and discussed by Council especially Council Member Stanley concerning the debt and financing the project from the Revenues at the Golf Course and he commented on club houses at other Golf Courses he has played on. Mayor Pro tem Spradlin commented on the fact that there are many serious items, this being one of them, but also the fact that the homes of Sugar Hill cannot be heated because of low gas pressure is a more serious issue. Council Member Dodd commented on the issue. Mayor Pro tem Spradlin made a motion to table the motion. This motion died for a lack of a second. The issue was discussed further by Council Members and City Manager Nevad. Golf Director Wade Queen was asked to make a statement concerning the Club House Plan. He stated that if an adequate facility was not built, we would suffer the consequences. He gave a detailed explanation of the layout of the plans. The vote on Council Member Bailey's motion was Council Members Bailey, Davis, and Dodd voting for and Council Member Stanley voting against. Council Member Spradlin abstained from voting. The motion passed (3-1).

Manager Nevad stated he would need a motion to formally accept the bid from Paradise Construction for \$369,000.00 with other project related expenses for a total of \$500,000.00 and to authorize the construction contract with a performance bond. Council Member Bailey made the motion which was seconded by Council Member Davis and passed on a vote of 3-1. Those voting for were Council Members Bailey, Davis, and Dodd. Council Member Stanley voted against and Mayor Pro tem Spradlin abstained from voting. There was a contingency of \$10,000.00 on the project, with no change orders to be issued.

**E: MID AMERICA-ED DRIVER:**

Ed Driver, representing Mid-American in asking for a siting hearing. He introduced Mr. Craig McKinsey, general manager of Landfill operations for Mid-American Systems. They requested that the City revisit the Restated Lease Agreement in a form which will satisfy the Judge in the decision he gave on the Restated Lease Agreement ruling. He explained the ruling for the invalid



agreement. They requested that the Council notify the public and have a siting hearing to reconfirm the Restated Lease Agreement as it was voted in last year. He explained the background of the Restated Lease Agreement and the committees involved. This issue was discussed at length between the Council, Mr. McKinsey, and Mr. Driver. Mayor Webster called for order several times during this discussion. Council Member Stanley, and Mayor Pro tem Spradlin asked that Mid-American drop their legal appeals. Council Member Stanley made a motion that the City of Sugar Hill take no formal action with regard to the Solid Waste Management Plan related to the Landfill until the legal appeal has run its course. Mayor Pro tem Spradlin seconded the motion. After more discussion, the vote on the motion was Mayor Pro tem Spradlin and Council Member Stanley voting for and Council Members Bailey, Davis, and Dodd voting against. The motion failed on a vote of 3-2.

Mr. Driver stated that there was a letter in the hands of the City of Sugar Hill requesting that they go forth with a Siting Hearing and Mid-American stands by that request.

Council Member Dodd asked Attorney Thompson if the City could legally advertise for a Siting Hearing. Attorney Thompson stated that could be done if it were done with all legal steps being taken. Attorney Thompson suggested that the Solid Waste Management Plan and the Siting Hearing be advertised at the same time and held in conjunction with each other. He felt this would be the route to go.

Council Member Dodd made a motion that the City advertise for a Public Hearing the third Saturday in February to consider a Siting decision and a decision on the Solid Waste Management for proposed expansion of the Sugar Hill Landfill. The area to be considered is included in the existing Landfill Lease and the area previously sited to the City by Mid American which is next to the existing Landfill. The motion died for lack of a second.

Since the last of the motion was not understood by some of the Council Members, Council Member Dodd stated the motion again. This was discussed again by the Council and Attorney Thompson, without a second.

Council Member Dodd withdrew his motion.

Mayor Pro tem Spradlin made a motion to form a Solid Waste Task Force to reexamine this issue one more time and for the Council to bring nominations at the next Council Meeting, then take recommendations from the Task Force. The motion was seconded by Council Member Stanley and discussed. The motion failed on a vote of Mayor Pro tem Spradlin and Council Member Stanley voting for, and Council Members Bailey, Davis, and Dodd voting against. (3-2)

Council Member Bailey made a motion to permit Mid American to have an informational hearing at the next regular Council Meeting. Mayor Pro tem Spradlin seconded the motion. There was more discussion on this issue. The motion passed with Mayor Pro tem Spradlin, Council Members Bailey, Davis and Dodd voting for, and Council Member Stanley voted against. (4-1)

Mayor Webster requested Mid American to hold an educational presentation at the February Council Meeting on February 13th. and

requested that the meeting be held at the North Gwinnett High School Auditorium.

Mayor Webster called for a five (5) minute recess.

**F: ANNEXATION AND REZONING OF SCOTT HUDGENS PROPERTY:**

Director Ken Crowe and Steve Gaultney presented the information on the Scott Hudgens property, a 211 acre parcel of land to be annexed and rezoned to RS150-P. Questions were asked by the Council and interested citizens and this issue was discussed.

Director Crowe stated that staff recommended approval and the Planning Commission in it's hearing recommended that the entire site be rezoned to the RS150-PUD with the ability to make changes on 30% of the lots.

Motion was made by Council Member Stanley to accept the recommendation of the Planning Commission on the Annexation and Rezoning, with the condition specified for requirement that all lots meet the RS150-PUD, seconded by Council Member Dodd. This was discussed and Director Crowe stated that this also brings in the National Park Service Land with no objection from the Park Service. Council Member Stanley stated to amend his motion to include this information. The motion was unanimously approved. (5-0)

**G: SUPERINTENDENT OF ELECTIONS:**

Council Member Bailey made a motion to appoint Mr. James McCalla as Superintendent of Elections for 1995. Council Member Davis seconded the motion. The vote on the nomination was 5-0. Mayor Webster administered the Oath of Office to Mr. McCalla.

Mayor Pro tem Spradlin and the other Members of Council thanked Mrs. Ruth Switzer for her service in that area.

**NEW BUSINESS:**

**A: ELECTION OF MAYOR PRO TEM:**

Mayor Webster stated the election of Mayor Pro tem would be by ballot. Council Member Stanley nominated Charles Spradlin to continue in that position. Council Member Bailey nominated Council Member Davis for the position.

Clerk Garbutt gave out the ballots and when returned, the count was Council Member Davis three votes and Council Member Spradlin received two votes. Mayor Webster congratulated Council Member Davis on the election to the position of Mayor Pro tem and Council Member Spradlin seconded the congratulations.

**B: APPOINTMENT OF LIAISONS:**

Mayor Webster made the following appointments:

Council Member Stanley-Solid Waste

Council Member Spradlin-Economic Development  
Council Member Bailey-Golf Course and Waste Water Treatment  
Council Member Davis-Recreation  
Council Member Dodd-Planning and Zoning

**C: ORDINANCE ADOPTING NEW RATES:**

Manager Nevad presented an Ordinance on Utility Rates to absorb the Consumer Index Price increase and to adjust the rate for use of the Community Service Building due to the fact a new roof needs to be placed on the building. Staff recommends the adoption of Ordinance 95-1 to establish the 1995 rates.

Council Member Bailey made the motion to that effect, seconded by Mayor Pro tem Davis, and passed unanimously by Council. (5-0)

**D: BLOOD MOBILE SITE:**

Council Member Dodd asked that the City establish a site for the Red Cross Blood Mobile due to the shortage of blood. He made a motion to have a blood drive in Sugar Hill. Mayor Pro tem Davis seconded the motion. The vote on the motion was unanimous. (5-0)

**E: PROCEDURE FOR OPERATING THE COUNCIL MEETING:**

Council Member Dodd stated that the Mayor gave very good instructions for the operation of the Meeting, and he recommended that there be only one (1) Citizen's Comments on the agenda and this be at the end of the meeting. Council Member Bailey seconded the motion for discussion. This was discussed with the consensus that the two (2) now on the agenda remain for the time being. Council Member Bailey withdrew his second, and Council Member Dodd withdrew his motion.

**F: CABLE FRANCHISE EXTENSION:**

Clerk Garbutt reported that Mr. Michel Champagne has requested a six (6) month extension on renewal negotiations. It would extend it to expire on July 13, 1995. Council Member Stanley made the motion, seconded by Council Member Bailey and passed unanimously by Council. (5-0)

**G: CONSIDERATION OF BEER AND WINE LICENSE:**

Clerk Garbutt presented and application for a Beer and Wine License from Yong OK Lee to sell Beer and Wine at the Sugar Hill Convenience Store. There was nothing found in the background check to legally prohibit the license being issued. Everything has been done and it is now at the discretion of the Council. Council Member Dodd made a motion to approve the license, seconded by Council Member Bailey. Council Member Spradlin asked Clerk Garbutt for her recommendation. Clerk Garbutt asked to abstain from making a recommendation, that her personal convictions were that we would



all be better off if it were not sold. Council Member Spradlin asked if there were anything legally wrong, and Clerk Garbutt stated there was not, her opinion was from her own beliefs. The vote on the motion was unanimous. (5-0).

**H: APPOINTMENT OF BOARD MEMBERS:**

Council Member Bailey stated he understood that there were some vacancies on several boards.

Council Member Bailey made a motion for Doyland Baird to return to the seat he now holds on the Board of Appeals. Council Member Dodd seconded the motion. The vote on the motion was unanimous. (5-0)

Council Member Bailey made a motion for Ed Phillips currently serving on the Appeals Board return to the Board. This was discussed and the vote was 5-0.

Council Member Bailey made a nomination for Bob Parris to return to his seat on the Planning and Zoning Board. The vote on the motion was 5-0.

Mayor Pro tem Davis nominated Tim Pugh to fill the seat vacated by Gary Chapman. This was discussed and determined that Mr. Chapman has not been asked if he wishes to remain on the Board. Mr. Pugh will resign from the Economic Development Board if necessary. After discussion Mayor Pro tem Davis withdrew this nomination and it will be reviewed next Council Meeting.

Mayor Pro tem Davis nominated Granville Betts to continue in his present position on the P&Z Board. The vote on the nomination was unanimous. (5-0)

Council Member Spradlin nominated Dave Edwards to fill one of the new seats on the Economic Development Board. Vote on the motion was unanimous. (5-0)

Council Member Bailey nominated Geraldine Cates to fill the other new seat on the Economic Development Board. Vote on the motion was unanimous. (5-0)

**I: LEASE POOL PARTICIPATION:**

Finance Director Garbutt reported that the Lease must be renewed each year to continue participation in the GMA Lease Pool. Council Member Dodd made the motion to renew the lease, seconded by Council Member Bailey. This was discussed and explained by Director Garbutt and passed unanimously. (5-0)

**J: ANNEXATION OF PROPERTY:**

Director Crowe presented an application to annex 24.663 acres on Highway 20. This has to be accepted before it can come before the P & Z Board. Council Member Spradlin made a motion to accept the application, seconded by Council Member Dodd. This was discussed with Director Crowe stating that it is a state law that the application must be approved by Council before it can come before the P & Z Board. This law became effective in 1993. The



vote on the motion was unanimous. (5-0)

**CITY CLERK'S REPORT:**

Clerk Garbutt reported staff is in the process of implementing the Occupational Tax Ordinance. (see attached report)

**CITY MANAGER'S REPORT:**

Manager Nevad stated the Department Heads are in the process of compiling the year end reports for the February Council Meeting. Performance appraisals have been completed.

The City has applied for a \$17,000.00 Sales Tax Refund on invoices from Lanier Contracting Co. for equipment used at the Waste Water Treatment Plant.

Over 100 new gas services have been installed since September and the City is in the process of constructing a two (2) inch gas line from Whitehead Road into the Bent Creek Subdivision. (see attached report)

**COUNCIL REPORTS:**

Council Member Stanley commented on the Lease Pool, which he thinks is another easy way to get money that is hard to pay back.

Council Member Spradlin stated that he took the time to knock on some doors to get an input from the citizens. He recommended that the other members of Council take time to do the same. He felt that Council would be enlightened by some of the citizens comments.

Council Member Bailey commended the Mayor on the order of the meeting and the leadership role he is assuming this year.

Mayor Pro tem Davis stated that he enjoyed the way the meeting was conducted tonight and appreciates the honor of being elected to the position of Mayor Pro tem. He stated that he wants the difference in his stipend to go to some community non-profit organization. Mayor Webster informed Mayor Pro tem Davis that he would receive the stipend and could do with it what he wished.

Council Member Dodd congratulated the Mayor for taking control of the Meeting tonight.

Mayor Webster expressed his thanks to the residents for their cooperation in the decorum of the meeting tonight.

**CITIZEN'S COMMENTS:**

Mrs. Gail Kelly expressed appreciation for Mr. Dave Edwards being placed as a member of the Economic Development Board. She asked if he could be sworn in so that he could attend the GMA

Meeting on Tuesday night in an official capacity.

Mr. Simon Johnson wished to comment on the way Mayor Webster conducted the meeting and stated he was glad to see the unanimous votes. Mayor Webster asked that Mr. Johnson not call any names when he was addressing Council. Mr. Johnson wished a good prosperous year for all citizens.

Mr. Bob Wagner commended the Mayor and Council for the conduct of the meeting. He expressed the appreciation of the Council in having the meeting on Cable TV, making the meeting accessible to all citizens whether they can attend in person or not. He asked that the Council not use the "Soap Box" of public office to influence anyone on any subject.

Mr. Herb Payne stated how much he appreciated the fact that he can be allowed to comment on his feelings on issues before the Council. He stated that he for one is not against the Landfill. His comments are directed toward following the legal steps necessary to have a Solid Waste Plan and a Landfill that is legal in every step. He asked for a schedule of events to be presented to the citizens and that the Council follow that schedule.

Mrs. Meg Avery commented on the conduct of the meeting but she was very disappointed that a public hearing on the Landfill was not passed. She expressed her dismay at the majority of the Council not wanting to hear what the citizen's have to say. She was appalled that a Council Member would say that a Task Force was not wanted. She also expressed her pleasure that there will be two (2) times for citizens to comment.

Mr. Al Suede stated that he has not been attending the Council Meeting, but made a special effort to attend this meeting after watching the December Meeting on Cable TV. He stated that the personal vendettas must stop whether by Council or citizens. He commented on the Landfill issue. He asked that something be done on the Landfill issue and do it now.

Mr. Ken Sackmar stated that decisions made concerning the landfill will effect many people not only the Council. He wanted to hear why the Council feels it is only for them to decide. He would like to see more businesses in the City, and wishes that the Council would listen to the citizens more.

Mr. Simon Johnson commented on the Golf Course Club House and feels that it is a need which must be met.

Council Member Spradlin wished to clarify the fact that the hearing by Mid American will be for the citizens to have a question and answer period. Council Member Bailey stated he hopes this will give us a step by step plan to follow in what must be done to keep everything in the proper perspective.

Mayor Pro tem Davis administered the Oath of Office to Mr. Dave Edwards as a member of the Economic Development Board.

Council Member Dodd made a motion to adjourn the meeting, seconded by Council Members Bailey and Stanley. The vote was unanimous. (5-0) The meeting adjourned at 10:26 P.M.

FINANCE DIRECTOR'S REPORT

The final 1995 Budget Draft is in your hands. We will have a Public Hearing at 6:30 P.M. on January 9, 1995 before the Regular Council Meeting. Please call if you have any questions concerning the Budget. I hope it will pass without any controversy from the public. We will have copies available for citizens at the Public Hearing. Since you have already approved the 1995 Budget at the Work Session, all that needs to be done is officially adopt it.

W2's will be ready before the first payroll of 1995 is run on January 11, 1995. We are in the process of checking them for any errors at the present time.

I have encouraged the Department Heads to be as frugal in 1995 as they were the last six (6) months of 1994. Every one of them worked real hard to make the needed adjustments and we certainly owe them our thanks for "biting the bullet".



DEPTSUM.XLS

December 1994 Revenue Expense Report by Dept .

Dept:	Budget	YTD	Percent	Net (YTD-Budget)
<b>1) Admin:</b>				
Rev.	878,733	775,969	88.31%	(102,764)
Exp.	685,648	742,925	108.35%	57,277
Net Income	193,085	33,044	17.11%	(160,041)
<b>2) Inspec.:</b>				
Rev.	74,000	91,372	123.48%	17,372
Exp.	59,078	73,351	124.16%	14,273
Net Income	14,922	18,021	120.77%	3,099
<b>3) Street:</b>				
Rev.	72,800	111,757	153.51%	38,957
Exp.	229,346	208,320	90.83%	(21,026)
Net Income	(156,546)	(96,563)	61.68%	59,983
<b>4) Sanitation:</b>				
Rev.	405,158	385,039	95.03%	(20,119)
Exp.	324,905	365,893	112.62%	40,988
Net Income	80,253	19,146	23.85%	(61,107)
<b>5) Gas:</b>				
Rev.	2,166,079	2,077,917	95.93%	(88,162)
Exp.	1,678,244	1,141,441	68.01%	(536,803)
Net Income	487,835	936,476	191.96%	448,641
<b>6) Water:</b>				
Rev.	702,744	662,122	94.22%	(40,622)
Exp.	677,735	690,866	101.94%	13,131
Net Income	25,009	(28,744)	-1.14%	(53,753)
<b>7) Sewer:</b>				
Rev.	623,118	498,245	79.96%	(124,873)
Exp.	884,802	803,735	90.84%	(81,067)
Net Income	(261,684)	(305,490)	-1.17%	(43,806)
<b>8) Golf:</b>				
Rev.	690,343	763,118	110.54%	72,775
Exp.	849,167	765,168	90.11%	(83,999)
Net Income	(158,824)	(2,050)	1.29%	156,774
<b>9) Total Funds:</b>				
Rev.	5,612,975	5,365,539	95.68%	(247,436)
Exp.	5,388,925	4,791,699	88.91%	(597,226)
Total Income	224,050	573,840	258.00%	349,790

MAYOR AND COUNCIL ACCEPTANCE

TO: Mayor and Council Members

FROM: Planning & Development Department  
Planning & Zoning Board Vice-Chairman

RE: PROPOSED ANNEXATION/REZONING  
FILE # AX-94-004  
FILE # RZ-94-005

DATE: January 6, 1995

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Please be advised that staff has received the above referenced application, and is requesting your acceptance to go before the Planning & Zoning Board.

If accepted, a Planning & Zoning Board Public Hearing will occur on January 23, 1995 at 7:30 p.m. in the Community Center.

Thank you.

PLACE UNDER COMMITTEE REPORTS (PLANNING & ZONING BOARD) IN YOUR PACKETS.

ANNEXATION # AX-94-004

REZONING # RZ-94-005

CITY OF SUGAR HILL

ITEM COUNT FOR FEE CALCULATION

~~94-005~~  
R2-94-005

PERMIT : 9401296

TYPE: RZ - REZONING APPLICATION

MASTER PERMIT: NOT FOUND

PROJECT: 94 NC

ADDRESS: 7-320-003, 026

OWNER NAME: VARI BEST HOMES

CONTRACTOR: VARI BEST HOMES, INC.

FEE DUE FROM: CIVIL DESIGN, INC.

CODE OTH

DESCRIPTION OF ITEMS SELECTED	QUANTITY	AMOUNT
RS-100,150,175,200, MH RC#113	1.00	150.00
SUBTOTAL OF ITEM AMOUNTS		150.00

Check - 1659

PAID  
( DEC 14 1994 )

\*\*\*\*\*



RZ-94-005

City of Sugar Hill  
Rezoning Application

Rezoning Fees depends on what the property is requested to be rezoned to:

RS-100, RS-150, RS-175, RS-200, MH...	\$150.00
RG-80.....	\$250.00
O&I, HSB.....	\$250.00
BG.....	\$300.00
LM, HM-1, HM-2.....	\$350.00

File Number \_\_\_\_\_

Map Reference # 7-320 3/26 # of Acres 24.663

Existing Zoning ( R-75 ) \_\_\_\_\_

Proposed Zoning ( RS-150 ) \_\_\_\_\_

**LAND OWNER:**

Vari Best Homes, Inc.  
Name

P. O. Box 651  
Address

Buford, Georgia 30518  
City, State & Zip

\_\_\_\_\_ 404-932-9525  
Home Phone Work Phone

\_\_\_\_\_  
Signature Date

Planning & Zoning Public Hearing: \_\_\_\_\_

Mayor & Council Public Hearing: \_\_\_\_\_

Deadline for submitting application in order to follow this time schedule is \_\_\_\_\_.

FOR OFFICE USE ONLY

Amount Paid \$ \_\_\_\_\_ Date Paid \_\_\_\_\_

Paid by Cash \_\_\_\_\_ or Check # \_\_\_\_\_

CITY OF SUGAR HILL

ITEM COUNT FOR FEE CALCULATION

PAGE 1

PERMIT : 9401295

TYPE: AX - ANNEXATION APPLICATION

MASTER PERMIT: NOT FOUND

AX-94-004

PROJECT: 94 NC

ADDRESS: 7-320-003, 026

OWNER NAME: VARI BEST HOMES

CONTRACTOR: VARI BEST HOMES, INC.

FEE DUE FROM: CIVIL DESIGN, INC.

CODE OTH

DESCRIPTION OF ITEMS SELECTED	QUANTITY	AMOUNT
ANNEXATION APPLICATION RC# 113	1.00	50.00
SUBTOTAL OF ITEM AMOUNTS		50.00



---

# CIVIL DESIGN, - INC.

ENGINEERS, LANDSCAPE ARCHITECTS, PLANNERS AND SURVEYORS

---

LETTER OF INTENT  
25 ACRE ARBOR CLOSE EXPANSION  
LAND LOT 320 DISTRICT 7  
GWINNETT COUNTY GEORGIA

We respectfully request that the property be annexed by the city of Sugar Hill Ga. and subsequently rezoned as RS-150 for the purposes of a residential development.

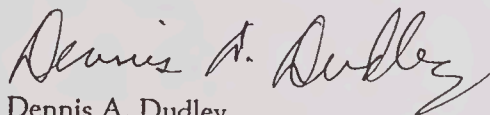
This request is made necessary as a result of the proposed expansion of the currently approved residential development (Arbor Close) which is adjacent to the property. To make this expansion possible, sanitary sewer service must be available to the proposed future unit. Therefore, the proposed unit must reside within the city limits of Sugar Hill.

The zoning conditions for the original 80 acre Arbor Close tract (attached) will remain the same for the new 25 acre parcel. As such, the additional 25 acres will be serviced by the swimming pool, tennis courts, and clubhouse facilities that will be constructed in the original 80 acres.

If you have any questions or need any further information, please contact me.

Sincerely,

CIVIL DESIGN, INC.



Dennis A. Dudley  
Project Manager



LETTER OF INTENT  
80 ACRES ON GA. STATE ROUTE 20  
LAND LOT 308 AND 320, 7th DISTRICT, GWINNETT COUNTY  
93184A

We respectfully request that the property noted above be re-zoned to R - 150 for a single family community containing approximately 148 lots. The community will have a variety of amenities including:

Swimming pool  
Two tennis courts  
Clubhouse / sales center  
Entrance landscaping  
Sidewalks on both sides of the streets  
Architectural control

The lots will be developed to the following standards.

Min. lot area	15,000 s.f.
Min. house size	2,000 s.f.
Min. front yard	35'
Min. side yard	10'
Min. rear yard	35'

If you have any questions or need any additional information please contact Ron Sprinkle at 252-1334.

Today's Date - 12-15-94

Form for sending Ad to Atlanta Journal

NOTICE OF PROPOSED ANNEXATION

Notice is hereby given to the Public that an application has been filed with the City of Sugar Hill, Georgia requesting that the following described property be annexed into the Corporate Limits of the City of Sugar Hill, Georgia. All that tract or parcel of land lying and being in Land Lot ~~320~~ 320 of the 7th District of Gwinnett County, State of Georgia and being more particularly described as follows:

INSERT LEGAL DESCRIPTION

Said application also requests that the property described above be zoned RS-150 (Single Family Residential District). The property is presently zoned R-75 (Single Family Residential) in Gwinnett County. A Public Hearing on the proposed annexation and zoning will be held in the Council Chambers at the Sugar Hill City Hall on January 16 1995 at 7:30 p.m.

City Clerk  
City of Sugar Hill

\* Message - Please return to me A.S.A.P. for proofing.  
Also, can you give me a price for running this ad?  
Thanks,  
Kim Landers

INFORMATION SHOULD BE FAXED TO:

TO: ~~Mike Hayes~~ Jason Semple  
WITH: Atlanta Journal/Constitution  
FAX: ~~263-3003~~ 263-3004  
MESSAGE: Please run the attached ad in the legal section of the Gwinnett Extra Only!

Dates to Run 12/30/94 1/13/95  
1/6/95

(3 Fridays)

\* This form is to be used when there is a typeset legal description. Otherwise, type the whole thing.



546117201, 1/PUO, 31PUO, , ,

546117201 — city of sugar hill — 2x4 — fri  
zone j 12-30 — semple, 0045 — laura — tray  
206a — wed — RKL — 12/20

### NOTICE OF PROPOSED ANNEXATION

Notice is hereby given to the Public that an application has been filed with the City of Sugar Hill, Georgia requesting that the following described property be annexed into the Corporate Limits of the City of Sugar Hill, Georgia. All that tract or parcel of land lying and being in Land Lot 320 of the 7th District of Gwinnett County, State of Georgia and being more particularly described as follows:

#### ARBOR CLOSE, TRACT 2 AREA - 24.663 ACRES

NOVEMBER 9, 1994 Take Out

All that tract or parcel of land lying and being in land lot 320 of the 7th district, Gwinnett County, Georgia and being more particularly described as follows:

Beginning at the intersection of the south right-of-way line of Georgia Highway 20 and the centerline of Whitthead Drive (if the right-of-way line was extended to intersect the centerline at a point), thence easterly along said south right-of-way line of Georgia Highway 20 a distance of 242.50 feet to a point on said right-of-way line, said point being the "true point of beginning" of tract herein described as follows:

Thence continue south 88 degrees 08 minutes 43 seconds east along said right-of-way line a distance of 618.18 feet to a point;

Thence south 30 degrees 39 minutes 55 seconds west leaving said right-of-way line a distance of 202.69 feet to a point;

Thence south 30 degrees 22 minutes 41 seconds east a distance of 1,631.33 feet to a point;

Thence north 72 degrees 02 minutes 22 seconds west a distance of 1,328.54 feet to a point;

Thence north 03 degrees 34 minutes 40 seconds west a distance of 363.92 feet to a point;

Thence north 03 degrees 39 minutes 18 seconds west a distance of 830.53 feet to a point, said point also being the "True Point Of Beginning" of said tract.

Said application also requests that the property described above be zoned RS-150, Single Family Residential District. The property is presently zone R-75 Single Family Residential District in Gwinnett County. A Public hearing on the proposed annexation and zoning will be held in the Council Chambers at the Sugar Hill City Hall on January 23, 1995 at 7:30 p.m.

City Clerk  
City of Sugar Hill



# CITY OF SUGAR HILL

---

4988 WEST BROAD ST. SUGAR HILL, GEORGIA 30518  
(404) 945-6716

## ADJOINING PROPERTY OWNER NOTIFICATION

TO: To Whom it May Concern

FROM: Kim Landers - Administrative Assistant

RE: PROPOSED ANNEXATION - AX-94-004  
REZONING - RZ-94-005

DATE: December 22, 1994

You are hereby informed that the attached Notice for Proposed Annexation is contiguous to your property.

A public hearing will be held at the Sugar Hill City Hall on November 21, 1994 at 7:30 p.m. in the Community Center.

If you should have an interest in this petition, please plan to attend this meeting.

Thank you.

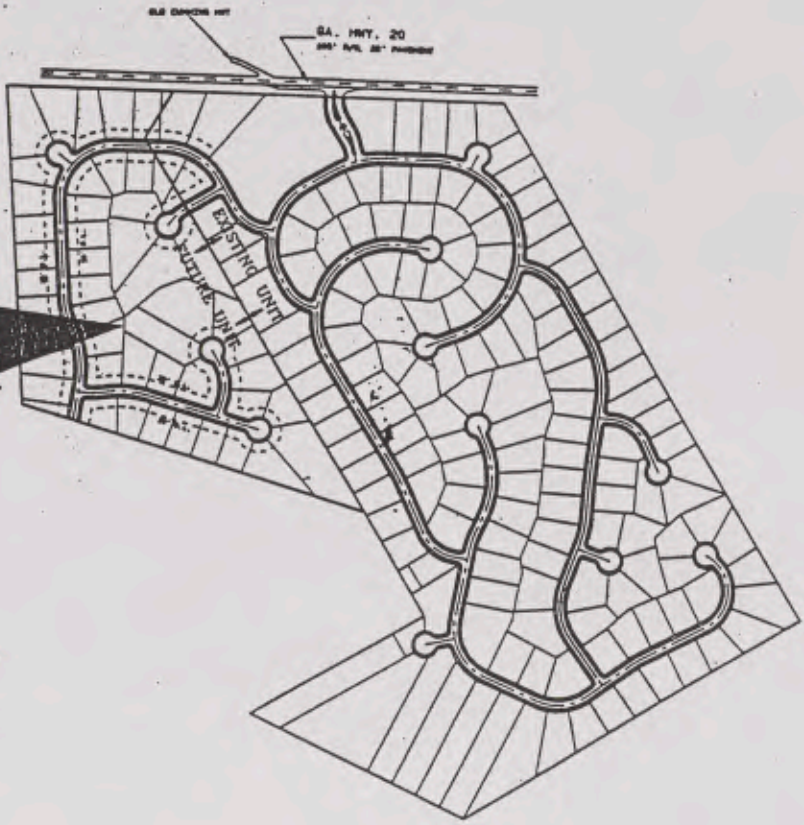






**NOTES**

1. PROPERTY OWNER SHALL BE RESPONSIBLE FOR THE FURTHER IMPROVEMENTS AND MAINTENANCE OF THE PUBLIC UTILITY AND SERVICE LINES TO THE SITE.
2. ALL S/P UTILITIES AND ALL FUTURE UTILITY LINES SHALL BE CONSIDERED TO BE 10' TO THE S/P AND 10' TO THE SIDE OF PROPERTY.
3. LOT DATA:  
 TOTAL AREA = 14.00 AC.  
 REMAINING AREA = 10.00 AC.  
 REMAINING FRONT YARD SETBACK = 20'  
 REMAINING SIDE YARD SETBACK = 20'  
 REMAINING REAR SETBACK = 20'
4. PROPOSED DEVELOPMENT THEREAFTER FOR FUTURE WITH CONSTRUCTION OF INFRASTRUCTURE AND RELATED IMPROVEMENTS TO ENSURE SUCCESSFUL DEVELOPMENT OF LOTS TO BE ANNEXED TO BE COMPLETED IN 18 MONTHS.



AREA TO BE ANNEXED/REZONED



**OWNER & DEVELOPER**  
 TALE BENT SPACER INC.

CIVIL DESIGN, INC.

**ARBORE CLOSE**  
 FUTURE UNITS

DATE	DESCRIPTION



ADMINISTRATIVE RECOMMENDATION

TO: Planning & Zoning Board of Appeals  
FROM: Warren Nevad, Ken Crowe, & Tony Bauman  
RE: ANNEXATION APPLICATION # AX-94-004  
REZONING APPLICATION # RZ-94-005  
DATE: January 5, 1995

---


This is an addition of 25± acres to property that was annexed and zoned early in 1994. Applicant is requesting that the same zoning and conditions be applied to this property. RS-150 with a minimum of 2,000 sq. ft. in house size.

Staff recommendation is for approval.

January 5, 1995

MEMORANDUM 95-02

TO: Mayor/City Council

FR: Warren Nevad, City Manager 

RE: **Agenda Item: Procedural Information regarding Solid Waste Management Plan (SWMP)**

As requested, we have outlined the following procedural steps that the city will be required to take in revising and re-submitting its Solid Waste Management Plan (SWMP) for regional and state review:

- (1) Since much of the inventory information contained in the previous plan is now two years old, an update will be required for items such as population, waste accounts/projections, cost, etc.;
- (2) The revised SWMP will need to specify the city's intentions regarding landfill expansion. If it is the desire of the city to proceed with expansion as outlined in the voided Restated Lease Agreement, it will be necessary to obtain the support of the City of Buford, Gwinnett County and the National Parks Service in order for the Atlanta Regional Commission to approve the draft plan. The Restated Lease Agreement submitted as part of Sugar Hill's original SWMP makes the plan inconsistent with the SWMP's of both Buford and Gwinnett County.
- (3) If it is the Council's desire to limit expansion to the 44 acres currently permitted and under lease, the city's SWMP will need to simply stipulate the 44 acre limitation. Since this 44 acres is located entirely within the city limits, there should be no consistency problems with Buford or Gwinnett County. It is important to realize that if this option is chosen, any future permit applications for expansion beyond the 44 acres would be denied by EPD unless the plan is amended.
- (4) After necessary revisions have been made to the SWMP, another public hearing will need to be held by the Mayor/ Council prior to forwarding the plan to the ARC for review. In addition, the Council will have to take action on a "Transmittal Resolution" to accompany the draft plan to ARC.
- (5) Upon receiving the draft SWMP, the ARC will hold a regional public hearing to review the plan for compliance with state law, and make a recommendation to the Department of Community Affairs.
- (6) After receiving regional and state approval, the Council can then officially adopt the plan.

I hope this summary is useful. Please call me should you have any questions.





ORDINANCE

THE COUNCIL OF THE CITY OF SUGAR HILL HEREBY ORDAINS THAT CHAPTER 25, SECTION 25-53 OF THE CODE OF THE CITY OF SUGAR HILL, GEORGIA, ENTITLED "GAS AND WATER RATES" IS HEREBY AMENDING RATES FOR WATER, GAS, SEWER, AND COMMUNITY CENTER SERVICES AS FOLLOWS:

Gas Rates

Inside: \$6.31 minimum + .706/100 Cu. ft. + 5% sales tax  
Outside: \$6.94 minimum + .777/100 Cu. ft. + 5% sales tax  
Gas Tap: \$200.00

Also included are any charges paid by the City to its fuel suppliers above \$3.25 per mcf.

Water Rates

Inside: \$6.67 (0 - 1000 gals.) + \$2.83/1000 gals. thereafter  
Outside: \$7.34 (0 - 1000 gals.) + \$3.12/1000 gals. thereafter  
Backflow: \$25.00

Sewer Rates

Inside: \$2.75 base fee + \$2.20/1000 gals of water consumed  
Sewer Tap: \$2500

Community Center

Residents Only: To reserve \$10 fee with a \$20 deposit.

Except as herein amended, all of the provision of Chapter 25, Section 25-53 shall remain in full force and effect.

IT IS SO ORDAINED THIS 9<sup>th</sup> DAY OF JANUARY, 1995

Henry J. Willet  
MAYOR

James B. Standley  
COUNCIL MEMBER

Charles A. Spradlin  
COUNCIL MEMBER

[Signature]  
COUNCIL MEMBER

Robins A. Davis  
COUNCIL MEMBER

H. G. Dost  
COUNCIL MEMBER

ATTEST:

Beverly M. Garland  
City Clerk (City Seal)

The Council of the City of Sugar Hill hereby ordains that Part II, Article 3, Section 25-54 of the Code of Ordinances of the City of Sugar Hill, Georgia, be hereby deleted, in its entirety, and the following text be inserted in its place:

**Sec. 25-54. Delinquent service bills.**

(a) *Past due* - Any utility account having not been paid in full on or before the due date listed on said accounts' billing statement, shall be defined as "past due".

(b) *Post marked* - Any utility account payments received by mail after an accounts' listed due date, but post marked by the United States Postal Service on or before said due date, shall be considered as received on time.

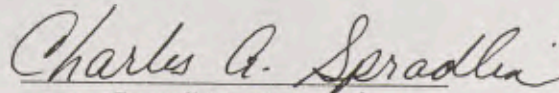
(c) *Late fees* - All past due accounts shall be assessed a late fee of 10% of the accounts total due balance.

(d) *Past due / disconnect notice* - Any utility account which has a past due status is subject to disconnect as outlined above and as printed on utility billing statements. The City of Sugar Hill may, at its discretion, post a disconnect notice, via door hanger, 24 hours prior to disconnection of any utility services. These will be the only notices that the City will make to any utility customer.

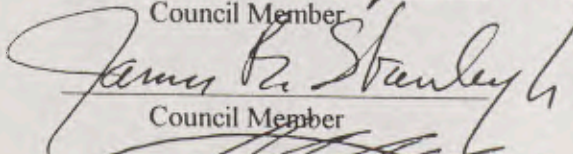
(e) *Disconnection* - Any customer having a past due account, and who has been sent a notice of disconnect, shall have their utilities disconnected if alternate arrangements have not been made with the City Clerk or other utility office personnel. A customer may be allowed to have their utilities remain connected if such customer pays half the total past due amount, plus any current billing, and sets up a payment plan to pay the remaining past due balance within 60 days. If any customer utilizing the payments plan fails to comply with it, their utilities will be disconnected without notice and not reinstated until all due balances are received by the City.

(f) *Utility Service Reinstatement* - Any customer whose utilities have been disconnected, under this Ordinance, may have their utility service reinstated after paying a \$50.00 reconnection fee in addition to any prior due account balances. Utility service reconnections will only be conducted during regular business hours.

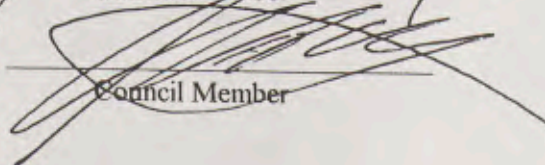
IT IS SO ORDAINED this 12th day of September, 1994.



Council Member



Council Member



Council Member



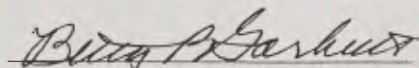
Sec. 25-54. Delinquent service bills. (continued)

IT IS SO ORDAINED this 12th day of September, 1994.

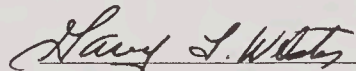
  
\_\_\_\_\_  
Council Member

\_\_\_\_\_  
Council Member

ATTEST:


  
\_\_\_\_\_  
City Clerk

APPROVED BY:

  
\_\_\_\_\_  
MAYOR  
This 12<sup>th</sup> day of SEPT., 1994.

Delivered to the Mayor: 12<sup>th</sup> SEPT. Received from the Mayor: 12<sup>th</sup> SEPT.

ATTEST:

  
\_\_\_\_\_  
City Clerk





**GEORGIA  
MUNICIPAL  
ASSOCIATION**

201 Pryor Street, SW • Atlanta, Georgia 30303 • 404/688-0472 • Fax: 404/577-6663

December 22, 1994

Ms. Betty Garbutt  
City Clerk  
City of Sugar Hill  
4988 W. Broad Street  
Sugar Hill, GA 30518

Dear Betty:

Michel Champagne has requested the City to consider granting an extension of its franchise term for an additional six months to allow more time for renewal negotiations.

It is my understanding that Michel's company is going through a financial restructuring and this additional time will allow their legal staff the time necessary to review issues associated with the renewal.

I have enclosed a recommended resolution for the Mayor and Council to consider along with a transmittal letter for your use. Please let me know if I can be of further assistance. I wish you the best in this holiday season.

Sincerely,

Greg Fender, Director  
Georgia Municipal Advisory & Technical Services  
(GMATS)

GF:bd

**OFFICERS**

**Bill McIntosh**  
President  
Mayor, Moultrie  
**John Meadows**  
First Vice President  
Mayor, Calhoun  
**Charles DeVanay**  
Second Vice President  
Mayor, Augusta  
**Kath Dixon**  
Third Vice President  
Mayor, Kingsland  
**Myrla R. Davis**  
Immediate Past President  
Special Assistant to the  
Mayor, Atlanta  
**James V. Burgass, Jr.**  
Executive Director

**BOARD OF  
DIRECTORS**

**Past Presidents:**  
**Ed Cennington, Jr.**,  
Mayor, Lumpkin • **James**  
**A. Neel**, Mayor, Toccoa •  
**Frank Sherrill**, Mayor,  
Social Circle • **Bill K.**  
**Reynolds**, Mayor,  
Bainbridge • **Bob Knox,**  
Jr., Mayor, Thomson •  
**Gerald Thompson**,  
Mayor, Fitzgerald

**District Board:**  
**Senford Hershey**, Mayor,  
Sylvania • **Susan Walner**,  
Mayor, Savannah • **Roy**  
**Little**, Mayor, Boston •  
**Robert L. Albritton**,  
Mayor, Dawson • **Charles**  
**Perry**, Mayor, Ashburn •  
**Charles Nawbarn**, Mayor,  
Alphaha • **Calvin Fitchett**,  
Mayor, Lilburn • **Bill**  
**McBerry**, Mayor, Morrow •  
**James Cennon**, Mayor,  
Canton • **Harvey Persons**,  
III, Councilmember,  
Douglasville • **Dr. Daniel**  
**Sanders**, Councilmember,  
Newnan • **Charles E.**  
**Kersey**, Mayor,  
Thomaston • **Hill Pope**,  
Jr., Mayor Pro Tem,  
LaFayette • **Herold**  
**Benefield**, Commission  
Chairman, Cedartown •  
**Cerol Chambers**, Mayor,  
Homerville • **Jim Mills**,  
Mayor, Willacoochee •  
**Louise Keller**,  
Councilmember, Clayton •  
**Danielson Hull**, Commis-  
sioner, Comelia • **Bob**  
**Sosebee**, Councilmember,  
Commerce • **Sarah**  
**Meyfield**, Councilmember,  
Hartwell • **James R.**  
**Matthews**, Mayor, Bames-  
ville • **Tommy Olmstead**,  
Mayor, Macon • **Margaret**  
**Armstrong**, Councilmem-  
ber, Augusta • **Julien**  
**Vaatch**, Mayor, Louisville •  
**Dan McCrenia**, Council-  
member, Eastman •  
**George H. Gormto**, Mayor  
East Dublin • **Preston**  
**Williams**, Mayor,  
Montezuma • **Christine**  
**Terry**, Councilmember,  
Ellaville

**Directors At-Large:**  
**Hilton D. "Bud" Baxley**,  
Mayor, Baxley • **Paul**  
**Keenan**, Mayor, Albany •  
**Patricia Wheeler**, Mayor,  
Stone Mountain • **Don**  
**Whita**, Councilmember,  
Roswell • **Gwen**  
**O'Loonay**, Chief Elected  
Officer, Athens-Clerke  
County • **Kenneth Ustry**,  
Councilmember, Thomson  
• **Willie Davis**, Mayor,  
Vienna • **Evelyn Turner**,  
Councilor, Columbus

**Saction Presidents:**  
**Jimmy Skipper**, City  
Attorney, Americus •  
**Peggy Marriss**, City  
Manager, Decatur • **Jerry**  
**Pormanter**, City Clerk,  
Adel

**GMEBS Chairman:**  
**Luther Conyers, Jr.**,  
Councilmember,  
Bainbridge

RESOLUTION

WHEREAS, the City of Sugar Hill presently is continuing its negotiations with Cable Equities of Colorado, Ltd. for the renewal of the nonexclusive cable franchise agreement between the City of Sugar Hill and Cable Equities of Colorado, Ltd. which terminates on January 14, 1995; and;

WHEREAS, Cable Equities of Colorado, Ltd. and the City have agreed to a one hundred and eighty (180) day extension of the present nonexclusive cable franchise agreement, effective January 14, 1995, with all the terms remaining in force and effect, the same to terminate on July 13, 1995; and;

WHEREAS, the City of Sugar Hill is willing to grant the one hundred and eighty (180) day extension of the present nonexclusive cable franchise agreement effective January 14, 1980;

NOW THEREFORE, BE IT RESOLVED, that the Mayor and the Council of the City of Sugar Hill be, and is hereby authorized and does hereby execute a one hundred and eighty (180) day temporary extension of the present nonexclusive cable franchise agreement between Cable Equities of Colorado, Ltd. and the City of Sugar Hill effective January 14, 1995, to expire July 13, 1995.

PASSED AND ADOPTED, this \_\_\_\_\_ day of \_\_\_\_\_, 1995.

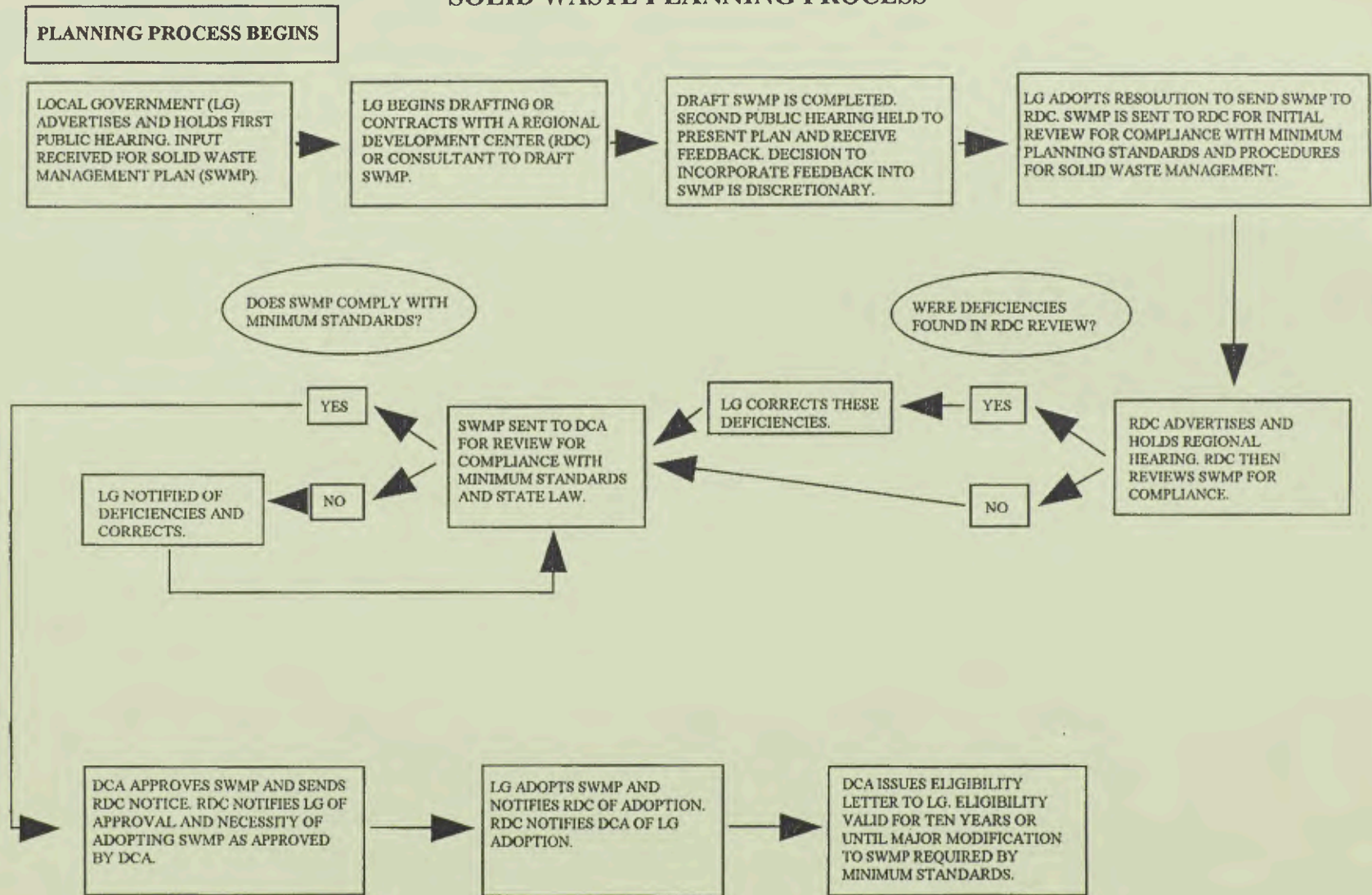
\_\_\_\_\_  
GARY WEBSTER, MAYOR  
CITY OF SUGAR HILL

ATTEST:

\_\_\_\_\_  
CITY CLERK, CITY OF SUGAR HILL

has the public been informed  
that we can get no grants  
until the plan is  
approved!

## SOLID WASTE PLANNING PROCESS





CLERK'S REPORT

We are in the process of having the forms printed for the new 1995 Occupational Taxes. We cannot issue licenses until we have heard from all of the businesses in Sugar Hill. After we have the information, TBS will have to send someone here to show us how to run the program. It has already been loaded on the system, but we will have to be trained in operating the program.

Taxes are being collected and we will wait until the end of the month to get a total of taxes not paid by due date or during the month of January.

We are still in the process of cross-training in the office, I want at least three (3) people to know how to handle each job, so we will not be caught in the office without a person to handle any situation which may arise.

Sugar Hill Golf Club  
 Deposit & Round Breakdown  
 December 1994

	Total Deposit	Credit Card	# of Rounds	Res.	Non. Res.	Res. Sr.	Non. Res. Sr.	Jr.
Dec. 1	1,660.33	211.28	64	24	18		22	
Dec. 2	1,339.16	317.18	39	3	36			
Dec. 3	3,040.54	910.80	74	8	66			
Dec. 4								
Dec. 5								
Dec. 6	1,362.46	208.80	46	4	29	1	12	
Dec. 7								
Dec. 8	2,338.56	677.23	87	28	41		18	
Dec. 9								
Dec. 10								
Dec. 11	3,222.85	1,196.67	86	12	74			
Dec. 12								
Dec. 13								
Dec. 14	1,368.13	273.23	53	4	31		18	
Dec. 15								
Dec. 16								
Dec. 17	2,580.75	452.68	77	27	40		10	
Dec. 18	2,826.64	821.91	75	9	66			
Dec. 19								
Dec. 20								
Dec. 21	2,651.24	801.12	83	4	66		13	
Dec. 22	1,088.53	146.80	33	20	7		6	
Dec. 23	2,496.04	740.67	78	6	72			
Dec. 24								
Dec. 25								
Dec. 26	6,711.52	1,803.13	206	23	183			
Dec. 27	3,398.83	1,062.99	123	12	88	1	19	3
Dec. 28	3,580.10	1,085.69	123	9	102		10	2
Dec. 29	2,595.93	724.47	92	35	50		7	
Dec. 30								
Dec. 31	2,521.26	643.81	68	8	60			
Total	44,782.87	12,078.46	1407	236	1029	2	135	5
YTD	798,446.35	216,441.02	22,552	2,695	18,268	24	1,517	48

✓  
 28% credit card sales.

WASTERWATER DEPARTMENT

December 1995

Liftstations:

Simmons Dr. - On Dec. 5, the #2 pump was not operating at this station. The pump was pulled and taken to Flygt, Inc. for re-repairs. The bearings and seals were replaced and the pump was set in the wetwell and put back in operation.

Suwanee Dam Rd. - On Dec. 19, both pumps at this station had to be pulled to remove blockages. Both pumps were put back in operation within four hours.

---

Sewer lines:

On Dec. 6, a sewer lateral was rodded to removed a clog; after receiving a report of sewer backing up into a home at 5056 Pass Ct.

On Dec. 30, a report was received of sewer backing up into a home at 4535 Emory Dr. The lateral was rodded and the clog was removed.

---

Sewer Capacity Available:

Total Sugar Hill capacity at Southside plant.....	600,000gpd
Average Sugar Hill usage for December.....	335,084gpd
Average Sugar Hill capacity left.....	264,916gpd

Total capacity at Sugar Hill plant.....	500,000gpd
Average usage for December.....	216,774gpd
Average capacity left.....	283,226gpd

Donna Zinskie  
Collection System Supervisor



# DECEMBER 1994

WILSON JONES COMPANY G7928 ColumnWrite ©

Date	①	METER	12 Mid.	Max. Rate	Min. Rate	Daily Avg.	Flow in Gals	Gallons
		Flow	Daily Flow Total	Time of Flow	Time of Flow	Reading MGD	Feet of Head in Inches	Sent to Outfeed
12 01	3:37 522478/299105116	376790	223240	62/039 P <sub>m</sub>	11/448 A <sub>m</sub>	34	349-31	315100
12 02	1:30 523629/299420216	345907	192960	80/909 A <sub>m</sub>	12/459 A <sub>m</sub>	34	412-34	226103
12 03	8:48 525883/299646319	339666	180729	60/449 A <sub>m</sub>	11/523 A <sub>m</sub>	33	386-34	308871
12 04	8:49 528998/299955190	317120	171151	62/210 P <sub>m</sub>	09/624 A <sub>m</sub>	60	260-26	517796
12 05	2:06 534156/300472986	377998	210917	80/326 P <sub>m</sub>	08/644 P <sub>m</sub>	37	373-33	320130
12 06	11:40 537357/300793116	363692	167352	63/847 P <sub>m</sub>	12/555 A <sub>m</sub>	36	351-32	365245
12 07								365245
12 08	2:20 544643/301523605	346868	211082	61/045 A <sub>m</sub>	10/520 A <sub>m</sub>	34	351-32	360502
12 09								360502
12 10								360502
12 11								360502
12 12	10:05 559082/302065611	425363	151896	73/208 P <sub>m</sub>	18/645 A <sub>m</sub>	42	572-43	448099
12 13	2:15 563563/303413710	383028	216931	63/151 A <sub>m</sub>	14/519 A <sub>m</sub>	38	551-42	338576
12 14	1:02 566950/303752286	368360	187135	44/116 P <sub>m</sub>	13/458 A <sub>m</sub>	36	373-33	351883
12 15	1:20 570468/304104169	347139	191914	62/000 A <sub>m</sub>	13/613 A <sub>m</sub>	34	463-38	361494
12 16	1:45 574083/304465663	346719	206669	61/231 P <sub>m</sub>	10/437 A <sub>m</sub>	34	462-37	218370
12 17	8:23 576265/304684033	440850	181048	59/911 A <sub>m</sub>	10/558 A <sub>m</sub>	32	273-27	361248
12 18	8:39 579879/305045281	350893	191389	65/219 P <sub>m</sub>	11/529 A <sub>m</sub>	33	261-28	454216
12 19	1:20 584422/305499497	349100	194508	70/211 P <sub>m</sub>	29/646 P <sub>m</sub>	34	300-30	315245
12 20	1:14 587574/305814742	333443	178285	54/249 P <sub>m</sub>	11/603 A <sub>m</sub>	33	318-29	280193
12 21	11:15 590376/306094935	323741	134741	52/136 A <sub>m</sub>	12/607 A <sub>m</sub>	32	341-31	361942
12 22	11:23 593583/3064516877	319577	140920	53/106 P <sub>m</sub>	10/417 A <sub>m</sub>	31	380-34	219248
12 23	8:34 /306676125	308920	191551	53/212 P <sub>m</sub>	10/543 A <sub>m</sub>	30	322-32	331316
12 24	8:48 599429/307007441	333393	184151	55/112 P <sub>m</sub>	11/628 A <sub>m</sub>	53	315-29	338998
12 25	8:48 602891/307346439	338319	191550	66/213 P <sub>m</sub>	11/629 A <sub>m</sub>	33	312-28	292950
12 26	8:45 605820/307639389	306722	177775	58/154 A <sub>m</sub>	11/652 A <sub>m</sub>	30	287-29	440098
12 27								440098
12 28								440098
12 29	1:50 616092/308666583	307957	166462	53/1104 A <sub>m</sub>	10/624 A <sub>m</sub>	30	282-27	285973
12 30	1:15 618952/308952556	297282	155300	59/137 P <sub>m</sub>	08/516 A <sub>m</sub>	29	472-39	220591
12 31	9:31 621156/309173147	294272	181515	54/253 A <sub>m</sub>	07/442 A <sub>m</sub>	29	322-30	319566
1 01	8:4 624352/309492713	277757	176881	67/222 P <sub>m</sub>	09/648 A <sub>m</sub>	25	222-25	
34	Aug 23 Car Wash	Nov.	7394	to	Dec.	7494		
35	Guinnett Federal	"	1494	"	"			
36	Hartford Row Apts	"	62842	"	"	63992		
37		"	10875	"	"	10875		



THIS REPORT WAS PRINTED ON JANUARY 3, 1995

## CITY OF SUGAR HILL

PERMIT TYPE AND DESCRIPTION	# OF PERMITS	VALUATION	FEES DUE	FEES PAID
AD - ADDITION/GARAGE PERMIT	1	0.00	41.00	41.00
AV - ADMINISTRATIVE VARIANCE	4	0.00	600.00	600.00
AX - ANNEXATION APPLICATION	1	0.00	50.00	50.00
DL - DEMOLITION	1	0.00	50.00	50.00
DP - DEVELOPMENT PERMIT	1	0.00	430.00	430.00
EC - ENERGY CODE AFFIDAVIT	11	0.00	0.00	0.00
EL - ELECTRICAL AFFADAVIT	13	0.00	0.00	0.00
FP - FENCE PERMIT	2	0.00	0.00	0.00
HE - HEATING/AIR AFFADAVIT	11	0.00	0.00	0.00
MH - MOBILE HOME INSTALLER AFFIDAVIT	1	0.00	0.00	0.00
MI - COMPLIANCE PERMIT	3	0.00	75.00	75.00
MN - MOBILE HOME INSPECTION NEW	1	0.00	100.00	100.00
PL - PLUMBING AFFADAVIT	13	0.00	0.00	0.00
RZ - REZONING APPLICATION	1	0.00	300.00	300.00
SB - STORAGE BUILDING	1	0.00	25.00	25.00
SF - SINGLE FAMILY RESIDENTIAL	11	944,832.00	8,314.00	8,314.00
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	14	0.00	3,150.00	3,150.00
TOTALS FOR ALL PERMIT TYPES	97	944,832.00	13,220.00	13,220.00

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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
12/01/94 2	25.00	0.00	10.00	0.00	0.00	0.00	0.00	0.00
12/05/94 5	471.00	0.00	10.00	0.00	0.00	450.00	0.00	0.00
12/06/94 1	0.00	0.00	10.00	0.00	0.00	0.00	0.00	0.00
12/07/94 4	0.00	50.00	10.00	100.00	0.00	0.00	0.00	0.00
12/08/94 8	2132.40	0.00	0.00	0.00	0.00	900.00	0.00	100.00
12/12/94 8	0.00	75.00	10.00	0.00	0.00	1125.00	0.00	0.00
12/13/94 8	2446.20	300.00	0.00	0.00	0.00	1575.00	0.00	125.00
12/14/94 3	200.00	0.00	0.00	0.00	0.00	225.00	0.00	0.00
12/15/94 1	0.00	0.00	10.00	0.00	0.00	0.00	0.00	0.00
12/16/94 1	485.00	0.00	0.00	0.00	0.00	225.00	750.00	25.00
12/20/94 2	350.40	25.00	0.00	0.00	0.00	225.00	0.00	25.00
12/21/94 2	0.00	0.00	0.00	0.00	0.00	450.00	0.00	0.00
12/22/94 2	0.00	0.00	0.00	0.00	0.00	450.00	0.00	0.00
=====	=====	=====	=====	=====	=====	=====	=====	=====
TOTALS 47	6110.00	450.00	60.00	100.00	0.00	5625.00	750.00	275.00

Non-Existing Categories 0.00  
 Current Categories 13370.00  
 =====  
 Grand Total 13370.00

THIS REPORT WAS PRINTED ON JANUARY 3, 1995

CITY OF SUGAR HILL

<< STATISTICAL BREAKOUT >>

<----- Inspections -----> <----- Re-Inspections -----> Based On # Activities

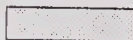
# ACTIVITIES	INSPECTIONS (I)	PASSED	CORRECTIONS	RE-INSPECTIONS (R)	PASSED	CORRECTIONS	RE-INSPECTIONS REQUIRED
96	61	32	26	35	24	11	37
	% INSPECTIONS	% PASSED	% CORRECTIONS	% RE-INSPECTIONS	% PASSED	% CORRECTIONS	% RE-INSPECT. REQUIRED
	64	52	43	36	69	31	39

INSPECTOR ID BREAKDOWN

RALPH SEWER INSPECTION 2  
 TONY BUILDING INSPECTION 34  
 JOE BUILDING INSPECTION 60

SUBDIVISION LOT AVAILABILITY LIST

AVAILABLE LOTS	SUBDIVISION	NEAR WHAT MAJOR STREET	PERMITS ISSUED	C.O.'S ISSUED	LOTS NOT BUILT ON
25	BENT CREEK I	LEVEL CREEK ROAD	25	25	0
49	BENT CREEK II	LEVEL CREEK ROAD	49	49	0
33	BENT CREEK III	LEVEL CREEK ROAD	29	29	2
44	BENT CREEK IV	LEVEL CREEK ROAD	43	42	1
36	BENT CREEK IV	LEVEL CREEK ROAD	36	36	0
7	BRANDON OAKS	AUSTIN GARNER ROAD	5	5	2
26	BROOKSIDE AT PARKVIEW	PARKVIEW MINE DRIVE	13	11	13
31	COUNTRY MEADOWS	OWEN CIRCLE	31	31	0
35	EMERALD LAKES IV	CUMMING HIGHWAY	24	7	11
131	LAKEFIELD FOREST (ALL)	LEVEL CREEK ROAD	120	101	11
44	MILL CREEK TRACE	SOUTH ROBERTS DRIVE	44	44	0
154	PARKVIEW NORTH	LEVEL CREEK ROAD	154	154	0
174	PRINCETON OAKS (ALL)	RIVERSIDE ROAD	103	102	71
116	SECRET COVE	OLD SUWANEE ROAD	113	104	3
46	SPRING HILL PLANTATION	SPRING HILL DRIVE	46	46	0
35	SUGAR BROOK	HILLCREST DRIVE	35	35	0
23	SUGAR CREEK	LEVEL CREEK ROAD	23	23	0
96	SUGAR CROSSING (ALL)	AUSTIN GARNER ROAD	57	48	39
39	SUGAR WOODS	LEVEL CREEK ROAD	39	39	0
3	SYCAMORE STATION	SYCAMORE ROAD	3	3	0
146	SYCAMORE SUMMIT	SYCAMORE/RIVERSIDE ROAD	143	143	2
7	SYCAMORE SUMMIT V	SYCAMORE ROAD	5	2	2
14	THE LAKES AT RIVERSIDE	RIVERSIDE ROAD	13	13	1
51	THE LINKS (ALL)	SUWANEE DAM ROAD	0	0	51
46	THE OAKS AT LANIER UNIT I	HIGHWAY 20	38	35	8
48	THE SPRINGS UNIT I	HIGHWAY 20	36	32	12
50	WEST PRICE HILLS	WEST PRICE ROAD	46	46	4

 INDICATES COMPLETED



1994 MONTH BY MONTH BREAK DOWN OF PERMIT ISSUA

PERMIT TYPES	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEPT	OCT	NOV	DEC	YTD TOTALS
AD - ADDITION/GARAGE	2	0	3	0	1	1	3	3	4	2	0	1	20
AV - ADMINISTRATIVE VARIANCE	1	3	0	3	0	2	2	3	2	3	1	4	24
AX - ANNEXATION APPLICATION	0	0	0	0	0	0	0	0	0	1	0	1	2
CM - COMMERCIAL	0	1	0	0	1	1	0	0	1	0	0	4	4
CT - CONSTRUCTION/SALES TRAILER	0	0	0	1	1	1	0	0	0	0	0	2	3
DL - DEMOLITION	0	0	0	0	0	0	0	0	1	0	1	3	2
DP - DEVELOPMENT PERMIT	0	2	0	1	2	2	0	1	1	1	0	1	11
FP - FENCE	1	7	4	10	6	3	5	4	3	7	2	0	54
GP - GRADING PERMIT	1	1	0	0	1	0	1	0	1	0	0	0	5
MI - COMPLIANCE/MISCELLANEOUS	4	5	4	6	3	2	1	1	2	5	6	3	42
MN - MOBILE HOME NEW	2	1	1	2	1	3	5	5	1	2	1	1	25
PP - POOL	0	0	0	1	1	2	0	1	0	0	0	0	5
RM - REMODELING RES/COM	1	1	0	1	0	1	0	2	0	1	1	0	8
RZ - REZONING APPLICATION	0	0	0	0	0	0	0	0	0	1	0	1	2
SB - STORAGE BUILDING	1	0	0	2	1	1	1	1	1	0	0	1	9
SF - SINGLE FAMILY	4	4	7	14	6	21	15	10	15	12	6	11	127
SP - SIGN PERMIT	0	2	1	1	1	3	2	0	2	2	1	1	16
TP - TAP & METER PAYMENT	11	7	5	7	2	15	7	4	5	13	10	14	100
VA - APPEALS VARIANCES	2	1	0	0	0	0	2	0	0	0	0	0	6

CERTIFICATES OF OCCUPANCY	9	12	11	10	8	11	11	9	10	17	12	16	136
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CITY OF SUGAR HILL

PERIODIC REPORT OF PERMITS ISSUED (GROUPED BY REPORT CODE)

Printed on: JANUARY 3, 1995

DATE RANGE: 12/01/94 THROUGH 12/31/94

	CODE	PRMS	VALUATION	FEEES	DUE	UNITS
NEW RESIDENTIAL HOUSEKEEPING BLDGS:						
* Single Family Houses Detached ....	101	11	944,832.00	8,314.00	0	0
* Single Family Houses Attached ....	102	0	0.00	0.00	0	0
* 2 Family Building .....	103	0	0.00	0.00	0	0
* 3 and 4 Family Buildings .....	104	0	0.00	0.00	0	0
* 5 or More Family Buildings .....	105	0	0.00	0.00	0	0
NEW RESIDENTIAL NON-HOUSEKEEPING BL:						
* Hotels, Motels & Tourist Cabins ..	213	0	0.00	0.00	0	0
* Other Non-Housekeeping Shelter ...	214	0	0.00	0.00	0	0
NEW NON-RESIDENTIAL BUILDINGS:						
* Amusement, Social, & Recreational	318	0	0.00	0.00	0	0
* Churches & Other Religious .....	319	0	0.00	0.00	0	0
* Industrial .....	320	0	0.00	0.00	0	0
* Prkng Garages (Blds & Open Decked)	321	0	0.00	0.00	0	0
* Service Stations & Repair Garages	322	0	0.00	0.00	0	0
* Hospitals & Institutional .....	323	0	0.00	0.00	0	0
* Offices, Banks, & Professional ...	324	0	0.00	0.00	0	0
* Public Works & Utilities .....	325	0	0.00	0.00	0	0
* Schools & Other Educational .....	326	0	0.00	0.00	0	0
* Stores & Customer Services .....	327	0	0.00	0.00	0	0
* Other Non-Residential Bldgs .....	328	0	0.00	0.00	0	0
* Stuctures Other than Buildings ...	329	0	0.00	0.00	0	0
ADDITIONS, ALTERATIONS, & CONVERSION						
* Residential .....	434	0	0.00	0.00	0	0
* Non-Residential & Non-Housekeeping	437	0	0.00	0.00	0	0
* Adds of Resid. Garages (Atch/Detc)	438	0	0.00	0.00	0	0
DEMOLITIONS AND RAZING OF BUILDINGS:						
* Single Family Houses (Atch/Detach)	645	0	0.00	0.00	0	0
* 2 Family Buildings .....	646	0	0.00	0.00	0	0
* 3 & 4 Family Buildings .....	647	0	0.00	0.00	0	0
* 5 or More Family Buildings .....	648	0	0.00	0.00	0	0
* All Other Buildings and Structures	649	1	0.00	50.00	0	0
-----						
TOTALS FOR PERMITS SHOWN ABOVE		12	944,832.00	8,364.00		0
-----						
Totals of other permits in the period		85	0.00	4,856.00		0
-----						
TOTAL FOR ALL PERMITS IN THE PERIOD		97	944,832.00	13,220.00		0

***Council Report for the Golf Course & Waste Water Treatment Facility***

***January 9, 1995***

***By Steven C. Bailey, Council Member***

**Waste Treatment Facility**

As has become somewhat commonplace, the Solid Waste Treatment Plant still continues to operate well within the State guidelines, experiencing only normal maintenance related servicing.

We did have two lift station problems during December, but both were resolved within four hours. We should praise our staff for their superb response in dealing with such substances.

During 1994, this new plant treated an average of 216,932 gallons per day.

**Golf Course**

December, being abnormally warm, provided a great opportunity for the Golf Course to make up some of the loss of rounds experienced earlier this year when we had a very rainy spring & summer. As compared to the same period last year, we experienced a whopping 42.41% increase in number of rounds played and a fantastic increase of 47.21% increase in revenue, depositing \$44,782.87 last month as compared to \$30,420.10 in December of 1993.

Annually, the course saw overall improvements in total rounds of 15.47% and increase in revenue of 22.5%. Of an interesting note, and one of which we must take particular care to respond to is that 1994 saw a giant leap in resident play of 68.41%, however, the non-resident play increased only by 10.6%. This is the single largest segment of revenue generation, and we must take steps to address the marketing and amenity needs of this segment which pays the lion's share of operating costs including debt retirement.

Budgetarily, the Golf Course did very well, bringing in \$72,775.04 more in revenues than originally anticipated. And if that wasn't good enough, reduced spending by \$156,774.32, and that includes unexpected expenses in sod replacement, lightning damage repairs, and related costs of an audit. Overall, the course operated \$229,549.36 above expectations.

These gains could not have taken place without the professional and cost conscientious performance of the entire staff. Wade, and his staff deserve the Council's gratitude for a job well done.



**Sugar Hill Golf Club  
1994 to 1993 Comparisons**

1/9/95

1993 Actuals			1994 Y. T. D.			Rounds	1993		1994		Revenue		
Month	Total Res Rds	Total Non-Res	Total Rounds	Month	Total Res Rds	Total Non-Res	Total Rounds	Percent Change	Month	Total Revenue	Month	Total Revenue	Percent Change
Jan	87	700	787	Jan	68	481	549	-30.24%	Jan	22,486.18	Jan	18,871.18	-16.08%
Feb	46	587	633	Feb	176	888	1064	68.09%	Feb	28,815.40	Feb	35,163.29	22.03%
Mar	105	671	776	Mar	206	1825	2031	161.73%	Mar	30,221.25	Mar	71,574.99	136.84%
Apr	134	1659	1793	Apr	275	2165	2440	36.08%	Apr	62,913.29	Apr	85,849.87	36.46%
May	203	2014	2217	May	297	2280	2577	16.24%	May	77,416.88	May	91,961.62	18.79%
Jun	196	2115	2311	Jun	223	2031	2254	-2.47%	Jun	76,320.53	Jun	81,346.69	6.59%
Jul	166	2510	2676	Jul	294	2245	2539	-5.12%	Jul	80,109.74	Jul	93,324.10	16.50%
Aug	182	2336	2518	Aug	258	2060	2318	-7.94%	Aug	89,176.33	Aug	81,286.15	-8.85%
Sep	190	1775	1965	Sep	308	1815	2123	8.04%	Sep	61,536.66	Sep	78,548.04	27.64%
Oct	107	1453	1560	Oct	205	1423	1628	4.36%	Oct	50,746.18	Oct	59,546.24	17.34%
Nov	92	1215	1307	Nov	214	1408	1622	24.10%	Nov	41,641.16	Nov	56,191.31	34.94%
Dec	135	853	988	Dec	243	1164	1407	42.41%	Dec	30,420.10	Dec	44,782.87	47.21%
Totals:	1643	17888	19531		2767	19785	22552	15.47%		651,803.70		798,446.35	22.50%

Ratio of Resident play 1994 compared to 1993

**68.41% increase**

Ratio of Non-Resident play 1994 compared to 1993

**10.60% increase**



MEMO: 94-073

TO: Mayor/City Council

FROM: Warren P. Nevad *WN*

RE: JANUARY 9, 1995 CITY MANAGER REPORT

DATE: December 29, 1994

**1. EMPLOYEES:**

Lisa Terry, Shirley Gibbs and Margaret McEachern will be celebrating their 5th anniversary with the City of Sugar Hill this month. Tony Bauman has taken an oath of office as the Chief Inspector/Code Enforcement Officer. The department heads are preparing their annual reports and goals for the new year. We have conducted our semi-annual performance appraisals. Employees were evaluated based upon cooperation, courteous, communication, cleanliness and productivity. Each department head's ratings were quantified and expectations were set for the upcoming round of appraisals in July 1995.

**2. CUSTOMER SERVICE:**

We are continually working with the Municipal Gas Authority to market natural gas. We have prepared a memo which illustrates the benefits of natural gas versus electricity. We are examining our monthly gas reports to review our loss and unaccounted gas. Each percentage pointed of loss gas represents \$20,000. Our objective is to decrease our loss rate of 10 percent to 7 percent. This can be accomplished by actively implementing the results of Southern Cross's gas leak survey and auditing gas meters.

**3. SALES TAX:**

We have applied for a \$17,000 refund of Georgia Sales Tax paid in conjunction with the construction of the City of Sugar Hill's Wastewater Treatment Plant. Said amount is the product of sales tax paid on machinery and equipment by Lanier Contracting Company, Inc.

**4. PLANNING/ZONING:**

We have installed 100 new gas services during the past three (3) months. We have received several inquiries about potential development along Peachtree Industrial Boulevard. Please contact Ken Crowe for the specifics. Ken will spearhead the tour for the Economic Development members on January 7, 1995.

**5. CLUBHOUSE:**

We will present the results of our financing proposals at the January Council Meeting. We will be meeting with Paradise Construction to review a punch list of our specifications and their calculations. If the bid is approved, we

will enter into a contract which will cap any potential overages and limit the change orders. Any change order must be formally approved by the Council. Mr. Queen is obtaining an estimate of constructing a 4 inch forcemain from the clubhouse to a liftstation at the bottom of the hill to the Wastewater Treatment Plant.

Please call me should you have any questions - Best Wishes for a productive meeting.

WPN:bms

CITY OF SUGAR HILL  
PUBLIC HEARING  
MONDAY, JANUARY 9, 1995 6:30 P.M.

The Mayor and Council of the City of Sugar Hill held a Public Hearing on Monday, January 9, 1995 at 6:30 P.M. immediately preceding the January Council Meeting.

Those present were Mayor Gary L. Webster, Mayor Pro tem Charles Spradlin, Council Members Jim Stanley and W. J. Dodd, City Manager Warren P. Nevad, City Clerk-Finance Director Betty B. Garbutt, representatives of the news media, and guests, Herb Payne, Meg Avery, Gail Kelley, Ray Stringer, Bob Wagner, and Karen Spradlin.

Mayor Webster called the hearing to order and explained that it was for the purpose of discussing the 1995 Budget.

Manager Nevad and Finance Director Garbutt presented the budget by Department Levels.

Mr. Herb Payne asked numerous question pertaining to expenditures, which were answered to his satisfaction at the time.

The Public Hearing ended at 7:25 P.M. on a motion made by Mayor Pro tem Charles Spradlin, seconded by Council Member Dodd and passed on a vote of 3-0, unanimous of those present.

SUGAR HILL CITY GOVERNMENT  
SUGAR HILL, GEORGIA  
VARIANCE FOR THE FISCAL YEAR 1995

	ACTUAL FY 1993	BUDGETED FY 1994	APPROVED FY 1995
General Fund Revenues	953,448	\$1,025,533	\$1,134,800
General Fund Expenses	1,041,755	974,072	1,116,786
Sanitation Fund Revenues	277,180	405,078	347,605
Sanitation Fund Expenses	270,500	324,905	325,525
Gas Fund Revenues	2,024,115	2,166,079	2,409,100
Gas Fund Expenses	1,246,200	1,678,244	1,910,915
Water Fund Revenues	620,000	702,744	670,250
Water Fund Expenses	610,918	677,735	579,980
Sewer Fund Revenues	479,000	623,118	945,750
Sewer Fund Expenses	425,884	884,802	1,441,538
Golf Course Revenues	607,950	690,343	803,100
Golf Course Expenses	797,010	849,167	832,101
Total Funds Revenues	4,961,693	5,612,975	6,310,605
Total Funds Expenses	4,392,267	5,388,925	6,206,845
<hr/>			
SUBTOTAL VARIANCES	\$ 569,426	\$ 224,050	\$ 103,760
GRAND TOTAL VARIANCES	\$ 234,473	\$ 209,523	\$ 103,760





RESOLUTION AMEND94  
1994 BUDGET

A RESOLUTION TO AMEND THE 1994 BUDGET FOR THE CITY OF SUGAR HILL, GEORGIA TO CONFORM WITH THE STATE OF GEORGIA LAWS.

WHEREAS: the City of Sugar Hill, Georgia adopted a budget for 1994 for each department listed as follows:

General Fund:

Revenues	\$ 1,025,533.
Expenditures	\$ 974,072.
Total	\$ 51,461.

Sanitation Fund:

Revenues	\$ 405,158.
Expenses	\$ 324,905.
Total	\$ 80,253.

Gas Fund:

Revenues	\$ 2,166,079.
Expenses	\$ 1,678,244.
Total	\$ 487,835.

Water Fund:

Revenues	\$ 702,744.
Expenses	\$ 677,735.
Total	\$ 25,009.

Sewer Fund:

Revenues	\$ 623,118.
Expenses	\$ 884,802.
Total	\$ (261,684.)

Golf Fund:

Revenues	\$ 690,343.
Expenses	\$ 849,167.

Total	\$	(158,824.)
Total Revenues	\$	5,612,975.
Total Expenditures/Expenses	\$	5,388,925.
Net Over/(Under)	\$	224,050.

**AND WHEREAS,** the following is a list by department of the actual/estimated Revenues/Expenditures and Income/Expenses for the 1994 Budget year.

General Fund:		
Revenues	\$	870,661.
General Fund:		
Expenditures	\$	982,665.
Total	\$	(112,004.)
Sanitation Fund:		
Revenues	\$	370,174.
Expenses	\$	353,589.
Total	\$	16,585.
Gas Fund:		
Revenues	\$	1,918,942.
Expenses	\$	1,071,793.
Total	\$	847,149.
Water Fund:		
Revenues	\$	633,119.
Expenses	\$	692,892.
Total	\$	(59,773.)
Sewer Fund:		
Revenues	\$	478,578.
Expenses	\$	805,775.
Total	\$	(327,197.)
Golf Fund:		
Revenues	\$	729,636.
Expenses	\$	751,907.
Total	\$	(22,271.)

Total Revenues: \$ 5,001,110.

Total Expenditures/Expenses: \$ 4,658,621.

Net Over/(Under) \$ 342,489.

**AND WHEREAS**, the City of Sugar Hill has a Revenue and/or Income shortfall and/or has exceeded the Expenditures and/or Expenses of the 1994 budgeted amounts in some of the departments.

**NOW THEREFORE, BE IT RESOLVED** that the 1994 Budget for the City of Sugar Hill be amended to include the amounts listed above.

\_\_\_\_\_  
Mayor Pro tem

\_\_\_\_\_  
Council Member

\_\_\_\_\_  
Council Member

\_\_\_\_\_  
Council Member

\_\_\_\_\_  
Council Member

Received by the Mayor: \_\_\_\_\_

Approved by the Mayor: \_\_\_\_\_

Returned by the Mayor: \_\_\_\_\_

Attest:

\_\_\_\_\_  
City Clerk



## FINANCE DIRECTOR'S REPORT

The final 1995 Budget Draft is in your hands. We will have a Public Hearing at 6:30 P.M. on January 9, 1995 before the Regular Council Meeting. Please call if you have any questions concerning the Budget. I hope it will pass without any controversy from the public. We will have copies available for citizens at the Public Hearing. Since you have already approved the 1995 Budget at the Work Session, all be need to do is officially adopt it.

W2's will be ready before the first payroll of 1995 is run on January 11, 1995. We are in the process of checking them for any errors at the present time.

I have encouraged the Department Heads to be as frugal in 1995 as they were the last six (6) months of 1994. Every one of them worked real hard to make the needed adjustments and we certainly owe them our thanks for "biting the bullet".

**CITY OF SUGAR HILL  
COUNCIL MEETING  
MONDAY, JANUARY 9, 1995, 7:30 P.M.**

The Mayor and Council of the City of Sugar Hill met for the Regular Monthly Meeting on Monday, January 9, 1995, at 7:30 P.M. in the Community Center.

Those present were: Mayor Gary L. Webster, Mayor Pro tem Charles Spradlin, Councilmembers Steve Bailey, Reuben Davis, W. J. Dodd, and Jim Stanley, City Manager Warren P. Nevad, City Clerk/Finance Director Betty B. Garbutt, Development Director Ken Crowe, Golf Director Wade Queen, Customer Service Manager Margaret McEachern, Assistant to Golf Director Lisa Terry, Utilities Director William Hutchins, Street Department Head Danny Pugh, Water Department Head Scott Payne, employee Danny Hughes, registered guests, Ray Sinker, Steve Gaultney of Scott Hudgens Co., Lari Webster, Suzanne and Gilton Califf, other citizens and guests, and representatives of the news media.

Mayor Webster called the meeting to order, led in the Pledge of Allegiance to the Flag, and Council Member Dodd gave the invocation.

The Agenda was approved, on a motion by Council Member Bailey, after being amended to include under Old Business item G: Election of Election Superintendent, under New Business item H: Appointment of various Board Members, item I: Resolution to Participate in Lease Pool and item J: Application for Annexation of property. The Motion was seconded by Council Member Dodd, and approved unanimously by Council. (5-0)

Mayor Webster gave detailed instructions as to what the decorum of the meeting was to be. He stated it would be according to the Charter and Roberts Rules of Order. He informed the Council and the citizens that the Chair has control of the meetings and there would be no interruptions by citizens or Council while someone was addressing the Chair.

Council Member Stanley made a motion to approve the minutes of the December Meetings. The motion was seconded by Council Member Bailey and approved unanimously. (5-0)

**COMMITTEE REPORTS:**

**A: PLANNING AND ZONING, ZONING APPEALS BOARD:**

Council Member Stanley reported that there were no meetings held during the month of December. The item added to the Agenda will be discussed later in the meeting.

**B: RECREATION BOARD:**

Council Member Davis reported that Spring Soft Ball is being

discussed. He also reported that some vandalism has been done at the park. An electric box was torn off the concession stand, but has been repaired by the Street Department.

**C: BUDGET AND FINANCE:**

Finance Director Garbutt reported that a 1995 Budget Hearing was held from 6:30 until 7:25 preceding the Regular Council Meeting tonight. There were several interested citizens who attended.

Department Heads have been asked to continue being frugal in 1995. They did an excellent job the last six (6) months of 1994.

Director Garbutt reported she will be instructing the Finance Section of the Clerk's Mandatory Training during Clerk's Week from February 5-10, 1995, at the University of Georgia.

**D: SOLID WASTE AND ECONOMIC DEVELOPMENT:**

Mayor Pro tem Spradlin reported Steven O'Day has filed with the court to no longer represent the City of Sugar Hill, due to his not being paid.

The Economic Development Board toured the City this past weekend. Mayor Pro tem Spradlin thanked Director Crowe for his excellent help in leading the tour for the Board. There have been other persons who have expressed an interest in serving on the Board and he made a motion that the Board be expanded to eleven (11) members instead of nine (9). Council Member Stanley seconded the motion which passed unanimously. (5-0)

**E: GOLF COURSE AND WASTE WATER TREATMENT:**

Council Member Bailey reported that the Waste Water Treatment Plant continues to operate well. Two lift station problems in December were resolve within four hours each. He praised the staff for their efficiency and reported that an average of 216,932 gallons per day was treated during 1994.

December had a 42.41% increase over last December in rounds and a fantastic 47.21% increase in revenue at the Golf Course. Annually the course saw an increase of 15.47% in rounds and an increase in revenue of 22.5%. Council Member Bailey expressed concern over the non-resident play and stated that something must be done to increase this segment more. There was an overall \$156,774 above expectation. He praised the staff at the course.

**CITIZEN'S COMMENTS:**

Mr. Herb Payne expressed concern on the amount of monies taken from the Gas Fund and moved into the General Fund. He thanked the Council and Staff for getting some of his requested information to him.

He also expressed concern on the economics of the club house

for the Golf Course. He felt the debt to the City and the economics of the project was not looked at in the right perspective.

He again commented on the different revenues and where they are diverted. He expressed a wish for taxes to support the service area they should, and not take out of the Gas fund monies which should be raised through taxes.

Mr. Ray Sinker commented on problems with the Mayor and Council opting for Executive Session when the matters should have been discussed in open meetings. He commented on the \$100.00 Bonus given to personnel. He also commented on Executive Sessions held in 1993 concerning the Restated Lease Agreement on the Landfill. He referred several times to the Georgia Sunshine Law in relation to these Executive Sessions.

**OLD BUSINESS:**

**A: RECOGNITION OF CITY EMPLOYEES:**

Manager Nevad stated that four (4) City Employees have reached a mile stone in their service to the City. A plaque was given to Mr. Billy Hutchins for 25 years of service. A plaque was given to Ms. Shirley Gibbs Deputy Clerk, Mrs. Margaret McEachern Customer Service Supervisor, and Mrs. Lisa Terry Assistant at the Golf Course, for 5 years service each.

**B: ADOPTION OF 1995 BUDGET:**

Council Member Dodd made a motion to adopt the 1995 Budget. The motion was seconded by Council Member Bailey and passed by unanimous vote. (5-0)

**C: SOLID WASTE MANAGEMENT PLAN:**

Manager Nevad presented a plan (see attached) to outline the steps to be followed for the City of Sugar Hill to resubmit their Solid Waste Management Plan. He gave a summary of what was needed.

Council Member Stanley commented on the debates on this issue and he feels that the question on the expansion of the Landfill should come before the citizens in the form of a referendum, and give the people of Sugar Hill the opportunity to express their wishes. He made a motion to place on the November Ballot the question, "Should the Sugar Hill Landfill be limited to the 44 acres already under lease or originally under lease by Burton Gwinnett?" Mayor Pro tem Spradlin seconded the motion and after several comments and more discussion, the motion failed on a vote of Stanley and Spradlin for and Bailey, Davis, and Dodd against. (3-2)

**D: CLUB HOUSE DISCUSSION:**



Manager Nevad reported that a meeting was held with Paradise Construction Co. to review the Club House bid of \$369,000.00 that was discussed at the December 12, 1994 Council Meeting. He reported that other buildings have been toured that Paradise has built. He had pictures to show these buildings. A project budget of \$500,000.00 has been prepared to include new furniture, construction of a new water line and lift station, and other related costs. Three (3) proposals have been received for tax revenue bonds from People's Bank, South Trust Bank and Meridian and Dunhill. People's Bank had the most attractive offer with a 6% interest rate. Over a ten (10) year span this equates to approximately \$66,000.00 per year. Manager Nevad asked for a motion to accept the proposal by People's Bank contiguous upon the Council formally accepting the bid by Paradise Construction Co. Council Member Bailey made a motion to this effect, seconded by Council Member Dodd. This was commented on and discussed by Council especially Council Member Stanley concerning the debt and financing the project from the Revenues at the Golf Course and he commented on club houses at other Golf Courses he has played on. Mayor Pro tem Spradlin commented on the fact that there are many serious items, this being one of them, but also the fact that the homes of Sugar Hill cannot be heated because of low gas pressure is a more serious issue. Council Member Dodd commented on the issue. Mayor Pro tem Spradlin made a motion to table the motion. This motion died for a lack of a second. The issue was discussed further by Council Members and City Manager Nevad. Golf Director Wade Queen was asked to make a statement concerning the Club House Plan. He stated that if an adequate facility was not built, we would suffer the consequences. He gave a detailed explanation of the layout of the plans. The vote on Council Member Bailey's motion was Council Members Bailey, Davis, and Dodd voting for and Council Member Stanley voting against. Council Member Spradlin abstained from voting. The motion passed (3-1).

Manager Nevad stated he would need a motion to formally accept the bid from Paradise Construction for \$369,000.00 with other project related expenses for a total of \$500,000.00 and to authorize the construction contract with a performance bond. Council Member Bailey made the motion which was seconded by Council Member Davis and passed on a vote of 3-1. Those voting for were Council Members Bailey, Davis, and Dodd. Council Member Stanley voted against and Mayor Pro tem Spradlin abstained from voting. There was a contingency of \$10,000.00 on the project, with no change orders to be issued.

**E: MID AMERICA-ED DRIVER:**

Ed Driver, representing Mid-American in asking for a siting hearing. He introduced Mr. Craig McKinsey, general manager of Landfill operations for Mid-American Systems. They requested that the City revisit the Restated Lease Agreement in a form which will satisfy the Judge in the decision he gave on the Restated Lease Agreement ruling. He explained the ruling for the invalid

agreement. They requested that the Council notify the public and have a siting hearing to reconfirm the Restated Lease Agreement as it was voted in last year. He explained the background of the Restated Lease Agreement and the committees involved. This issue was discussed at length between the Council, Mr. McKinsey, and Mr. Driver. Mayor Webster called for order several times during this discussion. Council Member Stanley, and Mayor Pro tem Spradlin asked that Mid-American drop their legal appeals. Council Member Stanley made a motion that the City of Sugar Hill take no formal action with regard to the Solid Waste Management Plan related to the Landfill until the legal appeal has run its course. Mayor Pro tem Spradlin seconded the motion. After more discussion, the vote on the motion was Mayor Pro tem Spradlin and Council Member Stanley voting for and Council Members Bailey, Davis, and Dodd voting against. The motion failed on a vote of 3-2.

Mr. Driver stated that there was a letter in the hands of the City of Sugar Hill requesting that they go forth with a Siting Hearing and Mid-American stands by that request.

Council Member Dodd asked Attorney Thompson if the City could legally advertise for a Siting Hearing. Attorney Thompson stated that could be done if it were done with all legal steps being taken. Attorney Thompson suggested that the Solid Waste Management Plan and the Siting Hearing be advertised at the same time and held in conjunction with each other. He felt this would be the route to go.

Council Member Dodd made a motion that the City advertise for a Public Hearing the third Saturday in February to consider a Siting decision and a decision on the Solid Waste Management for proposed expansion of the Sugar Hill Landfill. The area to be considered is included in the existing Landfill Lease and the area previously sited to the City by Mid American which is next to the existing Landfill. The motion died for lack of a second.

Since the last of the motion was not understood by some of the Council Members, Council Member Dodd stated the motion again. This was discussed again by the Council and Attorney Thompson, without a second.

Council Member Dodd withdrew his motion.

Mayor Pro tem Spradlin made a motion to form a Solid Waste Task Force to reexamine this issue one more time and for the Council to bring nominations at the next Council Meeting, then take recommendations from the Task Force. The motion was seconded by Council Member Stanley and discussed. The motion failed on a vote of Mayor Pro tem Spradlin and Council Member Stanley voting for, and Council Members Bailey, Davis, and Dodd voting against. (3-2)

Council Member Bailey made a motion to permit Mid American to have an informational hearing at the next regular Council Meeting. Mayor Pro tem Spradlin seconded the motion. There was more discussion on this issue. The motion passed with Mayor Pro tem Spradlin, Council Members Bailey, Davis and Dodd voting for, and Council Member Stanley voted against. (4-1)

Mayor Webster requested Mid American to hold an educational presentation at the February Council Meeting on February 13th. and

requested that the meeting be held at the North Gwinnett High School Auditorium.

Mayor Webster called for a five (5) minute recess.

**F: ANNEXATION AND REZONING OF SCOTT HUDGENS PROPERTY:**

Director Ken Crowe and Steve Gaultney presented the information on the Scott Hudgens property, a 211 acre parcel of land to be annexed and rezoned to RS150-P. Questions were asked by the Council and interested citizens and this issue was discussed.

Director Crowe stated that staff recommended approval and the Planning Commission in it's hearing recommended that the entire site be rezoned to the RS150-PUD with the ability to make changes on 30% of the lots.

Motion was made by Council Member Stanley to accept the recommendation of the Planning Commission on the Annexation and Rezoning, with the condition specified for requirement that all lots meet the RS150-PUD, seconded by Council Member Dodd. This was discussed and Director Crowe stated that this also brings in the National Park Service Land with no objection from the Park Service. Council Member Stanley stated to amend his motion to include this information. The motion was unanimously approved. (5-0)

**G: SUPERINTENDENT OF ELECTIONS:**

Council Member Bailey made a motion to appoint Mr. James McCalla as Superintendent of Elections for 1995. Council Member Davis seconded the motion. The vote on the nomination was 5-0. Mayor Webster administered the Oath of Office to Mr. McCalla.

Mayor Pro tem Spradlin and the other Members of Council thanked Mrs. Ruth Switzer for her service in that area.

**NEW BUSINESS:**

**A: ELECTION OF MAYOR PRO TEM:**

Mayor Webster stated the election of Mayor Pro tem would be by ballot. Council Member Stanley nominated Charles Spradlin to continue in that position. Council Member Bailey nominated Council Member Davis for the position.

Clerk Garbutt gave out the ballots and when returned, the count was Council Member Davis three votes and Council Member Spradlin received two votes. Mayor Webster congratulated Council Member Davis on the election to the position of Mayor Pro tem and Council Member Spradlin seconded the congratulations.

**B: APPOINTMENT OF LIAISONS:**

Mayor Webster made the following appointments:

Council Member Stanley-Solid Waste



Council Member Spradlin-Economic Development  
Council Member Bailey-Golf Course and Waste Water Treatment  
Council Member Davis-Recreation  
Council Member Dodd-Planning and Zoning

**C: ORDINANCE ADOPTING NEW RATES:**

Manager Nevad presented an Ordinance on Utility Rates to absorb the Consumer Index Price increase and to adjust the rate for use of the Community Service Building due to the fact a new roof needs to be placed on the building. Staff recommends the adoption of Ordinance 95-1 to establish the 1995 rates.

Council Member Bailey made the motion to that effect, seconded by Mayor Pro tem Davis, and passed unanimously by Council. (5-0)

**D: BLOOD MOBILE SITE:**

Council Member Dodd asked that the City establish a site for the Red Cross Blood Mobile due to the shortage of blood. He made a motion to have a blood drive in Sugar Hill. Mayor Pro tem Davis seconded the motion. The vote on the motion was unanimous. (5-0)

**E: PROCEDURE FOR OPERATING THE COUNCIL MEETING:**

Council Member Dodd stated that the Mayor gave very good instructions for the operation of the Meeting, and he recommended that there be only one (1) Citizen's Comments on the agenda and this be at the end of the meeting. Council Member Bailey seconded the motion for discussion. This was discussed with the consensus that the two (2) now on the agenda remain for the time being. Council Member Bailey withdrew his second, and Council Member Dodd withdrew his motion.

**F: CABLE FRANCHISE EXTENSION:**

Clerk Garbutt reported that Mr. Michel Champagne has requested a six (6) month extension on renewal negotiations. It would extend it to expire on July 13, 1995. Council Member Stanley made the motion, seconded by Council Member Bailey and passed unanimously by Council. (5-0)

**G: CONSIDERATION OF BEER AND WINE LICENSE:**

Clerk Garbutt presented and application for a Beer and Wine License from Yong OK Lee to sell Beer and Wine at the Sugar Hill Convenience Store. There was nothing found in the background check to legally prohibit the license being issued. Everything has been done and it is now at the discretion of the Council. Council Member Dodd made a motion to approve the license, seconded by Council Member Bailey. Council Member Spradlin asked Clerk Garbutt for her recommendation. Clerk Garbutt asked to abstain from making a recommendation, that her personal convictions were that we would



all be better off if it were not sold. Council Member Spradlin asked if there were anything legally wrong, and Clerk Garbutt stated there was not, her opinion was from her own beliefs. The vote on the motion was unanimous. (5-0).

**H: APPOINTMENT OF BOARD MEMBERS:**

Council Member Bailey stated he understood that there were some vacancies on several boards.

Council Member Bailey made a motion for Doyland Baird to return to the seat he now holds on the Board of Appeals. Council Member Dodd seconded the motion. The vote on the motion was unanimous. (5-0)

Council Member Bailey made a motion for Ed Phillips currently serving on the Appeals Board return to the Board. This was discussed and the vote was 5-0.

Council Member Bailey made a nomination for Bob Parris to return to his seat on the Planning and Zoning Board. The vote on the motion was 5-0.

Mayor Pro tem Davis nominated Tim Pugh to fill the seat vacated by Gary Chapman. This was discussed and determined that Mr. Chapman has not been asked if he wishes to remain on the Board. Mr. Pugh will resign from the Economic Development Board if necessary. After discussion Mayor Pro tem Davis withdrew this nomination and it will be reviewed next Council Meeting.

Mayor Pro tem Davis nominated Granville Betts to continue in his present position on the P&Z Board. The vote on the nomination was unanimous. (5-0)

Council Member Spradlin nominated Dave Edwards to fill one of the new seats on the Economic Development Board. Vote on the motion was unanimous. (5-0)

Council Member Bailey nominated Geraldine Cates to fill the other new seat on the Economic Development Board. Vote on the motion was unanimous. (5-0)

**I: LEASE POOL PARTICIPATION:**

Finance Director Garbutt reported that the Lease must be renewed each year to continue participation in the GMA Lease Pool. Council Member Dodd made the motion to renew the lease, seconded by Council Member Bailey. This was discussed and explained by Director Garbutt and passed unanimously. (5-0)

**J: ANNEXATION OF PROPERTY:**

Director Crowe presented an application to annex 24.663 acres on Highway 20. This has to be accepted before it can come before the P & Z Board. Council Member Spradlin made a motion to accept the application, seconded by Council Member Dodd. This was discussed with Director Crowe stating that it is a state law that the application must be approved by Council before it can come before the P & Z Board. This law became effective in 1993. The

vote on the motion was unanimous. (5-0)

**CITY CLERK'S REPORT:**

Clerk Garbutt reported staff is in the process of implementing the Occupational Tax Ordinance. (see attached report)

**CITY MANAGER'S REPORT:**

Manager Nevad stated the Department Heads are in the process of compiling the year end reports for the February Council Meeting. Performance appraisals have been completed.

The City has applied for a \$17,000.00 Sales Tax Refund on invoices from Lanier Contracting Co. for equipment used at the Waste Water Treatment Plant.

Over 100 new gas services have been installed since September and the City is in the process of constructing a two (2) inch gas line from Whitehead Road into the Bent Creek Subdivision. (see attached report)

**COUNCIL REPORTS:**

Council Member Stanley commented on the Lease Pool, which he thinks is another easy way to get money that is hard to pay back.

Council Member Spradlin stated that he took the time to knock on some doors to get an input from the citizens. He recommended that the other members of Council take time to do the same. He felt that Council would be enlightened by some of the citizens comments.

Council Member Bailey commended the Mayor on the order of the meeting and the leadership role he is assuming this year.

Mayor Pro tem Davis stated that he enjoyed the way the meeting was conducted tonight and appreciates the honor of being elected to the position of Mayor Pro tem. He stated that he wants the difference in his stipend to go to some community non-profit organization. Mayor Webster informed Mayor Pro tem Davis that he would receive the stipend and could do with it what he wished.

Council Member Dodd congratulated the Mayor for taking control of the Meeting tonight.

Mayor Webster expressed his thanks to the residents for their cooperation in the decorum of the meeting tonight.

**CITIZEN'S COMMENTS:**

Mrs. Gail Kelly expressed appreciation for Mr. Dave Edwards being placed as a member of the Economic Development Board. She asked if he could be sworn in so that he could attend the GMA

Meeting on Tuesday night in an official capacity.

Mr. Simon Johnson wished to comment on the way Mayor Webster conducted the meeting and stated he was glad to see the unanimous votes. Mayor Webster asked that Mr. Johnson not call any names when he was addressing Council. Mr. Johnson wished a good prosperous year for all citizens.

Mr. Bob Wagner commended the Mayor and Council for the conduct of the meeting. He expressed the appreciation of the Council in having the meeting on Cable TV, making the meeting accessible to all citizens whether they can attend in person or not. He asked that the Council not use the "Soap Box" of public office to influence anyone on any subject.

Mr. Herb Payne stated how much he appreciated the fact that he can be allowed to comment on his feelings on issues before the Council. He stated that he for one is not against the Landfill. His comments are directed toward following the legal steps necessary to have a Solid Waste Plan and a Landfill that is legal in every step. He asked for a schedule of events to be presented to the citizens and that the Council follow that schedule.

Mrs. Meg Avery commented on the conduct of the meeting but she was very disappointed that a public hearing on the Landfill was not passed. She expressed her dismay at the majority of the Council not wanting to hear what the citizen's have to say. She was appalled that a Council Member would say that a Task Force was not wanted. She also expressed her pleasure that there will be two (2) times for citizens to comment.

Mr. Al Suede stated that he has not been attending the Council Meeting, but made a special effort to attend this meeting after watching the December Meeting on Cable TV. He stated that the personal vendettas must stop whether by Council or citizens. He commented on the Landfill issue. He asked that something be done on the Landfill issue and do it now.

Mr. Ken Sackmar stated that decisions made concerning the landfill will effect many people not only the Council. He wanted to hear why the Council feels it is only for them to decide. He would like to see more businesses in the City, and wishes that the Council would listen to the citizens more.

Mr. Simon Johnson commented on the Golf Course Club House and feels that it is a need which must be met.

Council Member Spradlin wished to clarify the fact that the hearing by Mid American will be for the citizens to have a question and answer period. Council Member Bailey stated he hopes this will give us a step by step plan to follow in what must be done to keep everything in the proper perspective.

Mayor Pro tem Davis administered the Oath of Office to Mr. Dave Edwards as a member of the Economic Development Board.

Council Member Dodd made a motion to adjourn the meeting, seconded by Council Members Bailey and Stanley. The vote was unanimous. (5-0) The meeting adjourned at 10:26 P.M.



BALLOT  
MAYOR PRO TEM ELECTION  
JANUARY 9, 1995

FIRST CHOICE: REUBEN DAVIS

SECOND CHOICE: \_\_\_\_\_

THIRD CHOICE: \_\_\_\_\_

BALLOT  
MAYOR PRO TEM ELECTION  
JANUARY 9, 1995

FIRST CHOICE: Reuben Davis

SECOND CHOICE: Steven Boyer

THIRD CHOICE: \_\_\_\_\_

BALLOT  
MAYOR PRO TEM ELECTION  
JANUARY 9, 1995

FIRST CHOICE: \_\_\_\_\_

SECOND CHOICE: \_\_\_\_\_

THIRD CHOICE: \_\_\_\_\_

Reuben Davis



BALLOT  
MAYOR PRO TEM ELECTION  
JANUARY 9, 1995

FIRST CHOICE: Charles Spradlin

SECOND CHOICE: W.J. Dood

THIRD CHOICE: Jim Stanley

BALLOT  
MAYOR PRO TEM ELECTION  
JANUARY 9, 1995

FIRST CHOICE: CHUCK SPRADLIN

SECOND CHOICE: DIM STANLEY *write in candidate*

THIRD CHOICE: REUBEN DAVIS

TO: Betty Garbutt  
FROM: Kim Landers  
RE: MAYOR AND COUNCIL AGENDA ITEM  
PLANNING & ZONING BOARD MINUTES  
DATE: January 30, 1995

Please find the attached minutes from the January 23, 1995  
Planning & Zoning Board Meeting.

Please include these unofficial minutes with your February  
13, 1995 packets.

Thank you!

UNOFFICIAL

PLANNING AND ZONING BOARD  
MONDAY, JANUARY 23, 1995  
7:30 P.M.

M I N U T E S

Pledge to the flag.  
Meeting called to order at 7:00 p.m.

Attendance

Present: Acting Chairman Bob Parris, Board Members Rose Payne,  
and Granville Betts. Mayor Gary Webster and Liaison  
W.J. Dodd  
Absent: Chairman Jay Asgari and Vice Chairman Gary Chapman

Mayor Webster swears in Bob Parris and Granville Betts for their 3  
year term renewal.

Reading and Approval of Previous Minutes

Mr. Betts makes a motion to approve the November 21, 1994 minutes.  
Second to the motion Mrs. Payne. Vote unanimous.

Annexation/Rezoning Request

Annexation # AX-94-004/Rezoning# RZ-94-005

Baron Herman - Map Reference: 7-320-003 & 7-320-026. (24.663 acres)  
Mr. Herman is requesting this acreage to be added to the Arbor  
Close Subdivision which is already under development. This  
addition would increase the number of lots by 42± lots.

Mr. Betts makes a recommendation for the Mayor and Council to  
approve this annexation/rezoning request with a Zoning  
Classification of RS-150 and minimum house size of 2,000 sq. ft.

Second to the motion Mrs. Payne. Vote unanimous.

Rezoning Request

Rezoning # RZ-94-004

W.J. Dodd - Map Reference: 7-292-077. 5 acres.



UNOFFICIAL

PLANNING AND ZONING BOARD  
MONDAY, JANUARY 23, 1995  
7:30 P.M. MINUTES  
PAGE 2.

Ken Crowe briefs the board on Mr. Dodd's reasoning for this rezoning request.

Mrs. Payne makes a recommendation for the Mayor and Council to approve this rezoning request for the 5 acre tract to be rezoned from LM (Light Manufacturing) district to BG (General Business) district. The Board request upon submittal of the site plan, said plan shall be presented before the Board. Second to the motion Mr. Parris. Vote unanimous.

Mr. Dodd announced to the Board Members that he's been appointed the liaison for Planning & Zoning and for the Board of Appeals.

Adjournment

Mr. Parris makes a motion to adjourn. Second to the motion Mr. Betts. Vote unanimous.

Meeting adjourned 8:10 p.m.

*Kimberly B. Sanders*

*Done*  
*2*

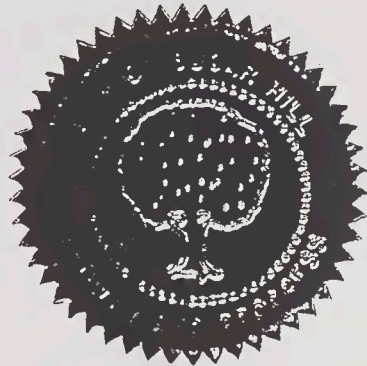
OATH OF OFFICE  
CITY OF SUGAR HILL

"I, Gary Chapman, do solemnly swear or affirm that I will support the Constitution of the United States, the Constitution of the State of Georgia, and the Charter and Ordinances of the City of Sugar Hill; and that I will, to the best of my ability, faithfully perform the duties of Boardmember for the Planning & Zoning Board during my continuance therein, so help me God."

\_\_\_\_\_  
Gary Chapman

\_\_\_\_\_  
Mayor Gary Webster

\_\_\_/\_\_\_/\_\_\_  
Date



OATH OF OFFICE  
CITY OF SUGAR HILL

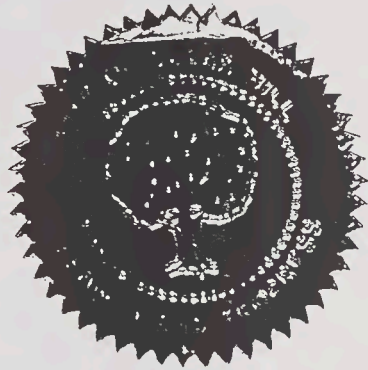
*Deed-Mounted  
Tim Pugh  
3/10/2*

"I, Tim Pugh, do solemnly swear or affirm that I will support the Constitution of the United States, the Constitution of the State of Georgia, and the Charter and Ordinances of the City of Sugar Hill; and that I will, to the best of my ability, faithfully perform the duties of Boardmember for the Planning & Zoning Board during my continuance therein, so help me God."

\_\_\_\_\_  
Tim Pugh

\_\_\_\_\_  
Mayor Gary Webster

\_\_\_\_/\_\_\_\_/\_\_\_\_  
Date



TO: Betty Garbutt  
FROM: Kim Landers  
RE: MAYOR AND COUNCIL AGENDA ITEM  
SCOTT HUDGES - REZONING  
DATE: January 30, 1995

This is to inform you that as per my conversation with Lee Thompson, the Scott Huges Annexation/Rezoning needs to be placed upon the Agenda in order to re-hear the Rezoning.

Mr. Thompson also advised me to;

- Post the notice on the property 15 days prior to the Mayor & Council Meeting.
- Run legal ad (attached) for "1" Friday 15 days prior to the February 13, 1995 Mayor and Council Meeting. This ad ran Friday, January 27, 1995.

Mr. Thompson should be contacting you for further direction.

Thank you!

cc: Lee Thompson  
Ken Crowe



JASON - This ad should be changed to read as follows:

NOTICE TO PUBLIC

Notice is hereby given to the public that an application has been filed with the City of Sugar Hill, Georgia requesting that Official Zoning Map of the City of Sugar Hill be amended. The application requests that the property described below which was annexed into the City on January 9, 1995 be zoned AF (Agricultural Forest District). The property is presently zoned R100 in Gwinnett County. The property is described as follows:

PARCEL 1  
TRACT A

All that tract or parcel of land lying and being in Land Lots 348 and 365 of the 7th District of Gwinnett County, Georgia containing 58.20 acres more or less being the same property described in a Warranty Deed from Margie Head Pirkle to United States of America dated September 11, 1979 recorded in Deed Book 1790, Page 294 which deed is incorporated herein by reference for a more particular description. Less and Except: that property lying and being in Land Lot 365 of the 7th Land District of Gwinnett County, Georgia containing 2.33 acres and being designated as Tract 10 on that certain plat of survey prepared for Guy Finley and Barron Herman, Inc. dated October 9, 1987, last revised November 4, 1987 which plat is recorded at Plat Book 44, Page 196, Gwinnett County, Georgia Records which plat is incorporated herein by reference for a more particular description.

TRACT B

All that tract or parcel of land lying and being in Land Lots 366 and 367 of the 7th Land District of Gwinnett County, Georgia and being designated as Tract No. 1 containing 25.83 acres; Tract No. 2 containing 38.52 acres; Tract No. 3 containing 12.59 acres; Tract No. 4 containing 0.99 acres and Tract No. 5 containing 0.97 acres as shown on a plat of survey prepared for Guy Finley and Barron Herman, Inc. dated October 9, 1987, last revised November 4, 1987 which plat is recorded at Plat Book 44, Page 196, Gwinnett County, Georgia Records which plat is incorporated herein by reference for a more particular description.

TRACT C

All that tract or parcel of land lying and being in Land Lots 365, 366, 368 and 369 of the 7th Land District of Gwinnett County, Georgia containing 297.44 acres more or less and being described as Tract 113-08 in a Trustee's Deed to the United States of America dated July 23, 1979 recorded in Deed Book 1754, Page 141 which deed is incorporated herein by reference for a more particular description.

Said application also requests that the property described below which was annexed into the City on January 9, 1995, be zoned P.U.D. (Planned Unit Development). The property is presently zoned R100 (Single Family Residential District) in Gwinnett County. The property is described as follows:

PARCEL 2

All that tract or parcel of land lying and being in Land Lot 364, 365, 348, and 349 of the 7th Land District, Gwinnett County, Georgia, containing 211.674 acres more or less and being more particularly described as follows:

Beginning at the land lot corner common to Land Lots 364, 365, 369 and 370; thence following the land lot line common to Land Lots 364 and 365 in a southeasterly direction, 326.23 feet to the TRUE POINT OF BEGINNING; thence South 30° 21' 04" East, a distance of 1309.81 feet to a point; thence North 61° 15' 00" East, a distance of 1670.07 feet to a point; thence South 29° 27' 37" East, a distance of 1010.22 feet to a point; thence South 60° 46' 17" West, a distance of 828.72 feet to a point; thence South 29° 13' 10" East, a distance of 866.01 feet to a point on the western margin of the 80 foot right-of-way of Suwanee Dam Road; thence following along the western margin of the 80 foot right-of-way of Suwanee Road along the arc of a curve to the right, said curve having a chord bearing and distance of South 25° 46' 02" West, 56.21 feet to a point; thence South 27° 11' 44" West, a distance of 145.00 feet to a point; thence along the arc of a curve to the right, said curve having a chord bearing and distance of South 36° 10' 03" West, 546.54 feet to a point; thence South 45° 08' 21" West, a distance of 270.00 feet to a point; thence along the arc of a curve to the left, said curve having a chord bearing and distance of South 41° 39' 55" West, 187.96 feet to a point; thence departing the western margin of the 80 foot right-of-way of Suwanee Dam Road North 34° 26' 00" West, a distance of 408.06 feet to a point; thence South 35° 31' 23" West, 374.77 feet to a point; thence North 34° 57' 23" West, a distance of 638.62 feet to a point; thence along the arc of a curve to the right, said curve having a chord bearing and distance of North 61° 18' 53" West, 89.60 feet to a point; thence South 76° 56' 04" West, a distance of 224.35 feet to a point; thence South 59° 48' 15" West, a distance of 300.00 feet to a point; thence North 78° 17' 41" West, a distance of 1060.00 feet to a point; thence North 34° 12' 19" East, a distance of 225.00 feet to a point; thence along the arc of a curve to the right, said curve having a chord bearing and distance of North 00° 13' 04" West, 77.09 feet to a point; thence North 69° 17' 41" West, a distance of 315.00 feet to a point; thence South 35° 42' 19" West, a distance of 360.00 feet to a point; thence North 78° 17' 41" West, a distance of 1169.18 feet to a point; thence North 17° 29' 57" East, a distance of 247.22 feet to a point; thence North 58° 04' 27" West, a distance of 82.02 feet to a point on the centerline of a branch; thence following along the centerline of the branch, 1713 feet more or less in a northerly direction to a point; thence departing said branch North 52° 29' 22" East, a distance of 850.83 feet to a point; thence North 60° 41' 30" East, a distance of 889.91 feet to the TRUE POINT OF BEGINNING.

A public hearing on the zoning of the above-referenced properties will be held in the Council Chambers located in the Sugar Hill Community Center, 4988 West Broad Street, Sugar Hill, Georgia on Monday, February 13, 1995 at 7:30 p.m. The public is invited and encouraged to attend.

This ad is to be run 1-27-95 only!

Thanks,

Should you have any questions Kim

ORDINANCE FOR ANNEXATION

THE COUNCIL OF THE CITY OF SUGAR HILL HEREBY ORDAINS:

WHEREAS, the City of Sugar Hill did receive an application to have lands annexed into the existing corporate limits of the City of Sugar Hill, Georgia; and

WHEREAS, it appears to the governing body of The City of Sugar Hill, Georgia, that the area proposed to be annexed is contiguous to the existing corporate limits of the City of Sugar Hill, as required by O.C.G.A. §36-36-31, that the applicants represent not less than sixty percent (60%) of the owners and resident electors of the land area proposed to be annexed and that said application complies with the laws of the State of Georgia; and

WHEREAS, a public hearing was held on said application for annexation and on the proposed zoning of the area to be annexed on February 13, 1995; and

WHEREAS, prior to said public hearing the City of Sugar Hill, Georgia did prepare a report setting forth its plans to provide services to the area to be annexed as required by the Official Code of Georgia Annotated §36-36-35; and

WHEREAS, the governing body of the City of Sugar Hill, Georgia has determined that the annexation of the area proposed to be annexed would be in the best interests of the residents and property owners of the area proposed for annexation and of the citizens of the City of Sugar Hill, Georgia and

BE IT, THEREFORE, ordained that the following described lands to be and the same hereby are, annexed to the existing corporate limits of the City of Sugar Hill, Georgia, and the same shall hereafter constitute a part of the lands within the corporate limits of the City of Sugar Hill, Georgia, to wit:

All that tract or parcel of land more particularly described on Exhibit A which is attached hereto and incorporated herein by reference;



A plat of said property is attached hereto as Exhibit B and made a part of this ordinance and incorporated herein by reference.

WHEREAS, the governing body of the City of Sugar Hill, Georgia has determined that the proper zoning classification for the area proposed to be annexed is RS-150 (Low Density Single Family Residential District).

BE IT FURTHER ORDAINED THAT "The Zoning Ordinance of the City of Sugar Hill" is hereby amended by adding to the official zoning map adopted by the Ordinance that area annexed by this Ordinance and by classifying that area as RS-150 (Low Density Single Family Residential District) on said Official Zoning Map subject to the conditions as follows;

- 2,000 square feet minimum house size.

BE IT FURTHER ORDAINED that the Clerk of the City of Sugar Hill certify a copy hereof and file the same with the Secretary of State for the State of Georgia, pursuant to the provisions of Official Code of Georgia, §36-36-38(a).

IT IS SO ORDAINED, this 13th day of February, 1995.



[Signature]  
COUNCIL MEMBER

Charles A. Spradell  
COUNCIL MEMBER

[Signature]  
COUNCIL MEMBER

[Signature]  
COUNCIL MEMBER

James B. Standley  
COUNCIL MEMBER

ATTEST:

Beverly Gaskins  
City Clerk

(MAYORS APPROVAL ON FOLLOWING PAGE)



APPROVED BY

*Harry S. White*  
MAYOR \_\_\_\_\_

This 13th day of February, 1995.

Delivered to the Mayor 2-13-95

Received from Mayor 2-13-95

ATTEST:

*Betty M. Gardner*  
\_\_\_\_\_  
City Clerk

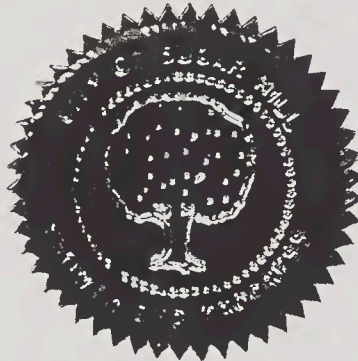


EXHIBIT "B"

LEGAL DESCRIPTION

ARBOR CLOSE, TRACT 2  
AREA = 24.663 ACRES  
NOVEMBER 9, 1994

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 320 OF THE 7TH DISTRICT, GWINNETT COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF GEORGIA HIGHWAY 20 AND THE CENTERLINE OF WHITEHEAD DRIVE (IF THE RIGHT-OF-WAY LINE WAS EXTENDED TO INTERSECT THE CENTERLINE AT A POINT), THENCE EASTERLY ALONG SAID SOUTH RIGHT-OF-WAY LINE OF GEORGIA HIGHWAY 20 A DISTANCE OF 242.50 FEET TO A POINT ON SAID RIGHT-OF-WAY LINE, SAID POINT BEING THE "TRUE POINT OF BEGINNING" OF TRACT HEREIN DESCRIBED AS FOLLOWS:

THENCE CONTINUE SOUTH 88 DEGREES 08 MINUTES 43 SECONDS EAST ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 618.18 FEET TO A POINT;

THENCE SOUTH 30 DEGREES 39 MINUTES 55 SECONDS WEST LEAVING SAID RIGHT-OF-WAY LINE A DISTANCE OF 202.69 FEET TO A POINT;

THENCE SOUTH 30 DEGREES 22 MINUTES 41 SECONDS EAST A DISTANCE OF 1,631.33 FEET TO A POINT;

THENCE NORTH 72 DEGREES 02 MINUTES 22 SECONDS WEST A DISTANCE OF 1,328.54 FEET TO A POINT;

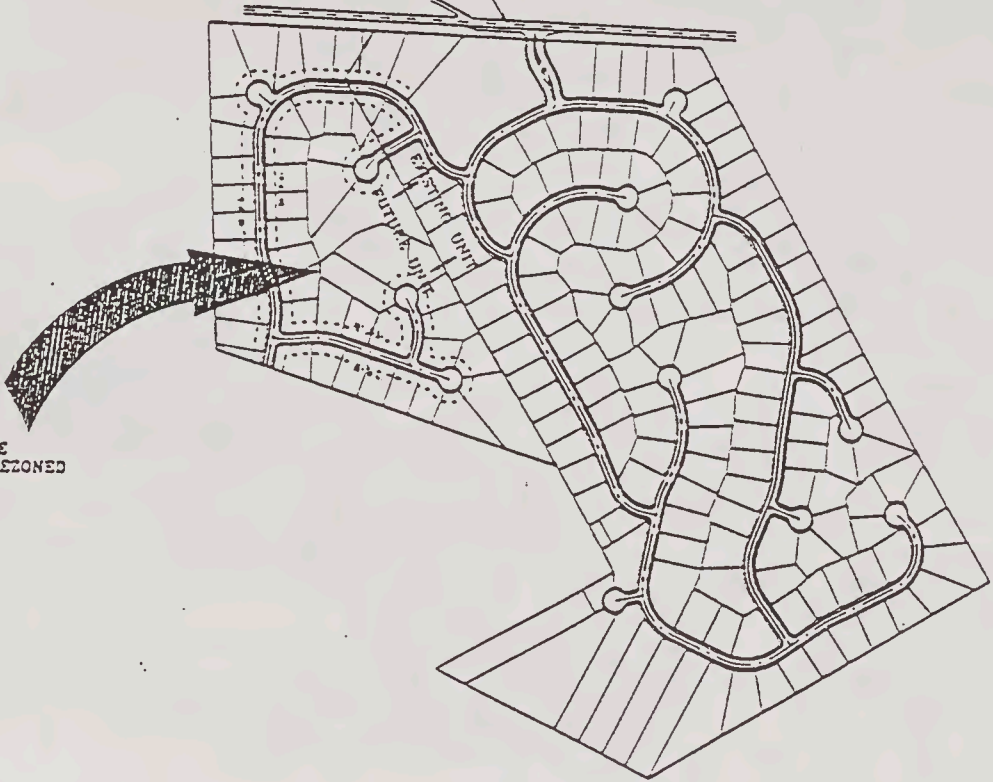
THENCE NORTH 03 DEGREES 34 MINUTES 40 SECONDS WEST A DISTANCE OF 363.92 FEET TO A POINT;

THENCE NORTH 03 DEGREES 39 MINUTES 18 SECONDS WEST A DISTANCE OF 830.53 FEET TO A POINT, SAID POINT ALSO BEING THE "TRUE POINT OF BEGINNING" OF SAID TRACT.

**NOTES**

1. APPROVE THE TOTAL AREA TO BE ANNEXED AND FUTURE DEVELOPMENT, THE NEIGHBORLY ADJACENT AND THE ROAD SYSTEM, IN ACCORDANCE WITH THE CITY OF ARBOR CLOSE, INC.
2. ALL LOT FRONTAGE AND ALL FUTURE FRONTAGE AND ALL LOT AREA SHALL BE MAINTAINED AS IS TO THE LEFT AND UP TO THE LINE OF ADJACENCY.
3. LOT TO BE ANNEXED TO THE EASTERN UNIT SHALL BE ANNEXED TO THE EASTERN UNIT AND SHALL BE ANNEXED TO THE EASTERN UNIT AND SHALL BE ANNEXED TO THE EASTERN UNIT.
4. FUTURE DEVELOPMENT OF THE SITE SHALL BE SUBJECT TO THE APPROVAL OF THE CITY OF ARBOR CLOSE, INC. AND SHALL BE SUBJECT TO THE APPROVAL OF THE CITY OF ARBOR CLOSE, INC.

OLD CANTON RD  
 2A, MHT. 20  
 200' APR. 20' ADJACENT



AREA TO BE ANNEXED/REZONED

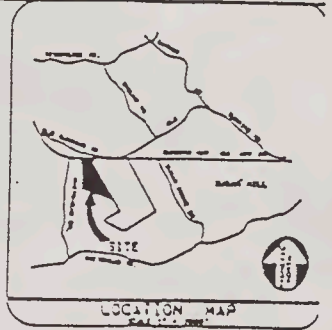
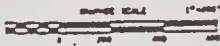


EXHIBIT "C"



**OWNER & DEVELOPER**  
 VAN BENT VINCEN INC.  
 111 W. 10th St.  
 ARBOR CLOSE, MI 48106

CIVIL DESIGN, INC.	
REGISTERED PROFESSIONAL ENGINEERS	
ARBOR CLOSE, MI 48106	
<b>ARBOR CLOSE FUTURE UNIT</b>	
DATE OF PLAN	APRIL 20, 2000
DATE OF REVISION	
PROJECT NO.	
SCALE	AS SHOWN





ORDINANCE

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

WHEREAS, the City of Sugar Hill did receive an application to have lands annexed into the existing corporate limits of the City of Sugar Hill, Georgia; and

WHEREAS, it appears to the governing body of the City of Sugar Hill, Georgia, that the area proposed to be annexed is sufficiently contiguous to the existing corporate limits of the City of Sugar Hill, as required by O.C.G.A. §36-36-31, that the applicants represent not less than sixty percent (60%) of the owners and resident electors of the land area proposed to be annexed and that said application complies with the laws of the State of Georgia; and

WHEREAS, a public hearing was held on said application for annexation on December 12, 1994 and a public hearing was held on the proposed zoning on January 9, 1995; and

WHEREAS, prior to said annexation public hearing the City of Sugar Hill, Georgia, did prepare a report setting forth its plans to provide services to the area to be annexed as required by the Official Code of Georgia Annotated §36-36-35; and

WHEREAS, the governing body of the City of Sugar Hill, Georgia, has determined that the annexation of the area proposed to be annexed would be in the best interests of the residents and property owners of the area proposed for annexation and of the citizens of the City of Sugar Hill, Georgia;

BE IT, THEREFORE, ORDAINED that the following described lands be and the same hereby are, annexed to the existing corporate limits of the City of Sugar Hill, Georgia, and the same shall hereafter constitute a part of the lands within the corporate limits of the City of Sugar Hill, Georgia, to-wit:

All that tract or parcel of land more particularly described on Exhibit  
A which is attached hereto and incorporated herein by reference.

A plat of said property is attached hereto as Exhibit B and made a part of this ordinance and incorporated herein by reference.

WHEREAS, the governing body of the City of Sugar Hill, Georgia, has determined that the proper zoning classification for the areas to be annexed are: Agricultural and Forest District (AF) for Parcel 1 and RS-150 / PUD ( ) for Parcel 2.

BE IT FURTHER ORDAINED that the Zoning Ordinance of the City of Sugar Hill is

hereby amended by adding to the Official Zoning Map adopted by the Ordinance, the area annexed by this Ordinance and designated as Parcel 1 Traets A, B and C as described on Exhibit A which is attached hereto and incorporated herein by reference and by classifying said area as Agricultural and Forest District (AF); and by adding to the Official Zoning Map adopted by the Ordinance the area annexed by this Ordinance and designated as Parcel 2 as described on Exhibit A which is attached hereto and incorporated herein by reference, and by classifying said area as \_\_\_\_\_ RS-150 / PUD ( \_\_\_\_\_ ) on said Official Zoning Map subject to the conditions which are set forth on Exhibit C which is attached hereto and incorporated herein by reference.

BE IT FURTHER ORDAINED that the Clerk of the City of Sugar Hill certify a copy hereof and file the same with the Secretary of State for the State of Georgia, pursuant to the provisions of Official Code of Georgia, §36-36-38(a).

IT IS SO ORDAINED, this 9th day of January, 1995.



[Signature]  
Council Member

[Signature]  
Council Member

[Signature]  
Council Member

[Signature]  
Council Member

[Signature]  
Council Member

ATTEST:

[Signature]  
City Clerk

(MAYOR'S APPROVAL ON FOLLOWING PAGE)

APPROVED BY

Henry J. White  
MAYOR

This 9<sup>th</sup> day of JAN, 1994.

Delivered to the Mayor 1-9-95

Received from Mayor 1-9-95

ATTEST:

Betty Bartlett  
CITY CLERK

## EXHIBIT A

### PARCEL 1 TRACT A

All that tract or parcel of land lying and being in Land Lots 348 and 365 of the 7th District of Gwinnett County, Georgia containing 58.20 acres more or less being the same property described in a Warranty Deed from Margie Head Pirkle to United States of America dated September 11, 1979 recorded in Deed Book 1790, Page 294 which deed is incorporated herein by reference for a more particular description. Less and Except: that property lying and being in Land Lot 365 of the 7th Land District of Gwinnett County, Georgia containing 2.33 acres and being designated as Tract 10 on that certain plat of survey prepared for Guy Finley and Barron Herman, Inc. dated October 9, 1987, last revised November 4, 1987 which plat is recorded at Plat Book 44, Page 196, Gwinnett County, Georgia Records which plat is incorporated herein by reference for a more particular description.

### TRACT B

All that tract or parcel of land lying and being in Land Lots 366 and 367 of the 7th Land District of Gwinnett County, Georgia and being designated as Tract No. 1 containing 25.83 acres; Tract No. 2 containing 38.52 acres; Tract No. 3 containing 12.59 acres; Tract No. 4 containing 0.99 acres and Tract No. 5 containing 0.97 acres as shown on a plat of survey prepared for Guy Finley and Barron Herman, Inc. dated October 9, 1987, last revised November 4, 1987 which plat is recorded at Plat Book 44, Page 196, Gwinnett County, Georgia Records which plat is incorporated herein by reference for a more particular description.

### TRACT C

All that tract or parcel of land lying and being in Land Lots 365, 366, 368 and 369 of the 7th Land District of Gwinnett County, Georgia containing 297.44 acres more or less and being described as Tract 113-08 in a Trustee's Deed to the United States of America dated July 23, 1979 recorded in Deed Book 1754, Page 141 which deed is incorporated herein by reference for a more particular description.

### PARCEL 2

All that tract or parcel of land lying and being in Land Lot 364, 365, 348, and 349 of the 7th Land District, Gwinnett County, Georgia, containing 211.674 acres more or less and being more particularly described as follows:

Beginning at the land lot corner common to Land Lots 364, 365, 369 and 370; thence following the land lot line common to Land Lots 364 and 365 in a southeasterly direction, 326.23 feet to the TRUE POINT OF BEGINNING; thence South 30° 21' 04" East, a distance of 1309.81 feet to a point; thence North 61° 15' 00" East, a distance of 1670.07 feet to a point; thence South 29° 27' 37" East, a distance of 1010.22 feet to a point; thence South 60° 46' 17" West, a distance of 828.72 feet to a point; thence South 29° 13' 10" East, a distance of 866.01 feet to a point on the western margin of the 80 foot right-of-way of



Suwanee Dam Road; thence following along the western margin of the 80 foot right-of-way of Suwanee Road along the arc of a curve to the right, said curve having a chord bearing and distance of South 25° 46' 02" West, 56.21 feet to a point; thence South 27° 11' 44" West, a distance of 145.00 feet to a point; thence along the arc of a curve to the right, said curve having a chord bearing and distance of South 36° 10' 03" West, 546.54 feet to a point; thence South 45° 08' 21" West, a distance of 270.00 feet to a point; thence along the arc of a curve to the left, said curve having a chord bearing and distance of South 41° 39' 55" West, 187.96 feet to a point; thence departing the western margin of the 80 foot right-of-way of Suwanee Dam Road North 34° 26' 00" West, a distance of 408.06 feet to a point; thence South 35° 31' 23" West, 374.77 feet to a point; thence North 34° 57' 23" West, a distance of 638.62 feet to a point; thence along the arc of a curve to the right, said curve having a chord bearing and distance of North 61° 18' 53" West, 89.60 feet to a point; thence South 76° 56' 04" West, a distance of 224.35 feet to a point, thence South 59° 48' 15" West, a distance of 300.00 feet to a point; thence North 78° 17' 41" West, a distance of 1060.00 feet to a point; thence North 34° 42' 19" East, a distance of 225.00 feet to a point; thence along the arc of a curve to the right, said curve having a chord bearing and distance of North 00° 13' 04" West, 77.09 feet to a point; thence North 69° 17' 41" West, a distance of 315.00 feet to a point; thence South 35° 42' 19" West, a distance of 360.00 feet to a point; thence North 78° 17' 41" West, a distance of 1169.18 feet to a point; thence North 17° 29' 57" East, a distance of 247.22 feet to a point, thence North 58° 04' 27" West, a distance of 82.02 feet to a point on the centerline of a branch; thence following along the centerline of the branch, 1713 feet more or less in a northerly direction to a point; thence departing said branch North 52° 29' 22" East, a distance of 850.83 feet to a point; thence North 60° 41' 30" East, a distance of 889.91 feet to the TRUE POINT OF BEGINNING.

All of said parcels being more particularly shown on an annexation exhibit prepared for D. Scott Hudgens, III by Development Consultants Group dated October 21, 1994 which annexation exhibit is incorporated herein by reference.

EXHIBIT B

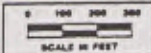
PLAT - ANNEXATION EXHIBIT



PRELIMINARY PLAN  
**SUWANEE DAM ROAD TRACT**  
GWINNETT COUNTY, GEORGIA

FRANZMAN/DAVIS  
& ASSOCIATES, Inc.  
LAND PLANNERS • ARCHITECTS • ENGINEERS  
1000 WOODBRIDGE DRIVE  
ALPHARETTA, GEORGIA 30201

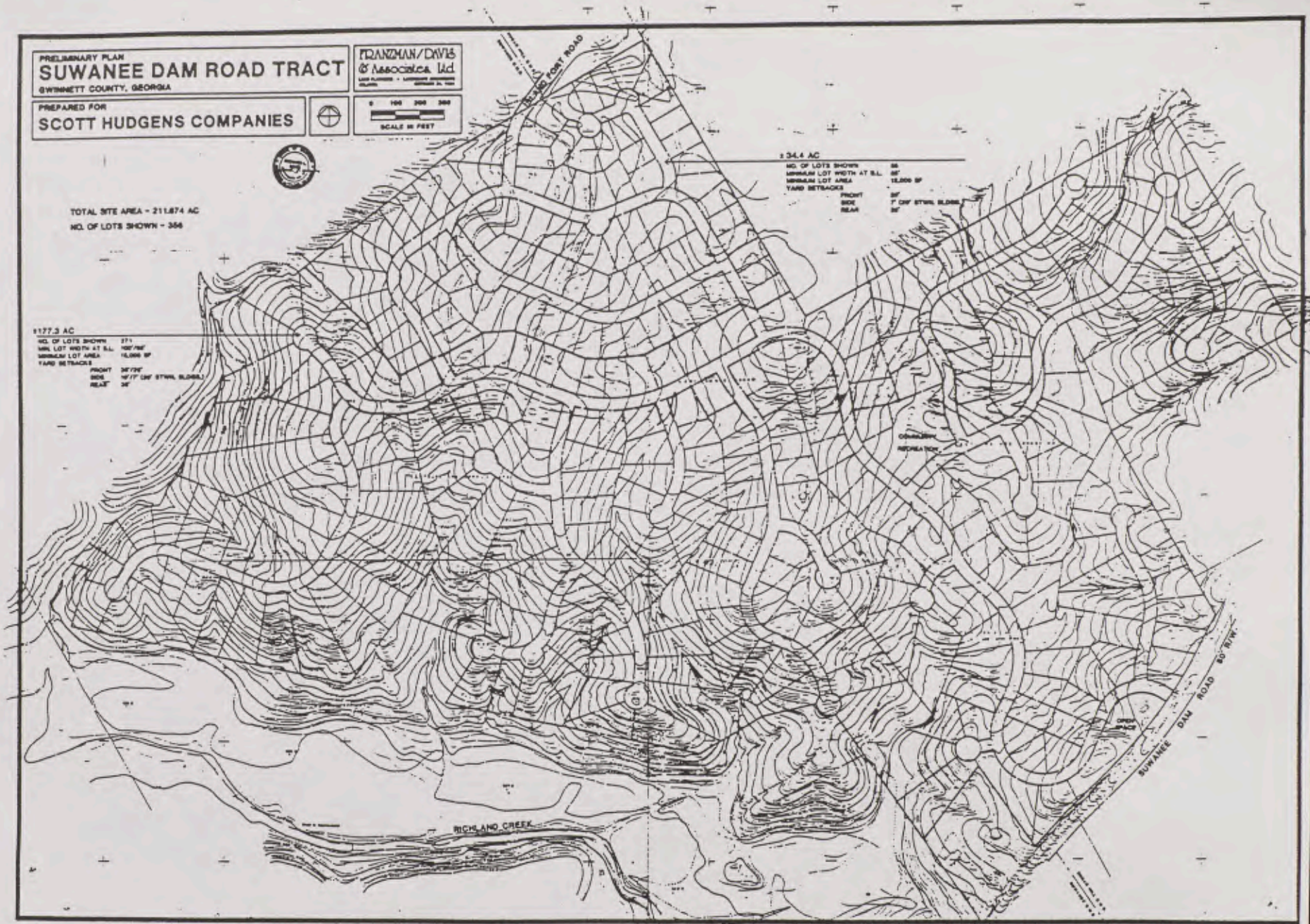
PREPARED FOR  
**SCOTT HUDGENS COMPANIES**



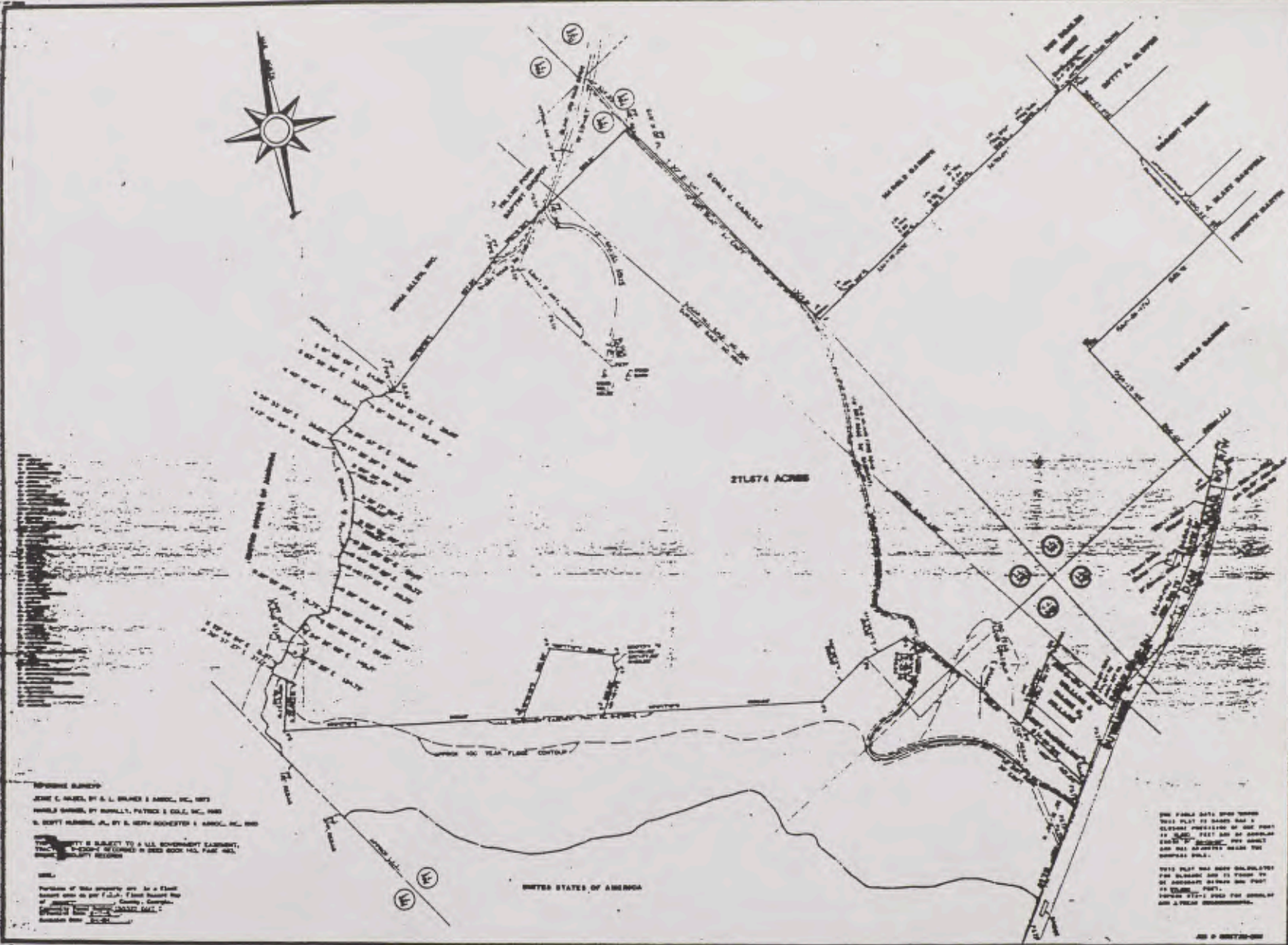
TOTAL SITE AREA - 211,874 AC  
NO. OF LOTS SHOWN - 366

1177.3 AC  
NO. OF LOTS SHOWN 371  
MIN. LOT WIDTH AT R.L. 100' MIN.  
MINIMUM LOT AREA 16,000 SF  
YARD SETBACKS  
FRONT 30' MIN.  
SIDE 10' MIN.  
REAR 20' MIN.

134.4 AC  
NO. OF LOTS SHOWN 88  
MINIMUM LOT WIDTH AT R.L. 80' MIN.  
MINIMUM LOT AREA 12,000 SF  
YARD SETBACKS  
FRONT 30' MIN.  
SIDE 10' MIN.  
REAR 20' MIN.







JAMES C. HANCOCK, BY S. L. BRADY & ASSOC., INC. 1973  
 MARCO BARBER, BY RUSSELL, PATRICK & CO., INC. 1968  
 S. SCOTT HARRIS, JR., BY S. HENRY ROBERTSON & ASSOC., INC. 1968

THIS PROPERTY IS SUBJECT TO A U.S. GOVERNMENT EASEMENT,  
 WHICH IS DESCRIBED IN DEED BOOK 162, PAGE 162,  
 DECEMBER 15, 1954.

PORTION OF THIS PROPERTY ARE IN A FLOOD  
 HAZARD AREA AS SHOWN ON THE FLOOD HAZARD MAP  
 OF THE UNITED STATES OF AMERICA, DEPARTMENT  
 OF COMMERCE, NATIONAL SEA AND COASTAL ADMINISTRATION,  
 WASHINGTON, D.C.

THE ABOVE AREA SHOWN THEREON  
 WAS PLAT TO SHOW THE  
 EXISTING POSSESSION OF THE PART  
 TO BE PLAT, AND AN ADJACENT  
 PART OF SAID AREA, AND WAS  
 NOT INTENDED TO BE A  
 SURVEY OF SAID AREA.

THIS PLAT WAS MADE CALCULATED  
 FOR SQUARE FEET AND IS THEREBY  
 AN APPROXIMATE PLAT AND NOT  
 A SURVEY.

400 0 0000000000



EXHIBIT C

ZONING CONDITIONS

Zoning Classification of RS-150/PUD for the total 211 acres with,

- Minimum 100' lot width at the building line.
- Minimum lot area of 15,000 square feet.
- Minimum 1600 square feet for house size.
- Ability to alter by "any" or "all" of the below variations with a 30% of overall lot maximum accumulation allowed - Alterations are as follows;
  - reducing lot width to 85' at the building line.
  - reducing the front set back to 25'.
  - reducing the side yard set back to 7', with the condition that a 20' distance is maintained between houses, which will be the developers responsibility to police this 20' distance by providing foundation surveys and/or house location plans prior to the issuance of building permits.

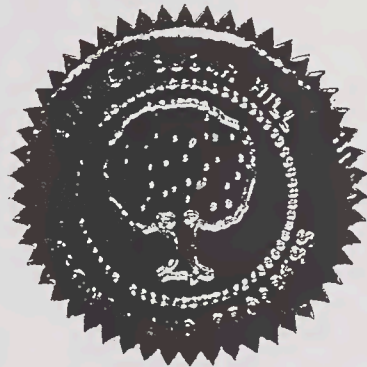
OATH OF OFFICE  
CITY OF SUGAR HILL

"I, Ed Phillips, do solemnly swear or affirm that I will support the Constitution of the United States, the Constitution of the State of Georgia, and the Charter and Ordinances of the City of Sugar Hill; and that I will, to the best of my ability, faithfully perform the duties of Boardmember for the Planning & Zoning Board of Appeals during my continuance therein, so help me God."

\_\_\_\_\_  
Ed Phillips

\_\_\_\_\_  
Mayor Gary Webster

\_\_\_\_/\_\_\_\_/\_\_\_\_  
Date



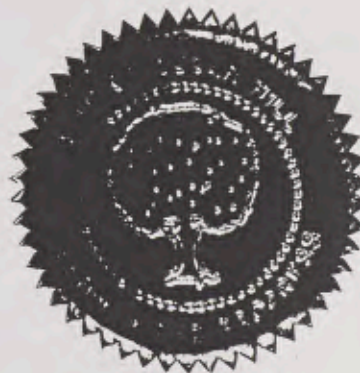
OATH OF OFFICE  
CITY OF SUGAR HILL

"I, Doland Baird, do solemnly swear or affirm that I will support the Constitution of the United States, the Constitution of the State of Georgia, and the Charter and Ordinances of the City of Sugar Hill; and that I will, to the best of my ability, faithfully perform the duties of Boardmember for the Planning & Zoning Board of Appeals during my continuance therein, so help me God."

\_\_\_\_\_  
Doland Baird

\_\_\_\_\_  
Mayor Gary Webster

\_\_\_/\_\_\_/\_\_\_  
Date



*Josh  
Spencer  
5-0*

OCCUPATION TAX ORDINANCE  
AMENDMENT

WHEREAS, an ordinance was passed December 27th, 1994 governing occupation taxes and license fees, and

WHEREAS, the ordinance contained a typographical error in Section 4 "Occupation Tax Levied; Restrictions," subsection (B) listing the Profit/Tax Class 2 tax rate on gross receipts of .0045%;

Such Occupation Tax Ordinance is hereby amended to strike the tax rate on gross receipts of Profit/Tax Class 2 such rate being listed as .0045%, and replacing the tax rate instead of .00045% such that the ordinance shall read:

<u>Profit Class</u>	<u>Tax Rate On Gross Receipts</u>
Profit/Tax Class 1	.00040%
Profit/Tax Class 2	.00045%
Profit/Tax Class 3	.00050%

IT IS SO ORDAINED, this \_\_\_\_\_ day of February, 1995.

\_\_\_\_\_  
Council Member

\_\_\_\_\_  
Council Member

\_\_\_\_\_  
Council Member

\_\_\_\_\_  
Council Member

\_\_\_\_\_  
Council Member

ATTEST: \_\_\_\_\_  
City Clerk

Submitted to Mayor: \_\_\_\_\_

Approved by Mayor, this \_\_\_\_\_ day of \_\_\_\_\_, 1995.

\_\_\_\_\_  
Mayor



**FINANCE OFFICER'S REPORT  
COUNCIL MEETING  
FEBRUARY 13, 1995**

The amount of unpaid 1994 Property Taxes is \$28,586.27 thru January 31, 1995. We will notify those who have not paid by the end of February, that FI FA's will be issued on all unpaid taxes.

We are in the process of closing out the books for 1994. All reports have been sent to Rymon Wilborn. Hopefully the Audit will be done by March 15, 1995. Rymon's firm is already working on the Audit.

Kelly Canady, from Rymon's office will begin work with the City on February 20, 1995 as the Internal Auditor and bookkeeper. She is going to be an asset to the Finance Department as well as to other areas in the City.

You have in your hands the Proposed Cash Flow Reports for 1995. You will also be given an Actual Cash Flow Statement each month. I have also prepared the Year to Date to Budget comparing the same period in 1994 to 1995 and also giving percentage of Budget used to date.

Ruth Switzer is working on her Level I Finance Officer Certification. She has two (2) more courses to take to earn that certification.

I will be receiving my Level II Certification on Thursday, February 9th in Athens. I am the 34th Level II Certified Finance Officer in the State. I am very proud of this and I appreciate your support of me in this endeavor. Thank you for allowing me to continue my training to remain certified as a Clerk and Finance Officer.

I think you will see by the expenditures for January that our Department Heads are trying to be very frugal and I really appreciate their efforts.

## REVENUES/INCOME AND EXPENDITURES/EXPENSES REPORT 1995

JANUARY

DEPARTMENT: BUDGET '95: '94YTD: '95YTD: PERCENT: NET '95  
'95YTD: YTD-BUDGET:

Administration:					
Revenues	\$980,000	\$21,585	\$141,827	14.47%	\$838,173
Expenditures	\$749,624	\$61,473	\$35,033	4.67%	\$714,591
Net Income:	\$230,376	(\$39,888)	\$106,794	46.36%	\$123,582
Inspections:					
Revenues	\$87,500	\$4,827	\$3,778	4.32%	\$83,722
Expenditures	\$106,521	\$4,384	\$6,641	6.23%	\$99,880
Net Income:	(\$19,021)	\$443	(\$2,863)	15.05%	(\$16,158)
Street:					
Revenues	\$67,300	\$26	\$6	0.01%	\$67,294
Expenditures	\$260,641	\$14,470	\$16,228	6.23%	\$244,413
Net Income:	(\$193,341)	(\$14,444)	(\$16,222)	8.39%	(\$177,119)
Sanitation:					
Income	\$347,605	\$22,277	\$25,915	7.46%	\$321,690
Expenses	\$325,525	\$26,723	\$19,634	6.03%	\$305,891
Net Income:	\$22,080	(\$4,446)	\$6,281	28.45%	\$15,799
Gas:					
Income	\$2,409,100	\$415,000	\$354,425	14.71%	\$2,054,675
Expenses	\$1,910,915	\$189,465	\$214,920	11.25%	\$1,695,995
Net Income:	\$498,185	\$225,535	\$139,505	28.00%	\$358,680
Water:					
Income	\$670,250	\$50,227	\$55,601	8.30%	\$614,649
Expenses	\$579,980	\$42,905	\$12,866	2.22%	\$567,114
Net Income:	\$90,270	\$7,322	\$42,735	47.34%	\$47,535
Sewer:					
Income	\$945,750	\$35,144	\$43,295	4.58%	\$902,455
Expenses	\$1,441,538	\$247,941	\$66,347	4.60%	\$1,375,191
Net Income:	(\$495,788)	(\$212,797)	(\$23,052)	4.65%	(\$472,736)
Golf:					
Income	\$803,100	\$18,152	\$23,147	2.88%	\$779,953
Expenses	\$832,101	\$41,406	\$39,889	4.79%	\$792,212
Net Income:	(\$29,001)	(\$23,254)	(\$16,742)	57.73%	(\$12,259)
Total Income:	\$6,310,605	\$567,238	\$647,994	10.27%	\$5,662,611
Total Expenditures/ Expenses	\$6,206,845	\$628,767	\$411,558	6.63%	\$5,795,287
Variances	\$103,760	(\$61,529)	\$236,436	227.87%	(\$132,676)













THIS REPORT WAS PRINTED ON FEBRUARY 6, 1995

CITY OF SUGAR HILL

PERMIT TYPE AND DESCRIPTION	# OF PERMITS	VALUATION	FEES DUE	FEES PAID
AV - ADMINISTRATIVE VARIANCE	1	0.00	150.00	150.00
CM - COMMERCIAL PERMIT	1	0.00	485.00	485.00
EC - ENERGY CODE APPIDAVIT	8	0.00	0.00	0.00
EL - ELECTRICAL APPADAVIT	12	0.00	0.00	0.00
FP - FENCE PERMIT	2	0.00	0.00	0.00
ME - HEATING/AIR APPADAVIT	7	0.00	0.00	0.00
MH - MOBILE HOME INSTALLER APPIDAVIT	1	0.00	0.00	0.00
MI - COMPLIANCE PERMIT	5	0.00	100.00	100.00
MN - MOBILE HOME INSPECTION NEW	4	0.00	400.00	400.00
PL - PLUMBING APPADAVIT	7	0.00	0.00	0.00
SF - SINGLE FAMILY RESIDENTIAL	8	619,528.00	14,608.00	14,608.00
TL - TRADE LICENSE REGISTRATION	20	0.00	170.00	170.00
TP - TAP & METER PAYMENTS	14	0.00	3,250.00	3,250.00
TOTALS FOR ALL PERMIT TYPES	90	619,528.00	19,163.00	19,163.00

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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
01/03/95	12	572.00	0.00	0.00	0.00	0.00	2475.00	0.00	25.00
01/04/95	2	0.00	250.00	10.00	0.00	0.00	0.00	0.00	0.00
01/05/95	6	580.80	0.00	40.00	0.00	0.00	450.00	800.00	2550.00
01/06/95	2	0.00	0.00	10.00	0.00	0.00	250.00	0.00	0.00
01/09/95	1	0.00	0.00	10.00	0.00	0.00	0.00	0.00	0.00
01/10/95	3	370.00	0.00	0.00	0.00	0.00	0.00	750.00	2525.00
01/11/95	8	375.00	0.00	30.00	0.00	0.00	1250.00	0.00	25.00
01/12/95	3	1010.20	0.00	10.00	0.00	0.00	500.00	0.00	50.00
01/18/95	3	0.00	0.00	20.00	100.00	0.00	0.00	0.00	0.00
01/19/95	1	25.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
01/24/95	1	150.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
01/27/95	4	0.00	485.00	20.00	100.00	0.00	0.00	0.00	0.00
01/30/95	6	325.00	0.00	40.00	100.00	0.00	0.00	750.00	2525.00
01/31/95	2	25.00	0.00	0.00	100.00	0.00	0.00	0.00	0.00
=====									
TOTALS	54	3433.00	735.00	190.00	400.00	0.00	4925.00	2300.00	7700.00

Non-Existing Categories           0.00  
 Current Categories           19683.00  
 =====  
 Grand Total                   19683.00



CITY OF SUGAR HILL

PERIODIC REPORT OF PERMITS ISSUED (GROUPED BY REPORT CODE)

Printed on: FEBRUARY 6, 1995

DATE RANGE: 01/01/95 THROUGH 01/31/95

	CODE	PRMS	VALUATION	FEEES	DUE	UNITS
	-----	-----	-----	-----	-----	-----
NEW RESIDENTIAL HOUSEKEEPING BLDGS:						
* Single Family Houses Detached ....	101	8	619,528.00	14,608.00		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		8	619,528.00	14,608.00		0
-----						
Totals of other permits in the period		82	0.00	4,555.00		0
-----						
TOTAL FOR ALL PERMITS IN THE PERIOD		90	619,528.00	19,163.00		0

THIS REPORT WAS PRINTED ON FEBRUARY 6, 1995

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
70	56	29	26	14	11	3	26
	% INSPECTIONS	% PASSED	% CORRECTIONS	% RE-INSPECTIONS	% PASSED	% CORRECTIONS	% RE-INSPECT. REQUIRED
	80	52	46	20	79	21	37

INSPECTOR ID BREAKDOWN

TONY	BUILDING INSPECTIONS	42
JOE	BUILDING INSPECTIONS	18
KEN	DEVELOPMENT INSPECTIONS	1
COTTON	SEWER INSPECTIONS	7
RALPH	SEWER INSPECTIONS	2

January 95

Customer Services

A) Total utility customers:

1) Gas	3420
2) Water	<u>3390</u>
3) Sewer	<u>2253</u>

B) New customers: 54

1) Gas & Water customers	31
2) Gas only customers	<u>16</u>
3) Water only customers	<u>7</u>
4) Total new customers	<u>54</u>

C) Customers moving out of city: 15

1) Gas & Water customers	11
2) Gas only customers	<u>2</u>
3) Water only customers	<u>2</u>
4) Total customers moving	<u>15</u>

D) Meter re-reads:

1) Before Billing	365
2) Per customer's request	<u>32</u>
3) Over-reads	<u>6</u>
4) Total re-reads	<u>403</u>

E) Other:

1) Cut-offs	12
2) Monies collected from write offs	<u>Will Follow</u>
3) Surveys/Comments received:	<u>1</u>

Report by: Margaret McEachern  
Customer Service Manager

WASTEWATER DEPARTMENT

January 1995

Liftstations: There was only general maintenance on our liftstations in January.

Sewer lines: On January 12 and 13 efforts were made to remove a blockage in the main on Roosevelt Cir. with our rodding machine. A jet truck was called and the line was cleared.

On January 14 a jet truck was called to unclog a section of main on White Oak Dr.

On January 26 I recieved a report of sewer seeping from a main off Level Creek Rd. Equipment was brought in and the line was uncovered. Approximately 80' of 8" terra cotta line was replaced with PVC pipe due to cracks, busted line and leaks around joints.

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Sewer Capacity Available:

Total Sugar Hill capacity at Southside plant.....	600,000gpd
Average Sugar Hill usage for January.....	332,607gpd
Average Sugar Hill capacity left.....	267,393gpd

Total Capacity at Sugar Hill plant.....	500,000gpd
Average usage for January.....	222,065gpd
Average capacity left.....	277,935gpd

Total # of lots approved, but not tapped on.....	226
Average usage for these lots based on 400gpd.....	90,400gpd

Donna Zinskie  
Collection System Supervisor





FEB.



AGENDA  
CITY OF SUGAR HILL  
COUNCIL MEETING, FEBRUARY 13, 1995  
7:30 P.M.

CALL TO ORDER AND INVOCATION:

APPROVAL OF AGENDA:

COMMITTEE REPORTS:

- A) PLANNING AND ZONING, ZONING APPEALS BOARDS: DODD
- B) RECREATION BOARD: DAVIS
- C) BUDGET AND FINANCE: GARBUTT
- D) SOLID WASTE: STANLEY
- E) GOLF AND WASTE WATER TREATMENT: BAILEY
- D) ECONOMIC DEVELOPMENT: SPRADLIN

CITIZEN'S AND GUESTS COMMENTS:

OLD BUSINESS:

- A) APPOINTMENT OF P & Z BOARD MEMBER: DODD
- B) PUBLIC HEARING: CONFIRMATION OF SCOTT HUDGENS REZONING:  
CROWE & THOMPSON
- C) SWEARING IN OF BOARD MEMBERS: WEBSTER
- D) UPDATE OF GOLF COURSE CLUB HOUSE: NEVAD
- E) AMEND OCCUPATION TAX ORDINANCE: THOMPSON
- F) FUNDING FOR ECONOMIC DEVELOPMENT COMMITTEE: SPRADLIN
- G) REPORT ON BLOOD DRIVE: DODD

NEW BUSINESS:

- A) ANNEXATION/REZONING 25 ACRES BARON HERMAN: CROWE
- B) REZONING 5 ACRES W.J. DODD: CROWE
- C) APPROVAL OF BOND ORDINANCE ON CLUB HOUSE: NEVAD
- D) DISCUSSION OF IMPARTIAL EXPERT FOR LANDFILL ISSUE: WEBSTER
- E) DUAL RATE ORDINANCE: NEVAD

CITY CLERK'S REPORT: GARBUTT

CITY MANAGER'S REPORT: NEVAD

COUNCIL REPORTS:

PRESENTATION BY MID AMERICAN ON LANDFILL:

CITIZEN'S AND GUESTS COMMENTS:

ADJOURNMENT:

Council Mtg.

Sign IN  
2-10-95  
2/13/95

N.G.H.S.

Leont Shirley Fields

Betty Darling

Meg Avery

Kari Webster

Blair & Sheri Schwed

Debbie Merck

Gene & Hazel Williams

Joe Mast

Pat Higgins

Jan Stanley

Pat McCall

Catherine Watson

Denise & Jim Walder

Bill Warren

Jenny Stanley

KARL FROMBERG

Susie Tucker

Charles & Doris Tyler

Conrad E. Pater

Kathy H. Pater

Richard Hill

Jeff Wood

Ira Wood

W. Robertson

Charles Dunham - The News

Wayne Davis



Hubert G. Hosh  
Lacey Woodall  
JEFF WOODALL

MR. + MRS. BARRY SWANET

Mr + Mrs Mark Johnson

Mail Kelly

Mike Fogarty

Wayne Schumaker

Suzee Hyatt

Rom West

Dwight Stirling

Al Wynn

Tom Dow

David Huber

Doug Thorne

Kevin R. Smith

David Marchat

Shari Stanley

~~Corey Stirling~~

~~Al Smith~~

Jenny Stirling

Myth Caird

KE Kerr

**CITY OF SUGAR HILL  
COUNCIL MEETING  
MONDAY, FEBRUARY 13, 1995**

The Mayor and Council of the City of Sugar Hill held the Regular Monthly Meeting on Monday, February 13, 1995 at the North Gwinnett High School Auditorium. The meeting was moved to NGHS due to the expectancy of a large assembly wishing to participate in the Landfill issue.

Those present were Mayor Gary L. Webster, Mayor Pro tem Reuben Davis, Council Members Steve Bailey, W. J. Dodd, Charles Spradlin, and Jim Stanley, City Manager Warren P. Nevad, City Clerk/Finance Director Betty B. Garbutt, Customer Service Supervisor Margaret McEachern, Customer Service Clerk Shirley Fields, Clerk to the City Manager Margie Wilson, Street Supervisor Danny Pugh, Superintendent of Sewer Department Donna Zinskie, Golf Director Wade Queen, Water Superintendent Scott Payne, and Development Director Ken Crowe, numerous citizens, (see attached list), representatives of the news media and other guests.

Mayor Webster called the meeting to order, led in the Pledge of Allegiance to the Flag, and Council Member Stanley read from II Timothy and gave the Invocation.

Council Member Stanley made a motion to approve the agenda, seconded by Mayor Pro tem Davis. The vote on the motion was unanimous. (5-0)

Council Member Spradlin made a motion to approve the minutes with one correction, page 2, paragraph D, delete the word, STATEMENT. The motion was seconded and passed unanimously. (5-0)

**COMMITTEE REPORTS:**

**A: PLANNING AND ZONING, ZONING APPEALS BOARD: DODD**

Council Member Dodd reported that the P & Z Board met on January 23, 1995. They unanimously recommended approval of the Annexation and Rezoning of 24.663 acres of Baron Herman property.

The board also made a unanimous recommendation that 5 acres of W. J. Dodd's property at the corner of PIB and Highway 20 be rezoned.

**B: RECREATION BOARD: DAVIS**

Mayor Pro tem Davis reported the department is getting ready for Spring Softball. Sign up will be on February 22 & 28, and March 7 at the Community Center from 7:00 P.M. to 7:30 P.M.

**C: BUDGET AND FINANCE: GARBUTT**

Finance Director Garbutt reported there was \$28,586.27 in 1994 property taxes unpaid as of January 31, 1995. Fi Fa's will be issued on unpaid taxes after February, 1995.

The Audit is being done by Rymon Wilborn and Co. and is expected by March 15, 1995.

Proposed and Actual Cash Flow reports have been given to the Council.

Ruth Switzer and Shirley Gibbs are working on their Level I Finance Certification.

Mrs. Garbutt expressed appreciation to the Council for their support of her endeavors to continue her training.

**D: SOLID WASTE: STANLEY**

Council Member Stanley reported that Solid Waste would be discussed later during the Landfill presentation. He explained, in detail, the procedures which have been followed toward a Solid Waste Plan and where that issue stands at the present. He asked that the citizens watch what is going on and become more involved in this issue.

**E: GOLF AND WASTE WATER TREATMENT: BAILEY**

Council Member Bailey reported that the Waste Water Treatment Plant is operating very well. The Bell South Tower is under construction and should be completed by next Council Meeting.

Revenue at the Golf Course for January was a 29% increase and Rounds Played were an increase of 38% over 1994. The course is being prepared for Spring play. (see attached reports)

**F: ECONOMIC DEVELOPMENT: SPRADLIN**

Council Member Spradlin stated that the Economic Development Board did not meet due to inclement weather and he had no report.

**CITIZEN'S AND GUESTS COMMENTS:**

Mr. Eddie Boynce addressed Council concerning the problems with the gas service from the City in the Sugar Crossing Sub Division. Manager Nevad explained that the City was implementing improvements in the very short future and that it is one of the top priorities.

Mr. Herb Payne asked to comment on the Landfill issue. Mayor Webster informed Mr. Payne that he would have ample time after the Landfill presentation by Mid-American to make any comments he wanted to.

Mr. Mark Johnson asked what the time frame would be for the improvements in Sugar Crossing gas service. Manager Nevad stated



that the City would begin assessing the situation on February 14, 1995. He told Mr. Johnson that he could call him at City Hall at anytime during office hours and he would keep him updated.

Manager Nevad reported that a 2" line has been installed from Whitehead Road to Bent Creek. This helped the residents of Bent Creek and there were no complaints received from that area during the last cold weather. The requirement of easements was discussed by the Council and attorney Thompson.

**OLD BUSINESS:**

**A: APPOINTMENT OF P & Z BOARD MEMBER: DODD**

Council Member Dodd nominated Kevin Pugh to the seat on the P & Z Board. Council Member Stanley stated that this was a seat currently held by Gary Chapman and Mr. Chapman has expressed a desire to remain on the Board. Council Member Stanley stated that he felt that Mr. Chapman should remain on the Board. The vote on the two nominations was Mayor Pro tem Davis, Council Members Bailey and Dodd voting for Mr. Kevin Pugh, and Council Members Spradlin and Stanley voting for Mr. Gary Chapman. Mr. Pugh will fill the seat on a vote of 3-2.

**B: PUBLIC HEARING: CONFIRMATION OF SCOTT HUDGENS REZONING: CROWE AND THOMPSON**

Council Member Bailey made a motion to go into a Public Hearing at 7:53 P.M. seconded by Council Member Dodd and passed unanimously. (5-0)

After the Scott Hudgens rezoning was explained, Council Member Bailey made a motion to go back into regular session at 7:55 P.M., seconded by Council Member Dodd and passed unanimously. (5-0).

Council Member Bailey made a motion to accept the confirmation of the rezoning of the Scott Hudgens property, seconded by Council Member Dodd and passed unanimously. (5-0)

**C: SWEARING IN OF BOARD MEMBERS: WEBSTER**

Mayor Webster administered the Oath of Office to Mr. Tim Pugh as a member of the P & Z Board.

**D: UPDATE ON GOLF COURSE CLUB HOUSE: NEVAD**

Manager Nevad reported that a Bond Ordinance, on the Club House, has been prepared and will be considered later tonight.

On February 10, 1995 staff met with Paradise Construction and the architect to review the Construction Contract. Ground breaking is scheduled for March 11, 1995 with a 180 day limit to complete the project.



**E: AMEND OCCUPATION TAX ORDINANCE: THOMPSON**

Attorney Thompson reported that the original Ordinance contained a typographical error, stating class .00045 listed as being .0045 which would make it the highest and it should be the middle. It is being replaced giving the correct class of .00045. Council Member Dodd made a motion to approve the Ordinance, seconded by Council Member Bailey and passed unanimously. (5-0)

**F: FUNDING OF ECONOMIC DEVELOPMENT COMMITTEE: SPRADLIN**

Council Member Spradlin reported that funding was inadvertently omitted from the 1995 Budget and that he was recommending and makes a motion that the Budget be amended to fund the Economic Development Committee in the amount of \$5,000.00. Council Member Stanley seconded the motion which passed unanimously. (5-0)

**G: REPORT ON BLOOD DRIVE: DODD**

Council Member Dodd announced a Blood Drive on February 20, 1995 from 10:00 A.M. to 2:00 P.M. He and Mayor Webster encouraged everyone to come by the Community Center in Sugar Hill and support this effort.

**NEW BUSINESS:**

**A: ANNEXATION/REZONING 25 ACRES BARON HERMAN PROPERTY: CROWE**

Director Crowe explained this annexation and rezoning after which Council Member Dodd made a motion to approve this annexation and rezoning. The motion was seconded by Council Member Bailey and unanimously approved. (5-0)

**B: REZONING 5 ACRES-W.J. DODD PROPERTY: CROWE**

Council Member Dodd excused himself from the meeting due to his connection with this issue.

Director Crowe explained the rezoning from Light Manufacturing to General Business. Council Member Bailey made a motion to approve the Rezoning Ordinance, seconded by Council Member Davis. Council Member Spradlin read a letter from Mrs Rose Payne requesting that this come back before the P&Z Board. Mrs. Gail Kelly also requested that this come back before the P&Z Board. This was discussed concerning the procedures followed for rezoning. Questions were asked of Attorney Thompson regarding this issue. Council Member Stanley explained some of the procedures in having a rezoning approved and stated that a site plan is not required for rezoning. It was the consensus of the Council that maybe the Ordinance on Rezoning may need to be looked at to see that it has the proper procedures outlined. After discussion the vote on Council Member Bailey's motion was Mayor Pro tem Davis, Council

Members Bailey and Stanley for and Council Member Spradlin voting against, passing with a vote of 3-1.

**C: APPROVAL OF BOND ORDINANCE ON CLUB HOUSE: NEVAD**

Manager Nevad summarized the Bond Ordinance. The validation procedure would begin tonight should the Ordinance pass. This is a \$500,000.00 Revenue Bond purchased by Peoples Bank at 6% interest for a term of 10 years. The payment would be approximately \$5,800.00 per month. Council Member Bailey made a motion to approve the Club House Bond Ordinance, seconded by Council Member Dodd. Council Member Bailey asked that the first two paragraphs on page 2 of the Ordinance be read. Manager Nevad read the title of the Ordinance and the 2 paragraphs asked for. The fact of borrowing money was questioned by Council Member Stanley and also the fact that there have been no "net revenues" from the golf course to date. Council Member Spradlin again brought up the issue of the City using money to fund a Club House at the golf course when residents of Sugar Hill do not have the sufficient pressure to have a gas supply during very cold weather. Council Member Dodd stated that the City has "a tiger by the tail", that maybe the City shouldn't have had this project, but that it does, and it has to be finished. After more discussion the vote on the motion was Mayor Pro tem Davis, Council Members Bailey, and Dodd voting for and Council Member Spradlin and Stanley voting against, passing on a vote of 3-2.

**D: DISCUSSION OF IMPARTIAL EXPERT FOR LANDFILL ISSUE: WEBSTER**

Manager Nevad explained that representatives from Mayes, Suddereth, and Etheridge were present and a flow chart (see attached) showing the Solid Waste Planning Process was available for anyone who wanted it. Karl Fromburg was also present from the Atlanta Regional Commission to answer any question concerning the Solid Waste Plan. Manager Nevad expressed his confidence in Mayes, Suddereth and Etheridges ability to prepare a solid waste plan. The pros and cons of having a non-biased representative to oversee the preparation of the solid waste plan were discussed. The request, (see attached) from a group of citizens, for an impartial expert was read and discussed. After more discussion by some citizens, the parties involved and the Council and Attorney Thompson, Council Member Bailey made a motion to begin the process again of preparing a Solid Waste Plan and have a Public Hearing on March 13, 1995, the motion was seconded by Council Member Dodd. Council Member Stanley called for a Point of Order on the issue. He made a motion, seconded by Council Member Spradlin that this be tabled until such time as the matter was settled legally and no longer in the process of litigation. Council Member Bailey and Dodd withdrew the second and the motion. After more discussion, Council Member Stanley made a motion, seconded by Council Member Spradlin, to comply with the suggestion made by the citizens group and request Judge Margaret Washburn to select an independent expert

to guide the City through this process of developing a Solid Waste Plan. The vote on the motion was unanimous. (5-0)

**E: DUAL RATE ORDINANCE:            NEVAD**

Manager Nevad presented a Dual Rate Ordinance (see attached) on Electric-Gas Heating equipment. This will apply to all new customers. Council Member Spradlin made a motion to approve the Ordinance, seconded by Council Member Bailey and passed unanimously by Council. (5-0)

**CITY CLERK'S REPORT:            GARBUTT**

City Clerk Garbutt reported that Shirley Gibbs is continuing her clerk's training.

The new group health insurance has been implemented and seems to be satisfactory, at a considerable savings to the city.

Applications for Occupational Tax Licenses have been mailed and each business will have to pay an administrative fee of \$50.00 and a license fee based on gross sales and profitability ratio.

General Liability Insurance will be bid by May 1, 1995. (see attached report)

**CITY MANAGER'S REPORT:        NEVAD**

Manager Nevad reported the loop gas line has been completed from Whitehead Road through Bent Creek.

Water improvements have been implemented on Sunset Drive by replacing galvanized pipe with plastic pipe.

Sawnee Electric has advised that the electric change over will begin on March 1, 1995 at the Golf Course/Waste Water Plant. (see attached report)

**COUNCIL REPORTS:**

Council Member Spradlin expressed his appreciation for everyone coming out and that he opposed the Landfill from its inception and the election this year will be the time for the citizens to place responsible persons on the Council, who want the citizens to be heard and give government back to the people.

Council Member Stanley appealed to the citizens of Sugar Hill to help a group of citizens who have secured the services of an attorney to help fight the Landfill issue.

Council Member Dodd commented on his nomination of Tim Pugh to the P&Z Board, and also that when subdivisions are planned that the City be sure there is an adequate supply of utilities for the area,



and he also expressed his appreciation for the citizens attendance tonight.

Council Member Spradlin expressed his appreciation to Mr. Tim Pugh for his service on the Economic Development Committee and he would have liked for him to remain, but he felt he can give his service to the P&Z Board as well.

Mayor Webster called for a fifteen (15) minute break at 9:12 P.M.

Mayor Pro tem Davis had to leave due to time constraints and left at 9:15 P.M.

Mayor Webster called the meeting back to order at 9:38 P.M. and announced that he would not sign the Club House Bond Ordinance tonight due to the complaints raised concerning the low pressure in some City gas lines. If the problems were corrected, he would consider signing the Bond Ordinance. He was not issuing a veto of the motion on the Ordinance, but holding off signing until the gas pressure issue is resolved, hopefully within the next week.

#### PRESENTATION BY MID AMERICAN ON THE LANDFILL:

Mr. Craig McKinsey from Mid American gave a detailed presentation on the proposed addition to the present Landfill. He also gave a detailed presentation showing different layouts of the landfill and also statistical information on a 44-54 acre landfill and on other landfills which will be closed in and around this area. He did this to show the comparisons of different landfills. Council Member Stanley asked Mr. McKinsey several questions concerning site acceptability and permitting. This was discussed at length with Mr. McKinsey assuring that the wetlands will be protected in the area.

Mr. Tim Abernathy gave a very lengthy presentation on permitting and closure procedures concerning landfills. He answered most questions asked by Council and concerned citizens.

Council Member Dodd asked to be excused at 11:22 P.M. due to time constraints.

#### CITIZEN'S AND GUESTS COMMENTS:

After the presentations there was a very lengthy discussion period with numerous citizens, the Council, and other interested parties of landfill expansion giving pros and cons of an area landfill. This discussion continued for more than one and one half hours. Some of the citizens expressing their views were Mr. Herb Payne, who repeatedly asked that Mid American drop their appeal of the Summary Judgment and also repeatedly protested the contract with Mid American, Mrs. Rose Payne, who asked for answers in



writing from Mid American on the written questions she presented, Mrs. Meg Avery, and Mrs. Pam McClure of Barrow County, who gave pertinent information concerning her battle against an area landfill in Barrow and Hall Counties. There were other citizens who, at this time, also expressed their concerns over the gas service, the Golf Course Club House, and other issues of concern to them.

Mayor Webster reminded the audience that it was past 12:00 Midnight and we needed to conclude business.

Mr. Mike Fogerty spoke in favor of the Golf Course Club House stating that the Sugar Hill Golf Course will certainly needs a Club House if they want to succeed. He stated that he was in charge of numerous tournaments and they would not participate at the Sugar Hill Golf Course if the course did not have a Club House.

Council Member Bailey made a motion, seconded by Council Member Stanley to adjourn at 12:18 A.M. The vote was unanimous of those present at the time.

FINANCE REPORT  
FEBRUARY 1995

✓ Franchise taxes from Georgia Power and Gwinnett Cable TV have been received. The amount of Georgia Power Franchise Tax was \$129,312.08 and the amount of Cable TV Franchise Tax was \$18,340.64 for a total of the two of \$147,652.72. We budgeted \$132,000.00 from Georgia Power and \$17,000.00 from Cable TV for a total of \$149,000.00. There is a negative difference of \$1,347.28 between actual and budgeted. The Southern Bell Franchise Tax will be received sometime in August and I am hoping this will make up the difference between actual and budgeted by year end for Franchise Taxes.

✓ Over the past two months I have invested \$300,000.00 at a rate of 6.25% for an annual yield of 6.40%. I hope we will be able to invest more this month when all the enterprise fund billing is received. We are continuing Utility Cut-offs on a timely basis trying to cut down on arrears.

Kelley Canady is certainly an asset to the Finance Department, we have all accounts payable current and reconciliation of bank accounts are being done on a very timely basis. I feel very secure in bookkeeping with Kelley as an employee.

Budget Comparisons Reports have been prepared for you, and we have worked to have them show as true a comparison as we can make with figures we have. Should you have questions about these reports, please feel free to ask us any questions and we will answer them to the best of our ability, helping you to understand why and how things are done.

MINUTES  
"SPECIAL CALLED MEETING"  
MONDAY, FEBRUARY 27, 1995  
4:30 P.M.

The Mayor and Council of the City of Sugar Hill met for a Special Called Meeting on Monday, February 27, 1995 at 4:30 P.M. in the Community Service Building.

The purpose of the meeting was to discuss a Consent Order from EPD concerning Post Closure of the Landfill.

Those present were: Mayor Gary L. Webster, Mayor Pro tem Reuben Davis, Council Members W. J. Dodd, Charles Spradlin, and Jim Stanley, City Manager Warren P. Nevad, City Clerk/Finance Director Betty B. Garbutt, Attorney Lee Thompson, Charles Duncan of The News, Chris Warren of the Gwinnett Extra, and several citizens and guests. Council Member Steve Bailey was out of town on business.

Mayor Webster called the meeting to order, led in the Pledge of Allegiance to the flag, and Clerk Garbutt led in prayer.

Mayor Webster asked Clerk Garbutt to read the Consent Order received from Georgia Department of Natural Resources. (see attached)

Mayor Webster reported that he sent this information to Attorney Thompson and assured those present that the Council was not trying to rush through this issue, and stated when Attorney Thompson read the letters the public would understand why this had to be done immediately.

Attorney Thompson explained the process which has been followed, reading a letter sent Mid American concerning the Consent Order.

During discussion Council Member Spradlin raised the question as to why, if the Consent Order was received on February 8th, was the Council not notified before the Regular Council Meeting on February 13th. Council Member Spradlin stated that he felt this should have been on the February 13th Agenda. Mayor Webster stated that he turned the letter over to Attorney Thompson, because he felt that is where it needed to be handled, and by no means was he trying to keep it from the Council. Mayor Webster and Council Member Stanley stated that it seemed to be a routine matter that would be handled by the attorney. Manager Nevad stated he felt this was something that could be handled administratively as it had been in the past. Council Member Spradlin stated that it seemed rather serious to him and Council Member Dodd stated that it was too fast to take any action tonight.

There was considerable discussion between the Council and

Attorney Thompson concerning the options available and Attorney Thompson stated he felt that the City needed to sign the Consent Order and then determine what they wanted to do concerning the liability of Mid American on the Post Closure.

Attorney Thompson reminded the Council if the Consent Order was signed, and Mid American would not accept the responsibility of doing the Post Closure, then someone, namely the City, would have to be responsible for seeing that the Post Closure process was begun.

Council Member Spradlin asked if anyone knew how much money we were talking about and if the Consent Order was signed weren't we signing a blank check. Mayor Webster stated that Manager Nevad would begin work on that tomorrow, February 28th, to pull some figures together to get an estimate of what the Post Closure would cost the City should the City have to do the closure.

Mayor Webster asked for a motion to sign the Consent Order. Council Member Dodd made a motion to authorize Mayor Webster to sign the Consent Order. The motion was seconded by Mayor Pro tem Davis.

Council Member Stanley stated that this needed to be discussed to find out just where the City is headed on this issue. He stated that if the Consent Order is signed, then the City is accepting the responsibility for correcting the situation and eliminating the deficiencies that exist. He feels that the cost will be moderate and that the five year period of Post Closure can be done in the \$50,000.00 to \$80,000.00 range. This was discussed between those present. He stated that he is not so much concerned about the cost of Post Closure as he is about legal expenses which may be incurred should the City not accept the responsibility of the Post Closure. He also raised the question as to why Mid American has taken a radical departure from anything seen in the past from them. This seems to have a negative impact on the citizens and what is the purpose of this action being taken by Mid American? This was discussed between Council and Attorney Thompson. Attorney Thompson stated the Council has two options, is the Council going to try to force Mid American to be responsible for Post Closure or is the Council going to hold Mid American in breach of the Contract. The consensus is that it needs to be determined what the cost is going to be. Kevin Pugh questioned the Council on the issue of cost. Mayor Webster instructed Manager Nevad to begin work immediately on finding out the cost of Post Closure.

Mrs. Meg Avery, Mr. Kevin Pugh and other citizens made pro and con comments on this issue.

Mayor Webster stated that the Council was going to investigate this matter and work with Attorney Thompson to choose the best route to follow to ensure the citizens the best solution to this issue.



Council Member Spradlin asked that the motion be amended to include the notification that Mid American is in breach of the contract. This is to be put in a letter, sent certified, to Mid American. Attorney Thompson is to write the letter giving Mid American until the April Council Meeting on April 10, 1995 to respond to the letter. Council Member Stanley seconded the amended motion. After more discussion the vote on the motion was unanimous of those present.

Council Member Spradlin made a motion to have City Manager Nevad to immediately begin the cost study of Post Closure of the landfill. Council Member Stanley seconded the motion which passed by unanimous vote of those present.

Council Member Stanley asked the City Attorney to advise where the City stands financially with the payments from Mid American and what amount of the impounded funds is the City entitled to. Attorney Thompson stated that it is not completely clear just what amount is due back to Mid American and what the City is entitled to. This was discussed between the Council and Attorney Thompson.

Council Member Stanley read a sentence from Paragraph 5 of the original lease agreement. (see attached) He also read a portion from Paragraph 2 of the Special Called Meeting held on July 22, 1992 where the merger was approved with Burton Gwinnett Landfill. (see attached)

Council Member made a motion to adjourn at 5:16 P.M. Council Member Stanley seconded the motion which passed unanimously of those present.

AGENDA  
CITY OF SUGAR HILL  
COUNCIL MEETING  
MONDAY, MARCH 13, 1995, 7:30 P.M.

CALL TO ORDER, PLEDGE TO FLAG, INVOCATION:

APPROVAL OF AGENDA:

APPROVAL OF FEBRUARY, 1995 MINUTES:

COMMITTEE REPORTS:

- A) PLANNING AND ZONING-ZONING APPEALS BOARD: DODD
- B) RECREATION BOARD: DAVIS
- C) BUDGET AND FINANCE: GARBUTT
- D) SOLID WASTE: STANLEY
- E) ECONOMIC DEVELOPMENT: SPRADLIN
- F) GOLF AND WASTE WATER TREATMENT: BAILEY

CITIZEN'S AND GUEST'S COMMENTS

OLD BUSINESS:

- A) DISCUSSION ON GDNR EPD CONSENT ORDER AND NOTIFICATION TO COUNCIL: NEVAD AND SPRADLIN
- B) COST COMPARISON PRESENTATION ON GOLF COURSE CLUB HOUSE: SPRADLIN
- C) UPDATE ON CLUB HOUSE AT GOLF COURSE: NEVAD
- D) UPDATE ON OUTSTANDING BILL TO STEVEN O'DAY: NEVAD
- E) DISCUSSION ON IMPARTIAL LANDFILL EXPERT: NEVAD
- F) SOLID WASTE MANAGEMENT PLAN-CONSIDERATION TO CALL INITIAL PUBLIC HEARING: BAILEY
- G) REQUEST RESPONSE FROM GWINNETT COUNTY ON VOTER REGISTRATION TASK FORCE RECOMMENDATION: SPRADLIN

NEW BUSINESS:

- A) DISCUSSION OF INCREASE ON REZONING AND ANNEXATION FEES: KEN CROWE
- B) DISCUSSION OF ACCOUNTING PRACTICES UTILIZED FOR BOND PAYMENTS: SPRADLIN
- C) INVITATION TO LOCAL SCHOOLS TO PARTICIPATE IN LOCAL GOVERNMENT-COUNCIL MEETINGS: SPRADLIN
- D)
- E)

CITY CLERK'S REPORT:

CITY MANAGER'S REPORT:

COUNCIL REPORTS:

CITIZEN'S AND GUEST'S COMMENTS:

ADJOURNMENT:

**MINUTES  
COUNCIL MEETING  
MONDAY, MARCH 13, 1995, 7:30 P.M.**

The Mayor and Council of the City of Sugar Hill met for their regular monthly meeting on Monday, March 13, 1995, at 7:30 P.M. in the Community Center at City Hall.

Those present were: Mayor Gary L. Webster, Mayor Pro tem Reuben Davis, Council Members Steven Bailey, W. J. Dodd, Charles Spradlin, and Jim Stanley, City Manager Warren P. Nevad, City Clerk/Finance Director Betty B. Garbutt, Attorney Lee Thompson, Development Director Ken Crowe, Golf Director Wade Queen, Customer Service Supervisor Margaret McEachern, employees Earnest Ward and Danny Hughes, Attorneys Mary Prebula and William Fletcher, representatives of the news media, registered guests Lari Webster, Herb and Rose Payne, Eddie Sayer, and other citizens and guests.

Mayor Webster called the meeting to order, led in the Pledge of Allegiance to the Flag, and Council Member Spradlin gave the invocation.

The Agenda was approved unanimously on a motion made by Council Member Spradlin, seconded by Council Member Dodd. (5-0)

The February Minutes were approved unanimously on a motion by Council Member Dodd, seconded by Council Member Spradlin. (5-0)

Mayor Pro tem Davis made a motion to conclude the meeting by 9:00 P.M. due to the fact that three of the Council Members had business commitments. The motion was seconded by Council Member Dodd. This was discussed with Council Member Spradlin stating that the Council should stay long enough to attend to business and if not maybe there should be two meetings per month. The motion passed on a vote of Mayor Pro tem Davis, Council Members Bailey and Dodd voting for and Council Members Spradlin and Stanley voting against. (3-2)

**COMMITTEE REPORTS:**

**A) PLANNING AND ZONING-ZONING APPEALS BOARD: DODD**

Council Member Dodd reported that the P&Z Board met on February 20, 1995 and had a very productive meeting. The Zoning Appeals Board met on February 27, 1995 to consider a variance request from Vari Best Homes, Inc. for a reduction in parking spaces, to 30, at the recreation area. The variance was approved on condition that 10 other spaces would be provided should 32 additional acres be added.

**B) RECREATION BOARD: DAVIS**

Mayor Pro tem Davis reported that the water had been turned on

at the park and that soft ball play, with 42 teams participating, will begin tonight, March 13, 1995.

**C) BUDGET AND FINANCE: GARBUTT**

Finance Director Garbutt reported that Franchise Taxes in the amount of \$129,312.08 were received from Georgia Power and the amount of \$18,340.64 was received from Gwinnett Cable TV.

Finance Director Garbutt reported that reserve funds have been invested in CD's for use later in the year when revenues will go down. (see attached report)

Budgets will be reviewed closely in April, this is done monthly, but a closer look will be done in April.

**D) SOLID WASTE: STANLEY**

Council Member Stanley presented and read a memo concerning the Closure-Post Closure of the landfill. (see attached)

**E) ECONOMIC DEVELOPMENT: SPRADLIN**

Council Member Spradlin reported the Commission met on March 7, 1995 with a very productive meeting and released the following mission statement.

The mission of the Sugar Hill Economic Development commission is to facilitate quality commercial development within the city limits of Sugar Hill, Georgia.

Dave Edwards was named to be co-chairperson of the EDC. They also want to send a survey out to all residents getting their input on issues relating to Economic Development. There may be some comments from the commission concerning the sign ordinance. Council Member Spradlin asked should he continue as liaison to the Economic Development Commission, due to the fact a Council Member called him to tell him he was not doing his job. Mayor Webster stated he wanted him to stay on at this time. (see attached report)

**F) GOLF AND WASTE WATER TREATMENT: BAILEY**

Council Member Bailey reported that the Wastewater Treatment Facility operated well during February. Staff is concerned over infiltration of the system, due to the heavy rains in February.

He reported that the Bell South tower foundation, footings, and control building are in place and awaiting final FCC and FAA approvals before erecting the mast.

The rainy February affected rounds at the Golf Course. Out of 24 eligible days to play golf, there were 14 when, due to rain, no rounds were played. (see attached report)



#### CITIZEN'S AND GUESTS COMMENTS:

Mrs. Meg Avery complained about the communication and the fact that the meeting would be limited to 1 1/2 hours. She feels that everyone should stay until the issues are discussed. She feels that communication is very important. Mayor Webster assured Mrs. Avery that this is not the usual occurrence in limiting the time of the meeting, but some of the Council has business engagements.

Mrs. Rose Payne spoke, on public involvement, stating that she disagreed with the Council's vote on limiting the length of the meeting. She read some excerpts from an article printed in the paper in February. She was excited about the article being good coverage of the City of Sugar Hill. She read some excerpts from a publication entitled SITES FOR OUR SOLID WASTE-A Guidebook for Effective Public Involvement. Later in the meeting Mayor Webster asked Mrs. Payne to get with Clerk Garbutt so the city could order some of the publications she read from, for the Council.

Mr. Dave Edwards commented on the opinion poll the EDC Commission wants to send out and asked for the input from the City of Sugar Hill citizens.

Mr. Bob Wagner, a guest, commented on the landfill and favored the Council getting an expert on landfills, he also expressed the view that the Council did not know what they are doing concerning the landfill and neither did others. He asked that the Council get an impartial expert because none of the Council can be trusted.

Mr. Herb Payne commented once again on the landfill issue and the Solid Waste Management Plan. He gave negative comments on what the Council continues to do, in his opinion, which is entirely wrong concerning the issue of Solid Waste. He continued until he used up the 5 minutes and more allotted him. Mayor Webster had to ask Mr. Payne to acknowledge that his time was up.

Mr. Russell Everett thanked the Mayor and Council for the Club House at the Golf Course, and also thanked Golf Director Wade Queen for the long hours he works at the Golf Course.

#### OLD BUSINESS:

##### A) DISCUSSION ON GDNR EPD CONSENT ORDER AND NOTIFICATION TO COUNCIL: NEVAD AND SPRADLIN

Manager Nevad gave information concerning the Consent Order and reported receiving a letter from Mid-American that they would not be responsible for the Closure-Post Closure of the Landfill. There was a special called meeting held on February 27, 1995 for the Mayor and Council to respond to EPD on the Consent Order. Pursuant to this meeting engineering reports have been requested to comply with the Consent Order. He gave the four (4) steps

necessary to do the closure. There were two (2) proposals and Council Member Stanley would comment on these. Council Member Stanley reported that there is an approved closure plan which was submitted and approved in September 1994. He gave pertinent information relating to this issue and the steps for closure. He stated that the City needs an engineering firm to assist the city in getting through this procedure. He felt that the award of the contract for engineering services should be issued to a firm, which knows what needs to be done and stick with that firm. He recommended that the City stick with Piedmont, Hensley and Olson a firm which is already working for the City. The amount of \$44,500.00 to meet the four (4) steps involved was discussed. Council Member Stanley gave the items which would not be included in this figure.

Council Member Stanley made a motion to accept the contract with Piedmont, Hensley and Olson at a figure not to exceed \$44,500.00. The motion was seconded by Council Member Spradlin and passed unanimously. (5-0)

Council Member Spradlin thanked Mrs. Meg Avery for her statement regarding this issue.

Council Member Spradlin stated that he had to take time off from work to attend a called meeting, on the Consent Order, and asked why the Council was not notified before the Council Meeting on February 13, 1995. He asked Mr. McKinsey to answer some of the questions.

Mr. McKinsey, of Mid American stated he did not know what to do, and the City should not have to pay any money. He does not know what the city officials want, he has not been able to get anyone, other than Manager Nevad to talk to him. This was discussed between the Council and Mr. McKinsey, with Council Member Stanley reading an excerpt from a letter from Mid American concerning the closure post-closure. This issue was discussed further between Mr. McKinsey and Council Member Stanley. Mr. McKinsey stated that the City is spending money that does not have to be spent. Mayor Webster called for order between Mr. McKinsey and Council Member Stanley and stated the issue will be discussed at the April meeting. Council Member Dodd stated that the City has a surety bond and funds in escrow so he feels the money can be spent and recovered. Mr. McKinsey stated they were not trying to escape the responsibility, but working so the landfill can continue. Council Member Spradlin stated that he has never been contacted concerning a meeting. Mr. McKinsey stated that the Council has had a letter asking for a meeting, but the Council stated they did not want to meet to reconsider the "Restated Lease Agreement" while the appeal is pending. Mayor Webster stated he handled the Consent Order the way he felt it should be handled and he would take the blame if it was done wrong. This was discussed further. Council Member Stanley stated that the Consent Order has a specific time table and does not give time for months of discussion.

**B) COST COMPARISON PRESENTATION ON GOLF COURSE CLUB HOUSE:  
SPRADLIN**

Mayor Webster limited Council Members Spradlin's presentation to ten (10) minutes. Council Member Spradlin commented on the fact that the Council was trying to shut out the public. This was discussed between Council. Council Member Spradlin gave a cost comparison showing what he felt would be needed to fund the Club House at the Golf Course. He talked about the saturation point and the four (4) different inflation rates used. He also commented on the debt service which he felt that the Golf Course should be assessed with. Council Member Spradlin stated he was not against a Club House, but he was against telling the citizens that it was going to pay for itself, and it would not. He said, "The citizens need to be told that the Club House will cost them \$500,000.00".

**C) UPDATE ON CLUB HOUSE AT GOLF COURSE: NEVAD**

Manager Nevad reported that pursuant to the vote on the Bond Ordinance for the Club House the Bonds have been validated and the closing is set for Tuesday, March 14, 1995 at 11:00 A.M. The ground breaking held Saturday, March 11, 1995 at 10:00 was well attended. Two (2) shovels, used in the ceremony, were sold for \$150.00 each.

**D) UPDATE ON OUTSTANDING BILL TO STEVEN O'DAY: NEVAD**

Manager Nevad reported that the city has been informed by Smith, Gambrell and Russell of possible pending litigation concerning the outstanding bill of \$9,600.00 +. As a result staff met with GMA and Arthur Gallagher Firm to discuss the liability and we have been told that if the city is willing to pay \$2,500.00 deductible the city's liability risk management will assume negotiations with Steven O'Day concerning the outstanding bill of \$9,600.00. Manager Nevad recommended a motion to pay the \$2,500.00 to allow our liability risk management to handle this with Steven O'Day. Council Member Spradlin made the motion to approve \$2,500.00 deductible to have our liability risk management to negotiate with Steven O'Day. Council Member Spradlin questioned why Manager Nevad did not recommend payment of this bill at the December meeting. This issue was discussed by Council with Council Member Dodd asking that due to the fact the issue was in the hands of Council Member Spradlin, he is the one who should pay the bill. Council Member Spradlin stated he was not to "baby sit" the management on finances. Why the coverage would not assume the whole debt was explained by Council Member Stanley and he feels the city incurred the debt and that Mr. O'Day did a very professional job on the issue. Council Members Bailey, and Dodd stated that they would vote to end this. Clerk Garbutt advised why Risk Management has assumed responsibility of the \$9,600.00, and it is



simply that they were not notified until August of 1994 when we realized that Mr. O'Day had gone over the approved amount of \$30,000.00. This was discussed further, and Mayor Pro tem Davis stated that he would not vote to spend any more on this issue. There was further discussion on the motion after which the vote was 4-1, with Mayor Pro tem Davis voting against.

**E) DISCUSSION ON IMPARTIAL LANDFILL EXPERT: NEVAD**

Manager Nevad gave the background of choosing an impartial landfill expert and introduced Attorneys Mary Prebula and William Fletcher who have been recommended by Judge Margaret Washburn.

Mayor Webster voiced concern over the fact that the meeting was scheduled to end at 9:00 P.M. on a motion made earlier in the meeting. He stated that he would call a meeting for Wednesday night at 7:30 P.M. to be held in the Community Center should the meeting end in five (5) minutes at 9:00 P.M. Council Member Dodd made a motion, seconded by Council Member Stanley and passed unanimously by Council to extend the meeting to 9:30 P.M. (5-0) Council Member Spradlin voted with the motion, but was opposed to no discussion.

Attorney Mary Prebula gave a presentation on their firm and their expertise in the area of Solid Waste Disposal and Environmental Issues. There was much discussion on this issue. Questions were asked of Ms. Prebula concerning the time needed to assess the issue. Mayor Webster asked that Mrs. Prebula contact Council Member Stanley and should there be any questions, from the Council, they should go thru the City Manager. Attorney Thompson gave the Council guidance on what they needed from Ms. Prebula. There was more discussion on this with a motion being made by Council Member Dodd, seconded by Council Member Spradlin to set a cap of ten (10) hours at a cost of \$1,700.00 for Ms. Prebula to assess the issue and bring the Council up to date on the route to follow in preparing a Solid Waste Plan. After more discussion concerning the history behind this issue, the vote on the motion was unanimous. (5-0)

**F) SOLID WASTE MANAGEMENT PLAN-CONSIDERATION TO CALL INITIAL PUBLIC HEARING: BAILEY**

Due to time, Council Member Bailey asked that this be tabled until the April Council Meeting, seconded by Council Member Dodd and passed unanimously. (5-0)

**G) REQUEST RESPONSE FROM GWINNETT COUNTY ON VOTER REGISTRATION TASK FORCE RECOMMENDATION: SPRADLIN**

Mrs. Karen Spradlin asked what has been done concerning the



Task Force request that certain names, which appeared not to be eligible to vote, be removed from the list of registered voters, a total of 286. She asked what the results are on this matter. The Mayor stated that the City Manager will send a request to the Election Superintendent of the City to follow up on this. Clerk Garbutt gave a short synopsis of what the new law requires on removal of names.

**NEW BUSINESS:**

**A) DISCUSSION OF INCREASE ON REZONING AND ANNEXATION FEES:  
KEN CROWE**

Director Crowe asked that this be tabled until the next meeting due to some miscommunication with Council. Council Member Spradlin made a motion to table this until next month. The motion was seconded by Council Member Bailey and passed unanimously. (5-0)

**B) DISCUSSION OF ACCOUNTING PRACTICES UTILIZED FOR BOND PAYMENTS:  
SPRADLIN**

Council Member Spradlin gave a short presentation on where he felt the debt for the 1993 Bond Issue should be placed in the Budget. He felt at best that at least 50% of the debt service, principal and interest, should be assessed to the Golf Course. He proposed that the System charge the Golf Course rent so the debt will go where it should.

**C) INVITATION TO LOCAL SCHOOLS TO PARTICIPATE IN LOCAL  
GOVERNMENT/COUNCIL MEETINGS: SPRADLIN**

This was discussed and the consensus was that this be done again. Council Member Spradlin made a motion to this effect, seconded by Council Member Bailey and passed unanimously. (5-0)

**CITY CLERK'S REPORT:**

Clerk Garbutt stated the report was in the packet and she had nothing further to add. (see attached report)

**CITY MANAGER'S REPORT:**

Manager Nevad stated his report was also in the packets, but he wished to thank the gas, water and street crews for laying 3,400 feet of pipe in four (4) days for Sugar Crossing. Mayor Webster asked for a "big hand" for the crews. (see attached report)

**COUNCIL REPORTS:**

Council Member Dodd had nothing to report.

Council Member Spradlin apologized to the Mayor for his

apparent vote against extending the meeting, he was simply against no discussion on the matter. He also stated that he still was not receiving his mail on a timely basis. Mayor Webster instructed Manager Nevad to deliver the mail "daily" to Council Member Spradlins home.

Mayor Pro tem Davis, Council Members Bailey, and Stanley had nothing to report at this time.

Mayor Webster stated he felt this has been a very productive meeting and commended the Council and Citizens on their conduct.

CITIZEN'S AND GUEST'S COMMENTS:

Mr. Kevin Pugh addressed the Council and stated that he held each and every member of the Council responsible for the finances of the City. He felt that the Finance Director only pays what the Council spends and directs.

He questioned if all the Closure Post-Closure plans have been approved by EPD. Council Member Stanley gave an answer, and Mr. Pugh asked if the City was going to have to pay the consultants fees before an answer was received concerning the approval of the plans. This was discussed further.

Mrs. Meg Avery thanked the Council for extending the meeting and apologized for not understanding that the cutting short of the meeting was for tonight only. She hopes that will not set a precedence.

Mr. Herb Payne expressed thanks for a good meeting, and he felt that Mid American should accept the responsibility of the fines, if any.

He also commented on the Audit of the Golf Course concerning the electric situation at the course. This was discussed and he asked for a report if the Council differed from his interpretation. He asked that the Budget be amended to show what the Golf Course should pay on the debt.

Mayor Webster asked that Mr. Payne abide by the motion that the meeting end at 9:30 P.M., and it is now 9:33 P.M.

Mr. Mike Fogerty stated that there seems to be too much negative talk about the Golf Course. He feel that it is an asset for the City and that it will eventually bring in revenue and be an asset for future generations. He is very proud of the facility and appreciates the fact that there will be a Club House. He asked that the citizens begin to talk positively about the golf course.

ADJOURNMENT:

Council Member Bailey made a motion to adjourn at 9:36 P. M. seconded by Council Member Dodd and passed unanimously of those present. (4-0)

*Council Report for the Golf Course & Waste Water Treatment Facility  
February 13, 1995  
By Steven C. Bailey, Council Member*

**Waste Treatment Facility**

The facility continues to operate well. The construction for the BellSouth Cellular tower is well under way with the foundation and footings now in place. We should expect its completion by the next Council Meeting.

**Golf Course**

January was another sterling month of operations for our course. Revenue for this month was the highest ever we have had for a January with a 29% increase over 1994. Number of rounds increased by 38% as compared to the same period last year. I should note that enthusiasm for our course has risen in light of the action of the Council last month to proceed with the new Clubhouse. Interest in tournaments and other events have already generated inquiries for use this fall.

The staff is now performing pre-emergence and other grassing maintenance to get the course ready for the spring growth. The City Manager will report later on the bond issuance and upcoming actions required of it so that construction may begin.

**END OF REPORT**

OCCUPATION TAX ORDINANCE  
AMENDMENT

WHEREAS, an ordinance was passed December 27th, 1994 governing occupation taxes and license fees, and

WHEREAS, the ordinance contained a typographical error in Section 4 "Occupation Tax Levied; Restrictions," subsection (B) listing the Profit/Tax Class 2 tax rate on gross receipts of .0045%;

Such Occupation Tax Ordinance is hereby amended to strike the tax rate on gross receipts of Profit/Tax Class 2 such rate being listed as .0045%, and replacing the tax rate instead of .00045% such that the ordinance shall read:

<u>Profit Class</u>	<u>Tax Rate On Gross Receipts</u>
Profit/Tax Class 1	.00040%
Profit/Tax Class 2	.00045%
Profit/Tax Class 3	.00050%

IT IS SO ORDAINED, this \_\_\_\_\_ day of February, 1995.



W. J. Dool  
Council Member  
James B. Hanly  
Council Member  
Charles A. Spradler  
Council Member  
[Signature]  
Council Member  
Robert D. Davis  
Council Member

ATTEST: Betty B. Garland  
City Clerk

Submitted to Mayor: 2-13-95

Approved by Mayor, this 13 day of February, 1995.

Gary S. West  
Mayor



RESOLUTION EDC-1-95

A RESOLUTION TO AMEND THE CITY OF SUGAR HILL BUDGET IN THE AMOUNT OF \$5,000.00 TO FUND NECESSARY ACTIVITIES OF AND WITHIN THE ECONOMIC DEVELOPMENT COMMISSION COMMITTEE OF THE CITY OF SUGAR HILL, GEORGIA.

WHEREAS: The City of Sugar has appointed members to form an Economic Development Commission Committee, and

WHEREAS: This committee meets once a month to discuss and plan for the Economic Development of Sugar Hill, Georgia, and

WHEREAS: The governing authority of the City of Sugar Hill, Georgia wishes this committee to be free to work so that they can do what is in the best interest of all the citizens of the City of Sugar Hill, Georgia, and

WHEREAS: There are times when this committee has to attend functions or incur expenditures which may require reimbursement, and

WHEREAS: These expenditures shall be approved by the liaison from the City of Sugar Hill Council and the City Manager.

NOW THEREFORE BE IT RESOLVED this the 13 day of February, 1995 that the 1995 Budget for the City of Sugar Hill, Georgia be amended to appropriate \$5,000.00 for the necessary expenditures of the Economic Development Commission Committee of Sugar Hill, Georgia.

Robert D. Wain  
MAYOR PRO TEM:

Charles A. Spradler  
COUNCIL MEMBER:

G. J. Doherty  
COUNCIL MEMBER:

[Signature]  
COUNCIL MEMBER:

James B. Handberg  
COUNCIL MEMBER:

PRESENTED TO THE MAYOR: 2-13-95

APPROVED BY THE MAYOR: 2-13-95

ATTEST: Bridget B. Darter  
CITY CLERK

DATE: February 13, 1995



ORDINANCE FOR ANNEXATION

THE COUNCIL OF THE CITY OF SUGAR HILL HEREBY ORDAINS:

WHEREAS, the City of Sugar Hill did receive an application to have lands annexed into the existing corporate limits of the City of Sugar Hill, Georgia; and

WHEREAS, it appears to the governing body of The City of Sugar Hill, Georgia, that the area proposed to be annexed is contiguous to the existing corporate limits of the City of Sugar Hill, as required by O.C.G.A. §36-36-31, that the applicants represent not less than sixty percent (60%) of the owners and resident electors of the land area proposed to be annexed and that said application complies with the laws of the State of Georgia; and

WHEREAS, a public hearing was held on said application for annexation and on the proposed zoning of the area to be annexed on February 13, 1995; and

WHEREAS, prior to said public hearing the City of Sugar Hill, Georgia did prepare a report setting forth its plans to provide services to the area to be annexed as required by the Official Code of Georgia Annotated §36-36-35; and

WHEREAS, the governing body of the City of Sugar Hill, Georgia has determined that the annexation of the area proposed to be annexed would be in the best interests of the residents and property owners of the area proposed for annexation and of the citizens of the City of Sugar Hill, Georgia and

BE IT, THEREFORE, ordained that the following described lands to be and the same hereby are, annexed to the existing corporate limits of the City of Sugar Hill, Georgia, and the same shall hereafter constitute a part of the lands within the corporate limits of the City of Sugar Hill, Georgia, to wit:

All that tract or parcel of land more particularly described on Exhibit A which is attached hereto and incorporated herein by reference;

A plat of said property is attached hereto as Exhibit B and made a part of this ordinance and incorporated herein by reference.

WHEREAS, the governing body of the City of Sugar Hill, Georgia has determined that the proper zoning classification for the area proposed to be annexed is RS-150 (Low Density Single Family Residential District).

BE IT FURTHER ORDAINED THAT "The Zoning Ordinance of the City of Sugar Hill" is hereby amended by adding to the official zoning map adopted by the Ordinance that area annexed by this Ordinance and by classifying that area as RS-150 (Low Density Single Family Residential District) on said Official Zoning Map subject to the conditions as follows;

- 2,000 square feet minimum house size.

BE IT FURTHER ORDAINED that the Clerk of the City of Sugar Hill certify a copy hereof and file the same with the Secretary of State for the State of Georgia, pursuant to the provisions of Official Code of Georgia, §36-36-38(a).

IT IS SO ORDAINED, this 13th day of February, 1995.



[Signature]  
COUNCIL MEMBER

Charles A. Spradell  
COUNCIL MEMBER

[Signature]  
COUNCIL MEMBER

[Signature]  
COUNCIL MEMBER

[Signature]  
COUNCIL MEMBER

ATTEST:

[Signature]  
City Clerk

(MAYORS APPROVAL ON FOLLOWING PAGE)

APPROVED BY

*Harry L. Webb*  
MAYOR

This 13th day of February, 1995.

Delivered to the Mayor 2-13-95

Received from Mayor 2-13-95

ATTEST:

*Betty M. Gardner*  
City Clerk

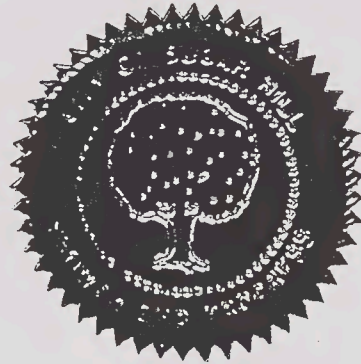




EXHIBIT "B"

LEGAL DESCRIPTION

ARBOR CLOSE, TRACT 2  
AREA = 24.663 ACRES  
NOVEMBER 9, 1994

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 320 OF THE 7TH DISTRICT, GWINNETT COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF GEORGIA HIGHWAY 20 AND THE CENTERLINE OF WHITEHEAD DRIVE (IF THE RIGHT-OF-WAY LINE WAS EXTENDED TO INTERSECT THE CENTERLINE AT A POINT), THENCE EASTERLY ALONG SAID SOUTH RIGHT-OF-WAY LINE OF GEORGIA HIGHWAY 20 A DISTANCE OF 242.50 FEET TO A POINT ON SAID RIGHT-OF-WAY LINE, SAID POINT BEING THE "TRUE POINT OF BEGINNING" OF TRACT HEREIN DESCRIBED AS FOLLOWS:

THENCE CONTINUE SOUTH 88 DEGREES 08 MINUTES 43 SECONDS EAST ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 618.18 FEET TO A POINT;

THENCE SOUTH 30 DEGREES 39 MINUTES 55 SECONDS WEST LEAVING SAID RIGHT-OF-WAY LINE A DISTANCE OF 202.69 FEET TO A POINT;

THENCE SOUTH 30 DEGREES 22 MINUTES 41 SECONDS EAST A DISTANCE OF 1,631.33 FEET TO A POINT;

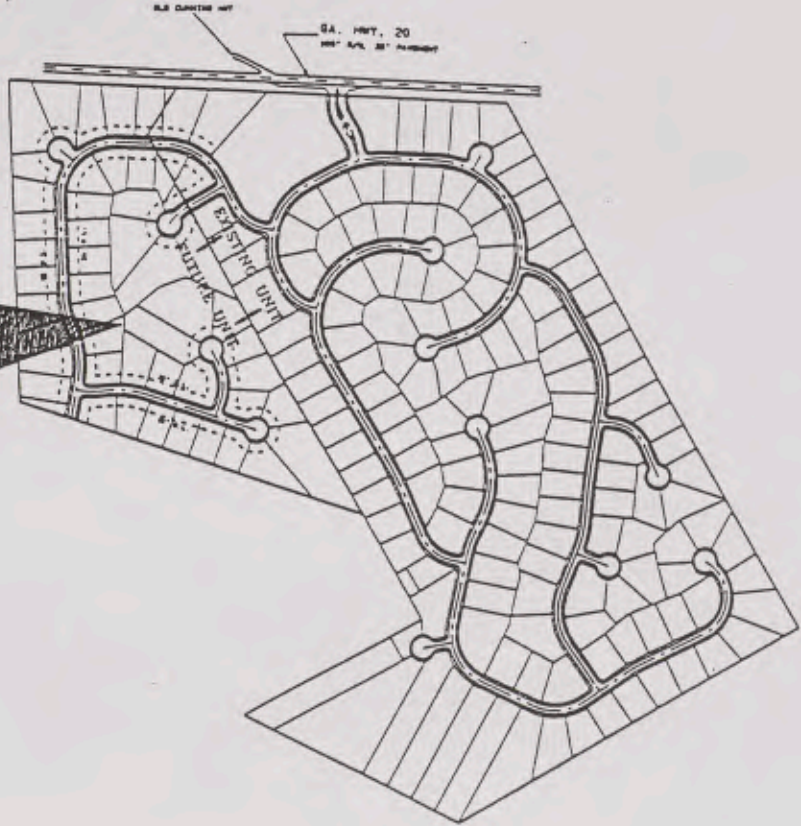
THENCE NORTH 72 DEGREES 02 MINUTES 22 SECONDS WEST A DISTANCE OF 1,328.54 FEET TO A POINT;

THENCE NORTH 03 DEGREES 34 MINUTES 40 SECONDS WEST A DISTANCE OF 363.92 FEET TO A POINT;

THENCE NORTH 03 DEGREES 39 MINUTES 18 SECONDS WEST A DISTANCE OF 830.53 FEET TO A POINT, SAID POINT ALSO BEING THE "TRUE POINT OF BEGINNING" OF SAID TRACT.

**NOTES**

1. FUTURE UNIT TOTAL AREA IS 21.20 AC. THE PLANNED IMPROVEMENTS, SEE SEPARATE SURVEY FOR THIS UNIT, WERE ON RECORD SINCE 10/11/78 BY C.V.L. DESIGN, INC.
2. ALL S/T'S THERE ARE BY ALL PAYMENT THERE ARE BY S/T'S AND THERE ARE S/T'S AND BY TO THE S/T'S AND BY TO THE SIDE OF PAYMENT.
3. LOT SIZES:  
 DISTANCE LOT AREA = 12.80 AC.  
 DISTANCE FRONT SIDE = 1000 S.T.  
 DISTANCE FRONT 7-1/2' SETBACK = 30'  
 DISTANCE SIDE YARD SETBACK = 10'  
 DISTANCE SIDE YARD SETBACK = 10'
4. PROPOSED DEVELOPMENT FEASIBLE FOR FUTURE UNIT CONSTRUCTION OF HOUSES AND RELATED INFRASTRUCTURE TO BE COMPLETED DEVELOPMENT OF LOTS TO BE COMPLETED IN 18 MONTHS TO BE COMPLETED IN 18 MONTHS.



AREA TO BE ANNEXED/REZONED

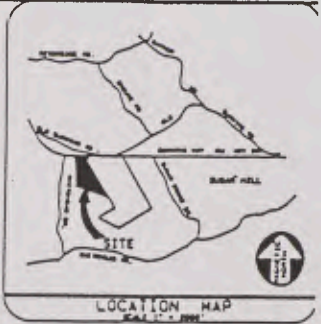
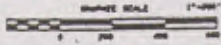


EXHIBIT "C"



**OWNER & DEVELOPER**  
 YAKI BENT HOMES INC.  
 P.O. BOX 100  
 WILSON, NC 27158

CIVIL DESIGN, INC.		DATE	10/11/78
PRELIMINARY SITE PLAN FOR		SCALE	1" = 1 MILE
<b>ARBOR CLOSE</b>		PROJECT NO.	100-100
<b>FUTURE UNIT</b>		DATE	10/11/78
DATE	10/11/78	BY	C.V.L. DESIGN, INC.
SCALE	1" = 1 MILE	CHECKED	C.V.L. DESIGN, INC.
PROJECT NO.	100-100	DATE	10/11/78





AX-94-004

REPORT OF SERVICES PROVIDED

FILE # AX-94-004

THE FOLLOWING SERVICES WILL BE AVAILABLE, AS INDICATED, TO THE PROPERTY TO BE ANNEXED.

- X Fire and police protection are presently provided to the residents of the City of Sugar Hill by Gwinnett County. Thus, the proposed annexation would not affect or cause any interruption in police or fire protection in the area to be annexed.
- X Street Maintenance is presently provided by the City of Sugar Hill for the areas within the corporate boundaries of the municipality. Street maintenance is provided to the city streets as needed in accordance with financial capabilities and other planning consideration. The City foresees no difficulty in providing street maintenance service to the area to be annexed. The services would begin upon the date of annexation. No increased street maintenance in the area to be annexed is foreseeable in the immediate future. The area is presently served by county roads that are adequately maintained. Any new streets developed in the area to be annexed would be required to be subject to the same maintenance requirements as streets developed in areas presently within the city limits.
- X Garbage Collection is presently provided by the City of Sugar Hill for the areas within the corporate boundaries of the municipality. Garbage collection is provided once per week. The City foresees no difficulty in providing garbage collection to the area to be annexed. The services would begin upon the date of the annexation. Garbage collection would be made available to any resident of the area to be annexed by adding the area to a regular collection route.
- X Gas Service will be available at the property to be annexed. Gas Mains for new developments on the property shall be installed by the developer. Tap-Ons for individual services lines and meters are paid for at the time the building permit is purchased.
- Water service will be available at the property to be annexed. Water Mains for new developments on the property shall be installed by the developer. Tap-Ons for individual service lines and meters are paid for at the time the building permit is purchased.
- X Sewer service will be available at the property to be annexed. Sewer Mains for new developments on the property shall be installed by the developer. Tap-Ons are paid for at the time the development permit is purchased.



REZONING ORDINANCE

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 RS-150 (Low Density Single Family Residential District) on said official zoning map.

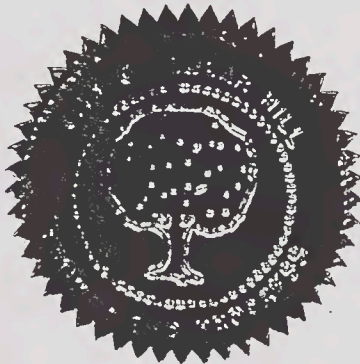
BE IT FURTHER ORDAINED that the following conditions are hereby included on the property as conditions of zoning:

- 2,000 square feet minimum house size.

IT IS SO ORDAINED, this 13th day of February, 1995.

Betty P. Garbird  
city clerk

Henry J. (Bets)  
Mayor



REZONING ORDINANCE

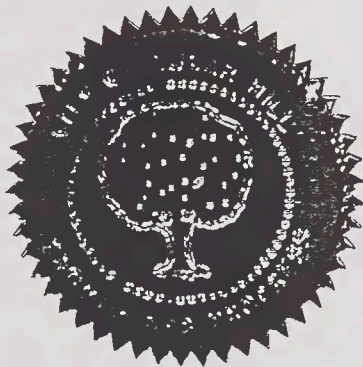
The Council of the City of Sugar Hill, Georgia, hereby ordains:

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 BG (General Business District) on said official zoning map.

IT IS SO ORDAINED, this 13th day of February, 1995.

Betty Gardner  
City Clerk

Henry L. Webb  
Mayor



## BOND ORDINANCE

A BOND ORDINANCE PROVIDING FOR THE ISSUANCE BY THE CITY OF SUGAR HILL, GEORGIA OF ITS GOLF COURSE REVENUE BOND, SERIES 1995, FOR THE PURPOSE OF FINANCING THE COST OF MAKING CAPITAL IMPROVEMENTS TO ITS MUNICIPAL GOLF COURSE FACILITIES; TO PROVIDE TERMS, PROVISIONS, AND CONDITIONS FOR THE ISSUANCE OF ITS GOLF COURSE REVENUE BOND, SERIES 1995; AND FOR OTHER RELATED PURPOSES.

**Whereas**, under and by virtue of the authority of the constitution and laws of the State of Georgia, including specifically, but without limitation, Article 3 of Chapter 82 of Title 36 of the official Code of Georgia Annotated, known as the "Revenue Bond Law", as amended (the "Revenue Bond Law"), and the Charter of the City of Sugar Hill, Georgia, as amended (the "Charter"), the City of Sugar Hill, Georgia (the "City") is authorized to acquire, construct, reconstruct, improve, better, and extend golf links and fairways and buildings to be used for various types of sports; and

**Whereas**, the Revenue Bond Law authorizes the City to issue revenue bonds to finance, in whole or in part, the cost of the acquisition, construction, reconstruction, improvement, betterment, or extension of any undertaking or by combination of two or more such undertakings, including any undertakings specified above, and to issue revenue bonds at any time to refund or refinance, in whole or in part, all outstanding revenue bonds against any existing undertaking or any combination thereof or its anticipated revenue; and

**Whereas**, the City has determined that there is a need for the acquisition, construction, improvement, betterment, and extension of capital improvements to the City's existing municipal golf course facilities, including the construction of a new clubhouse (the "Project"), all in accordance or substantially in accordance with plans and specifications on file with the City; and

**Whereas**, Peoples Bank & Trust, Buford, Georgia (the "Bank") is willing to purchase the City's revenue bond to provide permanent financing for the Project and has issued to the City its letter of commitment (the "Commitment"), dated January 31, 1995, with respect thereto; and

**Whereas**, the City has determined that it is in the best interests of its citizens to provide permanent financing for the Project by issuing its revenue bond in the principal amount of \$500,000;

**NOW, THEREFORE**, The Council of the City of Sugar Hill hereby ordains, and it is hereby ordained, as follows:

**Section 1.** For the purpose of providing permanent financing for the Project, the City hereby authorizes the execution, issuance, and delivery of a revenue bond (the "Bond") of the City

to be designated "City of Sugar Hill, Georgia Golf Course Revenue Bond, Series 1995," which shall be executed, issued, and delivered under, and secured by, this Ordinance. The Bond shall be in the original principal amount of \$500,000, shall be issued only as a single bond in registered form without coupons, shall be dated as of the date of issuance and delivery, shall be initially numbered R-1, and shall be in substantially the form attached hereto as Exhibit A, with such variations, omissions, substitutions, and insertions as may be approved by the Mayor or Mayor Pro Tem of the City. The Bond shall bear interest from date and at the rate of 6.00% per annum, computed on the basis of a 360-day year consisting of twelve 30-day months. Principal and interest shall be payable in one hundred nineteen (119) consecutive monthly installments of Five Thousand Eight Hundred Thirty-Four and 80/100 Dollars (\$5,834.80) each, commencing on January 15, 1996, and continuing to be due on the fifteenth (15th) day of each succeeding month thereafter, together with a one hundred twentieth (120th) final installment equal to the unpaid principal of and accrued interest on the Bond which shall be due on December 15, 2005. All payments (except for prepayments which are provided for below) shall be applied first to accrued but unpaid interest and then to principal. All sums (except the final payment which shall be paid upon presentation and surrender of the Bond at the office of the City Clerk, City of Sugar Hill, Georgia, 4988 West Broad Street, Sugar Hill, Georgia 30518), including principal and interest, shall be payable by check or draft to the registered owner of the Bond at such address as it may specify in writing. Both principal and interest are payable in lawful money of the United States of America.

The City may prepay the Bond in whole or in part at any time upon payment to the registered owner of a prepayment price equal to the principal amount of the Bond being prepaid plus accrued interest thereon to the date of prepayment; provided that, if any prepayment of the Bond shall occur, the City shall pay to the registered owner of the Bond such additional amounts as may be necessary to compensate the registered owner of the Bond for any loss or expense incurred by the registered owner as a result of such prepayment, including, without limitation, any loss or cost of liquidation or re-employing deposits required to fund or maintain a fixed rate. In determining any such additional amounts, the registered owner of the Bond may make such reasonable estimates, assumptions, allocations, and the like that such registered owner, in good faith, reasonably determines to be appropriate, and such registered owner's determinations in respect thereof shall be final, binding, and conclusive upon the city, except for manifest errors in computation or transmission. If the Bond or any portion of the principal thereof is to be prepaid, the City shall cause notice thereof to be sent by registered or certified mail, postage prepaid, with a return receipt requested, to the registered owner of the Bond at the address to which payments on the Bond are made, not less than thirty (30) days prior to the prepayment date. In



the event of a partial prepayment of the Bond, the amount of such prepayment shall be applied first to the prepayment of the principal portion of payments due on the Bond in the inverse order of the maturities of such payments, and the balance (if any) remaining after payment of all principal shall be applied to the interest accrued on the Bond to the prepayment date. All partial prepayments of principal shall be endorsed by the registered owner on the Table of Prepayments appended to the Bond prior to any transfers of the Bond. Upon request of the City, the Bond shall be available for inspection during regular business hours by the City at the office of the registered owner thereof or such other place as the registered owner thereof may designate in writing to the City.

The execution, delivery, and performance of the Bond by the City shall be, and the same are hereby, authorized. The Mayor or Mayor Pro Tem of the city is hereby authorized to execute and the Clerk or Assistant Clerk of the City is hereby authorized to attest and seal the Bond. The execution of the Bond by the Mayor or Mayor Pro Tem shall be conclusive evidence of his or her approval of any variations, omissions, substitutions, and insertions from the form attached hereto as Exhibit A.

**Section 2.** In order to secure the punctual payment of the principal of and interest on the Bond, the City hereby pledges to the prompt payment of the principal of and interest on the Bond, and grants to the owner of the Bond a lien upon, all revenues derived by the City from the ownership and operation of its municipal golf course facilities, remaining after the payment of expenses of operating, maintaining, and repairing its municipal golf course facilities. Such revenues, monies, and securities shall immediately be subject to the lien of this pledge for the benefit of the owner of the Bond without any physical delivery thereof or further act, and the lien of this pledge shall be valid and binding against the City and against all other persons having claims of any kind against the City, whether such claims shall have arisen in tort, contract, or otherwise, and regardless of whether such persons have notice of the lien of this pledge. This pledge and lien shall rank superior to all other pledges which may hereafter be made and all other liens which may hereafter be granted of any of the amount pledged under this Ordinance. The City shall issue no other obligation of any kind or nature payable from or enjoying a lien on the amounts pledged under this Ordinance or any part thereof having priority over or on a parity with the Bond, without the prior written consent of the owner of the Bond.

THE BOND SHALL NEITHER BE DEEMED TO CONSTITUTE A DEBT OF THE CITY NOR A PLEDGE OF THE FAITH AND CREDIT OF THE CITY. THE BOND SHALL NOT BE PAYABLE FROM OR A CHARGE UPON ANY FUNDS OTHER THAN THE REVENUES AND AMOUNT PLEDGED TO THE PAYMENT THEREOF, AND THE CITY SHALL NOT BE SUBJECT TO ANY PECUNIARY LIABILITY THEREON. NO OWNER OF THE BOND SHALL EVER HAVE THE RIGHT TO COMPEL ANY EXERCISE OF THE

TAXING POWER OF THE CITY TO PAY THE BOND OR THE INTEREST THEREON, OR TO ENFORCE PAYMENT OF THE BOND AGAINST ANY PROPERTY OF THE CITY; THE BOND SHALL NOT CONSTITUTE A CHARGE, LIEN, OR ENCUMBRANCE, LEGAL OR EQUITABLE, UPON ANY PROPERTY OF THE CITY, EXCEPT FOR THE AMOUNTS PLEDGED UNDER THIS ORDINANCE.

**Section 3.** The Bond is transferable by the registered owner in person or by the owner's attorney duly authorized in writing at the office of the City, upon surrender of the Bond accompanied by a duly executed instrument of transfer, in form and with guarantee of signature satisfactory to the City, and upon payment of any governmental charges or taxes incident to such transfer. Upon any such transfer, a new Bond in the same principal amount and for the same interest rate and maturity will be issued to the transferee. The City may deem and treat the person in whose name the Bond is registered as the absolute owner thereof (whether or not the Bond shall be overdue) for the purpose of receiving payment of, or on account of, the principal of and interest due on the Bond and for all other purposes, and the City shall not be affected by any notice to the contrary.

**Section 4.** The City shall continuously own, control, operate, and maintain its municipal golf course facilities in an efficient and economical manner and on a revenue producing basis and shall at all times prescribe, fix, maintain, and collect rates, fees, and other charges for the services and facilities furnished by its municipal golf course facilities fully sufficient at all times to operate and maintain its municipal golf course facilities on a sound businesslike basis, to discharge the payment of principal of and interest on the Bond as the same become due and payable, either at maturity or by proceedings for mandatory redemption, in the then current year.

If the City fails to prescribe, fix, maintain, and collect rates, fees, and other charges, or to revise such rates, fees, and other charges, in accordance with the provisions of this Section 4, the owner of the Bond, without regard to whether any default shall have occurred, may institute and prosecute in any court of competent jurisdiction an appropriate action to compel the City to prescribe, fix, maintain, or collect such rates, fees, and other charges, or to revise such rates, fees, and other charges, in accordance with the requirements of this Section 4.

The rates, fees, and other charges shall be classified in a reasonable manner to cover users of the services and facilities furnished by the City's municipal golf course facilities so that as nearly as practicable, such rates, fees, and other charges shall be uniform in application to all users falling within any reasonable class. No free use of the City's municipal golf course facilities shall at any time be allowed, except de minimus use by City officials and their municipal guests. Use of the City's

municipal golf course facilities shall be allowed in accordance with rates now or hereafter established.

**Section 5.** The City irrevocably covenants, binds, and obligates itself not to sell, lease, encumber, or in any manner dispose of its municipal golf course facilities as a whole or in part, without the prior written consent of the owner of the Bond.

**Section 6.** The City will from time to time duly pay and discharge or cause to be paid and discharged all taxes, assessments, and other governmental charges, if any, lawfully imposed upon its municipal golf course facilities or any part thereof or upon the amounts pledged under this Ordinance, as well as any lawful claims for labor, materials, or supplies which if unpaid might by law become a lien or charge upon its municipal golf course facilities or the amounts pledged under this Ordinance or any part thereof or which might impair the security of the Bond, except when the City in good faith contests its liability to pay the same.

The City shall not do, or omit to do, or permit to be done or to be omitted any matter or thing whatsoever whereby the lien of this Ordinance on the amounts pledged hereunder or any part thereof might or could be lost or materially impaired.

**Section 7.** The City recognizes that the purchaser and owner of the Bond will have accepted the Bond on, and paid for the Bond a price which reflects, the understanding that interest on the Bond is not included in the gross income of the owner for federal income tax purposes under laws in force at the time the Bond shall have been delivered.

The City shall take any and all action which may be required from time to time in order to assure that interest on the Bond shall remain excludable from the gross income of the owner of the Bond for federal income tax purposes and shall refrain from taking any action which would adversely affect such status.

Prior to or contemporaneously with delivery of the Bond, the Mayor or Mayor Pro Tem and the Clerk or Assistant Clerk of the City shall execute a Certificate as to Arbitrage Matters on behalf of the City respecting the investment of the proceeds of the Bond. Such certificate shall be a representation and certification of the City, and an executed copy thereof shall be delivered to the initial purchaser of the Bond. The City shall not knowingly invest or participate in the investment of any monies held under this Ordinance if such investment would cause interest on the Bond to become included in gross income for federal income tax purposes.

The Mayor or Mayor Pro Tem or the Clerk or Assistant Clerk of the City may also execute and deliver, on behalf of the City: (i) such agreements, filings, and other writings as may be necessary or



desirable or cause or bind the city to comply with any requirements for rebate under Section 148(f) of the Internal Revenue Code of 1986, as amended (the "Code"), or (ii) such certificate or other writing as may be necessary or desirable to qualify for exemption from such rebate requirements.

The City shall calculate, from time to time, as required in order to comply with the provisions of Section 148(f) of the Code, the amounts required to be rebated (including penalties) to the United States and shall pay or cause to be paid to the United States any and all of such amounts promptly following a determination of any such amount.

The City hereby covenants and agrees that it will not use or permit any use of the proceeds of the sale of the Bond, or any other monies arising out of the ownership or operation of its municipal golf course facilities or otherwise, or use or permit the use of any of the facilities being financed or refinanced thereby or any other portion of its municipal golf course facilities, which would cause the Bond to be a "private activity bond" within the meaning of Section 141 of the Code. The City further covenants to take any and all action which may be required from time to time in order to insure that interest on the Bond shall remain excludable from the gross income of the owner of the Bond for federal income tax purposes and to refrain from taking any action which would adversely affect such status.

The City hereby designates the Bond as a "qualified tax-exempt obligation" for purposes of Section 265(b) (3) of the Code and covenants that the Bond does not constitute a "private activity bond", as defined in Section 141 of the Code, and that not more than \$10,000,000 in aggregate principal amount of obligations the interest on which is excludable from gross income for federal income tax purposes (including, however, private activity bonds, as defined in Section 141 of the code, other than qualified 501(c) (3) bonds, as defined in Section 145 of the Code), including the Bond, have been or shall be issued by the City, including all subordinate entities of the City and all entities which issue obligations on behalf of the City, during the calendar year 1995.

The covenants, certifications, representations, and warranties contained in this Section 7 shall survive payment in full or provision for payment in full of the Bond.

**Section 8.** The City hereby creates and establishes the City of Sugar Hill, Georgia Golf Course Construction Fund (the "Construction Fund"), into which shall be deposited the proceeds of the sale of the Bond. Monies in the construction Fund shall be held by Peoples Bank & Trust, Buford, Georgia, as Depository (the "Depository"), and applied to the payment of the cost of the Project, or for the repayment of advances made for that purpose in accordance with and subject to the provisions and restrictions set



forth in this Section 8. The city covenants that it will not cause or permit to be paid from the construction Fund any sums except in accordance with such provisions and restrictions; provided, however, that any monies in the Construction Fund not presently needed for the payment of current obligations during the course of construction may be invested in obligations in which the City is permitted to invest monies of the City pursuant to applicable law, maturing not later than (i) the date upon which such monies will be needed according to a schedule of anticipated payments from the Construction Fund filed by the City with the Depository or, (ii) in the absence of such schedule, 36 months from the date of purchase, in either case upon written direction of the City. Any such investments shall be held by the Depository, in trust, for the account of the Construction Fund until maturity or until sold, and at maturity or upon such sale the proceeds received therefrom including accrued interest and premium, if any, shall be immediately deposited by the Depository in the Construction Fund and shall be disposed of in the manner and for the purposes provided in this Ordinance.

All payments from the Construction Fund shall be made upon draft except as provided in this Ordinance, signed by the officers of the City properly authorized to sign on its behalf, but before they shall sign any such draft, there shall be filed with the Depository:

(a) A requisition for such payment (the above mentioned draft may be deemed a requisition for the purpose of a this Section 8), stating each amount to be paid and the name of the person to whom payment is due.

(b) A certificate executed by such officers attached to the requisition and certifying:

(1) That an obligation in the stated amount has been incurred by the City and that the same is a proper charge against the Construction Fund and has not been paid and stating that the bill or statement of account for such obligation, or a copy thereof, is on file in the office of the City;

(2) That the signers have no notice of any vendor's, mechanic's, or other liens or rights to liens, chattel mortgages, or conditional sales contracts which should be satisfied or discharged before such payment is made; and

(3) That such requisition contains no item representing payment on account of any retained percentages which the City is, at the

date of any such certificate, entitled to retain.

(c) No requisition for payment shall be made until the City has been furnished with a proper certificate of the supervising architect that insofar as such obligation was incurred for work, material, supplies, or equipment in connection with the undertaking, such work was actually performed, or such material, supplies, or equipment was actually installed in or about the construction or delivered at the site of the work for that purpose.

Withdrawals from investment purposes only may be made by the Depository to comply with written directions from the City without any requisition other than such direction.

The City shall, when the Project has been completed, and may, when the Project has been substantially completed, file with the Depository a certificate signed by the Mayor estimating what portion of the funds remaining in the Construction Fund will be required by the City for the payment or reimbursement of the costs of the Project. The Mayor shall attach to this certificate a certificate of the supervising architect certifying that the Project has been completed or substantially completed, as the case may be, in accordance with the plans and specifications therefor and approving the estimates of the Mayor with respect to the portion of funds in the Construction Fund required for costs of the Project. Such funds that will not be used shall be applied to the payment of principal of and interest on the Bond. Upon any default in the payment of principal of or interest on the Bond, all amounts held in the construction Fund shall be applied to the immediate payment of the principal of and interest on the Bond.

**Section 9.** In case any one or more of the provisions of this Ordinance or of the Bond shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this Ordinance or of the Bond, but this Ordinance and the Bond shall be construed and enforced as if such illegal or invalid provision has not been contained therein. In case any covenant, stipulation, obligation, or agreement contained in the Bond or in this Ordinance shall for any reason be held to be unenforceable or in violation of law, then such covenant, stipulation, obligation, or agreement shall be deemed to be the covenant, stipulation, obligation, or agreement of the City to the full extent that the power to incur such obligation or to make such covenant, stipulation, or agreement shall have been conferred on the City by law.

**Section 10.** The City shall deliver a certified copy of this Ordinance with an appropriate notice signed by the Mayor or Mayor Pro Tem of the City to the District Attorney for the Gwinnett

Judicial Circuit accompanied by the request that the District Attorney proceed with the validation of the Bond and the security therefor.

**Section 11.** The City shall sell the Bond to the Bank for the price of \$500,000, in accordance with the terms of the Commitment.

**Section 12.** This Ordinance shall take effect immediately upon its adoption.

**Section 13.** This Ordinance shall be governed by and construed and enforced in accordance with the laws of the State of Georgia.

**Section 14.** Any and all ordinances and resolutions, or parts of ordinances or resolutions, if any, in conflict with this Ordinance are hereby repealed.

**Section 15.** No stipulations, obligations, or agreements of any member of the governing body or of any officer of the City shall be deemed to be stipulations, obligations, or agreements of any such member or officer in his or her individual capacity.

**Section 16.** From and after the date of adoption of this Ordinance, the officials, employees, and agents of the City are hereby authorized to do all such acts and things and to execute and deliver any and all other documents, certificates, and instruments as may be required in connection with the execution, delivery, and sale of the Bond and the transactions contemplated on the part of the City by this Ordinance. The Mayor or Mayor Pro Tem and Clerk or Assistant Clerk of the city are hereby authorized and directed to prepare and furnish to the purchaser of the Bond, when the Bond is issued, certified copies of all proceedings and records of the City relating to the Bond or to this Ordinance, and such other affidavits and certificates as may be required to show the facts relating to the legality and marketability of the Bond as such facts appear from the books and records in the officers' custody and control or as otherwise known to them. All such certified copies, certificates, and affidavits, including any heretofore furnished, shall constitute representations of the City as to the truth of all statements contained therein.

**Section 17.** This Ordinance constitutes a contract with the owner of the Bond binding the City, and therefore it is proper and appropriate for the Mayor or Mayor Pro Tem to execute the same on behalf of the City and for the Clerk or Assistant Clerk of the City to attest the same.

CITY OF SUGAR HILL, GEORGIA



By: *Harry L. White*  
Mayor

Attest:

*Benny B. Garbutt*  
City Clerk



EXHIBIT A

[FORM OF BOND]

UNITED STATES OF AMERICA

STATE OF GEORGIA  
CITY OF SUGAR HILL  
GOLF COURSE REVENUE BOND,  
SERIES 1995

Number R-1

Principal Amount: \$500,000

<u>Maturity Date</u>	<u>Interest Rate</u>	<u>Date of This Bond</u>
December 15, 2005	6.00%	March 14, 1995

Registered Owner: Peoples Bank & Trust

The CITY OF SUGAR HILL, GEORGIA (the "City"), for value received, hereby promises to pay (but only out of the sources provided) to the registered owner identified above, or registered assigns, the principal amount identified above and to pay (but only out of the sources provided) interest from the date hereof until the payment of the principal amount of this Bond in full on the balance of such principal sum from time to time remaining unpaid at the interest rate per annum shown above (computed on the basis of a 360-day year for the number of days actually elapsed), such interest being payable upon retirement of this Bond, and promises to pay interest on overdue principal and, to the extent permitted by law, on overdue interest, at such rate. Principal and interest shall be payable in one hundred nineteen (119) consecutive monthly installments of Five Thousand Eight Hundred Thirty-Four and 80/100 Dollars (\$5,834.80) each, commencing on January 15, 1996, and continuing to be due on the fifteenth (15th) day of each succeeding month thereafter, together with a one hundred twentieth (120th) final installment equal to the unpaid principal of and accrued interest on the Bond which shall be due on December 15, 2005. All payments (except for prepayments which are provided for below) shall be applied first to accrued but unpaid interest and then to principal. All sums (except the final payment which shall be paid upon presentation and surrender of this Bond at the office of the City Clerk, City of Sugar Hill, Georgia, 4988 West Broad Street, Sugar Hill, Georgia 30518), including principal and interest, shall be payable by check or draft to the registered owner of this

Bond at such address as it may specify in writing. Both principal and interest are payable in lawful money of the United States of America. The City may prepay this Bond in whole or in part at any time upon payment to the registered owner of a prepayment price equal to the principal amount of this Bond being prepaid plus accrued interest thereon to the date of prepayment; provided that, if any prepayment of this Bond shall occur, the City shall pay to the registered owner of this Bond such additional amounts as may be necessary to compensate the registered owner of this Bond for any loss or expense incurred by the registered owner as a result of such prepayment, including, without limitation, any loss or cost of liquidating or re-employing deposits required to fund or maintain a fixed rate. In determining any such additional amounts, the registered owner of this Bond may make such reasonable estimates, assumptions, allocations, and the like that such registered owner, in good faith, reasonably determines to be appropriate, and such registered owner's determinations in respect thereof shall be final, binding, and conclusive upon the City except for manifest errors in computation or transmission. If this Bond or any portion of the principal thereof is to be prepaid, the City shall cause notice thereof to be sent by registered or certified mail, postage prepaid, with a return receipt requested, to the registered owner of the Bond at the address to which payments on this Bond are made, not less than thirty (30) days prior to the prepayment date. In the event of a partial prepayment of this Bond, the amount of such prepayment shall be applied first to the prepayment of the principal portion of payments due on this Bond in the inverse order of the maturities of such payments, and the balance (if any) remaining after payment of all principal shall be applied to the interest accrued on this Bond to the prepayment date. All partial prepayments of principal shall be endorsed by the registered owner on the Table of Prepayments appended to this Bond prior to any transfers of this Bond. Upon request of the City, this Bond shall be available for inspection during regular business hours by the City at the office of the registered owner hereof or such other place as the registered owner hereof may designate in writing to the City.

This Bond is issued by the City pursuant to and in full compliance with the provisions of the Constitution and laws of the State of Georgia, including specifically, but without limitation, Article 3 of Chapter 82 of Title 36 of the Official Code of Georgia Annotated, known as the "Revenue Bond Law", as amended, and the Charter of the City of Sugar Hill, Georgia, as amended. This Bond has been authorized by a Bond Ordinance (the "Bond Ordinance") duly adopted by the City on February 13, 1995, for the purpose of financing the costs of making additions, extensions, and improvements to the City's existing municipal golf course facilities. This Bond is issued under, secured by, and entitled to the benefit of the Bond Ordinance.

This Bond is issuable only as a single bond in registered form without coupons in the denomination of \$500,000. This Bond is transferable by the registered owner in person or by the owner's attorney duly authorized in writing at the office of the City set forth above, upon surrender of this Bond accompanied by a duly executed instrument of transfer, in form and with guarantee of signature satisfactory to the City, and upon payment of any governmental charges or taxes incident to such transfer. Upon any such transfer, a new Bond in the same principal amount and of the same interest rate and maturity will be issued to the transferee. The City may deem and treat the person in whose name this Bond is registered as the absolute owner hereof (whether or not this Bond shall be overdue) for the purpose of receiving payment of, or on account of, the principal of and interest due on this Bond and for all other purposes, and the City shall not be affected by any notice to the contrary.

In order to secure the punctual payment of the principal of and interest on this Bond, the City has pledged to the prompt payment of the principal of and interest on this Bond, and granted to the owner of this Bond a lien upon, all revenues derived by the City from the ownership and operation of its municipal golf course facilities, remaining after the payment of expenses of operating, maintaining, and repairing its municipal golf course facilities. This pledge and lien shall rank superior to all other pledges which may hereafter be made and all other liens which may hereafter be granted of any of the amounts pledged under the Bond Ordinance.

The City has designated this Bond as a "qualified tax-exempt obligation" for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

THIS BOND SHALL NEITHER BE DEEMED TO CONSTITUTE A DEBT OF THE CITY NOR A PLEDGE OF THE FAITH AND CREDIT OF THE CITY. THIS BOND SHALL NOT BE PAYABLE FROM OR A CHARGE UPON ANY FUNDS OTHER THAN THE REVENUES AND AMOUNTS PLEDGED TO THE PAYMENT HEREOF, AND THE CITY SHALL NOT BE SUBJECT TO ANY PECUNIARY LIABILITY HEREON. NO OWNER OR OWNERS OF THIS BOND SHALL EVER HAVE THE RIGHT TO COMPEL ANY EXERCISE OF THE TAXING POWER OF THE CITY TO PAY THIS BOND OR THE INTEREST HEREON, OR TO ENFORCE PAYMENT OF THIS BOND AGAINST ANY PROPERTY OF THE CITY; THIS BOND SHALL NOT CONSTITUTE A CHARGE, LIEN, OR ENCUMBRANCE, LEGAL OR EQUITABLE, UPON ANY PROPERTY OF THE CITY, EXCEPT FOR THE REVENUES AND AMOUNTS PLEDGED TO SECURE THIS BOND.

The City has covenanted and hereby covenants and agrees at all times while this Bond is outstanding and unpaid to prescribe, fix, maintain, and collect rates, fees, and other charges for the services and facilities furnished by its municipal golf course facilities fully sufficient at all times to operate and maintain its municipal golf course facilities on a sound businesslike basis, to discharge the payment of principal of and interest on this Bond



as the same become due and payable, either at maturity or by proceedings for mandatory redemption, in the then current year.

The Bond Ordinance contains a more particular statement of the covenants and provisions securing this Bond. In the event that the City defaults in the payment of the principal or interest on this Bond after the same becomes due or in the event that the City fails or refuses to comply with the essential provisions of the Revenue Bond Law or defaults in any material respect in any agreement made in the Bond Ordinance, the owner of this Bond shall be entitled to the remedies provided by the Revenue Bond Law.

It is hereby certified, recited, and declared that all acts, conditions, and things required to exist, happen, and be performed precedent to and in the issuance of this Bond do exist, have happened, and have been performed in due time, form, and manner as required by law.

**IN WITNESS WHEREOF**, the City has caused this Bond to be executed by the manual signature of its Mayor and has caused the official seal of the City to be impressed on this Bond and attested by the manual signature of its Clerk.

**CITY OF SUGAR HILL, GEORGIA**

(CITY SEAL)

By: \_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk







CITY CLERK'S CERTIFICATE

STATE OF GEORGIA  
GWINNETT COUNTY

I, BETTY GARBUTT, City Clerk of the City of Sugar Hill, Georgia DO HEREBY CERTIFY that the foregoing pages constitute a true and correct copy of the Bond Ordinance adopted by the members of the City Council at an open public meeting duly called and lawfully assembled at 7:30 p.m., on the 13th day of February, 1995, in connection with the authorization, issuance, and sale of \$500,000 in principal amount of a revenue bond designated "City of Sugar Hill, Georgia Golf Course Revenue Bond, Series 1995," the original of such Bond Ordinance being duly recorded in the Minute Book of the City, which Minute Book is in my custody and control.

I do hereby further certify that the following members of the City Council were present at such meeting:

- Steven Bailey
- Reuben Davis
- W. J. Dodd
- Charles Spradlin
- Jim Stanley
- Gary Webster

and that the following members were absent:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

and that such Bond Ordinance was duly adopted by a vote of

Aye \_\_\_\_\_ Nay \_\_\_\_\_

WITNESS my hand and the official seal of the City of Sugar Hill, Georgia this the 13th day of February, 1995.

\_\_\_\_\_  
City Clerk

(CITY SEAL)

Dear Mayor and Council,

**We the undersigned**, request that the any or all of you put the following on the agenda for the February 13, 1995 City Council Meeting:

An item to discuss retaining an impartial expert, to define and oversee the process, required by law, leading towards signing a legal and binding contract with Mid-American Waste for the proposed landfill expansion.

Although there are many possibilities, such as an environmental attorney, our suggestion is to ask Sugar Hill Munciple Judge Margaret Washburn to select a person that Her Honor deems appropriate for this situation. Judge Washburn understands the law, she has integrity that is beyond reproach, and she is clearly impartial.

cc: The Honorable Gary Webster  
Councilman Steven Bailey  
Councilman W.J. Dodd  
Councilman Reuben Davis  
Councilman Charles Spradlin  
Councilman James Stanley

The Honorable Judge Margaret Washburn  
City Manager Warren Nevad  
City Clerk Betty Garbutt  
The News  
The Atlanta Journal / Constitution  
The Gwinnett Post Tribune

Herbert H. Payne, Jr.  
James B. January  
Art L. Hony  
Meg Avery  
Rose T. Payne  
Kevin R. Smith  
James D. [unclear]  
Sandra Thompson  
Curtis R. Thompson  
Nancy Masaitis  
Craig Masaitis  
W. A. W. [unclear]

Bin F. James  
Catherine J. Watson  
Wayne A. Baller  
Denise J. Walden  
Jui Walden  
Kerry B. Lauria  
Charles B. Lauria Jr.  
Alfred W. Farmer  
Melanie Baller



February 5, 1995

MEMORANDUM 95-16

TO: Mayor/City Council

FR: Warren Nevad, City Manager *WN*

RE: Agenda Item: Dual - Fuel Heat Pump "Rate Rider"

As previously discussed, attached is the above-referenced ordinance for consideration at the February 13, 1995 Mayor/Council Meeting. This dual-fuel heat pump rate rider is for two additional charges: one is a monthly capacity charge that is in addition to our existing minimum monthly charge, and the second one is for an annual disconnect/reconnect fee. The proposed rates are listed in the proposed ordinance.

We also recommend that we increase our existing gas system disconnect/reconnect fee to \$50.00. This is necessary so that the City remains revenue neutral between customers who maintain gas service year round, and a customer who disconnects for approximately 7 months per year. Senior citizens and disabled customers will not be required to pay this fee.

If you have any questions, please contact me.

WPN:bms

attachment

ORDINANCE

THE COUNCIL OF THE CITY OF SUGAR HILL HEREBY ORDAINS THAT CHAPTER 25, SECTION 25-53 OF THE CODE OF THE CITY OF SUGAR HILL, GEORGIA, ENTITLED "GAS AND WATER RATES" IS HEREBY AMENDED FOR GAS RATES AS FOLLOWS:

GAS RATES

DISCONNECT/RECONNECT FEE: \$50.00

The fee applies to all customers except senior citizens and/or disabled customers.

DUAL-FUEL HEAT PUMP RATE RIDER

Inside Rate: \$6.31 Additional Minimum per Month

Outside Rate: \$6.94 Additional Minimum per Month

Disconnect/Reconnect Fee: \$50.00 Additional Charge

This rate rider specifies charges that are in addition to the existing approved Gas Rates. These specific charges apply only to customers who begin using the dual-fuel heat pump after the date of approval of this rate rider.

Except as herein amended, all of the provision of Chapter 25, Section 25-53 shall remain in full force and effect.

IT IS SO ORDAINED THIS 13<sup>th</sup> DAY OF FEBRUARY, 1995

Sammy L. Webb  
MAYOR

J. L. Dobb  
COUNCIL MEMBER

[Signature]  
COUNCIL MEMBER

Charles A. Spradler  
COUNCIL MEMBER

Robert A. Davis  
COUNCIL MEMBER

James B. Handley  
COUNCIL MEMBER

ATTEST:

Betty Garland

**CLERK'S REPORT  
COUNCIL MEETING  
FEBRUARY 13, 1994**

Shirley Gibbs, Deputy Clerk will be in training at the University on February 5-8, 1995. She is working toward her Clerk's Certification. She is also working on her finance training and has several courses in that area.

Applications have been mailed to all the businesses in Sugar Hill. TBS will be training Shirley and me on February 13, 1995 on the program to run the new schedule for the Occupational Taxes. Every business will pay the \$50.00 administrative fee and the licenses will be based on Gross Sales plus Profitability Ratio, but no business will pay more than double what they paid in 1994, after they pay the administrative fee.

We will be looking at the Liability and General Insurance which will be due on May 1, 1995. I have notified GMA that we will be accepting bids on this coverage, hoping to get a better rate for the City.

Conversion has been made to the new health coverage, there were a few minor problems, but hopefully all have been taken care of. Benefit booklets have been delivered and claims are being paid. Overall, I think the employees are satisfied, especially when they understand the benefits and the cost to them. It is also at a considerable amount of savings for the City.

MEMO: 95-011

TO: Mayor/City Council

FROM: Warren P. Nevad

RE: FEBRUARY 13, 1995 CITY MANAGER REPORT

DATE: February 6, 1995

**1. EMPLOYEES:**

We held an annual employee meeting two weeks ago to discuss our goals and objectives for 1995. The supervisor evaluations have been completed and you are welcome to review these comments. Job descriptions have been completed for the front office. These descriptions are required by the American Disabilities Act.

I attended a municipal law class sponsored by the Georgia Municipal Association. Topics discussed include personal liability; employees at will; open meetings and records; and torts. The department heads have completed their annual reports.

**2. CUSTOMER SERVICE:**

We completed the Bent Creek gas line improvement. This new looped line will benefit at least 75 households. We have prepared a new rider rate that addresses "piggyback" gas users. This will allow an equitable rate to these users. Ken Crowe and Margaret McEachern have been working with MGAG on this new rate. Staff has prepared a citizen orientation guide which outlines the city's services available to the public. This guide was presented at the Princeton Oaks Annual Homeowners' Meeting.

Golf Course personnel are raking up leaves around the greens. Steps to the tee box will be built on the 13th and 18th holes. Fertilizer has been ordered for the year.

**3. BUDGET/FINANCE:**

We have been assisting the public with inquiries regarding our budgeting and financial reporting procedures. Ruth Switzer has completed another finance course at the University of Georgia. Betty Garbutt has prepared an annual forecast of our cash flow needs. The State has withdrawn its \$5,000 grant award to the city since we are not a "qualified local government". In order for the city to be eligible for state grants, our comprehensive development and solid waste management plans must be approved by the state.



**4. CODE ENFORCEMENT:**

We have cited a property owner on Sunset Dr. for illegal outdoor storage and abandoned vehicles. We are planning to implement drainage and water service improvements on Sunset Dr.

**5. PLANNING:**

We met with representatives from MECA to discuss future sanitary sewer needs. We are awaiting a request from MECA. Please refer to earlier correspondence pertaining to subject.

We have invited planners from the Atlanta Regional Commission and the State Department of Community Affairs to attend our February Mayor/Council meeting. Our desire is to educate the citizenry about proper solid waste planning procedures.

**6. CLUBHOUSE:**

We may have a special meeting to approve the bond ordinance. Thereafter, formal validation proceedings will be instituted. The closing date for the clubhouse bond should be held at the end of February. We will meet with Paradise Construction to review our contract and construction draw schedule.

**7. PEACHTREE INDUSTRIAL BLVD:**

We have formally requested for utility relocation expenses to be paid by the State Department of Transportation. We will keep you advised of our progress.

**8. SAWNEE ELECTRIC:**

We have been advised by Sawnee Electric that they will be our new service provider at the Golf Course/Wastewater Treatment Complex on March 1, 1995.

Please call me should you have any questions - Best Wishes for a productive meeting.

WPN:bms



GEORGIA DEPARTMENT OF  
**COMMUNITY AFFAIRS**

Jim Higdon  
COMMISSIONER

Zell Miller  
GOVERNOR

February 2, 1995

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

Dear Mr. Nevad:

We received your request for information regarding the solid waste management plan approval process - specifically, what is the procedure once a plan has been received by the Department from a regional development center (RDC). You also requested a DCA staff member to present this information in person at the February 13, 1995, city council meeting. This letter will explain the plan approval procedure and DCA's policy regarding preplanning assistance.

The plan approval process is outlined in the enclosed Minimum Planning Standards and Procedures for Solid Waste Management. You specifically asked about DCA's role once it has received a local government's plan from an RDC. The RDC is charged with initially reviewing the plan for compliance with the Minimum Standards, notifying the local government of any mistakes or omissions it finds to allow the local government time to address these problems, and determining whether the plan conflicts with other local governments' solid waste management plans. Once the RDC has performed its initial plan review, it sends the plan to DCA where we also review the plan for compliance with the Minimum Standards and "check behind the RDC's review." Any deficiencies discovered are noted and sent to the RDC which in turn works with the local government to bring the plan into compliance. Whether it requests the assistance of its RDC, hires an outside consultant, or plans in-house, planning adequately, responsibly, and according to the Minimum Standards is the responsibility of the local government, and it must by law take those steps necessary to develop a plan which is in compliance with these Standards.

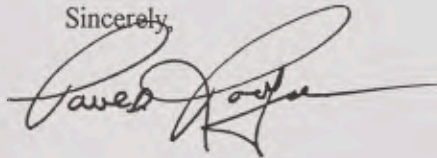
Once the local government has submitted a plan which DCA determines is in compliance with the Minimum Standards, DCA will approve the plan and send a letter to that effect to the RDC. The RDC then notifies the local government that its plan meets the Minimum Standards and that the local government must adopt the plan, including any changes required by DCA to bring the plan into compliance, before the local government can be issued a letter of eligibility for solid waste management related grants, loans, and permits. Once local adoption has occurred, DCA has been officially notified of local adoption, and the eligibility letter issued by DCA, the local government will have completed the planning process required by the Comprehensive Solid Waste Management Act. The local government must then begin the task of plan implementation,

which includes amending and updating the plan as necessary or when required by the Minimum Standards.

In addition to the DCA plan review information, you requested that a DCA representative present this information at the aforementioned city council meeting. DCA's policy is to decline these types of requests. As envisioned by the Minimum Standards, preparation of local plans are to be handled at the local government level. The Minimum Standards provide very detailed guidance on the mandatory items that must be included in a local solid waste management plan. These items are not subject to interpretation and, as such, our presence at the council meeting would serve little purpose. Additionally, in part because there are 696 local governments in the state, we contract with RDCs to assist local governments in solid waste management planning activities. We suggest you contact the Atlanta Regional Commission to answer the particular questions which arise on the local level.

I hope you find this information useful and look forward to receiving Sugar Hill's Solid Waste Management Plan. If DCA can be of further assistance, please call Bryan Garrett of my staff at (404) 656-7526. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul Radford", with a long horizontal flourish extending to the right.

Paul Radford, Director  
Planning, Information  
and Management Division

PR/bdg

cc: Karl Fromberg, Planner  
Atlanta Regional Commission

1994 YEAR END REPORT  
INSPECTIONS DEPARTMENT



1994 MONTH BY MONTH BREAK DOWN OF PERMIT ISSUA

PERMIT TYPES	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEPT	OCT	NOV	DEC	YTD TOTALS
AD - ADDITION/GARAGE	2	0	3	0	1	1	3	3	4	2	0	1	20
AV - ADMINISTRATIVE VARIANCE	1	3	0	3	0	2	2	3	2	3	1	4	24
AX - ANNEXATION APPLICATION	0	0	0	0	0	0	0	0	0	1	0	1	2
CM - COMMERCIAL	0	1	0	0	1	1	0	0	1	0	0	4	4
CT - CONSTRUCTION/SALES TRAILER	0	0	0	1	1	1	0	0	0	0	0	2	3
DL - DEMOLITION	0	0	0	0	0	0	0	0	1	0	1	3	2
DP - DEVELOPMENT PERMIT	0	2	0	1	2	2	0	1	1	1	0	1	11
FP - FENCE	1	7	4	10	6	3	5	4	3	7	2	0	54
GP - GRADING PERMIT	1	1	0	0	1	0	1	0	1	0	0	0	5
MI - COMPLIANCE/MISCELLANEOUS	4	5	4	6	3	2	1	1	2	5	6	3	42
MN - MOBILE HOME NEW	2	1	1	2	1	3	5	5	1	2	1	1	25
PP - POOL	0	0	0	1	1	2	0	1	0	0	0	0	5
RM - REMODELING RES/COM	1	1	0	1	0	1	0	2	0	1	1	0	8
RZ - REZONING APPLICATION	0	0	0	0	0	0	0	0	0	1	0	1	2
SB - STORAGE BUILDING	1	0	0	2	1	1	1	1	1	0	0	1	9
SF - SINGLE FAMILY	4	4	7	14	6	21	15	10	15	12	6	11	127
SP - SIGN PERMIT	0	2	1	1	1	3	2	0	2	2	1	1	16
TP - TAP & METER PAYMENT	11	7	5	7	2	15	7	4	5	13	10	14	100
VA - APPEALS VARIANCES	2	1	0	0	0	0	2	0	0	0	0	0	6

CERTIFICATES OF OCCUPANCY	9	12	11	10	8	11	11	9	10	17	12	16	136
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SUBDIVISION LOT AVAILABILITY LIST

AVAILABLE LOTS	SUBDIVISION	NEAR WHAT MAJOR STREET	PERMITS ISSUED	C.O.'S ISSUED	LOTS NOT BUILT ON
25	BENT CREEK I	LEVEL CREEK ROAD	25	25	0
49	BENT CREEK II	LEVEL CREEK ROAD	49	49	0
33	BENT CREEK III	LEVEL CREEK ROAD	29	29	2
44	BENT CREEK IV	LEVEL CREEK ROAD	43	42	1
36	BENT CREEK IV	LEVEL CREEK ROAD	36	36	0
7	BRANDON OAKS	AUSTIN GARNER ROAD	5	5	2
26	BROOKSIDE AT PARKVIEW	PARKVIEW MINE DRIVE	13	11	13
31	COUNTRY MEADOWS	OWEN CIRCLE	31	31	0
35	EMERALD LAKES IV	CUMMING HIGHWAY	24	7	11
131	LAKEFIELD FOREST (ALL)	LEVEL CREEK ROAD	120	101	11
44	MILL CREEK TRACE	SOUTH ROBERTS DRIVE	44	44	0
154	PARKVIEW NORTH	LEVEL CREEK ROAD	154	154	0
174	PRINCETON OAKS (ALL)	RIVERSIDE ROAD	103	102	71
116	SECRET COVE	OLD SUWANEE ROAD	113	104	3
46	SPRING HILL PLANTATION	SPRING HILL DRIVE	46	46	0
35	SUGAR BROOK	HILLCREST DRIVE	35	35	0
23	SUGAR CREEK	LEVEL CREEK ROAD	23	23	0
96	SUGAR CROSSING (ALL)	AUSTIN GARNER ROAD	57	48	39
39	SUGAR WOODS	LEVEL CREEK ROAD	39	39	0
3	SYCAMORE STATION	SYCAMORE ROAD	3	3	0
146	SYCAMORE SUMMIT	SYCAMORE/RIVERSIDE ROAD	143	143	2
7	SYCAMORE SUMMIT V	SYCAMORE ROAD	5	2	2
14	THE LAKES AT RIVERSIDE	RIVERSIDE ROAD	13	13	1
51	THE LINKS (ALL)	SUWANEE DAM ROAD	0	0	51
46	THE OAKS AT LANIER UNIT I	HIGHWAY 20	38	35	8
48	THE SPRINGS UNIT I	HIGHWAY 20	36	32	12
50	WEST PRICE HILLS	WEST PRICE ROAD	46	46	4

INDICATES COMPLETED



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## 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
01/03/94	2	0.00	0.00	0.00	10.00	0.00	0.00	0.00	0.00
01/04/94	2	155.00	0.00	0.00	0.00	0.00	50.00	0.00	0.00
01/06/94	1	0.00	0.00	0.00	0.00	250.00	0.00	0.00	0.00
01/10/94	9	1999.00	0.00	10.00	0.00	0.00	1350.00	0.00	75.00
01/11/94	4	0.00	0.00	0.00	35.00	0.00	800.00	0.00	0.00
01/12/94	2	0.00	0.00	0.00	0.00	0.00	50.00	0.00	0.00
01/13/94	7	25.00	0.00	10.00	100.00	0.00	675.00	0.00	0.00
01/14/94	1	0.00	0.00	0.00	10.00	0.00	0.00	0.00	0.00
01/18/94	3	150.00	0.00	10.00	10.00	0.00	0.00	0.00	0.00
01/19/94	2	0.00	0.00	20.00	0.00	0.00	0.00	0.00	0.00
01/20/94	2	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
01/21/94	1	0.00	0.00	10.00	0.00	0.00	0.00	0.00	0.00
01/24/94	2	0.00	0.00	0.00	20.00	0.00	0.00	0.00	0.00
01/25/94	2	0.00	0.00	10.00	10.00	0.00	0.00	0.00	0.00
01/26/94	5	0.00	694.90	10.00	20.00	0.00	0.00	0.00	0.00
01/27/94	4	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2500.00
01/28/94	4	498.60	0.00	30.00	0.00	0.00	225.00	0.00	2525.00
01/31/94	2	0.00	0.00	10.00	10.00	0.00	0.00	0.00	0.00
02/01/94	5	0.00	50.00	10.00	110.00	0.00	0.00	0.00	0.00
02/02/94	3	0.00	1208.00	10.00	10.00	0.00	0.00	0.00	0.00
02/04/94	2	0.00	0.00	0.00	10.00	0.00	225.00	0.00	0.00
02/07/94	9	650.00	0.00	10.00	30.00	0.00	0.00	0.00	0.00
02/08/94	1	0.00	0.00	10.00	0.00	0.00	0.00	0.00	0.00
02/09/94	5	0.00	0.00	260.00	45.00	0.00	0.00	0.00	0.00
02/10/94	1	0.00	0.00	0.00	0.00	330.00	0.00	0.00	0.00
02/11/94	1	0.00	0.00	10.00	0.00	0.00	0.00	0.00	0.00
02/14/94	7	0.00	0.00	40.00	10.00	0.00	0.00	0.00	0.00
02/15/94	5	0.00	832.50	20.00	0.00	0.00	450.00	0.00	0.00
02/17/94	1	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
02/18/94	1	589.40	0.00	0.00	0.00	0.00	225.00	0.00	25.00
02/21/94	8	25.00	0.00	20.00	20.00	0.00	675.00	0.00	0.00
02/22/94	4	0.00	0.00	30.00	0.00	0.00	0.00	0.00	0.00
02/23/94	1	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
02/24/94	4	1018.60	0.00	0.00	10.00	0.00	225.00	750.00	50.00
02/25/94	3	365.00	0.00	10.00	0.00	250.00	475.00	0.00	25.00
02/28/94	4	0.00	0.00	0.00	20.00	0.00	225.00	0.00	0.00
03/01/94	3	294.20	0.00	20.00	0.00	0.00	0.00	750.00	25.00
03/02/94	4	381.80	0.00	0.00	10.00	0.00	225.00	0.00	25.00
03/03/94	7	1074.40	0.00	40.00	0.00	0.00	675.00	0.00	50.00
03/07/94	5	435.00	0.00	10.00	20.00	0.00	750.00	750.00	25.00
03/08/94	7	0.00	0.00	20.00	30.00	0.00	450.00	0.00	0.00
03/09/94	4	0.00	0.00	0.00	20.00	0.00	0.00	0.00	0.00
03/10/94	4	25.00	0.00	30.00	0.00	0.00	0.00	0.00	0.00
03/11/94	2	0.00	0.00	0.00	20.00	0.00	0.00	0.00	0.00
03/14/94	3	603.80	0.00	0.00	10.00	0.00	225.00	0.00	25.00

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03/15/94	1	0.00	0.00	0.00	10.00	0.00	0.00	0.00	0.00
03/16/94	3	64.80	0.00	0.00	100.00	0.00	0.00	0.00	0.00
03/17/94	3	0.00	0.00	20.00	10.00	0.00	0.00	0.00	0.00
03/18/94	3	353.60	0.00	10.00	0.00	0.00	225.00	0.00	0.00
03/21/94	1	25.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
03/22/94	2	68.20	0.00	10.00	0.00	0.00	0.00	0.00	0.00
03/24/94	3	0.00	0.00	20.00	0.00	0.00	0.00	0.00	0.00
03/25/94	1	0.00	0.00	10.00	0.00	0.00	0.00	0.00	0.00
03/29/94	1	25.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
03/31/94	2	0.00	25.00	10.00	0.00	0.00	0.00	0.00	0.00
04/01/94	4	25.00	0.00	10.00	0.00	1041.00	675.00	0.00	18.90
04/04/94	2	0.00	0.00	0.00	0.00	0.00	450.00	0.00	0.00
04/05/94	4	1676.00	0.00	10.00	0.00	0.00	675.00	0.00	75.00
04/07/94	2	25.00	150.00	0.00	0.00	0.00	0.00	0.00	0.00
04/11/94	4	438.80	0.00	10.00	0.00	0.00	450.00	0.00	25.00
04/12/94	5	1019.00	0.00	0.00	100.00	0.00	450.00	0.00	50.00
04/15/94	1	0.00	0.00	0.00	100.00	0.00	0.00	0.00	0.00
04/18/94	2	0.00	0.00	0.00	25.00	0.00	0.00	300.00	0.00
04/19/94	2	250.00	0.00	10.00	0.00	0.00	0.00	0.00	0.00
04/21/94	7	1569.10	0.00	20.00	0.00	0.00	900.00	0.00	100.00
04/22/94	3	633.60	0.00	10.00	100.00	0.00	225.00	0.00	25.00
04/25/94	4	660.00	0.00	0.00	0.00	0.00	225.00	750.00	25.00
04/26/94	4	521.60	0.00	10.00	0.00	0.00	675.00	0.00	25.00
04/27/94	1	498.60	0.00	0.00	0.00	0.00	0.00	0.00	25.00
04/29/94	5	263.52	0.00	0.00	0.00	0.00	0.00	0.00	0.00
05/03/94	1	0.00	0.00	10.00	0.00	0.00	0.00	0.00	0.00
05/04/94	2	798.40	0.00	0.00	0.00	0.00	450.00	1500.00	50.00
05/05/94	2	25.00	0.00	10.00	0.00	0.00	0.00	0.00	0.00
05/06/94	1	25.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
05/09/94	1	25.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
05/10/94	3	80.00	696.57	0.00	0.00	0.00	0.00	0.00	25.00
05/11/94	1	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
05/12/94	1	25.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
05/13/94	2	0.00	0.00	0.00	0.00	0.00	450.00	0.00	0.00
05/16/94	1	53.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
05/17/94	2	0.00	0.00	20.00	0.00	0.00	0.00	0.00	0.00
05/18/94	3	456.60	0.00	0.00	100.00	0.00	225.00	0.00	25.00
05/19/94	1	394.40	0.00	0.00	0.00	0.00	225.00	0.00	25.00
05/20/94	6	775.00	0.00	20.00	0.00	0.00	225.00	750.00	25.00
05/23/94	3	100.00	0.00	0.00	0.00	448.00	0.00	0.00	0.00
05/24/94	2	0.00	0.00	20.00	0.00	0.00	0.00	0.00	0.00
06/01/94	5	804.00	0.00	40.00	0.00	0.00	225.00	0.00	25.00
06/02/94	6	1505.20	0.00	10.00	100.00	0.00	675.00	0.00	75.00
06/03/94	4	523.60	0.00	20.00	0.00	0.00	225.00	0.00	25.00
06/06/94	1	294.20	0.00	0.00	0.00	0.00	0.00	750.00	25.00



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06/07/94	1	0.00	0.00	10.00	0.00	0.00	0.00	0.00	0.00
06/08/94	5	1124.60	0.00	20.00	100.00	0.00	450.00	0.00	50.00
06/09/94	1	0.00	0.00	0.00	0.00	0.00	225.00	0.00	0.00
06/10/94	4	25.00	0.00	10.00	0.00	0.00	450.00	0.00	0.00
06/14/94	2	647.60	0.00	0.00	0.00	0.00	225.00	0.00	25.00
06/20/94	10	1795.40	0.00	20.00	100.00	0.00	900.00	750.00	100.00
06/21/94	7	150.00	785.00	40.00	0.00	290.00	225.00	750.00	2600.00
06/22/94	7	1607.80	0.00	0.00	100.00	1120.00	900.00	750.00	2664.12
06/23/94	2	25.00	0.00	10.00	0.00	0.00	0.00	0.00	0.00
06/24/94	7	0.00	0.00	0.00	0.00	0.00	1575.00	0.00	0.00
06/27/94	1	150.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
06/28/94	15	2653.00	75.00	40.00	0.00	0.00	8850.00	750.00	125.00
07/05/94	8	1450.00	150.00	0.00	100.00	0.00	450.00	0.00	50.00
07/07/94	2	150.00	0.00	0.00	100.00	0.00	0.00	0.00	0.00
07/08/94	5	1106.60	0.00	10.00	100.00	0.00	0.00	2250.00	75.00
07/18/94	5	424.20	0.00	10.00	0.00	500.00	675.00	0.00	25.00
07/19/94	12	2641.00	25.00	10.00	0.00	0.00	2025.00	750.00	125.00
07/20/94	5	271.00	0.00	20.00	0.00	0.00	0.00	0.00	0.00
07/21/94	1	0.00	0.00	0.00	0.00	0.00	225.00	0.00	0.00
07/22/94	2	345.00	0.00	10.00	0.00	0.00	225.00	750.00	2525.00
07/25/94	4	716.20	25.00	0.00	100.00	0.00	225.00	0.00	25.00
07/26/94	1	81.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
07/27/94	2	555.00	0.00	0.00	0.00	0.00	225.00	0.00	25.00
07/28/94	3	966.00	0.00	10.00	100.00	0.00	225.00	0.00	25.00
08/01/94	2	425.00	0.00	10.00	0.00	0.00	0.00	0.00	0.00
08/02/94	7	475.80	0.00	40.00	0.00	0.00	450.00	750.00	25.00
08/03/94	6	1154.80	0.00	20.00	100.00	0.00	450.00	0.00	50.00
08/04/94	4	301.80	0.00	0.00	0.00	0.00	225.00	0.00	0.00
08/08/94	3	920.00	0.00	0.00	0.00	0.00	450.00	0.00	50.00
08/09/94	2	0.00	0.00	0.00	100.00	10.00	0.00	0.00	0.00
08/11/94	4	200.00	0.00	0.00	100.00	0.00	0.00	0.00	0.00
08/15/94	2	151.00	142.60	0.00	0.00	0.00	0.00	0.00	0.00
08/17/94	1	0.00	0.00	10.00	0.00	0.00	0.00	0.00	0.00
08/18/94	2	0.00	0.00	0.00	200.00	0.00	0.00	0.00	0.00
08/19/94	1	0.00	0.00	10.00	0.00	0.00	0.00	0.00	0.00
08/22/94	5	1412.00	0.00	10.00	0.00	0.00	675.00	0.00	75.00
08/23/94	1	350.00	350.00	350.00	350.00	350.00	350.00	350.00	350.00
08/24/94	1	0.00	0.00	0.00	0.00	0.00	225.00	0.00	0.00
08/25/94	2	0.00	0.00	20.00	0.00	0.00	0.00	0.00	0.00
08/26/94	1	0.00	0.00	10.00	0.00	0.00	0.00	0.00	0.00
08/29/94	1	0.00	0.00	0.00	0.00	0.00	225.00	0.00	0.00
08/30/94	5	1445.00	0.00	30.00	0.00	1216.00	0.00	0.00	0.00
09/01/94	1	0.00	0.00	0.00	100.00	0.00	0.00	0.00	0.00
09/07/94	1	28.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
09/08/94	5	1511.00	0.00	0.00	0.00	0.00	900.00	0.00	100.00

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09/09/94	7	1285.60	0.00	20.00	0.00	810.00	450.00	0.00	72.73
09/12/94	8	1523.20	0.00	10.00	0.00	0.00	1125.00	750.00	50.00
09/13/94	5	769.40	0.00	20.00	0.00	0.00	1200.00	0.00	2050.00
09/14/94	2	325.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
09/16/94	1	0.00	0.00	10.00	0.00	0.00	0.00	0.00	0.00
09/20/94	2	0.00	435.00	10.00	0.00	0.00	0.00	0.00	0.00
09/21/94	2	150.00	0.00	10.00	0.00	0.00	0.00	0.00	0.00
09/22/94	4	1000.00	0.00	0.00	0.00	0.00	450.00	0.00	50.00
09/26/94	1	0.00	0.00	0.00	0.00	0.00	225.00	0.00	0.00
09/27/94	3	470.00	0.00	10.00	0.00	0.00	225.00	0.00	25.00
09/28/94	2	555.00	0.00	0.00	0.00	0.00	275.00	0.00	25.00
09/29/94	2	0.00	0.00	10.00	0.00	250.00	0.00	0.00	0.00
10/03/94	4	589.40	0.00	0.00	0.00	0.00	450.00	0.00	25.00
10/05/94	3	640.00	250.00	250.00	250.00	250.00	475.00	250.00	275.00
10/06/94	1	0.00	0.00	0.00	0.00	0.00	225.00	0.00	0.00
10/07/94	4	495.00	0.00	10.00	0.00	0.00	450.00	750.00	2525.00
10/11/94	2	50.00	0.00	10.00	0.00	0.00	0.00	0.00	0.00
10/12/94	1	0.00	0.00	0.00	0.00	0.00	50.00	0.00	0.00
10/13/94	1	150.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
10/17/94	1	0.00	0.00	0.00	100.00	0.00	0.00	0.00	0.00
10/18/94	1	0.00	0.00	0.00	0.00	0.00	225.00	0.00	0.00
10/19/94	2	383.00	0.00	0.00	100.00	0.00	225.00	0.00	0.00
10/20/94	1	25.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
10/21/94	5	865.00	0.00	30.00	0.00	0.00	225.00	0.00	25.00
10/24/94	2	670.00	0.00	0.00	0.00	0.00	225.00	0.00	25.00
10/25/94	5	1963.60	0.00	0.00	0.00	0.00	900.00	750.00	2600.00
10/27/94	6	909.00	0.00	0.00	0.00	0.00	1125.00	750.00	25.00
10/28/94	5	567.80	50.00	10.00	0.00	0.00	0.00	0.00	25.00
10/31/94	10	808.60	0.00	10.00	0.00	810.00	1125.00	0.00	96.50
11/03/94	3	795.00	0.00	20.00	0.00	0.00	0.00	0.00	0.00
11/04/94	4	150.00	0.00	10.00	100.00	0.00	225.00	0.00	0.00
11/07/94	2	506.80	128.18	0.00	0.00	0.00	225.00	0.00	25.00
11/10/94	6	1121.00	0.00	0.00	0.00	0.00	950.00	0.00	50.00
11/14/94	1	0.00	0.00	0.00	0.00	0.00	225.00	0.00	0.00
11/15/94	4	25.00	0.00	20.00	0.00	0.00	225.00	0.00	0.00
11/16/94	8	345.00	0.00	76.40	0.00	0.00	900.00	750.00	25.00
11/17/94	1	50.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
11/21/94	1	598.60	0.00	0.00	0.00	0.00	225.00	0.00	25.00
11/23/94	2	0.00	25.00	10.00	0.00	0.00	0.00	0.00	0.00
11/28/94	1	25.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
11/29/94	1	25.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
11/30/94	3	0.00	25.00	10.00	0.00	0.00	0.00	750.00	2525.00
12/01/94	2	25.00	0.00	10.00	0.00	0.00	0.00	0.00	0.00
12/05/94	5	471.00	0.00	10.00	0.00	0.00	450.00	0.00	0.00
12/06/94	1	0.00	0.00	10.00	0.00	0.00	0.00	0.00	0.00

THIS REPORT WAS PRINTED ON JANUARY 4, 1995

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
12/07/94	4	0.00	50.00	10.00	100.00	0.00	0.00	0.00	0.00
12/08/94	8	2132.40	0.00	0.00	0.00	0.00	900.00	0.00	100.00
12/12/94	8	0.00	75.00	10.00	0.00	0.00	1125.00	0.00	0.00
12/13/94	8	2446.20	300.00	0.00	0.00	0.00	1575.00	0.00	125.00
12/14/94	3	200.00	0.00	0.00	0.00	0.00	225.00	0.00	0.00
12/15/94	1	0.00	0.00	10.00	0.00	0.00	0.00	0.00	0.00
12/16/94	1	485.00	0.00	0.00	0.00	0.00	225.00	750.00	25.00
12/20/94	2	350.40	25.00	0.00	0.00	0.00	225.00	0.00	25.00
12/21/94	2	0.00	0.00	0.00	0.00	0.00	450.00	0.00	0.00
12/22/94	2	0.00	0.00	0.00	0.00	0.00	450.00	0.00	0.00
=====		=====	=====	=====	=====	=====	=====	=====	=====
TOTALS	623	71495.82	6572.75	2336.40	3645.00	7925.00	55900.00	19650.00	25927.25

Non-Existing Categories            0.00  
 Current Categories                193452.22  
 =====  
 Grand Total                        193452.22

MARCH



①

AGENDA  
CITY OF SUGAR HILL  
COUNCIL MEETING  
MONDAY, MARCH 13, 1995, 7:30 P.M.

CALL TO ORDER, PLEDGE TO FLAG, INVOCATION:

APPROVAL OF AGENDA:

APPROVAL OF FEBRUARY, 1995 MINUTES:

COMMITTEE REPORTS:

- A) PLANNING AND ZONING-ZONING APPEALS BOARD: DODD
- B) RECREATION BOARD: DAVIS
- C) BUDGET AND FINANCE: GARBUTT
- D) SOLID WASTE: STANLEY
- E) ECONOMIC DEVELOPMENT: SPRADLIN
- F) GOLF AND WASTE WATER TREATMENT: BAILEY

CITIZEN'S AND GUEST'S COMMENTS

OLD BUSINESS:

- ✓ A) DISCUSSION ON GDNR EPD CONSENT ORDER AND NOTIFICATION TO COUNCIL: NEVAD AND SPRADLIN
- ✓ B) COST COMPARISON PRESENTATION ON GOLF COURSE CLUB HOUSE: SPRADLIN
- C) UPDATE ON CLUB HOUSE AT GOLF COURSE: NEVAD
- D) UPDATE ON OUTSTANDING BILL TO STEVEN O'DAY: NEVAD
- E) DISCUSSION ON IMPARTIAL LANDFILL EXPERT: NEVAD
- F) SOLID WASTE MANAGEMENT PLAN-CONSIDERATION TO CALL INITIAL PUBLIC HEARING: BAILEY
- G) REQUEST RESPONSE FROM GWINNETT COUNTY ON VOTER REGISTRATION TASK FORCE RECOMMENDATION: SPRADLIN

NEW BUSINESS:

- A) DISCUSSION OF INCREASE ON REZONING AND ANNEXATION FEES: *Call*  
KEN CROWE
- B) DISCUSSION OF ACCOUNTING PRACTICES UTILIZED FOR BOND PAYMENTS: SPRADLIN *Call Lyman -*
- C) INVITATION TO LOCAL SCHOOLS TO PARTICIPATE IN LOCAL GOVERNMENT-COUNCIL MEETINGS: SPRADLIN
- D)
- E)

CITY CLERK'S REPORT:

CITY MANAGER'S REPORT:

COUNCIL REPORTS: /

CITIZEN'S AND GUEST'S COMMENTS:

ADJOURNMENT:

**CITY OF SUGAR HILL  
COUNCIL MEETING  
MONDAY, FEBRUARY 13, 1995**

The Mayor and Council of the City of Sugar Hill held the Regular Monthly Meeting on Monday, February 13, 1995 at the North Gwinnett High School Auditorium. The meeting was moved to NGHS due to the expectancy of a large assembly wishing to participate in the Landfill issue.

Those present were Mayor Gary L. Webster, Mayor Pro tem Reuben Davis, Council Members Steve Bailey, W. J. Dodd, Charles Spradlin, and Jim Stanley, City Manager Warren P. Nevad, City Clerk/Finance Director Betty B. Garbutt, Customer Service Supervisor Margaret McEachern, Customer Service Clerk Shirley Fields, Clerk to the City Manager Margie Wilson, Street Supervisor Danny Pugh, Superintendent of Sewer Department Donna Zinskie, Golf Director Wade Queen, Water Superintendent Scott Payne, and Development Director Ken Crowe, numerous citizens, (see attached list), representatives of the news media and other guests.

Mayor Webster called the meeting to order, led in the Pledge of Allegiance to the Flag, and Council Member Stanley read from II Timothy and gave the Invocation.

Council Member Stanley made a motion to approve the agenda, seconded by Mayor Pro tem Davis. The vote on the motion was unanimous. (5-0)

Council Member Spradlin made a motion to approve the minutes with one correction, page 2, paragraph D, delete the word, STATEMENT. The motion was seconded and passed unanimously. (5-0)

**COMMITTEE REPORTS:**

**A: PLANNING AND ZONING, ZONING APPEALS BOARD:            DODD**

Council Member Dodd reported that the P & Z Board met on January 23, 1995. They unanimously recommended approval of the Annexation and Rezoning of 24.663 acres of Baron Herman property.

The board also made a unanimous recommendation that 5 acres of W. J. Dodd's property at the corner of PIB and Highway 20 be rezoned.

**B: RECREATION BOARD:            DAVIS**

Mayor Pro tem Davis reported the department is getting ready for Spring Softball. Sign up will be on February 22 & 28, and March 7 at the Community Center from 7:00 P.M. to 7:30 P.M.

**C: BUDGET AND FINANCE: GARBUTT**

Finance Director Garbutt reported there was \$28,586.27 in 1994 property taxes unpaid as of January 31, 1995. Fi Fa's will be issued on unpaid taxes after February, 1995.

The Audit is being done by Rymon Wilborn and Co. and is expected by March 15, 1995.

Proposed and Actual Cash Flow reports have been given to the Council.

Ruth Switzer and Shirley Gibbs are working on their Level I Finance Certification.

Mrs. Garbutt expressed appreciation to the Council for their support of her endeavors to continue her training.

**D: SOLID WASTE: STANLEY**

Council Member Stanley reported that Solid Waste would be discussed later during the Landfill presentation. He explained, in detail, the procedures which have been followed toward a Solid Waste Plan and where that issue stands at the present. He asked that the citizens watch what is going on and become more involved in this issue.

**E: GOLF AND WASTE WATER TREATMENT: BAILEY**

Council Member Bailey reported that the Waste Water Treatment Plant is operating very well. The Bell South Tower is under construction and should be completed by next Council Meeting.

Revenue at the Golf Course for January was a 29% increase and Rounds Played were an increase of 38% over 1994. The course is being prepared for Spring play. (see attached reports)

**F: ECONOMIC DEVELOPMENT: SPRADLIN**

Council Member Spradlin stated that the Economic Development Board did not meet due to inclement weather and he had no report.

**CITIZEN'S AND GUESTS COMMENTS:**

Mr. Eddie Boynce addressed Council concerning the problems with the gas service from the City in the Sugar Crossing Sub Division. Manager Nevad explained that the City was implementing improvements in the very short future and that it is one of the top priorities.

Mr. Herb Payne asked to comment on the Landfill issue. Mayor Webster informed Mr. Payne that he would have ample time after the Landfill presentation by Mid-American to make any comments he wanted to.

Mr. Mark Johnson asked what the time frame would be for the improvements in Sugar Crossing gas service. Manager Nevad stated

that the City would begin assessing the situation on February 14, 1995. He told Mr. Johnson that he could call him at City Hall at anytime during office hours and he would keep him updated.

Manager Nevad reported that a 2" line has been installed from Whitehead Road to Bent Creek. This helped the residents of Bent Creek and there were no complaints received from that area during the last cold weather. The requirement of easements was discussed by the Council and attorney Thompson.

**OLD BUSINESS:**

**A: APPOINTMENT OF P & Z BOARD MEMBER: DODD**

Council Member Dodd nominated Kevin Pugh to the seat on the P & Z Board. Council Member Stanley stated that this was a seat currently held by Gary Chapman and Mr. Chapman has expressed a desire to remain on the Board. Council Member Stanley stated that he felt that Mr. Chapman should remain on the Board. The vote on the two nominations was Mayor Pro tem Davis, Council Members Bailey and Dodd voting for Mr. Kevin Pugh, and Council Members Spradlin and Stanley voting for Mr. Gary Chapman. Mr. Pugh will fill the seat on a vote of 3-2.

**B: PUBLIC HEARING: CONFIRMATION OF SCOTT HUDGENS REZONING: CROWE AND THOMPSON**

Council Member Bailey made a motion to go into a Public Hearing at 7:53 P.M. seconded by Council Member Dodd and passed unanimously. (5-0)

After the Scott Hudgens rezoning was explained, Council Member Bailey made a motion to go back into regular session at 7:55 P.M., seconded by Council Member Dodd and passed unanimously. (5-0).

Council Member Bailey made a motion to accept the confirmation of the rezoning of the Scott Hudgens property, seconded by Council Member Dodd and passed unanimously. (5-0)

**C: SWEARING IN OF BOARD MEMBERS: WEBSTER**

Mayor Webster administered the Oath of Office to Mr. Tim Pugh as a member of the P & Z Board.

**D: UPDATE ON GOLF COURSE CLUB HOUSE: NEVAD**

Manager Nevad reported that a Bond Ordinance, on the Club House, has been prepared and will be considered later tonight.

On February 10, 1995 staff met with Paradise Construction and the architect to review the Construction Contract. Ground breaking is scheduled for March 11, 1995 with a 180 day limit to complete the project.



**E: AMEND OCCUPATION TAX ORDINANCE: THOMPSON**

Attorney Thompson reported that the original Ordinance contained a typographical error, stating class .00045 listed as being .0045 which would make it the highest and it should be the middle. It is being replaced giving the correct class of .00045. Council Member Dodd made a motion to approve the Ordinance, seconded by Council Member Bailey and passed unanimously. (5-0)

**F: FUNDING OF ECONOMIC DEVELOPMENT COMMITTEE: SPRADLIN**

Council Member Spradlin reported that funding was inadvertently omitted from the 1995 Budget and that he was recommending and makes a motion that the Budget be amended to fund the Economic Development Committee in the amount of \$5,000.00. Council Member Stanley seconded the motion which passed unanimously. (5-0)

**G: REPORT ON BLOOD DRIVE: DODD**

Council Member Dodd announced a Blood Drive on February 20, 1995 from 10:00 A.M. to 2:00 P.M. He and Mayor Webster encouraged everyone to come by the Community Center in Sugar Hill and support this effort.

**NEW BUSINESS:**

**A: ANNEXATION/REZONING 25 ACRES BARON HERMAN PROPERTY: CROWE**

Director Crowe explained this annexation and rezoning after which Council Member Dodd made a motion to approve this annexation and rezoning. The motion was seconded by Council Member Bailey and unanimously approved. (5-0)

**B: REZONING 5 ACRES-W.J. DODD PROPERTY: CROWE**

Council Member Dodd excused himself from the meeting due to his connection with this issue.

Director Crowe explained the rezoning from Light Manufacturing to General Business. Council Member Bailey made a motion to approve the Rezoning Ordinance, seconded by Council Member Davis. Council Member Spradlin read a letter from Mrs Rose Payne requesting that this come back before the P&Z Board. Mrs. Gail Kelly also requested that this come back before the P&Z Board. This was discussed concerning the procedures followed for rezoning. Questions were asked of Attorney Thompson regarding this issue. Council Member Stanley explained some of the procedures in having a rezoning approved and stated that a site plan is not required for rezoning. It was the consensus of the Council that maybe the Ordinance on Rezoning may need to be looked at to see that it has the proper procedures outlined. After discussion the vote on Council Member Bailey's motion was Mayor Pro tem Davis, Council

Members Bailey and Stanley for and Council Member Spradlin voting against, passing with a vote of 3-1.

**C: APPROVAL OF BOND ORDINANCE ON CLUB HOUSE: NEVAD**

Manager Nevad summarized the Bond Ordinance. The validation procedure would begin tonight should the Ordinance pass. This is a \$500,000.00 Revenue Bond purchased by Peoples Bank at 6% interest for a term of 10 years. The payment would be approximately \$5,800.00 per month. Council Member Bailey made a motion to approve the Club House Bond Ordinance, seconded by Council Member Dodd. Council Member Bailey asked that the first two paragraphs on page 2 of the Ordinance be read. Manager Nevad read the title of the Ordinance and the 2 paragraphs asked for. The fact of borrowing money was questioned by Council Member Stanley and also the fact that there have been no "net revenues" from the golf course to date. Council Member Spradlin again brought up the issue of the City using money to fund a Club House at the golf course when residents of Sugar Hill do not have the sufficient pressure to have a gas supply during very cold weather. Council Member Dodd stated that the City has "a tiger by the tail", that maybe the City shouldn't have had this project, but that it does, and it has to be finished. After more discussion the vote on the motion was Mayor Pro tem Davis, Council Members Bailey, and Dodd voting for and Council Member Spradlin and Stanley voting against, passing on a vote of 3-2.

**D: DISCUSSION OF IMPARTIAL EXPERT FOR LANDFILL ISSUE: WEBSTER**

Manager Nevad explained that representatives from Mayes, Suddereth, and Etheridge were present and a flow chart (see attached) showing the Solid Waste Planning Process was available for anyone who wanted it. Karl Fromburg was also present from the Atlanta Regional Commission to answer any question concerning the Solid Waste Plan. Manager Nevad expressed his confidence in Mayes, Suddereth and Etheridges ability to prepare a solid waste plan. The pros and cons of having a non-biased representative to oversee the preparation of the solid waste plan were discussed. The request, (see attached) from a group of citizens, for an impartial expert was read and discussed. After more discussion by some citizens, the parties involved and the Council and Attorney Thompson, Council Member Bailey made a motion to begin the process again of preparing a Solid Waste Plan and have a Public Hearing on March 13, 1995, the motion was seconded by Council Member Dodd. Council Member Stanley called for a Point of Order on the issue. He made a motion, seconded by Council Member Spradlin that this be tabled until such time as the matter was settled legally and no longer in the process of litigation. Council Member Bailey and Dodd withdrew the second and the motion. After more discussion, Council Member Stanley made a motion, seconded by Council Member Spradlin, to comply with the suggestion made by the citizens group and request Judge Margaret Washburn to select an independent expert

to guide the City through this process of developing a Solid Waste Plan. The vote on the motion was unanimous. (5-0)

**E: DUAL RATE ORDINANCE: NEVAD**

Manager Nevad presented a Dual Rate Ordinance (see attached) on Electric-Gas Heating equipment. This will apply to all new customers. Council Member Spradlin made a motion to approve the Ordinance, seconded by Council Member Bailey and passed unanimously by Council. (5-0)

**CITY CLERK'S REPORT: GARBUTT**

City Clerk Garbutt reported that Shirley Gibbs is continuing her clerk's training.

The new group health insurance has been implemented and seems to be satisfactory, at a considerable savings to the city.

Applications for Occupational Tax Licenses have been mailed and each business will have to pay an administrative fee of \$50.00 and a license fee based on gross sales and profitability ratio.

General Liability Insurance will be bid by May 1, 1995. (see attached report)

**CITY MANAGER'S REPORT: NEVAD**

Manager Nevad reported the loop gas line has been completed from Whitehead Road through Bent Creek.

Water improvements have been implemented on Sunset Drive by replacing galvanized pipe with plastic pipe.

Sawnee Electric has advised that the electric change over will begin on March 1, 1995 at the Golf Course/Waste Water Plant. (see attached report)

**COUNCIL REPORTS:**

Council Member Spradlin expressed his appreciation for everyone coming out and that he opposed the Landfill from its inception and the election this year will be the time for the citizens to place responsible persons on the Council, who want the citizens to be heard and give government back to the people.

Council Member Stanley appealed to the citizens of Sugar Hill to help a group of citizens who have secured the services of an attorney to help fight the Landfill issue.

Council Member Dodd commented on his nomination of Tim Pugh to the P&Z Board, and also that when subdivisions are planned that the City be sure there is an adequate supply of utilities for the area,



and he also expressed his appreciation for the citizens attendance tonight.

Council Member Spradlin expressed his appreciation to Mr. Tim Pugh for his service on the Economic Development Committee and he would have liked for him to remain, but he felt he can give his service to the P&Z Board as well.

Mayor Webster called for a fifteen (15) minute break at 9:12 P.M.

Mayor Pro tem Davis had to leave due to time constraints and left at 9:15 P.M.

Mayor Webster called the meeting back to order at 9:38 P.M. and announced that he would not sign the Club House Bond Ordinance tonight due to the complaints raised concerning the low pressure in some City gas lines. If the problems were corrected, he would consider signing the Bond Ordinance. He was not issuing a veto of the motion on the Ordinance, but holding off signing until the gas pressure issue is resolved, hopefully within the next week.

#### PRESENTATION BY MID AMERICAN ON THE LANDFILL:

Mr. Craig McKinsey from Mid American gave a detailed presentation on the proposed addition to the present Landfill. He also gave a detailed presentation showing different layouts of the landfill and also statistical information on a 44-54 acre landfill and on other landfills which will be closed in and around this area. He did this to show the comparisons of different landfills. Council Member Stanley asked Mr. McKinsey several questions concerning site acceptability and permitting. This was discussed at length with Mr. McKinsey assuring that the wetlands will be protected in the area.

Mr. Tim Abernathy gave a very lengthy presentation on permitting and closure procedures concerning landfills. He answered most questions asked by Council and concerned citizens.

Council Member Dodd asked to be excused at 11:22 P.M. due to time constraints.

#### CITIZEN'S AND GUESTS COMMENTS:

After the presentations there was a very lengthy discussion period with numerous citizens, the Council, and other interested parties of landfill expansion giving pros and cons of an area landfill. This discussion continued for more than one and one half hours. Some of the citizens expressing their views were Mr. Herb Payne, who repeatedly asked that Mid American drop their appeal of the Summary Judgment and also repeatedly protested the contract with Mid American, Mrs. Rose Payne, who asked for answers in



writing from Mid American on the written questions she presented, Mrs. Meg Avery, and Mrs. Pam McClure of Barrow County, who gave pertinent information concerning her battle against an area landfill in Barrow and Hall Counties. There were other citizens who, at this time, also expressed their concerns over the gas service, the Golf Course Club House, and other issues of concern to them.

Mayor Webster reminded the audience that it was past 12:00 Midnight and we needed to conclude business.

Mr. Mike Fogerty spoke in favor of the Golf Course Club House stating that the Sugar Hill Golf Course will certainly needs a Club House if they want to succeed. He stated that he was in charge of numerous tournaments and they would not participate at the Sugar Hill Golf Course if the course did not have a Club House.

Council Member Bailey made a motion, seconded by Council Member Stanley to adjourn at 12:18 A.M. The vote was unanimous of those present at the time.

MINUTES  
"SPECIAL CALLED MEETING"  
MONDAY, FEBRUARY 27, 1995  
4:30 P.M.

The Mayor and Council of the City of Sugar Hill met for a Special Called Meeting on Monday, February 27, 1995 at 4:30 P.M. in the Community Service Building.

The purpose of the meeting was to discuss a Consent Order from EPD concerning Post Closure of the Landfill.

Those present were: Mayor Gary L. Webster, Mayor Pro tem Reuben Davis, Council Members W. J. Dodd, Charles Spradlin, and Jim Stanley, City Manager Warren P. Nevad, City Clerk/Finance Director Betty B. Garbutt, Attorney Lee Thompson, Charles Duncan of The News, Chris Warren of the Gwinnett Extra, and several citizens and guests. Council Member Steve Bailey was out of town on business.

Mayor Webster called the meeting to order, led in the Pledge of Allegiance to the flag, and Clerk Garbutt led in prayer.

Mayor Webster asked Clerk Garbutt to read the Consent Order received from Georgia Department of Natural Resources. (see attached)

Mayor Webster reported that he sent this information to Attorney Thompson and assured those present that the Council was not trying to rush through this issue, and stated when Attorney Thompson read the letters the public would understand why this had to be done immediately.

Attorney Thompson explained the process which has been followed, reading a letter sent Mid American concerning the Consent Order.

During discussion Council Member Spradlin raised the question as to why, if the Consent Order was received on February 8th, was the Council not notified before the Regular Council Meeting on February 13th. Council Member Spradlin stated that he felt this should have been on the February 13th Agenda. Mayor Webster stated that he turned the letter over to Attorney Thompson, because he felt that is where it needed to be handled, and by no means was he trying to keep it from the Council. Mayor Webster and Council Member Stanley stated that it seemed to be a routine matter that would be handled by the attorney. Manager Nevad stated he felt this was something that could be handled administratively as it had been in the past. Council Member Spradlin stated that it seemed rather serious to him and Council Member Dodd stated that it was too fast to take any action tonight.

There was considerable discussion between the Council and

Attorney Thompson concerning the options available and Attorney Thompson stated he felt that the City needed to sign the Consent Order and then determine what they wanted to do concerning the liability of Mid American on the Post Closure.

Attorney Thompson reminded the Council if the Consent Order was signed, and Mid American would not accept the responsibility of doing the Post Closure, then someone, namely the City, would have to be responsible for seeing that the Post Closure process was begun.

Council Member Spradlin asked if anyone knew how much money we were talking about and if the Consent Order was signed weren't we signing a blank check. Mayor Webster stated that Manager Nevad would begin work on that tomorrow, February 28th, to pull some figures together to get an estimate of what the Post Closure would cost the City should the City have to do the closure.

Mayor Webster asked for a motion to sign the Consent Order. Council Member Dodd made a motion to authorize Mayor Webster to sign the Consent Order. The motion was seconded by Mayor Pro tem Davis.

Council Member Stanley stated that this needed to be discussed to find out just where the City is headed on this issue. He stated that if the Consent Order is signed, then the City is accepting the responsibility for correcting the situation and eliminating the deficiencies that exist. He feels that the cost will be moderate and that the five year period of Post Closure can be done in the \$50,000.00 to \$80,000.00 range. This was discussed between those present. He stated that he is not so much concerned about the cost of Post Closure as he is about legal expenses which may be incurred should the City not accept the responsibility of the Post Closure. He also raised the question as to why Mid American has taken a radical departure from anything seen in the past from them. This seems to have a negative impact on the citizens and what is the purpose of this action being taken by Mid American? This was discussed between Council and Attorney Thompson. Attorney Thompson stated the Council has two options, is the Council going to try to force Mid American to be responsible for Post Closure or is the Council going to hold Mid American in breach of the Contract. The consensus is that it needs to be determined what the cost is going to be. Kevin Pugh questioned the Council on the issue of cost. Mayor Webster instructed Manager Nevad to begin work immediately on finding out the cost of Post Closure.

Mrs. Meg Avery, Mr. Kevin Pugh and other citizens made pro and con comments on this issue.

Mayor Webster stated that the Council was going to investigate this matter and work with Attorney Thompson to choose the best route to follow to ensure the citizens the best solution to this issue.

Council Member Spradlin asked that the motion be amended to include the notification that Mid American is in breach of the contract. This is to be put in a letter, sent certified, to Mid American. Attorney Thompson is to write the letter giving Mid American until the April Council Meeting on April 10, 1995 to respond to the letter. Council Member Stanley seconded the amended motion. After more discussion the vote on the motion was unanimous of those present.

Council Member Spradlin made a motion to have City Manager Nevad to immediately begin the cost study of Post Closure of the landfill. Council Member Stanley seconded the motion which passed by unanimous vote of those present.

Council Member Stanley asked the City Attorney to advise where the City stands financially with the payments from Mid American and what amount of the impounded funds is the City entitled to. Attorney Thompson stated that it is not completely clear just what amount is due back to Mid American and what the City is entitled to. This was discussed between the Council and Attorney Thompson.

Council Member Stanley read a sentence from Paragraph 5 of the original lease agreement. (see attached) He also read a portion from Paragraph 2 of the Special Called Meeting held on July 22, 1992 where the merger was approved with Burton Gwinnett Landfill. (see attached)

Council Member made a motion to adjourn at 5:16 P.M. Council Member Stanley seconded the motion which passed unanimously of those present.



PLANNING AND ZONING BOARD  
MONDAY, FEBRUARY 20, 1995  
7:30 P.M.

M I N U T E S

Pledge to the flag.  
Meeting called to order at 7:30 p.m.

Attendance

Present: Chairman Jay Asgari, Board Members Rose Payne,  
Granville Betts, and Tim Pugh. Liaison W.J. Dodd  
Absent: Boardmember Bob Parris

Reading and Approval of Previous Minutes

Mr. Betts makes a motion to approve the January 23, 1995 minutes.  
Second to the motion Mr. Asgari. Vote unanimous.

Appoint Chairman and Vice Chairman for 1995

Chairman Asgari questioned if the appointment of Chairman and Vice  
Chairman was done on a yearly basis or term basis.

For the record the Charter states the appointment of Chairman and  
Vice Chairman for the Planning and Zoning Board is to be done  
yearly.

Mrs. Payne nominated Mr. Asgari for Chairman. Mr. Betts seconds  
the nomination. Vote unanimous.

Mr. Asgari nominated Mr. Betts for Vice Chairman. Mrs. Payne  
seconds the nomination. Vote unanimous.

Board Member Comments

General discussion held between Mr. Crowe and the Board Members.

Adjournment

Meeting adjourned 9:00 p.m.

*Kimberly B. Sanders*

PLANNING AND ZONING BOARD OF APPEALS  
MONDAY, NOVEMBER 28, 1994  
7:30 P.M.

M I N U T E S

Pledge to the flag.  
Meeting called to order at 7:30 p.m.

Attendance

Present: Chairman Ed Phillips, Vice Chairman Kevin Pugh,  
Board Members Rick January, Dorland Baird, Michael  
Fogarty, & Liaison Jim Stanley.  
Ken Crowe Director: Planning & Development

Reading and Approval of Previous Minutes

Mr. January makes a motion to approve the September 28, 1994  
minutes. Second to the motion Mr. Fogarty. Vote unanimous.

Variance Request

94-01029 Hospital System, 4585 Highway 20

Mr. Phillips asked Mr. Crowe if he would like to brief them about  
this variance request.

Mr. Crowe stated that at the time the existing sign was  
permitted, it was discussed with the applicant that a variance  
would be required if a reader board was to be added.

This reader board would allow the applicant to announce meeting  
or events taking place in the community. Dimensions for the  
additional space would be a 2' X 8' for a total of 16 square feet  
per side.

Mr. Pugh makes a motion to approve Variance Request #94-01029.  
Second to the motion Mr. Fogarty. Vote unanimous.

Citizens Comments

Mr. Stanley commented on the Board's motion of approval and his  
feelings on the need to set precedents upon approvals for these  
type of variance requests.

Mr. Pugh stated that as a Board Member he had an opposing view on  
the need to set precedents for approvals, due to the fact that  
each case is handled independently.

Adjournment

Mr. Pugh makes a motion to adjourn. Second to the motion Mr.  
Fogarty. Vote unanimous.

Meeting adjourned 8:10 p.m.

Kimberly B Sanders

PLANNING AND ZONING BOARD OF APPEALS  
MONDAY, FEBRUARY 27, 1995  
7:30 P.M.

M I N U T E S

Pledge to the flag.  
Meeting called to order at 7:30 p.m.

Attendance

Present: Chairperson Ed Phillips, Board Members Kevin Pugh, and Dorland Baird. Liaison W.J. Dodd.  
Absent: Board Member Michael Fogarty and Rick January.

Reading and Approval of Previous Minutes

Mr. Pugh makes a motion to table the approval of the November 28, 1994 minutes until the following changes are made;

- Under Citizens Comments as an opposing view to Mr. Stanley's comment regarding the need to set precedents, Mr. Pugh stated that he commented that precedents were not needed due to the fact that each case is handled independently.

Second to the motion Mr. Baird. Vote unanimous.

Order of Business

Mr. Pugh made a motion to table swearing in Board Members and the election of Chairman and Vice Chairman until the full board is present. Second to the motion Mr. Baird. Vote unanimous.

Variance Request

95-00101 Map Reference # 7-320,003 & 026

Vari Best Homes, Inc. is requesting a reduction for the required number of parking spaces for the recreational area.

Mr. Phillips reads Board Member Fogarty's written opinion on this variance request due to his absence.

Mr. Phillips made a motion to accept a reduction in the minimum parking spaces to 30 for the development of the 187 proposed lots in Units I, II, & III, with the condition the site plan for the recreational area shows a proposed 10 additional spaces (total of 40 parking spaces) for the future addition of the 32 acres/54 lots. Second to the motion Mr. Pugh. Vote unanimous.

Adjournment

Meeting adjourned 9:05 p.m.

*Kimberly B. Sanders*

**FINANCE REPORT  
FEBRUARY 1995**

✓ Franchise taxes from Georgia Power and Gwinnett Cable TV have been received. The amount of Georgia Power Franchise Tax was \$129,312.08 and the amount of Cable TV Franchise Tax was \$18,340.64 for a total of the two of \$147,652.72. We budgeted \$132,000.00 from Georgia Power and \$17,000.00 from Cable TV for a total of \$149,000.00. There is a negative difference of \$1,347.28 between actual and budgeted. The Southern Bell Franchise Tax will be received sometime in August and I am hoping this will make up the difference between actual and budgeted by year end for Franchise Taxes.

✓ Over the past two months I have invested \$300,000.00 at a rate of 6.25% for an annual yield of 6.40%. I hope we will be able to invest more this month when all the enterprise fund billing is received. We are continuing Utility Cut-offs on a timely basis trying to cut down on arrears.

Kelley Canady is certainly an asset to the Finance Department, we have all accounts payable current and reconciliation of bank accounts are being done on a very timely basis. I feel very secure in bookkeeping with Kelley as an employee.

Budget Comparisons Reports have been prepared for you, and we have worked to have them show as true a comparison as we can make with figures we have. Should you have questions about these reports, please feel free to ask us any questions and we will answer them to the best of our ability, helping you to understand why and how things are done.



## REVENUES/INCOME AND EXPENDITURES/EXPENSES REPORT 1995

FEBRUARY

DEPARTMENT: BUDGET '95: '94YTD: '95YTD: PERCENT: NET '95  
'95YTD: YTD-BUDGET:

Administration:					
Revenues	\$980,000	\$62,371	\$190,449	19.43%	\$789,551
Expenditures	\$749,624	\$169,619	\$95,708	12.77%	\$653,916
Net Income:	\$230,376	(\$107,248)	\$94,741	41.12%	\$135,635
Inspections:					
Revenues	\$87,500	\$9,287	\$12,604	14.40%	\$74,896
Expenditures	\$106,521	\$8,551	\$19,760	18.55%	\$86,761
Net Income:	(\$19,021)	\$736	(\$7,156)	37.62%	(\$11,865)
Street:					
Revenues	\$67,300	\$352	\$529	0.79%	\$66,771
Expenditures	\$260,641	\$27,526	\$36,074	13.84%	\$224,567
Net Income:	(\$193,341)	(\$27,174)	(\$35,545)	18.38%	(\$157,796)
Sanitation:					
Income	\$347,605	\$44,769	\$51,792	14.90%	\$295,813
Expenses	\$325,525	\$53,402	\$47,309	14.53%	\$278,216
Net Income:	\$22,080	(\$8,633)	\$4,483	20.30%	\$17,597
Gas:					
Income	\$2,409,100	\$765,440	\$745,083	30.93%	\$1,664,017
Expenses	\$1,910,915	\$398,251	\$462,807	24.22%	\$1,448,108
Net Income:	\$498,185	\$367,189	\$282,276	56.66%	\$215,909
Water:					
Income	\$670,250	\$90,005	\$105,676	15.77%	\$564,574
Expenses	\$579,980	\$87,067	\$106,117	18.30%	\$473,863
Net Income:	\$90,270	\$2,938	(\$441)	-0.49%	\$90,711
Sewer:					
Income	\$945,750	\$63,092	\$80,181	8.48%	\$865,569
Expenses	\$1,441,538	\$318,896	\$188,945	13.11%	\$1,252,593
Net Income:	(\$495,788)	(\$255,804)	(\$108,764)	21.94%	(\$387,024)
Golf:					
Income	\$803,100	\$51,529	\$49,628	6.18%	\$753,472
Expenses	\$832,101	\$95,744	\$80,610	9.69%	\$751,491
Net Income:	(\$29,001)	(\$44,215)	(\$30,982)	106.83%	\$1,981
Total Income:	\$6,310,605	\$1,086,845	\$1,235,942	19.59%	\$5,074,663
Total Expenditures/ Expenses	\$6,206,845	\$1,159,056	\$1,037,330	16.71%	\$5,169,515
Variances	\$103,760	(\$72,211)	\$198,612	191.41%	(\$94,852)









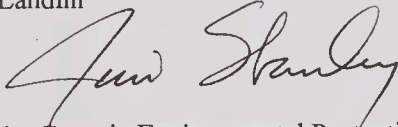


**MEMO TO :** Mayor and City Council

**SUBJECT:** Sanitary Landfill

**DATE:** 3/13/95

**FROM:** Jim Stanley



On January 27, 1995, the Georgia Environmental Protection Division (EPD) issued a formal Consent Order to the City of Sugar Hill, describing serious deficiencies in the closure efforts and the post-closure monitoring of the existing 8-acre sanitary landfill. EPD described corrective actions to be taken and presented a detailed timetable for compliance. Very significant monetary fines were threatened in the event of continued noncompliance.

The initial reaction of the City to the Consent Order was to forward the Order to Mid American Waste Systems (MAWS), along with a request that the City be advised of the actions being taken to bring the facilities into full compliance. To our surprise, MAWS responded formally and officially, in writing, that Mid American Waste Systems would not honor any obligations except as contained in the Restated Lease Agreement. As you know, the Restated Lease Agreement was voided by Superior Court Judge Fred Bishop on November 22, 1994. The Judge ruled that the City had acted without legal authority in entering into that agreement.

On February 27, 1995, at a special called Council Meeting, the Mayor and Council considered these matters and agreed to comply fully with the requirements of the EPD Consent Order. The Council did so, first because it has a primary responsibility to maintain a safe and healthy environment for our Citizens, and second because the Landfill Permit remains in the name of the City, leaving us ultimately responsible for its proper operation. The Council has formally notified Mid American that it considers their refusal to achieve compliance to be a breach of their original lease agreements with the City and a violation of the terms and conditions under which the City approved of the merger of Button Gwinnett Landfill, Inc. with MAWS. We have offered to MAWS an opportunity to be heard in these matters during our regular Council Meeting of April 10, 1995.

The EPD Consent Order noted two very serious deficiencies. First, MAWS has not obtained approval for a ground water monitoring plan, and second, MAWS has not submitted the required methane gas monitoring data required by EPD. An examination of the background and the details of these two deficiencies has revealed even more troubling problems. The record reveals that MAWS prepared and submitted a Landfill Closure Plan to EPD during 1994. That Closure plan, proposed by MAWS and approved by EPD on September 8, 1994, requires that the "Closure activities will begin no later than 15 days after approval of this closure post-closure care plan by Georgia EPD", and further requires that the "Closure cover for the landfill which is within the limits of waste disposal shall be placed over the final lift of waste not later than 90 days following beginning of closure activities." Closure cover consists of installing an 18-inch layer of clay, a 6-inch layer of soil, and establishing erosion-stable vegetation over the entire landfill. Installation of the closure cover is critically important to minimize the amount of leachate generated by the

landfill, by minimizing the amount of rainfall which soaks into the landfill. This is now March of 1995, and construction of the closure cover has not yet begun.

The record also reveals that MAWS has repeatedly submitted inadequate ground water monitoring plans to EPD for approval. The plan currently under review was initially prepared on September 3, 1993 and submitted for approval. That plan was rejected, and was revised January 21, 1994. The revised plan was also rejected and a second revision was prepared October 28, 1994. This is now March of 1995, and EPD is still demanding the submittal of "an approvable groundwater monitoring plan."

The failure of MAWS to honor its commitments to comply fully with federal, state, and local laws, rules and regulations related to the existing 8-acre landfill raises very serious questions with regard to the advisability of the City contracting with them for any new or expanded landfill. I would remind the Council that the 8-acre landfill would have had sufficient capacity to serve the solid waste disposal needs of the City of Sugar Hill for more than 20 years if it had not been completely filled in just two years by MAWS with garbage from other communities.

Closure and post-closure activities will be expensive. It will not be appropriate for the Citizens of Sugar Hill to bear any of these expenses. I recommend that our legal counsel be directed to take whatever actions are necessary to protect the public interest, to enforce whatever bonds and/or escrow accounts are in effect, and to recover from MAWS all costs and damages arising from the landfill and its closure.

TO: The Mayor & City Council of Sugar Hill, Georgia

Date: March 13, 1995

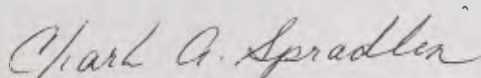
RE: Economic Development Commission Report

The Economic Development Commission met on March 7 with a very productive meeting. The Commission defined its mission in Sugar Hill and released the following mission statement...

The mission of the Sugar Hill Economic Development Commission  
is to facilitate quality commercial development  
within the city limits of Sugar Hill, Georgia

The Commission also named Dave Edwards to cochairman which was designed to help facilitate the meetings when conflicting schedules prevent the regular chair from attending. The Commission also decided to send a survey out to all of the residents and question them on issues related to economic development. Each member has planned to collect information regarding other local jurisdiction's Economic Development Commissions where applicable and further investigate the sharing of resources and ideas. There was also some continued discussion on the city's sign ordinance and some possible recommendations may be forthcoming.

Respectfully submitted,



Charles A. Spradlin, Councilmember

OPINION POLL  
 BY ECONOMIC DEVELOPMENT COMMISSION  
 CITY OF SUGAR HILL, GA

The Economic Development Commission is interested in your opinion on the below items. please mark (✓), fill out and return to City Hall as soon as possible. Thank you.

	YES	NO	COMMENTS
Do you feel that liquor by the drink would benefit Sugar Hill by attracting quality restaurants?			
Would you be in favor of a commuter rail depot in Sugar Hill?			

What type businesses/services do you feel are needed in Sugar Hill?

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*POSTAGE  
 PAID  
 PERMIT*

FROM CITY OF SUGAR HILL  
 ECONOMIC DEVELOPMENT COMMISSION  
 4988 WEST BROAD STREET  
 SUGAR HILL, GA 30518

TO: RESIDENT



***Council Report for the Golf Course & Waste Water Treatment Facility***

***March 13, 1995***

***By Steven C. Bailey, Council Member***

***Waste Water Treatment Facility***

The plant operated well in February, experiencing no unique problems. The Staff is concerned however about infiltration due to the marked increase of flow subsequent to the rains of February and are investigating remedies.

The Bell South tower foundation, footings, and control building are in place and they are awaiting final FCC and FAA approvals before erecting the mast.

***Golf Course***

As you all know, the rainy February has slightly affected rounds of play as compared to the same period last year, however year to date, the course still enjoys roughly a 3.5% increase in revenues. The 1995 budget that includes debt retirement charge offs attributed to the 1993 revenue bond, year to date was projected to have a loss of about \$29,000 for the first two months, but the actual was \$30,982. Mr. Queen and staff should be commended in keeping expenses in line even with the adverse weather and resulting drop in play.

***END OF REPORT***

Sugar Hill Golf Club  
1995 to 1994 Comparisons

3/13/95

1994 Actuals			1995 Y. T. D.			Rounds	1994		1995		Revenue		
Month	Total Res Rds	Total Non-Res	Total Rounds	Month	Total Res Rds	Total Non-Res	Total Rounds	Percent Change	Month	Total Revenue	Month	Total Revenue	Percent Change
Jan	68	481	549	Jan	137	602	739	34.61%	Jan	18,871.18	Jan	24,394.54	29.27%
Feb	176	888	1064	Feb	111	646	757	-28.85%	Feb	35,163.29	Feb	27,312.83	-22.33%
Mar	206	1825	2031	Mar					Mar		Mar		
Apr	275	2165	2440	Apr					Apr		Apr		
May	297	2280	2577	May					May		May		
Jun	223	2031	2254	Jun					Jun		Jun		
Jul	294	2245	2539	Jul					Jul		Jul		
Aug	258	2060	2318	Aug					Aug		Aug		
Sep	308	1815	2123	Sep					Sep		Sep		
Oct	205	1423	1628	Oct					Oct		Oct		
Nov	214	1408	1622	Nov					Nov		Nov		
Dec	243	1164	1407	Dec					Dec		Dec		
Totals:	2767	19785	22552		248	1248	1496	2.88%		54,034.47		51,707.37	3.47%

Sugar Hill Golf Club  
 Deposit & Round Breakdown  
 February 1995

	Total	Credit	# of		Non.	Res.	Non.	
	Deposit	Card	Rounds	Res.	Res.	Sr.	Res.	Jr.
Feb. 1	1312.60	308.51	47	6	30	1	10	0
Feb. 2	2238.07	345.96	87	37	27	0	19	0
Feb. 3	1422.40	306.78	47	1	36	0	1	0
Feb. 4	0.00	0.00	0	0	0	0	0	0
Feb. 5	0.00	0.00	0	0	0	0	0	0
Feb. 6	0.00	0.00	0	0	0	0	0	0
Feb. 7	0.00	0.00	0	0	0	0	0	0
Feb. 8	0.00	0.00	0	0	0	0	0	0
Feb. 9	0.00	0.00	0	0	0	0	0	0
Feb.10	0.00	0.00	0	0	0	0	0	0
Feb.11	0.00	0.00	0	0	0	0	0	0
Feb.12	0.00	0.00	0	0	0	0	0	0
Feb.13	0.00	0.00	0	0	0	0	0	0
Feb.14	1680.59	430.27	43	4	37	0	2	0
Feb.15	0.00	0.00	0	0	0	0	0	0
Feb.16	0.00	0.00	0	0	0	0	0	0
Feb.17	0.00	0.00	0	0	0	0	0	0
Feb.18	0.00	0.00	0	0	0	0	0	0
Feb.19	3860.41	1130.17	95	9	79	0	5	0
Feb.20	0.00	0.00	0	0	0	0	0	0
Feb.21	0.00	0.00	0	0	0	0	0	0
Feb.22	2263.07	786.48	82	4	60	0	13	0
Feb.23	2333.60	605.67	84	28	42	0	11	0
Feb.24	2722.70	735.79	87	4	76	0	0	0
Feb.25	4441.03	1408.53	108	4	91	0	0	2
Feb.26	5038.36	1232.36	128	11	107	0	0	0
Feb.27	0.00	0.00	0	0	0	0	0	0
Feb.28	0.00	0.00	0	0	0	0	0	0
			0					
Total	27312.83	7290.52	808	108	585	1	61	2
			0					
			0					
YTD	51707.37	12986.83	1568	240	1098	4	150	4

March 6, 1995

MEMORANDUM 95-23

TO: Mayor/City Council

FR: Warren Nevad, City Manager *WN*

RE: **Agenda Item: Update of EPD Consent Order**

Pursuant to the Special Mayor/City Council Meeting on February 27, 1995, staff has requested engineering proposals to measure our requirements and financial considerations pertaining to the EPD Consent Order. We will be meeting with EPD officials to urge them to speed up their review of our groundwater monitoring plan. This is critical in order for us to meet the deadline imposed upon us to have an approved plan.

Basically, there are three (3) separate requirements that must be addressed. These requirements are described below:

- 1) **Closure/Post Closure Plan:** This will not be approved until the groundwater monitoring plan is approved. Earth Systems prepared the original draft;
- 2) **Methane Gas Plan:** This plan has been approved. However, this has not yet been implemented. The city must collect monthly samples. Golder Associates prepared said plan.
- 3) **Groundwater Monitoring Plan:** This has not been approved or implemented. The city is required to install monitoring wells and sample the groundwater.

The closure process should commence after monitoring is completed. Our forthcoming proposals should be available for Mayor/Council consideration at the March 13, 1995 meeting.

Please call me should you have any questions.

*Stanley*



THOMPSON & SWEENEY, P.C.  
Law Offices

Longleaf Commons  
690 Longleaf Drive, Lawrenceville, GA 30245  
Telephone: 404/963-1997  
Telephone Copier: 404/822-2913

Mailing Address  
P.O. Drawer 1260  
Lawrenceville, Georgia 30245

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

March 3, 1995

Button Gwinnett Landfill, Inc.  
70 Arnold Road  
Lawrenceville, GA 30245

Dan A. Aldridge, Jr.  
Attorney at Law  
Two Midtown Plaza - Suite 1960  
1360 Peachtree Street, NE  
Atlanta, GA 30309

Mid-American Waste Systems of GA, Inc.  
P.O. Box 1186  
Lilburn, GA 30247

RE: City of Sugar Hill Municipal Solid Waste Landfill

Gentlemen:

I am writing on behalf of and as attorney for the Mayor and Council of the City of Sugar Hill, Georgia. I am writing pursuant to direction of the Mayor and Council given at a called meeting held on February 27, 1995.

On February 8, 1995, Mayor Gary Webster of the City of Sugar Hill, Georgia received a proposed Consent Order from the Department of Natural Resources, Environmental Protection Division, State of Georgia. This Consent Order alleged that the City as the permit holder for the Sugar Hill/Appling Road Municipal Solid Waste Landfill was in violation of certain provisions of the Georgia Comprehensive Solid Waste Management Act and certain rules and regulations of the Georgia Department of Natural Resources. The Consent Order further required the City to take certain action dealing with closure and post-closure issues at the landfill. On February 14, 1995, I provided a copy of the Consent Order to Dan A. Aldridge, Jr., attorney for Mid-American Waste Systems of Georgia, Inc. My letter to Mr. Aldridge advised Mid-American Waste Systems of Georgia, Inc. that the City considered the matters set forth in the Consent Order to be the responsibility of Mid-American Waste Systems of Georgia, Inc. under the existing lease agreement between the parties.

On February 21, 1995, Mr. Aldridge provided me with a letter indicating that is was the position of Mid-American Waste Systems of Georgia, Inc. that "it presently has no responsibility for these activities and associated costs." While the restated lease and operating agreement of August 9, 1993 has been ruled invalid by Judge Bishop and is void and nonbinding on the parties as of this date, contractual agreements between the City of Sugar Hill and Button Gwinnett Landfill, Inc. and/or Mid-American Waste Systems of Georgia, Inc. still exist. The landfill was originally leased

March 3, 1995  
Page Two

to Button Gwinnett Landfill, Inc. under a lease agreement dated December 19, 1985. This lease agreement was modified on December 14, 1987 and again on September 28, 1989. In addition, Button Gwinnett Landfill, Inc. and the City of Sugar Hill entered into an additional lease leasing an additional six acres on or about July 10, 1989. Pursuant to the terms of the original lease agreement as modified, Button Gwinnett Landfill, Inc. requested the consent of the City of Sugar Hill to a change in the ownership of 50% or more of the stock of Button Gwinnett Landfill, Inc. On July 22, 1992, at a called meeting of the Mayor and Council of the City of Sugar Hill, a motion was adopted by the City Council of Sugar Hill consenting to the change in ownership subject to four conditions. The second condition provided "Ed Grove shall be released from his personal guaranty under the lease agreement referenced above upon Mid-American executing a modification of the lease agreement providing Mid-American will comply with all state and federal bonding requirements and will be totally responsible for and indemnify the City for all closure and post-closure requirements and any damages incurred by the City due to environmental damage from the operation of the landfill. In addition, paragraph five of the original lease agreement as modified provides "leasee may use the leased land only for the purpose of maintaining and operating a lawful sanitary landfill..." The paragraph also requires the leasee "to comply with all State, Federal, Local laws and ordinances..."

Pursuant to paragraph fourteen of the lease agreement of December 19, 1985 as modified on December 14, 1987, you are hereby notified that the Mayor and Council of the City of Sugar Hill consider Button Gwinnett Landfill, Inc. and Mid-American Waste Systems of Georgia, Inc. to have breached the terms and conditions of its lease agreement with the City of Sugar Hill and to be in violation of the terms of said lease agreement including but not limited to violation of paragraph five of the original lease agreement as modified, and the conditions of the approval of the merger between Button Gwinnett Landfill, Inc. and Mid-American Waste Systems of Georgia, Inc. by the City of Sugar Hill. You are further notified that the City of Sugar Hill considers your failure to acknowledge your obligations for closure and post-closure requirements and the items set forth in the Consent Order referenced above to be in violation of State, Federal, Local laws and ordinances and you are so notified in accordance with the provisions of the lease agreement.

In accordance with the provisions of paragraph fourteen of the original lease agreement as modified, you are hereby notified that you may appear before the Mayor and Council of the City of Sugar Hill at its regular Council meeting on April 10, 1995, and at that time you will be given an opportunity to respond to the matters set forth in this letter. The meeting will be held at 7:30 p.m. in the City Council chambers located in the Community Center adjacent to Sugar Hill City Hall.

You are further notified that at the meeting of the Mayor and Council of the City of Sugar Hill scheduled for April 10, 1995, or at any time thereafter, the Mayor and Council of the City of Sugar Hill may consider whether to terminate the lease agreement with you or to consider you in breach or default of said agreement and to exercise any and all rights it may have pursuant to that agreement including, but not limited to, an action for rents due under said lease agreement, an action for damages incurred as a result of breach of the agreement, an action against any bonds provided to ensure compliance with the terms of the lease agreement, an action for damages

05-05-1995 05:05:11  
March 3, 1995  
Page Three

incurred as a result of breach of the agreement, an action against any bonds provided to ensure compliance with the terms of the lease agreement, and pursuit of any guaranties provided pursuant to the lease agreement.

Please govern yourselves accordingly.

Sincerely,

THOMPSON & SWEENEY, P.C.

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

VLT/pbd

cc: Allan Mullinax  
Cathy Packwood  
Warren Nevad  
Mayor Webster





## GALLAGHER BASSETT SERVICES, INC.

March 6, 1995

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

Hand Delivered

RE: Sugar Hill Investment Corp. et al. v.  
The City of Sugar Hill et al.  
Claim #: 010474-003678-EO-01

Dear Mr. Nevad:

Gallagher Bassett Services, Inc. on behalf of the Georgia Interlocal Risk Management Agency (hereinafter referred to as GIRMA), whereas GIRMA has previously issued to the city of Sugar Hill, Georgia, its document for participation in a "Third Party Self Protected Loss Fund" providing coverage for certain risks of the city of Sugar Hill, Georgia named or described therein, acknowledges receipt of claim from the city of Sugar Hill, Georgia as captioned above.

Review of the incident description by Gallagher Bassett Services has indicated that the document of coverage referred to above does not provide coverage in this matter due to exclusions that apply to the subject claim. In this event GIRMA does not have any legal obligation under the policy or certificate of coverage issued to the city of Sugar Hill.

We direct your attention to page 25 of 26 of the GIRMA coverage agreement, effective 5/1/87 - 5/1/94, General Conditions, # 10. Claims, which states:

"The Member shall immediately notify GIRMA through Gallagher Bassett Services, Inc. of any occurrence, the cost of which is likely to result in payment by GIRMA under this Coverage Description. GIRMA shall have the right and duty to defend the Named Member for any claims, suits or proceedings relative to an occurrence where in the opinion of GIRMA, their liability under this Coverage Description is likely to be involved, in which case the Member and GIRMA shall cooperate to the mutual advantage of both".

Suit was filed against the city of Sugar Hill in the matter referenced above in August of 1993. Because the incident was not reported to GIRMA or Gallagher Bassett Services, Inc. until at least a year later, reporting requirements were not met.



March 3, 1995  
Page 2

Should you have any questions regarding the effect of this letter on the application of coverage, as it pertains to the coverage document, please feel free to contact GIRMA or Gallagher Bassett Services, Inc.

Sincerely,

Adam B. Wilhoit  
Senior Claims Representative

C: Cal Wray  
George Van Leuven  
Ed Sumner



# GEORGIA MUNICIPAL ASSOCIATION

**Risk Management and Employee Benefit Services**  
201 Pryor Street, SW • Atlanta, Georgia 30303 • 404/688-0472 • FAX: 404/577-6663

## VIA FACSIMILE

March 7, 1995

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

RE: Georgia Interlocal Risk Management Agency (GIRMA)  
Smith, Gambrell and Russell Additional Fees

Dear Warren:

The purpose of this memorandum is to confirm our discussion concerning the above matter which took place in your office on March 6, 1995. Betty Garbutt and Adam Wilhoit of Gallagher Bassett Services, Inc. were also in attendance.

Per our discussion, GIRMA has agreed to assume the responsibility for the resolution of the additional fee (\$ 9,600) dispute between the city and Smith, Gambrell and Russell, a defense firm hired to represent the city in a 1993 landfill matter, with the understanding that the city would contribute its GIRMA deductible in the amount of \$ 2,500 to the resolution of this matter.

By assuming the responsibility for the resolution of this matter, GIRMA seeks to ensure that the city's out of pocket expense would not exceed \$ 2,500, the amount of its deductible, which it would have to pay GIRMA if a lawsuit was filed and GIRMA defended the city, and to minimize its future exposure in defense costs necessary to defend the city if Smith, Gambrell and Russell should proceed with threatened legal action to collect the disputed fees. In addition, GIRMA would like to resolve this matter amicably with Smith, Gambrell and Russell as there may be an interest in utilizing this firm in future GIRMA claims involving their area of expertise. In fact, as you are aware, Adam has already approached Smith, Gambrell and Russell and received assurances from their representative that they will postpone formal legal action to allow time for the matter to be resolved without legal action.

### OFFICERS

Luther Conyers, Jr.  
Chairperson  
Councilmember  
Bainbridge  
Sonya Carter  
Vice Chairperson  
City Administrator  
Union City  
James V. Burgess, Jr.  
Secretary-Treasurer  
GMA Executive Director

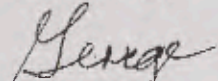
### TRUSTEES

Hai Averitt  
Mayor  
Stuartsboro  
Johnson W. Brown  
Mayor  
Chamblee  
James W. Buckley  
Mayor  
Swainsboro  
James A. Calvin  
City Manager  
Toccoa  
Ed Cannington, Jr.  
Mayor  
Lumpkin  
William J. Davis  
Mayor  
Vienna  
James E. Elliott, Jr.  
City Attorney  
Warner Robins  
John R. Haynie  
Councilmember  
Kennesaw  
Audrey S. Hightower  
City Clerk - Treasurer  
Eatonton  
Martha Kennedy  
Commissioner  
Palm  
Charles E. Kersey  
Mayor  
Thomaston  
Bob Socolow  
Councilmember  
Commerce  
Emory Stephens  
City Manager  
Dahlonega

As I pointed out, if a formal suit was filed in this matter, GIRMA would be responsible only for the defense of the city and not for the fees themselves. The city would be obligated for the fees if judged that it breached its contract with this law firm and breach of contract is specifically excluded by the GIRMA coverage agreement.

We await the city's response in this matter. In the meantime, if you need any additional information concerning this matter, please contact me directly.

Sincerely,



George E. Van Leuven, Jr.  
Manager Risk Management Services

CC: Mr. Calvert Wray  
Director of Risk Management  
and Employee Benefit Services

Mr. Adam Wilhoit  
Gallagher Bassett Services, Inc.



# GEORGIA MUNICIPAL ASSOCIATION

Risk Management and Employee Benefit Services  
201 Pryor Street, SW • Atlanta, Georgia 30303 • 404/688-0472 • FAX: 404/577-6662

VIA FACSIMILE

March 7, 1995

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

*Motion:  
By Council  
Ord. 2316  
4-1*

RE: Georgia Interlocal Risk Management Agency (GIRMA)  
Smith, Gabrell and Russell Additional Fees

Dear Warren:

The purpose of this memorandum is to confirm our discussion concerning the above matter which took place in your office on March 6, 1995. Betty Garbutt and Adam Wilhoit of Gallagher Bassett Services, Inc. were also in attendance.

Per our discussion, GIRMA has agreed to assume the responsibility for the resolution of the additional fee (\$ 9,600) dispute between the city and Smith, Gambrell and Russell, a defense firm hired to represent the city in a 1993 landfill matter, with the understanding that the city would contribute its GIRMA deductible in the amount of \$ 2,500 to the resolution of this matter.

By assuming the responsibility for the resolution of this matter, GIRMA seeks to ensure that the city's out of pocket expense would not exceed \$ 2,500, the amount of its deductible, which it would have to pay GIRMA if a lawsuit was filed and GIRMA defended the city, and to minimize its future exposure in defense costs necessary to defend the city if Smith, Gambrell and Russell should proceed with threatened legal action to collect the disputed fees. In addition, GIRMA would like to resolve this matter amicably with Smith, Gambrell and Russell as there may be an interest in utilizing this firm in future GIRMA claims involving their area of expertise. In fact, as you are aware, Adam has already approached Smith, Gambrell and Russell and received assurances from their representative that they will postpone formal legal action to allow time for the matter to be resolved without legal action.

- OFFICERS**  
 Luther Conyers, Jr.  
 Chairperson  
 Councilmember  
 Bainbridge  
 Sonya Carter  
 Vice Chairperson  
 City Administrator  
 Union City  
 James V. Burgess, Jr.  
 Secretary-Treasurer  
 GMA Executive Director

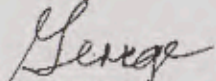
- TRUSTEES**  
 Hal Averitt  
 Mayor  
 Statesboro  
 Johnson W. Brown  
 Mayor  
 Chamblis  
 James W. Buckley  
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 Swainsboro  
 James A. Calvin  
 City Manager  
 Toccoa  
 Ed Cannington, Jr.  
 Mayor  
 Lumpkin  
 Willie J. Davis  
 Mayor  
 Vienna  
 James E. Elliott, Jr.  
 City Attorney  
 Warner Robins  
 John R. Haynie  
 Councilmember  
 Kennesaw  
 Audrey S. Highlower  
 City Clerk - Treasurer  
 Eatonton  
 Marsha Kennedy  
 Commissioner  
 Poma  
 Charles E. Kersey  
 Mayor  
 Thomaston  
 Bob Sosabee  
 Councilmember  
 Commerce  
 Emory Stephens  
 City Manager  
 Dahlonega



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We await the city's response in this matter. In the meantime, if you need any additional information concerning this matter, please contact me directly.

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Manager Risk Management Services

CC: Mr. Calvert Wray  
Director of Risk Management  
and Employee Benefit Services

Mr. Adam Wilhoit  
Gallagher Bassett Services, Inc.

WASHBURN & WASHBURN

ATTORNEYS AT LAW

390 Crogan Street

Suite 300

Lawrenceville, Georgia 30245

TELEPHONE: (404)963-1105

FAX: (404)962-1810

Lawrence L. Washburn, III

Margaret Gettle Washburn

TO: Betty

FAX NO.: 945 - 00281

FROM: Margaret Washburn

DATE: 3/9/95

NUMBER OF PAGES (INCLUDING COVER SHEET): 4

RE: handfill

Please see the attached letter  
from Mary Prebula. I have  
the rest of the package & will

COMMENTS: mail out this afternoon,  
unless I hear different from you.  
Lisa

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS CONFIDENTIAL INFORMATION AND MAY BE PROTECTED UNDER THE ATTORNEY/CLIENT PRIVILEGE AND/OR OTHER PRIVILEGE. IT IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY IT IS ADDRESSED TO. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY USE, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS MESSAGE IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.

## Washburn & Washburn

ATTORNEYS AT LAW  
390 CROGAN ST., SUITE 300  
LAWRENCEVILLE, GA 30245

LAWRENCE L. WASHBURN III  
MARGARET GETTLE WASHBURN

TELEPHONE  
(404) 963-1105  
FAX (404) 962-1810

March 9, 1995

Mayor Gary Webster  
City of Sugarhill  
4988 West Broad Street  
Sugarhill, Georgia 30518

**VIA FACSIMILE NO.**  
**(404) 945-0281 & U.S. MAIL**

Ms. Betty Garbet, City Clerk  
City of Sugarhill  
4988 West Broad Street  
Sugarhill, Georgia 30518

Dear Mr. Webster, Ms. Garbet and Members of the Council:

Enclosed please find Ms. Prebula's letter of March 2, 1995, with regard to the landfill situation. I have known Ms. Prebula for several years and she is very well known in the area of Georgia Environmental laws. She has also written articles dealing with that subject, including hazardous site inventory and also handled litigation in this area.

It is my recommendation that she be appointed to assist the City Council in the pending litigation. I look forward to your response.

Sincerely,



Margaret Gettle Washburn

MGW/ld  
Enclosure

GIBSON, DEAL, FLETCHER and PREBULA, P.C.

ATTORNEYS AT LAW

SPALDING EXCHANGE

2042 HOLCOMB BRIDGE ROAD, SUITE 200  
NORCROSS, GEORGIA 30082

404/263-7200  
FACSIMILE: 404/449-5395

JOHN W. GIBSON  
JAMES B. DEAL  
WILLIAM A. FLETCHER, JR.  
MARY A. PREBULA

March 2, 1995

Margaret G. Washburn, Esq.  
Washburn & Washburn  
390 Crogan Street  
Suite 300  
Lawrenceville, Georgia 30245-6901

Re: City of Sugar Hill Landfill Representation

Dear Margaret:

Thank you for your interest in our Firm with regard to the above representation. I have enclosed for your review a copy of our Firm resume along with my resume.

As you requested, our billing rates for environmental representation are \$170.00 per hour for time expended by me and \$135.00 per hour for time expended by William A. Fletcher, Jr. We would anticipate that I would provide the majority of the legal services, but Mr. Fletcher, who has an engineering degree from West Point and who provides limited environmental services to other clients, is also available to ensure continuous legal assistance to Sugar Hill. Of course, we would wish to discuss retainer and payment arrangements with you should you choose our Firm for this representation.

Also enclosed for your review are copies of my two (2) most recent environmental publications:

"EMF Litigation", published in the American Bar Association, Environmental Litigation Committee Newsletter, Vol. 7, No. 1, 1995.

"New Developments in Georgia Environmental Laws and the Hazardous Site Inventory" (exhibits omitted), published by ICLE, and speech given to the Real Estate Section of the State Bar of Georgia, November 11-12, 1994.

Although these presentations do not address solid waste issues, they should serve to show the breadth of my environmental expertise.



Margaret G. Washburn, Esq.  
March 2, 1995  
Page Two

We appreciate your interest in our Firm and are happy to answer any questions or meet with appropriate City officials to aid in their decision-making process. Please let me know if you need any further information or I can answer any questions to aid in this selection process.

Yours very truly,

Mary A. Prebula  
GIBSON, DEAL, FLETCHER AND PREBULA, P.C.

MAP/man  
Enclosures

# Washburn & Washburn

ATTORNEYS AT LAW  
390 CROGAN ST., SUITE 300  
LAWRENCEVILLE, GA 30245

LAWRENCE L. WASHBURN III  
MARGARET GETTLE WASHBURN

TELEPHONE  
(404) 963-1105  
FAX (404) 962-1810

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Sincerely,



Margaret Gettle Washburn

MGW/ld  
Enclosure

GIBSON, DEAL, FLETCHER and PREBULA, P.C.

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3953 HOLCOMB BRIDGE ROAD, SUITE 200  
NORCROSS, GEORGIA 30092

404/263-7200

FACSIMILE: 404/449-5395

JOHN W. GIBSON  
JAMES B. DEAL  
WILLIAM A. FLETCHER, JR.  
MARY A. PREBULA

March 2, 1995

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Margaret G. Washburn, Esq.  
March 2, 1995  
Page Two

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Yours very truly,

Mary A. Prebula  
GIBSON, DEAL, FLETCHER AND PREBULA, P.C.

MAP/man  
Enclosures



GIBSON, DEAL, FLETCHER and PREBULA, P.C.  
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NORCROSS, GEORGIA 30092

404/263-7200  
FACSIMILE: 404/449-5395

\$ 1700

*Do not put in  
Dues 8:00  
5-0*

JOHN W. GIBSON  
JAMES B. DEAL  
WILLIAM A. FLETCHER, JR.  
MARY A. PREBULA

GENERAL INFORMATION:

Gibson, Deal, Fletcher and Prebula, P.C. (the "Firm") is a professional corporation which began its legal practice in June, 1986. It was then composed of two members, John W. Gibson and James B. Deal, who were its officers, directors and shareholders. The Firm expanded in August, 1992, when William A. Fletcher, Jr. became an officer, director and shareholder. Effective December, 1993, the Firm again expanded when Mary A. Prebula became an officer, director and shareholder. The Firm is engaged in a general civil practice in the greater Atlanta metropolitan area, including civil litigation (concentration in commercial, real estate, domestic and environmental litigation), real estate, corporate, bankruptcy, probate, wills and trusts, estate planning, domestic law, and environmental regulation.

**Representative  
Clients:**

Hansen Packaging, Inc.; Tom Barrow Co.; Conway Travel; Communications Alliance, Inc.; Condor Distributing, Co.; North Atlantic Marketing, Inc.; Hess & Associates, Inc.; Userview Corp.; JLCM Enterprises, Inc.; Bridgers, Goeltz & Associates, Inc.; Offset Atlanta, Inc.; Sod Atlanta, Inc.; Southern Turf Nurseries; Sunbelt Seeds, Inc.; SCGA Partners, Inc.; American Wholesale, Inc.; Commercial Cold Storage, Inc.

**References:**

Bank South, N.A.

.....  
.....

MARY A. PREBULA

**Born:** August 1, 1953, Binghamton, New York. Raised in Montrose, Pennsylvania and Goldsboro, North Carolina.

**Education:** University of North Carolina, Chapel Hill, B.A. 1974; University of North Carolina, Greensboro, M.Ed. 1980; Emory University, J.D. 1984; Emory Law Journal, Managing Editor 1983-1984, Staff 1982-1983.

**Admitted to Practice:** State and Superior Courts of Georgia, 1984. Currently admitted to practice before all trial courts in Georgia, the Georgia Court of Appeals, the Georgia Supreme Court, the United States District Courts for the Northern and Middle Districts of Georgia, the United States Court of Claims, and the United States Courts of Appeals for the Eleventh and Federal Circuits.

**Professional Organizations:** American Bar Association (Litigation Section; Natural Resources, Energy and Environmental Law Section; Younger Lawyers Division 1984-1990, Career Issues Committee 1990-1991); State Bar of Georgia (Board of Governors 1991-present; General Practice and Trial Law Sections; Environmental Law Sections, Programs Committee 1991-1992; Committee to Examine the Role of Legal Assistants 1991-present, Chair 1993-1994; Annual State Bar Meeting Program Committee 1992-1993, Chair 1993; Women and Minorities in the Profession Committee 1993-present; Local Bar Associations Committee 1991-1992; Institute of Trial Advocacy Committee 1990-1991); Georgia Association for Women Lawyers (Executive Board 1989-present; President 1990-1991; Treasurer 1989-1990; Scholarship Committee, 1992-present, Chair 1993-1994; Judicial Selection Committee, 1990-present, Vice Chair 1992-1993; Take Our Daughters to Work Day Committee 1993-1994, Chair 1993; Gubernatorial Forum Committee 1990); Gwinnett County Bar Association; Atlanta Bar Association (Litigation Section; Environmental Law Section, Atlanta Council for Younger Lawyers Section 1984-1990; Work Options Task Force 1989-1991, Chair 1989-1990); Emory University School of Law Alumni Association (Member at Large, Executive Committee 1993-1994); University of North Carolina General Alumni Association; Law Related Education Consortium (1990-present, Treasurer 1991-1993, Finance Committee 1992-1994); Law and Business Directory of Environmental Attorneys, Environmental Law Institute Associates Directory.

**Professional Experience:** Partner and Member of the Firm of Gibson, Deal, Fletcher and Prebula, P.C., Former Associate with Hansell & Post, continuing with Jones, Day, Reavis and Pogue after a merger in 1989 (1984-1993). Ms. Prebula's areas of expertise are civil litigation including commercial, environmental, fiduciary, products liability, bankruptcy, and domestic, as well as environmental regulation. Experience includes the following representative cases and matters:

- Represented Macon corporate plaintiff against British conglomerate in a failed acquisition including breach of letter of intent and contract of sale, promissory estoppel, breach of fiduciary duty, fraud and other business torts.
- Defended homeowner against suit for specific performance of option to buy property.
- Represented corporation in case alleging conversion and breach of escrow contract, which resulted in jury verdict in excess of \$5.5 million, but conversion award was overturned on appeal.
- Successfully represented major processor of agricultural product in significantly reducing \$15 million penalty under improperly enacted regulations.
- Defended major HUD developer in dissolution and accounting of partnership and breach of fiduciary duty case.
- Represented former President Jimmy Carter and the Carter Library in the litigation concerning the Presidential Parkway.
- Other litigation, including specific performance of a lease option to purchase realty; claims against insurer for benefits; violations of Fair Credit Reporting Act; defense of false arrest and malicious prosecution; defense of assault and battery; collections; professional malpractice and various domestic matters.
- Environmental audit and analysis for acquisitions and lending transactions.
- Responsible for National Environmental Policy Act issues arising in the Presidential Parkway Litigation.

- Successfully defended CERCLA (Superfund) action against a national manufacturer involving cleanup in which the result achieved was EPA deciding not to pursue client as a Potentially Responsible Party.
- Successfully defended \$3.5 million RCRA penalty action for improper storage of hazardous waste.
- Successful challenges to NPDES permits issued under the Clean Water Act in Georgia and Louisiana where levels specified in permits were technically infeasible, or unsupported by science.
- Advice and negotiation under Georgia law with regard to cleanups of chemical spills, permitting issues, monitoring of emissions, periodic reporting, including chemical spill by third party on corporate client's property already contaminated by prior owner and neighbors; negotiations with those entities, several insurance companies, the distributor, the manufacturer, and Georgia Environmental Protection Division.
- Defending CERCLA actions brought by the United States Environmental Protection Agency against national oil company, major chemical manufacturers, fertilizer manufacturers, small private corporations, sole proprietors and others.
- Advice and drafting of documents and contracts for major company to recycle used chlorofluoro-carbons.
- Representing clients with environmental issues regarding commercial fertilizer, including use of solid waste and use of hazardous constituents in fertilizer.
- Advice to various lending clients, municipalities, and debtors regarding environmental issues arising in bankruptcy, including abandonment of property, administrative expense priority, and discharge of environmental claims.

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# ENVIRONMENTAL LITIGATION COMMITTEE NEWSLETTER

AMERICAN BAR  
ASSOCIATION

SECTION OF  
LITIGATION

ENVIRONMENTAL  
LITIGATION  
COMMITTEE

Volume 7, No. 1

1995

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The views expressed in the Environmental Litigation Committee Newsletter are those of the authors and do not necessarily reflect the position of the American Bar Association; Environmental Litigation Committee, Litigation Section; or any government body. The publication in the Newsletter of articles and letters does not constitute an endorsement of opinions or legal conclusions which may be expressed. The Newsletter is published with the understanding that the Environmental Litigation Committee is not engaged in rendering legal or professional services.

Readers are invited to submit articles, comments or opinions on

various aspects of environmental litigation to the editors. Publication and editing are at the discretion of the editors. Because of time constraints, galleys or proofs are not forwarded to authors.

The Newsletter is published by the Environmental Litigation Committee of the American Bar Association Section of Litigation to inform members of Committee activities and other matters of interest to environmental lawyers. Copyright 1995, as to original material, by the Environmental Litigation Committee of the American Bar Association, Litigation Section.

## EMF LITIGATION

By Mary A. Prebula\*

Litigation over electric and magnetic fields ("EMF") hazards "has the potential to open up a legal abyss that would dwarf the one created by asbestos."<sup>1</sup> This view appears prevalent at least with the public despite the recent defendants' verdicts in the only two (2) personal injury EMF cases to go to trial thus far.<sup>2</sup> Most people embroiled in EMF litigation predict it is far from over. There are reportedly more than two hundred (200) EMF personal injury cases pending throughout the country. In addition, there are numerous devaluation of property cases winding their ways through the courts.

This article provides a quick overview of the science and issues involved in the personal injury/toxic tort EMF litigation. The issues in EMF litigation essentially concern whether and how electric and magnetic fields affect human bodies and whether there is evidence any such effects cause harm.<sup>3</sup>

In lay terms, EMF is the electro-magnetic field surrounding electric charges. EMF is also referred to as ELF - Extremely-Low-Frequency Radiation. Although there are some technical distinctions, in most cases EMF and ELF are treated as the same subject in the literature.

EMF emanates from all sources that generate or transmit an electric current, including transmission and distribution lines, transformers, substations, industrial machinery, and computers as well as your toaster, alarm clock, and microwave. EMFs surround us naturally as well. They include everything from the earth's magnetic field to the magnetic fields that hold individual cells together within the human body.

EMFs are created by alternating current ("AC") as it changes direction back and forth when it flows through circuits. In the United States, this "alternating" occurs in power lines sixty (60) times per second. This frequency varies in other sources. The AC in this country generally is referred to as a 60 hertz (Hz) power.<sup>4</sup>

The electric field results from the strength of the charge and is the voltage on the line relative to the ground. It is measured in volts per meter (V/m). We all know that voltages in homes are 110 and 220 volts. Distribution lines usually carry 12,000 volts. Major transmission lines can carry 350,000 volts and more. The strength of electric fields is determined by the voltage running through them. High voltage sources produce stronger electric fields than do low voltage sources. Electric fields are produced if the line is operational even though no current is flowing.<sup>5</sup>

The magnetic field results from the motion of the

charge and is produced by the flow of electrons through a conductor (the "current"). The current is measured in amperes ("amps") and the magnetic field generally is measured in milligauss (mG). Since the magnetic field is created by current, operating sources of electricity on "high" settings as opposed to "low" settings creates a stronger magnetic field. When the source is turned off, i.e., no current is flowing, no magnetic field is created.<sup>6</sup>

Just from appliances, we encounter EMF levels in homes and offices that generally range from 1 to 700mG depending on the appliance, the model and its age, and the distance we are from that source. For example, the alarm clock at 1 foot emits 1-30 mG, the toaster at 1 foot emits 3-7 mG, the microwave at 6 inches emits 100-300 mG, the hair dryer at 6 inches emits 1-700 mG, and the computer emits 7-20 mG at 6 inches.<sup>7</sup> Normal levels of EMF exposure in homes and offices are reported as a range from .5 mG to 1.5 mG. These items are used only infrequently and the strength of the field diminishes rapidly with distance.<sup>8</sup>

One would expect occurrences of cancer, leukemia, lymphomas and other suspected health problems to have increased dramatically as society became more industrialized and power lines proliferated. At least one epidemiologist contends exposure has not increased dramatically in the last four (4) decades, but there is no way to compare current exposure to time periods prior to that due to the lack of relevant records. The reasons for the lack of a dramatic increase include changes in wiring such that EMFs now cancel each other out, increased voltage in power lines leading to lower currents, and movement from cities to suburbs with more distance between homes and power lines.<sup>9</sup>

No scientific literature has been found which precisely states what levels, if any, are harmful. Nevertheless, certain states have established field limits for transmission line rights of way. For electric fields, these limits range from 1000 V/m at the edge of the right of way in residential areas to 10,000 V/m maximum in the right of way of a 500 kilovolt line. For magnetic fields, Florida has established limits that range from 150 to 200 mG maximum at the edge of the right of way depending upon the voltage carried by the line.<sup>10</sup> In addition, the International Radiation Protection Association draft guidelines call for a limit of 5000 V/m for continuous exposure to electric fields and 2000 mG for magnetic fields.<sup>11</sup>

Although not a scientifically exact explanation, EMF is created by forcing the electric charge through power lines or some other circuit. In order to maintain a constant level of flow and to achieve the voltage level needed at the end of the



line, more electricity must be forced through the line than is wanted at the other end. Imagine if you will, a garden hose. You want a strong stream of water at the end. You place your thumb over the gentle flow of water at the nozzle and create a powerful stream. Surrounding that powerful stream, however, is a mist and spray of escaping water. EMF is much the same as the escaping mist and spray. Again, most scientists would find this an inexact analogy.

EMF does not escape in a straight line. It radiates around a conductor in a donut shape. Although the electric field can be diminished by dense objects, the magnetic field passes through solid objects, including the human body.<sup>12</sup>

Laboratory and epidemiological tests have been and are being conducted to determine whether there are any biological effects from EMF exposure. Laboratory studies have included direct exposure by cells, organs, animals and humans to EMFs, to look for effects in function, chemistry, disease, and behavior.<sup>13</sup> Such studies have shown certain biological effects, including the enhancement of healing of bone fractures, changes in the secretions of a hormone melatonin and calcium efflux from cells, which affects cell division and reproduction.<sup>14</sup> To point out the significance of one of these findings, it is reported that decreased melatonin production has been connected with increases in breast cancer. Recently studies also indicate an increase of breast cancer risk in men exposed to EMF.<sup>15</sup>

Plaintiffs and certain scientific groups contend there is epidemiological evidence "that electric power sources are linked in some undefined manner to an elevated cancer risk among the high-exposure occupational and public groups." Epidemiologists study the incidence of disease and attempt to identify the correlation between exposure and disease. Many of these scientific studies found elevated cancer risk in children residing near high-current distribution lines and in the general class of electrical workers.<sup>16</sup>

Many scientists conclude from both epidemiological and laboratory studies that there is an increased risk of childhood cancer, leukemia, brain cancer, miscarriage, birth defects, and perhaps breast cancer as well as an effect on circadian rhythms from EMF exposure. Scientists also have hypothesized there is a pathway linking EMF exposure to cancer, or that EMF promotes cancer growth when triggered by other causative agents.<sup>17</sup>

Studies routinely cited in support include two (2) Denver studies, a New York study, a Canadian study, and a Swedish study. The Denver study conducted by Nancy Wertheimer and published in 1979 examined homes of 344 children, under age nineteen (19) who had died of cancer between 1950 and 1973, and who had power lines near their homes. Compared to 344 other children in similar neighborhoods she concluded that children residing near high current power lines are to (2) to three (3) times as likely to die of leukemia, lymphomas or nervous system tumors.<sup>18</sup> David Savitz conducted a study in

Denver in 1988 to challenge the Wertheimer study. However, he reported children residing near EMFs emitting above 2 mG were two (2) times as likely to have leukemia, and had a fifty percent (50%) increase in other cancers.<sup>19</sup>

The Canadian study analyzed 250,000 electric utility workers and their exposure to EMF. B.P. Theriault concluded such workers have a greater likelihood of developing leukemia than the normal population.<sup>20</sup> The Swedish study cited as support for the connection between EMF and cancer found support for its conclusion that there is a correlation between exposure to EMF and cancer.<sup>21</sup>

This Swedish study report convinced the Swedish National Board for Industrial and Technical Development to announce that it would "act on the assumption that there is a connection between exposure to power-frequency magnetic fields and cancer, in particular childhood cancer."<sup>22</sup>

Most authorities agree, however, there is no current evidence of a direct causative link between EMF and cancer or other health problems. Epidemiological studies only show correlation, not causation. When asked: "[i]s there persuasive evidence that electric and magnetic fields are a major cause of clinically adverse health effects, with a biological understanding of the processes involved, a demonstration of quantitative dose-response gradients, and a firm basis for risk assessment?", the response is "No."<sup>23</sup>

Defendants also criticize the epidemiological studies for their lack of direct measurement of exposure. Most studies infer exposure based upon such items as occupation or job title and configuration of power lines in areas of residence and occupation.<sup>24</sup> Defendants similarly argue the studies do not support liability in a particular case because Plaintiff's exposure is different from that reported in the study or there is an intervening or superseding cause. Defendants also contend that due to the inconclusive nature of the scientific evidence, there is no duty to investigate, no duty to warn, and no negligence.

The Defendants in both Zuidema and Jordan attacked the epidemiological evidence on the basis that neither of the precise types of each Plaintiff's cancer (Zuidema had Wilms' tumor in the kidney and Jordan had non-Hodgkin's mantle cell lymphoma), is reported in the epidemiological studies to date. Apparently, the juries in both cases found these facts significant. In both the Zuidema and Jordan cases, the juries rejected the claim that EMFs were responsible for causing the individual cancers. In Jordan, however, the jurors reported that they had concluded that EMF caused cancer, but not Ms. Jordan's specific cancer. One juror indicated that "had Ms. Jordan had leukemia, we probably would have been back with a Plaintiff's verdict in fifteen minutes."

Several leukemia cases are expected to go to trial in the next year in Florida, and a brain cancer case involving a 19-year-old is expected to go to trial soon in Connecticut. A review of the scientific literature reveals those may be the

best cases for Plaintiff's verdicts due to the fact that leukemia and brain cancer are directly mentioned in epidemiological studies. To be sure, these cases will shed some light on the future of EMF litigation.

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<sup>1</sup> Krieger "On The Line", American Bar Association Journal, January, 1994, at 40.

<sup>2</sup> See Zuidema v. San Diego Gas & Electric, No.638222 (San Diego Super. filed October 28, 1991) (involving rare childhood cancer), and Jordan v. Georgia Power, et al, No. 91-4103SS296 (Douglas Super, filed July 24, 1991) (involving adult lymphoma and breast cancer) (tried in Douglas County, Georgia).

<sup>3</sup> Executive Summary, "Health Effects of Low-Frequency Electric and Magnetic Fields", Environ. Sci. Technol., Vol. 27, No. 1, January, 1993, report by Oak Ridge Associated Universities Panel for the United States Committee on Interagency Radiation Research and Policy Coordination [hereinafter "ORAU Report"], at 42.

<sup>4</sup> "Electric and Magnetic Fields from 60 Hertz Electric Power: What do we know about possible health risks?", Department of Engineering and Public Policy, Carnegie Mellon University, at 1 (1989) [hereinafter "Carnegie Report"].

<sup>5</sup> Carnegie Report, at 5.

<sup>6</sup> Carnegie Report, at 5.

<sup>7</sup> Krieger, at 43.

<sup>8</sup> Krieger, at 42 (citing Science, July, 1992). Kirkpatrick, "Can Power Lines Give You Cancer?", Fortune, December 31, 1991, at 80, 82.

<sup>9</sup> Savitz, Commentary, ORAU Report, at 52, 54

<sup>10</sup> Carnegie Report, at 32 (these guidelines could have been finalized by now but they were not located).

<sup>11</sup> Carnegie Report, at 31-32.

<sup>12</sup> Marx, "This ELF Could Be the Next Giant in Environmental Hazards", ECON, November 1993, at 22, 27; Krieger, at 43; Carnegie Report, at 5, 8.

<sup>13</sup> Carnegie Report, at 13; ORAU Report, at 46-47.

<sup>14</sup> ORAU Report, at 51; Savitz, at 52 & 54 n.3.

<sup>15</sup> Tenforde, at 58 & nn.15-20.

<sup>16</sup> Tenforde, at 56 & 58 nn.1-6; Mansdorf, "EMF: Media Hype or Real Hazard?", Occupational Hazards, March 1994, at 31, 32.

<sup>17</sup> Savitz, at 52 & 54 nn.1-4; Marx, at 27-28.

<sup>18</sup> Wertheimer, Leeper, Am. J. Epidemiol. 273-84 (1979), cited in Tenforde, at 56 & 58 n.3; Kirkpatrick, at 81-82.

<sup>19</sup> Savitz, et al., 128 Am. J. Epidemiol. 21-38 (1988), cited in Tenforde, at 56; Kirkpatrick, at 82.

<sup>20</sup> Theriault, the Proceedings of the Scientific Workshop on the Health Effects of Electric and Magnetic Fields on Workers, National Institute of Occupational Safety and Health; DHHS Pub. No. 91-111; Cincinnati, Ohio, at 93-124 (1991), Cited in Tenforde, at 57 & 58 nn.5, and by Plaintiff in Jordan.

<sup>21</sup> Feychting, Ahlbom, "Magnetic Fields and Cancer in People Residing Near Swedish High Voltage Power Lines"; report for the Swedish National Board for Industrial and Technical Development; Karolinska Institute; Stockholm, Sweden, December 1992, cited in Tenforde, at 56 & 58 n.2.

<sup>22</sup> Krieger, at 43.

<sup>23</sup> Savitz, at 52; see also Marx, at 27; ORAU Report, at 46, 50-51.

<sup>24</sup> Krieger, at 43.



NEW DEVELOPMENTS  
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GEORGIA ENVIRONMENTAL LAWS  
AND THE  
HAZARDOUS SITE INVENTORY

by

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Norcross, Georgia

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A. INTRODUCTION

The purpose of this paper is to provide a brief overview of new developments and current issues in Georgia environmental law which will be of interest to real estate practitioners. It is not intended to be an exhaustive study of each of these areas of law.

B. STORM WATER REGULATIONS

Just as the earlier regulations on erosion and sedimentation affected most construction projects, regulation of storm water run-off under both Georgia and federal statutes and regulations will now have a significant impact on construction and development projects of five (5) acres or more. Environmentalists have long contended that construction and development projects contribute significantly to erosion and siltation problems. Such projects have been specifically regulated in Georgia since the passage of the Georgia Erosion and Sedimentation Act of 1975 ("GESA" or the "Act"), O.C.G.A. § 12-7-1 et seq. With the amendment of that act this year and the new Georgia NPDES General Permit for Storm Water Discharges from Construction Activities soon to be issued under the auspices of the federal Clean Water Act, a comprehensive regulatory scheme will be in place.



The emphasis in storm water regulation, especially the new General Permit for Construction Activity, is on compliance. In the past, the emphasis was on applying to get the permit. With the limited resources of EPD and other governmental authorities, this new approach utilizing general permits makes sense.

1. The Georgia Erosion and Sedimentation Act of 1975

Under GESA, authority to issue permits for land-disturbing activities is delegated to municipalities and counties and usually is administered by the local building code enforcement authority. Unless exempt from GESA, a person must obtain a permit from the issuing authority, or the Georgia Environmental Protection Division of the Department of Natural Resources ("EPD") if there is no local certified issuing authority, to engage in any land-disturbing activity. O.C.G.A. § 12-7-7.

As of 1994, the local authority must certify it has qualified personnel to enforce GESA and permits issued thereunder in order to receive State certification to administer the Act. O.C.G.A. § 12-7-8 (2).

It is now a given that construction projects are not exempt. However, significant exemptions from the entire Act include granite quarrying, minor land disturbing activities such as home gardening or landscaping, construction of a single-family residence for the occupant, agricultural projects, construction affecting up to 1.1 acres of land not within 200 feet of the banks of any state waters. O.C.G.A. § 12-7-17. Other activities are

exempted from the permitting requirements only. These include certain public or government road, sewer and water projects, and construction of a single-family residence not as part of a larger development. O.C.G.A. § 12-7-17 (a)(4), (8), (9).

The applicant must submit a plan for the construction project called an Erosion and Sedimentation Control Plan ("ESCP"), the ESCP generally outlines what and how the land will be disturbed, the erosion and sedimentation control measures to be taken, and a schedule of construction. O.C.G.A. § 12-7-9.

The ESCP is then reviewed and approved by the appropriate Soil and Water Conservation District ("SWCD"), even though the local authority has the enforcement power. O.C.G.A. § 12-7-10, among other things, the SWCD reviews the ESCP to determine the adequacy of the control plan, O.C.G.A. § 12-7-10, and to ensure it includes the use of "sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation", O.C.G.A. § 12-7-6 (a). Essentially this standard requires a minimum of land disturbance and a maximum of protection.

The net results of this act are the silt fences, sediment traps, hay bales, settling ponds, rip rap, berms, swales, and other anti-erosion devices that are now common at most, if not all, construction sites.

Penalties the enforcing authority may issue for violations of GESA include orders to cease and desist, orders to install proper devices or correct problems, and civil penalties of a maximum of \$2,500.00 per day. O.C.G.A. § 12-7-15 (a). The

authority may deny a permit where the applicant has two (2) or more violations within three (3) years of the application. O.C.G.A. § 12-7-7 (e)(1). The authority also can require a permit applicant as a condition of the permit to post a bond of up to \$3,000.00 per acre. O.C.G.A. § 12-7-7 (e)(2).

The local issuing authority is responsible for monitoring to determine if a developer is complying with the permit for a specific site. O.C.G.A. §§ 12-7-12, 12-7-17 (b). It could order additional measures if the permittee is not complying with the permit, if the ESCP is not being implemented properly or if the plan, through implemented properly, is not minimizing erosion and sedimentation. O.C.G.A. § 12-7-12. A permittee could be penalized even if in compliance with its plan if harmful erosion and siltation nevertheless occur.

Since the 1994 amendments to GESA, where the permit has been issued by a local authority, EPD can only take enforcement action against a permittee upon a request in writing from the local issuing authority. O.C.G.A. § 12-7-15 (b). Thus, the burden on the local authorities for enforcement will be greater than in the past. EPD remain responsible for enforcement as to permits is issues. O.C.G.A. § 12-7-12 (a).

## 2. The General Storm Water Permit for Construction Activity

Under the Federal Clean Water Act, 33 USC § 1251 et seq. and the Georgia Water Quality Control Act, O.C.G.A. § 12-5-20 et seq., storm water discharges from industrial activities are seen as

a significant pollution source and are regulated. One must now have a discharge permit for storm water for most industrial sites. See 33 U.S.C. § 1342(p); 40 C.F.R. § 122.26 (B)(14).

The United States Environmental Protection Agency ("EPA"), and EPD already have issued General Permits for Storm Water Discharges Associated with Industrial Sites. Construction activity is considered a subcategory of industrial activity. See EPD, "Storm Water Permitting Strategy" (Rev'd Jan. 1992), at 3, attached hereto as Exhibit A.

Georgia's new storm water requirements for construction activities issued under the General Permit No. GAR100000, Authorization to Discharge Under the National Pollutant Discharge Elimination System Storm Water Discharge Associated with Construction Activity (the "General Permit"), copy attached hereto as Exhibit B, will apply to all sites where construction will disturb five (5) or more acres of land. General Permit, Part II, ¶ A.1. This permit was issued under Georgia's delegated authority pursuant to the Federal Clean Water Act on September 15, 1994, with an effective date of November 1, 1994. General Permit, at 1. According to EPD, a citizen has filed an administrative appeal challenging the issuance of the permit and its issuance has been stayed pending that appeal.

Under the General Permit, affected persons must file a Notice of Intent ("NOI"), a copy is attached hereto as Exhibit C, with the Industrial Waste Water Program of EPD and the local authority, where one has been certified. General Permit, Part I,



¶ C.1.; Part II, ¶ D. The NOI basically identifies the owner, operator, location, activity, receiving water, date of approval of ESCP, dates of construction, and number of acres to be disturbed. General Permit, Part II, ¶ B. It requires the notifier to certify that all information is true and correct and was gathered and evaluated by qualified personnel. General Permit, Part E. See also Exhibit C attached hereto and Rules of Georgia Department of Natural Resources, Environmental Protection Division, Ga. Comp. R. & Regs. Rule 391-3-6.15 (1994) [hereinafter cited as Rule \_\_\_\_\_].

All documents required to be submitted under the General Permit have specific signature requirements. Generally, a responsible corporate officer, a general partner, a sole proprietor, or a ranking officer or principal executive officer of a governmental authority, must sign notices. A duly authorized representative may sign other documents and reports. General Permit, Part VIII, ¶ G.

After the General Permit is finally effective, all persons engaging in regulated construction activities will have sixty (60) days to file an NOI. The notifier must file an NOI forty-eight (48) hours before beginning any construction activities. General Permit, Part II, ¶ A.1. In addition, before construction begins, all persons engaged in land-disturbing activities must certify in writing they understand the terms and conditions of the General Permit.

The notifier also must prepare a Storm Water Pollution Prevention Plan ("SWPP"), if it has not already submitted an ESCP which complies with the terms of the General Permit and which has been approved. General Permit, Part IV. The SWPP (or ESCP) must be submitted before any land disturbance activity takes place. General Permit, Part IV, ¶ A.1. The SWPP (or ESCP) must be retained on-site and be open to public review. General Permit, Part IV, ¶ B.1.

The SWPP generally must describe the site, the land disturbing activity, estimates of amount disturbed, identify location of receiving waters and wetlands, identify all potential sources of storm water discharges at the site, evaluate the risk of storm water contamination from each source, and implement Best Management Practices (BMPs") to prevent or reduce the risk of pollution. General Permit, Part IV, ¶ D.

The General Permit primarily regulates increased turbidity or opacity of the State waters receiving storm water discharges, General Permit, Part V, and requires visual inspection and monitoring, General Permit, Part VI. The construction project's effect on erosion and sedimentation must be visually inspected every seven (7) days and within twenty-four (24) hours after precipitation of .1 inch or more during the disturbance activity. Written reports of these inspections must be made. If any violations are noted, they must be documented and corrective actions must be conducted and documented. If all is in compliance

with the ESCP or SWPP and the General Permit, that fact must be certified in the written report. General Permit, Part IV, ¶ D.4.

Once the site has stabilized, the General Permit requires monitoring at least once every month during a rain of more than .1 inch. Again, written reports of these inspections must be made. If any violations are noted, they must be documented and corrective actions must be conducted and documented. If all is in compliance with ESCP or SWPP and the General Permit, that fact must be certified in the written report. General Permit, Part IV, ¶ D.4.

This monitoring requirement may be the most expensive part of the process for the developer. The notifier must monitor turbidity of the storm water discharge itself as well as the receiving water upstream of the point of discharge under prescribed methodologies. The report also must contain the date of the monitoring, and the length and amount of rainfall. The Notifier must submit the monitoring report to EPD within thirty (30) days of the testing. General Permit, Part VI.

The General Permit contains other significant standard permit conditions including penalties for violations of the permit and tampering with or falsifying monitoring equipment, reports, and data. Part VII, ¶ A.1., 2. Among others, the permittee has duties to mitigate or prevent discharges, to provide information to the Director, to provide relevant information if the permittee discovers it has been omitted, and to properly operate and maintain the facility. General Permit, Part VII, ¶¶ D., E., F., L.

The General Permit does not relieve the permittee from liability under state law or other sections of the Clean Water Act or Section 106 of The Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"). General Permit, Part VII, §§ H, K.

Once all construction activity is completed, the site is finally stabilized, and all storm water discharges from construction activity have ceased, the notifier must submit a Notification of Termination ("NOT"), to EPD which contains a certification to that effect. General Permit, Part VIII.

All certifications, plans, reports or other documents relating to the General Permit must be maintained on site for three (3) years after date the site is finally stabilized. General Permit, Part VI, § G.

The goal of the General Permit appears to be to have a self-enforcing regulation through the required notices, reports and certifications.

#### C. UNDERGROUND STORAGE TANKS

Underground storage tanks ("USTs") continue to be a major topic of concern. Georgia has 21,148 documented UST facilities, with 49,355 USTs. Since 1991, EPD has confirmed over 3300 petroleum releases statewide. EPD has determined that 1605 of these sites have either already been cleaned or required no corrective action. The remaining 1700 are currently being cleaned.



Environmental Law Section Newsletter, State Bar of Georgia ("ELS Newsletter"), Fall, 1994, at 11.

Several sources are available for remediation of UST sites, but this section will address only the Georgia Underground Storage Tank Act, O.C.G.A. § 12-13-1 et seq., ("GUSTA"), and the Georgia Underground Storage Tank Trust Fund ("GUST" or the "Fund"), established under that act, O.C.G.A. § 12-13-9 (f), (g).

EPD can demand corrective action from responsible parties for a leaking petroleum UST that causes property damage. Responsible parties generally are the current and former owners and operators of the UST. O.C.G.A. § 12-13-11. One source of funds is the GUST Trust Fund. That Fund also can be used by participants in the Fund when leaks occur. O.C.G.A. § 12-13-10.

The GUST Fund is designed to provide funds for emergency cleanup costs incurred by the State as a result of certain releases from USTs, to reimburse certain corrective actions and to provide funds for claims by third parties. O.C.G.A. § 12-13-9 (f)(1), (3), (4).

For an owner or operator to receive GUST funds, it must jump through all the hoops and do so within certain prescribed times. The successful claimant can, however recover up to \$1 million per occurrence to cover cleanup costs and third party claims. O.C.G.A. § 12-13-11 (b)(5). That claimants have been successful is demonstrated by the fact that over \$17 million has been spent from the GUST Trust Fund since 1991 to clean up contamination at 81 sites. In addition, EPD administers the

Federal LUST program and has spent \$811,000 in cleaning 8 more sites. ELS Newsletter, Fall, 1994, at 11.

To be eligible to claim GUST Funds, the owner or operator must first be a contributor to the Fund by paying environmental assurance fees on the petroleum products stored in the USTs, O.C.G.A. § 12-13-10 (a), and be current in payments due the Fund, O.C.G.A. § 12-13-11 (d)(2). Second, the owner or operator must cover the first \$10,000 of corrective actions costs for each occurrence. O.C.G.A. § 12-13-11 (b)(1). Third, the release must not be caused by the wilful or negligent actions of the owner or operator. O.C.G.A. § 12-13-11 (d)(1). Fourth, the owner or operator must not obstruct the efforts of EPD in taking corrective action. O.C.G.A. § 12-13-11 (d)(3). Fifth, the owner or operator must not have stored a product in a UST after July 1, 1988, that was not subject to environmental assurance fees or late payment fees. O.C.G.A. § 12-13-11 (d)(4). Sixth, the UST must be registered with EPD. O.C.G.A. § 12-13-11 (e)(1). Seventh, the owner or operator must comply with a consent agreement or state-approved voluntary corrective action plan. O.C.G.A. § 12-13-11 (e)(2). Finally, the owner and operator must comply with all other UST statues and regulations. O.C.G.A. § 12-13-11 (e)(3).

This statutory scheme mandates that the owner or operator take at least the steps discussed below when a release is discovered. (Again, please note this article is not designed to be an exhaustive list and one should consult an environmental attorney for detailed advice on how to proceed in the event of a release.)

Upon discovering a release, the owner or operator must report it to EPD within twenty-four (24) hours, take immediate steps to prevent further releases, and identify and mitigate fire, explosive and vapor hazards. Rule 391-3-15-.13 (2)(1) 1. After this initial response, where the owner or operator has the resources to fund a corrective action, the owner or operator must submit a voluntary corrective action plan and obtain approval before proceeding to clean the site. Rule 391-3-15-.13 (2)(a)(2). Within sixty (60) days of the release, the owner or operator must notify the GUST Trust Fund Trustee that it will be making a claim for corrective action costs. Rule 291-3-15-.13 (2)(a)1. Although reimbursement usually occurs after completion of the cleanup, the claimant can request approval for interim payments if the corrective action plan calls for interim payments. O.C.G.A. 12-13-11 (c)(7). So make sure that provision is in the plan or your client will have to fund the whole cleanup and then seek reimbursement.

The owner or operator must make and maintain detailed records demonstrating compliance with the approved corrective action plan, as well as financial records to prove costs. O.C.G.A. § 12-13-11 (c)(2). Within thirty (30) days of completion of the cleanup, the owner or operator must file a notice of completion ("NOC") with EPD. O.C.G.A. § 12-13-11 (c)(4). Within thirty (30) days of the filing the NOC, the owner or operator must file an application for reimbursement from the Fund asking for the total amount of the corrective action costs. O.C.G.A § 12-13-11 (c)(5).

This is essentially a "one bite at the apple" rule, so be careful to include all costs.

If the owner or operator cannot afford the cleanup, which determination is made by the Director of EPD, it must enter into a consent order with EPD for corrective action. O.C.G.A. § 12-13-11 (b). It still remains responsible for the first \$10,000 per occurrence of corrective action costs, but the state obtains the remainder of the costs from the Fund. The \$10,000 must be paid into the Fund within ninety (90) days of a notice by the Director to pay such funds into the Trust. O.C.G.A. § 12-13-11 (b)(1).

Third party claims are covered once the Trustee receives a final court order and judgment against the owner and operator and proof that the judgment has not been satisfied. Rule 391-3-15-.13 (1)(h)2. In order to obtain reimbursement, the owner or operator must have complied with all the requirements already discussed and more. Rule 391-3-15-.13 (h). Within sixty (60) days of learning of the third party claim, the owner or operator must notify the Trustee of the claim. The notice must contain the time, place and circumstances of the incident, the names and addresses of the injured parties and of all witnesses. Rule 391-3-15-.13 (1)(h)1. Once a lawsuit is filed, the owner or operator must provide the Trustee with notice of the lawsuit within fifteen (15) days of service and give the Trustee the right to intervene or defend the lawsuit. Rule 391-3-15-.13 (1)(h)2.

Even after meeting all these procedural requirements, the Fund will not cover the costs to replace or retrofit leaking USTs



and related piping, O.C.G.A. § 12-13-11 (b)(4), business losses, damages and taking of property associated with the corrective action, O.C.G.A. § 12-13-11 (b)(2), or costs that exceed the approved corrective action plan, O.C.G.A. § 12-13-11 (c).

D. ENVIRONMENTAL JUSTICE

One of the most compelling trends in environmental law is the new emphasis on "environmental justice". Some environmentalists believe litigation brought under theories of discrimination, violation of equal protection, nuisance and trespass may be the "watershed" of the 1990's.

When this concept first emerged in the late 1980's it was phrased "environmental equality" or "environmental racism". The change in terms may imply that "justice" is a more attainable goal at this point in time. It also may mean one does not want an equal share of hazardous waste, rather justice in eliminating hazardous waste in neighborhoods.

The concept of environmental justice involves the notion that America's dumping grounds, factory sites, polluted rivers and contaminated land are more frequently found in America's poorest sections or ethnic neighborhoods and that those sitings are not accidental, but are conscious decisions. There also are claims that these neighborhoods are not a high priority for remediation dollars under CERCLA, the Resource Conservation and Control Act ("RCRA"), or their respective state law equivalents. Real estate developers, especially those siting environmental projects, such as

landfills, incinerators, other disposal and treatment facilities and the new factories should grapple with this disturbing issue.

The birth of the environmental justice movement generally is traced to several studies on the issue which found that hazardous waste sites were disproportionately located in African-American and Hispanic communities. See 1983 U.S. General Accounting Office study; 1987 United Church of Christ Commission for Racial Justice Toxic Waste and Race Study. As a result of these studies, the Administrator of the EPA created a task force called the Environmental Equity Workgroup. The task force reviewed the limited data available to evaluate whether there was any relationship between race and income, and exposure to hazardous waste. It concluded more research was necessary.

After the most recent Presidential election and appointment of Carol Browner as EPA Administrator, EPA signed an agreement acknowledging the problem. That agreement and a national movement appear to rely on these early studies.

There are many theories as to how this situation developed -- as well as many arguments that there is no problem at all. These theories include simple economics, the fact that the upper and middle classes battled to protect themselves from pollution while the poor could not, the appearance that minority groups seem to have focused on other issues, and overt racism. No one theory seems to apply singularly, however.

It would appear intuitive that waste would be deposited at the point of least resistance. Negative economic factors in

land price and local opposition and lawsuit potential as well as positive economic factors such as the creation of local jobs all point to waste being deposited in low income areas.

Georgia has at least three (3) matters where environmental justice issues have been raised. A case pending in federal district court brought by black residents suing county permitting authorities and the EPD challenges the siting and permitting of the Lauren County Landfill. Rozar v. Laurens County, et al., Civil Action No. 394-051 (S.D. Ga.) The Complaint presents three (3) counts. First, Plaintiffs allege patent environmental racism in violation of Title VI of the Civil Rights Act of 1964, in that the county sited the landfill there solely because it is in a black oppressed neighborhood. The allegations are the county rejected as unsuitable other locations that were similar in soil conditions, groundwater recharge, and wetlands, but were near white communities. In addition, the landfill was originally proposed for another section of this same site, but white residents complained and the site was moved near the black neighborhood. The rationale for those projections obviously will be an issue in the case. Title VI generally requires proof that there must be some discrimination in the dispensation of federal funds for the benefit of complainants. One generally uses Title VI actions in such areas as medicare. On cursory review, it does not appear that the county or EPD receives federal funds in the landfill programs. How Plaintiffs will address this issue remains to be seen.

The second count alleges a violation of the Equal Protection Clause of the Constitution. The key issue here will be intent. EPD's position seems to be that no intent can be found on its part because it is mandated by statute to approve a permit once the county meets all of requirements in the statute and regulations.

The third count raises a pendent state law claim of nuisance. This claim may be premature, as the landfill is not currently operating.

Running through all of the counts is the fact that the neighborhood is a mixed neighborhood of white and black residents, with more property being held by whites than blacks, but apparently, only the black residents have sued. This fact makes the question whether blacks have been disproportionately affected a key question in the case.

The siting and permitting of a private landfill in Bibb County is the subject of an administrative appeal. Plaintiffs, black residents, have alleged procedural defects in the granting of the permit as well as equal protection and discrimination issues. Because the Administrative Law Judge does not have the authority to address these constitutional and discrimination issues, it appears the administrative appeal may be a predicate for another lawsuit after plaintiffs exhaust their administrative remedies. Significantly, the same lawyer as in the Rozar case also represents this group of plaintiffs.



Finally, environmental justice issues have arisen in the RCRA remediation of the hazardous waste facility at the Southern Wood Piedmont Site in Augusta. Approximately \$32 million have been spent to date on remediation and relocation. The U.S. EPA retained oversight on the remediation. A plume of contamination from this site migrated into surrounding impoverished neighborhoods. Surrounding property owners filed suit and a judge certified a class of affected property owners using at least one criteria the fact that the contaminant plume had migrated onto their specific property. As the class was defined, the plume affected the properties of white residents, but not most black residents. Thus, the class, as certified, consisted of white residents. In a settlement, the facility bought the property and relocated the members of the affected class.

A group of black residents has now filed a claim of discrimination with EPA's new Office of Civil Rights asking, among other things, that they be bought out and relocated. Curiously, the group also appears to be asking that no further monies be spent on cleanup at the site other than for their relocation.

Whether any of these plaintiffs will prevail remains to be seen, but the claims create difficult issues for permitting authorities, real estate developers, the courts and those affected residents and property owners. Again, many commentators believe that one successful verdict may result in an avalanche of lawsuits and may result in state governmental units getting out of the

landfill permitting business. That solution, of course, would not resolve the cases arisen in remediation.

As attorneys and counselors, it may behoove us to ask our clients who are creating or depositing their waste why they have chosen the locations they have. Economic factors will surely dictate good business decisions, but we may be able to prevent unthinking racism. In the long run, such advice can only benefit our clients and our society.

#### E. HAZARDOUS SITE RESPONSE ACT

The Hazardous Site Response Act ("HSRA" or the "Act"), O.C.G.A. § 12-8-90 et seq., passed in 1992, is now being implemented as is evidenced by EPD publishing the first Hazardous Site Inventory ("HSI") and its Corrective Action Rules. Both of these developments will strongly impact real estate transactions in Georgia.

HSRA frequently is known as the Georgia Superfund law in reference to the federal act, although it differs significantly. HSRA was passed in 1992 and has been amended each year since then. It generally applies to releases of "hazardous wastes, hazardous constituents, or hazardous substances", which collectively will be referred to in this paper as "hazardous materials."

Although not an exhaustive list, HSRA includes the following elements:

- corrective action required to clean up hazardous materials regardless of when the release occurred;

- incentives to reduce the amount of hazardous waste generated or managed in Georgia;
- encouragement of alternatives to hazardous waste disposal in landfills;
- a hazardous waste trust fund funded by collection of certain fees on certain hazardous waste and solid waste activities and by civil penalties;
- joint, several and strict liability for those who have contributed to a release of hazardous materials;
- an annual Hazardous Site Inventory of all known or suspected sites where hazardous materials have been disposed or released in reportable quantities; and
- required notices in property records, including deeds, mortgages, deeds to secure debts, leases and other documents, that a property is designated as having a known release and as needing corrective action.

1. Hazardous Site Inventory

HSRA requires EPD to publish the Hazardous Site Inventory on an annual basis, beginning July 1, 1994. O.C.G.A. § 12-8-97. That first list was published listing 279 sites. The Introduction to the HSI and the alphabetical listing of sites is attached hereto as Exhibit D.

The Director of EPD was required to list on the HSI all sites where he determines there has been a release exceeding a reportable quantity or sites where a release "poses a danger to human health and the environment." Rule 391-3-19.05 (1). Appendix II to the regulations provides a screening method for the Director to follow to determine if a reportable quantity has been released.

There is no published standard by which the Director is to determine whether a danger to health or the environment exists.

The reportable quantities are very conservative, particularly in light of other regulatory standards. Groundwater standards were set by naturally occurring background levels. Any concentrations above those levels qualify as reportable releases. Soil levels were set by determining the concentration at which a regulated substance leaching from soil into groundwater would result in an exceedance of groundwater reference levels. These levels generally were established by reference to maximum contaminant levels ("MCLs") under the Georgia Safe Drinking Water Act and in-stream standards under the Georgia Water Quality Control Act. See EPD, "Derivation of Reportable Soil Concentrations," (August 6, 1993).

EPD promulgated rules requiring notification to EPD of all known sites where hazardous materials have been disposed or released in reportable quantities. See Rule 391-3-19.04 (4). Property owners were required to provide such notification within thirty (30) days of the effective date of the rules, which was February 20, 1994, or after the date of discovery. Rule 391-3-19.04 (4). Thus, the first notification date was March 22, 1994. EPD prepared a "Release Notification/Reporting Form" for property owners to make such notifications. See Exhibit E, including instructions, and Fact Sheet, attached hereto.

The release notification requirements do not apply to sites that are cleaned up within thirty (30) days of discovery; a



release being cleaned up in compliance with any state and federal emergency response statutes and programs unless after 180 days, it still meets the requirements for notification; releases regulated under other federal and state statutes or programs; air emissions; most asbestos releases; releases of petroleum-based fuel, lubricants or hydraulic fuel; releases of commercial products manufactured and sold for household use; applied fertilizers and soil additives; as well as a few other situations. Rule 391-3-19-.04 (2).

The releases that are reportable generally are releases to groundwater exceeding the naturally-occurring background concentrations; releases to soil exceeding certain published concentrations; and discarded or abandoned regulated substances in any containers, storage or transportation vessels, or in unpermitted process units or waste management units. Rule 391-3-19-.04 (3).

Property owners are required to provide the following information and other information as the Director may need:

- a) Name, mailing address and telephone number of the site's property owner and, if different, of the facility owner and/or operator;
- b) Street address of the site or, if a numbered street address is not available, a location description;
- c) An original of the most current topographic map of scale 1:24,000 produced by the United States Geological Survey, with the geographic center of the site identified;
- d) A chemical name, taken from Rule § 391-3-19.04 (4) of each regulated substance released at the site which independently meets the notification criteria in Rule § 391-3-19.04 (4);

- e) A general description of the nature of the release and the location of areas affected by the release or by its subsequent migration, both within and beyond the original site's property boundaries;
- f) If known, the source, quantity, and date of the regulated substance released;
- g) A summary of actions taken to investigate, clean up, or otherwise remediate the site;
- h) A statement which identified the criteria set out in Rule § 391-3-19.04 (4) by which the property owner determined that a release which requires notification has occurred.

Most practitioners believed the list would be longer than the current 279, however, EPD only placed on this HSI sites for which it had information on or before March 22, 1994. EPD has indicated it will provide a supplemental HSI shortly which will include those sites for which EPD received information subsequent to March 22, 1994.

It should be noted there is no active duty to sample or test to discover whether releases have occurred. However, if such results are available and relevant to a release, they must be provided to EPD. Rule 391-3-19.04 (1).

## 2. Corrective Action Rule Under HSRA

### a. Classification of Sites

Each site or individual property at a site on the HSI is categorized into one of four categories. The class determinations are significant because they determine the levels of corrective action and reporting required at that site. The four (4) classes are generally described below.

Class I: A Class I site is a site which poses a danger to human health or the environment. Such sites may include, among other things, a source of a release to groundwater drinking supplies that has caused or is likely to cause human exposure to certain concentrations of regulated substances; or a continuing or expanding release; or a release that causes acute or chronic effects to flora and fauna or requires that human consumption be limited; or a site containing an abandoned facility with uncontrolled access. Class I sites are sites that the Director has determined have a known release that requires corrective action. Rule 391-3-19-.06 (2)(a), (6)(a).

Class II: All sites are automatically categorized as Class II unless the Director determines otherwise. Class II sites require a "Compliance Status Report" which mandate a complete site inspection. Class II sites are sites for which the Director has not yet determined corrective action is needed. Rule 391-3-19-.06 (2), (6)(a).

Class III: Class III sites are those which the Director has determined to be in compliance with Type 3, 4 or 5 risk reduction standards. Risk reduction standards, discussed below, generally address whether all source materials have been removed, whether contamination remains, whether the property is residential or non-residential, and whether there is any significant risk on exposure. Again, Class III sites are sites where the Director has determined there is a known release requiring corrective action. Rule 391-3-19-.06 (2)(b), (6)(a).

Class IV: Any site on the HSI at which corrective action is being conducted or has been completed generally is a Class IV site. Thus, Class IV sites are sites where the Director has determined corrective action is needed. This corrective action may be conducted under other authority, such as a pre-existing order of the Director, a Record of Decision under Federal CERCLA. RCRA permits, or other statutes. These sites are presumed to meet Type 5 risk reduction factors. Rule 391-3-19-.06 (2)(c), (6)(a).

b. Compliance Status Reports

Once a site is placed on the HSI, the responsible party must submit a compliance status report ("CSR") subsequent to the completion of any voluntary corrective action on the site. Rule 391-3-19-.06 (3)(a), (b). A specific deadline for filing CSRs has not yet been set, but indications are they may be as long as eighteen (18) months after initial notice.

The report must document the current status of the site with regard to risk reduction standards and include the following for all regulated substances: the known source(s) by name, number or other description; the location; the regulated substance released from each source; a chronology of the release; and a technical description if it is an engineered source of waste management unit. Rule 391-3-19-.06 (3)(a), (b).

The CSR also must describe human or environmental exposure; legal descriptions of all properties that are a part of the site, contact information for all property owners and potential



responsible parties; summary of mitigation efforts; proposed corrective action plan if not in compliance with risk reduction standards; and a concise statement of the findings in the report attached to the front. Rule 391-3-19-.06 (3)(b) 4-10.

If there is soil contamination, the CSR must contain a complete delineation of the vertical and horizontal extent of the contamination, including locations where background levels are reached. The sampling protocols and analyses as well as test results and quality assurance and control procedures, and numerous other data, must be submitted. Rule 391-3-119-.06 (3)(b)2. Where there is groundwater contamination, hydrogeologic studies, detail as to sampling, monitoring well construction and similar items as required for soil contamination must be submitted. Rule 391-3-19-.06 (3)(b) 3.

The CSR also must contain a specific certification of compliance with risk reduction standards under penalty of fine and imprisonment. Rule 391-3-19-.06 (4).

The responsible party must publish the CSR within seven (7) days of submitting it to EPD at which time a thirty (30) day public comment period begins. Rule 391-3-19-.06 (5).

Needless to say, this process requires a thorough site investigation, well beyond a traditional Phase I or Phase II report, and may result in great expense. However, the benefit is that the site may be removed from the HSI.

c. Corrective Action

Before the Director can require corrective action or hazardous site notices in property records, he must first determine that a site needs corrective action. Rule 391-3-19.06 (6)(b).

Once the Director determines a site needs corrective action, he must then notify the responsible party in writing of that determination. O.C.G.A. § 12-8-96 (a); Rule 391-3-19.06 (6)(d). The responsible party may challenge that determination by filing an appeal with the administrative law judge with thirty (30) days of the written notice. O.C.G.A. § 12-8-73; Rule 391-3-19-.08 (3).

Where the Director sends notice that a site needs corrective action, the Director also must notify the responsible party it can undertake voluntary corrective action pursuant to a consent order. The Director may issue an administrative order should the responsible party not enter into a consent order, O.C.G.A. § 12-8-96 (a), and may take corrective action with funds from the hazardous waste trust fund, which was created by the same act, O.C.G.A. § 12-8-96 (b).

In order for the Director to determine a site needs corrective action, he shall review the compliance status certification contained in the CSR, evaluate whether he agrees and, if so, take certain action depending on the risk reduction standards certified. Rule 391-3-19-.06 (6).

Where the property owner certifies Type 1 or Type 2 standard are met and no further corrective action is required and the Director agrees, he can remove the site from the HSI. Rule 391-3-19.06 (6)(b)1. Type 1 and Type 2 risk reduction standards apply to cleanups of residential property. Type 1 standards are numerical standards, while Type 2 standards are site specific and require an exposure assessment to determine whether the site is in compliance with certain risk levels derived from cancer and toxicity standards. Rule 391-3-19-.07(6), (7).

Type 3 and Type 4 apply to non-residential property. Again, the responsible party can choose to meet numerical standards under Type 3 or site-specific assessment standards under Type 4. Rule 391-3-19-.07 (8), (9). If the CSR certifies that the site meets Type 3 or Type 4 risk reduction standards, and the Director agrees, it remains on the HSI, and is reclassified to Class III, and hazardous site notices are required. The HSI shall state the corrective action consists of actions to maintain compliance with Type 3 and Type 4 standards. The site will be removed from the HSI when the Affidavit, discussed later, is filed in the property records. Rule 391-3-19-.06 (6)(b)2.

Type 5 standards apply when none of the others are practicable. These standards allow the responsible party to utilize measures to control the hazardous materials or the property where they are located. Rule 391-3-19.07 (10). These measures include the familiar security fences, caps, slurry walls, containment measures, and stabilization procedures. These measures

cannot be used if actual remediation is practicable. If the Director agrees with this determination, the site is reclassified as Class III, and remains on the HSI, which shall state the corrective action consists of actions needed to maintain compliance with Type 5 standards. If one uses these measures, the hazardous site notice as well as a restrictive covenant must be filed in the property records. Rule 391-3-19.06 (6)(b)3. Rule 391-3-19.08 (1), (2), (7). Long-term monitoring and maintenance also are required. Rule 391-3-19.07 (10)(b). Further, the responsible party must meet specific performance criteria and must meet the applicable Type 1 - 4 standard in the areas surrounding the Type 5 site. Rule 391-3-19-.07 (10)(c).

Finally, whatever risk reduction standard is met on-site, if the contamination has migrated off-site, the party must meet risk reduction standards appropriate for that site. Rule 391-3-19-.07 (5). For example, if one chooses to meet Type 3 risk reduction standards for a hazardous waste management facility, but contamination has migrated off-site and into a residential area, the responsible party must meet Type 1 or 2 risk reduction standards on the residential property, not Type 3.

For corrective action to be deemed complete and having met the risk reduction standards, the site must have achieved certain goals. All free product must be removed to the extent practicable. No soil remaining under Type 1-4 standards may be characteristic hazardous waste for ignitability, corrosivity or reactivity. The sum of regulated substances in air-filled soil



pore space shall not exceed 1000 parts per million by weight or volume. The corrective action shall not allow exposure through soil to food chain, flora, fauna, or biota, that would be toxic or render land unsuitable for agriculture or render buildings a threat to human health or the environment. The concentrations in surface water shall not exceed certain criteria or be toxic to aquatic life. Rule 391-3-19-.07 (4).

In sum, there are some options as to how to comply with these regulations, but the ultimate goal is a self-assessing, voluntary clean up program.

### 3. Required Notices

As originally passed, HSRA required a property owner of any site where there had been a release of hazardous materials in a reportable quantity to place a notice in the deed and other conveyance instruments essentially stating that the site was contaminated. The property owner also was required to file an affidavit in the property records that the site contained hazardous materials. After much public comment from real estate lawyers, the Georgia Chamber of Commerce, and the affected public, that part of the statute has been amended and the regulations in effect have changed those rules. Under the current scheme, the hazardous site notice is not required until EPD has designated the site on the HSI as having a known release needing corrective action. Rule 391-3-19.08 (1).

From the date a property owner receives written notice from EPD that a site needs corrective action, the property owner must include the following notice in every warranty deed, mortgage security deed, lease, rental agreement or other instrument that creates or grants an interest in property:

"This property has been listed on the state's hazardous site inventory and has been designated as needing corrective action due to the presence of hazardous wastes, hazardous constituents, or hazardous substances regulated under state law. contact the property owner or the Georgia Environmental Protection Division for further information concerning this property. This notice is provide in compliance with the Georgia Hazardous Site Response Act."

Rule 391-3-19.08 (1)(a). This requirement does not apply where the Director of EPD agrees that the property, independently of other properties at the site, complies with certain risk reduction standards. Rule 391-3-19.08 (1).

Within forty-five (45) days of the date of EPD's notice that a property on the HSI or a part of it needs corrective action, the property owner must file and record an affidavit of that fact with the Clerk of the Superior Court where any part of the property is located. Rule 391-3-19.08 (2). Within thirty (30) days of receiving the recorded affidavit back from the county clerk the property owner must submit a copy of the recorded affidavit to EPD. Rule 391-3-19.08 (4). These requirements also do not apply where the Director agrees the property complies with certain risk reduction standards. Rule 391-3-19-.08 (2). Once the Affidavit is filed of record, the property owner no longer has to place the

notice in the instruments of conveyance. Rule § 391-3-19-.08 (1)(b).

As discussed earlier, a property owner may challenge the Director's determination that a property needs corrective action by filing a petition for a hearing within thirty (30) days of the written notice that corrective action is needed in accordance with O.C.G.A. § 12-8-73. If such a petition is filed, the requirements for notices and affidavit are stayed pending that hearing. Rule 391-3-19-.08 (3).

If the Director later determines no further action is needed and the property is removed from the HSI, the Director shall so notify the property owner in writing. The property owner may then file in the property records an affidavit to that effect, as follows:

"This property was listed on the state's hazardous site inventory and was designated as needing corrective action due to the presence of hazardous wastes, hazardous constituents, or hazardous substances regulated under state law. However, this property has since been designated as needing no further action and has been removed from the state's hazardous site inventory. A copy of that determination is attached hereto. The notice requirements of O.C.G.A. § 12-8-97 no longer apply to this property and prior notices given under this code section are no longer in effect. The property owner or the Georgia Environmental Protection Division may be contacted for further information concerning this property. This notice is provided in compliance with the Georgia Hazardous Site Response Act."

Rule 391-3-19.08 (6). Of course, there is no means by which the original notices or affidavits can be expunged from the property records.

Where the property owner of a property listed on the HSI is utilizing Type 5 risk reduction standards, the Director may require the property owner to file a restrictive covenant of record and provide a copy to the zoning or land use authority governing the property. The restrictive covenant shall be prepared by the Director and include at least the following provisions:

a) Prohibit activities that may substantially interfere with a remedial action, operation and maintenance, long-term monitoring, or other measures necessary to ensure the integrity of the remedial action;

b) Prohibit activities that may result in human exposures above those specified for residential or non-residential properties, whichever applies, and activities that would result in the release of a regulated substance which has been remedied under Type 5 standards;

c) Allow the Director to enforce the restrictions set forth in the covenant by legal action in a court of appropriate jurisdiction;

d) Require the installation and maintenance of a permanent marker on each side of the site which delineates the restricted area; and

e) Describe uses of the property that are prohibited.

This restrictive covenant runs with the land and binds all successors and assigns.



If the Director later determines the site meets Type 1 - 4 risk reduction standards and removes the site from the HSI, he shall notify the property owner the restrictive covenant may be amended or revoked. Rule 391-3-19-.08 (7).

**F. SITE ASSESSMENTS UNDER ASTM GUIDELINES**

It is now standard in commercial real estate transactions, and certain residential real estate transactions, to conduct a site assessment to determine whether any environmental issues need to be addressed. Prior to last year, every law firm, environmental consultant and property owner devised its own set of guidelines or standards as to the content and scope of an assessment. Last year, The American Society for Testing and Materials ("ASTM") published its guidelines for review of commercial real estate. ASTM, "Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process," Designation: E 1527-93, (the "Guidelines"), a copy of which is attached hereto as Exhibit F.

The goals of the Guidelines, and the reasons for assessments, are, first, to avoid buying hidden problems, and, second, to establish an "innocent landowner" defense under CERCLA, the Federal Superfund statute. Briefly, CERCLA provides for joint and several liability against all potentially responsible parties ("PRPs") for cleanup of releases of hazardous substances. The PRPs include current and former property owners and operators, transporters, and can include parent corporations, shareholders,

officers, trustees, successors, assigns, and lenders. One of the few defenses to CERCLA liability is the "innocent landowner" defense. Other defenses, not relevant here, include act of God, act of war, or act or omission of third party.

In order to establish an innocent landowner defense one generally must prove she acquired the property after the release and after "all appropriate inquiry into the previous ownership and uses of the property consistent with good commercial or customary practice in an effort to minimize liability," 42 USC § 9601 (35), did not know or have reason to know of the release on the property. The new standards are an effort to define "all appropriate inquiry."

The Guidelines provide for a Transaction Screen, ASTM Designation: E 1528, to eliminate properties with little environmental impact from further review, and a Phase I or non-invasive assessment. ASTM has not proposed Phase II sampling and analysis guidelines as that scope of work must be determined based upon the specific conditions found on-site.

#### 1. The Transaction Screen

As ASTM proposes the transaction screen, it may be performed by an environmental professional, or the buyer, seller, or managerial personnel. Practically, one wants an environmental professional or lawyer involved in this process, particularly if the determination is that a Phase I review is not required.

The transaction screen has three (3) phases: the completion of a questionnaire by owners and operators, inspection of the site for potential environmental impact problems, and a limited search of governmental and historical records.

The questionnaire should be directed to the current owner, major occupants and operators, and anyone likely to be generating, treating, storing, disposing, or handling hazardous substances or petroleum products on-site. The general areas of inquiry are current and past uses of the site, including past or present knowledge of handling of hazardous substances or petroleum products on-site, underground storage tanks, pits, landfills, ponds, lagoons, buried drums, filled areas, transformers, pipes, wells, stained soils and stressed vegetation. The questionnaire also inquires about specific types of operations including gas stations, dry cleaners, auto repair shops, photo developing labs, junkyards, landfills, and waste sites. Inquiry is also made as to earlier environmental reviews, environmental liens, lawsuits or administrative actions, and use of surrounding property.

The party conducting the transactions screen then performs a site inspection and focuses on identifying these same types of problems.

The third phase involves a review of state and federal environmental lists, fire insurance maps or information about past use available from the local fire department. The lists can now be accessed via computer. Many commercial outfits exist which can

handle this review expeditiously and economically although one could make written requests to various governmental agencies.

In order to evaluate whether a Phase I is required, the guidelines suggest that a "no" or "unknown" response necessitates additional inquiry. Thus, the likely conclusion after a transaction screen is that a Phase I assessment is needed.

## 2. The Phase I Assessment

For those experienced in Phase I assessments, the guidelines provide nothing new. Rather, they simply set a standard based upon what has already been done in the past.

The Phase I is divided into four (4) parts: records, review, site reconnaissance, interview, and report. Guidelines, § 6 . The Phase I should be conducted by an environmental professional, loosely defined as "person possessing sufficient training and experience" to conduct the Phase I. Guidelines § 3.3.11.

The guidelines are to be applied to commercial real estate transactions which are broadly defined as transactions relating to transfer of title or possession of real property, including property used for industrial, retail, office, agricultural, medical and educational purposes, and property used for residential purposes that has more than four (4) residential dwelling units, and property with fewer dwelling units if it has a commercial function. Guidelines, §§ 3.3.7, 3.3.8.



The records review generally requires review of all local, state and federal environmental records for the subject property and properties within a "minimum search distance" that are "practicably reviewable." This limitation is intended to address those records that are difficult to obtain. It includes the standard lists and records such as Federal NPL list, CERCLIS, list RCRA TSD facilities list, state lists, local lists of landfills and disposal sites, U.S.G.S. Geologic surveys, property tax files, and real property records, and at least one historical source showing use prior to 1940. Guidelines, § 7.

Site reconnaissance is designed to determine the likelihood of identifying recognized environmental conditions in the area. The assessor should visually inspect the property more than once, including its structures and exterior boundaries. The assessor should record the grid pattern used and any limitations. The report should describe the general site setting, current and past uses and conditions of the property and adjoining properties, the hydrogeologic setting, and the structures. The assessor should note such things as uses of hazardous substances, tanks, pools of liquid, drums, unidentified containers, transformers, stains, corrosion, drains, sumps, pits, ponds, lagoons, stained soils or pavements, stressed vegetation, hazardous and solid waste, waste water, wells and septic systems. Guidelines, § 8.

Interviews with owners and operators should include the key site manager, and major occupants. The assessor should ask questions regarding the issues for site reconnaissance as well as

all environmental practices and environmental documents, including safety documents and plans, governmental correspondence and notices, and monitoring reports, and enforcement proceeding pending or threatened. Guidelines, § 9.

The assessor also should interview government officials regarding the same issues. Guidelines, § 10.

The assessor should prepare a report outlining the scope of the assessment and the environmental professional's conclusions. It should contain sufficient documentation to support the analyses made and conclusions drawn. The report should have as a finding that there is or is not evidence of recognized environmental conditions. If the conclusion is such evidence exists, the report must specify those conditions. The report also should include the opinion of the environmental professional of the impact of the recognized environmental conditions on the property. Guidelines, § 11.

Again, these ASTM Guidelines simply document what has been occurring in most moderate to large commercial real estate transactions. The significance may be that the courts will adopt this list in analyzing an innocent landowner defense. The analysis may be if the assessment does not satisfy these Guidelines, the PRP does not meet the conditions of the defense.

**BONDED DEBT  
WASTE WATER TREATMENT-GOLF COURSE  
1993**

The cities Combined Public Utility Revenue Bonds, Series 1989, dated as of March 1, 1989, was reissued for refunding and defeasing as the City of Sugar Hill Public Utility Revenue Refunding Bonds, Series 1993.

The Series 1993 Bonds are to be secured and payable from the net revenues occurring in connection with the city's operation of its combined water, sewer, and gas systems. (collectively the "System")

As stated in the Bond Closing Transcript, the Series 1993 Bonds are not to constitute a debt of the City nor a pledge of the faith and credit of the City. The Series 1993 Bonds are not to be payable from or charged upon any fund other than the net revenues of the "System"

Interest on debt is a budgetable item, therefore it is entered in the budget. Principal is a non-operating expense and not a budgetable item.

All principal, on bonded debt, is listed as non-operating expenses. It was listed at the end of the Sewer Department Budget to come out of the revenues of the "System". Normally, principal is not listed in the budget, mainly due to governmental accounting principals. It was listed as a non-operating expense to show that the debt has to be funded, and to show the Council just how much revenue was needed for 1995 Operating and Non-Operating expenses and expenditures.

Listing of the principal of the Bonded Debt was simply done to give the Council a clearer picture.

The interest, on this debt, is an item in the budget listing 65% in the Sewer Department, and 35% in the Golf Department.

This breakdown was done, by Auditor Jimmy Whitaker, in 1992 due to his assumption, after working with the accounts, that 65% of the monies was used in the Waste Water Treatment Plant construction and 35% was used in the Golf Course construction. This places part of the debt of interest on the Golf Course, which was not listed in the "System" revenues to be used for repayment of the Bonds.

The Bonds are an encumbrance on the Utilities, known as the "System" and not on the Golf Course.

Even though the Golf Course was constructed on a portion of the land purchased, the land would have had to be used for the

effluent from the Waste Water Treatment Plant, regardless of whether a Golf Course was built. The Golf Course is only receiving surface benefits, while the Waste Water Treatment Plant is receiving many underlying benefits.

There probably would be serious questions raised should any of the principal of the debt be listed in the Golf Course Budget, since the debt is secured by revenues from the "System" which only includes the Enterprise funds of Sewer, Water and Gas revenues.



CLERK'S REPORT  
FEBRUARY 1995

Notices have been prepared for all delinquent 1994 Taxes and will be mailed before March 20th. The amount of tax due for 1994 is \$26,782.27. This is .07689% of 1994 Tax Digest Billing.

The Charter and Code have been put on our computer and as soon as we get the information current with the amendments to ordinances and also the new ordinances, the Mayor and each Council Member will receive a copy in a ring binder and it will be updated monthly, so your Code information will be current.

We are in the process of billing all 1995 Occupational Licenses which will be due by March 31, 1995. To date we have received \$9,348.65 in revenue on Occupational Taxes.

If you have any corrections to the minutes, I would appreciate your letting me know before the monthly Council Meeting, so the changes can be made and not take time at the meeting to make the corrections, and this will save a little time during the Council Meeting.

MEMORANDUM 95-022

TO: Mayor/City Council

FR: Warren P. Nevad *WN*

RE: March 13, 1995 CITY MANAGER REPORT

DATE: March 6, 1995

1. **EMPLOYEES:**

A total of 10 employees donated blood to the Red Cross on February 20, 1995. Margie Wilson coordinated this worthwhile project. Employees in the gas, water and street department installed 3400 ft. of 4 inch gas line for the Sugar Crossing Subdivision. This was accomplished in 4 work days! Billy Hutchins masterminded this project. Scott Payne, Danny Pugh and Billy Hutchins supervised this gas improvement project. Also, we are finishing the new regulator station for the Secret Cove Subdivision.

Tony Bauman and Joe Appling recently attended and completed building inspection certification courses. Donna Zinski and Mike Garland are making progress to obtain state certification in wastewater treatment.

2. **CUSTOMER SERVICE:**

Ruth Ann Cooper is our new customer service clerk. She has a vast amount of customer service experience. Ruth Ann and Shirley Fields are working closely together in the front office. Margaret McEachern has been training Ruth Ann in all facets of customer service. Margaret has implemented and applied the new dual source gas rates to applicable customers.

Ken Crowe and Kim Landers have developed a new comprehensive manual for rezoning, change of conditions and special exception applications.

3. **BUDGET/FINANCE:**

We have received a check from Georgia Power totaling over \$129,000 for franchise fees. Kelly Canady is working closely with Betty Garbutt to develop improved internal control procedures. Ruth Switzer has been assisting me in reviewing our current personnel manual.

Due to our unusual mild winter, we are instructing department heads to be more frugal with their expenditures.

4. **CLUBHOUSE:**

The revenue bond closing is set for March 14, 1995. We are preparing formal contracts with the architect and contractor. Groundbreaking is set for March 11, 1995 at 10:00 a.m.

5. **SUWANEE DAM RD.:**

We have been advised by the County that they will bear responsibility for all costs relating to gas line relocation along Suwanee Dam Rd. Previously, we estimated the cost to exceed \$175,000. We also convinced the County to handle the relocation of water and gas lines along Level Creek Rd. We are pleased with the County's cooperation.

6. **HWY 20:**

We have been advised by the State Department of Transportation that the widening of Hwy. 20 is not in their future plans. Therefore, we are approaching the Atlanta Regional Commission to determine if this project could be funded under the Clean Air Act.

Please call me should you have any questions - Best Wishes for a productive meeting.

WPN: bms

**FEBRUARY 1995  
ADMINISTRATIVE REPORT**

**INSPECTIONS, PLANNING & DEVELOPMENT**



THIS REPORT WAS PRINTED ON MARCH 2, 1995

CITY OF SUGAR HILL

PERMIT TYPE AND DESCRIPTION	# OF PERMITS	VALUATION	FEES DUE	FEES PAID
AD - ADDITION/GARAGE PERMIT	2	6,000.00	98.00	98.00
CG - CLEARING & GRUBBING PERMIT	1	0.00	1.00	1.00
CM - COMMERCIAL PERMIT	1	500,000.00	4,181.25	4,181.25
CT - CONSTRUCTION/SALES TRAILERS	1	0.00	100.00	100.00
DP - DEVELOPMENT PERMIT	1	0.00	380.00	380.00
EC - ENERGY CODE AFFIDAVIT	10	0.00	0.00	0.00
EL - ELECTRICAL AFFIDAVIT	17	0.00	0.00	0.00
FP - FENCE PERMIT	2	0.00	0.00	0.00
HE - HEATING/AIR AFFIDAVIT	11	0.00	0.00	0.00
MH - MOBILE HOME INSTALLER AFFIDAVIT	0	0.00	0.00	0.00
MI - COMPLIANCE PERMIT	1	0.00	25.00	25.00
MN - MOBILE HOME INSPECTION NEW	1	0.00	200.00	200.00
PL - PLUMBING APPADAVIT	10	0.00	0.00	0.00
SF - SINGLE FAMILY RESIDENTIAL	8	710,606.00	5,536.80	5,536.80
SP - SIGN PERMIT	4	0.00	100.00	100.00
TL - TRADE LICENSE REGISTRATION	25	0.00	230.00	230.00
TP - TAP & METER PAYMENTS	17	0.00	4,325.00	4,325.00
VA - APPEALS VARIANCE	1	0.00	150.00	150.00
TOTALS FOR ALL PERMIT TYPES	122	1,216,606.00	15,327.05	15,327.05

THIS REPORT WAS PRINTED ON MARCH 2, 1995

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
02/01/95	1	0.00	0.00	10.00	0.00	0.00	0.00	0.00	0.00
02/02/95	3	150.00	0.00	0.00	0.00	180.00	50.00	0.00	0.00
02/03/95	15	1953.40	0.00	80.00	0.00	0.00	800.00	0.00	75.00
02/06/95	2	0.00	0.00	20.00	0.00	0.00	0.00	0.00	0.00
02/07/95	4	25.00	4101.25	10.00	0.00	200.00	0.00	0.00	0.00
02/09/95	9	0.00	0.00	20.00	200.00	0.00	1250.00	0.00	0.00
02/13/95	6	770.00	0.00	-2700.00	0.00	0.00	500.00	1500.00	40.00
02/14/95	2	0.00	25.00	0.00	0.00	0.00	250.00	0.00	0.00
02/16/95	1	562.20	0.00	0.00	0.00	0.00	250.00	0.00	25.00
02/20/95	1	0.00	0.00	0.00	0.00	0.00	250.00	0.00	0.00
02/21/95	7	399.20	0.00	10.00	100.00	0.00	500.00	750.00	0.00
02/22/95	8	0.00	0.00	30.00	0.00	0.00	1000.00	0.00	0.00
02/23/95	2	395.00	0.00	0.00	0.00	0.00	500.00	0.00	25.00
02/24/95	3	25.00	0.00	0.00	0.00	1.00	0.00	750.00	0.00
02/27/95	1	0.00	0.00	10.00	0.00	0.00	0.00	0.00	0.00
=====	===	=====	=====	=====	=====	=====	=====	=====	=====
TOTALS	65	4279.80	4206.25	-2500.00	300.00	381.00	5350.00	3000.00	165.00

Non-Existing Categories            0.00  
 Current Categories                15092.95  
 =====  
 Grand Total                        15092.95

THIS REPORT WAS PRINTED ON MARCH 2, 1995

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
333	310	241	63	23	17	5	69
	% INSPECTIONS	% PASSED	% CORRECTIONS	% RE-INSPECTIONS	% PASSED	% CORRECTIONS	% RE-INSPECT. REQUIRED
	93	78	20	7	74	22	21

INSPECTOR ID BREAKDOWN

TONY	BUILDING INSPECTIONS	78
JOE	BUILDING INSPECTIONS	250
KEN	DEVELOPMENT INSPECTIONS	0
COTTON	SEWER INSPECTIONS	0
RALPH	SEWER INSPECTIONS	5

\* ANNUAL MOBILE HOME INSPECTIONS WAS COMPLETED THIS MONTH.

SUBDIVISION LOT AVAILABILITY LIST

Updated 3-2-95

Available Lots	Subdivision	Near What Major Street	Permits Issued	C.O.'s Issued	Lots Not Built On	City Sewer Paid	City Due	City Gas	City Water
32	Bent Creek III	Level Creek Road	31	28	1	X		X	X
44	Bent Creek IV	Level Creek Road	43	43	1	X		X	X
36	Bent Creek V	Level Creek Road	36	36	0	X		X	X
7	Brandon Oaks	Austin Garner Road	5	5	2	Septic Tank			
26	Brookside at Parkview	Parkview Mine Drive	11	11	15	X		X	X
39	Emerald Lakes IV	Cumming Highway	27	8	12	X		X	
131	Lakefield Forest	Level Creek Road	122	107	9	X		X	
174	Princeton Oaks	Riverside Road	103	102	71	X		X	X
106	Saddle Tree	Suwanee Dam Road			106		X	X	
116	Secret Cove	Old Suwanee Road	115	107	1	X		X	X
96	Sugar Crossing	Austin Garner Road	60	53	36	X		X	
146	Sycamore Summit	Sycamore Road/Riverside Road	144	144	2	X		X	X
7	Sycamore Summit V	Sycamore Road	7	5	0		X		X
25	Sycamore Summit VI		0	0	25		X		X
14	The Lakes at Riverside	Riverside Road	13	13	1				
51	The Links	Suwanee Dam Road	0	0	51				
46	The Oaks at Lanier I	Highway 20	42	35	4	X		X	
48	The Springs I	Highway 20	36	32	12	X		X	
50	West Price Hill	West Price Road	46	46	4	Septic Tank		X	X







**10 YEAR PROJECTED REVENUES SCHEDULE WITHOUT GOLF CLUBHOUSE**

YEAR	EXPENSES		REVENUES		GROSS PROFIT	
	Amount	Change	Amount	Change	Amount	Change
1996	\$ 680,000.00	-	\$ 825,000.00	-	\$ 145,000.00	-
1997	\$ 714,000.00	\$ 34,000.00	\$ 888,937.50	\$ 63,937.50	\$ 174,937.50	\$ 29,937.50
1998	\$ 749,700.00	\$ 35,700.00	\$ 957,830.16	\$ 68,892.66	\$ 208,130.16	\$ 33,192.66
1999	\$ 787,185.00	\$ 37,485.00	\$1,032,061.99	\$ 74,231.83	\$ 244,876.99	\$ 36,746.83
2000	\$ 826,544.25	\$ 39,359.25	\$1,112,046.80	\$ 79,984.81	\$ 285,502.55	\$ 40,625.56
<b>PREDICTED SATURATION POINT</b>						
2001	\$ 867,871.46	\$ 41,327.21	\$1,167,649.14	\$ 55,602.34	\$ 299,777.68	\$ 14,275.13
2002	\$ 911,265.04	\$ 43,393.58	\$1,226,031.60	\$ 58,382.46	\$ 314,766.56	\$ 14,988.88
2003	\$ 956,828.29	\$ 45,563.25	\$1,287,333.18	\$ 61,301.58	\$ 330,504.89	\$ 15,738.33
2004	\$1,004,669.70	\$ 47,841.41	\$1,351,699.84	\$ 64,366.66	\$ 347,030.14	\$ 16,525.25
2005	\$1,054,903.20	\$ 50,233.50	\$1,419,284.83	\$ 67,584.99	\$ 364,381.63	\$ 17,351.49
TOTALS	\$8,552,966.94		\$11,267,875.04		\$2,714,908.10	

**10 YEAR PROJECTED REVENUES SCHEDULE WITH GOLF CLUBHOUSE**

YEAR	EXPENSES		REVENUES		GROSS PROFIT	
	Amount	Change	Amount	Change	Amount	Change
1996	\$ 700,000.00	-	\$ 845,000.00	-	\$ 145,000.00	-
1997	\$ 742,000.00	\$ 42,000.00	\$ 929,500.00	\$ 84,500.00	\$ 187,500.00	\$ 42,500.00
1998	\$ 786,520.00	\$ 44,520.00	\$1,022,450.00	\$ 92,950.00	\$ 235,930.00	\$ 48,430.00
1999	\$ 833,711.20	\$ 47,191.20	\$1,124,695.00	\$ 102,245.00	\$ 290,983.80	\$ 55,053.88
<b>PREDICTED SATURATION POINT</b>						
2000	\$ 875,396.76	\$ 41,685.56	\$1,180,929.75	\$ 56,234.75	\$ 305,532.99	\$ 14,549.19
2001	\$ 919,166.60	\$ 43,769.84	\$1,239,976.24	\$ 59,046.49	\$ 320,809.64	\$ 15,276.65
2002	\$ 965,124.93	\$ 45,958.33	\$1,301,975.05	\$ 61,998.81	\$ 336,850.12	\$ 16,040.48
2003	\$1,013,381.17	\$ 48,256.24	\$1,367,073.80	\$ 65,098.75	\$ 353,692.63	\$ 16,842.51
2004	\$1,064,050.23	\$ 50,669.06	\$1,435,427.49	\$ 68,353.69	\$ 371,377.26	\$ 17,684.63
2005	\$1,117,252.75	\$ 53,202.52	\$1,507,198.87	\$ 71,771.38	\$ 389,946.12	\$ 18,568.86
TOTALS	\$9,016,603.64		\$11,954,226.20		\$2,937,622.56	

**10 YEAR PROJECTED REVENUES DIFFERENCE SCHEDULE WITH AND WITHOUT GOLF CLUBHOUSE**

YEAR	EXPENSES		REVENUES		GROSS PROFIT	
	Amount	Change	Amount	Change	Amount	Change
1996	\$ 20,000.00	-	\$ 20,000.00	-	\$ -0-	-
1997	\$ 28,000.00	\$ 8,000.00	\$ 40,562.50	\$ 20,562.50	\$ 12,562.50	\$ 12,562.50
1998	\$ 36,820.00	\$ 8,820.00	\$ 64,619.84	\$ 24,057.34	\$ 27,799.84	\$ 15,237.34
1999	\$ 46,526.20	\$ 9,706.20	\$ 92,633.01	\$ 28,013.17	\$ 46,106.81	\$ 18,306.97
<b>PREDICTED SATURATION POINT</b>						
2000	\$ 48,852.51	\$ 2,326.31	\$ 68,882.95	(\$ 23,750.06)	\$ 20,030.44	(\$ 26,076.37)
2001	\$ 51,295.14	\$ 2,442.63	\$ 72,327.10	\$ 3,444.15	\$ 21,031.96	\$ 1,001.52
2002	\$ 53,859.89	\$ 2,564.75	\$ 75,943.45	\$ 3,616.35	\$ 22,083.56	\$ 1,051.60
2003	\$ 56,552.88	\$ 2,692.99	\$ 79,740.62	\$ 3,797.17	\$ 23,187.74	\$ 1,104.18
2004	\$ 59,380.53	\$ 2,827.65	\$ 83,727.65	\$ 3,987.03	\$ 24,347.12	\$ 1,159.38
2005	\$ 62,349.55	\$ 2,969.02	\$ 87,914.04	\$ 4,186.39	\$ 25,564.49	\$ 1,217.37

**10 YEAR BOND REPAYMENT SCHEDULE WITH GOLF CLUBHOUSE**

YEAR	Revenue Bond		Forecast Additional		4Cumulative Profit / (Loss)
	Payment (35%)	Bond Repayment Amount	Profit s	4Profit / (Loss)	
1996	\$ 209,612.38	\$ 70,017.60	-0-	(\$ 70,017.60)	(\$ 70,017.60)
1997	\$ 210,723.63	\$ 70,017.60	\$ 12,562.50	(\$ 57,455.10)	(\$ 127,472.70)
1998	\$ 213,221.75	\$ 70,017.60	\$ 27,799.84	(\$ 42,217.76)	(\$ 169,690.46)
1999	\$ 215,391.75	\$ 70,017.60	\$ 46,106.81	(\$ 23,910.79)	(\$ 193,601.25)
<b>PREDICTED SATURATION POINT</b>					
2000	\$ 218,930.25	\$ 70,017.60	\$ 20,030.44	(\$ 49,987.16)	(\$ 243,588.41)
2001	\$ 225,482.25	\$ 70,017.60	\$ 21,031.96	(\$ 48,985.64)	(\$ 292,574.05)
2002	\$ 236,687.50	\$ 70,017.60	\$ 22,083.56	(\$ 47,934.04)	(\$ 340,908.09)
2003	\$ 234,708.25	\$ 70,017.60	\$ 23,187.74	(\$ 46,829.86)	(\$ 387,737.95)
2004	\$ 244,746.25	\$ 70,017.60	\$ 24,347.12	(\$ 45,670.48)	(\$ 433,408.43)
2005	\$ 253,853.25	\$ 69,682.80	\$ 25,564.49	(\$ 44,118.31)	(\$ 477,526.74)

<sup>1</sup> According to original estimates, at the revised rate of usage used for "with" clubhouse calculations, the course is expected to reach its plateau (the saturation point) of roughly 32,000 rounds by the year 1999. The saturation point for the "without" clubhouse calculations is expected to be one year later or 2000. After this point, increased revenues and expenses would be a result of normal inflation. A 5% inflation rate was used.

<sup>2</sup> Figures shown include both principal and interest on bond indebtedness. Currently, the city only charges the golf course account for 35% of the interest on the bonds while charging the sewer department for 100% of the principal.

<sup>3</sup> Figures shown do not include GEFA and SRF loan payments.

<sup>4</sup> Figures do not include 1993 Public Utility Bond Payments due under both scenarios.



FEBRUARY 1995

## Customer Services

### **A) Total utility customers:**

1) Gas	3420
2) Water	3390
3) Sewer	2253

### **B) New customers: 54**

1) Gas & Water customers	31
2) Gas only customers	16
3) Water only customers	7
4) Total new customers	54

### **C) Customers moving out of city: 15**

1) Gas & Water customers	11
2) Gas only customers	2
3) Water only customers	2
4) Total customers moving	15

### **D) Meter re-reads:**

1) Before Billing	365
2) Per customer's request	32
3) Over-reads	6
4) Total re-reads	403

### **E) Other:**

1) Cut-offs	12
2) Monies collected from write offs	APPROX. \$2000.00
3) Surveys/Comments received:	1

Report by: Margaret McEachern  
Customer Service Manager



WASTEWATER DEPARTMENT

February 1995

Liftstations; There was only general maintenance on our liftstations in February.

Sewer lines: On February 1, a sewer back-up was reported in the 8" main on White Oak Dr. The line was rodded and a large rock and other debris was removed.

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Sewer Capacity Available:

Total Sugar Hill capacity at Southside plant.....	600,000gpd
Average Sugar Hill usage for February.....	495,146gpd
Average SugarHill capacity left.....	104,854gpd

Total capacity at Sugar Hill plant.....	500,000gpd
Average usage for February.....	290,500gpd
Average capacity left.....	209,500gpd

Total # of lots approved, but not tapped on.....	220
Average usage for these lots based on 400gpd.....	88,000gpd

Donna Zinskie  
Collection System Supervisor

# February 1995

© WILSON JONES COMPANY G7608B ColumnWrite ©

Date	Ⓢ Totalizer	METER		Max. Rate	Min. Rate	Daily Avg.	Flow in Gals. ft. of Head in Inches	Gallons Sent to Burford
		Flow	1/2 Mid. Daily Flow Total	Time of Flow	Time of Flow	Reading MGD		
2 01	11:32 72746/319803517	310091	106202	56/1207 <sup>A</sup> <sub>m</sub>	12/531 <sup>A</sup> <sub>m</sub>	31	183-21	308945
2 02	2:30 730550/320112462	225422	189738	51/143 <sup>P</sup> <sub>m</sub>	10/551 <sup>A</sup> <sub>m</sub>	22	358-34	277514
2 03	11:15 733325/320389976	309003	158253	100/1036 <sup>A</sup> <sub>m</sub>	09/510 <sup>A</sup> <sub>m</sub>	30	452-38	278239
2 04	10:29 736248/320668215	333685	116777	62/245 <sup>P</sup> <sub>m</sub>	11/530 <sup>A</sup> <sub>m</sub>	33	495-48	616593
2 05	9:33 739573/321287808	361226	188667	70/1234 <sup>P</sup> <sub>m</sub>	26/1125 <sup>P</sup> <sub>m</sub>	36	285-23	911906
2 08	2:15 751392/322196714	334408	204993	59/911 <sup>P</sup> <sub>m</sub>	10/433 <sup>A</sup> <sub>m</sub>	33	297-28	263255
2 09	10:43 754025/322459969	342807	125443	61/859 <sup>P</sup> <sub>m</sub>	11/447 <sup>A</sup> <sub>m</sub>	34	293-31	441467
2 10	2:20 758440/322901436	342393	224996	60/1035 <sup>P</sup> <sub>m</sub>	11/706 <sup>A</sup> <sub>m</sub>	34	348-31	424594
2 11	8:24 762683/323326030	411403	239614	77/1119 <sup>A</sup> <sub>m</sub>	10/616 <sup>A</sup> <sub>m</sub>	41	614-48	463758
2 12	8:26 767322/323789788	565237	136230	88/156 <sup>P</sup> <sub>m</sub>	35/653 <sup>A</sup> <sub>m</sub>	56	333-32	487821
2 13	11:15 772201/324277609	441676	192367	80/139 <sup>P</sup> <sub>m</sub>	21/645 <sup>A</sup> <sub>m</sub>	44	577-43	378961
2 14	11:20 775991/324656570	387018	174293	66/925 <sup>A</sup> <sub>m</sub>	16/550 <sup>A</sup> <sub>m</sub>	38	372-33	400401
2 15	2:20 779995/325056971	359926	214779	71/851 <sup>A</sup> <sub>m</sub>	14/448 <sup>A</sup> <sub>m</sub>	35	431-37	1418532
2 16	2:40 784768/326475503	367261	126612	66/1022 <sup>P</sup> <sub>m</sub>	11/636 <sup>A</sup> <sub>m</sub>	36	765-54	1338464
2 17	8:40 788437/327813967	226208	342319	652/721 <sup>A</sup> <sub>m</sub>	33/1236 <sup>A</sup> <sub>m</sub>	226	720-51	711567
2 18	8:44 795556/328525534	765160	288789	372/1201 <sup>A</sup> <sub>m</sub>	48/627 <sup>A</sup> <sub>m</sub>	76	851-56	657575
2 19	9:13 802133/329183109	743654	202680	112/1242 <sup>P</sup> <sub>m</sub>	43/401 <sup>A</sup> <sub>m</sub>	74	590-44	517341
2 20	11:06 807306/329700450	533916	186102	79/129 <sup>P</sup> <sub>m</sub>	37/701 <sup>A</sup> <sub>m</sub>	53	568-44	545587
2 21	2:20 812764/330246037	457499	274136	68/1118 <sup>P</sup> <sub>m</sub>	24/601 <sup>A</sup> <sub>m</sub>	45	363-33	347198
2 22	11:00 816236/330593235	434369	186974	76/852 <sup>A</sup> <sub>m</sub>	20/327 <sup>A</sup> <sub>m</sub>	43	486-39	473173
2 23	4:00 820968/331066408	395180	264980	70/1024 <sup>A</sup> <sub>m</sub>	19/458 <sup>A</sup> <sub>m</sub>	39	365-30	261502
2 24	11:57 823582/331327910	374010	152476	63/921 <sup>A</sup> <sub>m</sub>	25/557 <sup>P</sup> <sub>m</sub>	37	394-34	304205
2 25	8:47 826623/331632115	345447	111251	61/850 <sup>A</sup> <sub>m</sub>	13/532 <sup>A</sup> <sub>m</sub>	34	503-43	352752
2 26	8:32 830152/331984867	361107	102853	70/1063 <sup>P</sup> <sub>m</sub>	15/510 <sup>A</sup> <sub>m</sub>	36	395-35	418063
2 27	11:30 834333/332402930	351606	169304	65/147 <sup>A</sup> <sub>m</sub>	14/600 <sup>A</sup> <sub>m</sub>	35	368-32	496136
2 28	2:30 839294/332899066							768538
3 01	5:10 846979/333667604	534938	535361	116/1201 <sup>A</sup> <sub>m</sub>	20/447 <sup>A</sup> <sub>m</sub>	53	654-48	
	Hwy. 23 Car Wash	JAN	7587	to	Feb.	7692		
	Gwinnett Federal	"	1534	"	"	1534		
	"	"	65079	"	"	66208		
	Hartford Row Apts.	"	10875	"	"	10875		

APRIL

AGENDA  
SPECIAL MEETING  
TUESDAY, APRIL 4, 1995-2:00 P.M.

CALL TO ORDER, INVOCATION, AND PLEDGE TO FLAG:

PURPOSE OF MEETING:           MAYOR WEBSTER

PRESENTATION ON CERTAIN LANDFILL ISSUES:           ATTORNEY MARY PREBULA

QUARTERLY REVIEW OF 1995 BUDGET:           MANAGER NEVAD

CITIZEN'S AND GUEST COMMENTS:

ADJOURNMENT:



**SPECIAL CALLED MEETING  
TUESDAY, APRIL 4, 1995, 2:00 P.M.**

The Mayor and Council of the City of Sugar Hill held a Special Called Meeting on Tuesday, April 4, 1995 at 2:00 P.M. in the Community Center.

The purpose of the meeting was to receive a report from Attorney Mary Prebula concerning certain landfill issues, and review the 1st quarter Budget figures for 1995.

Those present were Mayor Gary L. Webster, Mayor Pro tem Reuben Davis, Council Members Steve Bailey, W. J. Dodd, Charles Spradlin, and Jim Stanley, City Manager Warren P. Nevad, City Clerk/Finance Director Betty B. Garbutt, Development Director Ken Crowe, City Attorney Lee Thompson, Attorneys Mary Prebula and William Fletcher, Herb Payne, and representatives of the news media.

Mayor Webster called the meeting to order and asked for a motion to go into Executive Session concerning possible litigation. Council Member Bailey made the motion at 2:13 P.M., seconded by Mayor Pro tem Davis and passed unanimously of those present. (4-0)

At the end of the session, at 2:21 P.M., Council Member Dodd made a motion to return to the called meeting, seconded by Council Member Bailey and unanimously passed by those present. (4-0)

Council Member Stanley made a motion to rezone the Rudy Bowen property, at no cost to Mr. Bowen, due to an error in processing during the initial zoning. Council Member Dodd seconded the motion which passed unanimously of those present. (4-0)

Mayor Webster turned the meeting over to Attorney Prebula. She gave a summary of the route she feels the City of Sugar Hill needs to take concerning the development of a Solid Waste Management Plan for Sugar Hill, she also gave information concerning a siting decision, and the permitting process and other issues including closure of existing landfill, litigation, restated lease agreement and relationship with Mid-American, Annexation of City of Buford real property, and compliance/waiver of local ordinances. (see attached)

This summary was discussed at length between the Mayor, Council, Attorneys Thompson, Prebula, and Fletcher, and Mr. Herb Payne.

The Council was in agreement with Attorney Prebula concerning the establishment of a Solid Waste Subcommittee and an Advisory Council comprised of representatives from every side of the landfill issues.

Attorney Prebula informed the Council that this was going to be a lengthy process, and could not be done overnight. She also explained her interpretation of where EPD stands on the issue of

the closure of the present eight (8) acre site and also the fact that the City has to have an approved Solid Waste Management Plan. These issues were discussed.

Fees for representation by Attorney Prebula's firm were discussed. She suggested that fees in \$10,000.00 increments with approval for each additional \$10,000.00. They would inform the City when the fees reached \$5,000.00, and would send statement reflecting the expenditures and when the \$10,000.00 increment was met they could not go on unless the Council approved an additional increment of \$10,000.00. She felt that would be a control on what was being spent. This was discussed.

There was a lengthy discussion involving the issue of public involvement, and Mayor Webster stated that everything has to be out in the open with nothing done behind closed doors unless it is absolutely necessary for an Executive Session.

Council Member Spradlin expressed concern over the issue of preparing a Solid Waste Management Plan and not having a site to list in the plan for placement of Solid Waste. This issue was discussed among all present.

Council Member Stanley expressed concern over the issue of Mid-American's defiance over the closure process and he asked that no money be spent, on the landfill issue, which would be wasted and would "go down the drain", due to an election this year, where the next council may not follow through with the plan begun by this council.

Director Crowe asked that the Council review the proposed fee structure for zoning before the April 10, 1995 meeting.

Council Member Dodd made a motion, at 3:40 P.M., to go into Executive Session concerning pending litigation. The motion was seconded by Council Member Bailey. The vote was 4-1 with Council Member Spradlin voting against the Executive Session. At the end of the session, at 4:04 P.M., Council Member Dodd made a motion to return to the called meeting. There was no action taken from the Executive Session.

Manager Nevad presented a summary of the 1st quarter Budget for 1995, stating that Revenues were a little over the 25% mark and Expenditures were a little under the 25%. He informed Council that the City has invested \$500,000.00 in CD's for use during the months when the City will have short falls in the revenues.

Council Member Bailey made a motion to adjourn at 4:15 P.M., seconded by Council Member Stanley and passed unanimously. (5-0)

BRIEF OUTLINE FOR CITY OF SUGAR HILL  
FOR SOLID WASTE ISSUES

Prepared by:

Mary A. Prebula  
Gibson, Deal, Fletcher and Prebula, P.C.  
3953 Holcomb Bridge Road  
Suite 200  
Norcross, Georgia 30092

I. Solid Waste Management Plan ("SWMP")  
Georgia Solid Waste Management Act

A. Pre-Preparation Issues

1. Solid Waste Subcommittee--Establish a Solid Waste Subcommittee of the City Council consisting of the Solid Waste Liason and two other members selected by the Council. The purpose of this Subcommittee is to discuss issues with independent legal counsel which may be protected by attorney-client privilege and work product doctrine. In addition, this Subcommittee will expedite matters by having a resource and direct contact for the independent legal counsel and the environment consultant without requiring meetings of the whole City Council. All decision, if any, of the Subcommittee would subject to approval by the full City Council.
2. Public Involvement--Establish an advisory council which will advise the City Council and its environmental consultant on issues related to the SWMP, siting, and other issues that may arise. The persons on this Advisory Council should represent all sides of the issue, should be objective and should fairly present the issues raised by the community to the City Council. The Advisory Council should not take sides in reporting the issues raised to the City Council, but should make specific recommendations after all issues are fairly presented.

The Advisory Council can raise with the City Council and its environmental consultant issues of concern, suggested solutions to solid waste including efforts at reduction, suggested changes in the existing draft SWMPs and the draft SWMP to be prepared. Allow the public to submit written or

oral suggestions and objections to this Advisory Council. The Advisory Council can synthesize the materials and present them to the City Council. (This process will not take the place of public comment which also must be available.) Publicize the existence of the Advisory Council in the local legal publication and other local newspapers, and radio and television stations. Establish a deadline by which this input must occur. A thirty (30) day comment period is recommended. The Advisory Council should have at least one (1) public comment session where it can take oral comments. Independent legal counsel should conduct this session.

The Advisory Council should submit a written synopsis or report of comments two (2) weeks after that comment period closes.

3. Determine whether City is included in any multijurisdictional or regional comprehensive SWMP, effective July 1, 1993, and how that SWMP impacts the City. Should be the Gwinnett County SWMP. O.C.G.A. § 12-8-31.1.
4. Obtain reports filed January 1, 1992, 1993, 1994, 1995 by the City of regional development center (pursuant to O.C.G.A. §§ 50-8-30 - 50-8-46) with the Department of Community Affairs ("DCA") re status of solid waste management. O.C.G.A. § 12-8-31.1(d).
5. Ascertain the effect of the closure of the existing landfill on the SWMP. The effect on permitting and expansion is outlined below.

B. Preparation of Local SWMP  
Georgia Solid Waste Management Act  
O.C.G.A. § 12-8-31.1

1. Independent legal counsel should solicit bids from independent environmental consultants for preparation of an SWMP. The environmental consultant shall be provided the draft SWMPs, a brief history of the problems with the SWMPs and the landfill, and comments from the various governmental agencies relevant to this process. The bids should include a submission of cost estimates, review of qualifications, past experience with SWMPs, and, if the City Council desires, interviews with principals of the consultant by a subcommittee of the City Council



and independent legal counsel. Independent legal counsel shall make a recommendation to the City Council as to which environmental consultant should be selected for this particular project.

2. City Council shall select and approve an environmental consultant for the project.
3. Receive input from the Advisory Council as to what should be included in the draft SWMP at a public City Council meeting or specially set public hearing which is publicized two (2) weeks in advance. The Advisory Council ideally should submit a written report prior to this time, which report should be made available to the public.
4. Accept public input at a public City Council meeting or specially set public hearing which is publicized two (2) weeks in advance. Each member of the public who wishes to speak can be given a time limit for remarks.
5. Environmental consultant shall prepare draft SWMP, being sure to address the concerns already expressed by the City of Buford, Gwinnett County, The National Parks Service, and taking into account all statutes, rules, regulations, ordinances, and other legal requirements for an SWMP.
6. Independent environmental counsel shall review the draft SWMP and work with the environmental consultant to identify any legal issues or problems remaining with the draft SWMP.
7. Independent legal counsel and environmental consultant shall coordinate with the City of Buford, Gwinnett County, The National Parks Service, if necessary, to have a draft SWMP that will not face objections by these groups.
8. Independent legal counsel and environmental consultant shall submit draft SWMP for review to members of the subcommittee of the City Council. Once subcommittee approves, the draft SWMP should be provided to the full City Council and should be made available for public review and comment.
9. Make the draft SWMP for public comment. Copies can be made available for review in the local library, if they agree. Comments can be submitted in writing directly to the City Council or independent

legal counsel. A thirty (30) day comment period is recommended.

10. Accept public input on the draft SWMP at a public City Council meeting or specially set public hearing which is publicized two (2) weeks in advance. Each member of the public who wishes to speak can be given a time limit for remarks.
11. Independent legal counsel and environmental consultant shall prepare a list of outstanding issues or portions of the SWMP as to which the City Council must render decisions. The City Council shall advise, by vote or otherwise, independent legal counsel and the environmental consultant as to how this matters should be resolved and the draft SWMP shall be revised accordingly and a Second Draft SWMP prepared.
12. If any changes are made from the draft to the Second Draft SWMP, the SECOND DRAFT SWMP shall be submitted to the public for review and comments shall be taken in the same manner as described above. If no comments are made, the environmental consultant and independent legal counsel shall prepare a Final Draft SWMP.
13. The Final Draft SWMP shall be submitted to the City Council and the City Council shall vote whether to adopt and approve Final Draft SWMP for submission to governmental authorities, including the Regional Development Commission, the Atlanta Regional Commission ("ARC"), the Department of Community Affairs ("DCA"), EPD.

## II. Siting Decision

A siting decision includes, but is not limited to, such activities as the final selection of property for landfilling and the execution of contracts or agreements pertaining to the location of municipal solid waste disposal facilities within the jurisdiction, but does not include zoning decisions. O.C.G.A. § 12-8-26(b).

- A. The same Advisory Council can be used for input for the siting process and the procedure outlined above can be used.
- B. Once the SWMP is approved, City must first call at least one public meeting to discuss waste management needs of the local government or region and to describe the process of siting facilities to the public. Notice shall

be published within a newspaper of general circulation serving the City at least once a week for two week immediately preceding the date of the meeting. Essentially same process followed as with SWMP and application made after review and approval by City.

C. Planning

Part of the planning for the siting decision is accomplished in the development of the SWMP. To the extent any changes are proposed in this process--both in terms of alternatives (recycling, source reduction, incineration and land disposal) and location, they must be evaluated and the public should have input as discussed above.

D. Site Selection and Facility Design

1. With public input, various sites should be selected for screening for appropriateness considering the City, County and other applicable SWMPs, considering the local ordinances, zoning regulations, and land use plans, and all other considerations noted in EPD regulations and guidance documents.
2. The procedure for review of sites should be similar to that for the SWMP. An environmental consultant should be hired, preferably the same one to reduce duplication of efforts and costs, with input from the independent legal counsel, to evaluate the proposed sites and make a recommendation to the City Council. The City Council can have initial input to determine how many sites the environmental consultant will review. Our recommendation is that it be a sufficient number to present the City with alternatives, but not create an excessive financial burden solely for this review.

IV. Permitting Process

- A. Before submission of an application for a permit for a regional solid waste facility, any conflicts must be resolved by the mediation procedures developed by the DCA. This is generally called a Development of Regional Impact ("DRI") review. It is also necessary if it is determined by the Final Draft SWMP to expand the existing landfill. (This may not apply if other alternatives are elected or if a "new" landfill as opposed to the closed landfill is selected.)  
O.C.G.A. §§ 12-8-32; 50-8-31(5).

1. Essentially same process followed as with SWMP and application made after review and approval by City.
2. Review by ARC
3. Review by all other jurisdictions affected (If current landfill site is again proposed, this will include the City of Buford and Gwinnett County.)
4. Statement of Public Finding by ARC

B. Permitting Process

1. Independent legal counsel should solicit bids from independent environmental consultants for preparation of appropriate permitting documents, including Design and Operation Plan ("D&O"). The environmental consultant shall be provided with appropriated documents to evaluate the project and costs. There may be some economies of scale to be achieved if the same environmental consultant is used throughout the process. The bids should include a submission of cost estimates, review of qualifications, past experience with permitting municipal landfills, and, if the City Council desires, interviews with principals of the consultant by a subcommittee of the City Council and independent legal counsel. Independent legal counsel shall make a recommendation to the City Council as to which environmental consultant should be selected for this particular project.
2. City Council shall select and approve an environmental consultant for the project.
3. Permit application should be completed by environmental consultant with review by independent legal counsel, then presentation to the City of Sugar Hill for approval.
4. Permit application should be filed with EPD.
5. Within fifteen days of submission of the application, public notice should be given in accordance with O.C.G.A. § 12-8-32.
6. A site suitability determination should be obtained from EPD pursuant to O.C.G.A. § 12-8-32.
7. Within fifteen days of receipt of a notice of suitability, public notice should be given and a



public meeting held in accordance with O.C.G.A. § 12-8-32.

8. Facilities Negotiation Process shall take place if requested by the appropriate number of citizens in accordance with O.C.G.A. § 12-8-32. This will involve various notices and at least three meetings with the public. We recommend that the City go through this process in an effort to keep the public informed even if the required number of signatures are not obtained.
9. Upon completion of the notification process, negotiation process, the City may notify EPD in writing of concessions reached or no concessions were reached and that it wishes to continue the process for review and issuance of the permit. EPD will process the permit in accordance with O.C.G.A. § 12-8-24.

V. Other Issues

- A. Closure of existing Landfill
- B. Litigation
- C. Restated Lease and relationship with Mid-America
- D. "Annexation" of City of Buford real property
- E. Compliance/waiver of local ordinances

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AGENDA  
CITY OF SUGAR HILL  
COUNCIL MEETING-APRIL 10, 1995-7:30 P.M.

CALL TO ORDER AND PRAYER:

ADOPTION OF AGENDA:

APPROVAL OF MARCH 14, 1995 MINUTES:

COMMITTEE REPORTS:

- A) PLANNING AND ZONING, ZONING APPEALS BOARD: DODD
- B) RECREATION BOARD: DAVIS
- C) BUDGET AND FINANCE: GARBUTT
- D) SOLID WASTE: STANLEY
- E) ECONOMIC DEVELOPMENT: SPRADLIN
- F) GOLF AND WASTE WATER TREATMENT: BAILEY

CITIZEN'S AND GUEST'S COMMENTS:

OLD BUSINESS:

- A) ZONING APPLICATION AND FEES: CROWE
- B) PROPOSAL BY ATTORNEY MARY PREBULA:
- C) UPDATE ON CLUB HOUSE CONSTRUCTION: NEVAD
- D) SOLID WASTE MANAGEMENT PLAN-CONSIDERATION TO CALL PUBLIC HEARING: BAILEY
- E) UPDATE ON CONSENT ORDER: NEVAD
- F) REVIEW BY MID AMERICAN: MR. MCKINSEY

NEW BUSINESS:

- A) ORDINANCE ON USE OF VOTE RECORDERS: GARBUTT
- B) OATH OF OFFICE EDC-GERALDINE CATES: WEBSTER
- C) VOTING REQUIREMENTS: DODD
- D) POST OFFICE FUNDING REQUIREMENTS: DAVIS
- E) REVIEW OF SOLID WASTE CONTRACTS: SPRADLIN

CITY CLERK'S REPORT: GARBUTT

CITY MANAGER'S REPORT: NEVAD

COUNCIL REPORTS:

CITIZEN'S AND GUEST'S COMMENTS:

ADJOURNMENT:

**MINUTES  
COUNCIL MEETING  
MONDAY, MARCH 13, 1995, 7:30 P.M.**

The Mayor and Council of the City of Sugar Hill met for their regular monthly meeting on Monday, March 13, 1995, at 7:30 P.M. in the Community Center at City Hall.

Those present were: Mayor Gary L. Webster, Mayor Pro tem Reuben Davis, Council Members Steven Bailey, W. J. Dodd, Charles Spradlin, and Jim Stanley, City Manager Warren P. Nevad, City Clerk/Finance Director Betty B. Garbutt, Attorney Lee Thompson, Development Director Ken Crowe, Golf Director Wade Queen, Customer Service Supervisor Margaret McEachern, employees Earnest Ward and Danny Hughes, Attorneys Mary Prebula and William Fletcher, representatives of the news media, registered guests Lari Webster, Herb and Rose Payne, Eddie Sayer, and other citizens and guests.

Mayor Webster called the meeting to order, led in the Pledge of Allegiance to the Flag, and Council Member Spradlin gave the invocation.

The Agenda was approved unanimously on a motion made by Council Member Spradlin, seconded by Council Member Dodd. (5-0)

The February Minutes were approved unanimously on a motion by Council Member Dodd, seconded by Council Member Spradlin. (5-0)

Mayor Pro tem Davis made a motion to conclude the meeting by 9:00 P.M. due to the fact that three of the Council Members had business commitments. The motion was seconded by Council Member Dodd. This was discussed with Council Member Spradlin stating that the Council should stay long enough to attend to business and if not maybe there should be two meetings per month. The motion passed on a vote of Mayor Pro tem Davis, Council Members Bailey and Dodd voting for and Council Members Spradlin and Stanley voting against. (3-2)

**COMMITTEE REPORTS:**

**A) PLANNING AND ZONING-ZONING APPEALS BOARD: DODD**

Council Member Dodd reported that the P&Z Board met on February 20, 1995 and had a very productive meeting. The Zoning Appeals Board met on February 27, 1995 to consider a variance request from Vari Best Homes, Inc. for a reduction in parking spaces, to 30, at the recreation area. The variance was approved on condition that 10 other spaces would be provided should 32 additional acres be added.

**B) RECREATION BOARD: DAVIS**

Mayor Pro tem Davis reported that the water had been turned on

at the park and that soft ball play, with 42 teams participating, will begin tonight, March 13, 1995.

**C) BUDGET AND FINANCE: GARBUTT**

Finance Director Garbutt reported that Franchise Taxes in the amount of \$129,312.08 were received from Georgia Power and the amount of \$18,340.64 was received from Gwinnett Cable TV.

Finance Director Garbutt reported that reserve funds have been invested in CD's for use later in the year when revenues will go down. (see attached report)

Budgets will be reviewed closely in April, this is done monthly, but a closer look will be done in April.

**D) SOLID WASTE: STANLEY**

Council Member Stanley presented and read a memo concerning the Closure-Post Closure of the landfill. (see attached)

**E) ECONOMIC DEVELOPMENT: SPRADLIN**

Council Member Spradlin reported the Commission met on March 7, 1995 with a very productive meeting and released the following mission statement.

The mission of the Sugar Hill Economic Development commission is to facilitate quality commercial development within the city limits of Sugar Hill, Georgia.

Dave Edwards was named to be co-chairperson of the EDC. They also want to send a survey out to all residents getting their input on issues relating to Economic Development. There may be some comments from the commission concerning the sign ordinance. Council Member Spradlin asked should he continue as liaison to the Economic Development Commission, due to the fact a Council Member called him to tell him he was not doing his job. Mayor Webster stated he wanted him to stay on at this time. (see attached report)

**F) GOLF AND WASTE WATER TREATMENT: BAILEY**

Council Member Bailey reported that the Wastewater Treatment Facility operated well during February. Staff is concerned over infiltration of the system, due to the heavy rains in February.

He reported that the Bell South tower foundation, footings, and control building are in place and awaiting final FCC and FAA approvals before erecting the mast.

The rainy February affected rounds at the Golf Course. Out of 24 eligible days to play golf, there were 14 when, due to rain, no rounds were played. (see attached report)



#### **CITIZEN'S AND GUESTS COMMENTS:**

Mrs. Meg Avery complained about the communication and the fact that the meeting would be limited to 1 1/2 hours. She feels that everyone should stay until the issues are discussed. She feels that communication is very important. Mayor Webster assured Mrs. Avery that this is not the usual occurrence in limiting the time of the meeting, but some of the Council has business engagements.

Mrs. Rose Payne spoke, on public involvement, stating that she disagreed with the Council's vote on limiting the length of the meeting. She read some excerpts from an article printed in the paper in February. She was excited about the article being good coverage of the City of Sugar Hill. She read some excerpts from a publication entitled SITES FOR OUR SOLID WASTE-A Guidebook for Effective Public Involvement. Later in the meeting Mayor Webster asked Mrs. Payne to get with Clerk Garbutt so the city could order some of the publications she read from, for the Council.

Mr. Dave Edwards commented on the opinion poll the EDC Commission wants to send out and asked for the input from the City of Sugar Hill citizens.

Mr. Bob Wagner, a guest, commented on the landfill and favored the Council getting an expert on landfills, he also expressed the view that the Council did not know what they are doing concerning the landfill and neither did others. He asked that the Council get an impartial expert because none of the Council can be trusted.

Mr. Herb Payne commented once again on the landfill issue and the Solid Waste Management Plan. He gave negative comments on what the Council continues to do, in his opinion, which is entirely wrong concerning the issue of Solid Waste. He continued until he used up the 5 minutes and more allotted him. Mayor Webster had to ask Mr. Payne to acknowledge that his time was up.

Mr. Russell Everett thanked the Mayor and Council for the Club House at the Golf Course, and also thanked Golf Director Wade Queen for the long hours he works at the Golf Course.

#### **OLD BUSINESS:**

##### **A) DISCUSSION ON GDNR EPD CONSENT ORDER AND NOTIFICATION TO COUNCIL: NEVAD AND SPRADLIN**

Manager Nevad gave information concerning the Consent Order and reported receiving a letter from Mid-American that they would not be responsible for the Closure-Post Closure of the Landfill. There was a special called meeting held on February 27, 1995 for the Mayor and Council to respond to EPD on the Consent Order. Pursuant to this meeting engineering reports have been requested to comply with the Consent Order. He gave the four (4) steps

necessary to do the closure. There were two (2) proposals and Council Member Stanley would comment on these. Council Member Stanley reported that there is an approved closure plan which was submitted and approved in September 1994. He gave pertinent information relating to this issue and the steps for closure. He stated that the City needs an engineering firm to assist the city in getting through this procedure. He felt that the award of the contract for engineering services should be issued to a firm, which knows what needs to be done and stick with that firm. He recommended that the City stick with Piedmont, Hensley and Olson a firm which is already working for the City. The amount of \$44,500.00 to meet the four (4) steps involved was discussed. Council Member Stanley gave the items which would not be included in this figure.

Council Member Stanley made a motion to accept the contract with Piedmont, Hensley and Olson at a figure not to exceed \$44,500.00. The motion was seconded by Council Member Spradlin and passed unanimously. (5-0)

Council Member Spradlin thanked Mrs. Meg Avery for her statement regarding this issue.

Council Member Spradlin stated that he had to take time off from work to attend a called meeting, on the Consent Order, and asked why the Council was not notified before the Council Meeting on February 13, 1995. He asked Mr. McKinsey to answer some of the questions.

Mr. McKinsey, of Mid American stated he did not know what to do, and the City should not have to pay any money. He does not know what the city officials want, he has not been able to get anyone, other than Manager Nevad to talk to him. This was discussed between the Council and Mr. McKinsey, with Council Member Stanley reading an excerpt from a letter from Mid American concerning the closure post-closure. This issue was discussed further between Mr. McKinsey and Council Member Stanley. Mr. McKinsey stated that the City is spending money that does not have to be spent. Mayor Webster called for order between Mr. McKinsey and Council Member Stanley and stated the issue will be discussed at the April meeting. Council Member Dodd stated that the City has a surety bond and funds in escrow so he feels the money can be spent and recovered. Mr. McKinsey stated they were not trying to escape the responsibility, but working so the landfill can continue. Council Member Spradlin stated that he has never been contacted concerning a meeting. Mr. McKinsey stated that the Council has had a letter asking for a meeting, but the Council stated they did not want to meet to reconsider the "Restated Lease Agreement" while the appeal is pending. Mayor Webster stated he handled the Consent Order the way he felt it should be handled and he would take the blame if it was done wrong. This was discussed further. Council Member Stanley stated that the Consent Order has a specific time table and does not give time for months of discussion.

**B) COST COMPARISON PRESENTATION ON GOLF COURSE CLUB HOUSE:  
SPRADLIN**

Mayor Webster limited Council Members Spradlin's presentation to ten (10) minutes. Council Member Spradlin commented on the fact that the Council was trying to shut out the public. This was discussed between Council. Council Member Spradlin gave a cost comparison showing what he felt would be needed to fund the Club House at the Golf Course. He talked about the saturation point and the four (4) different inflation rates used. He also commented on the debt service which he felt that the Golf Course should be assessed with. Council Member Spradlin stated he was not against a Club House, but he was against telling the citizens that it was going to pay for itself, and it would not. He said, "The citizens need to be told that the Club House will cost them \$500,000.00".

**C) UPDATE ON CLUB HOUSE AT GOLF COURSE: NEVAD**

Manager Nevad reported that pursuant to the vote on the Bond Ordinance for the Club House the Bonds have been validated and the closing is set for Tuesday, March 14, 1995 at 11:00 A.M. The ground breaking held Saturday, March 11, 1995 at 10:00 was well attended. Two (2) shovels, used in the ceremony, were sold for \$150.00 each.

**D) UPDATE ON OUTSTANDING BILL TO STEVEN O'DAY: NEVAD**

Manager Nevad reported that the city has been informed by Smith, Gambrell and Russell of possible pending litigation concerning the outstanding bill of \$9,600.00 +. As a result staff met with GMA and Arthur Gallagher Firm to discuss the liability and we have been told that if the city is willing to pay \$2,500.00 deductible the city's liability risk management will assume negotiations with Steven O'Day concerning the outstanding bill of \$9,600.00. Manager Nevad recommended a motion to pay the \$2,500.00 to allow our liability risk management to handle this with Steven O'Day. Council Member Spradlin made the motion to approve \$2,500.00 deductible to have our liability risk management to negotiate with Steven O'Day. Council Member Spradlin questioned why Manager Nevad did not recommend payment of this bill at the December meeting. This issue was discussed by Council with Council Member Dodd asking that due to the fact the issue was in the hands of Council Member Spradlin, he is the one who should pay the bill. Council Member Spradlin stated he was not to "baby sit" the management on finances. Why the coverage would not assume the whole debt was explained by Council Member Stanley and he feels the city incurred the debt and that Mr. O'Day did a very professional job on the issue. Council Members Bailey, and Dodd stated that they would vote to end this. Clerk Garbutt advised why Risk Management has assumed responsibility of the \$9,600.00, and it is



simply that they were not notified until August of 1994 when we realized that Mr. O'Day had gone over the approved amount of \$30,000.00. This was discussed further, and Mayor Pro tem Davis stated that he would not vote to spend any more on this issue. There was further discussion on the motion after which the vote was 4-1, with Mayor Pro tem Davis voting against.

**E) DISCUSSION ON IMPARTIAL LANDFILL EXPERT: NEVAD**

Manager Nevad gave the background of choosing an impartial landfill expert and introduced Attorneys Mary Prebula and William Fletcher who have been recommended by Judge Margaret Washburn.

Mayor Webster voiced concern over the fact that the meeting was scheduled to end at 9:00 P.M. on a motion made earlier in the meeting. He stated that he would call a meeting for Wednesday night at 7:30 P.M. to be held in the Community Center should the meeting end in five (5) minutes at 9:00 P.M. Council Member Dodd made a motion, seconded by Council Member Stanley and passed unanimously by Council to extend the meeting to 9:30 P.M. (5-0) Council Member Spradlin voted with the motion, but was opposed to no discussion.

Attorney Mary Prebula gave a presentation on their firm and their expertise in the area of Solid Waste Disposal and Environmental Issues. There was much discussion on this issue. Questions were asked of Ms. Prebula concerning the time needed to assess the issue. Mayor Webster asked that Mrs. Prebula contact Council Member Stanley and should there be any questions, from the Council, they should go thru the City Manager. Attorney Thompson gave the Council guidance on what they needed from Ms. Prebula. There was more discussion on this with a motion being made by Council Member Dodd, seconded by Council Member Spradlin to set a cap of ten (10) hours at a cost of \$1,700.00 for Ms. Prebula to assess the issue and bring the Council up to date on the route to follow in preparing a Solid Waste Plan. After more discussion concerning the history behind this issue, the vote on the motion was unanimous. (5-0)

**F) SOLID WASTE MANAGEMENT PLAN-CONSIDERATION TO CALL INITIAL PUBLIC HEARING: BAILEY**

Due to time, Council Member Bailey asked that this be tabled until the April Council Meeting, seconded by Council Member Dodd and passed unanimously. (5-0)

**G) REQUEST RESPONSE FROM GWINNETT COUNTY ON VOTER REGISTRATION TASK FORCE RECOMMENDATION: SPRADLIN**

Mrs. Karen Spradlin asked what has been done concerning the



Task Force request that certain names, which appeared not to be eligible to vote, be removed from the list of registered voters, a total of 286. She asked what the results are on this matter. The Mayor stated that the City Manager will send a request to the Election Superintendent of the City to follow up on this. Clerk Garbutt gave a short synopsis of what the new law requires on removal of names.

**NEW BUSINESS:**

**A) DISCUSSION OF INCREASE ON REZONING AND ANNEXATION FEES:  
KEN CROWE**

Director Crowe asked that this be tabled until the next meeting due to some miscommunication with Council. Council Member Spradlin made a motion to table this until next month. The motion was seconded by Council Member Bailey and passed unanimously. (5-0)

**B) DISCUSSION OF ACCOUNTING PRACTICES UTILIZED FOR BOND PAYMENTS:  
SPRADLIN**

Council Member Spradlin gave a short presentation on where he felt the debt for the 1993 Bond Issue should be placed in the Budget. He felt at best that at least 50% of the debt service, principal and interest, should be assessed to the Golf Course. He proposed that the System charge the Golf Course rent so the debt will go where it should.

**C) INVITATION TO LOCAL SCHOOLS TO PARTICIPATE IN LOCAL  
GOVERNMENT/COUNCIL MEETINGS: SPRADLIN**

This was discussed and the consensus was that this be done again. Council Member Spradlin made a motion to this effect, seconded by Council Member Bailey and passed unanimously. (5-0)

**CITY CLERK'S REPORT:**

Clerk Garbutt stated the report was in the packet and she had nothing further to add. (see attached report)

**CITY MANAGER'S REPORT:**

Manager Nevad stated his report was also in the packets, but he wished to thank the gas, water and street crews for laying 3,400 feet of pipe in four (4) days for Sugar Crossing. Mayor Webster asked for a "big hand" for the crews. (see attached report)

**COUNCIL REPORTS:**

Council Member Dodd had nothing to report.

Council Member Spradlin apologized to the Mayor for his

apparent vote against extending the meeting, he was simply against no discussion on the matter. He also stated that he still was not receiving his mail on a timely basis. Mayor Webster instructed Manager Nevad to deliver the mail "daily" to Council Member Spradlins home.

Mayor Pro tem Davis, Council Members Bailey, and Stanley had nothing to report at this time.

Mayor Webster stated he felt this has been a very productive meeting and commended the Council and Citizens on their conduct.

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

Mr. Kevin Pugh addressed the Council and stated that he held each and every member of the Council responsible for the finances of the City. He felt that the Finance Director only pays what the Council spends and directs.

He questioned if all the Closure Post-Closure plans have been approved by EPD. Council Member Stanley gave an answer, and Mr. Pugh asked if the City was going to have to pay the consultants fees before an answer was received concerning the approval of the plans. This was discussed further.

Mrs. Meg Avery thanked the Council for extending the meeting and apologized for not understanding that the cutting short of the meeting was for tonight only. She hopes that will not set a precedence.

Mr. Herb Payne expressed thanks for a good meeting, and he felt that Mid American should accept the responsibility of the fines, if any.

He also commented on the Audit of the Golf Course concerning the electric situation at the course. This was discussed and he asked for a report if the Council differed from his interpretation. He asked that the Budget be amended to show what the Golf Course should pay on the debt.

Mayor Webster asked that Mr. Payne abide by the motion that the meeting end at 9:30 P.M., and it is now 9:33 P.M.

Mr. Mike Fogerty stated that there seems to be too much negative talk about the Golf Course. He feel that it is an asset for the City and that it will eventually bring in revenue and be an asset for future generations. He is very proud of the facility and appreciates the fact that there will be a Club House. He asked that the citizens begin to talk positively about the golf course.

**ADJOURNMENT:**

Council Member Bailey made a motion to adjourn at 9:36 P. M. seconded by Council Member Dodd and passed unanimously of those present. (4-0)



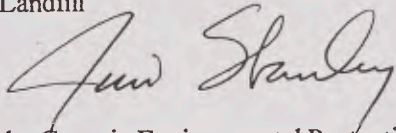


**MEMO TO :** Mayor and City Council

**SUBJECT:** Sanitary Landfill

**DATE:** 3/13/95

**FROM:** Jim Stanley



On January 27, 1995, the Georgia Environmental Protection Division (EPD) issued a formal Consent Order to the City of Sugar Hill, describing serious deficiencies in the closure efforts and the post-closure monitoring of the existing 8-acre sanitary landfill. EPD described corrective actions to be taken and presented a detailed timetable for compliance. Very significant monetary fines were threatened in the event of continued noncompliance.

The initial reaction of the City to the Consent Order was to forward the Order to Mid American Waste Systems (MAWS), along with a request that the City be advised of the actions being taken to bring the facilities into full compliance. To our surprise, MAWS responded formally and officially, in writing, that Mid American Waste Systems would not honor any obligations except as contained in the Restated Lease Agreement. As you know, the Restated Lease Agreement was voided by Superior Court Judge Fred Bishop on November 22, 1994. The Judge ruled that the City had acted without legal authority in entering into that agreement.

On February 27, 1995, at a special called Council Meeting, the Mayor and Council considered these matters and agreed to comply fully with the requirements of the EPD Consent Order. The Council did so, first because it has a primary responsibility to maintain a safe and healthy environment for our Citizens, and second because the Landfill Permit remains in the name of the City, leaving us ultimately responsible for its proper operation. The Council has formally notified Mid American that it considers their refusal to achieve compliance to be a breach of their original lease agreements with the City and a violation of the terms and conditions under which the City approved of the merger of Button Gwinnett Landfill, Inc. with MAWS. We have offered to MAWS an opportunity to be heard in these matters during our regular Council Meeting of April 10, 1995.

The EPD Consent Order noted two very serious deficiencies. First, MAWS has not obtained approval for a ground water monitoring plan, and second, MAWS has not submitted the required methane gas monitoring data required by EPD. An examination of the background and the details of these two deficiencies has revealed even more troubling problems. The record reveals that MAWS prepared and submitted a Landfill Closure Plan to EPD during 1994. That Closure plan, proposed by MAWS and approved by EPD on September 8, 1994, requires that the "Closure activities will begin no later than 15 days after approval of this closure post-closure care plan by Georgia EPD", and further requires that the "Closure cover for the landfill which is within the limits of waste disposal shall be placed over the final lift of waste not later than 90 days following beginning of closure activities." Closure cover consists of installing an 18-inch layer of clay, a 6-inch layer of soil, and establishing erosion-stable vegetation over the entire landfill. Installation of the closure cover is critically important to minimize the amount of leachate generated by the



landfill, by minimizing the amount of rainfall which soaks into the landfill. This is now March of 1995, and construction of the closure cover has not yet begun.

The record also reveals that MAWS has repeatedly submitted inadequate ground water monitoring plans to EPD for approval. The plan currently under review was initially prepared on September 3, 1993 and submitted for approval. That plan was rejected, and was revised January 21, 1994. The revised plan was also rejected and a second revision was prepared October 28, 1994. This is now March of 1995, and EPD is still demanding the submittal of "an approvable groundwater monitoring plan."

The failure of MAWS to honor its commitments to comply fully with federal, state, and local laws, rules and regulations related to the existing 8-acre landfill raises very serious questions with regard to the advisability of the City contracting with them for any new or expanded landfill. I would remind the Council that the 8-acre landfill would have had sufficient capacity to serve the solid waste disposal needs of the City of Sugar Hill for more than 20 years if it had not been completely filled in just two years by MAWS with garbage from other communities.

Closure and post-closure activities will be expensive. It will not be appropriate for the Citizens of Sugar Hill to bear any of these expenses. I recommend that our legal counsel be directed to take whatever actions are necessary to protect the public interest, to enforce whatever bonds and/or escrow accounts are in effect, and to recover from MAWS all costs and damages arising from the landfill and its closure.

TO: The Mayor & City Council of Sugar Hill, Georgia

Date: March 13, 1995

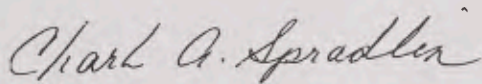
RE: Economic Development Commission Report

The Economic Development Commission met on March 7 with a very productive meeting. The Commission defined its mission in Sugar Hill and released the following mission statement...

The mission of the Sugar Hill Economic Development Commission  
is to facilitate quality commercial development  
within the city limits of Sugar Hill, Georgia

The Commission also named Dave Edwards to cochairman which was designed to help facilitate the meetings when conflicting schedules prevent the regular chair from attending. The Commission also decided to send a survey out to all of the residents and question them on issues related to economic development. Each member has planned to collect information regarding other local jurisdiction's Economic Development Commissions where applicable and further investigate the sharing of resources and ideas. There was also some continued discussion on the city's sign ordinance and some possible recommendations may be forthcoming.

Respectfully submitted,



Charles A. Spradlin, Councilmember

OPINION POLL  
 BY ECONOMIC DEVELOPMENT COMMISSION  
 CITY OF SUGAR HILL, GA

The Economic Development Commission is interested in your opinion on the below items. please mark (✓), fill out and return to City Hall as soon as possible. Thank you.

	YES	NO	COMMENTS
Do you feel that liquor by the drink would benefit Sugar Hill by attracting quality restaurants?	<input type="checkbox"/>	<input type="checkbox"/>	
Would you be in favor of a commuter rail depot in Sugar Hill?	<input type="checkbox"/>	<input type="checkbox"/>	
What type businesses/services do you feel are needed in Sugar Hill?			

*POSTAGE  
PAID  
PERMIT*

FROM CITY OF SUGAR HILL  
 ECONOMIC DEVELOPMENT COMMISSION  
 4988 WEST BROAD STREET  
 SUGAR HILL, GA 30518

TO: RESIDENT

***Council Report for the Golf Course & Waste Water Treatment Facility  
March 13, 1995***

***By Steven C. Bailey, Council Member***

***Waste Water Treatment Facility***

The plant operated well in February, experiencing no unique problems. The Staff is concerned however about infiltration due to the marked increase of flow subsequent to the rains of February and are investigating remedies.

The Bell South tower foundation, footings, and control building are in place and they are awaiting final FCC and FAA approvals before erecting the mast.

***Golf Course***

As you all know, the rainy February has slightly affected rounds of play as compared to the same period last year, however year to date, the course still enjoys roughly a 3.5% increase in revenues. The 1995 budget that includes debt retirement charge offs attributed to the 1993 revenue bond, year to date was projected to have a loss of about \$29,000 for the first two months, but the actual was \$30,982. Mr. Queen and staff should be commended in keeping expenses in line even with the adverse weather and resulting drop in play.

***END OF REPORT***



Sugar Hill Golf Club  
1995 to 1994 Comparisons

3/13/95

1994 Actuals			1995 Y. T. D.			Rounds	1994		1995		Revenue		
Month	Total Res Rds	Total Non-Res	Total Rounds	Month	Total Res Rds	Total Non-Res	Total Rounds	Percent Change	Month	Total Revenue	Month	Total Revenue	Percent Change
Jan	68	481	549	Jan	137	602	739	34.61%	Jan	18,871.18	Jan	24,394.54	29.27%
Feb	176	888	1064	Feb	111	646	757	-28.85%	Feb	35,163.29	Feb	27,312.83	-22.33%
Mar	206	1825	2031	Mar					Mar		Mar		
Apr	275	2165	2440	Apr					Apr		Apr		
May	297	2280	2577	May					May		May		
Jun	223	2031	2254	Jun					Jun		Jun		
Jul	294	2245	2539	Jul					Jul		Jul		
Aug	258	2060	2318	Aug					Aug		Aug		
Sep	308	1815	2123	Sep					Sep		Sep		
Oct	205	1423	1628	Oct					Oct		Oct		
Nov	214	1408	1622	Nov					Nov		Nov		
Dec	243	1164	1407	Dec					Dec		Dec		
Totals:	2767	19785	22552		248	1248	1496	2.88%		54,034.47		51,707.37	3.47%

Sugar Hill Golf Club  
 Deposit & Round Breakdown  
 February 1995

	Total	Credit	# of		Non.	Res.	Non.	
	Deposit	Card	Rounds	Res.	Res.	Sr.	Res.	Jr.
Feb. 1	1312.60	308.51	47	6	30	1	10	0
Feb. 2	2238.07	345.96	87	37	27	0	19	0
Feb. 3	1422.40	306.78	47	1	36	0	1	0
Feb. 4	0.00	0.00	0	0	0	0	0	0
Feb. 5	0.00	0.00	0	0	0	0	0	0
Feb. 6	0.00	0.00	0	0	0	0	0	0
Feb. 7	0.00	0.00	0	0	0	0	0	0
Feb. 8	0.00	0.00	0	0	0	0	0	0
Feb. 9	0.00	0.00	0	0	0	0	0	0
Feb.10	0.00	0.00	0	0	0	0	0	0
Feb.11	0.00	0.00	0	0	0	0	0	0
Feb.12	0.00	0.00	0	0	0	0	0	0
Feb.13	0.00	0.00	0	0	0	0	0	0
Feb.14	1680.59	430.27	43	4	37	0	2	0
Feb.15	0.00	0.00	0	0	0	0	0	0
Feb.16	0.00	0.00	0	0	0	0	0	0
Feb.17	0.00	0.00	0	0	0	0	0	0
Feb.18	0.00	0.00	0	0	0	0	0	0
Feb.19	3860.41	1130.17	95	9	79	0	5	0
Feb.20	0.00	0.00	0	0	0	0	0	0
Feb.21	0.00	0.00	0	0	0	0	0	0
Feb.22	2263.07	786.48	82	4	60	0	13	0
Feb.23	2333.60	605.67	84	28	42	0	11	0
Feb.24	2722.70	735.79	87	4	76	0	0	0
Feb.25	4441.03	1408.53	108	4	91	0	0	2
Feb.26	5038.36	1232.36	128	11	107	0	0	0
Feb.27	0.00	0.00	0	0	0	0	0	0
Feb.28	0.00	0.00	0	0	0	0	0	0
			0					
Total	27312.83	7290.52	808	108	585	1	61	2
			0					
			0					
YTD	51707.37	12986.83	1568	240	1098	4	150	4

CLERK'S REPORT  
FEBRUARY 1995

Notices have been prepared for all delinquent 1994 Taxes and will be mailed before March 20th. The amount of tax due for 1994 is \$26,782.27. This is .07689% of 1994 Tax Digest Billing.

The Charter and Code have been put on our computer and as soon as we get the information current with the amendments to ordinances and also the new ordinances, the Mayor and each Council Member will receive a copy in a ring binder and it will be updated monthly, so your Code information will be current.

We are in the process of billing all 1995 Occupational Licenses which will be due by March 31, 1995. To date we have received \$9,348.65 in revenue on Occupational Taxes.

If you have any corrections to the minutes, I would appreciate your letting me know before the monthly Council Meeting, so the changes can be made and not take time at the meeting to make the corrections, and this will save a little time during the Council Meeting.

5. **SUWANEE DAM RD.:**

We have been advised by the County that they will bear responsibility for all costs relating to gas line relocation along Suwanee Dam Rd. Previously, we estimated the cost to exceed \$175,000. We also convinced the County to handle the relocation of water and gas lines along Level Creek Rd. We are pleased with the County's cooperation.

6. **HWY 20:**

We have been advised by the State Department of Transportation that the widening of Hwy. 20 is not in their future plans. Therefore, we are approaching the Atlanta Regional Commission to determine if this project could be funded under the Clean Air Act.

Please call me should you have any questions - Best Wishes for a productive meeting.

WPN: bms



MEMORANDUM 95-022

TO: Mayor/City Council

FR: Warren P. Nevad *WN*

RE: March 13, 1995 CITY MANAGER REPORT

DATE: March 6, 1995

1. **EMPLOYEES:**

A total of 10 employees donated blood to the Red Cross on February 20, 1995. Margie Wilson coordinated this worthwhile project. Employees in the gas, water and street department installed 3400 ft. of 4 inch gas line for the Sugar Crossing Subdivision. This was accomplished in 4 work days! Billy Hutchins masterminded this project. Scott Payne, Danny Pugh and Billy Hutchins supervised this gas improvement project. Also, we are finishing the new regulator station for the Secret Cove Subdivision.

Tony Bauman and Joe Appling recently attended and completed building inspection certification courses. Donna Zinski and Mike Garland are making progress to obtain state certification in wastewater treatment.

2. **CUSTOMER SERVICE:**

Ruth Ann Cooper is our new customer service clerk. She has a vast amount of customer service experience. Ruth Ann and Shirley Fields are working closely together in the front office. Margaret McEachern has been training Ruth Ann in all facets of customer service. Margaret has implemented and applied the new dual source gas rates to applicable customers.

Ken Crowe and Kim Landers have developed a new comprehensive manual for rezoning, change of conditions and special exception applications.

3. **BUDGET/FINANCE:**

We have received a check from Georgia Power totaling over \$129,000 for franchise fees. Kelly Canady is working closely with Betty Garbutt to develop improved internal control procedures. Ruth Switzer has been assisting me in reviewing our current personnel manual.

Due to our unusual mild winter, we are instructing department heads to be more frugal with their expenditures.

4. **CLUBHOUSE:**

The revenue bond closing is set for March 14, 1995. We are preparing formal contracts with the architect and contractor. Groundbreaking is set for March 11, 1995 at 10:00 a.m.

**FINANCE REPORT**  
**APRIL 10, 1995**

We received the final drawdown from GEFA on the Waste Water Treatment Facility. Lanier Construction has been paid and so has John D. Stevens.

We will present a First Quarter Budget Comparison in detail at the April 4, 1995 meeting after Mrs. Prebula gives her presentation on where the City is on several Landfill issues. This meeting has been advertised in all papers and posted at City Hall and the Community Center.

We advertised three (3) pieces of equipment, which the City could not fix and use, for sale and sold them for the following:

1985 Dodge Truck	\$ 399.00
Craftsman Lawn Mower	\$ 50.00
Case 40 + 4 Trencher	\$1,375.00
Total	\$1,824.00
Less Sales Tax	\$ 91.20
Total Net	\$1,732,80

We have invested \$500,000 of idle funds in CD's which will be used during the low revenue months. We also invested \$490,000 of the Club House Bond in CD's. One (1) for \$90,000 at 6.25% for one (1) month and one (1) for \$400,000 at 6.75% for three (3) months. These are very good returns on the idle funds.











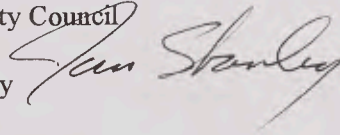
## REVENUES/INCOME AND EXPENDITURES/EXPENSES REPORT 1995

MARCH

DEPARTMENT: BUDGET '95: '94YTD: '95YTD: PERCENT: NET '95  
'95YTD: YTD-BUDGET:

Administration:					
Revenues	\$980,000	\$213,272	\$371,453	37.90%	\$608,547
Expenditures	\$749,624	\$247,023	\$166,120	22.16%	\$583,504
Net Income:	\$230,376	(\$33,751)	\$205,333	89.13%	\$25,043
Inspections:					
Revenues	\$87,500	\$14,336	\$21,616	24.70%	\$65,884
Expenditures	\$106,521	\$13,310	\$30,497	28.63%	\$76,024
Net Income:	(\$19,021)	\$1,026	(\$8,881)	46.69%	(\$10,140)
Street:					
Revenues	\$67,300	\$54,699	\$18,138	26.95%	\$49,162
Expenditures	\$260,641	\$44,559	\$56,354	21.62%	\$204,287
Net Income:	(\$193,341)	\$10,140	(\$38,216)	19.77%	(\$155,125)
Sanitation:					
Income	\$347,605	\$70,110	\$80,306	23.10%	\$267,299
Expenses	\$325,525	\$67,952	\$83,099	25.53%	\$242,426
Net Income:	\$22,080	\$2,158	(\$2,793)	-12.65%	\$24,873
Gas:					
Income	\$2,409,100	\$1,016,952	\$1,075,349	44.64%	\$1,333,751
Expenses	\$1,910,915	\$551,907	\$487,976	25.54%	\$1,422,939
Net Income:	\$498,185	\$465,045	\$587,373	117.90%	(\$89,188)
Water:					
Income	\$670,250	\$134,554	\$156,317	23.32%	\$513,933
Expenses	\$579,980	\$169,196	\$121,329	20.92%	\$458,651
Net Income:	\$90,270	(\$34,642)	\$34,988	38.76%	\$55,282
Sewer:					
Income	\$945,750	\$131,264	\$136,872	14.47%	\$808,878
Expenses	\$1,441,538	\$382,072	\$252,460	17.51%	\$1,189,078
Net Income:	(\$495,788)	(\$250,808)	(\$115,588)	23.31%	(\$380,200)
Golf:					
Income	\$803,100	\$119,589	\$112,910	14.06%	\$690,190
Expenses	\$832,101	\$162,073	\$156,875	18.85%	\$675,226
Net Income:	(\$29,001)	(\$42,484)	(\$43,965)	151.60%	\$14,964
Total Income:	\$6,310,605	\$1,754,776	\$1,972,961	31.26%	\$4,337,644
Total Expenditures/ Expenses	\$6,206,845	\$1,638,092	\$1,354,710	21.83%	\$4,852,135
Variances	\$103,760	\$116,684	\$618,251	595.85%	(\$514,491)

MEMO TO: Mayor and City Council  
FROM: Jim Stanley  
SUBJECT: Landfill Activity  
DATE: 4/10/95



In the month since our last regularly scheduled Council Meeting, there has been quite a lot of activity related to the Sugar Hill Landfill. In particular, the following events have occurred:

1. The Contract with Piedmont Olsen Hensley (POH) for professional consulting services related to compliance with the EPD Enforcement Order on Landfill Closure was signed and POH immediately began work. They contacted EPD with regard to the status of the Groundwater Monitoring Plan which has been under review in one form or another since September 3, 1993. EPD responded in a Memo dated March 20, 1995 and a letter dated March 27, 1995. The letter and Memo said exactly what we expected them to say, that Mid American had not provided a sufficient number of monitoring wells in their proposed Monitoring Plan. The EPD letter indicates that the Groundwater Monitoring Plan is "approvable" contingent upon the addition of five more monitoring wells and confirmation of the site topographic contours. POH contacted Mid American in an attempt to obtain the existing topographic information, but advised the City on March 31 that their request for information had been refused.
2. On March 18, 1995 I delivered historical information related to the Solid Waste Management Plan and the Restated Lease Agreement to Gibson, Deal, Fletcher and Prebula, along with my memorandum of March 17 which summarized the project history. A copy of that memo has been delivered to you earlier this month. On April 4, 1995 Mary Prebula and Bill Fletcher met with the City in a Special Called Council Meeting. They reported on their contacts with EPD and their review of the landfill situation. They indicated that the entire process needs to start over from the beginning, and reported that as far as EPD is concerned, the Sugar Hill Landfill is closed, and that there are no existing approvals for site suitability for either an expansion of the existing landfill or the construction of a new landfill. Mrs. Prebula presented a detailed outline of events, and recommendations for a systematic process of developing and approving a new Solid Waste Management Plan, and for subsequently processing landfill siting applications. Mrs. Prebula recommended the creation of a Solid Waste Subcommittee, the creation of an Advisory Council, the hiring of an Environmental Consultant, and the continuation of the Independent Counsel services. Mrs. Prebula indicated that the Solid Waste Management planning process could proceed while the Restated Lease Agreement remains under litigation. Mrs. Prebula emphasized the importance of genuine public involvement in the entire process. Detailed Minutes of the meeting, and written recommendations of the Independent Counsel have been delivered to council members.



3. On March 21, 1995, as requested by the landfill company, representatives of the City met with Mr. Jay Roberts and Mr. Craig McKinsey of Mid American to review the status of the landfill and the EPD Enforcement Order. Mid American continues to insist that they have no responsibilities to the City other than those contained in the voided Restated Lease Agreement. Mid American objects to the City's hiring of POH to assist with compliance with the EPD Enforcement Order, and objects to actions being taken by the city to complete the closure process. Representatives of the City confirmed that the City intended to comply fully with the requirements and timetable of the Enforcement Order, with or without the assistance of Mid American, confirmed that those efforts were ongoing, and confirmed that the City will hold Mid American fully responsible for the related costs. Detailed Minutes of that meeting have been delivered to council members.
  
4. On April 5, 1995, the Georgia State Court of Appeals heard oral arguments from Mid American and from the Citizens Group related to the suit over the Restated Lease Agreement. Mid American is continuing their attempts to convince the Courts that the Restated Lease Agreement does not constitute a "siting decision", even though the agreement clearly states in numerous sections that construction and operation of a sanitary landfill on the leased properties is the specific purpose of the agreement. Mid American argued that the City could simply go back now and conduct the required public hearings, while leaving the Restated Lease Agreement in effect. Attorneys for the Citizens Group argued that the City had, by contract, granted approval in advance for a landfill, without having complied with Georgia Law in conducting the required public hearings. They argued that to go back now and conduct perfunctory hearings, knowing in advance what decisions were to be made, would make a mockery of the Georgia Laws requiring public involvement in the process. The Appeals Court has the matter under review, but it can be anticipated that it will be several months before a formal decision is rendered.

The EPD Enforcement Order was signed and made official as of March 13, 1995. Compliance deadlines begin occurring 60 days after the effective date of the Order. As of April 10, 1995, we have only 31 days left to submit an approvable groundwater monitoring plan, and to obtain and submit methane monitoring data.



ALDRIDGE LAW FIRM  
ATTORNEYS AT LAW  
TWO MIDTOWN PLAZA, SUITE 1800  
1860 PEACHTREE STREET, N. E.  
ATLANTA, GEORGIA 30308

DAN A. ALDRIDGE, JR.  
CHAD E. REED

TELEPHONE  
(404) 874-3322

FACSIMILE  
(404) 874-3456

April 10, 1995

VIA FACSIMILE AND U.S. MAIL

Mr. V. Lee Thompson  
Thompson & Sweeney, P.C.  
Post Office Drawer 1250  
Lawrenceville, Georgia 30246

RE: City of Sugar Hill Municipal Solid Waste Landfill  
Our File No.: 3-124

Dear Lee:

In an effort to resolve the dispute between my client and the City of Sugar Hill with respect to the issue of responsibility for closure/post-closure of the landfill, my client has authorized me to propose the following:

My client will accept responsibility for complying with the Consent Order from the Department of Natural Resources, Environmental Protection Division, State of Georgia ("EPD"), referenced in your letter of March 9, 1995, and will proceed expeditiously at its expense, with the closure/post-closure responsibilities as required by EPD. Acceptance of this responsibility on behalf of my client is contingent upon the City immediately (1) remitting to my client all sums paid by my client as Advance Payment of the Monthly Host Fee pursuant to paragraph three (3) of the Restated Lease and Operating Agreement dated August 9, 1993 (the "Restated Agreement"), less the amount, owed by my client as monthly rental pursuant to the Lease Agreements dated December 19, 1985, as amended, and July 10, 1989; and (2) deeding to my client the land previously deeded by my client to the City pursuant to paragraphs 15 and 16 of the Restated Agreement.

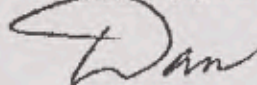
This letter is to be construed solely as an offer and settlement in compromise of disputed claims and is not to be considered as an admission of liability on the part of my client.

Page 2

Mr. V. Lee Thompson

I trust that this proposal will be acceptable and that the parties can proceed with their respective rights and obligations accordingly.

Very truly yours,



Dan A. Aldridge, Jr.

cc: Jay Roberts  
Jason Dolin  
Craig McKenzie  
Cathy Packwood

DAA/smt

***Council Report for the Golf Course & Waste Water Treatment Facility***

***April 10, 1995***

***By Steven C. Bailey, Council Member***

**Waste Treatment Facility**

The Waste Water Treatment Plant still continues to operate well within the State guidelines, experiencing only normal maintenance related servicing.

During March, the staff performed lift station repairs in Lakefield Forest as well as a partial sewer line replacement of the 8 inch main on Sherry Street.

The Bell-South tower erection is now well underway with completion expected this month.

The average amount of treated waste at the plant in March was 255,000 gallons per day. We still have 210 lots not yet tapped onto the system, and these lots would yield approximately 84,000 gpd additional usage. Our usage of the allocated 600,000 gpd at the Southside plant was 373,440 gpd, leaving about 226,560 gpd capacity available there.

**Golf Course**

Last month was a substantial improvement over February, however fell slightly short of equaling March of 1994's stats. The total number of rounds as compared to March of 1994, was down 10.39%, and total revenues was down just 7.73% compared to the same period. Overall, the course for the first three months of 1995 is about even for the number of rounds and revenues as compared to the first three months of 1994, with a change in revenue of only .26%.

Prisoners provided the labor to lay down about 48,000 square feet of sod to remedy some sparse areas, with another thirty-two thousand square feet remaining to be laid down in April. The course is greening well and looks very good.

The contractor for the construction of the new Clubhouse has secured all building permits and has mobilized to commence with construction. I would like to commend Ken Crow, Wade Queen, the Contractor, the Fire Marshall, and the Architect in resolving the details that resolved the pending technical issues so that work may proceed.

*End of Report 4/7/95*

Sugar Hill Golf Club  
1995 to 1994 Comparisons

3/13/95

1994 Actuals			1995 Y. T. D.			Rounds	1994		1995		Revenue		
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Jun	223	2031	2254	Jun					Jun		Jun		
Jul	294	2245	2539	Jul					Jul		Jul		
Aug	258	2060	2318	Aug					Aug		Aug		
Sep	308	1815	2123	Sep					Sep		Sep		
Oct	205	1423	1628	Oct					Oct		Oct		
Nov	214	1408	1622	Nov					Nov		Nov		
Dec	243	1164	1407	Dec					Dec		Dec		
Totals:	2767	19785	22552		479	2837	3316	-1.54%		125,609.46		117,750.05	-0.26%

Ratio of Resident play 1994 compared to 1993: 6.44% increase

Ratio of Non-Resident play 1994 compared to 1993: -11.18% increase



Wait Sem  
Sat Mar  
22 10:00 AM

Dated  
proposals  
wait seminar  
and speaker  
4/1 speaker

C. Spudis  
Motion  
to act @ 2:00 PM  
Dec 14  
Bank 13 24

Motion  
Jim Stanley  
2nd Dated  
Discussion  
Motion  
to give 2nd  
leave optional  
5-0

Current  
APP.

CITY OF SUGAR HILL  
4988 West Broad Street  
Sugar Hill, Ga. 30518  
(404) 945-6716

Rezoning Information

The following items are necessary in order to process a rezoning application. All items must be completed as listed below. If not complete, the application cannot be accepted.

- (1) APPLICATION FORM  
Please be specific and fill-in all pertinent and required information.
- (2) APPLICATION FEE  
Please make all checks payable to: City of Sugar Hill.

The rezoning fee depends on what the property is requested to be rezoned to:

RS-100, RS-150, RS-175, RS-200. MH	\$150.00
RG-80	\$250.00
O & I, HSB	\$250.00
BG	\$300.00
LM, HM-1, HM-2,	\$350.00

- (3) LEGAL DESCRIPTION  
This legal description should be typed and described, by metes and bounds, only for the property to be rezoned.
- (4) BOUNDARY SURVEY  
This is not necessary if the site plan includes this information.
  - (a) Seven (7) copies "to scale."
  - (b) One (1) copy reduced to 8 1/2" X 11."

The site plan should reflect how the property is to be developed. The site plan should also show proposed building locations, driveways, parking areas, building set backs, streets, lot layouts, buffers, flood plains, etc. Also, include a timetable for development.

- (6) LETTER OF INTENT  
The letter of intent should describe in detail your request and why you feel it is justified. Please also state if you are requesting any buffer reductions.
- (7) ADJOINING PROPERTY OWNERS  
Names and addresses of all adjoining property owners must be attached.





APPLICATION  
for  
REZONING,  
CHANGE OF CONDITIONS,  
and  
SPECIAL EXCEPTION PERMIT



**SUGAR HILL**

Planning & Development Department  
4988 West Broad Street  
Sugar Hill, Ga. 30518  
(404) 945-6716

**ONLY COMPLETED APPLICATIONS ACCEPTED**



CITY OF SUGAR HILL PLANNING & DEVELOPMENT  
REZONING/CHANGE OF ZONING CONDITIONS

All applications are reviewed by the Planning and Development Department, the Planning and Zoning Board and the Mayor and Council.

- 1). An application is submitted to the Planning and Development Department. Please see the Public Hearing Schedule for filing deadlines and Public Hearing Dates.
- 2). The Planning and Development Department, Inspections Department and the City Manager review the application and make an Administrative Written Recommendation.
- 3). Legal notice is required to be printed in a newspaper of general circulation in Gwinnett County. This notice appears in the Gwinnett Extra of the Atlanta Journal 3 Fridays (15 days before) the public hearings. The legal notice appears in the Friday edition of the newspaper.
- 4). A public hearing sign is erected on the property at least 15 days before the public hearing. This sign will be erected by the City staff. The Planning and Development Department is also required to notify adjoining property owners of zoning changes.
- 5). The Planning and Zoning Board reviews the facts in the case at its scheduled meeting, which is the third Monday of each month. A recommendation is decided upon following the public hearing. This recommendation is forwarded to the Mayor and Council at its regular scheduled meeting.
- 6). The Mayor and Council meet on the Second Monday of each month. This meeting is held at 7:30 pm.m. in the Community Center at City Hall.
- 7). Once an application is made, the applicant may withdraw the application without prejudice only before the legal advertisement of a public hearing is placed in a newspaper of general circulation in Gwinnett County. No application may be withdrawn under any circumstances after the legal advertisement of a public hearing has been placed. All applications advertised shall receive a final action by the Mayor and Council. **PLEASE SEE THE PUBLIC HEARING SCHEDULE FOR WITHDRAWAL DEADLINES.** Written notification of withdrawal is required.
- 8). If an application is withdrawn before placement of the legal advertisement, a refund of the application fee will be made.



CITY OF SUGAR HILL PLANNING & DEVELOPMENT  
REZONING/CHANGE OF ZONING CONDITIONS CONT'D.

- 9) No application or reapplication affecting the same land shall be acted upon within 12 months from the date of the last action by the Mayor and Council unless waived by the Mayor and Council. A request to consider such a waiver is submitted to the Planning and Development Department. In no case shall an application or reapplication be acted upon in less than 6 months from the date of the last action by the Mayor and Council.
- 10) A change in the conditions of zoning or special exception approval will be processed as a new rezoning or special exception application and will be subject to the required waiting period. All application filing deadlines, requirements and fees will apply to a request for a change in conditions.
- 11) All applicants, their attorneys, or representatives, must submit information as required by the Official Code of Georgia Section 36-67A-1, et. seq, Conflict of Interest in Zoning Actions (Attachment 4).

ATTACHMENTS:

1. Rezoning and Special Exception Information
2. Fee Schedule
3. Public Hearing Schedule
4. Official Code of Georgia, Section 36-67A-1, et. seq, Conflict of Interest in Zoning Actions
5. Application Forms:
  1. Rezoning
    - a. Conflict of Interest
    - b. Disclosure of Campaign Contribution
  2. Special Exception Permit
6. Administrative Office Checklist

REZONING AND SPECIAL EXCEPTION PERMIT INFORMATION

The items listed below are necessary to process a rezoning or Special Exception application. Please see attached schedule of filing deadlines and meeting dates (Attachment 3).

The Planning and Development Department strongly urges pre-application conferences to discuss the proposal. However, they are not required. An appointment with the Director of Planning and Development is suggested.

The Mayor and Council has limited the number of rezoning cases considered at their public hearing to five (5) per month, and the number of Special Exception Permit to five (5) per month. In order to ensure fair and equal treatment to all concerned, all applications must be complete with all items listed below. **IF NOT COMPLETED, THE APPLICATION CANNOT BE ACCEPTED BY THE PLANNING AND DEVELOPMENT DEPARTMENT FOR PROCESSING.**

Any amendments to an application must be submitted to the Planning and Development Department for staff review prior to the Planning and Zoning Board Meeting.

Required Items

1) APPLICATION FORM

One (1) copy of the appropriate Application Form (Attachment 5A) with a legal description of the subject property must be submitted.

2) APPLICATION FEE

See (Attachment 2) Fee Schedule. A check made payable to City of Sugar Hill is the preferred method of payment.

3) LEGAL DESCRIPTION

A. The legal description must be a "metes and bounds" description. It must establish a point of beginning and from the point of beginning give each dimension bounding the property, calling the directions (such as north, northeasterly, southerly, etc.) which the boundary follows around the property returning to the point of beginning. If there are multiple property owners, all properties must be combined into one legal description. If all the properties are not contiguous, a separate application and legal description must be submitted for each property. For requests for multiple zoning districts, a separate application and legal description must be submitted for each district requested.

REZONING AND SPECIAL EXCEPTION PERMIT INFORMATION CONT'D.

b. The petitioner must furnish the names and addresses of all adjoining property owners contiguous to the subject property.

4) BOUNDARY SURVEY

This is not necessary if the Site Plan (next item) includes this information.

5) SITE PLAN

*should this be optional?*

Seven (7) copies of the Site Plan to scale and this site plan must show:

- total acreage and net acreage
- existing and proposed streets (paving and right-of-way)
- proposed building locations
- driveways
- parking spaces
- required or proposed setbacks and buffers
- floodplain
- existing buildings
- other pertinent items

One (1) 8½ X 11 reduction of the site plan and any other supporting documents/exhibits shall be provided by the applicant.

6) ADJOINING PROPERTY OWNERS

Names and addresses of all adjoining property owners must be attached.

7) LETTER OF INTENT

One (1) copy of a Letter of Intent. The letter of Intent must give details of the proposed use of the property and should include at least the following information:

- a statement as to what the property is to be used for
- the acreage or size of the tract
- the zoning classification requested
- the number of lots or number of dwelling units proposed
- house size proposed
- the density in terms of gross square footage per acre (for proposed commercial, industrial, office or institutional use)
- the number of parking spaces
- the height of buildings
- any requested change in buffers

REZONING AND SPECIAL EXCEPTION PERMIT INFORMATION CONT'D.

8) NOTARIZED SIGNATURES

The application form must have notarized signatures of both the property owner(s) and the applicant(s), or an attachment if multiple owners are involved.

9) CONFLICT OF INTEREST CERTIFICATION FORM

This form must be signed, notarized and submitted with the required information within ten days of the date the application was first filed.

When a special use of non-residential rezoning in an existing one-family or two-family residential structure is requested, the applicant will be responsible for applying for a Building Compliance Inspection.

Developments of Regional Impact

If the proposed development meets any of the following thresholds, two copies of a Request for Review Form must be completed and filed with the rezoning petition for submission to the Atlanta Regional Commission.

Type of Development	Threshold
Office	Greater than 500,000 net sq. ft
Commercial, Wholesale & Distribution	Greater than 700,000 net sq. ft
Hospitals	Greater than 600 beds
Housing	Greater than 500 new lots or units Park or single use greater than 500 acres, or employing more than
Industrial	2,000 people, or using more than 100,000 GPD of water
Hotels	Greater than 500 rooms
Mixed Use	Greater than 500,000 new sq. ft.
Airports	Any new airport, new runway, or runway extension



Type of Development	Threshold
Attractions or Recreational	Greater than 2,000 parking spaces or more than 7,500 permanent seats
Post Secondary Schools	New school with capacity greater than 3,000 students, or, expansion of school by 25% or more new full-time students
Waste Disposal	New facility or expansion of use of an existing facility by 50% or more, intending to accept waste from another jurisdiction
Wastewater treatment, quarries, asphalt or cement plants	New facility or expansion of use of existing facility by 50% or more, and located within one-half mile of a government boundary
Petroleum Storage	Petroleum storage greater than 50,000 barrels, if within 1,000 feet of any water supply, or, storage greater than 200,000 barrels

**DEMAND ON INFRASTRUCTURE THRESHOLD**  
 (To be used **ONLY** if a potential development **DOES NOT** fit into any of the above categories)

Type of Development	Threshold
Electrical	Any increase in average electrical demand greater than 100 megawatts
Natural Gas	Any increase in demand for natural gas greater than 100,000 therms per day
Water	Any increase in demand of greater than 100,000 GPD or will absorb the reserve capacity of another jurisdiction
Wastewater Treatment	Any increase in treatment of greater than 500,000 GPD or will absorb the reserve capacity of another jurisdiction
Transportation	Any increase greater than 1500 peak hour vehicle trips per day

CITY OF SUGAR HILL FEE SCHEDULE

APPLICATION FEE

Please make all checks payable to: City of Sugar Hill.

The rezoning fee depends on what the property is requested to be rezoned to:

RS-100, RS-150, RS-175, RS-200. MH	\$150.00
RG-80	\$250.00
O & I, HSB	\$250.00
BG	\$300.00
LM, HM-1, HM-2,	\$350.00

Staff suggests that rezoning application fees be adjusted to \$350.00 for all zoning categories, plus applicant shall be responsible for any engineering or review fees that the City may require.

1995  
 CITY OF SUGAR HILL  
 ANNEXATIONS, REZONING & SPECIAL EXCEPTIONS  
 PUBLIC HEARING SCHEDULE

Public Hearing Schedule			
FILING DEADLINE	*Last Date to Withdraw	Planning & Zoning HEARING	Mayor & Council HEARING
12/26/94	12/27/94	01/23/95	02/13/95
01/23/95	01/24/95	02/20/95	03/13/95
02/27/95	02/29/95	03/20/95	04/10/95
03/27/95	03/28/95	04/17/95	05/08/95
04/24/95	04/25/95	05/15/95	06/12/95
05/22/95	05/23/95	06/19/95	07/10/95
06/26/95	06/27/95	07/17/95	08/14/95
07/24/95	07/25/95	08/21/95	09/11/95
08/28/95	08/29/95	09/18/95	10/09/95
09/25/95	09/26/95	10/16/95	11/13/95
10/23/95	10/24/95	11/20/95	12/11/95
11/27/95	11/28/95	12/18/95	01/08/96

\* Close of Business (5:00 p.m.)

REZONINGS:

Only five (5) applications per month may be accepted. If application is made after the docket is full, applications are scheduled for the next series of meetings. Waiting until the filing deadline, as noted above, will not guarantee a place on the docket. All applications must be complete before they can be accepted by the Planning & Development Department.

Chapter 67A

CONFLICT OF INTEREST IN ZONING ACTIONS

- Sec. 36-67A-1. Definitions
- Sec. 36-67A-2. Disclosure of Financial Interest
- Sec. 36-67A-3. Disclosure of Campaign Contributions
- Sec. 36-37A-4. Penalties
- Sec. 36-67A-5. Special Master
- Sec. 36-67A-6. Zoning Ordinance or Comprehensive Plan

36-67A-1. Definitions

As used in this chapter, the term:

- (1) **"Applicant"** means any person who applies for a rezoning action and any attorney or other person representing or acting on behalf of a person who applies for a rezoning action.
- (2) **"Business entity"** means any corporation, partnership, limited partnership, firm, enterprise, franchise, association or trust.
  - (2.1) **"Campaign contribution"** means a "contribution" as defined in paragraph (6) of Code Section 21-5-3.
- (3) **"Financial interest"** means all direct ownership interest of the total assets or capital stock of a business entity where such ownership interest is 10 percent or more.
- (4) **"Local Government"** means any county or municipality of this state.
- (5) **"Local government official"** means any member of the governing authority of a local government or any member of a Planning and Zoning Board.
- (6) **"Member of the family"** means the spouse, mother, father, brother, sister, son, or daughter of a local government official.
  - (6.1) **"Opponent"** means any person who opposes a rezoning action or any attorney or other person representing or acting in behalf of a person who opposes a rezoning action.
  - (6.2) **"Oppose"** means to appear before, discuss with, or contact, either orally or in writing, any local government or local government official and argue against a rezoning action.
  - (6.3) **"Person"** means an individual, partnership, committee, association, corporation, labor organization, or any other organization or group of persons.



Chapter 67A CONT'D.

- (7) "Property interest" means the direct or indirect ownership of real property and includes any percentage of ownership less than total ownership.
- (8) "Real property" means any tract or parcel of land, and if developed, any building or structures located on the land.
- (9) "Rezoning action" means action by local government adopting an amendment to a zoning ordinance which has the effect of rezoning real property from one zoning classification to another.

36-67A-2. Disclosure of financial interest.

A local government official who knew or reasonably should have known he or she:

- (1) Has a property interest in any real property affected by a rezoning action which that official's local government will have the duty to consider;
- (2) Has a financial interest in any business entity which has a property interest in any real property affected by a rezoning action which that official's local government will have the duty to consider; or
- (3) Has a member of the family having any interest described in paragraph (1) or (2) of this Code section shall immediately disclose the nature and extent of such interest, in writing to the governing authority of the local government in which the local government official is a member. The local government official who has an interest as defined in paragraph (1) or (2) of this Code section shall disqualify himself from voting on the rezoning action. This disqualified local government official shall not take any other action on behalf of himself or any other person to influence action on the application for rezoning. The disclosure provided for in this Code section shall be a public record and available for public inspection at any time during normal working hours.

36-67A-3. Disclosure of campaign contributions.

- (a) When any applicant for rezoning action has made, within two years immediately preceding the filing of that applicant's application for the rezoning action, campaign contributions aggregating \$250.00 to a local government official who will consider the application, it shall be the duty of the applicant to file a disclosure report with the governing authority of the respective local government showing:

Chapter 67A CONT'D.

- (1) The name and official position of the local government official to whom the campaign contribution was made; and;
  - (2) The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.
- (b) The disclosures required by subsection (a) of this Code section shall be filed within ten days after the application for the rezoning action if first filed.
- (c) When any opponent of a rezoning action has made, within two years immediately preceding the filing of the rezoning action being opposed, campaign contribution aggregating \$250.00 or more to a local government official of the local government which will consider a disclosure with the governing authority of the respective local government showing:
- (1) The name and official position of the local government official to who the campaign contribution was made; and;
  - (2) The dollar amount and description of each campaign contribution made by the opponent to the local government official during the five years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.
- (d) The disclosure required by subsection (c) of this Code section shall be filed at least five calendar days prior to the first hearing by the local government or any of its agencies on the rezoning application.

36-67A-4. Penalties

Any person knowingly failing to comply with the requirements of this chapter, or violating the provisions of this chapter shall be guilty of a misdemeanor.

36-67A-5. Special Master

- (a) Where one or more disqualifications required by this chapter result in the inability of the governing authority of the county or municipality to attain a quorum for the purpose of making a final decision when considering a rezoning action, the governing authority immediately shall petition the superior court wherein the property which is in the subject of the rezoning is located for appointment of a

Chapter 67A CONT'D.

disinterested special master for the purpose of hearing evidence regarding the proposed rezoning action and making a recommendation to the petitioning governing authority. The court, in its order appointing the special master, shall give such directions for notice and the service thereof as well as for the time in which a hearing must be held and recommendation issued as are just and appropriate under the circumstances and as are consistent with this chapter.

- (b) The disinterested special master provided for in this Code section shall be appointed by the judge or judges of the superior courts of each judicial circuit and shall discharge the duties provided for in this Code section. The special master so appointed must be a competent attorney at law, be of good standing in his profession, and have at least three years experience in the practice of law. He shall hold office at the pleasure of the judge, and shall be removable at any time with or without cause. The court, in its order appointing the special master, shall designate the person or entity responsible for compensating the special master at a rate not less than \$50.00 per day nor more than \$250.00 per day for the time actually devoted to the hearing and consideration of the matter.
- (c) The special master shall consider any factors relevant in balancing the interest in promoting the public health, safety, morality, or general welfare against the right to the unrestricted use of property.
- (d) The hearing provided for in this Code section and all records pertinent thereto shall be open and available to the public.
- (e) Nothing contained in this Code section shall be construed as a delegation of the final decision-making powers of the governing authority to the special master and the recommendation of the special master is not a final decision as to the rezoning action. Where a special master has been appointed and has made a recommendation, the disqualification requirement of Code section 36-67A-2 shall be waived.

36-67A-6. Voting

Nothing in this chapter shall be construed to prohibit a local government official from voting on a rezoning decision when the local government is adopting a zoning ordinance for the first time or when a local government is voting upon a revision of the zoning ordinance initiated by the local government pursuant to a comprehensive plan as defined in Chapter 70 of this title.

Section 2. All laws and parts of laws in conflict with this Act are repealed.



# REZONING APPLICATION

AN APPLICATION TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF SUGAR HILL, GEORGIA.

APPLICANT INFORMATION	OWNER INFORMATION
NAME: _____	NAME: _____
ADDRESS: _____	ADDRESS: _____
CITY: _____	CITY: _____
STATE: _____ ZIP: _____	STATE: _____ ZIP: _____
PHONE: _____	PHONE: _____
CONTACT PERSON: _____	
PHONE: _____ 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	___ CONTRACT PURCHASER
PRESENT ZONING DISTRICT(S): _____	REQUESTED ZONING DISTRICT: _____	
LAND DISTRICT(S): _____	LAND LOT(S): _____	ACREAGE: _____
ADDRESS OF PROPERTY: _____		
PROPOSED DEVELOPMENT: _____		

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 an 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:

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---

B. Whether a proposed rezoning (or Special Exception) will adversely affect the existing use or usability of adjacent or nearby property:

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C. Whether the property to be affected by a proposed rezoning (or Special Exception) has reasonable economic use as currently zoned:

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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:

---

---

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.

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\*\*\*\*\*

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.

\_\_\_\_\_/\_\_\_\_/\_\_\_\_  
Signature of Applicant Date

\_\_\_\_\_  
Typed or Print Name and Title

\_\_\_\_\_/\_\_\_\_/\_\_\_\_  
Signature of Notary Public Date NOTARY SEAL

\* \* \* \* \*

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.

\_\_\_\_\_/\_\_\_\_/\_\_\_\_  
 Signature of Applicant      Date      Type or Print Name and Title

\_\_\_\_\_/\_\_\_\_/\_\_\_\_  
 Signature of Applicant's      Date      Type or Print Name and Title  
 Attorney or Representative

\_\_\_\_\_/\_\_\_\_/\_\_\_\_  
 Signature of Notary Public      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.

\_\_\_\_\_ (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
- \_\_\_ Letter of Intent
- \_\_\_ Applicant Certification
- \_\_\_ Conflict of Interest/Campaign Contributions
- \_\_\_ Adjoining Property Owners List

Completed Date: \_\_\_/\_\_\_/\_\_\_

MAKE SURE THIS CHECKLIST IS RETURNED WITH THE REZONING APPLICATION.

\* \* \* \* \*

PLANNING AND DEVELOPMENT DEPARTMENT USE ONLY

CASE NUMBER \_\_\_\_\_ ACCEPTED BY \_\_\_\_\_

Date: \_\_\_\_\_

RE: Rezoning # \_\_\_\_\_  
MAP REFERENCE #: \_\_\_\_\_

To Whom it May Concern,

Attached you will find a copy of the Rezoning Ordinance passed by the Mayor and Council of the City of Sugar Hill, Georgia, on \_\_\_\_\_, \_\_\_\_\_, 1995. This parcel owned by \_\_\_\_\_ is located off of \_\_\_\_\_ in Sugar Hill.

Please update your records to include this rezoning.

Thank you for your cooperation in this matter and if more information is needed, please contact me at city hall.

Sincerely,

Kimberly B. Landers  
Administrative Assistant  
City of Sugar Hill, Georgia

attachments

b: rezoning#.ver

THE REMAINING ATTACHMENTS ARE TO BE  
USED BY THE PLANNING & DEVELOPMENT  
DEPARTMENT ONLY !



ADMINISTRATIVE REZONING CHECKLIST

- \_\_\_ Building Compliance Inspection, when required.
- \_\_\_ Administrative Recommendation. (Attachment 5Bp.3)    Deadline \_\_\_/\_\_\_/\_\_\_
- \_\_\_ Advertisement faxed to Atlanta Journal to run 3 Fridays before the  
the P & Z Public Hearing. (Attachment 5B p.4)    Deadline \_\_\_/\_\_\_/\_\_\_
- \_\_\_ Notices sent to adjoining property owners. Please see Adjoining  
Property Owner Notification Form (Attachment 5Bp.5)    Deadline \_\_\_/\_\_\_/\_\_\_
- \_\_\_ Public notice sign posted on property 15 days before the P & Z Public  
Hearing.    Deadline \_\_\_/\_\_\_/\_\_\_
- \_\_\_ Mail out P & Z Packets a least one week prior to the P & Z Public  
Hearing.    Deadline \_\_\_/\_\_\_/\_\_\_
- \_\_\_ Post Agenda for P & Z Public Hearing before 12:00 noon on  
the Friday before the Hearing.    Deadline \_\_\_/\_\_\_/\_\_\_
- \_\_\_ Planning & Zoning Public Hearing.    Date \_\_\_/\_\_\_/\_\_\_
- \_\_\_ Advertisement faxed to Atlanta Journal to run 3 Fridays before the Mayor  
and Council Public Hearing. (Attachment 5Bp.4)    Deadline \_\_\_/\_\_\_/\_\_\_
- \_\_\_ Replace Public Notice sign on property at least 15 days before the Mayor  
and Council Public Hearing.    Deadline \_\_\_/\_\_\_/\_\_\_
- \_\_\_ Rezoning Ordinance written, and Packets submitted one week prior to the  
Mayor and Council Public Hearing (Attachment 5Bp.6).    Deadline \_\_\_/\_\_\_/\_\_\_
- \_\_\_ Mayor and Council Public Hearing.    Date \_\_\_/\_\_\_/\_\_\_
- \_\_\_ Remove Public Notice Sign.    Deadline \_\_\_/\_\_\_/\_\_\_
- \_\_\_ Approved Rezoning Ordinance Mail List (Attachment 5Bp.7). Please send  
a letter to everyone on the list (Attachment 5Bp.8). Keep a copy of this  
letter in the Rezoning file.    Deadline \_\_\_/\_\_\_/\_\_\_
- \_\_\_ Update the zoning map.    Deadline \_\_\_/\_\_\_/\_\_\_
- \_\_\_ Have the Mayor sign the Updated Zoning Map.    Deadline \_\_\_/\_\_\_/\_\_\_
- \_\_\_ Put a copy of the minutes from both public hearings in the annexation  
file.
- \_\_\_ Send a letter and a copy of the rezoning ordinance to the property owner  
verifying the rezoning. (Attachment 5B p.9) Keep a copy of this letter  
in the file.
- \_\_\_ Update list of rezonings.
- \_\_\_ Put completed files in the Rezoning Files.

COMPLETED DATE: \_\_\_\_\_ CASE NUMBER \_\_\_\_\_ CLERK INITIALS \_\_\_\_\_



Form for Sending Ad to Atlanta Journal

NOTICE OF PROPOSED REZONING

A petition has been filed with the City of Sugar Hill, Georgia to change the zoning district classification of property lying and being in Land Lot(s) \_\_\_\_\_ of the 7th district of Gwinnett County, Georgia, in the City of Sugar Hill. Request to change tract of land located on \_\_\_\_\_ (Road Name), Sugar Hill, Georgia from its present zoning of \_\_\_\_\_ (\_\_\_\_\_) zoning classification to \_\_\_\_\_ (\_\_\_\_\_) zoning classification. The tract is described as follows:

INSERT LEGAL DESCRIPTION

A Public Hearing will be held at the Sugar Hill City Hall on \_\_\_\_\_ (1) \_\_\_\_\_ (day), \_\_\_\_\_ (2) \_\_\_\_\_ (month) \_\_\_\_\_ (3) \_\_\_\_\_ (date), 1995 at 7:30 p.m. All those having an interest in the petition should be present.  
\*SEE INSERTS BELOW

PLANNING & ZONING PUBLIC HEARING (1) \_\_\_\_\_, (2) \_\_\_\_\_, (3) \_\_\_\_\_, 1995 INSERT FOR 1ST RUN DATE

MAYOR & COUNCIL PUBLIC HEARING (1) \_\_\_\_\_, (2) \_\_\_\_\_, (3) \_\_\_\_\_, 1995 INSERT FOR 2ND RUN DATE

Administrative Assistant  
City of Sugar Hill

INFORMATION SHOULD BE FAXED TO:

TO: Jason Semple  
WITH: Atlanta Journal/Constitution  
FAX: 263-3004 (or direct # 263-3953)

MESSAGE: Please run the attached ad in the legal section of the Gwinnett Extra ONLY! for the dates listed below:

PLANNING & ZONING PUBLIC HEARING 1ST SET OF RUN DATES

Friday 1: \_\_\_/\_\_\_/\_\_\_ Friday 2: \_\_\_/\_\_\_/\_\_\_ Friday 3: \_\_\_/\_\_\_/\_\_\_

Cost for running this Ad: \$ \_\_\_\_\_

MAYOR & COUNCIL PUBLIC HEARING 2ND SET OF RUN DATES

Friday 1: \_\_\_/\_\_\_/\_\_\_ Friday 2: \_\_\_/\_\_\_/\_\_\_ Friday 3: \_\_\_/\_\_\_/\_\_\_

Cost for running this Ad: \$ \_\_\_\_\_

Please return this form by fax to 945-0281, along with proofs.  
Attention: Kim Landers  
If you have any questions, please contact me direct at 945-6716. Thank you.

\* This form is to be used when there is a typeset legal description. Otherwise, type the whole thing.

ADJOINING PROPERTY OWNER NOTIFICATION

TO: To Whom it May Concern

FROM: Kim Landers - Administrative Assistant

RE: PROPOSED REZONING  
CASE # \_\_\_\_\_-\_\_\_\_\_-\_\_\_\_\_

DATE: \_\_\_\_\_, \_\_\_\_, 19\_\_\_\_\_

You are hereby informed that the attached Notice for Proposed Rezoning is contiguous to your property.

A public hearing will be held at the Sugar Hill City Hall on \_\_\_\_\_, \_\_\_\_, 19\_\_ at 7:30 p.m. in the Community Center.

If you should have an interest in this petition, please plan to attend this meeting.

Thank you.



ORDINANCE

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 \_\_\_\_\_ (\_\_\_\_\_) on said official zoning map.

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

IT IS SO ORDAINED, this \_\_\_\_\_ day of \_\_\_\_\_, 1995.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Council Member

\_\_\_\_\_  
Council Member

\_\_\_\_\_  
Council Member

\_\_\_\_\_  
Council Member

\_\_\_\_\_  
Council Member

MAILING LIST FOR COMPLETED ANNEXATIONS/REZONINGS

Gwinnett County Planning Dept.  
Attn: Jim Summerbill  
75 Langley Drive  
Lawrenceville, Ga. 30245

Gwinnett County Planning Dept.  
Attn: James Corcoran  
75 Langley Drive  
Lawrenceville, Ga. 30245

Gwinnett County Development Dept.  
Attn: Carmen Leatherwood  
75 Langley Drive  
Lawrenceville, Ga. 30245

Gwinnett County D.O.T.  
Attn: George Black  
75 Langley Drive  
Lawrenceville, Ga. 30245

Gwinnett County Tax Commissioner  
Attn: Katherine Sherrington  
75 Langley Drive  
Lawrenceville, Ga. 30245

Gwinnett County  
Commission Chairman Wayne Hill  
75 Langley Drive  
Lawrenceville, Ga. 30245

Gwinnett County Tax Assessors  
Attn: Walter Butler  
75 Langley Drive  
Lawrenceville, Ga. 30245

Gwinnett County Mapping Department  
Attn: Steve Wallace  
75 Langley Drive  
Lawrenceville, Ga. 30245

Gwinnett County Business License  
Attn: Horace Banks  
75 Langley Drive  
Lawrenceville, Ga. 30245

Gwinnett County Mapping Department  
Attn: Faye Gresham  
75 Langley Drive  
Lawrenceville, Ga. 30245

Gwinnett County Fire Service  
Attn: Malcom Turner  
1900 Five Forks Trickum Road  
Lawrenceville, Ga. 30245

Gwinnett County Police Department  
Attn: Wanda Thompson  
P.O. Box 602  
Lawrenceville, Ga. 30246

Secretary of States Office  
Department of Archives & History  
Attn: Honorable Max Cleland  
330 Capitol Avenue, S.E.  
Atlanta, Ga. 30334

Secretary of States Office  
Department of Archives & History  
Attn: Ingrid P. Shields  
330 Capitol Avenue, S.E.  
Atlanta, Ga. 30334

Southern Bell  
Georgia Address Information Center  
Attn: David O. Pattillo  
2295 Parklake Drive Suite 100  
Atlanta, Ga. 30345

Georgia Power Company  
Attn: Frank Free  
4450 Highway 20  
Sugar Hill, Ga. 30518

Georgia Power Company  
Attn: Terry Smith  
3825 Rogers Bridge Road  
Duluth, Ga. 30226

Sawnee Electric Company  
Attn: Brenda Jeffers  
P.O. Box 266  
Cumming, Ga. 30130

Gwinnett Cablevision  
Attn: Mr. Dean Crömer  
P.O. Box 1049  
Snellville, Ga. 30278

Gwinnett County Tag Office  
656 Indian Trail Road  
Lilburn, Ga. 30247

Thompson & Sweeney, P.C.  
Attn: Lee Thompson  
P.O. Box Drawer 1250  
Lawrenceville, Ga. 30246

Atlanta Regional Commission  
Attn: Connie Blackmon  
3715 Northside Parkway  
200 North Creek, Suite 300  
Atlanta, Ga. 30327

Gwinnett Sanitation Inc.  
Attn: Jim Hawkins  
P.O. Box 1186  
Lilburn, Ga. 30327

Gwinnett Sanitation  
Attn: Mike Patrick  
P.O. Box 1108  
Auburn, Ga. 30203

Gwinnett 911  
Attn: Wendy Tullis  
P.O. Box 602  
Lawrenceville, Ga. 30246

Bureau of the Census  
Attn: Director  
P.O. Box 5000  
Jeffersonville, in 47199-5000

Date: \_\_\_\_\_

RE: Rezoning # \_\_\_\_\_  
MAP REFERENCE #: \_\_\_\_\_

To Whom it May Concern,

Attached you will find a copy of the Rezoning Ordinance passed by the Mayor and Council of the City of Sugar Hill, Georgia, on \_\_\_\_\_, \_\_\_\_\_, 1995. This parcel owned by \_\_\_\_\_ is located off of \_\_\_\_\_ in Sugar Hill.

Please update your records to include this rezoning.

Thank you for your cooperation in this matter and if more information is needed, please contact me at city hall.

Sincerely,

Kimberly B. Landers  
Administrative Assistant  
City of Sugar Hill, Georgia

attachments

b: rezoning#.ver

Date: \_\_\_\_\_

OWNER NAME  
ADDRESS  
CITY, STATE, ZIP CODE

RE: Rezoning # \_\_\_\_\_  
MAP REFERENCE #: \_\_\_\_\_

To Whom it May Concern,

This letter is to verify that the Mayor and Council approved your rezoning request for parcel # \_\_\_\_\_ on \_\_\_\_\_, 1995.

A copy of the rezoning ordinance is attached with this letter.

If you have any questions concerning this letter, please contact me at city hall.

Sincerely,

Kimberly B. Landers  
Administrative Assistant  
City of Sugar Hill, Georgia

attachments

b: rezoning#.own



MEMORANDUM

TO: MAYOR AND COUNCIL  
FROM: KEN CROWE

REGARDING: ZONING APPLICATION AND FEES

This is the new zoning application that we are proposing to use for rezoning requests. It requires the applicant to provide the information that we feel is necessary to process the application. It also contains a form for the applicant to disclose any conflict of interest information as required by state law. Please be aware that this application also REQUIRES the submittal of a site plan. You may wish to make this requirement optional if you feel that it is to restrictive.

We are also requesting an increase in the application fee to fixed rate of \$350. This increase is proposed to cover our costs associated with advertising and etc.

Do we want to increase the fees on ward? We currently charge a fee of \$50. This does not cover our costs but the idea has always been not to discourage annexation with cost, because we would make it up on tax revenue. However, a large parcel of land requesting annexation for sewer availability would not be discouraged by a higher fee. Perhaps a lower fee for tracts of less than 5 acres should be considered if in fact you even want to consider a change in the fees charged for annexation.

We have also included for you some comparables for our sister cities and the County fee schedule.

	REZONING	ANNEXATION
BUFORD	\$350	n/c
SUWANEE	\$200	\$125

FEE SCHEDULE

Rezoning and Related Special Use Permit Fees - Residential Zoning Districts

- A. To RA-200, Agricultural-Residence District, or to change the conditions of zoning within the district - \$200.00.
- B. To any of the following single family residential zoning districts or to change the conditions of zoning within the district: R-140, R-100, R-75, RL, MHS.

Base Fee:

0 -	5 Acres	\$ 200	
> 5 -	10 Acres	\$ 300	
> 10 -	20 Acres	\$ 550	
> 20 -	100 Acres	\$ 900	
>100	Acres	\$ 900	plus \$30 per acre or any portion thereof

Maximum Fee: \$2000

- C. To any of the following Residential zoning districts or to change the conditions of zoning in the district: RMD, RM-6, RM-8, RM-10, RM-13, MH, R-60, R-ZT & SINGLE FAMILY R-75 AND R-100 MODIFIED DEVELOPMENT.

Base Fee #1:

0 -	5 Acres	\$ 350	
> 5 -	10 Acres	\$ 550	
> 10 -	20 Acres	\$ 750	
> 20 -	100 Acres	\$1200	
>100 -	Acres	\$1200	plus \$40 per acre or any portion thereof

Base Fee #2: \$10 per dwelling unit

Maximum Fee: \$2000

- The fee for multi-family and single family modified zoning districts is based on the total number of acres rezoned or the total number of dwelling units on the rezoning site, whichever fee is greater.

2. Special Use Permit Application Fees - Within a Residential Zoning District (not related to a rezoning request)
- A. Within any single family or multi-family zoning district or to change the conditions of the special use permit - \$200.
- B. For Single Family Modified Development within any of the following residential zoning districts or to change the conditions of the Special Use Permit in the district:  
R-75 or R-100.

Base Fee #1:			
0	-	5 Acres	\$ 350
> 5	-	10 Acres	\$ 550
> 10	-	20 Acres	\$ 750
> 20	-	100 Acres	\$1200
>100	-	Acres	\$1200 plus \$40 per acre or any portion thereof
Base Fee #2: \$10 per dwelling unit			
Maximum Fee: \$2000			

- The fee for modified single-family zoning districts is based on the total number of acres rezoned or the total number of dwelling units on the rezoning site, whichever fee is greater.

3. Rezoning and Related Special Use Permit Application Fees -  
Non-Residential Zoning Districts

To any of the following office, commercial, or industrial districts or to change the conditions of zoning in the district: O-I, OBP, HS, C-1, C-2, C-3, NS, M-1, M-2.

Base Fee #1:	0 - 5 Acres	\$ 500	
	> 5 - 10 Acres	\$ 750	
	> 10 - 20 Acres	\$1000	
	> 20 - 100 Acres	\$1350	
	>100 - Acres	\$1350	plus \$50 per acre or any portion thereof
Base Fee #2:	0 - 20,000 sq.ft.	\$ 500	
	> 20,000 - 50,000 sq.ft.	\$ 750	
	> 50,000 - 100,000 sq.ft.	\$1000	
	>100,000 - 500,000 sq.ft.	\$1350	
	>500,000 sq.ft.	\$1350	plus \$100 per 100,000 sq.ft. or any portion thereof
Maximum Fee:	\$2000		

- The fee for office, commercial or industrial zoning districts is based on the total number of acres rezoned or the total square footage of the proposed structure(s) on the rezoning site, **whichever fee is greater.**



Current  
APP

CITY OF SUGAR HILL  
4988 West Broad Street  
Sugar Hill, Ga. 30518  
(404) 945-6716

Annexation Information

The following items are necessary in order to process an annexation application. All items must be completed as listed below. If not complete, the application cannot be accepted.

(1) APPLICATION FORM

Please be specific and fill-in all pertinent and required information.

(2) APPLICATION FEE

Please make all checks payable to: City of Sugar Hill.  
\$50.00 \$350?

(3) LEGAL DESCRIPTION

This legal description should be typed and described by metes and bounds and should only be for the property to be annexed.

(4) BOUNDARY SURVEY

This is not necessary if the site plan includes this information.

(a) Seven (7) copies "to scale."

(b) One (1) copy reduced to 8 1/2" X 11."

The site plan should reflect how the property is to be developed. The site plan should also show proposed building locations, driveways, parking areas, building set backs, streets, lot layouts, buffers, flood plains, etc. Also, include a timetable for development.

(6) LETTER OF INTENT

The letter of intent should describe in detail your request and why you feel it is justified. Please also state if you are requesting any buffer reductions.

(7) ADJOINING PROPERTY OWNERS

Names and addresses of all adjoining property owners must be attached.

(8) LISTING OF PERSONS RESIDING ON PROPERTY

Names and addresses of any person living on this property, and state whether or not they are a registered voter.

City of Sugar Hill  
Annexation Application

Annexation Fee \$50.00

File Number \_\_\_\_\_

This annexation petition is made pursuant to the provision 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 # \_\_\_\_\_ # OF ACRES \_\_\_\_\_

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 ~~not~~ necessary for elector to sign.)

LANDOWNER:

ELECTOR (Registered Voter):

\_\_\_\_\_  
Name

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State & Zip

\_\_\_\_\_  
City, State & Zip

\_\_\_\_\_  
Home Phone

\_\_\_\_\_  
Work Phone

\_\_\_\_\_  
Home Phone

\_\_\_\_\_  
Work Phone

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Mayor & Council Annex. App. Acceptance Meeting: \_\_\_\_\_

Planning & Zoning Public Hearing: \_\_\_\_\_

Mayor & Council Public Hearing: \_\_\_\_\_

Deadline for submitting application in order to follow this time  
schedule is \_\_\_\_\_.

\_\_\_\_\_  
FOR OFFICE USE ONLY

Amount Paid \$ 50.00 Date Paid \_\_\_\_\_

### **Motion for starting the Solid Waste Management Planning Process**

Pursuant to the recommendations of the Independent Counsel, the Mayor & Council of the City of Sugar Hill, in order to assure and maximize citizen involvement in the planning process of a new Solid Waste Management Plan, hereby form an Advisory Council consisting of five voting members, one member appointed by each Council Member with a Facilitator appointed by the Mayor. This Advisory Council is formed for the sole mission to assist in the development of a Solid Waste Management Plan, recommend solutions, solicit public input, conduct public hearings as called by the Mayor & Council and to report its findings in writing to the Mayor & Council no later than two (2) weeks following the end of a 30 day comment period subsequent to the initial Called Public Hearing of May 2nd, 1995 at 7PM.

Additionally, this Advisory Council shall make recommendations that address public concerns to the City's selected Environmental Planning Consultant, whom will be charged with the preparation of the actual draft Solid Waste Management Plan consistent with the rules of the Department of Community Affairs, when so retained for this particular project.

This Advisory Council shall conduct its organizational meeting on Tuesday April 18th at 7PM at which time its members will be sworn in and charged to proceed by the Mayor. The Advisory Council shall conduct all of its meetings in public session, with proper prior notice posted, and adhere to Robert's Rules of Order as to its proceedings.

Further, this motion instructs the City Manager and Clerk to post all appropriate advertisements for the called Public Hearing, and also inform the public as to the existence of this Advisory Council.

**ORDINANCE  
NO: VR1995**

**AN ORDINANCE TO PROVIDE FOR THE USE OF VOTE  
RECORDERS IN THE ELECTIONS OF THE CITY OF  
SUGAR HILL, GEORGIA.**

**WHEREAS:** The City of Sugar Hill, Georgia currently uses Paper Ballots for the elections held in the City of Sugar Hill, and

**WHEREAS:** The population of the City of Sugar Hill, Georgia is expected to grow dramatically in the next ten (10) years, to an estimate of 28,000+ and

**WHEREAS:** The registered voters, currently at 3,185, is also expected to increase due to the growth in population, and

**WHEREAS:** The increase in registered voters will add to the number of citizens of Sugar Hill who will be voting in each election, and

**WHEREAS:** The counting of Paper Ballots will take a vast amount of time, necessitating that the Poll Workers spend hours after the close of the Polls, counting the votes, and

**WHEREAS:** The Mayor and Council desires that the candidates and citizens know the results, from each election, as soon as is practicable, and

**WHEREAS:** The use of Electronic Vote Recorders will shorten the time required to post the results from each election, due to the short time period for calculations.

**NOW, THEREFORE, BE IT ORDAINED:**

That the City of Sugar Hill, Georgia will use Vote Recorders in the Elections of Sugar Hill, beginning with the General Election of November 7, 1995 and thereafter in each General or Special Election.

This Ordinance shall become effective upon the signature of the City Council and approval by the Mayor, and shall remain in full effect thereafter.



IT IS SO ORDAINED, this \_\_\_\_\_ day of April, 1995

\_\_\_\_\_  
Mayor Pro tem

\_\_\_\_\_  
Council Member

\_\_\_\_\_  
Council Member

\_\_\_\_\_  
Council Member

\_\_\_\_\_  
Council Member

Received by the Mayor: \_\_\_\_\_

Returned by the Mayor: \_\_\_\_\_

Approved by the Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

ATTEST:



\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Date

CLERK'S REPORT  
APRIL 10, 1995

Deadline for Occupational Taxes was March 31, 1995. Revenue received through that date is \$29,742.17.

Mr. McCalla is doing a very good job as Election Superintendent. He has met with Gwinnett County several times. We discussed the use of electronic voting equipment and he has received permission from Gwinnett County to use their Electronic Vote Recorders in the November 7, 1995 General Election. They will print the Ballots for us, at their cost. They have been very cooperative with Mr. McCalla. He has also turned over all the list of names, prepared by the Task Force, again to Gwinnett County to see if some of them need to be removed from the Voter's List.

An Ordinance for the use of Vote Recorders will be introduced at the April 10, 1995 Meeting. If you approve this Ordinance, we will seek approval from the Justice Department for use of the Vote Recorders in the November 7, 1995 General Election. It will take 60 or more days for the Justice Department to give their opinion on the use of the Vote Recorders.

Applications for tax exemption for residents of Sugar Hill who are 65 years or older are ready and will be received through July 3, 1995. They can be picked up in the Clerk's office.

Mrs. Gibbs is very busy with Occupational Taxes. She has worked hard to have everyone comply with the new laws. There is going to have to be a new Ordinance prepared for approval before January 1, 1996. The State is requiring a new Ordinance even if we stay with the Ordinance we have now. We will work on this later in the year.

MEMO: 95-030

TO: Mayor/City Council

FROM: Warren P. Nevad

RE: APRIL 10, 1995 CITY MANAGER REPORT

DATE: April 3, 1995

**1. EMPLOYEES:**

Job descriptions have been completed. This will be consolidated with our updated personnel manual. We will have the revised manual available for the May meeting. We will schedule an informal employee quarterly meeting at E.E. Robinson Park on April 14, 1995.

I have given all the department heads and supervisors a 3 month oral interim evaluation. The purpose of this exercise is to give employee feedback concerning their performance since the written evaluations in December 1994.

Tony Bauman and Joe Appling built an access ramp at the Planning and Zoning Building in order to meet ADA requirements. We appreciate their dedication.

I will be attending the State and Southeastern City Manager Seminar in Athens (not Greece), Georgia on April 5 thru April 7, 1995. Topics to be discussed include: economic/business outlook, growth management, and infrastructure.

**2. CUSTOMER SERVICE:**

Ken Crowe attended a gas cooling seminar. We will market this concept for future commercial development. Margaret McEachern has been cross training Ruth Ann Cooper and Shirley Fields will delinquent account collections and the implementation of the new dual fuel ordinance.

**3. BUDGET/FINANCE:**

We have scheduled a quarterly budget workshop on April 4, 1995 to review the 1995 budget. Gas sales have been somewhat sluggish due to the above normal temperatures during the winter. However, this has been offset by lower expenditures in the sewer department.

**4. CONSENT ORDER:**

We met with the landfill representatives to discuss responsibility for the closure. They are seeking corporate approval to reimburse the city for the estimated cost of \$44,500 necessary to meet the EPD consent order. We will keep you advised.

**5. ROADS:**

We have signed a state contract to realign and widen Sycamore Rd. from Hwy. 20 to Appling Rd. We have requested many road improvements to be funded under the Gwinnett County local option sales tax. In addition, we are requesting that 39 miles of streets within the city be paved under this program.

**6. CLUBHOUSE:**

The contractor has set up a trailer at the site to begin work. Our legal and associated costs associated with our \$500,000 project budget have been lower than anticipated. For your reference, attached is the budget with actual expenditures. This will be revised as work progresses.

Please call me should you have any questions - Best Wishes for a productive meeting.

WPN:bms



CLUBHOUSE CONSTRUCTION BUDGET			
	ACTUAL	BUDGET	VARIANCE
1) PARADISE CONSTRUCTION		369,000	-369,000
2) WATER LINE RELOCATION	0	10,000	-10,000
3) FURNISHINGS		34,000	-34,000
4) ENGINEERING/ARCHITECT	3,500	7,000	-3,500
5) BOND ISSUANCE	9,200	15,000	-5,800
6) LIFT STATION/LINE		50,000	-50,000
7) LEGAL COSTS	2500	5000	-2,500
8) CONTINGENCY		10000	-10,000
TOTAL	15,200	500,000	-484,800

**MARCH 1995  
ADMINISTRATIVE REPORT**

**INSPECTIONS, PLANNING & DEVELOPMENT**



**SUBDIVISION LOT AVAILABILITY LIST**

Updated 3-2-95

Available Lots	Subdivision	Near What Major Street	Permits Issued	C.O.'s Issued	Lots Not Built On	City Sewer Paid	City Due	City Gas	City Water
32	Bent Creek III	Level Creek Road	31	28	1	X		X	X
44	Bent Creek IV	Level Creek Road	43	43	1	X		X	X
36	Bent Creek V	Level Creek Road	36	36	0	X		X	X
7	Brandon Oaks	Austin Garner Road	6	5	1	Septic Tank			
26	Brookside at Parkview	Parkview Mine Drive	11	11	15	X		X	X
39	Emerald Lakes IV	Cumming Highway	27	8	12	X		X	
131	Lakefield Forest	Level Creek Road	123	114	8	X		X	
174	Princeton Oaks	Riverside Road	103	103	71	X		X	X
106	Saddle Tree	Suwanee Dam Road	9		97		X	X	
116	Secret Cove	Old Suwanee Road	115	107	1	X		X	X
96	Sugar Crossing	Austin Garner Road	63	53	33	X		X	
146	Sycamore Summit	Sycamore Road/Riverside Road	144	144	2	X		X	X
7	Sycamore Summit V	Sycamore Road	7	5	0		X		X
25	Sycamore Summit VI		0	0	25		X		X
14	The Lakes at Riverside	Riverside Road	13	13	1				
51	The Links	Suwanee Dam Road	0	0	51				
46	The Oaks at Lanier I	Highway 20	42	37	4	X		X	
48	The Springs I	Highway 20	38	32	10	X		X	
50	West Price Hill	West Price Road	46	46	4	Septic Tank		X	X



THIS REPORT WAS PRINTED ON APRIL 3, 1995

## CITY OF SUGAR HILL

PERMIT TYPE AND DESCRIPTION	# OF PERMITS	VALUATION	FEES DUE	FEES PAID
AD - ADDITION/GARAGE PERMIT	6	900.00	452.60	452.60
AV - ADMINISTRATIVE VARIANCE	3	0.00	450.00	450.00
EC - ENERGY CODE AFFIDAVIT	16	0.00	0.00	0.00
EL - ELECTRICAL AFFIDAVIT	17	0.00	0.00	0.00
FP - FENCE PERMIT	5	0.00	0.00	0.00
HE - HEATING/AIR AFFIDAVIT	10	0.00	0.00	0.00
MH - MOBILE HOME INSTALLER AFFIDAVIT	6	0.00	0.00	0.00
MI - MISCELLANEOUS-COMPLIANCE PERMIT	6	0.00	275.00	275.00
MN - MOBILE HOME INSPECTION NEW	6	0.00	600.00	600.00
PL - PLUMBING AFFIDAVIT	18	0.00	0.00	0.00
PP - POOL PERMIT	3	0.00	150.00	150.00
RM - REMODELING PERMIT	1	0.00	95.00	95.00
SB - STORAGE BUILDING/GARAGE	2	0.00	67.60	67.60
SP - SINGLE FAMILY RESIDENTIAL	16	1,237,272.00	33,535.40	33,535.40
SP - SIGN PERMIT	1	0.00	25.00	25.00
TL - TRADE LICENSE REGISTRATION	24	0.00	240.00	240.00
TP - TAP & METER PAYMENTS	2	0.00	1,000.00	1,000.00
TOTALS FOR ALL PERMIT TYPES	142	1,238,172.00	36,890.60	36,890.60

THIS REPORT WAS PRINTED ON APRIL 3, 1995

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
243	160	96	62	83	65	14	76
	% INSPECTIONS	% PASSED	% CORRECTIONS	% RE-INSPECTIONS	% PASSED	% CORRECTIONS	% RE-INSPECT. REQUIRED
	66	60	39	34	78	17	31

INSPECTOR ID BREAKDOWN

TONY	BUILDING INSPECTIONS	100
JOE	BUILDING INSPECTIONS	132
KEN	DEVELOPMENT FIELD INSPECTIONS	1
RALPH	SEWER INSPECTIONS	10

THIS REPORT WAS PRINTED ON APRIL 3, 1995

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
03/01/95	1	0.00	0.00	0.00	100.00	0.00	0.00	0.00	0.00
03/02/95	2	25.00	50.00	0.00	0.00	0.00	0.00	0.00	0.00
03/06/95	6	1396.00	0.00	20.00	0.00	0.00	750.00	0.00	100.00
03/07/95	3	1004.80	0.00	10.00	0.00	0.00	500.00	0.00	5050.00
03/09/95	3	50.00	0.00	20.00	0.00	0.00	0.00	0.00	0.00
03/10/95	3	120.00	0.00	0.00	100.00	0.00	0.00	0.00	0.00
03/13/95	1	518.00	0.00	0.00	0.00	0.00	250.00	0.00	25.00
03/15/95	15	2091.80	0.00	70.00	200.00	0.00	1000.00	0.00	10100.00
03/17/95	1	0.00	0.00	10.00	0.00	0.00	0.00	0.00	0.00
03/20/95	6	995.00	0.00	30.00	0.00	0.00	500.00	0.00	5050.00
03/21/95	3	300.00	0.00	10.00	0.00	0.00	0.00	0.00	0.00
03/22/95	1	0.00	0.00	0.00	0.00	0.00	0.00	750.00	0.00
03/23/95	2	101.80	0.00	10.00	0.00	0.00	0.00	0.00	0.00
03/24/95	5	202.60	0.00	10.00	100.00	0.00	250.00	0.00	0.00
03/27/95	1	0.00	0.00	0.00	100.00	0.00	0.00	0.00	0.00
03/29/95	7	484.00	25.00	30.00	0.00	0.00	250.00	0.00	0.00
03/30/95	6	961.60	0.00	10.00	0.00	0.00	500.00	0.00	2550.00
03/31/95	4	100.00	0.00	10.00	0.00	0.00	0.00	0.00	0.00
=====									
TOTALS	70	8350.60	75.00	240.00	600.00	0.00	4000.00	750.00	22875.00

Existing Categories            0.00  
 Rent Categories                36890.60  
 =====  
 Grand Total                    36890.60

WASTEWATER DEPARTMENT

March 1995

Liftstations:

Lakefield Forest - Replaced both impellers due to pit holes.

Sewer lines:

On March 15th, a section of the 8" main on Sherry St. was replaced. We also removed a root blockage that was approximately four feet in length.

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Sewer Capacity Available:

Total Sugar Hill capacity at Southside plant.....	600,000gpd
Average Sugar Hill usage for March.....	373,440gpd
Average Sugar Hill capacity left.....	<u>226,560gpd</u>

Total capacity at Sugar Hill plant.....	500,000gpd
Average usage for March.....	255,000gpd
Average capacity left.....	<u>245,000gpd</u>

Total # of lots approved, but not tapped on.....	210
Average usage for these lots based on 400 gpd.....	84,000gpd

Donna Zinskie  
Collection System Supervisor





MARCH 1995

## Customer Services

### A) Total utility customers:

1) Gas	3445
2) Water	2426
3) Sewer	2251

### B) New customers: 54

1) Gas & Water customers	31
2) Gas only customers	16
3) Water only customers	7
4) Total new customers	54

### C) Customers moving out of city: 15

1) Gas & Water customers	11
2) Gas only customers	2
3) Water only customers	2
4) Total customers moving	15

### D) Meter re-reads:

1) Before Billing	365
2) Per customer's request	32
3) Over-reads	6
4) Total re-reads	403

### E) Other:

1) Cut-offs	12
2) Monies collected from write offs	
3) Surveys/Comments received:	1

Report by: Margaret McEachern  
Customer Service Manager



MAY

CITY OF SUGAR HILL  
AGENDA  
COUNCIL MEETING  
MONDAY, MAY 8, 1995, 7:30 P.M.

CALL TO ORDER, PLEDGE OF ALLEGIANCE, AND INVOCATION:

APPROVAL OF AGENDA:

APPROVAL OF MINUTES OF APRIL MEETINGS: APRIL 4, 11, 22, 1995

COMMITTEE REPORTS:

- A) PLANNING AND ZONING, ZONING APPEALS BOARD: DODD
- B) RECREATION BOARD: DAVIS
- C) BUDGET AND FINANCE: GARBUTT
- D) SOLID WASTE: STANLEY
- E) ECONOMIC DEVELOPMENT: SPRADLIN
- F) GOLF AND WASTE WATER TREATMENT: BAILEY

CITIZEN'S AND GUEST'S COMMENTS:

OLD BUSINESS:

- A) ZONING APPLICATION AND FEE REVIEW: CROWE
- B) PERSONNEL MANUAL: NEVAD
- C) UPDATE ON CLUB HOUSE CONSTRUCTION: NEVAD
- D) RESOLUTION: 1995 CD BG PROGRAM: NEVAD
- E) CONSIDERATION OF ENVIRONMENTAL PLANNING  
CONSULTANT - SOLID WASTE MGT. PLAN: BAILEY
- F) CONSIDERATION OF MID AMERICIA'S OFFER
- G) UPDATE CONSENT ORDER: NEVAD

NEW BUSINESS:

- A) JOHN GUTHRIE-PEACHTREE RIDES
- B) WATER DISTRIBUTION STUDY: NEVAD

CITY CLERK'S REPORT: GARBUTT

CITY MANAGER'S REPORT: NEVAD

COUNCIL REPORTS:

CITIZEN'S AND GUEST'S COMMENTS:

ADJOURNMENT:



**CITY OF SUGAR HILL  
COUNCIL MEETING MINUTES  
MAY 8, 1995 - 7:30 P.M.**

The Mayor and Council of the City of Sugar Hill met for the Regular Monthly Meeting on Monday, May 8, 1995 at 7:30 P.M. in the Community Service Building.

Those present were Mayor Gary L. Webster, Mayor Pro Tem Reuben Davis, Council Members Steven Bailey, W. J. Dodd, Charles Spradlin, and Jim Stanley, City Manager Warren P. Nevad, City Clerk/Finance Director Betty B. Garbutt, Development Director Ken Crowe, Sewer Supervisor Donna Zinskie, Attorney Lee Thompson, registered guests Karen Nevad, Nancy French, Jas. B. McCalla, Lari Webster, Mark L. Johnson, Meg Avery, Milton Califf, Gail Kelley, Rose Payne, and David Edwards, representatives from the news media, other citizens and guests.

Mayor Webster called the meeting to order, led in the Pledge to the Flag and Council Member Spradlin gave the invocation.

Council Member Spradlin made a motion to approved the Agenda for tonight's meeting with an addition of an Executive Session, to discuss personnel, at the end of the meeting. The motion was seconded by Council Member Dodd and passed with a unanimous vote. (5-0)

Council Member Bailey made a motion to approve the April minutes as received and read by Council. Council Member Spradlin seconded the motion which passed on a unanimous vote. (5-0)

**COMMITTEE REPORTS:**

**A) PLANNING AND ZONING, ZONING APPEALS BOARD:**

Council Member Dodd stated there were no meetings and he had nothing to report.

**B) RECREATION BOARD:**

Mayor Pro Tem Davis reported a variety of activities at E.E Robinson Park. Softball and Soccer is being played. Some new equipment has been bought. Danny Pugh is leaving the employ of the City and will be sorely missed.

He asked if the City has received any word on the Post Office Grant. Manager Nevad reported that he has talked with Congressman Norwood's office and they are still working on the Post Office Grant.

**C) BUDGET AND FINANCE:**

Finance Director Garbutt advised Council that the report was in their packets and she would answer any questions they had concerning the report. (see attached report)

**D) SOLID WASTE:**

Council Member Stanley reported that there are several items on the agenda later in the meeting. He reported that there have been two (2) meetings held by the Citizen's Advisory Council on the Solid Waste Management Plan. Steps were discussed concerning the closure and post closure of the landfill. The Advisory Council is in the process of receiving input from the citizens to pass on to the Council. He appealed to the citizens to let the Advisory Council know their feelings on this issue.

**E) ECONOMIC DEVELOPMENT:**

Council Member Spradlin asked Economic Development Co-Chairman Dave Edwards to give the report since he has been unable to attend the meetings due to the illness and death of Ray Sinker. Mr. Dave Edwards reported on the work of the Economic Development Committee and he thanked Ken Crowe for his assistance. Gail Kelley has learned that the First Baptist Church will build their new building in Sugar Hill. He appealed for civic pride and asked that everyone be willing to help spruce up the City of Sugar Hill. They have mailed out 2,755 questionnaires to the citizens of Sugar Hill. He asked that the people fill out these questionnaires and become active in what is happening in Sugar Hill.

**F) WASTE WATER TREATMENT AND GOLF:**

Council Member Bailey reported on the Waste Water Treatment and the Golf Department. (see attached report)

Mayor Webster asked for a round of applause for the Golf Course Personnel for the record month recorded in April.

**CITIZEN'S AND GUESTS COMMENTS:**

Mrs. Meg Avery stated she wanted to speak in behalf of the Citizen's Advisory Council. The committee has had their organizational meeting and the first public hearing. She read the mission statement and the vision statement of the Advisory Council. (see attached statements) She encouraged comments from the public and stated that they were not in the process of siting a landfill, but in learning the directions which the City will go concerning Solid Waste in the next several years. She stated another meeting and work session will be held on May 15, 1995 at 6:00 P.M. and 7:00 P.M. She encouraged citizens to become involved in this issue and not let it pass by.

Mrs. Nancy French, a member of the Advisory Council stated she would be glad to meet and talk with anyone who might have questions concerning the Solid Waste Management Plan.

She stated that she was here also to report on the Odyssey of the Mind groups and what they have accomplished. Lanier Middle School has three (3) teams out of five (5) who will go to the

finals. She is the coach of these groups and she presented a letter and list of members (see attached). She asked if anyone wished to contribute to this endeavor they can send their checks to Mrs. Judy Crawford at the school.

Mrs. Rose Payne appealed to the citizens to make their comments to the Citizens Advisory Council concerning the Solid Waste Plan.

Mr. Mark Johnson commented that Council should take into serious consideration the survey for opinions on the Landfill and Solid Waste Management Plan. Council Member Spradlin offered his support to the residents and Mayor Webster encouraged the citizens to attend the public meetings.

**OLD BUSINESS:**

**A) ZONING APPLICATION AND FEE REVIEW:**

Director Crowe asked if there were any questions concerning the application. There were no questions, and Council Member Dodd made a motion to pass this application as is. The motion was seconded by Mayor Pro Tem Davis and passed on a vote of four (4) to one (1). Council Member Spradlin abstained due to the fact he could not attend the work session. Director Crowe asked if this included the fee schedule, and was told that it was approved as requested.

**B) PERSONNEL MANUAL:**

Manager Nevad reported that the manual incorporates all Federal Legislation enacted since January, 1993. The current manual also incorporates the regulations in the American With Disabilities Act, and the Family Leave Medical Act. Council Member Dodd made a motion to approve the manual, seconded by Council Member Spradlin and passed unanimously. (5-0)

**C) UPDATE ON CLUB HOUSE CONSTRUCTION:**

Manager Nevad stated that a Diary was being kept on the construction of the Club House. Footings and cinder blocks have been laid and the lift station will be constructed soon.

**D) RESOLUTION ON 1995 CDBG PROGRAM:**

Manager Nevad reported that a Resolution on the 1995 CDBG Program needs to be approved. (see attached Resolution) Council Member Dodd made a motion to accept the Resolution which passed on a unanimous vote. (5-0)

**E) CONSIDERATION OF ENVIRONMENTAL PLANNING CONSULTANT FOR THE SOLID WASTE MANAGEMENT PLAN.**



Council Member Bailey made a motion to amend the Budget to include a cost of \$7,200.00 and to obtain the services of Mayes, Sudderth and Aldridge. Council Member Dodd seconded the Budget Amendment and motion. After some discussion on the fee between Council Member Spradlin and Manager Nevad, the motion passed unanimously. (5-0)

**F) CONSIDERATION OF MID-AMERICAN'S OFFER:**

Attorney Lee Thompson referred the Mayor and Council to a memo and Resolution he prepared concerning the Landfill Closure. (see attached) He explained the language of the Resolution. Mayor Webster asked Clerk Garbutt to read the Resolution. After discussion Council Member Spradlin made a motion to approve the Resolution as read. The motion was seconded by Council Member Bailey. Council Member Dodd asked for Mr. McKinsey to comment on why they want this action taken. Mr. McKinsey stated that they would be responsible for the closure and post-closure and would make the monthly payments, to the City, stated in the original lease agreement and requested a listing of the related costs. This was discussed further between Council. Council Member Stanley wanted the understanding that if the motion passes, this will be instructions to the City Attorney to proceed with the necessary paper work for the action to occur. The motion passed unanimously. (5-0)

**G) UPDATE ON CONSENT ORDER:**

Manager Nevad reported that Piedmont, Olsen and Hensley has finished the final revision of the Ground Water Monitoring Plan and after approval by EPD the City has 90 days to install the system. Council Member Stanley asked if the City has met the deadlines imposed by the state. The representative from POH stated that the plan would be sent to the state EPD on May 9, 1995 if that is the wish of the Council. They were told to submit the plan.

**NEW BUSINESS:**

**A) JOHN GUTHRIE-PEACHTREE RIDES:**

There was no one present for this presentation.

Council Member made a motion to endorse the decisions made by the Planning Director and City Manager with regard to not allowing carnivals and out door carnivals and entertainments inside the City Limits of Sugar Hill. Council Member Spradlin seconded the motion for discussion. The interpretation of this issue was discussed among the Council. The motion passed unanimously. (5-0)

**B) WATER DISTRIBUTION STUDY:**

City Manager Nevad reported that the city's system of 2 inch



or smaller lines has been mapped out. The study made in past years by POH was discussed. Council Member Stanley explained his interpretation of the study and the map of the lines. This was discussed concerning the infrastructure of the City and providing adequate service lines to the citizens of the City. Council Member Stanley felt that the work could be done in house, and the issue of funds was discussed. Manager Nevad stated that 3.5% of fees from enterprise funds was to be set aside in 1995 for infrastructure replacement and must be prioritized. This was discussed further. Council Member Stanley made a motion that work begin immediately for in-house construction to replace any water lines smaller than 2 inches in diameter and as schedules permits to get these lines installed. Council Member Spradlin seconded the motion which passed on a vote of Mayor Pro Tem Davis, Council Members Bailey, Spradlin and Stanley for and Council Member Dodd voting against. (4-1)

#### **CITY CLERK'S REPORT:**

Clerk Garbutt reported that the 1995 Tax Digest should arrive in July.

Property and Liability insurance was renewed at a saving of approximately \$15,000.00. GIRMA gave the low bid of \$51,177.00

She expressed thanks to Council Member Spradlin for taking his time, on Saturday, April 29th, to instruct six (6) employees in some computer training. It was very beneficial to those who attended.

#### **CITY MANAGER'S REPORT:**

Manager Nevad expressed best wishes to Mr. Danny Pugh on his leaving the City to pursue work with the private sector. He was an excellent employee and will be sorely missed.

Almost \$500.00 was collected for the High Hope Center by the Customer Service Department.

He gave a list of streets to be resurfaced and crosswalks will be marked at the intersection of Frontier Drive and Highway 20 and the intersection of PIB and Highway 20. ADA regulations must be met on these projects.

The Gas Department met all safety standards in the PSC inspection.

The City Manager's Golf Team finished 2nd in the MGAG Golf Tournament and the prize of \$25.00 was donated to Helping Hands Ministry.

Prayers are with employee Emmett King who had vein surgery today.

#### **COUNCIL REPORTS:**

Mayor Pro Tem Davis, Council Members Bailey and Dodd had nothing further to report.

Council Member Stanley commented on the water distribution problems. He reminded Council that improvements were designed in 1994 for the Gas Department and requested that the City Manager examine it and recommend a time table for procedures to construct the High Pressure Gas Improvements.

Council Member Spradlin thanked everyone for the support his family received during the illness and death of Mr. Ray Sinker.

He also reminded Council that a line item to repaint the Water Tanks was removed from the Budget in 1994. He feels that they need to be looked at for painting this year.

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

Mr. Dave Edwards reminded everyone that the 2,755 questionnaires can be used to express, in the comment section, any comments on the economy, and the Solid Waste Management Plan, or any comment of any kind to let the City know what the citizens think.

He commended the Council for wanting to make improvements in the utility systems and stated that the City of Sugar Hill is going forward.

Council Member Spradlin made a motion to go into Executive Session to discuss personnel and only the Mayor, Council, and Attorney would be in the session. Council Member Bailey seconded the motion which passed unanimously. (5-0)

Mayor Webster called for a ten (10) minute recess before the Council went into Executive Session at 8:35 P.M.

The Session ended at 8:55 P.M. with no action coming out of the Executive Session.

# LANIER MIDDLE SCHOOL

918 BUFORD HIGHWAY, BUFORD, GEORGIA 30518

PHONE: 945-8419



GEORGE G. THOMPSON  
SUPERINTENDENT

CHARLES CRAWFORD  
Principal

LARRY WHITE  
Assistant Principal

PHYLLIS FALK  
Assistant Principal

April 18, 1995

To Whom It Concerns:

We have accomplished a wonderful and an unprecedented feat!!! **Three academically gifted teams of students** from our school have advanced through the regional and state competition of Odyssey of the Mind and earned the right to compete in the **1995 OM WORLD FINALS COMPETITION**. The University of Tennessee in Knoxville will be hosting this event from May 23-May 27. Here they will be joining over **8000 participants from 49 states and 20 foreign countries**.

Odyssey of the Mind is a creative problem-solving competition for students in kindergarten through college. OM (Odyssey of the Mind) provides students with an opportunity to learn problem solving skills in hands-on applications that go beyond classroom limitations. OM skills provide the students with the needed experience to solve problems on the job and to deal with important issues in the future.

Our projected cost of attending the 1995 World Finals Competition is approximately \$8000. This amount is for nineteen students plus seven coaches, a total of twenty-six (26) people. The cost of transportation, lodging and meals is three hundred dollars (\$300) per member. In an effort to raise sufficient funds to fulfill the honor of this achievement, Lanier Middle School OMers are organizing and planning numerous activities. Among the planned activities is a **request to various businesses with whom members of the teams do regular business**, a garage sale, a Tupperware sale, a car wash, an OM Showcase Night, and a Lanier Middle School Skate Night.

With the 1994 tax year ended, it is always to your advantage to plan for your 1995 **tax-deductible contributions**. Any contribution you make is tax deductible as long as your check is made to GEORGIA OM ASSOCIATION and marked for LANIER MIDDLE SCHOOL. The Georgia OM Association state tax number is 01-90112 and the federal tax number is 58-1825155. The contribution may be sent to my attention at the above address. If you have any questions regarding Odyssey of the Mind and our attempts to raise funds, please call me at 945-8419. We extend advance appreciation for hearing our plea and helping us with our fund raising for the 1995 OM WORLD FINALS.

Sincerely,

*Judy Crawford*  
Judy Crawford

Gifted Program Teacher  
OM Coordinator

LANIER MIDDLE SCHOOL  
ADVANCING TEAMS FOR WORLD FINALS  
UNIVERSITY OF TENNESSEE, KNOXVILLE  
MAY 23-MAY 28

MAIL MUST GO THROUGH

Coaches: Chip and Cheryl Baggett

John Baggett  
Chris Boedeker  
Matt Coughlin  
Erick Jaudon  
Chris Puckett  
Erin Sanford

VAUDEVILLE

Coaches: Judy Crawford, Kathleen Machan, Ginger Sears

Brad Henderson  
Danica Pruitt  
Will Puckett  
Meredith Story  
Amanda Sutton  
Natalie Thompson

A NEW TWIST

Coaches: Doug Flanders and Nancy French

David Brandt  
Missy Flanders  
Judy French  
Katie Gaines  
Johnny Kwon  
Jenae Phillips  
Justin Stay

PLEASE HELP US FULFILL THE HONOR THAT WE HAVE ACHIEVED THROUGH OUR  
HARD WORK AND PERSEVERANCE. GIVE US YOUR SUPPORT TO ENABLE US TO  
ACCOMPLISH OUR GOAL!!!

The Lanier Middle School OM Teams



# Next stop on mind odyssey: World contest in Tennessee

## Nine area teams qualify for trip

By Diane Loupe  
STAFF WRITER

The eight-minute skit unfolding in the classroom at Lanier Middle School near Buford bears strong resemblance to a "Hee haw" episode.

Brad Henderson's dog costume bears the letters C and I. He's a seeing eye dog. Get it?

Amanda Sutton is the skunk Priscilla Underwood, P.U. for short. What kind of fur do you get from a skunk? As fur as possible.

And Will Puckett's horse costume, decorated with a rainbow of feathers, is molting.

Aunt Bee (in a bee-hive hairdo) and Cindy Crow-Ford join the menagerie for a chorus line rendition of "It's fun to stay at the ASPCA," to the tune of the

"YMCA" song popularized by the Village People.

It's corny, it's bokey and it's a winner.

The students' vaudeville skit will be among Georgia's entries in the world championships of the Odyssey of the Mind competition, to be held May 23 through May 28 at the University of Tennessee at Knoxville. The world competition will include teams from 49 states and 20 foreign countries.

Nine teams from Gwinnett County public schools are among the 14 that will represent Georgia at the competition, said Judy Crawford, a Lanier Middle teacher who is a district coordinator for the event. The teams won their world berths in a competition April 1 in Perry, Ga.

Odyssey of the Mind—or OM—as the contestants call it—is creative problem solving competition. Teams form and then choose one of six long-term prob-

lems to solve.

Students then devise a solution to the problem and perform an eight-minute skit to explain their solution to the judges. They also are judged by how creative their answers are to a series of impromptu questions.

This year's problems included:

- ▶ Designing a safari vehicle, propelled by two different kinds of power, to stop poachers.
- ▶ Designing a system to sort

and transport several types of mail.

- ▶ Performing a skit about math party.
- ▶ Creating a time machine.
- ▶ Building a balsa structure that can support heavy weight.
- ▶ Performing a vaudeville show that includes a socially redeeming aspect.

The Odyssey of the Mind program is very popular in Gwinnett.

Please see CONTEST, J3

The Atlanta Journal / The Atlanta Constitution

## Contest: Mind travelers prepare to go global

▶ Continued from J1

schools, with about 1,400 students competing. Many spend months devising solutions, and many come back year after year.

"You do it once, and you're addicted," said Natalie Thompson, a.k.a. Aunt Bee. "I think it's fun."

The Lanier Middle School barnyard group labored for months on their skit, researching the history of vaudeville, reading books about Will Rogers, finding corny jokes, writing to secure permission to perform the Village People song and sewing the costumes.

"We were living with our teammates," said skunk Amanda, whose brother's toddler clothes were sewn to a sheet for the backdrop.

"You either bond with your teammates or you kill them," joked Will, whose previous OM stunts included dressing up as Shirley Temple.

Teamwork is learned through the competition, a skill that teachers said will be important in later life when students are seeking to enter the corporate world.

"The teams that bond together are more successful," said coach Crawford. "They find more than one way to approach the problem."

Another team at Lanier Middle earned a spot at world competition by building a balsa structure that supported 630 pounds in competition. Johnny Kwan, who was instrumental in designing the tower, said his research included speaking with a

Garage Tech architect. A structure built by a North Gwinnett High team held more than 1,000 pounds.

The third team from Lanier Middle crafted a contraption of PVC pipe and corrugated metal to deliver mail. The device, so huge that it has to be trucked around in a trailer, was held together by a little bit of love and "a lot of hot glue," said student Matthew Coughlin.

All of the teams have coaches, but the rules are that students must do all the work themselves and follow strict limits on time and budget.

Having solved these problems to make the competition, the teams now must solve another: How to raise about \$2,500 per team to pay their expenses to Knoxville.

At Lanier Middle, OM has the additional challenge of raising money at the same time the school is trying to collect funds to help a classmate who needs a bone marrow transplant.

"Garage sales and car washes. We'll take any donations," Brad said.

### Richards Middle School

Coaches: Mary Jane and Mike Austin  
Project: "Scientific Safari"  
Students: Michaela Austin, Julie Fagan, David Warchol, Angela Chu, Desi Grogan and Dani Hendrick

### Shiloh High School

Coaches: Billie Bradford and Jane Kessler  
Project: "Vaudeville"  
Students: Jamie Bradford, Meg Duffy, Marie Kessler, Joey Lavender, John Mobley and Liza Glasgow

## Top problem solvers set sights on Tennessee

Nine teams from Gwinnett County were invited to compete in the Odyssey of the Mind competition next month at the University of Tennessee at Knoxville. Here is a list of the teams and their subjects:

### Lanier Middle School

Coaches: Chip and Cheryl Baggett  
Project: "The Mail Must Go Through"

Students: John Baggett, Erin Sanford, Chris Boedeker, Chris Puckett, Matthew Coughlin and Erick Jaudon

### Lanier Middle School

Coaches: Judy Crawford, Kathleen Machan and Ginger Sears  
Project: "Vaudeville"

Students: Brad Henderson, Amanda Sutton, Meredith Story, Will Puckett, Natalie Thompson and Danica Pruitt

### Lanier Middle School

Coaches: Doug Flanders and Nancy French

Project: "A New Twist"

Students: Missy Flanders, Judy French, Johnny Kwon, Katie Gaines, Justin Stay, David Brandt and Jenae Phillips

### Lawrenceville Middle School

Coach: Gale Ybarra

Project: "Time Traveler"

Students: Cassandra Spangler, Leslie Rivero, Nicole Dorfling, Becky Carson, Mindy Ellertson, Ashley Buckley and Keegan Peterson

### Lawrenceville Middle School

Coaches: Paul Sauro and Beverly Allen

Project: "The Mail Must Go Through"

Students: Aaron Kahn, Adam Sauro, Adam Nelson, Kyle Allen, Nathan Jones, Corbett Griffith and Emmett Stallings

### North Gwinnett High School

Coaches: Debra Tyson

Project: "A New Twist III"

Students: Will Cumby, John Yeager, Neil Weekly, Kelly Westbrook, Lelyn Tyson of Collins Hill High, Patrick Greshaw and Nick Cumby

### Parkview High School

Coaches: Keith and Kathleen Hoff

Project: "Scientific Safari"

Students: Sidney Hoff, Chris Jones, Nichole Ward, Joseph Hernandez, Chris Frederick, Katy Morrow and Jill

The Atlanta Journal / The Atlanta Constitution

April 18, 1995

## MIND GAMES



STEVE DEAL / Staff

Meredith Story (left), Brad Henderson and Will Puckett act things out.

## Intellectual Odyssey gets to the bottom of problems

**T**hey've dressed up like skunks, built tiny balsa wood towers that could hold 630 pounds of weight, and crafted a mail delivery system out of plastic pipe and corrugated metal.

They're the students from Gwinnett County Schools who make up nine of the 14 teams that will represent Georgia in the international Odyssey of the Mind competition. The world competition will be held May 23-28 at the University of Tennessee in Knoxville.

The competition is a kind of intellectual Olympiad.

Teams choose from a menu of six problems, ranging from building a safari vehicle to creating a time travel skit. Each team then devises a creative solution to the problem, writes a skit, makes costumes and props and performs their solution before judges.

The competition, nicknamed OM by aficionados, is wildly popular in Gwinnett, where 1,400 students in kindergarten through high school compete.

"It's addictive," says John Baggett, an eighth-grader at Lanier Middle who was part of a team that designed a mail delivery system. "I've tried to stop, I've gone to meetings, but I just can't," he jokes.

OM competitors say the experience teaches them teamwork, research skills and creativity.

Three teams are from Lanier Middle, two from Parkview High, and one each from Lawrenceville Middle School, Richards Middle School, Shiloh High School and North Gwinnett High School. Other Georgia teams competing are from Eastvalley Elementary in Marietta, three teams from Warner Robins and one from Evans.

RESOLUTION

WHEREAS, in 1994 the City of Sugar Hill applied for FY 1995 Community Development Block Grant Funds through Gwinnett County; and

WHEREAS, the Gwinnett County Community Development Block Grant program found that the City's project meets the primary objectives of the Community Development Block Grant Program; and

WHEREAS, the City of Sugar Hill has been awarded \$25,000 for Streetwiden and Drainage Improvements for FY 1995;

NOW THEREFORE BE IT RESOLVED BY the City Council of the City of Sugar Hill that Mayor Webster is authorized to execute all documents and contracts for community development assistance.

SO ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 1995.

ATTEST:

MAYOR AND COUNCIL  
GWINNETT COUNTY, GEORGIA

\_\_\_\_\_  
BETTY B. GARBUTT, CITY CLERK

\_\_\_\_\_  
GARY L. WEBSTER, MAYOR

RESOLUTION OF THE  
MAYOR AND CITY COUNCIL  
CITY OF SUGAR HILL, GEORGIA  
TO  
ESTABLISH POLICY FOR LANDFILL CLOSURE

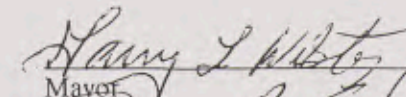
WHEREAS, the City of Sugar Hill has entered into certain lease agreements with Mid American Waste Systems of Georgia (MAWS), formerly Button Gwinnett Landfill, Inc., for property on which a sanitary landfill has been operated, and

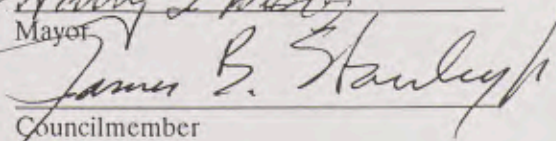
WHEREAS, the City of Sugar Hill has accepted Advance Payments related to anticipated future operation of an expanded landfill, and has accepted the donation of certain properties, contiguous to the landfill, intended to be used for landfill expansion, and

WHEREAS, MAWS has proposed to proceed at its own expense with the required closure of the landfill and with post-closure monitoring of the landfill, provided that the City of Sugar Hill returns to MAWS the properties previously donated to the City, and further provided that the City refunds to MAWS the balance of Advance Payments after deducting all lease payments due.

NOW THEREFORE BE IT RESOLVED, that the City shall immediately return to MAWS the properties previously donated to the City which are contiguous to the landfill and intended to be used for landfill expansion provided that MAWS enters into a formal written agreement agreeing to accept full and complete legal and financial responsibility for all closure and post-closure requirements in connection with the landfill, including, but not limited to compliance with all requirements in existing consent orders, all requirements under approved closure plans, conduct of all post-closure monitoring, and indemnification of the City, indicating proper security, from any and all damages incurred by the City due to any environmental damage as a result of operation of the landfill. Said agreement shall also provide that the City shall return the balance of all advanced payments made of the monthly host fees pursuant to paragraph 3 of the Restated Lease and Operating Agreement dated August 9, 1993, which agreement was previously voided by the Court, less any direct expenses incurred by the City in connection with the landfill closure and less all lease payments due for the entire term of the lease agreements dated December 19, 1985 as amended and July 10, 1989 as amended. Said sums shall be paid to MAWS immediately following completion of all landfill closure activity as required by the Georgia Environmental Protection Division.

APPROVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SUGAR HILL in formal session this 8th day of May, 1995.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Councilmember





[Signature]  
Councilmember

Charles A. Spradlin  
Councilmember

[Signature]  
Councilmember


Robert D. [Signature]  
Councilmember

Attest:

Bridget Garbutt  
City Clerk



MEMORANDUM

Date: May 8, 1995  
To: Warren Nevad  
From: Mike Warrix   
Subject: SWMP

What we did for \$2,500 was format an existing plan so that it would meet the state's planning standards. As you know, we were not asked to conduct any public meetings, which played a large role in the misconceptions and general lack of education on the public's part of the purpose of a SWMP. If we are going to be involved in preparing another plan we intend to start from scratch and involve the public in the review of interim reports (see Scope of Services).

Two other reasons our fee is \$7,200:

- (1) Nearly all the data and information in the existing draft are now out of date. Specifically, population, waste amounts, cost projections, etc. As a result, we will have to spend additional time conducting data collection and crunching numbers.
- (2) The Minimum Planning Standards and Procedures for Local Solid Waste Management Plans have changed resulting in additional work elements.

It is important to note that we have never prepared a SWMP for less than \$10,000. If we're to be involved with the new plan, it is imperative that the job be done correctly, and that's what we've proposed in our proposal.

I'd be happy to meet with you and discuss your ideas on how our fee for the services could be reduced. In the meantime, I'll see you tonight.

MW/mp

Unofficial

PLANNING COMMISSION MEETING  
MONDAY, MAY 22, 1995  
7:30 P.M.

M I N U T E S

Attendance

Present: Chairman Jay Asgari, Board Members Rose Payne, Granville Betts, Tim Pugh and Bob Parris. Liaison - W.J. Dodd. Director of Planning & Development - Ken Crowe. City Clerk - Betty Garbutt.

Meeting called to order at 7:50 p.m.  
Pledge to the flag.

Reading and Approval of Previous Minutes

Mr. Asgari made a motion to approve the February 20, 1995 minutes. Second to the motion Mr. Pugh. Vote unanimous.

Order of Business

Mr. Asgari stated the purpose of this meeting is to discuss what's going on in Sugar Hill.

Adjournment

Meeting adjourned 10:15 p.m.

Kimberly B. Sanders

Unofficial

PLANNING AND ZONING BOARD OF APPEALS  
MONDAY, MAY 22, 1995  
7:30 P.M.

M I N U T E S

Attendance

Present: Board Members Ed Phillips, Dorland Baird, and Rick January, Liaison W.J. Dodd, Director of Planning & Development - Ken Crowe and City Clerk - Betty Garbutt.  
Absent: Board Member Michael Fogarty.

Mr. Phillips called the meeting to order at 7:30 p.m.  
Mr. Phillips leads in the pledge to the flag.

Reading and Approval of Previous Minutes

Mr. Phillips made a motion to approve the February 27, 1995 minutes. Second to the motion Mr. January. Vote unanimous.

Mr. January made a motion to accept the November 28, 1994 minutes as written with changes. Second to the motion Mr. Phillips. Vote unanimous.

Variance Request

Variance Request # 95-464 Ringo & Abernathy - Michael Casey Requesting Lot Reduction of 5' Front and 5' Rear for Lot 137A on the Preliminary Plat for Whitehead Road. A.K.A. - Regency Place

Michael Casey of Ringo and Abernathy presented his variance request to the board. This discussing included dimension of the lot along with discussion of square footage for house size.

Mr. Crowe stated that the staff wanted the Board to address this situation due to the fact that this lot has not has yet been platted.

Mr. January made a motion to accept the 5' Front and 5' Rear Variance Request for Lot 137A on the Preliminary Plat for the Whitehead Road Project, with the stipulation that the construction of the house is consistent with other houses in the subdivision and on the adjacent lot. Second to the motion Mr. Phillips. Vote unanimous.

Comments

Mr. Crowe suggested that the board wait until the new member is appointed before appointing a Chairman and Vice Chairman.

Mr. Phillips stated that the board will meet on the 4th Monday in June (26th) at 7:30 p.m. for the purpose of approving the May 22, 1995 minutes and appointing the 1995 Chairman and Vice Chairman.

Adjournment

Mr. Phillips made a motion to adjourn meeting. Second to the motion Mr. January.

Meeting adjourned 9:05 p.m.

Kimberly B. Landers

**MINUTES  
CALLED MEETING  
MONDAY, MAY 15, 1995, 6:00 P.M.**

The Mayor and Council of the City of Sugar Hill held a Called Meeting on Monday, May 15, 1995 at 6:00 P.M. in the Community Service Center.

The purpose of the meeting was to discuss a personnel issue with City Attorney Lee Thompson.

Mayor Webster Called the meeting to order, led in the Pledge to the Flag and Council Member Spradlin gave the invocation.

Those present were: Mayor Gary L. Webster, Mayor Pro Tem Reuben Davis, Council Members Steve Bailey, Charles Spradlin, and Jim Stanley, City Clerk/Finance Director Betty B. Garbutt, Attorneys Lee Thompson and Vickey Sweeney, several citizens and representatives from the media. Council Member W. J. Dodd was absent.

Mayor Webster stated the purpose of the meeting and asked for a motion to go into Executive Session.

Council Member Bailey made the motion at 6:15 P.M., seconded by Council Member Spradlin and unanimously passed by those present.

The Executive Session ended at 8:25 P.M. with no action being taken at the end of the session.

Council Member Spradlin made a motion to adjourn at 8:28 P.M., seconded by Council Member Stanley and unanimously approved by those present.



**CLERK'S REPORT**  
**CLERK BETTY B. GARBUTT**  
**MAY 1995**

Ads have been sent to all papers for the Citizen's Advisory Council Meetings. The Public Hearing for May 2, 1995 at 7:00 P.M. has been advertised and the Public Meeting for May 15, 1995 will be publicized the week before the meeting.

I am working on the Tax Digest to be sure everyone who was reported to be billed and were not in the City is removed from the 1994 Digest, and will not be billed for 1995. Gwinnett County called and reported that they are working on the 1995 Digest and hope to have it by the end of June.

A few Occupational Licenses are still coming in, but we have received slightly over the budgeted amount of \$45,000.00 as I reported in the Finance Report.

Our Liability and Property Insurance will renew on May 1, 1995. I received three quotes.

GIRMA	\$51,177.
Zurich-American	\$53,757.
Titan Insurance	\$59,927.

I chose to remain with GIRMA, not only were they lower, but the benefits were better, and also due to the fact that we are presently in litigation concerning the landfill and they have settled the claim with Steven O'Day where we only paid the deductible of \$2,500.00.

Council Member Spradlin taught a computer class (at no cost) at City Hall on Saturday, April 29, 1995. There were six (6) employees who attended. It was very informative and everyone enjoyed it very much. This will be done again later for any others who wish to attend.

**MEMORANDUM 95-033**

TO: Mayor/City Council  
FR: Warren P. Nevad  
RE: May 8, 1995 CITY MANAGER REPORT  
DATE: May 1, 1995

**1. EMPLOYEES:**

Danny Pugh, Streets Superintendent and Joe Appling, Assistant Inspector have taken job offers with private firms. We wish them continued success with their careers. At this time, we plan to merge their functions with other jobs in order to maintain current levels of services while decreasing aggregate labor dollars for the respective departments.

We wish Emmitt King, Crew Chief a speedy recovery from his illness.

Kelley Canady and Ruth Switzer successfully completed debt administration coursework at the University of Georgia. The City Manager's golf team finished 2nd in the annual Municipal Gas Authority golf tournament. The prize of \$25 was donated to the Helping Hands Ministry.

**2. CUSTOMER SERVICE:**

The Customer Service Department collected \$498.33 in utility donations to the HI Hope Center. We appreciate the efforts by Shirley Gibbs, Margaret McEachern, Shirley Fields, Ruthann Cooper and Margie Wilson. The employees in the front office have been tracking the number of customers during each hour in order to ensure adequate staff planning. This demand analysis exercise will also be used in the Planning and Zoning Department. Results will be issued at a later date.

Sara Whidby and Ruth Switzer worked on the economic development surveys for our mailing.

**3. PLANNING/ZONING**

Ken Crowe and Kim Landers have developed a new comprehensive manual for rezoning, change of conditions and special exception application. Tony Bauman has issued a number of citations ranging from outdoor storage violations to livestock. The next court date is planned for June.

**4. BUDGET/FINANCE:**

Golf Course revenues for April should exceed \$100,000. This helps alleviate the sluggish revenues in February. Betty Garbutt continues to instruct department heads to be more frugal with their expenditures.

page two

We will be presenting our revised personnel manual for the May 8th Mayor/Council Meeting. Ruth Switzer assisted me in this project. To summarize, this manual incorporates all new federal legislation enacted since January 1993. New legislation includes Family and Medical Leave Act and American Disabilities Act.

5. **CONSENT ORDER**

On April 27th, Piedmont Olsen Hensley forwarded the final revision of the Ground Water Monitoring Plan to EPD. We are confident that we will meet the May 13th deadline for an approved groundwater monitoring plan. Thereafter, we have 90 days from EPD's approval of the plan to install the groundwater monitoring system. We will keep you abreast of further developments.

6. **CLUBHOUSE:**

The contractor has laid the footings and is preparing to lay cinder block. Shortly, we will be installing the lift station for the clubhouse. We are keeping a daily construction diary at the golf course. Please contact Wade Queen for the specifics.

7. **WATER SYSTEM:**

We have mapped out all water distribution lines of 2 inches or smaller. We are upgrading the water pressure level on Old Suwanee Rd. by looping their water line with an 8 inch water line. As you are aware, we have approximately \$18,000 budgeted for Water System Capital Improvements.

8. **STREETS:**

We are paving four (4) local roads under the State L.A.R.P program. The Department has been working on community development improvements on Pass Ct. The Department has been working on a number of drainage improvements throughout the City.

Margie Wilson assisted me with the 1996 CDBG grant application to fund street improvements on Hessie Lane.

Please call me should you have any questions - Best Wishes for a productive meeting. \*

WPN: bms

**FINANCE REPORT  
FINANCE DIRECTOR BETTY B. GARBUTT  
MAY MEETING 1995**

To date we have collected \$45,448.15 in Occupational Licenses. Our Budget was \$45,000.00

Auditor Rymon Wilborn will be at our office Monday, May 1, 1995 to complete the Audit for 1994. Hopefully it will be ready by our meeting May 8, 1995.

The Financial Letter for the Audit is complete with the exception of a few figures which have to be obtained from Auditor Wilborn. This letter will be ready next week after Mr. Wilborn gives us the final figures.

Department heads are trying hard to stay within budget and seem to be doing a good job. The items which are over budget at this time are line items which have the majority of the money spent in the first quarter then slows down for the rest of the year.

We made the May 1, 1995 GEFA and SRF payment. We are setting aside funds for these payments each month, by placing them in the LGIP Fund and transferring when the payment is due. Our next payment will be due August 1, 1995 in the amount of \$89,463.58.

A sinking fund was set up to the Club House Construction payments which will begin on January 1, 1996. We are putting the amount of \$5,835.73 each month and when the first payment is due on January 1, 1996 we will have nine (9) months payments escrowed.

The Golf Course brought in the amount of almost \$100,000.00 during April, 1995, compared to \$83,859.40 for April of 1994.



# ZONING APPLICATION AND FEES

REVISED 4/28/95

*CHANGES HIGHLIGHTED*

**CITY OF SUGAR HILL PLANNING & DEVELOPMENT  
REZONING/CHANGE OF ZONING CONDITIONS**

All applications are reviewed by the Planning and Development Department, the Planning and Zoning Board and the Mayor and Council.

- 1). An application is submitted to the Planning and Development Department. Please see the Public Hearing Schedule for filing deadlines and Public Hearing Dates.
- 2). The Planning and Development Department, Inspections Department and the City Manager review the application and make an Administrative Written Recommendation.
- 3). Legal notice is required to be printed in a newspaper of general circulation in Gwinnett County. This notice appears in the Gwinnett Extra of the Atlanta Journal 3 Fridays (15 days before) the public hearings. The legal notice appears in the Friday edition of the newspaper.
- 4). A public hearing sign is erected on the property at least 15 days before the public hearing. This sign will be erected by the City staff. The Planning and Development Department is also required to notify adjoining property owner(s) of record of zoning changes.
- 5). The Planning and Zoning Board reviews the facts in the case at its scheduled meeting, which is the third Monday of each month. A recommendation is decided upon following the public hearing. This recommendation is forwarded to the Mayor and Council at its regular scheduled meeting.
- 6). The Mayor and Council meet on the Second Monday of each month. This meeting is held at 7:30 pm.m. in the Community Center at City Hall.
- 7). Once an application is made, the applicant may withdraw the application without prejudice only before the legal advertisement of a public hearing is placed in a newspaper of general circulation in Gwinnett County. No application may be withdrawn under any circumstances after the legal advertisement of a public hearing has been placed. All applications advertised shall receive a final action by the Mayor and Council. **PLEASE SEE THE PUBLIC HEARING SCHEDULE FOR WITHDRAWAL DEADLINES.** Written notification of withdrawal is required.
- 8). If an application is withdrawn before placement of the legal advertisement, a refund of the application fee will be made.

**REZONING AND SPECIAL EXCEPTION PERMIT INFORMATION**

The items listed below are necessary to process a rezoning or Special Exception application. Please see attached schedule of filing deadlines and meeting dates (Attachment 3).

The Planning and Development Department strongly urges pre-application conferences to discuss the proposal. However, they are not required. An appointment with the Director of Planning and Development is suggested.

The Mayor and Council has limited the number of rezoning cases considered at their public hearing to five (5) per month, and the number of Special Exception Permit to five (5) per month. In order to ensure fair and equal treatment to all concerned, all applications must be complete with all items listed below. **IF NOT COMPLETED, THE APPLICATION CANNOT BE ACCEPTED BY THE PLANNING AND DEVELOPMENT DEPARTMENT FOR PROCESSING.**

Any amendments to an application must be submitted to the Planning and Development Department for staff review prior to the Planning and Zoning Board Meeting.

**Required Items**

1) **APPLICATION FORM**

One (1) copy of the appropriate Application Form (Attachment 5A) with a legal description of the subject property must be submitted.

2) **APPLICATION FEE**

See (Attachment 2) Fee Schedule. A check made payable to City of Sugar Hill is the preferred method of payment.

3) **LEGAL DESCRIPTION**

A. The legal description must be a "metes and bounds" description. It must establish a point of beginning and from the point of beginning give each dimension bounding the property, calling the directions (such as north, northeasterly, southerly, etc.) which the boundary follows around the property returning to the point of beginning. If there are multiple property owners, all properties must be combined into one legal description. If all the properties are not contiguous, a separate application and legal description must be submitted for each property. For requests for multiple zoning districts, a separate application and legal description must be submitted for each district requested.

REZONING AND SPECIAL EXCEPTION PERMIT INFORMATION CONT'D.

b. The petitioner must furnish the names and addresses of all adjoining property owner(s) of record contiguous to the subject property.

4) BOUNDARY SURVEY

This is not necessary if the Site Plan (next item) includes this information.

5) SITE PLAN - OPTIONAL

Seven (7) copies of the Site Plan to scale and this site plan must show:

- total acreage and net acreage
- existing and proposed streets (paving and right-of-way)
- proposed building locations
- driveways
- parking spaces
- required or proposed setbacks and buffers
- floodplain
- existing buildings
- other pertinent items

One (1) 8½ X 11 reduction of the site plan and any other supporting documents/exhibits shall be provided by the applicant.

6) ADJOINING PROPERTY OWNER(S) OF RECORD

Names and addresses of all adjoining property owner(s) of record must be attached.

7) LETTER OF INTENT IS REQUESTED

One (1) copy of a Letter of Intent. The letter of Intent must give details of the proposed use of the property and should include at least the following information:

- a statement as to what the property is to be used for
- the acreage or size of the tract
- the zoning classification requested
- the number of lots or number of dwelling units proposed
- house size proposed
- the density in terms of gross square footage per acre (for proposed commercial, industrial, office or institutional use)
- the number of parking spaces
- the height of buildings
- any requested change in buffers



REZONING AND SPECIAL EXCEPTION PERMIT INFORMATION CONT'D.

8) NOTARIZED SIGNATURES

The application form must have notarized signatures of both the property owner(s) of record and the applicant(s), or an attachment if multiple owners are involved.

9) CONFLICT OF INTEREST CERTIFICATION FORM

This form must be signed, notarized and submitted with the required information within ten days of the date the application was first filed.

When a special use of non-residential rezoning in an existing one-family or two-family residential structure is requested, the applicant will be responsible for applying for a Building Compliance Inspection.

Developments of Regional Impact

If the proposed development meets any of the following thresholds, two copies of a Request for Review Form must be completed and filed with the rezoning petition for submission to the Atlanta Regional Commission.

CITY OF SUGAR HILL FEE SCHEDULE

APPLICATION FEE

Please make all checks payable to: City of Sugar Hill.

The rezoning fee depends on what the property is requested to be rezoned to:

RS-100, RS-150, RS-175, RS-200. MH	\$150.00
RG-80	\$250.00
O & I, HSB	\$250.00
BG	\$300.00
LM, HM-1, HM-2,	\$350.00

Staff suggests that rezoning application fees be adjusted to \$350.00 for all zoning categories, plus applicant shall be responsible for any engineering or review fees that the City may require.

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

Completed Date: \_\_\_/\_\_\_/\_\_\_

MAKE SURE THIS CHECKLIST IS RETURNED WITH THE REZONING APPLICATION.

\* \* \* \* \*

PLANNING AND DEVELOPMENT DEPARTMENT USE ONLY

CASE NUMBER \_\_\_\_\_ ACCEPTED BY \_\_\_\_\_

ADJOINING PROPERTY OWNER (S) OF RECORD NOTIFICATION

TO: To Whom it May Concern

FROM: Kim Landers - Administrative Assistant

RE: PROPOSED REZONING  
CASE # \_\_\_\_\_-\_\_\_\_\_-\_\_\_\_\_

DATE: \_\_\_\_\_, \_\_\_\_, 19\_\_\_\_

You are hereby informed that the attached Notice for Proposed Rezoning is contiguous to your property.

A public hearing will be held at the Sugar Hill City Hall on \_\_\_\_\_, \_\_\_\_, 19\_\_\_\_ at 7:30 p.m. in the Community Center.

If you should have an interest in this petition, please plan to attend this meeting.

Thank you.



THOMPSON & SWEENEY, P.C.  
Law Offices

Longleaf Commons  
690 Longleaf Drive, Lawrenceville, GA 30245  
Telephone: 404/968-1997  
Telephone Copier: 404/822-2913

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

V. LEE THOMPSON, JR.  
VICTORIA SWEENEY  
MELANIE D. WILLIAMS  
PAUL E. ANDREW  
JORGIA C. NORTHERUP

April 28, 1995

Ken Crowe  
Director of Utilities & Development  
City of Sugar Hill  
4988 West Broad Street  
Sugar Hill, GA 30518

RE: Disclosures under O.C.G.A. § 36-67A-1 et seq.

Dear Ken:

In accordance with our telephone conversation, I have enclosed language which could be added at the end of your zoning advertisements. I have quoted the entire law rather than attempt to summarize the specific provisions of the law. Also enclosed is a statement which could be read by the Mayor prior to any zoning public hearing. In addition, as I advised you in our telephone conversation, some cities require that individuals desiring to speak in favor or in opposition to a rezoning complete a form to be given to the Clerk setting forth their name and address. At the bottom of that form you could include the following language:

"Have you, within the two years immediately preceding the filing of the rezoning application which is the subject of tonight's public hearing, made campaign contributions aggregating \$250.00 or more to the Mayor, a council member, or a member of the City of Sugar Hill Planning and Zoning Board. \_\_\_\_\_ yes \_\_\_\_\_ no. If the answer is yes, please obtain a disclosure form from the Clerk and complete the disclosure and provide it to the Clerk for inclusion in the public record."

Although completing this form does not strictly comply with the timing of the law, it would place the disclosure in the public record and possibly eliminate any argument affecting the validity of the decision reached by the governing authority.

If you have any questions regarding this matter or desire to discuss this matter further, please contact me at your convenience.

Sincerely,

THOMPSON & SWEENEY, P.C.



V. Lee Thompson, Jr.

## LANGUAGE FOR LEGAL AD

O.C.G.A. § 36-67A-3 reads as follows:

(a) When any applicant for rezoning action has made, within two years immediately preceding the filing of that applicant's application for the rezoning action, campaign contributions aggregating \$250.00 or more to a local government official who will consider the application, it shall be the duty of the applicant to file a disclosure report with the governing authority of the respective local government showing:

(1) The name and official position of the local government official to whom the campaign contribution was made; and

(2) The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.

(b) The disclosures required by subsection (a) of this Code section shall be filed within ten days after the application for the rezoning action is first filed.

(c) When any opponent of a rezoning action has made, within two years immediately preceding the filing of the rezoning action being opposed, campaign contributions aggregating \$250.00 or more to a local government official of the local government which will consider the application, it shall be the duty of the opponent to file a disclosure with the governing authority of the respective local government showing:

(1) The name and official position of the local government official to whom the campaign contribution was made; and

(2) The dollar amount and description of each campaign contribution made by the opponent to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.

(d) The disclosure required by subsection (c) of this Code section shall be filed at least five calendar days prior to the first hearing by the local government or any of its agencies on the rezoning application.

Any person required to file a disclosure under the provisions of this law is hereby placed on notice of said requirement. Copies of disclosure forms may be obtained from (insert person or title) during normal business hours at the Sugar Hill City Hall.

## STATEMENT FOR MAYOR

The City will be conducting a public hearing on a rezoning application this evening. Anyone desiring to speak in favor or in opposition to this rezoning application should complete a form setting forth your name and address. The form will be included in the public record. I would also like to read to you the provisions of O.C.G.A. § 36-67A-3. That law reads as follows:

(a) When any applicant for rezoning action has made, within two years immediately preceding the filing of that applicant's application for the rezoning action, campaign contributions aggregating \$250.00 or more to a local government official who will consider the application, it shall be the duty of the applicant to file a disclosure report with the governing authority of the respective local government showing:

(1) The name and official position of the local government official to whom the campaign contribution was made; and

(2) The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.

(b) The disclosures required by subsection (a) of this Code section shall be filed within ten days after the application for the rezoning action is first filed.

(c) When any opponent of a rezoning action has made, within two years immediately preceding the filing of the rezoning action being opposed, campaign contributions aggregating \$250.00 or more to a local government official of the local government which will consider the application, it shall be the duty of the opponent to file a disclosure with the governing authority of the respective local government showing:

(1) The name and official position of the local government official to whom the campaign contribution was made; and

(2) The dollar amount and description of each campaign contribution made by the opponent to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.

(d) The disclosure required by subsection (c) of this Code section shall be filed at least five calendar days prior to the first hearing by the local government or any of its agencies on the rezoning application.

All members of the public are hereby notified of the provisions of this law and their obligation to comply with its provisions.

Thank you for your participation.



**CITY OF SUGAR HILL  
WORK SESSION  
SATURDAY, APRIL 22, 1995, 10:00 A.M.**

The City of Sugar Hill held a Work Session on Saturday, April 22, 1995 at 10:00 A.M. at the Community Center.

Those present were Mayor Gary L. Webster, Council Members Steve Bailey, W. J. Dodd, and Jim Stanley, City Manager Warren P. Nevad, City Clerk/Finance Director Betty B. Garbutt, Development Director Ken Crowe, City Attorney Lee Thompson, Citizens Advisory Committee Facilitator Herb Payne, and Committee Members Meg Avery and Tim Pugh, Mr. Craig McKinsey of Mid-American, Mr. Gary Simpson of Piedmont, Olsen, and Hensley, Mr. Charles Duncan of The News, and citizens Mrs. Bobbie Queen, and Mrs. Ruenell Westbrook.

Mayor Webster called the meeting to order, led the Pledge of Allegiance to the Flag, and asked everyone to observe a Silent Prayer for Charles Spradlin and family in the death of Ray Sinker and also for the victims and families of the bombing tragedy in Oklahoma.

Mayor Webster stated that the purpose of the meeting was to review and discuss Landfill issues, review and discuss the City of Sugar Hill Zoning Application and Fees, and review the revised Personnel Manual. He also stated that this Work Session is for the Mayor and Council and no comments will be received from the audience.

Mayor Webster turned the meeting over to Council Member Stanley who gave the Council a report on the Landfill Closure and Post Closure. (see attached report)

This issue was discussed for an hour between those present and the Council concerning the letter received from Mid-American and the conditions they presented in the letter concerning the escrowed funds made by Mid-American.

Mr. McKinsey of Mid-American and Mr. Gary Simpson of POH gave the details of where they were in the Closure operations.

Mayor Webster stated that official action would be taken at the May 8th Council Meeting.

The Council has had the proposed Zoning Application and Fee Changes for some time, and Development Director Ken Crowe was present to answer any questions from the Council concerning the Zoning Application and Fees. This was discussed between the Council and Director Crowe with the changes being discussed concerning the fees and site plans. There will be action taken at the May 8, 1995 Council Meeting on the changes requested.



Manager Nevad reviewed the changes in the Personnel Manual and answered questions from Council concerning vacation and sick leave. Action on this will be taken at a later date when the final draft is finished.

There was no other business to be conducted in the Work Session and the meeting adjourned at 11:58 A.M.

**SPECIAL CALLED MEETING  
TUESDAY, APRIL 4, 1995, 2:00 P.M.**

The Mayor and Council of the City of Sugar Hill held a Special Called Meeting on Tuesday, April 4, 1995 at 2:00 P.M. in the Community Center.

The purpose of the meeting was to receive a report from Attorney Mary Prebula concerning certain landfill issues, and review the 1st quarter Budget figures for 1995.

Those present were Mayor Gary L. Webster, Mayor Pro tem Reuben Davis, Council Members Steve Bailey, W. J. Dodd, Charles Spradlin, and Jim Stanley, City Manager Warren P. Nevad, City Clerk/Finance Director Betty B. Garbutt, Development Director Ken Crowe, City Attorney Lee Thompson, Attorneys Mary Prebula and William Fletcher, Herb Payne, and representatives of the news media.

Mayor Webster called the meeting to order and asked for a motion to go into Executive Session concerning possible litigation. Council Member Bailey made the motion at 2:13 P.M., seconded by Mayor Pro tem Davis and passed unanimously of those present. (4-0)

At the end of the session, at 2:21 P.M., Council Member Dodd made a motion to return to the called meeting, seconded by Council Member Bailey and unanimously passed by those present. (4-0)

Council Member Stanley made a motion to rezone the Rudy Bowen property, at no cost to Mr. Bowen, due to an error in processing during the initial zoning. Council Member Dodd seconded the motion which passed unanimously of those present. (4-0)

Mayor Webster turned the meeting over to Attorney Prebula. She gave a summary of the route she feels the City of Sugar Hill needs to take concerning the development of a Solid Waste Management Plan for Sugar Hill, she also gave information concerning a siting decision, and the permitting process and other issues including closure of existing landfill, litigation, restated lease agreement and relationship with Mid-American, Annexation of City of Buford real property, and compliance/waiver of local ordinances. (see attached)

This summary was discussed at length between the Mayor, Council, Attorneys Thompson, Prebula, and Fletcher, and Mr. Herb Payne.

The Council was in agreement with Attorney Prebula concerning the establishment of a Solid Waste Subcommittee and an Advisory Council comprised of representatives from every side of the landfill issues.

Attorney Prebula informed the Council that this was going to be a lengthy process, and could not be done overnight. She also explained her interpretation of where EPD stands on the issue of

the closure of the present eight (8) acre site and also the fact that the City has to have an approved Solid Waste Management Plan. These issues were discussed.

Fees for representation by Attorney Prebula's firm were discussed. She suggested that fees in \$10,000.00 increments with approval for each additional \$10,000.00. They would inform the City when the fees reached \$5,000.00, and would send statement reflecting the expenditures and when the \$10,000.00 increment was met they could not go on unless the Council approved an additional increment of \$10,000.00. She felt that would be a control on what was being spent. This was discussed.

There was a lengthy discussion involving the issue of public involvement, and Mayor Webster stated that everything has to be out in the open with nothing done behind closed doors unless it is absolutely necessary for an Executive Session.

Council Member Spradlin expressed concern over the issue of preparing a Solid Waste Management Plan and not having a site to list in the plan for placement of Solid Waste. This issue was discussed among all present.

Council Member Stanley expressed concern over the issue of Mid-American's defiance over the closure process and he asked that no money be spent, on the landfill issue, which would be wasted and would "go down the drain", due to an election this year, where the next council may not follow through with the plan begun by this council.

Director Crowe asked that the Council review the proposed fee structure for zoning before the April 10, 1995 meeting.

Council Member Dodd made a motion, at 3:40 P.M., to go into Executive Session concerning pending litigation. The motion was seconded by Council Member Bailey. The vote was 4-1 with Council Member Spradlin voting against the Executive Session. At the end of the session, at 4:04 P.M., Council Member Dodd made a motion to return to the called meeting. There was no action taken from the Executive Session.

Manager Nevad presented a summary of the 1st quarter Budget for 1995, stating that Revenues were a little over the 25% mark and Expenditures were a little under the 25%. He informed Council that the City has invested \$500,000.00 in CD's for use during the months when the City will have short falls in the revenues.

Council Member Bailey made a motion to adjourn at 4:15 P.M., seconded by Council Member Stanley and passed unanimously. (5-0)

**MINUTES  
CITY OF SUGAR HILL  
COUNCIL MEETING--APRIL 10, 1995-7:30 P.M.**

The Mayor and Council of the City of Sugar Hill held the Regular Monthly Meeting on Monday, April 10, 1995, at 7:30 P.M. in the Community Service Building.

Those present were: Mayor Gary L. Webster, Mayor Pro tem Reuben Davis, Council Members Steven Bailey, W. J. Dodd, Charles Spradlin, and Jim Stanley, City Manager Warren P. Nevad, City Clerk/Finance Director Betty B. Garbutt, Development Director Ken Crowe, Attorney Lee Thompson, Attorney Mary Prebula, City employees Donna Zinskie, Danny Pugh, and Danny Hughes, representatives of the news media, registered guests Rose Payne, Lari Webster, and Eddie Sayer and other citizens and guests.

Mayor Webster called the meeting to order, led in the Pledge of Allegiance to the Flag, and Council Member Spradlin gave the invocation.

Mayor Webster asked for prayer for Emmett King's family, a City employee whose son was killed in an auto accident in Alabama.

Council Member Bailey made a motion to approve the Agenda, with amendments to delete item B under New Business and add an Executive Session at the end of the meeting to discuss pending litigation, seconded by Council Member Dodd and passed on a vote of 4 for and Council Member Spradlin abstained. (4-0)

Council Member Dodd made a motion to approve the March Minutes, seconded by Council Member Spradlin and passed unanimously. (5-0)

**COMMITTEE REPORTS:**

**A) PLANNING AND ZONING, ZONING APPEALS BOARD: DODD**

Council Member Dodd reported no meeting held during March. He asked that the City consider having sewer taps paid for in advance.

**B) RECREATION: DAVIS**

Mayor Pro tem Davis reported that Softball is being played at the park, and plans are underway to pave a sidewalk, from the entrance to the fields, at the park. The City is working on a grant to resod the fields.

**C) BUDGET AND FINANCE: GARBUTT**

Finance Director Garbutt stated that the Council has the report and she will answer any questions, they may have, concerning the report. (see attached)



**D) SOLID WASTE: STANLEY**

Council Member Stanley read a report on the landfill activity and at the Mayor's request, he read a letter received by Attorney Thompson from Mid American at 6:02 P.M. today. (see attached)

**E) ECONOMIC DEVELOPMENT: SPRADLIN**

Council Member Spradlin gave no report.

**F) GOLF AND WASTE WATER TREATMENT: BAILEY**

Council Member Bailey reported that the Waste Water Treatment Plant is operating well. During March lift station repairs were made in Lakefield Forest and a partial sewer line was replaced on Sherry Street.

Average amount of treated waste at the plant in March was 255,000 gpd. The Southside plant treated 373,440 gpd.

Completion is expected this month on the Bell South Tower.

He reported an improvement in March over February at the Golf Course, but is short compared to last year. The course is about even in number of rounds and revenues as compared to the first quarter of 1994. The prison crew laid 48,000 sq. ft. of sod, and the course looks good.

The contractor has secured all permits and is ready to begin construction of the Club House. He commended Ken Crowe, Wade Queen, the Contractor, the Fire Marshall, and the Architect in resolving technical issues so the work can process. (see attached report)

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

Mr. David Edwards gave a report from the Economic Development Commission and asked that residents be sure to return the survey which is being mailed by the EDC. Two (2) items on the survey are alcohol by the drink, and a train depot in the City. He asked for any ideas from the residents concerning the Economic Development in Sugar Hill.

4 Mrs. Rose Payne thanked Council Member Spradlin for his concern for Aliscia Clack, who has aplastic anemia, and gave a report on her condition and asked that the citizens of Sugar Hill give their full support to this family. She reported that part of the family is present tonight. Test, have been done on her siblings and a match for bone marrow is urgently needed. Mrs. Payne spoke in behalf of the Clack family, and asked that contribution be sent to a fund established at The People's Bank and Trust in Buford.

Mr. Michael Clack gave an appeal for the citizens of Sugar

Hill to come to Aliscia's need as they search for a compatible donor for bone marrow.

**OLD BUSINESS:**

**A) ZONING APPLICATIONS AND FEES: CROWE**

Director Crowe was out of the room so this report will be given later.

**B) PROPOSAL BY ATTORNEY MARY PREBULA:**

Attorney Prebula gave a report on what has been done concerning the implementation of a new Solid Waste Plan. She reviewed the plan presented at the Called Meeting held on April 4, 1995. She asked that a Solid Waste Sub-committee be created from the Council and that an Advisory Council be formed, to take public comments, and input on siting decisions.

**C) UPDATE ON CLUB HOUSE CONSTRUCTION: NEVAD**

Manager Nevad reported that it appears construction will begin shortly on the Club House at the Golf Course. He also reported that administrative and closing costs have been lower than anticipated. He presented a budget analysis of the \$500,000.00 to be used for construction and related items.

Mayor Webster asked Mr. Crowe to give his report on the Zoning Application. He explained what was proposed. This was discussed among the Council and Mr. Crowe. Council Member Stanley made a motion to approve the recommendations made by Mr. Crowe. The motion was seconded by Council Member Dodd. During discussion the requirement of a site plan was looked at, also fees from other cities were looked at. Council Member Spradlin stated that he felt the flat fee of \$350.00 was a little high, and made a motion that a flat rate of \$200.00 be used. The motion died for lack of a second. After much discussion, Council Member Dodd made a motion to schedule a work session on this. Council Member Spradlin seconded the motion which passed unanimously. (5-0). A work session was set for 10:00 A.M. on April 22, 1995 in the Community Center.

**D) SOLID WASTE MANAGEMENT PLAN-CONSIDERATION TO CALL PUBLIC HEARING: BAILEY**

Council Member Bailey read a motion (see attached). After reading of the motion, Council Member Dodd seconded the motion and after discussion it passed unanimously. (5-0)

The following were nominated for an Advisory Committee:

Council Member Bailey nominated Milton Califf.  
Council Member Spradlin nominated Ken Sackmire.  
Council Member Stanley nominated Meg Avery.  
Mayor Pro tem Davis nominated Nancy French.  
Council Member Dodd nominated Tim Pugh.  
Mayor Webster appointed Herb Payne as facilitator.

**E) UPDATE ON CONSENT ORDER: NEVAD**

Manager Nevad stated that this issue was covered earlier tonight with Council Member Stanley's report and the letter from Attorney Aldridge. There is a need for new topo cad files, hopefully Mid American will supply these. Tentative approval has been received, from EPD, on the Groundwater Monitoring Plan at the landfill site.

Manager Nevad introduced Mr. Gary Simpson from Piedmont, Olsen, and Hensley to answer any questions and give a brief update. Mr. Simpson has met with EPD, basically he tried to get groundwater monitoring approval. He is trying to get the CAD files from Mid American. He feels that EPD is trying to get this resolved and go forward. Council Member Stanley asked if the 60 day deadline is going to be met. He thinks the deadline for methane monitoring can be met, but the plan itself must be approved and stamped by EPD.

**F) REVIEW BY MID AMERICAN: MR. MCKINSEY**

Mr. McKinsey stated that their input was given in the letter received by Attorney Thompson tonight. Mayor Webster thanked him and stated that the City would be in touch through the legal counsel.

Council Member Stanley asked if Mid American was willing to proceed with closure-post closure and cooperate with POH and what, at this point, does it mean with the ongoing litigation.

Mr. McKinsey stated Mid American is willing to do the closure and comply with the Consent Order. They feel that the City is in compliance with the Consent Order at this time, and have been in compliance. There is a question as to having two firms do it. As far as the litigation, the letter stands on its own. Council Member Dodd asked what effect does this have on the appeal in court at this time. Attorney Dan Aldridge, attorney for Mid American stated that the letter does not have any effect on the appeal. He stated that the City's position is that they do not recognize the lease agreement, but Mid American states that they feel it is valid, and until the court rules they cannot say where the appeal is going.



**NEW BUSINESS:**

**A) ORDINANCE ON USE OF VOTE RECORDERS: GARBUTT**

Clerk Garbutt reported that Mr. McCalla, Election Superintendent, has received permission from Gwinnett County to use their Electronic Vote Recorders in the November 7, 1995 Municipal General Election. The County has also agreed to print the ballots for the recorders at their cost. An Ordinance on use of the Vote Recorders was read by Clerk Garbutt. She reported that if the Ordinance is approved by the Council, approval must also be obtained from the U. S. Justice Department before the recorders can be used in the city elections. After the Ordinance was read (see attached) by Clerk Garbutt, Council Member Dodd made a motion to approve the Ordinance to begin the use of the Electronic Vote Recorders, should the Justice Department approve, in the City of Sugar Hill elections. Council Member Spradlin seconded the motion which passed by unanimous vote. (5-0) Mrs. Garbutt commended Mr. James McCalla for his work as Election Superintendent and he was given a round of applause.

**B) OATH OF OFFICE EDC-GERALDINE CATES: WEBSTER**

This item was deleted ~~because~~ due to a former committment of Mrs. Cates, Mayor Webster administered the Oath of Office for EDC Member to Mrs. Geraldine Cates prior to the meeting.

**C) VOTING REQUIREMENTS: DODD**

Council Member Dodd made a motion to not require driver's license when voting in the elections of Sugar Hill. Council Member Bailey and Davis seconded the motion. There was some discussion on this matter with Council Members Dodd, Spradlin, and Stanley giving their opinions on the subject. Council Member Spradlin stated that he is the one who introduced the Ordinance requiring ID's, due to the high percentage of absentee ballots cast and the past history of voting. After more discussion, the motion passed on a vote of 3-2 with Mayor Pro tem Davis, Council Members Bailey and Dodd voting for and Council Members Spradlin and Stanley voting against.

**D) POST OFFICE FUNDING REQUIREMENTS: DAVIS**

Mayor Pro tem Davis reported that it was costing the City of Sugar Hill approximately \$20,000.00 to operate the Post Office. He has contacted Congressman Norwood, who seems very interested in helping the City with this matter. He will report back later on this issue.

**E) REVIEW OF SOLID WASTE CONTRACTS: SPRADLIN**

Council Member Spradlin stated that in view of the letter from the attorney of Mid American, he made a motion to table this



matter. Council Member Dodd seconded the motion which passed unanimously. (5-0)

**CITY CLERK'S REPORT: GARBUTT**

Clerk Garbutt reported that application for the \$2,000.00 exemption, on property tax assessment, for residents of Sugar Hill who are 65 or older are available in the Clerk's office.

The rest of the report is in the Council Packets. (see attached report)

**CITY MANAGER'S REPORT: NEVAD**

City Manager Nevad thanked Council Members Bailey and Spradlin for their help with computer software recently with no cost for labor. He reported that the 1995 Budget has been reviewed and the Revenues stand at 31% and Expenditure/Expenses stand at 23% for the first quarter of 1995. A new personnel manual will be presented next month. A state contract has been signed to widen Sycamore Road from Highway 20 to Appling Road. The remainder of his report is in the Council Packets. (see attached report)

**COUNCIL REPORTS:**

Council Member Bailey has nothing further to report.

Council Member Spradlin reported that a new card has to be installed in one of the computers he worked on, but he did save the sales tax on the purchase. He appreciated the fact that the Council stuck together, tonight, on the needs of the citizens, those of Mr. King, the Clacks and he asked for prayers for Ray Sinker, who is not doing too well.

Council Member Stanley and Mayor Pro tem Davis had nothing further to report.

Council Member Dodd expressed appreciation to Mrs. Rose Payne for making the Council and citizens aware of the illness of Aliscia Clack, and asked that she keep the people informed. He thanked everyone for the decorum of the meeting tonight.

Mayor Webster asked if the City could donate to the Clack Family but was informed that it is not legal for the City to give gratuities.

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

Mr. Herb Payne expressed appreciation to the Council for very productive meetings concerning the Solid Waste Plan and displaying trust in the citizens by forming the Advisory Committee. He made a plea to Mid American to remove the shadows and doubts by dropping the appeal and extends a plea one more time for them to get on a

level field so we can go forward with this landfill issue.

Mayor Webster asked for a motion to go into Executive Session. Council Member Bailey made a motion to go into Executive Session, at 8:41 P.M. to discuss pending litigation. Council Member Dodd seconded the motion which passed on a vote of four (4) for and Council Member Spradlin abstained. (4-0)

There was no action taken from the Executive Session which ended at 9:04 P.M.

**ADJOURNMENT:**

Council Member Spradlin made a motion to adjourn, at 9:06 P.M. seconded by Council Member Stanley and passed unanimously. (5-0)

**RESOLUTION OF THE  
MAYOR AND CITY COUNCIL  
CITY OF SUGAR HILL, GEORGIA  
TO  
ESTABLISH POLICY FOR LANDFILL CLOSURE**

WHEREAS, the City of Sugar Hill has entered into certain lease agreements with Mid American Waste Systems of Georgia (MAWS), formerly Button Gwinnett Landfill, Inc., for property on which a sanitary landfill has been operated, and

WHEREAS, the City of Sugar Hill has accepted Advance Payments related to anticipated future operation of an expanded landfill, and has accepted the donation of certain properties, contiguous to the landfill, intended to be used for landfill expansion, and

WHEREAS, MAWS has proposed to proceed at its own expense with the required closure of the landfill and with post-closure monitoring of the landfill, provided that the City of Sugar Hill returns to MAWS the properties previously donated to the City, and further provided that the City refunds to MAWS the balance of Advance Payments after deducting all lease payments due.

NOW THEREFORE BE IT RESOLVED, that the City shall immediately return to MAWS the properties previously donated to the City which are contiguous to the landfill and intended to be used for landfill expansion provided that MAWS enters into a formal written agreement agreeing to accept full and complete legal and financial responsibility for all closure and post-closure requirements in connection with the landfill, including, but not limited to compliance with all requirements in existing consent orders, all requirements under approved closure plans, conduct of all post-closure monitoring, and indemnification of the City, including proper security, from any and all damages incurred by the City due to any environmental damage as a result of operation of the landfill. Said agreement shall also provide that the City shall return the balance of all advanced payments made of the monthly host fees pursuant to paragraph 3 of the Restated Lease and Operating Agreement dated August 9, 1993, which agreement was previously voided by the Court, less any direct expenses incurred by the City in connection with the landfill closure and less all lease payments due for the entire term of the lease agreements dated December 19, 1985 as amended and July 10, 1989 as amended. Said sums shall be paid to MAWS immediately following completion of all landfill closure activity as required by the Georgia Environmental Protection Division.

APPROVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SUGAR HILL in formal session this 8th day of May, 1995.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Councilmember

\_\_\_\_\_  
Councilmember

\_\_\_\_\_  
Councilmember

\_\_\_\_\_  
Councilmember

\_\_\_\_\_  
Councilmember

Attest:

\_\_\_\_\_  
City Clerk



**RESOLUTION OF THE  
MAYOR AND CITY COUNCIL  
CITY OF SUGAR HILL, GEORGIA  
TO  
ESTABLISH POLICY FOR LANDFILL CLOSURE**

**WHEREAS**, the City of Sugar Hill has entered into certain lease agreements with Mid American Waste Systems of Georgia (MAWS), formerly Button Gwinnett Landfill, Inc., for property on which a sanitary landfill has been operated, and

**WHEREAS**, the City of Sugar Hill has accepted Advance Payments related to anticipated future operation of an expanded landfill, and has accepted the donation of certain properties, contiguous to the landfill, intended to be used for landfill expansion, and

**WHEREAS**, MAWS has proposed to proceed at its own expense with the required closure of the landfill and with post-closure monitoring of the landfill, provided that the City of Sugar Hill returns to MAWS the properties previously donated to the City, and further provided that the City refunds to MAWS the balance of Advance Payments after deducting all lease payments due,

**NOW THEREFORE BE IT RESOLVED**, that the properties donated to the City by MAWS be immediately returned to MAWS, and that the City agrees to return the balance of Advance Payments made, less any direct expenses incurred by the City in accomplishing the landfill closure and less all lease payments due, immediately following the completion of all required landfill closure activities as required by the Georgia Environmental Protection Division.

**APPROVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SUGAR HILL** in formal session this 8th day of May, 1995.

Mayor \_\_\_\_\_

Councilman \_\_\_\_\_

Councilman \_\_\_\_\_

Councilman \_\_\_\_\_

Councilman \_\_\_\_\_

Councilman \_\_\_\_\_

MEMORANDUM

TO: MAYOR AND COUNCIL  
FROM; KEN CROWE

REGARDING: CARNIVALS LOCATING IN PARKING LOTS

DATE: 4-28-95

Section 1106 and 1107 of the Zoning Ordinance allow places of amusement ENCLOSED in a building. It makes no provisions for outdoor carnivals. This provision has upheld in the past by the City when requests for carnival permits were requested.

Mr. Thompson is in full agreement that the ordinance requires that places of entertainment be enclosed in a building.

Section 1403 of the Zoning Ordinance would allow for an appeal by the applicant if he so desired.

If an appeal was granted to allow the applicant to operate a place of amusement outside of a building the ordinance providing for such machines would then need to be followed. This ordinance requires the a review by City Officers as reflected in ARTICLE III and requires council approval for the site, etc. as per ARTICLE IX.

If you have any additional questions regarding this matter please contact me.

b:carnival

amended

Ord Chap 36

ORDINANCE

CITY OF SUGAR HILL

AN ORDINANCE TO PROVIDE FOR THE REGULATION OF THE USE AND OPERATION OF VENDING MACHINES, GAME MACHINES, RECREATIONAL MACHINES, TO PROVIDE FOR THE LICENSING OR EXEMPTION FROM LICENSING OF ALL SUCH MACHINES AND EQUIPMENT, TO PROVIDE FOR THE AMOUNT OF FEES TO BE PAID FOR THE OPERATION OF SAME WITHIN THE CITY, TO PROVIDE FOR LOCATIONS WITHIN WHICH SAME MAY BE OPERATED WITHIN THE CITY AND TO PROVIDE OTHER MATTERS NOT INCONSISTENT WITH THE ABOVE.

Be and it is hereby ordained at a regular meeting of the Council for the City of Sugar Hill, a quorum being present, as follows:

ARTICLE I: TITLE

The title of this Ordinance shall be "The Amusement and Game Machine Ordinance" of the City of Sugar Hill, Georgia.

ARTICLE II

Every person required to procure a license under the provisions of this ordinance shall submit an application for such license to the city clerk, which application shall conform to the requirements of this Section.

1. Form of Application. Each application shall be typewritten on 8½ " by 11" paper and shall contain such information as herein provided.
2. Contents of Application. Each application shall contain the following information.
  - a. Name and home address of the applicant, if an individual.

b. Name and home address of each of the partners, if a partnership.

c. Name and home address of each of the officers and directors and of each shareholder owning a beneficial interest of more than 40% of the issued and outstanding shares, if a corporation, together with the address of the principal officer and registered agent of the corporation within the State of Georgia.

d. Place where the proposed business is to be located.

e. Kind of business to be carried on.

f. Complete record of all arrests and convictions against each individual whose name and address is required to be furnished as set forth above, of violations of any and all laws and ordinances of the City, State of Georgia or United States Government.

g. Such additional information which the city clerk or council may find reasonably necessary to the fair administration of this Ordinance.

3. Verification. Each application shall be sworn to by the applicant, if an individual, or by a partner, or by an officer of the Corporation, if a corporation.

4. Payment of Fee. Each application shall be accompanied by the amount of fee chargeable for such license. The fee for the first year in which a license is obtained shall be the same as if the license had been obtained on January 1 of such year.



a. Issuance of receipts. The city clerk shall issue a receipt to the applicant for the amount of fee tendered with the application for license, provided that such receipt shall not be construed as approval of the application, nor shall it entitle or authorize the applicant to open any business contrary to the provisions of this Ordinance.

b. Rebate of fee. Upon the disapproval of any application for which a fee has been submitted under the provisions of this Ordinance, the city clerk shall refund such fee, provided the applicant is not otherwise indebted to the city.

5. Confidentiality of Information. All information furnished or secured under the authority of this Ordinance shall be kept in strict confidence by the city clerk, shall not be subject to public inspection, and shall be utilized solely by the officers of the city responsible for administering the provisions of this Ordinance.

6. False Statements. False statements on any application for license shall be grounds for disapproval of the application or, if approval has been previously granted, for immediate revocation of such license.

### ARTICLE III: PROCEDURE FOR ISSUANCE

1. Review by City Officers. The city clerk shall forward a copy of any application for a license received under this Ordinance to the city manager within 48 hours of the time of receipt of the application. The city manager shall make a

a copy of the application

2. Council Consideration. Upon the receipt of the recommendation of the city manager as hereinabove provided, the city clerk shall forward such recommendation and the application to the city council for consideration and action at its next regularly scheduled meeting.
3. Limitation on Issuance. No license shall be issued to any applicant whose place of business is not in full compliance with all minimum standard building codes adopted by the city.
4. Issuance of License. Upon the express approval of the city council, the city clerk shall issue a business license to the applicant for the use and operation of one or more of the items of machinery or equipment described herein, which license shall reflect thereon the nature of the business so authorized and shall bear the date of issuance and the signature of the Mayor and the city clerk.
5. Council Discretion. The granting of a license for the use and operation of one or more items of equipment or machinery as described herein under the provisions of this Ordinance shall be deemed a privilege only, and nothing herein contained shall be construed as granting any person whose business is subject to municipal regulations any legal right to engage in such business.

#### ARTICLE IV: DISPLAY OF LICENSE

It shall be the duty of any person conducting a business licensed under this Ordinance to keep such license posted in a conspicuous place on the premises used for such business at all times.

ARTICLE V: TERMINATION AND RENEWAL OF LICENSE

1. Expiration Date. All license issued in accordance with this Ordinance shall terminate on the last day of December of each year.
2. Renewal License. Each licensee authorized to use or operate machinery or equipment as described herein shall make a typewritten application for renewal license on 8½" by 11" paper on or before November 15 of each calendar year, which application shall contain substantially the same information as the initial application and be accompanied by all required fees.
3. Refund of Renewal Fees. An application for renewal of a license shall be entitled to a refund of fees tendered if such applicant withdraws the application for renewal prior to final action on the same by the city council.

ARTICLE VI: REVOCATION, SUSPENSION, ETC.

The city council, after affording the licensee reasonable notice of the charges and opportunity to be heard with respect to any revocation proceedings, may, if it finds this Ordinance to have been violated by the licensee, the agent or employee of the licensee, revoke such license in its entirety, suspend the license for a specified period of time, place the licensee on probation, or place other conditions thereon as the council may deem necessary.

ARTICLE VII: MISCELLANEOUS PROVISIONS REGARDING LICENSES

1. Change of Location. In the absence of any provision to the contrary, the location of any business licensed hereunder

may not be changed without the prior approval of the city council, and any such change shall not, under any circumstances, be made if to do so would place the licensee in violation of any of the provisions of this Ordinance or any other Ordinance or law then in effect in the city, provided, however, that this provision shall not prohibit a licensee who has obtained licenses for more than one operation in the city, from moving individual items of equipment or machinery covered by this Ordinance from one licensed location to another licensed location, without the prior approval of the city council provided that by doing so the licensee is not placed in violation of the provisions of this Ordinance or of any other Ordinance or law then in effect in the city.

2. Transfer of Licenses. All licenses issued hereunder shall be personal to the licensee to whom issued, and may not be transferred.

3. Duplicate Licenses. A duplicate license shall be issued by the city clerk to replace a previously issued license which has been lost, stolen, defaced, or destroyed without willful conduct on the part of the licensee, upon the filing of a sworn affidavit attesting to such fact and the payment of a fee of \$15.00 to the city clerk.

4. Branch Offices. For the purpose of this Ordinance, each branch establishment or location wherein there is located three or more items of equipment or machinery of the licensee shall be deemed a separate place of business for which separate license



shall be required hereunder. A licensee may own, use or operate no more than two items of machinery or equipment at a locations within the city other than at the principal location under and pursuant to the license issued hereunder for the principal place of business of the licensee. Nothing herein shall be construed to limit the number of items of such machinery or equipment which the licensee may own, use or operate at the principal place of business of such licensee.

5. Licensing of Individual Items of Machinery or Equipment.

At the time of the filing of the application for the license or licenses under this Ordinance, the licensee shall include on the application the number, type and a description of each separate item of machinery or equipment to be owned, used or operated by the licensee, and the location within the city at which such items of equipment or machinery is to be operated.

6. Joint License. A person engaged in two or more businesses at the same location shall be required to obtain a separate business license for the conduct of each such business for which a license is required, and the issuance of a license for the use or operation of an item of machinery or equipment as described herein shall not authorize the licensee to operate any business from the same location without an appropriate business license for each such separate business.

7. Penalties. No person may use or operate within the City of Sugar Hill any item of machinery or equipment as described in this Ordinance without having first obtained a valid license

and for each additional separate location within the city wherein three or more of such items of machinery or equipment are to be used or operated, an additional separate license, and unless all such licenses remain valid and in effect at all times during which such persons shall be conducting such business. Any person who shall violate this or any other provision of this Ordinance shall, upon conviction thereof, be punished by fine not to exceed \$1,000.00 and cost, or by imprisonment not to exceed 6 months, or both, any and all of such penalties to be imposed in the discretion of the Judge of the Municipal Court of the City or such other judicial officer as shall have jurisdiction to try such case.

8. Acquisition, Trading or Selling of Machinery or Equipment.  
If, at any time during a calendar year, when a license is in effect, the licensee acquires a new or different item of machinery or equipment, the licensee, prior to placing any such machinery or equipment into use or operation, shall notify the city clerk of each such additional item of machinery or equipment, upon advising the city clerk of the information relating to the description and location of the item or items as is appropriate and paying the appropriate fee for same.

#### ARTICLE VIII: FEES

Each owner, user or operator of items of machinery or equipment as described herein located within the city shall be required to obtain a license from the city clerk as set forth above, and shall pay a minimum annual license fee of \$100.00

for this privilege. Payment of such license fee shall entitle the licensee to use, own or operate within the city at least one item of such machinery or equipment. For each additional item of machinery or equipment the license fee shall be increased by \$25.00. After issuance of a license, if the licensee seeks to operate additional items of machinery or equipment within the city which were not included in the original or renewal application for license, applicant shall pay to the city clerk a fee of \$25.00 for each additional item of machinery or equipment. If the licensee is exchanging an existing item of machinery or equipment for a new or different item of machinery or equipment so as not to increase the total number of such items to be operated by the licensee, there shall be no fee charged for such exchange. Should the licensee, in addition to the operation of herein described game machines and equipment, elect to operate or offer for operation to the general public, pool tables, the fee, in addition to the business license, shall be \$50.00 for each such pool table.

ARTICLE IX: FACTORS FOR COUNCIL CONSIDERATION

The full council, in passing upon an initial application for a license hereunder shall be guided by the following factors as to whether to grant or deny such application:

a. The proximity of other establishments wherein items of the machinery or equipment covered hereunder are located to the proposed location.

b. The character of the neighborhood immediately adjacent to

the proposed location.

c. The proximity of churches, schools and playgrounds to the proposed location.

d. Whether the proposed location has adequate off-street parking facilities or other parking available for its patrons.

e. Whether the location would tend to increase and promote traffic congestion and resulting hazards therefrom.

f. The feelings and attitudes of the citizens residing in the area adjacent to the proposed location.

g. The information set forth in the application.

h. Whether any application under this Ordinance previously issued for such location was ever revoked for cause by the city council, and

i. Whether the applicant has ever used or operated any items of machinery or equipment described herein illegally in the city.

ARTICLE X: RESTRICTIONS ON ISSUANCE OF LICENSE

No license shall be issued in accordance with this Ordinance unless the following conditions are met:

a. Premises from which an item of machinery or equipment hereunder is to be owned, operated or used shall be kept in full compliance, at all times, in a safe and sanitary condition, and in accordance with all laws and ordinances regulating the type of premises wherein same is located.

b. Any premises for which a license is initially issued for the ownership, use or operation on any item of machinery or



equipment hereunder must be no closer than 500 feet from any then existing established church, school, hospital or an existing business wherein there is being owned, used or operated an item of machinery or equipment described herein, such measure being taken from front door to front door of each such establishment.

c. No more than two such items of machinery or equipment may be owned, used or operated from premises where the use, operation or ownership of such items is done only as an incidental part of another existing ongoing business.

d. If three or more of such items of machinery or equipment are to be operated from the same premises, the premises, or portion thereof in which such operation is located, must be separately enclosed, that is, not operated as a part of any other business; the location must be separately licensed hereunder; there must be in attendance at all times when such place of business is open for the use or operation of such items of machinery or equipment a responsible adult, 18 years of age or older, who shall have no duties or responsibilities other than to manage, supervise or direct the use and operation of such items of machinery or equipment located within such premises; such premises may not open for business between the hours of 11:00 p. m. and 8:00 a. m., Monday through Saturday and may not operate during the hours of 11:00 p. m. Saturday to 8:00 a. m. Monday; the licensee shall not permit nor shall licensee allow others to permit any person under the age of

16 years to use or operate any item of equipment or machinery during the normally accepted school operating hours which are from 8:00 a. m. to 3:00 p. m., Monday through Friday; the licensee shall not permit nor shall licensee allow others to permit any person under the age of 14 years to use or operate any item of machinery or equipment unless accompanied by such child's parent or legal guardian; no licensee shall allow or permit others to allow any alcoholic or malt beverages to be consumed or brought upon or about the premises; shall otherwise fully comply with all ordinances of the city, laws and regulations of the State of Georgia and the United States Government as they affect the premises and activities therein.

ARTICLE XI: EXISTING BUSINESSES

This Ordinance shall apply to all persons owning, using or operating such items of machinery or equipment in the city together with all subsequent persons who may seek to own, use or operate such items within the city. Provided, however, that as to any person presently owning, operating or using an item of machinery or equipment in compliance with present licensing, zoning and other ordinances of the city but which shall, as a result of the provisions of Article X above would not be in compliance with this Ordinance, shall have a period of 24 months from the effective date of this Ordinance within which to cause the use, operation or ownership of such items of machinery or equipment to be brought into full compliance with this Ordinance. Other than expressly excepted herein, all

persons owning, using or operating such items of machinery or equipment on or after the effective date of this Ordinance must comply with the licensing and other requirements set forth herein.

ARTICLE XII: EFFECTIVE DATE

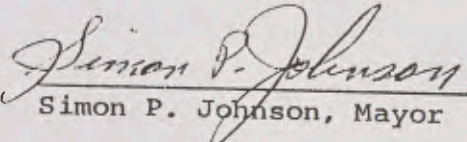
The effective date of this Ordinance shall be the day after it has been duly passed by the council of the city and signed by the Mayor.

ARTICLE XIII: DEFINITION

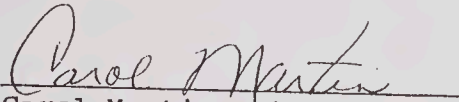
As used herein, an item of machinery or equipment hereunder regulated shall mean an electronic, mechanical, electrical or other type of machinery or equipment the primary purpose of which is the entertainment, amusement or pleasure of the operator, user or spectator. Such items shall include, but not be limited to, machines sometimes known as pinball machines, electronic game machines, pool tables and all other such items where a fee is paid in connection with the use, operation or observation of same. Not included in the definition of items of machinery or equipment regulated hereunder are vending machines for the sale of goods or services such as soft drinks, snack foods, cigaretts, shoe polishing machines, gum and other such machines where there is received an item of goods or services other than a service which is the entertainment, amusement or pleasure of the operator, user, or spectator, which is proportionate in value to the fee paid for same.

The above and foregoing Ordinance

approved by a majority of Council present and voting, a quorum being present, at its first reading held on the 14th. day of December, 1981, and was duly moved seconded and passed after a second reading at a regular meeting of the Council held on the 11th. day of January, 1982.

  
Simon P. Johnson, Mayor

ATTEST:

  
Carol Martin, City Clerk



The HSB district requires individual free-standing structures, larger yard areas, greater setbacks, and lower building densities than are permitted in the general business district.

In the HSB highway service business district, the following uses are permitted:

- (1) Sit-down restaurants, not including establishments offering drive-through facilities.
- (2) Motels, hotels, and campgrounds for transient recreational vehicles.
- (3) Retail business and service stores.
- (4) Offices.
- (5) Banks and other financial institutions.
- (6) Public buildings and land uses.
- (7) Mortuaries, except crematories.
- (8) Theaters and other places of entertainment and amusement enclosed in a building.
- (9) Parking lots and parking garages.
- (10) Research and testing facilities.
- (11) Lodges, fraternal, and social organizations.
- (12) Outdoor advertising, business or institutional identification signs and window displays.
- (13) Churches.
- (14) Nurseries providing lawn and garden supplies and plants.
- (15) Utility stations in compliance with Section 605.

Section 1107. General Business District (BG).

The BG general business district is intended for those commercial uses compatible with a central location, high density development, and proximity to other commercial and industrial land uses, and providing goods and services that are used by the entire community and surrounding area.

In the BG general business district, the following uses are permitted:

- (1) Any use permitted in the highway service business district.
- (2) Convenience stores.
- (3) Restaurants, including fast food and drive-in restaurants.
- (4) Gasoline stations, service stations, garage, car washes, body shops, and other automobile repair facilities, except junk yards.
- (5) Automobile, truck, mobile home, recreational vehicle, heavy equipment, and boat dealerships, including establishments for new and used vehicles and equipment, and elated service and maintenance facilities.
- (6) Drive-in theaters.
- (7) Boarding and rooming houses.
- (8) Building supply stores and lumber yards.
- (9) Newspaper and printing facilities.
- (10) Radio and television facilities.
- (11) Transportation terminals for passengers.

Section 1108. Light Manufacturing District (LM).

The LM light manufacturing district is established to provide a location for those heavy commercial and light industrial operations which demonstrate characteristics that are able to meet comparatively rigid specifications for nuisance-free operation.

In the LM light manufacturing district, the following uses are permitted:

- (1) Cabinet shops and furniture manufacturing.
- (2) Building material yards including milling operations.
- (3) Utility stations including water and wastewater treatment facilities, building and grounds for storage of vehicles, equipment, and materials.
- (4) Transportation terminals for freight.
- (5) Wholesaling, commercial warehousing, and commercial storage facilities.
- (6) Veterinary offices, hospitals, and laboratories.

CITY OF SUGAR HILL - ZONING ORDINANCE

this particular piece of property would create an unnecessary hardship; that such conditions are peculiar to the particular piece of property involved; that such conditions are not a result of any action of the property owner; and that relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this zoning ordinance; provided, however, that no variance may be granted for a use of land or building or structure that is prohibited by this ordinance. Variance may be granted in accordance with the following procedures:

- a. A written application for a variance; shall be submitted demonstrating that required conditions for a variance have been met.
  - b. A public hearing shall be held following at least fifteen (15) days' notice to the applicant and to the public. Public notice shall, at a minimum, include posting of a notice on the property and at City Hall for a least fifteen (15) days. Failing to post or maintain the notice shall not, however, invalidate the actions taken.
  - c. The board shall certify its findings and decisions in writing, including therein any special terms or conditions ;which may be appropriate.
4. In exercising the above powers, the board of zoning appeals may, in conformity with the provisions of this ordinance, reverse or affirm, wholly or partly, or may modify the order requirements, decision, or determination and to that end shall have all the powers of the city manager or planning commission from who the appeal is taken and may issue or direct the issuance of a permit.

Section 1403. Appeals to the Board of Zoning Appeals

Appeals to the board of zoning appeals may be taken by any person aggrieved by, or by any official of the city affected by any planning or zoning enforcement decision of the city manager. Such appeal shall be taken within thirty (30) days from the date the appellant is notified of the decision of the city manager or planning commission by filling with the ;city manager ;and with the board of zoning appeals a notice of appeal specifying the grounds thereof. The city manager shall forthwith transmit to the board of zoning appeals all the papers constituting the record upon which the action appealed from was taken.

An appeal stays all legal proceedings in furtherance of the action appealed from, unless the city manager certifies to the board of zoning appeals after the notice of appeals shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life and property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by a court of record on application, on notice to the city manager, and on due cause shown.

Section 1404. Appeals from Decisions of Board of Zoning Appeals.

Any person or persons, or any board, taxpayer, department, or bureau of the city aggrieved by any decision of the board of appeals



CITY OF SUGAR HILL - ZONING ORDINANCE

may seek review by a court of record of such decision, in the manner provided by the laws of the State of Georgia.

ARTICLE XV. AMENDMENTS

Section 1500. Amendments Permitted.

This zoning ordinance including the zoning map, may be amended from time to time by the city council of Sugar Hill, Georgia.

Section 1501. Amendment Procedure.

1. All applications for amendments shall first be submitted to the Planning Commissions for review and recommendation prior to adoption by the City Council. The Planning Commission shall have sixty (60) days within which to complete its review and submit a report and recommendation to the City Council. During the ;;60 day review period, the Planning Commission may at its discretion, hold a; public hearing on the proposed amendment. At least 15 but not more than 45 days prior to the date of such a hearing, the Planning Commission shall cause to be published a notice of such hearing in a newspaper of general circulation within the territorial boundaries of the City of Sugar Hill. If the Planning Commission fails to submit a report to the City Council within the 60 day review period, it shall be deemed to have approved the proposed amendment.
2. After the 60 day Planning Commission review period, proposed amendments to the Zoning Ordinance shall be submitted to the City Council for adoption or rejection. Before the City Council acts on an amendment to the Zoning Ordinance under this section, it shall hold a public hearing thereon. At least 15 but not more than 45 days prior to the date of the public hearing, the City Council shall cause to be published in a newspaper of general circulation within the territorial boundaries of the City of Sugar Hill a notice of the proposed public hearing. This notice shall state the time, place and purpose of the hearing. If the proposed amendment is a rezoning of property initiated by a party other than the Mayor and Council or the Planning Commission, then:
  1. The notice, in addition to the foregoing, shall include the location of the property, the present zoning classification of the property, and the proposed zoning classification of the property; and
  2. A sign containing the same information shall be placed in a conspicuous location on the property not less than fifteen (15) days prior to the date of the hearing.

Section 1502. Amendment to Official Zoning Map.

If, in accordance with the provisions of this ordinance, changes are made in district boundaries or other matter portrayed on the official zoning map, such changes shall be entered on the official zoning map promptly after the amendment has been approved by the city council. The date of amendment and signature of the mayor shall be



**MEMORANDUM 95-033**

TO: Mayor/City Council  
FR: Warren P. Nevad  
RE: May 8, 1995 CITY MANAGER REPORT  
DATE: May 1, 1995

**1. EMPLOYEES:**

Danny Pugh, Streets Superintendent and Joe Appling, Assistant Inspector have taken job offers with private firms. We wish them continued success with their careers. At this time, we plan to merge their functions with other jobs in order to maintain current levels of services while decreasing aggregate labor dollars for the respective departments.

We wish Emmitt King, Crew Chief a speedy recovery from his illness.

Kelley Canady and Ruth Switzer successfully completed debt administration coursework at the University of Georgia. The City Manager's golf team finished 2nd in the annual Municipal Gas Authority golf tournament. The prize of \$25 was donated to the Helping Hands Ministry.

**2. CUSTOMER SERVICE:**

The Customer Service Department collected \$498.33 in utility donations to the HI Hope Center. We appreciate the efforts by Shirley Gibbs, Margaret McEachern, Shirley Fields, Ruthann Cooper and Margie Wilson. The employees in the front office have been tracking the number of customers during each hour in order to ensure adequate staff planning. This demand analysis exercise will also be used in the Planning and Zoning Department. Results will be issued at a later date.

Sara Whidby and Ruth Switzer worked on the economic development surveys for our mailing.

**3. PLANNING/ZONING**

Ken Crowe and Kim Landers have developed a new comprehensive manual for rezoning, change of conditions and special exception application. Tony Bauman has issued a number of citations ranging from outdoor storage violations to livestock. The next court date is planned for June.

**4. BUDGET/FINANCE:**

Golf Course revenues for April should exceed \$100,000. This helps alleviate the sluggish revenues in February. Betty Garbutt continues to instruct department heads to be more frugal with their expenditures.

page two

We will be presenting our revised personnel manual for the May 8th Mayor/Council Meeting. Ruth Switzer assisted me in this project. To summarize, this manual incorporates all new federal legislation enacted since January 1993. New legislation includes Family and Medical Leave Act and American Disabilities Act.

5. **CONSENT ORDER**

On April 27th, Piedmont Olsen Hensley forwarded the final revision of the Ground Water Monitoring Plan to EPD. We are confident that we will meet the May 13th deadline for an approved groundwater monitoring plan. Thereafter, we have 90 days from EPD's approval of the plan to install the groundwater monitoring system. We will keep you abreast of further developments.

6. **CLUBHOUSE:**

The contractor has laid the footings and is preparing to lay cinder block. Shortly, we will be installing the lift station for the clubhouse. We are keeping a daily construction diary at the golf course. Please contact Wade Queen for the specifics.

7. **WATER SYSTEM:**

We have mapped out all water distribution lines of 2 inches or smaller. We are upgrading the water pressure level on Old Suwanee Rd. by looping their water line with an 8 inch water line. As you are aware, we have approximately \$18,000 budgeted for Water System Capital Improvements.

8. **STREETS:**

We are paving four (4) local roads under the State L.A.R.P program. The Department has been working on community development improvements on Pass Ct. The Department has been working on a number of drainage improvements throughout the City.

Margie Wilson assisted me with the 1996 CDBG grant application to fund street improvements on Hessie Lane.

Please call me should you have any questions - Best Wishes for a productive meeting.

WPN: bms

APRIL 1995  
ADMINISTRATIVE REPORT

INSPECTIONS, PLANNING & DEVELOPMENT

SUBDIVISION LOT AVAILABILITY LIST

Updated 5-1-95

Available Lots	Subdivision	Near What Major Street	Permits Issued	C.O.'s Issued	Lots Not Built On	City Sewer Paid Due	City Gas	City Water
32	Bent Creek III	Level Creek Road	31	29	1	X	X	X
44	Bent Creek IV	Level Creek Road	43	43	1	X	X	X
36	Bent Creek V	Level Creek Road	36	36	0	X	X	X
7	Brandon Oaks	Austin Garner Road	6	5	1	Septic Tank		
26	Brookside at Parkview	Parkview Mine Drive	11	11	15	X	X	X
39	Emerald Lakes IV	Cumming Highway	28	9	11	X	X	
131	Lakefield Forest	Level Creek Road	123	115	8	X	X	
174	Princeton Oaks	Riverside Road	103	103	71	X	X	X
106	Saddle Tree	Suwanee Dam Road	9		97		X	
116	Secret Cove	Old Suwanee Road	115	108	1	X	X	X
96	Sugar Crossing	Austin Garner Road	64	54	32	X	X	
146	Sycamore Summit	Sycamore Road/Riverside Road	144	144	2	X	X	X
7	Sycamore Summit V	Sycamore Road	7	5	0		X	X
25	Sycamore Summit VI		1	0	24		X	X
14	The Lakes at Riverside	Riverside Road	13	13	1			
51	The Links	Suwanee Dam Road	0	0	51			
46	The Oaks at Lanier I	Highway 20	44	39	2	X	X	
48	The Springs I	Highway 20	39	33	9	X	X	
50	West Price Hill	West Price Road	46	46	4	Septic Tank	X	X





CITY OF SUGAR HILL  
 PERIODIC REPORT OF PERMITS ISSUED (GROUPED BY REPORT CODE)

Printed on: MAY 1, 1995

DATE RANGE: 04/01/95 THROUGH 04/30/95

	CODE	PRMS	VALUATION	FEES	DUE	UNITS
<b>NEW RESIDENTIAL HOUSEKEEPING BLDGS:</b>						
* Single Family Houses Detached ....	101	6	497,280.00	12,219.20	0	0
* Single Family Houses Attached ....	102	0	0.00	0.00	0	0
* 2 Family Building .....	103	0	0.00	0.00	0	0
* 3 and 4 Family Buildings .....	104	0	0.00	0.00	0	0
* 5 or More Family Buildings .....	105	0	0.00	0.00	0	0
<b>NEW RESIDENTIAL NON-HOUSEKEEPING BL:</b>						
* Hotels, Motels & Tourist Cabins ..	213	0	0.00	0.00	0	0
* Other Non-Housekeeping Shelter ...	214	0	0.00	0.00	0	0
<b>NEW NON-RESIDENTIAL BUILDINGS:</b>						
* Amusement, Social, & Recreational	318	1	369,000.00	0.00	0	0
* Churches & Other Religious .....	319	0	0.00	0.00	0	0
* Industrial .....	320	0	0.00	0.00	0	0
* Prkng Garages (Blds & Open Decked)	321	0	0.00	0.00	0	0
* Service Stations & Repair Garages	322	0	0.00	0.00	0	0
* Hospitals & Institutional .....	323	0	0.00	0.00	0	0
* Offices, Banks, & Professional ...	324	0	0.00	0.00	0	0
* Public Works & Utilities .....	325	0	0.00	0.00	0	0
* Schools & Other Educational .....	326	0	0.00	0.00	0	0
* Stores & Customer Services .....	327	0	0.00	0.00	0	0
* Other Non-Residential Bldgs .....	328	0	0.00	0.00	0	0
* Structures Other than Buildings ...	329	0	0.00	0.00	0	0
<b>ADDITIONS, ALTERATIONS, &amp; CONVERSION</b>						
* Residential .....	434	7	0.00	647.50	0	0
* Non-Residential & Non-Housekeeping	437	0	0.00	0.00	0	0
* Adds of Resid. Garages (Atch/Detc)	438	1	0.00	25.00	0	0
<b>DEMOLITIONS AND RAZING OF BUILDINGS:</b>						
* Single Family Houses (Atch/Detach)	645	0	0.00	0.00	0	0
* 2 Family Buildings .....	646	0	0.00	0.00	0	0
* 3 & 4 Family Buildings .....	647	0	0.00	0.00	0	0
* 5 or More Family Buildings .....	648	0	0.00	0.00	0	0
* All Other Buildings and Structures	649	0	0.00	0.00	0	0
<b>TOTALS FOR PERMITS SHOWN ABOVE</b>						
		15	866,280.00	12,891.70	0	0
<b>Totals of other permits in the period</b>						
		82	0.00	7,457.38	0	0
<b>TOTAL FOR ALL PERMITS IN THE PERIOD</b>						
		97	866,280.00	20,349.08	0	0

THIS REPORT WAS PRINTED ON MAY 1, 1995

CITY OF SUGAR HILL

PERMIT TYPE AND DESCRIPTION	# OF PERMITS	VALUATION	FEES DUE	FEES PAID
AD - ADDITION/GARAGE PERMIT	3	0.00	342.80	342.80
AV - ADMINISTRATIVE VARIANCE	3	0.00	300.00	300.00
CM - COMMERCIAL PERMIT	1	369,000.00	0.00	0.00
CT - CONSTRUCTION/SALES TRAILERS	2	0.00	200.00	200.00
DP - DEVELOPMENT PERMIT	1	0.00	2,187.98	2,187.98
EC - ENERGY CODE AFFIDAVIT	7	0.00	0.00	0.00
EL - ELECTRICAL AFFIDAVIT	15	0.00	0.00	0.00
FP - FENCE PERMIT	2	0.00	0.00	0.00
HE - HEATING/AIR AFFIDAVIT	11	0.00	0.00	0.00
MH - MOBILE HOME INSTALLER AFFIDAVIT	1	0.00	0.00	0.00
MI - MISCELLANEOUS-COMPLIANCE PERMIT	5	0.00	294.40	294.40
MN - MOBILE HOME INSPECTION NEW	1	0.00	100.00	100.00
PL - PLUMBING AFFIDAVIT	14	0.00	0.00	0.00
PP - POOL PERMIT	1	0.00	25.00	25.00
RP - REVIEW FEES	1	0.00	4,200.00	4,200.00
RM - REMODELING PERMIT	2	0.00	179.50	179.50
SB - STORAGE BUILDING/GARAGE	2	0.00	125.20	125.20
SF - SINGLE FAMILY RESIDENTIAL	6	497,280.00	12,219.20	12,219.20
SP - SIGN PERMIT	1	0.00	25.00	25.00
TL - TRADE LICENSE REGISTRATION	18	0.00	150.00	150.00
TOTALS FOR ALL PERMIT TYPES	97	866,280.00	20,349.08	20,349.08

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
04/03/95	3	155.00	0.00	10.00	0.00	0.00	0.00	0.00	0.00
04/04/95	2	0.00	0.00	10.00	0.00	2072.00	0.00	0.00	115.98
04/05/95	1	0.00	0.00	10.00	0.00	0.00	0.00	0.00	0.00
04/06/95	5	665.00	0.00	40.00	0.00	0.00	250.00	0.00	25.00
04/10/95	6	571.90	50.00	20.00	0.00	0.00	250.00	0.00	2525.00
04/12/95	3	150.00	0.00	20.00	0.00	0.00	0.00	0.00	0.00
04/13/95	3	374.60	0.00	20.00	0.00	0.00	250.00	0.00	25.00
04/14/95	1	25.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
04/17/95	4	491.00	0.00	-130.00	0.00	0.00	0.00	750.00	2525.00
04/18/95	3	554.60	0.00	0.00	100.00	0.00	250.00	0.00	2525.00
04/20/95	3	0.00	0.00	10.00	100.00	0.00	169.40	0.00	0.00
04/21/95	4	319.00	0.00	10.00	100.00	0.00	500.00	0.00	25.00
04/24/95	1	100.20	0.00	0.00	0.00	0.00	0.00	0.00	0.00
04/25/95	2	111.60	0.00	10.00	0.00	0.00	0.00	0.00	0.00
04/27/95	3	575.00	525.00	525.00	525.00	525.00	525.00	525.00	525.00
04/28/95	3	223.80	0.00	0.00	0.00	0.00	0.00	0.00	0.00
=====	=====	=====	=====	=====	=====	=====	=====	=====	=====
TOTALS	47	4316.70	575.00	555.00	825.00	2597.00	2194.40	1275.00	8290.98
Non-Existing Categories			0.00						
Current Categories			20629.08						
			=====						
Grand Total			20629.08						



THIS REPORT WAS PRINTED ON MAY 1, 1995

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
173	108	63	36	65	52	11	45
	% INSPECTIONS	% PASSED	% CORRECTIONS	% RE-INSPECTIONS	% PASSED	% CORRECTIONS	% RE-INSPECT. REQUIRED
	62	58	33	38	80	17	26

INSPECTOR ID BREAKDOWN IS AS FOLLOWS:

TONY BAUMAN BUILDING INSPECTIONS 79  
 JOE APPLING BUILDING INSPECTIONS 77  
 KEN CROWE DEVELOPMENT 1 RECORDED  
 RALPH TERRY SEWER INSPECTIONS 16

WASTEWATER DEPARTMENT

April 1995

Liftstations: There was only general maintenance performed on our liftstations in April.

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Sewer Capacity Available:

Total Sugar Hill capacity at Southside plant.....600,000gpd  
Average Sugar Hill usage for April.....313,393gpd  
Average Sugar Hill capacity left.....286,607gpd

Total capacity at Sugar Hill plant.....500,000gpd  
Average usage for April.....229,000gpd  
Average capacity left.....271,000gpd

Total # of lots approved, but not tapped on.....202  
Average usage for these lots based on 400gpd.....80,800gpd

Donna Zinskie  
Collection System Supervisor

April 1995

		1	2	3	4	5	6	7
		METER	12 Mid.	Max. Rate	Min. Rate	Daily Avg.	Flow in Gals.	Gallons
DATE	① Totalizer	Flow	Daily Flow	Time of	Time of	Reading	Fl. of head	Sent to
			Total	Flow	Flow	M&D	in Inches	Buffer
4 01	7:54 962743/345244242	336795	88070	62/1039 <sup>A</sup> <sub>m</sub>	10/618 <sup>A</sup> <sub>m</sub>	33	344-31	326812
4 02	8:39 966012/345571054	336841	78033	69/1142 <sup>A</sup> <sub>m</sub>	12/539 <sup>A</sup> <sub>m</sub>	33	271-27	377265
4 03	11:05 969787/345948319	320901	154395	59/156 <sup>P</sup> <sub>m</sub>	10/719 <sup>A</sup> <sub>m</sub>	32	521-42	299770
4 04	11:30 972783/346248089	298972	135182	53/147 <sup>A</sup> <sub>m</sub>	12/331 <sup>A</sup> <sub>m</sub>	29	332-31	277576
4 05	11:05 95558/346525665	289758	123001	52/1056 <sup>A</sup> <sub>m</sub>	10/517 <sup>A</sup> <sub>m</sub>	28	424-36	259236
								259236
								259236
4 08	8:32 983334/347303372	267753	69517	53/1147 <sup>A</sup> <sub>m</sub>	07/405 <sup>A</sup> <sub>m</sub>	26	349-31	286894
4 09	8:50 986203/347590266	281551	74538	59/1132 <sup>A</sup> <sub>m</sub>	07/531 <sup>A</sup> <sub>m</sub>	27	392-32	350935
4 10	11:20 989714/347991201	293601	131848	60/1007 <sup>A</sup> <sub>m</sub>	09/525 <sup>A</sup> <sub>m</sub>	29	388-34	313700
4 11	2:30 992850/348254901	288421	157127	67/1123 <sup>A</sup> <sub>m</sub>	07/448 <sup>A</sup> <sub>m</sub>	28	460-36	324002
4 12	3:00 996091/348578903	293328	187800	62/934 <sup>P</sup> <sub>m</sub>	05/523 <sup>A</sup> <sub>m</sub>	29	394-34	273947
4 13	11:45 998825/348852350	318257	142983	65/730 <sup>A</sup> <sub>m</sub>	06/500 <sup>A</sup> <sub>m</sub>	31	310-28	290536
4 14	11:30 1001730/349142886	304240	129296	59/926 <sup>A</sup> <sub>m</sub>	09/430 <sup>A</sup> <sub>m</sub>	30	586-43	313782
4 15								313782
4 16								313782
4 17	1:30 101142/350084232	300768	148148	62/1101 <sup>A</sup> <sub>m</sub>	09/611 <sup>A</sup> <sub>m</sub>	30	363-31	317934
4 18	2:30 1014323/350402166	302094	183866	62/1025 <sup>P</sup> <sub>m</sub>	07/451 <sup>A</sup> <sub>m</sub>	30	359-32	294139
4 19								294139
4 20								294139
4 21								294139
4 22	8:42 1026084/351578723	370576	81773	98/256 <sup>A</sup> <sub>m</sub>	06/431 <sup>A</sup> <sub>m</sub>	37	390-34	332233
4 23	8:56 1029404/351910956	337846	76192	65/1150 <sup>A</sup> <sub>m</sub>	10/439 <sup>A</sup> <sub>m</sub>	33	412-36	370286
4 24								370286
4 25								370286
4 26								370286
4 27								370286
4 28	9:40 1047929/353762388	219385	117384	64/1128 <sup>A</sup> <sub>m</sub>	08/429 <sup>A</sup> <sub>m</sub>	34	396-31	207077
4 29	9:38 1049989/353969465	317896	105891	67/820 <sup>A</sup> <sub>m</sub>	08/339 <sup>A</sup> <sub>m</sub>	31	580-45	312428
4 30	10:01 1053119/354281893	329327	96665	72/1051 <sup>A</sup> <sub>m</sub>	09/435 <sup>A</sup> <sub>m</sub>	32	469-38	
5 01	11:55 1056755/354646032	318834	141986	61/1052 <sup>A</sup> <sub>m</sub>	08/505 <sup>A</sup> <sub>m</sub>	31	284-33	
	May 23 Car Wash	Mar.	7770	to	Apr.			
	Gwinnett Federal	"	1534	"	"			
	Hatford Row Apts	"	67088	"	"	68141		
		"	10875	"	"	10875		



***Council Report for the Golf Course & Waste Water Treatment Facility  
May 8, 1995  
By Steven C. Bailey, Council Member***

**Waste Treatment Facility**

The Waste Water Treatment Plant is continuing to operate well.

The Bell-South tower erection is now complete and operational. Bell-South did a superb job in its construction with minimum disruption to our operations and surprisingly very little impact on the skyline. The revenue which the City will enjoy from this lease will be most beneficial for years to come.

Of a particular note of concern is the disposal costs of sludge, which not having our own landfill, has cost us about \$2300 so far to have hauled away elsewhere, and we should expect non-budgeted expenses of about \$1400 per month for the remainder of the year because of the closure. (\$2500 was originally budgeted for disposal / hauling costs)

**Golf Course**

April proved to be a record month for the Golf Course operations on a couple of notes; 1) it exceeded last year's same period by roughly \$16,000.00, and 2) it was the first time we broke \$100,000.00 for any one month! The very good April revenues brought the overall revenues for year to date up 4.29% as compared to the first four months of 1994. April 1995 was a 17.95% increase in revenues over April of 1994 with 11.76% increase in rounds for the same period.

The course has greened up well. The balance of sod laying has been completed and other course and cart path improvements have been completed.

Construction of the new Clubhouse had a rocky start, literally, with footings now in place, foundation blocking & slab work is now underway.

*End of Report 5/8/95*