

City of Sugar Hill Council Meeting

Monday July 12, 1999

7:30 PM Community Center

The City of Sugar Hill held its regular Council Meeting on Monday July 12, 1999 at 7:30 PM in the Community Center.

Notice of the meeting was placed on the doors of city hall and the community center. Notice was also placed on the board at Alton Tucker Blvd and Peachtree Industrial Blvd. Notice was sent to the local news media.

Those present at the meeting were Mayor Roberta Crabb, Council Members Reuben Davis, Chris Abbey, Gary Pirkle, City Manager Frank Ginn, City Attorney Lee Thompson and City Clerk Shirley Gibbs. Also present, Consultant Don McFarland, citizens and members of the media. Absent were Mayor Pro-Tem Bailey and Council Member Mike Mosley.

CALL TO ORDER, PLEDGE TO FLAG AND INVOCATION:

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

APPROVAL OF AGENDA:

Council Member Pirkle made a motion to amend the agenda to include an Executive Session to discuss possible litigation. Council Member Abbey made the second. Motion passed unanimously 3-0 by those present to vote.

APPROVAL OF MINUTES:

6/2/99, 6/14/99, 6/21/99

Council Member Pirkle made a motion to approve the June 2, 1999 minutes. Council Member Abbey made the second. Motion passed unanimously 3-0 by those present to vote.

Council Member Pirkle made a motion to approve the June 14, 1999 minutes. Council Member Abbey made the second. Motion passed unanimously 3-0 by those present to vote.

Council Member Pirkle made a motion to approve the June 21, 1999 minutes. Council Member Abbey made the second. Motion passed unanimously 3-0 by those present to vote.

DEPARTMENT REPORTS:

City Manager Frank Ginn stated he would include Department Reports with the City Manager's Report.

OLD BUSINESS:

A: CONSIDER LAND SALE VETO:

City Attorney Thompson stated that last month the council adopted an ordinance to accept the bid from Peach State Property and Development to purchase the property. Mayor Crabb had vetoed this ordinance in the ten days allowed by the charter. Council Member Pirkle made a motion to table Item A, Land Sale Veto until next months meeting. Council Member Abbey made the second. Motion passed unanimously 3-0 by those present to vote.

B: LOCATION OF CITY MANAGER OFFICE VETO:

Council Member Pirkle stated that at last month's meeting a motion had been made to have the city manager's office relocated to the office used by the previous city manager and was now the office used by the mayor. Since that time she had notified them that she had vetoed this and he read sections of the charter and city code to show that the mayor does not have the authority to veto this action. It was his contention that the motion they made at last month's meeting stands. He asked for input from City Attorney Thompson. In his legal opinion, their vote last month was binding and is an official action of the council unless Council Member Davis tells them otherwise. If they wanted to specify where the mayor's office was to be located they should do so by a separate motion and it would not be something that could be

City of Sugar Hill Council Meeting

Monday July 12, 1999

7:30 PM Community Center

vetoed by the mayor. Council Member Pirkle stated that he did not feel any further action should be taken on this item since the veto was not valid.

**C: RATIFICATION OF FINAL PLAT:
TWIN CREEKS 37 LOTS**

Consultant Don McFarland stated ratification of final plats will be required on a routine basis, once all the inspections have been completed and signed off on. Council Member Pirkle made the motion to ratify the final plat of Twin Creeks – 37 Lots. Council Member Davis made the second. Motion passed unanimously 3-0 by those present to vote.

D: GOLF CART LEASE:

City Manager Frank Ginn reported a bid opening had been held that afternoon at the golf course for the lease of the golf carts. Two bids had been received and they were opened at 3:30 PM at the golf course. The bids were from Club Car and Yamaha Golf Cars. He asked the council to give him more time on this so he and Wade Queen could review the bids. The apparent low bidder was Yamaha Golf Cars with a bid of \$35.13 per month for 48 months, Club Car had bid \$38.50 per month for 48 months. Council Member Pirkle made the motion that upon final review by the city manager and the director of golf that they accept the best bid for the city. Council Member Davis made the second. Motion passed unanimously 3-0 by those present to vote.

CITIZENS AND GUESTS COMMENTS

THERE WERE NO COMMENTS FROM THE CITIZENS OR GUESTS

NEW BUSINESS:

**A: PUBLIC HEARING BEER & WINE APPLICATION:
PRINCE BLESSING D/B/A SHELL FOOD @ 1155-A BUFORD HWY**

Council Member Pirkle made a motion to go into Public Hearing for hearing beer and wine application for Prince Blessing d/b/a Shell Food at 1155-A Buford Highway. Council Member Abbey made the second. Motion passed unanimously 3-0 by those present to vote. City Clerk Gibbs reported this was basically a change in ownership. The former owner had sold the store to Mr. Nuruddin Punja and he was applying for a beer and wine license. As of Monday July 13, 1999, she had not received any comments from the public. Council Member Pirkle asked if there had been any comments when the license had been issued to the former owner and when would the store be opening. Clerk Gibbs responded that there had been no public comments when the former owner applied and the new owner said they would open August 1st. There were no other comments or questions. Council Member Pirkle made the motion to go back into regular session. Council Member Abbey made the second. Motion passed unanimously 3-0 by those present to vote. Council Member Pirkle made the motion to grant the beer and wine license to Prince Blessing. Council Member Abbey made the second. Motion passed unanimously 3-0 by those present to vote.

B: BREAST CANCER WALK/E.E. ROBINSON PARK:

City Manager Frank Ginn reported that Avon was sponsoring a breast cancer walk from Lake Lanier to downtown Atlanta. They have requested that E.E. Robinson Park be their first official break point and this is an excellent facility for them to use. Council Member Pirkle made the motion to allow E.E. Robinson Park to be used as a stop for Avon's Breast Cancer Walk. Council Member Abbey made the second. Motion passed unanimously 3-0 by those present to vote.

C: CHECK SIGNATORY ORDINANCE:

In Mayor Pro-Tem Bailey's absence, Mayor Crabb asked Mr. Thompson to give the background on this item. Council Member Pirkle asked City Manager Ginn if he had not recently had the signature cards of all the different bank accounts updated. Mr. Ginn responded in the affirmative. Council Member Pirkle stated since this had recently been updated, he saw no need for a new ordinance. There were no other comments and no action was taken on this item.

City of Sugar Hill Council Meeting

Monday July 12, 1999

7:30 PM Community Center

**D: ACCEPT ANNEXATION APPLICATION AX 99-005:7-319-006-19.3 ACRES
RS-100 – 5607 SUWANEE DAM ROAD ADJOINING SADDLE TREE S/D:**

Consultant Don McFarland reported this is the start of the annexation process. Council Member Pirkle made the motion to accept Annexation Application AX 99-005. Council Member Abbey made the second. Motion passed unanimously 3-0 by those present to vote.

E: TENURE OF BOARD MEMBERS:

Council Member Pirkle stated that due to some recent complications they had with the Recreation Board and something pointed out to him by City Attorney Lee Thompson, board members currently serve and can be removed for cause upon a vote of three members of the council and in some cases a public hearing. In his opinion and with the help of legal counsel, he felt the board members should serve at the pleasure of the mayor and council and could be removed by a majority vote of the council for any or no reason. Council Member Pirkle made a motion to direct Mr. Thompson, Mrs. Gibbs and Mr. Ginn to take whatever actions were necessary to bring this item back to the council at the next regular meeting for approval. Council Member Abbey made the second. Motion passed unanimously 3-0 by those present to vote.

F: CITY MANAGER & ELECTED OFFICIALS OFFICE:

Council Member Pirkle stated this was in clarification of the vote they had last month and also to a directive they had sent to Mr. Ginn that they would like him to be relocated. Council Member Pirkle made the motion to direct Mr. Ginn to relocate the city manager's office to the office formally used by the previous city manager, Warren Nevad, and currently used by the mayor and to relocate the mayor's office to the office adjacent to the conference room in the community center. Council Member Abbey made the second. Motion passed unanimously 3-0 by those present to vote.

CITY ATTORNEY'S REPORT:

City Attorney Thompson reported that they were currently under a review period for an administrative order by the EPD. If anyone wanted to discuss this it would have to be done in Executive Session.

COUNCIL REPORTS:

COUNCIL MEMBERS DAVIS AND ABBEY HAD NO REPORT.

COUNCIL MEMBER PIRKLE reported that he had recently been at the scene of an accident on West Price Road where a vehicle had run into one of the city's high-pressure gas taps, commonly called a farm tap. This had knocked the top off the tap and left gas spewing until city personnel could arrive and shut the gas off to repair the tap. He suggested that next year's budget include funds to eliminate as many gas "farm" taps as possible.

MAYOR'S REPORT:

MAYOR CRABB had nothing to report.

CITY CLERK'S REPORT:

THE CITY CLERK HAD NO REPORT.

CITY MANAGER'S REPORT:

CITY MANAGER FRANK GINN reported he had meet with EPD and they were very pleased with the work the city was doing on getting the landfill closed and they would work with the city on this closure period. He had also been reviewing some leases on real estate that the city has and he would be working with the city attorney on updating those. He had met with the insurance representative about the city's property and casualty needs. This might require more insurance investigation and he would be meeting with them again and they would be trying to update some of the insurance needs. The West Gwinnett Soccer Club has an agreement with the city for the soccer fields at E.E. Robinson Park. They are in the process of revitalizing some of the field, putting in new sod and they would like to keep traffic to a minimum on the field to prevent damage to what was being repaired. The GMA meeting was a success, he had gotten information on employee retirement programs that he would like to present at a future council meeting. The occupation tax audit was in its final stage and should bring them up through 1998. In an

City of Sugar Hill Council Meeting

Monday July 12, 1999

7:30 PM Community Center

effort to meet ADA requirements, bumper guards had been installed in front of the community center. To follow up on the last regular council meeting and the request for speed humps, he had a meeting with the Gwinnett County DOT on July 22, 1999 and he would also be meeting with the Director of Gwinnett County's Parks and Recreation Department to see about forming an Advisory Board for Sugar Hill's Recreation Department.

EXECUTIVE SESSION:

Council Member Pirkle made the motion to enter into Executive Session to discuss pending or potential litigation. Council Member Abbey made the second. Motion passed unanimously 3-0 by those present to vote. Meeting adjourned to Executive Session at 8:10 PM.

Council Member Pirkle made the motion to return to regular session out of Executive Session, Council Member Davis made the second. Motion passed unanimously 3-0 by those present to vote.

NO ACTION WAS TAKEN OUT OF EXECUTIVE SESSION.

ADJOURNMENT:

COUNCIL MEMBER PIRKLE MADE THE MOTION TO ADJOURN THE MEETING, COUNCIL MEMBER DAVIS MADE THE SECOND. MOTION PASSED UNANIMOUSLY 3-0 BY THOSE PRESENT TO VOTE. MEETING ADJOURNED AT 8:50 PM.

____/____/____DATE APPROVED

MAYOR

CITY CLERK