

City of Sugar Hill Council Meeting
Monday May 14, 2001
7:30 PM Community Center

The City of Sugar Hill held its regular council meeting on Monday May 14, 2001 at 7:30 PM in the Community Center.

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

Those present at the meeting included Mayor Roberta Crabb, Mayor Pro-Tem Chris Abbey, Council Members Meg Avery, Kim Hall, Michael Mosley and Gary Pirkle. Also present were City Manager Bob Hail, City Attorney Lee Thompson and City Clerk Shirley Gibbs.

CALL TO ORDER, PLEDGE OF ALLEGIANCE TO THE 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 THE AGENDA:

Council Member Pirkle made a motion to amend the agenda to include a Public Hearing on the Palm Reading Ordinance. Council Member Avery made the second. Motion passed unanimously 5-0.

APPROVAL OF THE 4/09/2001 & 4/12/2001 MINUTES:

Council Member Avery stated there were two corrections that needed to be made to the 4/09/2001 minutes. The spelling of one of the guest speakers was wrong and there was a misspelled word in the heading of Item A under new business. Council Member Hall made a motion to approve the 4/09/2001 & 4/12/2001 minutes with the changes noted. Council Member Pirkle made the second. Motion passed unanimously 5-0.

OLD BUSINESS:

A: DISCUSS THE POSSIBILITY OF CHANGING THE CODE REGARDING PALM READING AND FORTUNE TELLING:

Council Member Pirkle made the motion to enter into Public Hearing. Mayor Pro-Tem Abbey made the second. Motion passed unanimously 5-0. Council Member Pirkle stated that the city was looking into changing this ordinance because it is something that you cannot ban but you can regulate the business. Comments from the public included Jeffrey Blithe of 5140 Hillcrest Glenn who had received e-mail from Council Member Meg Avery and the proposed changes she wanted to make. He was in favor of the changes she was proposing.

Robert Parker of 909 Pinedale Terrace felt the definition was too broad as it listed psychic reading, fortune telling, astrology, phrenology, palmistry, clairvoyance, or related practices. He knew there were churches that did counseling for a fee but did not have to have a business license. He also did not like the fact records would be kept of the clients who visited fortunetellers; this was an invasion of privacy. Discussion was held between

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the council and attorney regarding some of these concerns brought up by Mr. Parker and the wording of the ordinance, especially the section dealing with the letters of reference from three currently qualified and registered voters of good moral character of Gwinnett County. This is not a requirement for other businesses and some members of the council felt it was unfair to ask it of this business.

Paul Johnson 5126 Nelson Brogdon Blvd felt that since his family had to have a background check this should let the city know if any kind of fraud had taken place in the past. Council Member Pirkle made the motion to return to regular session. Mayor Pro-Tem Abbey made the second. Motion passed unanimously 5-0. Council Member Avery made a motion that in Section A paragraph 3, the original paragraph be stricken and replace it with a letter of reference from the City Manager or designee from the city of the applicants former place of business, stating that all license fees had been paid, that there were no outstanding late fees and the business license had been renewed in a timely manner. That did not mean they would be denied a license, it would be on record that this is what has happened at a previous establishment. The letter should state the standing of the business as it pertains to taxes in previous city for this specific business. Council Member Pirkle made the second. Motion did not pass. The vote was 2-3, Council Members Avery and Pirkle voting in favor, Council Members Abbey, Hall and Mosley voting against the motion. Council Member Pirkle made a motion regarding Section B paragraph 2 that records not be public records. Council Member Hall made the second. Motion passed 4-1. Council Member Avery was opposed to the motion. Council Member Hall made a motion to delete in its entirety paragraph 3 in Section A and replace it with none. Council Member Mosley made the second. Motion passed 4-1. Council Member Avery was opposed to the motion. Council Member Mosley made a motion to accept the ordinance as it had just been modified. Council Member Pirkle made the second. Motion passed 3-2. Council Members Abbey and Avery were opposed to the motion. Council Member Avery had a concern about Section B Paragraph 3, she made a motion to replace that paragraph with the following: "It shall be unlawful for anyone under the age of 21 to patronize any psychic, fortune teller or related establishment. It shall be the duty of the holder of an occupation tax certificate to determine the age of the person attempting to patronize an establishment and to prohibit such patronage by an underage person. Council Member Pirkle made the second. Motion did not carry vote was 2-3. Council Member Hall made the motion to amend Paragraph 3 of Section B as follows: It shall be unlawful for anyone under the age of 18 to patronize any psychic, fortuneteller or related establishment. Delete the need for a person to have written permission from a parent or guardian but keep everything else the same. Council Member Pirkle made the second. Motion passed unanimously 5-0.

B: MGAG HEDGING PROGRAM:

City Manager Hail reported that he would be participating in the hedging program for the city. This would help prevent the price spike that occurred during the 2000-2001 winter season. He explained the advantage of hedging instead of buying on the open market. Discussion was held on the figures presented by City Manager Hail. Mayor Pro-Tem Abbey made a motion to have City Manager Hail proceed with the hedging program as explained. Council Member Pirkle made the second. Motion passed 5-0.

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C: NOMINATE REPLACEMENT FOR ROSE PAYNE ON ZONING BOARD OF APPEALS:

Mayor Crabb nominated Ed Schoeck to replace Rose Payne. There were no other nominations. Council Member Mosley made the second to Mayor Crabb's appointment of Ed Schoeck to replace Rose Payne on the Zoning Board of Appeals. Motion passed unanimously 5-0.

D: CHANGING COUNCIL MEMBERS AND MAYOR'S SALARY:

Due to a miscommunication, this item did not get advertised as needed. Council Member Pirkle made the motion to table this item until the June meeting. Second made by Council Member Hall. Motion passed 5-0.

CITIZENS AND GUESTS COMMENTS:

Wayne King of Johnson Street stated his business had been located at the 1133 Buford Highway address since 1995. When he started this business, he had to clear out junk cars and clean up the property. He had talked with the surrounding neighbors, including Larry Hill, and no one had a problem with his business. He had offered to put up a fence but they declined the offer. He was asked to leave the foliage, which he did. A complaint was made about a boat he had on the property and he had it removed. His dump trucks start leaving about 6:00 AM but they do not all leave at one time. There is a convenience store on the corner that is open at 5:30 AM and has diesel vehicles filling up and leaving at that time. Mr. King pointed out that Mr. Hill's wife runs a day care out of their house. They had received a noise violation citation but to his knowledge no one from the city had been out to take a DBA reading.

Larry Hill stated that his wife has 5 children in a home day care. He stated that Mr. King never put up a fence; there were drainage problems that never got corrected. The property is zoned BG commercial usage, which means it is for offices not for trucking companies. Mr. Hill felt this business was in violation of the city's own zoning ordinance. Discussion was held between the Council, Planning Director and City Attorney. Mr. King responded to the comment about drainage stating that he did not change the flow of water on the property; it is gravel yard not a paved yard. He would see to it that the trucks were not started before 7:00 AM.

Ron Johnson stated that he had gotten e-mail from Council Member Avery. His comments concerned the increase the sanitation company wanted, the city should stand by the contract. Something needed to be done about the BMX track, clean up the park, put up some new volleyball nets. He thought this council was doing a good job. He felt there were things that could be done, such as a city square, veterans memorial, and promote the golf course more by giving a pass for the residents.

NEW BUSINESS:

A: REQUEST FOR REPORT OF CURRENT STATUS & PROJECTED REQUIREMENTS OF GAS SYSTEM:

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Council Member Avery made a motion to have the City Manager, Planning Director, Gas Superintendent, city staff, city attorney and Municipal Gas Authority staff provide the information she was requesting on the gas system, including the current status of the gas system, projected requirements of the system and the legal requirements if the city wanted to think about selling the system. Council Member Pirkle made the second. Motion passed unanimously 5-0.

B: AMENDMENT TO ALCOHOL ORDINANCES:

City Attorney Thompson reported that these changes were dealing with the requirements for people who were required to have a pouring permit. Currently, the ordinance requires all employees to have a background check. This change would only affect the employees who would be serving the alcohol and bring them in line with the ordinance Gwinnett County has on alcohol. Council Member Mosley made the motion to approve the amendment to the Alcohol Ordinance. Mayor Pro-Tem Abbey made the second. Motion was unanimously approved. 5-0.

C: ACCEPT ANNEXATION APPLICATION: AX-01-002 TAX ID 7-289-005 3.3 ACRES LOCATED AT 421 LEVEL CREEK ROAD CURRENT ZONING R75 REQUESTING A ZONING CLASSIFICATION OF RS100:

Council Member Hall made the motion to accept annexation application AX-01-002. Council Member Pirkle made the second. Motion passed unanimously 5-0.

D: SELECTION OF ENGINEERING FIRM TO UPDATE CITY'S DEVELOPMENT REGULATIONS AND FLOOD PLAIN ORDINANCES:

City Manager Hail reported he had sent an RFP to get a firm to update the city's development regulations and flood plain ordinances. Of the three companies responding, he was recommending Pond and Company. Not only did they have the lowest price, they were familiar with the ordinances of Gwinnett County and had done work for the City of Duluth. Council Member Pirkle made the motion to go with City Manager Hail's recommendation. Mayor Pro-Tem Abbey made the second. Motion passed unanimously 5-0.

E: REQUEST FOR RATE INCREASE FROM ROBERTSON SANITATION:

City Manager Hail stated that he had requested more information from Robertson regarding the need for an increase in price. The company had withdrawn their request for a rate increase. No action was taken.

CITY ATTORNEY'S REPORT: No Report.

COUNCIL REPORTS:

Council Member Hall had no report, just a question on the Codification of the Code for the city.

Council Member Pirkle wanted to welcome City Manager Hail, to thank the city employees and to remind the citizens that the street paving should be completed this year along with the reconstruction of Spring Hill Drive.

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Council Member Mosley had no report only to ask City Manager Hail to see if something could not be done about a mound of trash that was located at 313 Level Creek Road. If it were not the city's responsibility to remove it would he please contact the appropriate people.

Mayor Pro-Tem Abbey also wanted to welcome City Manager Hail. He reported that Mr. Hail came from Kennesaw, where he was the first city manager for that city, he was retired from the military. He also thanked Jim Osborn for the job he did as Acting City Manager.

Council Member Avery reported she had been working with City Manager Hail on the BMX. The city does have a contract with ABA and cannot get another company to do the work until this contract is up. It is a slow and frustrating process. She felt sure there would be improvements at the park. She has been very impressed and is very confident of City Manager Hail's ability and good things would be forthcoming.

MAYOR'S REPORT:

Mayor Crabb also welcomed City Manager Hail. She stated it had been a pleasure to work with him so far and to keep up the good work. She could see that progress was being made.

CITY CLERK'S REPORT: No Report.

CITY MANAGER'S REPORT:

City Manager Hail reported that he was proud to be in Sugar Hill. He had made a commitment to the Mayor and Council. He was moving to the area, which meant he had also made a commitment to the city. There were issues that needed to be addressed and several had already been taken care of. He had met with all the staff and reinstated staff meetings. He does believe in recreation and he is working to get the BMX track operational. The Housing Authority had taken some action that would help with the park. He wanted to make the park a safer place for the children to play, to utilize the park more and eventually have festivals. He had been in touch with the man from the ABA and he had made a commitment in writing. The city has to draw up the plans and the ABA will do the work. He was aware of the gas issues before coming to work for the city and steps have been taken to ensure low prices. Council Member Hall had some comments regarding the BMX track. She made a motion to have the city attorney send a certified letter stating that the city was going to dissolve the contract due to non-performance on their end of the contract. City Attorney Thompson suggested that this be discussed in Executive Session and then if they wanted him to take action they could do so after Executive Session. She would table her motion until after Executive Session. Mayor Crabb made some comments regarding the upkeep of the BMX and the fact that not all the problems were the fault of the ABA.

EXECUTIVE SESSION: TO DISCUSS REAL ESTATE, PERSONNEL AND LEGAL ISSUES:

Council Member Pirkle made a motion to enter into Executive Session to discuss Personnel, Real Estate and Legal Issues. Mayor Pro-Tem Abbey made the second. Motion passed unanimously 5-0.

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Mayor Pro-Tem Abbey made the motion to return to regular session. Council Member Pirkle made the second. Motion passed unanimously 5-0.

ACTION TAKEN OUT OF EXECUTIVE SESSION:

Council Member Hall made a motion to instruct the city attorney to write a letter to the ABA instructing them that due to their inaction the city was no longer a party to the contract. Mayor Pro-Tem Abbey made the second. Motion did not pass the vote was 2-3. Council Members Hall and Abbey for the motion, Council Members Avery, Pirkle and Mosley opposed. Council Member Pirkle made a motion to send a final letter to the ABA stating that they send a track design taking elevation into consideration by June 14, 2001 and if they do not do so the contract will be terminated and the track will be bulldozed. Council Member Avery made the second. Motion passed 3-2. Council Members Hall and Abbey were opposed to the motion.

ADJOURNMENT:

Mayor Pro-Tem Abbey made the motion to adjourn the meeting. Council Member Avery made the second. Motion passed unanimously 5-0.

Meeting adjourned at 10:45 PM.

Date Approved: _____

Mayor

ATTEST:

City Clerk