

CITY OF SUGAR HILL COUNCIL MEETING

MONDAY JUNE 14, 1999

7:30 PM COMMUNITY CENTER

The City of Sugar Hill held its regular Council Meeting on Monday June 14, 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 placed on the board at Alton Tucker Blvd and Peachtree Industrial Blvd. Notice was also sent to the local news media.

Those attending the meeting were Mayor Roberta Crabb, Mayor Pro-Tem Bailey, Council Members Reuben Davis, Chris Abbey, Michael Mosley, and Gary Pirkle, City Manager Frank Ginn, City Attorney Lee Thompson and City Clerk Shirley Gibbs. Also in attendance were Gil Haines of Arcadis, Don McFarland of McFarland and Dyer, registered guests, employees, members of the Recreation Board and members of the media.

CALL TO ORDER, PLEDGE TO FLAG AND INVOCATION:

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

APPROVAL OF AGENDA:

Council Member Pirkle stated that at the request of the City Manager he would like to amend the Agenda to include an Executive Session, to discuss Personnel matters before Item A in New Business. Council Member Mosley made the second. Mayor Pro-Tem Bailey made the motion to include Recreation Board Member Leigh Bailey to Item E in New Business and Council Member Mosley made a motion to table Item C-Cable Company Merger Agreement due to the fact that GMA was handling this matter. With all these changes, Council Member Mosley made the motion to approve the Agenda. Council Member Pirkle made the second. Motion passed unanimously 5-0.

APPROVAL OF MINUTES:

5/5/99,5/10/99, 5/19/99:

Council Member Mosley made the motion to approve the minutes from May 5, 1999, May 10, 1999 and May 19, 1999. Mayor Pro-Tem Bailey made the second. Motion passed unanimously 5-0.

DEPARTMENT REPORTS:

City Manager Frank Ginn gave the following department reports: Planning and Zoning did 465 inspections for the month of May. He had the account balances, they were still working on the gas line relocation on Suwanee Dam Road and the Golf Course was in the best shape it had ever been in.

OLD BUSINESS:

A: CONSIDERATION OF HIGHWAY 20 BIDS:

NO BIDS WERE RECEIVED, SO NO ACTION WAS TAKEN.

B: CONSIDERATION OF 207 ACRES BIDS:

Council Member Pirkle stated that two bids had been received on this property. The first bid was from Peach State Property and Development. It was an increase over their original bid of \$7100 an acre to \$7500 an acre. The second bid was from Jerry McDaniel and Associates, which was for a lease on the property to use as an inert landfill. There was a contingency on the Peach State bid for the purchase of the land as is, giving them the rights to the timber, soil and minerals. Mayor Pro-Tem Bailey made the motion to accept the bid from Peach State Property and Development for \$7500 an acre. Council Member Mosley made the second. Motion passed unanimously 5-0.

C: CONSIDERATION OF TIMBER BIDS:

Council Member Pirkle stated that since Peach State Property and Development was contingent on the rights to the timber, he made a motion to reject the one bid that had been received for the timber rights. Council Member Abbey made the second. Motion passed unanimously 5-0.

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Mayor Crabb stated she was going to veto the vote on the purchase of the land because she felt it was bad for the city. Council Member Davis made a motion to call for a vote to override the veto. Mayor Pro-Tem Bailey made the second. City Attorney told the Mayor and Council that the veto would have to be in written form. The Mayor had ten days in which to veto the vote, it would then come back before the council at the next regular meeting. Council Member Davis stated that since this was all verbal, he would like to go through with his motion to override the veto, he would like for it to be a role call vote.

Council Member Pirkle was in favor of overriding the veto because Peach State Property and Development had said they would develop the property as residential or commercial and he did not want a landfill of any type.

Council Member Abbey also was in favor of overriding the veto for the same reasons plus he understood that entering into a lease agreement was ill advised.

Council Member Mosley was in favor of overriding the veto for the same reasons and they needed the money to keep the city solvent. He was concerned that the Mayor would veto the only legal bid they had received to keep the city operational.

Mayor Pro-Tem Bailey was also in favor of overriding the veto for all the same reasons.

Council Member Davis was in favor of overriding the veto and would like for the Mayor to reconsider her decision.

Mayor Crabb gave her reasons for not changing her mind on the veto. City Attorney Thompson stated the person who had bid on the timber had inquired if she was going to veto that bid also. Her reply was yes, she felt it best to veto all bids until they could arrive at a better solution.

CITIZENS AND GUESTS COMMENTS:

Mike Gazda of 5490 Sugar Crossing Drive agreed with the Mayor's decision. As long as the city retained control of the land they could determine how the land was used. His concern was that the land was close enough to Buford's landfill which made it a possibility the land would be annexed into Buford in order to expand their landfill. His other comment concerned the fact that the City Manager wanted to take the Mayor's office. He had seen the City Manager's office and in his opinion it was a very nice office. If this was the way he was going to do business, how would he treat the citizens when they had problems and needed help. Council Member Pirkle wanted Mr. Gazda to know that the Council Members were the ones that requested the City Manager have that office space.

George Ward stated he was a new resident of Sugar Hill and had a couple of things he wanted to say. He did not understand why someone local had not been hired for the City Manager job. He felt the City Manager should be a local person since the city was furnishing him a car, a good salary and this person does represent the city. In his opinion, the city would be making a mistake selling the land to Peach State Property and Development plus give them the timber rights. Peach State would make money on the timber, then make money on developing the property. The city should retain control of the property, develop it themselves and make more profit.

Bob Wagner of 4969 Hidden Branch Drive stated that the Sugar Hill Charter supports a strong council, weak mayor system. Other cities are different and if Sugar Hill wants to change their charter they should go to the state representative or get a petition to have it as a referendum on the ballot at election time. According to the charter, the mayor had very little authority, the council runs the government, the mayor runs the meetings and the city manager takes care of the day to day business and should be the most accessible. He could not believe she would veto the sell of the property, when there was a 5-0 vote and would be overridden, in favor of a landfill instead of commercial development. He was not in favor of selling the land but the city had to do this in order to avoid bankruptcy.

Melissa Martin of 860 Whitehead Road agreed that the property should be kept in the city but not be used as a landfill. The city did need to keep its revenue and not fight over things like moving the mayor's office. She felt the mayor should keep her office so people could see her without going to the community center, climbing stairs or having to make an appointment. The council needed to address more important issues instead of where the city manager's office should be located.

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Drew Garland of Suwanee stated he did not know City Manager Frank Ginn, had only met him one time, but he did not like to hear people belittling him. He had taken the job of city manager and he thought Mr. Ginn deserved a round of applause because it was a tough job to fill. He would like to buy the timber but the property should be developed, keep it in the city and it would generate tax dollars as a development.

Todd Rolloff of 5525 Sugar Crossing Drive said he had lived in Sugar Hill for about one year and he had been on the city council in Nashville. In his opinion, there were better things to do with the property than sell it because once it was gone the city had no more assets. As far as moving the mayor out of her office, he was against it. When he wanted to talk to the mayor the wanted to do so in the office, not upstairs or in the basement.

EXECUTIVE SESSION:

Council Member Pirkle made a motion to enter into Executive Session to discuss Personnel matters. Mayor Pro-Tem Bailey made the second. Motion passed unanimously 5-0. Time 8:00 PM.

THE MEETING WAS CALLED BACK TO ORDER AT 8:25 PM. NO ACTION WAS TAKEN OUT OF EXECUTIVE SESSION.

NEW BUSINESS:

A: SPEED HUMP REQUEST ARBOR CLOS S/D:

Mr. Dave Castles of 5550 Snowberry Drive in Arbor Clos stated they had a petition to have speed humps installed in their subdivision. The street was a long straight away and people had a tendency to speed down the street. They had a child almost hit and they were requesting speed humps be installed. Council Member Abbey asked if the street belonged to the city. In reply to this, City Attorney Thompson stated that if the final plats had been ratified, then yes the street did belong to the city. Sugar Hill had the opportunity to enter into an agreement with Gwinnett County regarding speed humps but had chosen not to, so they really did not have a policy. Council Member Pirkle stated he had voted against that because it gave Gwinnett County the authority to tax the citizens for the speed humps. He felt if it was a city street, the city should install and maintain the speed humps. City Manager Ginn asked if he might be allowed to study this situation and report back to the council at a later date. No action was taken on this matter.

B: RECOGNITION OF EMPLOYEES:

Council Member Abbey wanted to recognize some of the employees. In April, two employees had been scheduled to receive service award plaques, Wayne Clement for 10 years and Shirley Fields for 5 years. Also, thanks should go to Kelley Canady who had served twice as Acting City Manager. It was his understanding that the gas department had worked quiet a few hours one weekend due to a gas leak. Council Member Pirkle asked Kelley Canady to come forward and accept the council's thanks for serving as Acting City Manager.

C: CABLE COMPANY MERGER AGREEMENT:

THIS ITEM WAS TABLED. GMA IS REVIEWING THIS MATTER FOR THE CITY.

D: RATIFICATION FOR FINAL PLATS:

Consultant Don McFarland stated that in 1997 the city had adopted new development regulations that were listed for the city. Prior to that, the city had more or less followed Gwinnett County development regulations by form. Mr. McFarland explained that as the city's review agent, they do a review of the final plat, make sure all the inspections have been made during development. They approve this and then the city manager signs off on the final plat. To actually adopt the final plat, there needs to be ratification by the council. Council Member Pirkle asked City Attorney Thompson if by ratifying the final plats it in effect deeds the streets to the city. Mr. Thompson replied that it is an acceptance of the dedication of streets and public rights of way and this gives the city the authority to do things on these streets. Discussion was held on the different tests that have to be done on the streets and other inspections before his firm signs off on the plats, the responsibility of the city once the streets were dedicated by ratifying the final plats. Council Member Pirkle made a motion to table this item until next month since it does involve the acceptance of

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streets and they do have a speed hump request. Council Member Davis made the second. Motion passed unanimously 5-0. After the vote, Mr. McFarland inquired if he should not issue any building permits since the final plat was not ratified. He was told there should not be a problem with issuing building permits. The council felt it would be helpful if they had more information on these plats, for instance, route sheets, who signs off on them.

E: REQUEST FOR PUBLIC FROM RECREATION BOARD:

Machelle Scott, interim treasurer of the Recreation Board and Meg Avery, secretary of the Recreation Board, was there to ask the council to conduct a Public hearing; based on the City Code, Division 4, Section 2-192; to determine if there was just cause to remove a current member of the Recreation Board. Leigh Bailey, also a member of the Recreation Board, stated that under those same city codes she had prepared a list of charges of her own, which she passed out to the council members. Council Member Pirkle made a motion to table this item in order to give the city manager a chance to learn the workings of the Recreation Board and to confer with the city attorney about this issue. Council Member Abbey made the second. The motion passed 3-1-1. Council Member Mosley opposed the motion and Mayor Pro-Tem Bailey abstained.

F: GMA MEETINGS (GWINNETT):

Council Member Mosley stated that once a month, except in the summer, the Gwinnett Municipal Association holds a dinner and meeting. It is often times helpful to the council member in order to learn the workings of the Gwinnett County government. However, due to the financial situation of the city, he did not feel the citizens should have to pay for the council members spouses nor should they have to pay for elected officials and their spouses who were not Sugar Hill elected officials. Council Member Mosley made a motion those Gwinnett Municipal Association Dinners only be paid for by the city for city elected officials and required city employees to attend these meetings. Council Member Pirkle made the second. Motion passed unanimously 5-0.

G: GOLF CART LEASE:

City Attorney Lee Thompson stated he and City manager Ginn had been talking with Mr. Queen about the golf cart contracts and because of a trade-in provision, they needed to run an ad and solicit bids. They will get the ad in the paper either this week or next and have it on the agenda next month. Council Member Mosley made the motion to table this item. Mayor Pro-Tem Bailey made the second. Motion passed unanimously 5-0.

H: MUNICIPAL TAX CONSULTING AND MANAGEMENT:

City Attorney Thompson said this proposal is from a group who has determined that municipal governments pay taxes on items, such as motor fuel, and are entitled to a refund from the IRS. For a percentage of the money refunded by the IRS, this firm will come in, audit the city's records and submit the proper paper work to obtain the refund. City Manager Ginn stated that the highly qualified staff in the finance department could handle anything that an outside consultant can do and he recommended they not authorize any outside consultants to come in and audit their records. No action was taken on this item.

I: LOCATION OF CITY MANAGER'S OFFICE:

Council Member Davis was proposing that the city manager's office be relocated on the ground floor of city hall. Since he is the one running the city, he should be accessible to the citizens when they come to city hall. Council Member Davis made the motion to move the city manager's office from upstairs to the ground floor of city hall. Council Member Pirkle made the second. A lengthy discussion was held with the council members and the mayor, each giving their point of view on this matter. Council Member Davis stated he had made a motion and it had been seconded, he called for the vote. Motion passed 4-1. Mayor Pro-Tem Bailey opposed the motion.

CITY ATTORNEY'S REPORT:

City Attorney Thompson had no report except to remind them there would be an Executive Session to discuss possible litigation.

COUNCIL REPORTS:

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Council Members Pirkle, Abbey, and Bailey had nothing to report.

Council Member Mosley wanted to welcome the new city manager Frank Ginn and extend his condolences to the employee who had lost a family member.

Council Member Davis also wanted to welcome the new city manager.

MAYOR'S REPORT:

Mayor Crabb had nothing to report.

CITY CLERK'S REPORT:

City Clerk Gibbs had nothing to report.

CITY MANAGER'S REPORT:

City Manager Ginn said he had heard comment for and against the city manager and elected officials, he saw employees and members of the public in attendance. Hew wanted to compliment each of them for participating in the way their local government is run.

EXECUTIVE SESSION:

TO DISCUSS PENDING LITIGATION, REAL ESTATE AND PERSONNEL MATTERS:

Mayor Pro-Tem Bailey made the motion to enter into Executive Session to discuss pending litigation, real estate and personnel matters. Council Member Pirkle made the second. Motion passed unanimously 5-0.

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

NO ACTION WAS TAKEN OUT OF EXECUTIVE SESSION.

ADJOURNMENT:

Mayor Pro-Tem Bailey made the motion to adjourn the meeting. Second was made by Council Member Mosley. Motion passed unanimously 5-0. Meeting adjourned at 10:15 PM.

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