

CITY OF SUGAR HILL COUNCIL MEETING
MONDAY AUGUST 9, 1999
7:30 PM COMMUNITY CENTER

The City of Sugar Hill held its regular Council Meeting on Monday August 9, 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 sign at Alton Tucker Blvd and Peachtree Industrial Blvd. Notice was sent to the local news media.

Those present included Mayor Roberta Crabb, Council Members Chris Abbey, Reuben Davis, Michael Mosley and Gary Pirkle. Absent was Mayor Pro-Tem Steve Bailey. Also present were City Attorney Lee Thompson, City Manager Frank Ginn, and Consultant Don McFarland, City Clerk Shirley Gibbs, Finance Director Kelley Canady, other interested citizens and guests.

CALL TO ORDER, PLEDGE OF ALLEGIANCE 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 Michael Mosley gave the Invocation.

APPROVAL OF AGENDA:

Council Member Michael Mosley made a motion to approve the agenda with the following changes: Table Item C under Old Business, Table Item A under New Business, move Item I under New Business to be Item A and allow Leigh Bailey an opportunity to speak. Council Member Pirkle made the second. Motion passed unanimously by those present to vote 4-0.

APPROVAL OF MINUTES:

Council Member Gary Pirkle made the motion to approve the minutes of July 12, 1999. Council Member Chris Abbey made the second. Motion passed unanimously by those present to vote 4-0.

DEPARTMENT REPORTS:

City Manager Frank Ginn stated he would combine this with the City Manager's Report.

OLD BUSINESS:

A: LAND SELL VETO:

Council Member Pirkle made the motion to over ride the veto of the sale of the 205 plus or minus acres. Council Member Mosley made the second. Motion passed unanimously by those present to vote 4-0.

B: TENURE OF BOARD MEMBERS-CHARTER REVISIONS:

City Attorney Thompson explained that in order to make a change by ordinance to the charter, it has to be passed at two regular council meetings, advertised three times in the newspaper before the next meeting, filed with the Clerk of Superior Court and a copy has to be kept in the city clerk's office. There is also some ordinance changes that will go along with the charter revision. This revision will allow any board member to be removed for cause with a majority vote of the council. Council Member Pirkle made the motion to accept this charter revision for the tenure of board members. Council Member Abbey made the second. Motion passed unanimously by those present to vote. 4-0

**C: CHECK SIGNING ORDINANCE:
THIS ITEM WAS TABLED**

**CITIZENS AND GUESTS COMENTS:
THERE WERE NO COMMENTS FROM THE CITIZENS OR GUESTS.**

NEW BUSIENSS:

**A: TRASH ALONG ROADWAY AT E.E. ROBINSON PARK
THIS ITEM WAS TABLED. ITEM I WAS MOVED TO THIS POSITION ON THE
AGENDA.**

BMX BIKE/SKATE PARK PARENTS ASSOCIATION:

Mrs. Leigh Bailey stated that approximately one year ago she had stood before the council presenting a BMX Track. This track had become a reality with the help of many concerned citizens, donations of equipment, time and labor. The grand opening had been held in September 27, 1998 and they had sixty-six (66) riders to begin with. Over the past ten and a half months, Sugar Hill BMX had signed up approximately one hundred and fourteen (114) new riders. Everyone in Sugar Hill should be proud that they have the only BMX track in the county and it provides a recreational area for everyone to enjoy. The track is available for practice anytime during the day and weather permitting. There are several problems at the track most, of which she has no control over, such as severe weather, which causes runoff and erosion problems and no cooperation from city hall to get the erosion under control. There have been some equipment failures and damages that were brought to the attention of the city manager with no action being taken. A water pipe was broken over four weeks ago and no one involved with the city did anything about getting it repaired. About one week ago, a private citizen got the water pipe fixed so they could water the track before the race on August first. There have people coming to the track, maligning the track and her performance as track operator but they do not offer to help or to solve the problem. Everyone thinks her position as track operator is an enviable position but it is a lot of work. She gets a lot of flack when things go wrong but no praise when things go well. In the recent past, there have been formal charges against her given to the District Attorney and there was no criminal activity found. Her reputation, honor and dignity have been impugned and now they attacking her dedication to the track. They are saying she is not doing her job, that the track is dangerous and it is not being maintained. It is preposterous to expect one person to handle everything at the track. The wife of the person making these allegations was appointed as volunteer coordinator in February by the Recreation Board. In that five-month period she has done nothing to further the volunteer organization. It was her opinion that these people were doing this to further their own interests, they own a for profit bike and skateboard shop, they are trying to discredit her in order to be appointed track operators which is a conflict of interest. There have been others who have caused antagonism at the track and they have left to start another track in Cumming. The problem is that this council has had no contact with the bike-park, they have not provided any money for repairs or maintenance through the city and the city does get use of all the funds from the BMX Track. It was for these reasons that she was resigning her position as track operator and the council could appoint someone else to serve as track operator. She wanted to warn the new operators that they too would be subject to harassment and attacks on their ability to run the track. She felt she had done nothing to inhibit the track or to harm the riders, all that she had done was to improve the track.

Mr. Chuck Smillie stated that they wanted to place the Parents Organization in charge of all operation and maintenance of the BMX Track. He was proposing that they put a Sugar Hill BMX/ Skate Park Parent Association with Katie Smillie as director, Marc Lautzenheiser as co-director in the position that Mrs. Bailey had just resigned. They currently have a web site dedicated to the Parents Association, donated for free by Bell South. They have ten members signed up and ready to work, they have adopted the Cobb County BMX Parents Association by-laws, which will need to be edited for the Sugar Hill BMX/Skate Park Parents Association. The Association is comprised of people who know the sport, understand the sport and understands what it takes to keep the track safe and rideable. As an added benefit they would fix up the Skateboard Park which at the moment is unsafe for the children to use. He respectfully requested that in the best interest of the Sugar Hill BMX/Skate Park that the city council places the Parents Organization in charge of all aspects of operation and maintenance of the Sugar Hill BMX, he requested they vote on this tonight.

Council Member Pirkle thanked everyone who had been involved in all aspects of the BMX Track. He had been talking with City Manager Ginn regarding the bike track and the insurance coverage being adequate for the facilities and the new recommendation board that would be responsible for the work itself. He would be in favor of appointing an interim track director until all the issues could be resolved. Council Member Mosley made a motion to appoint Mr. Smillie interim track director until the full formation of the

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Sugar Hill Bike Association. Council Member Pirkle made the second. Motion passed unanimously 4-0 by those present to vote.

B: CABLE COMPANY MERGER AGREEMENT:

City Attorney Lee Thompson explained that the Georgia Municipal Association handles the city's cable television franchise matters under an agreement the city has with them. Cablevision is in the process of merging with another cable company and the city can approve the merger. The only change he had made was to the enacting clause to make it fit the charter for Sugar Hill. The city had been underpaid some franchise fees that would have to be paid as a condition of this merger. There was also a change in the calculation of the franchise fees, which would mean a minor raise in the franchise fee passed on to the customer. The franchise holder would have to provide an office readily accessible for the residents if they wish to make a complaint. Currently, they do not have one in this area but will open one in the area of the new mall. As a condition of the merger they must either open an office or provide a report by the end of the year on the efforts they are making in providing this office for the residents. Council Member Abbey asked if the merger agreement is passed would that raise the fee passed on to the customer. City Attorney Thompson explained it would raise it a few cents but it would be due to the change in the way the franchise fee would be calculated. Council Member Pirkle made the motion to accept the merger agreement subject to the terms as described by City Attorney Thompson. Council Member Abbey made the second. Motion passed unanimously 4-0 by those present to vote.

C: ELECTION: SET QUALIFYING, FEES, APPOINT CHIEF REGISTRAR:

City Attorney Thompson stated that by law they were required to establish the qualifying dates for the election. It has to start on September 13, 1999 at 8:30AM and end at 4:30PM at the end of qualifying. The city can choose to have qualifying last three, four or five days. The qualifying fee set by state law, which is three percent of their salary, the run off would be three weeks later. Also, they would need to appoint a chief registrar, this person must live inside the city limits of Sugar Hill and it can be the same person who currently serves as Election Superintendent. Council Member Mosley made the motion to accept this Resolution with Mary Ann Dixon as Municipal Election Superintendent and Municipal Registrar and September 17, 1999 at 4:30PM as being the end of qualifying period for the three council seats. Council Member Pirkle made the second. Motion passed unanimously 4-0 by those present to vote.

**D: PUBLIC HEARING: ANNEXATION AX-99-005-7319-006 - 19.3 ACRES
RS-100-5607 SUWANEE DAM ROAD ADJOINING SADDLE TREE S/D:**

Council Member Mosley made the motion to enter into Public Hearing for Annexation AX-99-005. Council Member Pirkle made the second. Motion passed unanimously 4-0 by those present to vote. Consultant Don McFarland stated this property was north of SaddleTree Subdivision. The Planning Commission had heard this request and recommended that it be annexed with the same restrictions and conditions of zoning that the SaddleTree Subdivision has. There were no comments from the Public. Council Member Mosley made the motion to go back into regular session. Council Member Pirkle made the second. Motion passed unanimously 4-0 by those present to vote. Council Member Mosley made the motion to accept Annexation AX-99-005-7319-006 with the recommendations of the Planning Commission. Council Member Pirkle made the second. Motion passed unanimously 4-0 by those present to vote.

E: UPDATE LEAVE POLICY:

City Manager Frank Ginn stated he did not want to take action on this tonight but wanted the council to review the leave policy and give him their input so the leave policy could be brought into compliance with state and federal law.

F: UPDATE PAYDAY SCHEDULE:

City Manager Frank Ginn stated he wanted to change the payday schedule from the current schedule of noon on Wednesday to eleven o'clock on Friday following the end of the pay period. Council Member Pirkle made the motion to accept that policy after the next pay period. Council Member Abbey made the second. Motion passed unanimously 4-0 by those present to vote.

G: ADMINISTRATION OF CITY'S RETIREMENT ACCOUNT:

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City Manager Frank Ginn stated the city currently use South Trust Asset Management to handle the retirement fund for the city employees. After careful review of this plan and that of some other vendors, he had found the GMA preferred plan, which is through PEBSICO, would save some administration costs, give the employees more options and bring the plans into compliance with the federal guidelines. City Attorney Thompson gave a brief summary of the Resolution pertaining to the established retirement and/or deferred compensation program authorizing PEBSICO as the new plan administrator. The second Resolution stated Whereas, the City of Sugar Hill has employees rendering valuable services; and Whereas, the City of Sugar Hill previously has established a pension plan pursuant to the provision of section 401 (a) of the Internal Revenue Code of 1986, as amended; and Whereas, the City of Sugar Hill desires to continue to provide reasonable retirement security for its employees; and Whereas, The Public Employees Benefit Services Corporation (PEBSICO) has been selected to provide record keeping and administrative services for the 401A and 457 Deferred Compensation pension plans; NOW, THEREFORE, BE IT RESOLVED that the City of Sugar Hill appoints Public Employees Benefit Services Corporation (PEBSICO) to provide record keeping, employee education and other technical and administrative services relating to the plan; and BE IT FURTHER RESOLVED that the City of Sugar Hill hereby authorizes and directs the City Manager to perform all acts and sign all documents necessary to put said plan into operation; and BE IT FURTHER RESOLVED that the City Manager is hereby appointed as Trustee(s) and upon acceptance, by executing the Adoption Agreement of said plan, shall receive the necessary reports, notices, etc from Public Employees Benefit Services Corporation (PEBSICO) and Nationwide Life Insurance Company. Council Member Pirkle made the motion to accept the two Resolutions as stated for the retirement benefits of the employees. Council Member Mosley made the second. Motion passed unanimously 4-0 by those present to vote.

H: LIMB AND LEAF COLLECTION:

City Manager Frank Ginn stated he had been getting calls concerning not getting their tree limbs and grass clippings picked up on a certain day. His proposal to eliminate this problem was to change the policy on the way this is handled. He would also like some input from the council members and the public on the best way to make things better for the citizens concerning garbage collection. No action was needed on this item.

**I: BMX BIKE/SKATE PARK PARENTS ASSOCIATION:
THIS ITEM HAD BEEN MOVED TO ITEM A. ITEM A WAS TABLED.**

CITY ATTORNEY'S REPORT: City Attorney Lee Thompson had nothing to report.

COUNCIL REPORTS: Council Members Pirkle, Abbey, Mosley and Davis had nothing to report.

MAYOR'S REPORT: Mayor Crabb had nothing to report.

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

CITY MANAGER'S REPORT: City Manger Frank Ginn reported the tax digest was approved and ready. The Millage rate would be an agenda item at the next council meeting. The golf cart lease had been completed and the golf carts have been delivered. The closure of the landfill was in progress and he had met with EPD several times. He had a request from the Boy Scouts to use E.E. Robinson Park as a safe day camp sometime in September. After reviewing the Speed Hump program, he would recommend that the city adopt the program Gwinnett County uses and allow them to maintain the speed humps.

ADJOURNMENT:

Council Member Mosley made the motion to adjourn the meeting. Council Member Pirkle made the second. Meeting adjourned at 8:40PM.

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DATE APPROVED: _____

MAYOR _____

CITY CLERK _____