

Mayor Johnson called the regularly scheduled meeting to order at 7:00 P.M. with all Council Members present.

Mayor Johnson called for the approval of the following minutes: May 2, 2011 Executive Session; May 18, 2011 Special Call meeting; May 25, 2011 Executive Session; June 6, 2011 Regular and Executive Sessions and a correction to the February 7, 2011 Regular meeting. Ms. Smith made a motion to approve the minutes. The motion was seconded by Mr. Martin. The motion carried unanimously.

Mr. Baroni presented the financial report for the third quarter of the 2010-11 fiscal year.

Mayor Johnson then called on the presentation of the Consent Agenda.

#### CONSENT AGENDA

Mr. Thompson stated that the Consent Agenda consisted of the following items:

1. Affirm Highway 29 bid. Low bid is Contour Grading & Pipe, LLC in the amount of \$67,500.00 for Highway 29 Crossing and Raw Water Line Installation as shown on Exhibit A.
2. Approval contract with U.S. Geological Service in the amount of \$81,840.00 with a City match of \$117,660.00. Enumerated in Exhibit B.
3. Authorization for City Attorney to re-codify City Code of Ordinances and Zoning Ordinance.
4. Approval of position for a Code Enforcement Officer and the expenditure of approximately \$92,022.00 to fund position. Job description and proposed budget is attached as Exhibit C.

Mr. Martin made a motion to approve the Consent Agenda as presented. The motion was seconded by Ms. Beiser. The motion carried unanimously. (See Exhibit File)

#### PUBLIC HEARINGS – NEW BUSINESS

Mr. Baroni informed the audience that the council is required to answer ethics questions on zoning issues. For the following rezoning requests, all council members including the Mayor, answered "no" to all the ethics questions. Mr. Baroni stated that the council's affidavits are on file in the Planning and Zoning office.

Mr. Baroni presented the proposed 2.16 millage rate for 2011. Mr. Baroni stated that the digest has lost 8.6% of the appraised value of the property. Mr. Powell made a

motion to contact the County to see if the City could receive an extension until the July 20<sup>th</sup> Work Session so that the council could discuss the millage rate in more detail. If not, the millage rate would be set at 2.16 mills. The motion was seconded by Mr. Martin. The motion carried unanimously. (See Exhibit File)

Mr. Thompson presented a resolution authorizing the condemnation of the property located at the southwest corner of Perry and Luckie Streets. Mr. Thompson stated that the resolution is for acquisition of property along the Heritage Trail. The property is 10 feet wide along the Luckie Street frontage. Mr. Thompson stated that he would continue to negotiate with the owners. However, to remain on schedule, he needs the Resolution For Condemnation approved. Mayor Johnson asked if there was any public comment. There was none. Ms. Beiser made a motion to approve the resolution. The motion was seconded by Mr. Martin. The motion carried unanimously. (See Exhibit File)

Mr. Billev presented the first reading of a Special Use application for a pawn shop at 141-A Buford Drive. The applicants, Mr. and Mrs. James Gilbert were present. Mr. Martin made a motion to approve the first reading and proceed to the second reading. The motion was seconded by Ms. Beiser. The motion carried unanimously. (See Exhibit File)

Mr. Billev presented the first reading of Mitch and Georgeta Maghiari's rezoning request at 545 Scenic Highway. The Maghiaris are requesting that the property be rezoned from RS-180 to O&I. The applicants were present. Ms. Beiser made a motion to approve the first reading and proceed to the second reading. The motion was seconded by Mr. Martin. The motion carried unanimously. (See Exhibit File)

Mayor Johnson called on the presentation of Accent Landscape LLC's rezoning request at 635 Buford Highway. Mr. Martin stated that due to a conflict of interest, he would recuse himself. After the application to change the zoning from BG to LM was presented, Mr. Powell made a motion to proceed to the second reading. The motion was seconded by Ms. Smith. The motion carried unanimously. After the vote was taken, Mr. Martin returned to the meeting. (See Exhibit File)

#### COUNCIL BUSINESS MEETING – OLD BUSINESS

Mr. Thompson presented the second reading of the Taxi Cab ordinance amendment. The amendment is for Chapter 32, Section 214 of the City Code of Ordinances. Mr. Martin stated that this ordinance will tighten up our insurance requirements and protect the riders. Mr. Martin then made a motion to approve the ordinance amendment. The motion was seconded by Ms. Beiser. The motion carried unanimously. (See Exhibit File)

Mr. Thompson presented the second reading of the amendments to the City's insurance ordinance. Mr. Thompson informed the council that the amendment will raise the license fee to \$100.00 per year for insurance carriers. Mr. Thompson said the increase is allowed by the State based on our recent census data. Ms. Smith made a motion to approve the amendment of the business license ordinance, sections 32-201 and 4-102. The motion was seconded by Ms. Beiser. The motion carried unanimously. (See Exhibit File)

#### COUNCIL BUSINESS MEETING – NEW BUSINESS

Ms. Smith spoke regarding the Central Gwinnett Cluster Foundation. Ms. Smith stated that the foundation's goal is to enhance options and opportunities to the schools in the cluster, to provide grants, scholarships and to allow students to go to events such as math camps, etc. The launch event for the foundation is September 15, 2011 at the Trackside in Lawrenceville.

Mr. Austin presented a change order to Contour Grading & Pipe, LLC for the Winer Industrial Way drainage project. Mr. Austin stated that the change order is for \$26,674.82 and is a result of excessive amounts of rock that required the project to be redesigned and moved. Ms. Smith made a motion to approve the change order. The motion was seconded by Ms. Beiser. The motion carried unanimously. (See Exhibit File)

Mr. Austin requested approval to bid the Ezzard Road drainage project. Mr. Austin stated that this project would tie into the trail system being designed by Ms. Christie Sims and Mr. Baroni's Community Development project. Ms. Beiser made a motion to bid the project. The motion was seconded by Ms. Smith. The motion carried unanimously. (See Exhibit File)

Mr. Watts requested council approval of the Western Heights Gas Main Replacement Project bid. Mr. Watts stated that the low bid is Steele and Associates at \$94,242.25. After some discussion, Ms. Smith made a motion to approve the low bid. The motion was seconded by Ms. Beiser. The motion failed with Ms. Beiser and Ms. Smith voting for the motion. Mr. Martin and Mr. Powell voted in opposition to the motion. The Mayor broke the tie by voting to deny acceptance of the low bid. Mr. Powell then made a motion to re-bid the project and not allow the low bidder to subcontract. The motion was seconded by Mr. Martin. The motion carried unanimously. (See Exhibit File)

Mr. Watts requested that the council declare the Hi Hope Road and Walnut Grove propane tanks, peak shaving plants and remaining gas in the tanks surplus property for the purpose of sale. Mr. Watts stated that the City's current gas rate structure is not benefited by the City running propane plants and that they have not been used in some time. Mr. Martin made a motion to approve the surplus property as requested by Mr. Watts for the purpose of sale. Mr. Martin asked that Mr. Watts coordinate any sale of the

property with the City Attorney to make sure it is done legally. The motion was seconded by Ms. Smith. The motion carried unanimously.

Mr. Baroni presented a proposal from Ron Foster to conduct a Detail Right of Way Cost Estimate Summary for the property located on Papermill and Springlake Road. Mr. Baroni stated that the summary is required under the T-Grant program and will cost \$5,400.00. Ms. Smith made a motion to approve the cost estimate summary presented by Mr. Foster. The motion was seconded by Ms. Beiser. The motion carried unanimously. (See Exhibit File)

Mr. Baroni presented job descriptions for the position of Accountant and Supervisor of Accounting and Financial Services. The positions were previously approved by the council and require approval of the job descriptions. Mr. Powell made a motion to approve the job descriptions with a change in the minimum qualifications for the Supervisor of Accounting and Financial Services to include being a Certified Public Accountant and five years in public sector accounting, municipal or local government experience preferred. The motion was seconded by Mr. Martin. The motion carried unanimously. (See Exhibit File)

#### NEIGHBORHOOD UPDATES

Ms. Karen Still and Mr. Ernie Melton presented the neighborhood report from Craigdale subdivision. Representatives were primarily concerned with drainage issues and requested that the subdivision be curb and guttered with additional lighting being added.

Ms. Ruth Coney presented the neighborhood concerns from the Windsor Farms subdivision. Their problems were primarily with the responsibility for maintenance of the detention pond and landscaping of the property. (See Exhibit File)

Ms. Smith made a motion to adjourn into Executive Session. The motion was seconded by Mr. Martin. The motion carried unanimously.

After the Executive Session, Mr. Thompson reported that pending litigation, real estate and personnel matters were discussed. No votes were taken.

Mr. Thompson explained the Danielle Hester lawsuit issue to the council and requested that they sign the settlement agreement. Mr. Martin made a motion to approve the settlement on Ms. Hester's suit against the City. The motion was seconded by Mr. Powell. The motion carried unanimously.

Mr. Fisher asked that the council approve a \$52,750.00 settlement offer on the damage claim resulting from an accident from Mr. Jimmy Pallathu George. The total amount of the claim is \$146,982.80. Mr. Fisher stated that the parties have offered to pay \$52,750.00 which includes a \$50,000.00 insurance payment from 21<sup>st</sup> Century

Insurance. The \$50,000.00 is the limit of their policy and Mr. Fisher indicated that the City would probably not receive any more if they filed suit. He stated that he felt the parties would declare bankruptcy in that event. Mr. Powell made a motion to approve the settlement. The motion was seconded by Ms. Smith. The motion carried unanimously.

Mayor Johnson explained a proposed project at the hospital that would provide back up electric service for the hospital complex. The Mayor stated that the project will cost approximately \$100,000.00 and requested council approval to enter into an agreement with the hospital splitting the bill at some percentage. Mr. Powell made a motion to provide the loop feed and go up to 100% of the cost if necessary with the stipulation that the City retain all customer choice locations on the campus. The motion was seconded by Ms. Smith. The motion carried unanimously.

There being no further business, the meeting was adjourned.

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Judy Jordan Johnson, Mayor

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Robert P. Baroni, City Clerk