

City of Sugar Hill Council Meeting

Monday December 9, 2002

Community Center 7:30 PM

The City of Sugar Hill city council held its regular monthly meeting on Monday December 9, 2002 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 newspapers.

Those present at the meeting included Mayor Gary Pirkle, Mayor Pro-Tem Kim Hall, Council Members Chris Abbey, Meg Avery, Ron Johnson and Thomas Rhodes. Also present were City Attorney Lee Thompson, City Manager Bob Hail, and Assistant City Manager for Development Jim Osborn and City Clerk Shirley Gibbs.

CALL TO ORDER, PLEDGE OF ALLEGIANCE TO THE FLAG AND INVOCATION:

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

APPROVAL OF AGENDA:

Council Member Meg Avery made a motion to amend the agenda to add Item 10 under New Business; Occupation Ordinance Tax Change. Mayor Pro-Tem Hall made the second. Motion passed unanimously 5-0.

APPROVAL OF 11/11/2002 MINUTES:

Council Member Avery made a motion to approve the 11/11/ 2002 Minutes but with a change. In the Zoning Ordinance Section 614 relating to the rabbits, Item 3 should state that all rabbit quarters or hutches shall have a minimum floor space of four square feet and no more than sixteen square feet per rabbit. Council Member Rhodes made the second. Motion passed unanimously 5-0.

APPROVAL OF 11/18/2002 MINUTES:

Mayor Pro-Tem Hall made the motion to approve the 11/18/2002 Minutes. Council Member Avery made the second. Motion passed unanimously 5-0.

CITY ATTORNEY'S REPORT

City Attorney Lee Thompson reported that there were some restrictions on the Greenspace purchased by the City earlier in the year. This was to be reported to the State, on a form provided by the State, and he needed the council to give authorization to either Mayor Pirkle or City Manager Hail to sign that paper work before the end of the year. Council Member Abbey made the motion to authorize either the Mayor or the City Manager to sign the necessary paper work regarding restrictions on the Greenspace property. Council Member Johnson made the second. Motion passed unanimously 5-0.

COUNCIL REPORTS

Council Member Abbey gave the following report on the Gas Department: The price per therm for gas was \$.65, which is still lower than other marketers in the area. A construction company had cut a gas line, which had resulted in outages for several residents. The City Manager had the situation handled and got the gas turned back on for the residents.

Council Member Rhodes gave the following report on the Golf Course and the DDA: The Golf Course was on vacation, play was down. Interviews for positions on the DDA were taking place. He thanked everyone for his first year on the Council and was looking forward to next year and wished everyone Happy Holidays.

Council Member Avery gave the following report on Recreation: It had been a quiet month for recreation. The leagues were not playing; applications for the Memorial Bricks were still available; construction of the Amphitheater at EE Robinson Park was almost complete and it was looking great. The City had received bids for installation of sports lighting at the park; these lights would be on both ball fields, the soccer field and security lighting on the walking trail and some of the old lights would be relocated to the tennis courts and basketball area. They were looking forward to a very busy spring and summer at the park.

City of Sugar Hill Council Meeting

Monday December 9, 2002

Community Center 7:30 PM

Mayor Pro-Tem Hall gave the following report on the Planning and Zoning Department: Pursuant to the Georgia Planning Act of 1989, every city and county in the State has to provide a Comprehensive Plan every ten years and a short term work program every five years. The City's short-term work program was last updated in 1998. Mr. Osborn and his staff have started the process to update the short-term work program. Public Hearings will be held at the Planning Commission meetings in January and February and the Council will be adopting the short-term work program at the June 2003 Council Meeting. All the information has to be sent to the Atlanta Regional Commission for approval and that is the reason for the delay in adopting the program after the Public Hearings are completed. If any one has comments to make on the short-term work program; which include comments on economic development, community facilities, watershed, land use, natural and historic resources and general applications; they may do so at the Public Hearings in January and February.

Council Member Johnson wished everyone a safe and Happy Holiday and then gave the following report on roads: The Gwinnett County water improvements on Spring Hill Drive should be complete in 60 to 90 days. City drainage improvements are complete and weather permitting resurfacing of the road and construction of sidewalks will begin immediately after the water pipe replacement project and resolution with homeowners for right of way are complete. The city is delaying its improvements until after the county project is complete to ensure optimum use of funds. Drainage construction on Whitehead Road between West Broad and Sunset Drive has begun and curbs and sidewalks will be installed from West Broad to Sunset aft the drainage project is complete.

MAYOR'S REPORT

Mayor Pirkle gave the following report: He reported there were some signs at the Town Green indicating that the First Baptist Church had rented the Town Green for December 15th and would be performing carols from 4:30 PM to dark. He wanted everyone to remember the veterans and the recent anniversary of Pearl Harbor. He wished everyone a Happy Holiday.

CITY CLERK'S REPORT

The City Clerk reported that she was working on past due occupation taxes and along with the Code Enforcer's help it had been discovered that there were about 18 businesses in the Magnolia Park that did not have occupation licenses. These companies had been notified and most had responded.

CITY MANAGER'S REPORT

City Manager Hail reported there had been a Pre-bid Conference held on December 5th for the renovations that would be done to City Hall. The bids are due on December 19th. The renovations will include the installation of an ADA elevator, adding 3,000 feet to the rear of the building, renovating the upstairs for Planning and Zoning to move into once these renovations are complete. During these renovations, Planning and Zoning will move to the future Community Center and the house they are currently in will be demolished. He wanted to remind everyone that the Council Meetings were shown on Charter Cable channel 19 at 8:00 PM on the 3rd, 4th, and 1st Mondays after the Council Meeting.

UNFINISHED BUSINESS

There was no Unfinished Business

CITIZENS AND GUESTS COMMENTS

There were no comments from citizens and guests.

NEW BUSINESS:

1. P & Z BOARD APPOINTMENTS:

Mayor Pirkle explained there were currently two posts on the Planning and Zoning Board whose terms had expired. He called for nominations for Post #3, currently held by Jay Asgari. Mayor Pro-Tem Hall made a nomination for Marc Cohen; whom they had met at the work session; she felt he would be very thoughtful in his decisions and be a good addition to the board. There were no other nominations for Post #3 so Mayor Pirkle called for the vote. Marc Cohen was unanimously approved for Post #3 on a vote of 5-0. Mayor Pirkle asked for nominations for Post #4, which is currently held by Joe Clarino, and he has

City of Sugar Hill Council Meeting

Monday December 9, 2002

Community Center 7:30 PM

indicated he would like to remain on the board. Council Member Rhodes made the nomination for Joe Clarino to be re-appointed to Post #4. There were no other nominations for Post #4. Mayor Pirkle called for the vote. Joe Clarino was unanimously approved for Post #4 on a vote of 5-0.

2. APPEALS BOARD APPOINTMENTS:

Mayor Pirkle explained that there would be two vacant positions on the Appeals Board; Post #3, currently held by Joel Black who had indicated he did not want to be re-appointed and Post #4, currently held by Ed Schoeck, who, due to health reasons, did not want to be re-appointed. Because there was no Appeals Board Meeting scheduled for January, Council Member Avery made a motion to table this item. Council Member Johnson made the second. Motion passed unanimously 5-0.

3. PUBLIC HEARING: FUTURE LAND USE-PEACHTREE IND BLVD:

Council Member Abbey made the motion to enter into Public Hearing for Future Land Use – Peachtree Industrial Blvd. Mayor Pro-Tem Hall made the second. Motion passed unanimously 5-0. Assistant City Manager for Development Jim Osborn explained the Mayor and City Council had indicated they would like to classify the Peachtree Industrial Corridor as commercial on the Future Land Use Map of the Comprehensive Plan. This is consistent with the tax base and also the subdivisions that back up to it, currently on the future land use map it is a mixture of commercial and industrial. The intent is to classify it all as commercial from the southern city limits (at Suwanee city limits) north to Highway 20. The Planning Commission has heard and approved this 5-0. The desired plan has been sent to DCA and ARC and they found it to be consistent with the planning standards for the state of Georgia. Mayor Pro-Tem Hall wanted clarification on parcels that did not front Peachtree Industrial Blvd that they would remain industrial. Mayor Pirkle also wanted to clarify that there were no zoning changes on any of this property just the type of use along this corridor. There were no comments from the Public. Council Member Rhodes made the motion to exit Public Hearing. Council Member Johnson made the second. Motion passed unanimously 5-0. Council Member Rhodes made the motion to amend the Comprehensive Plan Future Land Use Map to classify all parcels that front Peachtree Industrial Blvd as future commercial land use. Council Member Johnson made the second. Motion passed unanimously 5-0.

4. ARC/UPPER CHATTAHOOCHEE/RICHLAND CREEK INTERCEPTOR EXTENSION PHASE I & CHATTAHOOCHEE RIVER CORRIDOR CERTIFICATE:

Council Member Abbey made the motion to enter into Public Hearing for the ARC/ Upper Chattahoochee/ Richland Creek Interceptor Extension. Council Member Rhodes made the second. Motion passed unanimously 5-0. Assistant City Manager for Development Jim Osborn explained this was the Waymon Anderson property located at the river on Highway 20. The county was proposing to put in a sewer line there that would be within the 2,000-foot corridor of the river and therefore needs a Chattahoochee River Corridor Certificate. Late last week, the ARC had contacted them and asked that they hold off on this until the January meeting because they are continuing to receive comments from the U.S. Park Service and they want to run through that comment period before the city approves the certificate. He recommended that this be tabled until the January meeting. Mayor Pirkle asked if there were any comments from the Public. There were no comments from the Public. Mayor Pro-Tem Hall made the motion to exit Public Hearing. Council Member Rhodes made the second. Motion passed unanimously 5-0. Council Member Johnson made the motion to table this item until the January meeting. Council Member Avery made the second. Motion passed unanimously 5-0.

5. 2002 BUDGET ADJUSTMENT:

City Manager Hail explained that close scrutiny of the 2002 budget expenditures had resulted in excess funds in some expenditure lines. He would like to combine these funds into a newly established line item, #53164-Equipment. This line would be used to purchase a Case 460 Trencher with a 12-inch backhoe attachment. The older Case 460 Trencher now used by the gas department would be traded in and these additional funds would be combined with Street equipment funds to purchase a new 580 backhoe with the large bucket. Both the Street Department and the Gas Department would use this equipment. He was asking for the authorization to establish line number 53164-Equipment. Council Member Rhodes made the motion to authorize the establishment of Line Number 53164-Equipment in order to purchase the Case 460 Trencher and the 580 backhoe to be used by the Street and Gas Departments. Council Member Abbey made the second. Motion passed unanimously 5-0.

6. 2002 YEAR END BUDGET AUTHORIZATION:

City Manager Hail explained that as the 2002 Budget Year comes to a close, there are situations where funds are available for expenditures or salaries, but are in an inappropriate Budget Line Number. To keep the budget balanced but not exceed departmental salary lines, it will be necessary to adjust those lines. The Mayor and Council have granted the City Manager, in cooperation with the Finance Officer, the ability to move funds between lines within a department of General Fund but by law changing salary lines is reserved for the Mayor and Council. He is asking that the City Manager be authorized to adjust the 2002 budget lines to ensure a balanced budget and salary lines are not exceeded. Mayor Pro-Tem Hall made the motion to authorize the City Manager to adjust the 2002 budget to ensure a balanced budget and make the necessary adjustments on the salary lines. Council Member Johnson made the second. Motion passed unanimously 5-0.

7. FINANCIAL POLICY:

City Manager Hail stated that the Mayor and Council had asked him to update the Financial Policy, which had been done. The proposed changes had been given to the Mayor and Council for review. There had been some additional changes made to the policy which he had not had time to review. He would recommend that this item be delayed until the January Council Meeting. Mayor Pro-Tem Hall made the motion to table this item until the January Council Meeting. Council Member Abbey made the second. Motion passed unanimously 5-0.

8. PUBLIC HEARING: 2003 BUDGET APPROVAL:

Council Member Avery made the motion to enter into Public Hearing for the 2003 Budget. Council Member Johnson made the second. Motion passed unanimously 5-0. City Manager Hail explained the Mayor and Council had had three work sessions on the 2003 Budget, they already had one Public Hearing and this would be the second Public Hearing on the 2003 Budget and all the changes had been presented to the Council. One of the changes would increase the police patrol from 30 hours to 60 hours. There were no comments from the Public. Mayor Pro-Tem Hall made the motion to exit Public Hearing. Council Member Abbey made the second. Motion passed unanimously 5-0. Council Member Johnson made the motion to adopt the 2003 Budget. Council Member Abbey made the second. Motion passed unanimously 5-0.

9. CONUCIL EVENT REIMBURSEMENT ORDINANCE:

Mayor Pro-Tem Hall explained that she had asked the City Attorney to draft this Ordinance. It does go along with the Financial Policies City Manager Hail had been working on. While the Financial Policy addresses the employees, this Ordinance would address the Council Members. Council Members were encouraged to attend training and classes that would be helpful in keeping them informed so they could do the business of the city. There have been times when reservations have been made and Council Members did not attend the training and this Ordinance would require them to reimburse the city for funds that had been used to pay for that training. Discussion was held on whether or not to have a similar ordinance that would address employees or if that should be included in the Financial Policy or the Employee Handbook; what kind of documentation would be required and number of days it takes to get certificates from some of the classes that are attended and when it would go into effect. Mayor Pro-Tem Hall made the motion to adopt Section 2.28 Ordinance to approve reimbursement by the Mayor and Council Members as set forth by City Attorney Thompson with the change in Item B reflecting 30 business days instead of seven to provide a certification of completion for the class or training. Council Member Abbey made the second. Motion passed unanimously 5-0.

10. OCCUPATIONAL TAX ORDINANCE CHANGE:

Council Member Avery explained there had been discussion at the work sessions on due dates for Occupation Taxes. Currently all fees are due on January 1st of each year but the legal due date was April 15th before they were considered late. By State law, they had 90 days past the due date before penalties could be added. Her proposal was to change the legal due date from April 15th to February 1st and that would make May 1st the 90 days past the legal due day before penalties could be added. Discussion was held on notifying the business owners, when this would go into effect. City Attorney Thompson commented that state law was unclear about holding Public Hearings when making changes to Occupation

City of Sugar Hill Council Meeting
Monday December 9, 2002
Community Center 7:30 PM

Tax Ordinances except when the rates were changing. He felt the city should hold a Public Hearing at the January meeting but this Ordinance change could be passed at this meeting, which would give the City Clerk time to notify business owners of the change. Council Member Avery made the motion to amend the Occupation Tax Ordinance delinquent due date from April 15th to February 1st, Occupation taxes would still be due on January 1st but the delinquent date would be February 1st with penalties taking effect May 1st. Council Member Abbey made the second. Motion passed unanimously 5-0.

EXECUTIVE SESSION: TO DISCUSS LEGAL, PERSONNEL AND/OR REAL ESTATE:

Council Member Avery made the motion to enter into Executive Session to discuss legal, personnel, and/or real estate. Mayor Pro-Tem Hall made the second. Motion passed unanimously 5-0.

Council Member Rhodes made the motion to return to regular session, second made by Council Member Abbey. Motion passed unanimously 5-0.

ACTION TAKEN OUT OF EXECUTIVE SESSION:

Mayor Pro-Tem Hall stated that Gwinnett County had approached the city about an easement on property owned by the city, located in the Highway 20 area, in order to extend their sewer line. In order not to hold them up on those negotiations, she made a motion to allow City Manager Hail, Mayor Pirkle and City Attorney Thompson to negotiate that easement on behalf of the city and sign any documentation necessary to process that easement. Council Member Avery made the second. Motion passed unanimously 5-0.

ADJOURNMENT:

Council Member Abbey made the motion to adjourn the meeting. Council Member Rhodes made the second. Motion passed unanimously 5-0. Meeting adjourned at 9:20 PM.

Date Approved: _____

Mayor

ATTEST:

City Clerk