

**COUNCIL MEETING MINUTES
CITY OF SUGAR HILL
5039 WEST BROAD STREET
SUGAR HILL, GEORGIA
MONDAY, APRIL 8, 2024, 7:30 P.M.**

CALL TO ORDER – by Mayor Hembree. Present were Mayor Brandon Hembree, Mayor Pro Tem Alvin Hicks, Council Members Taylor Anderson, Meg Avery, Joshua Page and Gary Pirkle. Also present were City Manager Paul Radford, Assistant City Manager Troy Besseche, City Attorney Frank Hartley and City Clerk Jane Whittington.

PLEDGE OF ALLEGIANCE TO THE FLAG

INVOCATION – given by Council Member Page.

APPROVAL OF AGENDA – Mayor Pro Tem Hicks motioned to approve the agenda as submitted. Council Member Page seconded the motion. Approved 5-0.

APPROVAL OF MINUTES – Council Meeting March 11, 2024 (no Executive Session), Work Session & Executive Session March 4, 2024 – Council Member Anderson motioned to approve the minutes. Council Member Avery seconded the motion. Approved 5-0.

AWARDS/PRESENTATIONS/PROCLAMATIONS

Proclamation Arbor Day – Mayor Hembree stated that we adopt the Arbor Day proclamation every year in April. This is a tradition started some years back.

REPORTS

**CITY ATTORNEY
COUNCIL
MAYOR
CITY CLERK
CITY MANAGER
YOUTH COUNCIL**

CITIZENS AND GUESTS COMMENTS – Sheri Emigh asked if this was the time to speak regarding the variance request. The Mayor stated that there would be public comments allowed during the public hearing for this item.

CONSENT AGENDA

OLD BUSINESS

NEW BUSINESS

VAR-24-001, Stream Buffer Variance Request – Planning Director Awana explained that the applicant 30AIP Sugar Hill LLC c/o Robert McCann has applied for approval of the stream buffer variance to allow disturbance and construction within the 50-foot undisturbed stream buffer and the 75-foot impervious surface setback. They are proposing to build a 2325 sq. ft. restaurant with a drive-thru lane for mobile pick-up orders only. The improvements proposed within the 50’ stream buffer include a paved drive-thru lane, parking, enclosed dumpster and a retaining wall. The Georgia EPD will review the plan for approval of stream encroachment as well. Council Member Pirkle had questions regarding the review time frame, and the flow of the stormwater once development had started. He requested that Director Awana show on the map where the stream was located. Council Member Page asked who is responsible for the stream as it flows downstream across properties. Every property owner is responsible as it flows

through their property. The public hearing was opened, and the applicant did not speak at that time. In opposition Sheri Emigh had a concern about what is created upstream and will go across her neighbor's property. She requested that a privacy fence be installed like the one at the neighboring Zaxby's to allow some buffer for the neighboring properties behind the restaurant.

Andrew Schultz, Windswept Trace spoke regarding the stream and piping of the stream.

Carl Seily, Pinedale Trail spoke regarding Crayfish Creek and the water flow.

Kevin Thompson, 501 Laurel Run Place, asked if the townhomes being built on Suwanee Dam Rd. were flowing into this stream as well. The public comments were closed.

Bob McCann, the applicant spoke and answered questions regarding the stream, piping of the stream and the wetlands. They are building a retaining wall and are leaving the wetlands and the stream untouched. Before they get a land disturbance permit they have to submit design drawings. They are also required to submit a storm water plan that has to be approved as well. Council Member Anderson asked the applicant about the storm events and the volume of water released from the pipes. He also requested that they reduce the number of parking spaces and eliminate the two by the dumpster and have additional plantings. The applicant will ask Chipolte if they want to reduce the parking spots. The townhomes that were referenced are in unincorporated Gwinnett and flow into a different tributary.

The public hearing was closed. Council Member Anderson motioned to approve the stream buffer variance with the condition as written with the addition of a condition that a 6-foot privacy fence be installed along the property as close as possible to the top of the retaining wall. Mayor Pro Tem Hicks seconded the motion. The City Attorney asked if the referenced exhibit was included. The motion was restated to add the referenced exhibit. The motion was seconded by Mayor Pro Tem Hicks.
Approved 5-0.

GMEBS, Defined Benefit Retirement Plan Restatement – the City Manager explained that this is a readoption of the GMEBS defined benefit plan that the city adopted in 2018. The Council will need to adopt the ordinances for the service credit purchase addendums well as the Adoption Agreement which include the benefit and eligibility provisions that are currently in place. In order to protect the plan's tax-qualified status, GMEBS filed draft restated plan documents with the IRS in June 2022. The IRS issued a favorable opinion, and the cities are required to re-adopt the plan documents. The city's plan is 90% funded.

Council Member Pirkle commented that before this plan was executed the city had a defined contribution plan. The private sector has moved away from this type of defined benefit plan. That could be investigated more in the future. He had concerns about the elected officials being included in the plan and recommended that section be removed, section 5 subheading B.

The City Manager recommended staying the course with the current plan for retention and recruitment of employees. The elected official portion allows at retirement age a \$35 per year of service with no vesting requirement.

Council Member Page stated that this would be an incentive to recruit employees and retain top talent. Council Member Pirkle stated that it is the elected official part that should be removed. The elected officials are like volunteers. Council Member Anderson stated that Gwinnett County removed their defined benefit and has had trouble in retaining and recruiting employees. Council Member Pirkle motioned to approve the restatement of the plan documents removing the elected official's section. Council Member Avery seconded the motion. Council Member Pirkle and Avery voted yes. Council Member Anderson motioned to approve the restatement of the defined benefit documents. Council Member Hicks seconded the motion. Council Member Anderson and Hicks voted yes. Council Member Page asked if he could offer an alternative motion to table this item. Council Member Pirkle withdrew his motion. Council Member Page motioned to table until May 2024 the restatement of the defined benefit

documents. Council Member Pirkle seconded the motion. Approved 3-2 with Council Member Avery, Page and Pirkle voting for and Council Member Anderson and Mayor Pro Tem Hicks voting against. Approved to table until May 2024.

GDOT/LMIG Application FY24 Round 2 – Assistant City Manager Besseche explained that the city approved twelve streets in September 2023 as part of the original GDOT grant program. Since that time the state has authorized additional funding to be added to the program. The original amount approved was \$541,870.39 and the additional funding is \$306,314.17. The original budget for 2024 was \$650,000 and the total budget is \$956,314. The contract is with Garrett Paving. Council Member Pirkle motioned to approve the LMIG grant as recommended with the budget amendment. Council Member Anderson seconded the motion. Approved 5-0.

Road Pavement Repair Policy – Council Member Pirkle motioned to table. Council Member Page seconded the motion. Approved 5-0.

Auditor Selection, Mauldin & Jenkins – the City Manager explained that the auditor Wayne Tuck had submitted his resignation after completing the 2022 audit. Staff interviewed two auditing firms, Mauldin and Jenkins and Rushton. After completing a thorough review staff is recommending contracting with Mauldin & Jenkins for the 2023 audit. They can meet the original audit deadline of June 2024. Council Member Avery motioned to approve the contract with Mauldin & Jenkins. Mayor Pro Tem Hicks seconded the motion. Approved 5-0.

EXECUTIVE SESSION: TO DISCUSS LEGAL, REAL ESTATE AND/OR PERSONNEL
Mayor Pro Tem Hicks motioned to enter Executive Session for one legal matter. Council Member Page seconded the motion. Approved 5-0.

PUBLIC ACTION TAKEN OUT OF EXECUTIVE SESSION – there was no action out of Executive Session.

ADJOURNMENT – Council Member Anderson motioned to adjourn. Council Member Avery seconded the motion. Approved 5-0.

Brandon Hembree, Mayor

Jane Whittington, City Clerk