

City of Sugar Hill Council Meeting

Monday January 13, 2003

7:30 PM Community Center

The City of Sugar Hill held its regular monthly Council Meeting on Monday January 13, 2003 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 sent to the local newspapers.

Those present at the meeting included Mayor Gary Pirkle, Council Members Chris Abbey, Meg Avery, Kim Hall 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. Absent was Council Member Ron Johnson.

**CALL TO ORDER:**

**Mayor Pirkle** called the meeting to order at 7:30 PM

**PLEDGE OF ALLEGIANCE TO THE FLAG AND INVOCATION:**

**Mayor Pirkle** led in the Pledge of Allegiance to the Flag and gave the Invocation.

**APPROVAL OF AGENDA:**

**Council Member Abbey** made the motion to approve the agenda with the following changes: Under New Business put Item #3 as Item #1 and Item #1 as Item #3 and to add Item #9; City Hall Bids, under New Business. Council Member Rhodes made the second. Motion passed unanimously by those present to vote 4-0.

**APPROVAL OF 12/2/2002 WORK SESSION MINUTES:**

**Council Member Avery** made the motion to approve the 12/2/2002 Work Session Minutes as written. Council Member Rhodes made the second. Motion passed unanimously by those present to vote 4-0.

**APPROVAL OF 12/9/2002 COUNCIL MEETING MINUTES:**

**Council Member Rhodes** made the motion to approve the 12/9/2002 Council Meeting Minutes as written. Council Member Avery made the second. Motion passed unanimously by those present to vote 4-0.

**APPOINT AND SWEAR IN MAYOR PRO-TEM:**

**Mayor Pirkle** asked for nominations for Mayor Pro-Tem. Council Member Hall nominated Council Member Avery. Council Member Abbey made the second. There were no other nominations. Mayor Pirkle called for the vote on the nomination. Motion passed unanimously by those present to vote 4-0. Mayor Pirkle then swore Council Member Avery in to serve as Mayor Pro-Tem for 2003.

**SWEAR IN P&Z BOARD MEMBERS:**

**Mayor Pirkle** newly appointed Planning Commission Board Member Marc Cohen to come forward to be sworn in. Joe Clarino, the other Planning Commission Board Member, was not present to be sworn in.

**APPRECIATION OF OUT GOING P&Z BOARD MEMBERS:**

**Council Member Abbey** presented plaques to out going Planning Commission Board Member Jay Asgari and Granville Betts. Mr. Asgari had served on the Planning Commission Board for ten years and Mr. Betts had served on the Planning Commission Board for eight years. Both Mr. Asgari and Mr. Betts expressed their thoughts on being able to serve on the Board and making a difference in the direction the city was taking with the planning for the future growth.

**APPRECIATION OF OUT GOING APPEALS BOARD MEMBERS:**

**Council Member Abbey** also presented plaques to out going Appeals Board Members Joel Black and Ed Schoeck. Mr. Black had served on the Appeals Board for three years and Mr. Schoeck had served for one year. Both Mr. Black and Mr. Schoeck expressed their thoughts on being able to serve on the Appeals Board and being able to be of service to the city.

**CITY ATTORNEY'S REPORT:**

**Mr. Thompson** had no Public Report.

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#### **COUNCIL REPORTS:**

**Council Member Abbey** gave the following year end report on gas: During 2002 there were 377 new customers, over seven miles of gas line, there had been no gas pressure complaints and the price per therm was still lower than any of the other marketers. This was due to the city manager hedging the gas in the summer when prices were lower.

**Council Member Rhodes** gave the following report: He wished every one a Happy New Year and hoped they had had a nice Holiday Season. He had watched the new Governor be sworn in, he would probably be stepping down from the Intergovernmental Committee he was on with the Gwinnett Municipal Association and join the Legislative Committee, he had enjoyed his tenure as Golf Course Liaison and was ready to take over the Gas Department and tonight the Downtown Development Authority would finally be official.

**Mayor Pro-Tem Avery** gave the following recreation report: 2002 had been a really great year for recreation. Some of the highlights were the purchase of; building and dedication of the Town Green. The Town Green had the gazebo, town clock and Veterans Memorial along with benches and swings. There had been another great Fall Festival, the bathrooms at the park had been renovated and the Amphitheater had been completed. They had signed contracts with the West Gwinnett Soccer Club and the North Gwinnett Youth Softball League. There was not much activity at the park in the winter so the city was taking advantage of this quiet time by closing the park in order to install safety lights on the walking trail, around the ball fields and at the tennis courts. She had heard some wonderful stories about the Town Green; some of the girls had their Homecoming Pictures made there and she had heard of one marriage proposal taking place at the Town Green.

**Council Member Hall** gave the following report on Planning and Zoning: The big project for 2003 would be moving the Planning Department to the Community Center across from the Town Green. The Planning Department would be closed Wednesday, Thursday and Friday in order to complete the move; however, Building Inspections would continue. They would remain in this building for approximately six months, until the renovations to city hall were complete and then they would move to the second floor of city hall. The building the Planning Department was currently in would be demolished probably by the end of the month.

#### **MAYOR'S REPORT:**

**Mayor Pirkle** gave the following report: He wanted to comment on the success of the Carols in the Park put on by the First Baptist Church. It was very well attended and every one enjoyed the program. He listed the new council liaisons for the 2003 year as follows: Tom Rhodes – Gas, Ron Johnson – Golf, Kim Hall – Planning and Development, Meg Avery – Recreation and Chris Abbey – Streets. He looked forward to working with this council again and with Council Member Avery serving as Mayor Pro-Tem.

#### **CITY CLERK'S REPORT:**

**The City Clerk** gave the following report: The first two weeks of January have been busy with Occupation Taxes. Exact numbers are not available on the number received but posted amount of money so far is \$27,727. There have been 27 businesses that have reported they are no longer in business or have moved out of Sugar Hill. So far there have been six new businesses. The city received a check from the Georgia Municipal Association for insurance companies that have agents in the city but were not paying the fee and that check was for \$3,437.50. There will be an election in November and if any one thinks that they might be running, please let her know because there are disclosure forms that will need to be filled out at different times during the year.

#### **CITY MANAGER'S REPORT:**

**City Manager Hail** gave the following report: Like the Mayor and Council he felt it had been a very successful year for the city. Because Council Member Johnson was absent, Mr. Hail gave a summary of work done by the street department for the year. 23 streets had been resurfaced, or five miles of road and over half a mile of sidewalks had been installed. 650 tons of yard debris had been picked up and over 520 tons of limbs and shrubs had been picked up at curbside. There was a new marquee at Alton Tucker and Peachtree Industrial Blvd.. A 1,000 feet of surface road had been installed at the landfill for testing. The city had fixed drainage on Spring Hill Drive, Frontier Drive, and White Oak Drive and just recently completed 2,200 feet of drainage pipe on Whitehead Road. Curbing had been installed on Whitehead and they would soon start installing sidewalks from West Broad Street to Sunset. He wanted to tell the Mayor

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and Council he was proud to be at Sugar Hill and he felt that the city had done an excellent job under their tutelage and he looked forward to doing more in the future. Mayor Pirkle asked him to give more details on the Spring Hill Drive project. Today he had received the final agreement from residents regarding the right of way that was needed to expand Spring Hill Drive from West Broad Street going south toward Old Spring Way. When completed, there will be two-way traffic on Spring Hill Drive down to Old Spring Way then it will be one way traffic. There will be a sidewalk from Whitehead Road to Level Creek Road.

#### **UNFINISHED BUSINESS:**

##### **1: ARC/UPPER CHATTAHOOCHEE/RICHLAND CREEK INTERCEPTOR EXTENSION PHASE I & CHATTAHOOCHEE RIVER CORRIDOR CERTIFICATE:**

**Assistant City Manager for Development Jim Osborn** explained this is the Waymon Anderson property and they were asking for a sanitary sewer extension. Since the land is within 2000 feet of the Chattahoochee River it is a requirement to be reviewed by the Atlanta Regional Commission. They found that the land disturbing activity is consistent with the Chattahoochee Corridor Plan and no modifications were required. Gwinnett County is supervising the project and there were representatives from Gwinnett County present to answer any technical questions. Staff recommendation was for approval of the certificate for extension of the Phase I sanitary sewer extension. Council Member Hall made the motion to issue a Chattahoochee River Corridor Certificate of development for the Richland Creek Interceptor extension Phase I on the Waymon Anderson property located on Highway 20. Council Member Rhodes made the second. Motion passed unanimously by those present to vote 4-0.

##### **2: APPOINT APPEALS BOARD MEMBERS:**

**Council Member Abbey** made a motion to table this item. The Appeals Board did not have a meeting scheduled for January and the Council had not received any resumes from people interested in serving on the Board. Council Member Rhodes made the second. Motion passed unanimously by those present to vote 4-0.

#### **CITIZENS AND GUESTS COMMENTS:**

There were no comments from the citizens or guests.

#### **NEW BUSINESS:**

##### **1: NOMINATE, APPROVE & SWEAR IN DDA MEMBERS:**

**This item was moved from Item #3 to Item #1.** **Council Member Rhodes** explained that he had six names for the Downtown Development Authority, seven including him. He gave a brief description on how the Authority would work. The DDA will meet on the third Tuesday of each month at 7:00 PM in the Community Center. He encouraged the members to attend classes on Downtown Development Authority and one was coming up on January 25<sup>th</sup>. Council Member Rhodes read the Resolution that would activate the City of Sugar Hill Downtown Development Authority. The members are Stan Bullington, Dawn Gober, Lloyd DeLatour, Nick Thompson, Larry Knoedler and Lloyd Griffith. Council Member Rhodes made a motion to adopt the Resolution activating the City of Sugar Hill Downtown Development Authority. Council Member Abbey made the second. Motion passed unanimously by those present to vote 4-0. The members were asked to come forward to be sworn in by Mayor Pirkle.

##### **2: PUBLIC HEARING: OCCUPATION ORDINANCE CHANGE:**

**Mayor Pro-Tem Avery** made a motion to enter in Public Hearing for Occupation Ordinance Change. Council Member Rhodes made the second. Motion passed unanimously by those present to vote 4-0. Mayor Pro-Tem Avery explained that this change would only affect the legal due date that Occupation Taxes were due. It was being changed from April 15<sup>th</sup> to February 1<sup>st</sup>. By state law the delinquent date could be any date after January 31<sup>st</sup> thus making the date that penalties could be added would be May 1<sup>st</sup>. There were no comments from the Public. Council Member Hall made the motion to exit Public Hearing. Mayor Pro-Tem Avery made the second. Motion passed unanimously by those present to vote 4-0. Mayor Pro-Tem Avery made the motion to amend the Occupation Tax Ordinance to have taxes due on January 1<sup>st</sup>, the delinquent date would be February 1<sup>st</sup> and penalties would begin on May 1<sup>st</sup>. Council Member Hall made the second. Motion passed unanimously by those present to vote 4-0.

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**3: APPOINT ALCOHOL REVIEW BOARD MEMBER:**

**This was Item #1 and was changed to Item #3. Council Member Hall** made the motion to table this item until the February meeting. Council Member Abbey made the second. Motion passed unanimously by those present to vote 4-0.

**4: BELL SOUTH EQUIPMENT EASEMENT:**

**City Manager Hail** explained that Bell South had requested a 20'x20' easement adjacent to Hillcrest Drive and located on the City's Maintenance Barn property. BellSouth will construct an enclosed terminal for phone distribution lines. City Personnel has reviewed this property and found it to be suitable and will not interfere with city operations. BellSouth will pay all costs associated with the construction site. His recommendation was to approve the Mayor to sign legal documents after the City Attorney has reviewed them and found them to be legally sufficient. Council Member Hall made the motion to approve the Mayor to sign legal documents giving BellSouth an easement on city property along Hillcrest Drive after the City Attorney and City Manger has reviewed them for legal content. Council Member Abbey made the second. Motion passed unanimously by those present to vote 4-0.

**5: FINANCE POLICY:**

**City Manager Hail** explained that there were several different documents on the financial policy. One was dated in 1993, one was dated at a later date but there was no record it had ever been approved. Council Member Hall had been working with him on getting the Financial Policy updated and he felt it was now ready for their approval. He gave a brief description of what the Financial Policy covered. Council Member Hall made the motion to adopt and approve the updated version of the Financial Policy for the City of Sugar Hill. Mayor Pro-Tem Avery made the second. Motion passed unanimously by those present to vote 4-0.

**6: APPOINT COUNCIL LIAISONS:**

**City Manger Hail** gave the recommendation for Council Liaisons for 2003 as follows:

Gas	Council Member Tom Rhodes
Golf	Council Member Ron Johnson
Planning & Zoning	Council Member Kim Hall
Recreation	Council Member Meg Avery
Streets	Council Member Chris Abbey

Council Member Rhodes made the motion to approve the Council Liaisons as recommended by the City Manager. Mayor Pro-Tem Avery made the second. Motion passed unanimously by those present to vote 4-0.

**7: RESOLUTION TO ADOPT REVISED CITY CHARTER:**

**City Attorney Thompson** explained that changes were being made to the City Code and also to the City Charter. The changes to the Charter would require legislative action. His office was working on having those changes in a format that would make it easier for the Council Members to see what had been changed. He recommended that this item be tabled until the February meeting in order to get the changes to the council and give them time to review the changes. Council Member Abbey made the motion to table this item until the February meeting. Council Member Rhodes made the second. Motion passed unanimously by those present to vote 4-0.

**8: MUNICIPAL COURT PROCEDURES:**

**City Attorney Thompson** explained the Supreme Court had ruled that even people who had been charged with Municipal Code violations that might result in jail time were entitled to court representation. The Municipal Court Organization, of which the City of Sugar Hill Municipal Court Judge is a member, recommended that Municipal Courts adopt a program that would provide people who were indigent with counsel if they needed it. Council Member Hall made the motion to amend the City Code by adding Article Five Section Two with regards to the Municipal Court. Mayor Pro-Tem Avery made the second. Motion passed unanimously by those present to vote 4-0.

**9: CITY HALL BIDS:**

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**This Item was added to the Agenda. City Manager Hail** explained the need for the expansion of City Hall and compliance with the ADA. Through a bid process, Precision Planning had been selected to design and perform Construction Administration. Plans were drawn, reviewed and approved resulting in nine construction contractors to bid on the project. Precision Planning had reviewed all bid packages for completeness and contacted all references for the low three bidders. Gwinnett CDBG had reviewed the results of the bid process and approved selecting a contractor for issuance of a "Notice of Award". The low three bidders are:

Hogan Construction Group	\$439,978
Hobgood Construction Company	\$449,969
Devcon Construction Group	\$459,700

His recommendation was to select Hogan Construction Group as the apparent bid winner and direct the City Manager, Precision Planning and the City Attorney to prepare and sign all required documents to issue a "Notice of Award" and construction contract. Council Member Rhodes made the motion to select Hogan Construction Group and direct the City Manager, City Attorney and Precision Planning to prepare and sign all required documents to issue a "Notice of Award" and construction contract. Mayor Pro-Tem Avery made the second. Motion passed unanimously by those present to vote 4-0.

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

**Mayor Pro-Tem Avery** made the motion to enter into Executive Session to discuss Legal, Personnel and/or Real Estate. Council Member Rhodes made the second. Motion passed unanimously by those present to vote 4-0.

On a motion and a second, council returned to regular session.

No action was taken out of Executive Session.

**ADJOURNMENT:**

**Council Member Abbey** made the motion to adjourn the meeting. Council Member Hall made the second. Motion passed unanimously by those present to vote 4-0. Meeting adjourned at 9:15 PM.

Date Approved: \_\_\_\_\_

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk