

**CITY OF SUGAR HILL  
MINUTES OF COUNCIL MEETING  
MONDAY, NOVEMBER 8, 2004  
7:30 PM CITY HALL ANNEX  
4988 WEST BROAD STREET, SUGAR HILL**

**Call to Order** – Mayor Pirkle called the meeting to order at 7:30 p.m. Present were Mayor Gary Pirkle, Mayor Pro Tem Ron Johnson, Council Members Marc Cohen, Steve Edwards, Clint Thompson and Nick Thompson. Also present were City Manager Bob Hail, City Clerk Jane Whittington and City Attorney Lee Thompson.

**Pledge of Allegiance to the Flag** –

**Approval of Agenda** – Council Member Edwards motioned to approve the agenda as submitted. Council Member C. Thompson seconded the motion. Approved 5-0.

**Approval of Minutes** – The Minutes of the Council Meeting of October 11, 2004 - Council Member Johnson submitted a change to the Minutes. Council Member Edwards motioned to approve the minutes as amended. Council Member Johnson seconded the motion. Approved 4-0-1 with Council Member Cohen abstaining because he was not present at the meeting.

**City Attorney's Report** – Lee Thompson had no report for regular session but will report on pending litigation in Executive Session.

**Council Reports**

**Council Member Clint Thompson** had no report.

**Council Member Marc Cohen** reported that over the past month we have seen a great sense of community. The Fall Festival had one of the largest attendances in four years. Over the past month they have had a chance to interact with the children in the community. He taught Junior Achievement to Ms. Chin's second grade class at Sugar Hill Elementary and attended the Boy Scout ceremony at Prince of Peace Church. If these children are any indication of the future then we are in good hands. They have it under control. There are a lot of opportunities to get involved in your local community with the Land Use Plan and Downtown Master Plan meetings scheduled. Veteran's Day is November 11<sup>th</sup> and he wants to give his personal thanks to all who have served. Council Member Johnson and City Manager Bob Hail and others who have served he thanked them for keeping the United States a safe democracy.

**Council Member Nick Thompson** reported that the Sugar Hill Downtown Development Authority is having a barbeque Saturday, November 20<sup>th</sup> at Faith Realty. Mr. Tom Baughman of Faith Realty is sponsoring the event. It will be low key come as you are with kid games and free barbeque.

**Council Member Ron Johnson** congratulated President Bush and Senator Isakson and our new Representative Bobby Reese on the election. As public elected officials we open ourselves up to criticism. Recently he received a call from a business owner who received a letter from an attorney

stating that one of the Council Members was demanding a public apology at this meeting or further steps would be taken. The business owner did not tell what the apology was for nor did he ask but as public officials we must look past these criticisms by the public. Three times since he has been on this Council he has been written about in letters to the editor; once about the Downtown Development Authority, and twice about the police department in the Gwinnett Daily Post. He looked past these letters and kept on track. Threats to our citizens and business owners do not help this city at all. To the Council Member that did this take a look inside. This is something that will happen more than once. He wished everyone a Happy Thanksgiving and congratulations to the Vets. November 10<sup>th</sup> is the Marine Corps birthday Simper Fi, once a marine always a marine. On December 6<sup>th</sup> and 7<sup>th</sup> Cambridge College will be coming down here. He is trying to recruit them to build a little college here. He invited all the Council Members and Mayors to meet with them on December 6<sup>th</sup> and 7<sup>th</sup>. A few local principals and educators will be there. Cambridge College focuses on giving adult students a unique opportunity to continue their education. They are definitely interested in locating here. They opened up a campus in Augusta this year and it is doing very well. He talked to the Mayor there about what they had to do to get the people there.

Council Member Steve Edwards thanked Bob Hail and the Mayor and Council for the crepe myrtles and indian hawthorns on Peachtree Industrial Blvd. If you have not had a chance to see them go by and look at them. They are part of the city's beautification efforts and they look very nice. We are one step closer to the sports complex. They are looking for an architect to give them a layout, site plan or design for the facility. It will contain an Olympic size pool and gymnasium. Congratulations to the people who put on this year's Fall Festival.

**Mayor's Report – Mayor Gary Pirkle** also thanked everyone for the Fall Festival. It was very successful this year and he would also like to thank all the volunteers. We could not do it without them and he appreciates their help. As Mr. Cohen stated there are several upcoming meetings. On November 17<sup>th</sup> and 18<sup>th</sup> there will be meetings relating to our Downtown Master Plan as well as our Comprehensive Plan. All Citizens are invited to come to those meetings and give your input. Congratulations to the citizens of Gwinnett County for the 86% turnout. In City elections there may be a 30% turnout. He wished everyone a happy Thanksgiving.

**City Clerk's Report – Jane Whittington, City Clerk** reported that they issued 12 Businesses Licenses in the month of October. Out of the 12 licenses 11 were home based. The revenue for October was \$835. The renewal process for business licenses will begin in December. This is a three step process starting with application review and submittal of gross receipts. We then enter this information into the computer and generate an invoice. When the invoice is paid we mail the certificate. The process will be smoother this year with the software in place and modified to suit our needs. We received \$136,704 from Gwinnett County in the month of October for current property tax and \$955 for prior year's taxes. The second installment due date is November 15<sup>th</sup>.

**City Manager's Report – City Manager Bob Hail** reported on that we have received the following annexation applications. They will go to the November 15<sup>th</sup> Planning Commission meeting and back to the Council at the December meeting. **See Attachment #1 for report.**

**Annexation Applications**

1. AX-04-021, 4.73 acres off Roberts Road near Westbrook Road. R-75 in Gwinnett County, proposed zoning in Sugar Hill RM.

2. **AX-04-022**, 18.46 acres off Roberts Road near Westbrook Rd. R-75 in Gwinnett County, proposed zoning in Sugar Hill RS-100/PRD
3. **AX-04-023**, 13.27 acres off Suwanee Dam Road. R-100 in Gwinnett County, and the proposed zoning in Sugar Hill BG.
4. **AX-04-024**, 35.97 acres off GA Hwy 20. C-1, C-2, and R-75 in Gwinnett County proposed zoning excluding parcel 7-320-020 in Sugar Hill is RS-100/PRD.
5. **AX-04-025**, 7.786 acres off GA Hwy 20. C-1, C-2, and R-75 in Gwinnett County, proposed zoning in Sugar Hill is BG.
6. **AX-04-026**, 3.13 acres off GA Hwy 20. R-75 in Gwinnett County, proposed zoning in Sugar Hill is RS- 100
7. **AX-04-027**, 5.45 acres off GA Hwy 20. R-75 in Gwinnett County, proposed zoning in Sugar Hill is RS-100.

He thanked everyone for the success of SPLOST in the past election. This will bring about 8 million dollars to the City of Sugar Hill for infrastructure improvements. **The first Budget Hearing for the 2005 Budget will be held Thursday, November 18<sup>th</sup> at 7:00 p.m. at the City Hall Annex.**

## **Unfinished Business**

### **Citizens and Guests Comments**

Jeanne Ferguson, 421 Bellingham Drive, thanked the City for allowing the election to be held in the new Community Center. It was a win/win situation for the election process. The facility was very nice for both the poll workers and the voters. The people were very comfortable there. There were over 1,680 voters who voted at that facility.

Mike Castelli, 4382 White Oak Drive, complained about an empty pool and code complaints in the neighborhood. When they call the City with an individual complaint it does not seem like they get any action. They have burned out houses sitting there a year, and houses under construction with a dumpster in front of it for six months. There are abandoned vehicles and other things that could possibly be a health hazard. The City is paving streets and putting in sidewalks. As far as individual residences what does the City do as far as code enforcement? When they call they are told to call the County that we can't do anything about it. The Mayor asked him to get those addresses to Mr. Hail. There are certain things that have time limits on them but it has been going on a year it certainly exceeds that. The City Manager told him to get him a list of the problems and addresses. If he will call him and report them he will let him know what is going on with the issues.

Tommy Brightwell, 4635 Allison Drive, thanked the City for the Community Center. His church group had a function there recently and they really loved it. The parking lot is very dark at night and needs lights. The City is working on getting street lights around that facility and the Town Green. He also requested that the contract be changed to reflect that there is a dumpster on site to dispose of the trash. There is also a problem with the code on the front door that requires you to enter it every time it is opened. The City Manager stated that they are working on getting that changed also.

Bob Saine, 4352 White Oak Drive, requested that the City get a vac truck that could come along and get the leaves from the curb. It is a great service and does away with plastic bags.

Paul Phillips, Glen Creek, stated that he came about a year ago and asked about a police department in the City. Are there plans to start one? With the new SPLOST is there a timetable? The Mayor told him they have not had a meeting yet to decide about the Police Department.

Jim Sands, 76 Old Spring Way asked about status of the crosswalk to Sugar Hill Elementary. Can we get an Officer to monitor them? We could even hire someone to watch them and walk the students across. Council Member Johnson stated that we would contact the School Board Police to try and get an officer out there. Mr. Sands asked if the City couldn't hire someone in the meantime.

**New Business:**

**RZ-04-003, Fred Jones – Applicant Requested Withdrawal** – Council Member Edwards motioned to allow the applicant to withdraw without prejudice. Council Member C. Thompson seconded the motion. Approved 4-0-1 with Council Member N. Thompson abstaining.

**Los Molcajetes Mexican Restaurant Beer Wine Consumption Permit** – The City Clerk explained that she researched the application to make sure that it met all the qualifications. IT was forwarded to the City Attorney and he had some questions about residency and former ownership in a North Carolina restaurant. The Clerk explained that the applicant stated that he lived here while the other restaurant was in operation. The Clerk explained that they met all other qualifications and the applicant is present at tonight's meeting. Council Member C. Thompson motioned to approve the permit. Council Member N. Thompson seconded. Approved 5-0.

**PUBLIC HEARING - AX 04 020, T&B, LLC, 23.28 acres, Tax ID 7-337-024 & 7-338-015, Austin Garner Rd., R-100 in County to RS-100 PRD for Single Family Residential** – Mr. Bedi explained the application and the Public Hearing was opened. Michael Sullivan represented the applicant and spoke in favor of the project. Resident Barbara Sanders requested a privacy fence along her property line, which adjoins this project. Mr. Sullivan agreed to this as a stipulation of the zoning. There were no other comments from the public or the applicant so the Public Hearing was closed. Council Member Edwards motioned to approve AX-04-020 with the recommendations from the Planning Commission and staff including a privacy fence along Ms Barbara Sander's property line with the fence type to be up to the Planning Director. Council Member C. Thompson seconded. Approved 5-0.

**West Broad St. Moratorium Extension** – Mr. Bedi explained that the original Moratorium expires November 30, 2004. The request is to extend it until January 10, 2005 so the Downtown Master Plan can be completed. Council Member Cohen requested that the Exceptions be changed from Great Beginnings to Sugar Hill Square formerly known as Great Beginnings. Council Member Edwards motioned to approve the Moratorium extension with the indicated change in the exceptions. Council Member C. Thompson seconded the motion. Approved 5-0.

**LCI Application Resolution** – Bedi explained that this Resolution gives authority to submit the Livable Center Initiative grant application to the Atlanta Regional Commission for the Highway 20 corridor. Council Member Edwards motioned to approve the Resolution and LCI application per the staff recommendation. Council Member Johnson seconded the motion. Approved 5-0.

**Training Budget Adjustment & Revised Policy** – Council Member Edwards suggested taking the training overages into next year as a negative amount. He made this in the form of a motion with the City Manager directed to pay all bills regarding this. Council Member C. Thompson seconded the motion. Approved 4-1 with N. Thompson voting nay.

**Adoption of City Seal** – Council Member Cohen explained that a local graphic artist drew the seal as suggested by Council and staff. It depicts the gazebo, city hall, the tree and a sugar cart and will go on the official documents. Council Member Cohen motioned to adopt the city seal. Council Member N. Thompson seconded the motion. Approved 5-0.

**Gas Prices** – Council Member Johnson explained that the city has reached a profit for this year in the gas department. The Council would like to adjust the levels of gas prices once the profit begins. Council Member Johnson motioned to adjust the gas prices to 50 cents per MCF once the budgeted amount is met and the anticipated revenue is received. Council Member Cohen seconded the motion. Approved 5-0.

**Holiday Celebration** – Council Member Johnson recommended that the City hold a holiday celebration including ceremonial lighting of a tree, and Santa Claus in the Town Green. The Mayor explained that he had contacted some local groups and they are going to meet to set up details next week. The suggested date is December 4<sup>th</sup>, the first Saturday in December. Council Member Johnson motioned to have a Holiday Celebration with the lighting of the tree in the Town Green, Saturday, December 4<sup>th</sup> at 5:30 p.m. Council Member Cohen seconded the motion. The City Manager is to secure a live tree that will grow with the years. Approved 5-0.

**Mayor's Motorcade Proclamation**– Council Member Cohen explained what the Mayor's Motorcade is and read the proclamation. Every year the Georgia Municipal Association sponsors this program where the local cities collect toiletries and related items to take to the Georgia Regional Hospitals for the patients who would otherwise be forgotten. They have a parade and a program on December 8<sup>th</sup> and deliver all items to the hospitals. He motioned to accept the proclamation and requested that citizens donate to this worthy cause. Council Member Johnson seconded the motion. Approved 5-0.

**2004 Year End Salary Adjustment** – Hail explained that the staff recommendation is to pay an End of the Year Salary Adjustment to all current employees with greater than six months continuous service to the City. This adjustment will be paid from a fund not to exceed 2% of the annual employee salary budget line. Individual adjustments will be based on employee evaluations for the 2004 year as determined by the City Manager and Supervisors. The Mayor expressed concerns about State Gratuity laws and the annual raise amounts. He stated he would rather see the employees receive a better raise than an adjustment. Council Member Johnson motioned to approve the staff recommendation. Council Member N. Thompson seconded the motion for discussion. He asked if this was a raise or if it determined the amount of the raises. The City Manager explained that raises for 2005 would be discussed at the Budget Hearings. Council Member N. Thompson withdrew his second. Council Member C. Thompson seconded the motion. Approved 5-0.

**Executive Session: Legal, Real Estate and/or Personnel:** Council Member N. Thompson motioned to enter Executive Session at 8:50 p.m. to discuss a personnel matter. The City Attorney will also update the Council on pending litigation. Council Member Cohen seconded the motion. Approved 5-0.

**Adjournment:** The meeting was reconvened at 9:20 p.m. There was no Council action from Executive Session and Council Member N. Thompson motioned to adjourn. Council Member Edwards seconded the motion. Approved 5-0.

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Gary Pirkle, Mayor

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Jane Whittington, City Clerk