

**CITY OF SUGAR HILL
COUNCIL MEETING MINUTES
MONDAY, JUNE 10, 2019, 7:30 P.M.
CITY HALL COUNCIL CHAMBERS
5039 WEST BROAD STREET
SUGAR HILL, GEORGIA**

CALL TO ORDER – The meeting was called to order by Mayor Edwards. Present were Mayor Steve Edwards, Mayor Pro Tem Susie Walker, Council Members Taylor Anderson, Marc Cohen, Brandon Hembree and Curtis Northrup. Also present were City Manager Paul Radford, Assistant City Manager Troy Besseche, City Clerk Jane Whittington and City Attorney Frank Hartley and Lee Thompson.

PLEDGE OF ALLEGIANCE TO THE FLAG

INVOCATION – Mayor Edwards gave the invocation.

APPROVAL OF AGENDA – Council Member Hembree motioned to approve the agenda as submitted. Council Member Northrup seconded the motion.

APPROVAL OF MINUTES – Council Meeting and Executive Session May 13, 2019; Work Session and Executive Session May 6, 2019 – Council Member Cohen motioned to approve the minutes as written. Council Member Anderson seconded the motion. Approved 5-0.

AWARDS/PRESENTATIONS/PROCLAMATIONS

REPORTS

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

CITIZENS AND GUESTS COMMENTS – There were no comments from citizens and guests.

**CONSENT AGENDA
OLD BUSINESS**

NEW BUSINESS

Budget Amendment 2018 Reconciliation – the City Manager Paul Radford explained that during 2018, the Mayor and Council approved the unbudgeted yet strategic purchase of multiple parcels of property. These purchases were part of the overall plan to develop downtown. An amendment of \$1,375,000 is to account for the purchase of land and the associated site improvement and development costs. Revenue funding for these expenditures will come from transfers in from DDA – Sale of Asset funded by the sale of the Buice Center. Staff recommends approval of the budget amendment. Council Member Anderson motioned to approve the proposed budget amendment for the purpose of land acquisition in 2018. Council Member Hembree seconded the motion. Approved 5-0.

2018 Audit, Wayne Tuck, Walker Pierce & Tuck – the City Manager explained that state law requires that the city submit an annual audit to the Georgia Department of Audits. The 2018 audit has been performed by

Wayne Tuck and his firm of Walker, Pierce and Tuck CPA's PC. Wayne Tuck will present the highlights of the 2018 audit. Mr. Tuck covered the Pension plan that the city began contributing to in April, 2018, SPLOST funds and property tax revenue.

Overall the city will receive an unqualified audit submitted to the Georgia Department of Audits for the year ending 2018. Council Member Cohen motioned to approve the 2018 audit as presented. Mayor Pro Tem Walker seconded the motion. Approved 5-0.

Public Hearing, RZ-19-001 Taylor & Mathis, Tax Parcel 7-274-005, 7 243-134, 50 Acres, Peachtree Industrial Blvd., Existing Zoning BG/LM, Proposed Zoning HM1 – Planning Director Awana explained that the city received an application from Michael Irby on behalf of Taylor & Mathis Inc. requesting to rezone to heavy manufacturing district HM-1 for 50 acres on the north-bound side of Peachtree Industrial Blvd.. This property has the railroad on the backside and the Georgia Power grid on the front. The Planning Commission recommended approval with one condition. Staff recommends approval with three conditions. For condition #1, the developer wants to install an asphalt path not a concrete path. The Mayor opened the public hearing. Mike Irving spoke for the applicant. He had two alternative site plans in case this project does not go through with the current prospective tenant. There were no other comments so the hearing was closed. Council Member Anderson motioned to approve RZ-19-001 to rezone to HM-1 Heavy Manufacturing District with three conditions as presented by the Planning Director. Council Member Cohen seconded the motion. Approved 5-0.

ROW Acceptance Deed and Street Light Acceptance, Riverside Manor Subdivision – Council Member Anderson recused himself because of his company involvement in this subdivision. Planning Director Awana stated that Kerley Family Homes has requested that the city accept the streets in Riverside Manor. City Council action is needed to properly accept the streets into the city road system. Riverside Manor is a fourteen-lot subdivision on 4.94 acres located off Riverside Rd. The final plat was recorded on 7-15-16. In coordination with the city Public Works Department recent inspections of the streets and associated public improvements found no outstanding issues. Council Member Northrup motioned to accept and record the Right of Way and Acceptance Deed for all streets and associated public improvements in Riverside Manor Subdivision. Mayor Pro Tem Walker seconded the motion. Approved 4-0.

Appeal of Condemnation Hearing, 5243 Nelson Brogdon Blvd., Harjinder Singh, Rommell, Inc. and Om Shiv 5243, LLC – Planning Director Awana explained the summary of the condemnation order. The property located at 5243 Nelson Brogdon Blvd. has been determined to be and is declared to be dangerous, unsafe, unsanitary and unfit for human occupation. The property has been abandoned for approximately twelve months and was inspected on January 17, 2019 by the Code Enforcement Officer for the city. Various violations of the Sugar Hill Municipal Code and the 2012 International Property Maintenance Code (IMPC) were found during this inspection. Joseph Turner, attorney for the applicant, requested that the hearing be tabled. His client purchased the property in February, 2019 and the property had already been condemned. When they went to the property a condemnation notice had been posted on the door. They are requesting a thirty-day delay to come up with a plan. Shaw Patel representing Om Shiv company recently bought the property and he stated that they would need about forty-five to sixty days to work on the property to bring it up to code. The Mayor stated that the Council would need to motion to postpone thirty days or to have the hearing. Council Member Northrup asked Director Awana if this building is a danger to the public in its current state? Director Awana stated that it was not.

Council Member Cohen motioned to delay the hearing until the next Council Meeting. Council Member Northrup seconded the motion. Motion failed 2-3 with Council Members Cohen and Northrup voting yea and Council Members Anderson, Hembree and Mayor Pro Tem Walker voting nay.

Council Member Hembree motioned to deny the postponement and move forward with the appeal hearing. Mayor Pro Tem Walker seconded the motion. The motion was approved 3-2 with Council Member Anderson and Hembree and Mayor Pro Tem Walker voting yea and Council Members Cohen and Northrup voting nay.

Director Awana stated that there were multiple deficiencies to the code with the building. Mauricio Torres, Building Inspector for the city, showed pictures of the interior and exterior of the building. There were also pictures of the roof and the damage by vandals to the air conditioning and cooler systems. Staff notes that the back retaining wall is failing and trees are pulling away from the earth. The roof is obsolete and is rusted with holes in it, the gutters are rusted. The electrical system, refrigeration system and drainage system are damaged. Council Member Cohen asked if the building is structurally sound. Inspector Torres stated that a structural engineer would need to inspect it to see if the walls are sound.

Joseph Turner spoke for the applicant. They would replace the roof, windows, inside ceiling, electrical, lighting HVAC. All things not up to code would be repaired or replaced. They will hire a contractor to get the debris up from the property. Council Member Anderson asked Mr. Turner if they had a deed for the new owner. Mr. Turner produced a deed that was signed by Rommell and by the new owner but the deed was not filed. He stated that the previous operator would not be involved in the property anymore.

The Mayor stated that the Council can make a motion to approve the appeal or a motion to deny the appeal of the condemnation. The City Attorney stated that the Council could also instead of approval or denial they could table the decision until the next Council Meeting to require a report from the structural engineer.

Council Member Hembree motioned to postpone the appeal hearing until the next city Council Meeting and request that the appellate and client bring a structural study that looks at both the exterior and interior of the building at 5243 Nelson Brogdon Blvd. and they must bring a complete work list of items that needs to be accomplished to make the building safe. Mayor Pro Tem Walker requested that the grounds and the tanks in the ground also be inspected and repaired. The City Attorney stated that the condemnation letter addressed the building and the grounds such as the concrete. The tanks underground are the prevue of the EPD. Council Anderson requested that they bring a copy of the filed deed. Council Member Hembree amended the motion to include that they should also bring a copy of the filed deed. Council Member Cohen seconded the motion. The City Attorney clarified that the next Council Meeting is July 8, 2019. Motion approved 5-0.

Arts Commission, Change Charter, Appointment of New Member – Council Member Cohen stated that John Lane requested to step down from his position on the Arts Commission. He is nominating Tiffany Cole to take this position. There were no other nominations so Tiffany Code is appointed. The commission would also request to change their voting board members from seven to eleven members. Council Member Hembree motioned to approve changing the Arts Commission members to eleven total. Council Member Anderson seconded the motion. Approved 5-0.

EXECUTIVE SESSION: TO DISCUSS LEGAL, REAL ESTATE AND/OR PERSONNEL – Mayor Pro Tem Walker motioned to enter Executive Session. Council Member Cohen seconded the motion. Approved 5-0.

PUBLIC ACTION TAKEN OUT OF EXECUTIVE SESSION – There was action taken out of Executive Session.

ADJOURNMENT – Council Member Cohen motioned to adjourn. Mayor Pro Tem Walker seconded the motion. Approved 5-0.

Steve Edwards, Mayor

Jane Whittington, City Clerk