

**CITY OF SUGAR HILL
COUNCIL MEETING MINUTES
5039 WEST BROAD STREET
SUGAR HILL, GEORGIA
MONDAY, SEPTEMBER 14, 2020, 7:30 P.M.**

CALL TO ORDER - Attendees included Mayor Steve Edwards, Mayor Pro Tem Susie Walker, Council Members Taylor Anderson, Marc Cohen, Brandon Hembree, City Manager Paul Radford, Assistant City Manager Troy Besseche, City Clerk Jane Whittington, City Attorney Frank Hartley.

PLEDGE OF ALLEGIANCE TO THE FLAG

INVOCATION – given by Mayor Edwards.

APPROVAL OF AGENDA – Council Member Cohen motioned to approve the agenda with the following amendments moving Agenda items 2. Youth Council Appointments and DDA Appointment to numbers 1. and 2.; and tabling agenda item 4. VAR-20-004. Council Member Hembree seconding the motion. Approved 4-0.

APPROVAL OF MINUTES – Council Meeting August 10, 2020; Work Session August 3, 2020, Special Called Meetings August 3, 2020, 8:00 a.m. and 6:30 p.m. Council Member Hembree motioned to approve the minutes as written. Council Member Cohen seconded the motion. Approved 4-0.

AWARDS/PRESENTATIONS/PROCLAMATIONS

Proclamation Boy Scout Troop 1534 – Council Member Hembree stated that Troop 1534 was presented the proclamation before tonight's meeting. He thanked them for their volunteer efforts and work within the city.

Proclamation Building Babies Brains Day – Council Member Cohen read the proclamation. The Georgia Municipal Association requested that the cities pass this in efforts to increase childhood development in the early years.

Proclamation Childhood Cancer Awareness Month – Council Member Cohen read the proclamation and relayed a personal experience with childhood cancer. He stated that several people within this room has had the experience of losing a family member or neighbor to childhood cancer.

REPORTS

CITY ATTORNEY

COUNCIL

MAYOR

CITY CLERK

CITY MANAGER

Authorize the City Manager to submit and receive CARES Act funding- Council Member Hembree motioned to authorize the City Manager and/or Mayor to submit funding requests with Gwinnett County on behalf of the City for CARES Act funding awarded to Gwinnett County as part of the federal stimulus package. I further move that the City Manager or Mayor be authorized to execute all required documents and to otherwise represent the City of Sugar Hill in negotiations and discussions regarding CARES Act funds designated for local government. Council Member Cohen seconded the motion. Approved 4-0.

YOUTH COUNCIL

CITIZENS AND GUESTS COMMENTS – Amber Chambers, 809 Whitehead Rd., spoke regarding the Agenda Summary. She stated that she had talked to GMA regarding submitting draft minutes and requested the city get them out as soon as they can.

**CONSENT AGENDA
OLD BUSINESS**

NEW BUSINESS

Youth Council Appointments – Council Member Hembree thanked Mike Sullivan for his mentorship with the Youth Council and asked him to introduce the members. Mayor Edwards administered the oath to the Youth Council Members 2020 – 2021.

DDA Appointment – Council Member Hembree explained that there is a vacancy on the board due to the resignation of Nic Greene. Nic Greene qualified to run for the vacant Council seat and subsequently resigned his post on the Downtown Development Authority. Mayor opened the floor to nominations and Council Member Hembree nominated Mason Roszel who has been serving on the board as the Assistant Treasurer. This is a non-voting position on the board. There were no other nomination so Mayor Edwards administered the oath of office to Mason Roszel.

Resolution to acquire 1196 Level Creek Road by Eminent Domain (Public Hearing 9-14) – the City Manager explained that after attempts to acquire the property at 1196 Level Creek Rd. through negotiation to complete a roadway realignment and transportation use were unsuccessful, the only remaining option for the city to consider is the use of eminent domain. The resolution presented will provide the basis for the action and background of the city’s legal authority.

Assistant City Manager Troy Besseche made the staff presentation. The city engaged an MAI certified appraiser to arrive at the fair market value of the property at \$105,000 for the approximately .068 acres or property and building. The fair market value along with previous offers were not accepted during negotiation. The right-of-way plan is provided during this presentation and attached to the agenda item.

The public hearing was opened and Tim Robinson, 25 Heritage Court, Buford, spoke as an owner of the property. He requested that the city table this matter until the next meeting. They wanted to have an opportunity to review with their own engineer and allow his attorney to be present.

The Council considered tabling to allow Mr. Robinson more time. The City Attorney stated that the statute makes you wait thirty days after approval of the resolution before filing condemnation but does not say how long it can wait. If the city tables the resolution they will have to start over with legal postings and processes.

Council Member Anderson motioned to approve the Resolution to acquire 1196 Level Creek Rd. for a public purpose. Council Member Hembree seconded the motion. Approved 4-0.

VAR-20-004, 6409 Grand Loop Rd., (Public Hearing 9-14) – Planning Director (TABLED)

DRB-CBD 20-00703, Lidl, (Public Hearing 9-14) – Planning Director

VAR-20-005, Lidl, setback, façade, entry requirements, (Public Hearing 9-14) – Planning Director Awana explained that these would be heard together in the public hearing but would need to be voted on separately. The city received an application from Lidl US requesting design review approval and variances pertaining to setbacks, façade and entry requirements for a Lidl grocery store to be located at the northwest corner of Nelson Brogdon Blvd. and Sycamore Rd., within the Central Business District Overlay. This proposed store is part of a larger mixed-use development including active adult residential spaces for sale, office and retail which was approved earlier this year. Staff is recommending denial of DRB-CBD 20-00703 but have attached seven conditions if Council decides to approve. The condition #7 came out of the Work Session and had to do with windows on the Sycamore Rd side. The windows would not be feasible because there are coolers located in that area. Staff recommended approval of variances #1 and #2 for VAR-20-005 and denial of variances #3, #4 and #5.

The public hearing was opened and Gideon Lee spoke regarding the variances. He stated that the Sycamore Square would have pedestrian access into the development with a dining area, bike rack and access to the square. John Richard, Lidl US will work to provide a base for the art with lighting and electricity but stated that Lidl does not curate art. Sinh Bui spoke in support of the Lidl grocery store. He is in charge of the Sycamore Square project that Lidl will be located in and feels that it would look and feel upscale.

Council Member Cohen motioned to approve DRB-CBD- 20-00703 with the six conditions removing #7, modifying #5 and #6. #5 adding Landscaping along Sycamore Road shall be arranged to screen the building panels to mitigate building panel length. The rest of the language is the same. Condition #6 As well as artistic elements near the exterior building wall. This shall include a platform with lighting and electricity. Motion seconded by Council Member Hembree. Approved 4-0.

Council Member Cohen motioned to approve VAR-20-004 with the same six conditions as DRB-CBD-20-00703. Mayor Pro Tem Walker seconded the motion. Approved 4-0.

Right of Way Deed Acceptance, Gates @ Lanier – Planning Director explained that the streets and stormwater structure are ready for acceptance. Council Member Hembree motioned to accept and record the Right of Way and Acceptance Deed for all streets and associated public improvements in Gates @ Lanier subdivision. Council Member Anderson seconded the motion. Approved 4-0.

Right of Way Deed Acceptance, Regency @ Westbrook – Planning Director Awana that the road system and associated improvements are ready to be brought into the city's road system. Council Member Hembree motioned to accept and record the Right of Way and Acceptance Deed for all streets and associated improvements in Regency @ Westbrook Subdivision. Mayor Pro Tem Walker seconded the motion. Approved 4-0.

Right of Way Deed Acceptance, Parkside Landing – Planning Director Awana explained that the city received a request from Spartan Investors I, LLC to accept the streets into the city's road system. Council Member Anderson motioned to accept and record the Right of Way and Acceptance Deed for all streets and associated improvements in Parkside Landing Subdivision. Council Member Hembree seconded the motion. Approved 4-0.

Pension Committee Council Representative – the City Manager explained that Council Member Northrup was the Council representative for the Pension Committee. Council Member Northrup resigned in July and this leaves a vacancy on the committee. The Council had recommended Council Member Taylor Anderson at the Work Session. Council Member

Hembree motioned to appoint Council Member Taylor Anderson as the Council Representative on the Pension Committee. Council Member Cohen seconded the motion. Approved 4-0.

Authorizing Resolution Epi-Center Bond Refundings – City Manager explained that this resolution is to authorize the refunding of the E Center Bonds. The City is not acquiring new bonds just refinancing the ones they had saving the city approximately \$289,000 per year in interest. Council Member Cohen motioned to approve the Authorizing Resolution to allow the DDA to refund the E Center Bonds and to allow the Mayor and City Clerk to sign. Council Member Anderson seconded the motion. Approved 4-0.

Construction Contract Award, Art/History Room Buildout – Assistant City Manager Besseche explained that during the process for the Broadstone Project, the city negotiated a lease for two spaces in the project to serve as a new home for the city’s Art Gallery and History Museum. They were finished as a shell. The project to build out the spaces was budgeted at \$200,000 and staff is recommending assigning other funds sourced from grants as well as local funds for other renovation that will be deferred into 2021. Council Member Hembree motioned to award the project to Stonepoint, LLC of Suwanee in the amount not to exceed \$263,000 for the tenant finishes in the new Art Gallery and History Museum provided in the Broadstone project. Also approving the associated budget amendment contingent upon receiving grant funding of \$100,000. Council Member Cohen seconded the motion. Approved 4-0.

EXECUTIVE SESSION: TO DISCUSS LEGAL, REAL ESTATE AND/OR PERSONNEL – Council Member Hembree motioned to enter Executive Session. Mayor Pro Tem Walker seconded the motion. Approved 4-0.

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

ADJOURNMENT - Council Member Cohen motioned to adjourn. Mayor Pro Tem Walker seconded the motion. Approved 4-0.

Steve Edwards, Mayor

Jane Whittington, City Clerk