

**CITY OF SUGAR HILL  
COUNCIL MEETING MINUTES  
MONDAY, MARCH 12, 2007  
7:30 PM CITY HALL ANNEX**

CALL TO ORDER – Mayor called the meeting to order. Present were Mayor Gary Pirkle, Mayor Pro Tem Steve Edwards, and Council Members Marc Cohen, Mike Sullivan and Nick Thompson. Council Member Clint Thompson was not at the meeting. Also present were City Manager Bob Hail, City Attorney Lee Thompson and City Clerk Jane Whittington.

PLEDGE OF ALLEGIANCE TO THE FLAG Local Boy Scout Troop led by Andrew Rodgers led the pledge.

INVOCATION – given by Mayor Pirkle.

APPROVAL OF AGENDA – Council Member Cohen motioned to approve the Agenda. Council Member Edwards seconded the motion. Approved 4-0.

APPROVAL OF MINUTES – February 12, 2007 – Council Member Edwards motioned to approve the Minutes of the February 12, 2007 Regular Council Meeting. Council Member Cohen seconded the motion. Approved 4-0.

CITY ATTORNEY’S REPORT – City Attorney Lee Thompson had no report.

**COUNCIL REPORTS**

**Council Member Mike Sullivan** reported that the 2<sup>nd</sup> Annual Easter Egg Hunt for ages 1 – 9 will be held Saturday, March 31<sup>st</sup> at EE Robinson Park. More information is available on the City’s website.

**Council Member Nick Thompson** reported that the DDA is still waiting for one final appointment to the DDA to fill the seat held by Allen Jorgenson.

**Mayor Pro Tem Steve Edwards** thanked the Code Enforcement staff and noted that we are starting to see their efforts. He also thanked the volunteer readers who read to the students at Sycamore Elementary School last week as part of the Read Across America Day. The volunteers included the Mayor Council Members Sullivan and Edwards, Jeff Garvin, and Representative Bobby Reese.

**Council Member Marc Cohen** reported that for Planning & Zoning 21 construction permits were issued in February, 179 building inspections, and 26 erosion control inspections. As a reminder on the city’s website [www.cityofsugarhill.com](http://www.cityofsugarhill.com) there is an online violation complaint system.

MAYOR’S REPORT – **Mayor Gary Pirkle** reported that they have received a number of reports of crime occurring in the subdivisions and streets of the city. Most of them are crimes of opportunity, when a car is unlocked or a garage open. Requested that the citizens minimize the opportunities by locking your house, car or garage door. If you see suspicious activity call 911 or the Gwinnett county non emergency number.

CITY CLERK'S REPORT – Jane Whittington, City Clerk had no report.

CITY MANAGER'S REPORT – Bob Hail, City Manager reported the following, See Attachment #1. The West Broad Street alignment project is proceeding. The right of way acquisition will begin soon. The poorly maintained properties have forced Code Enforcement to tighten up on enforcement.

#### CITIZENS AND GUESTS COMMENTS

Andrew Rodgers, 435 Chandler Ct spoke regarding police protection and vandalism.

One of the Boy Scouts present asked the Council regarding Code Enforcement can't people do what they want with their land. The Planning Director explained that the regulations are there to protect all citizens.

#### CONSENT AGENDA

1. Georgia Power Franchise Agreement
2. Development Regulations – Town Center Overlay
3. Tattoo & Body Piercing Establishments Ordinance
4. Resolution of Support for Changing County Commission Representation

Mayor Pirkle explained the items on the Consent Agenda. Council Member Sullivan motioned to approve the Consent Agenda. Council Member Nick Thompson seconded the motion. Approved 4-0.

#### OLD BUSINESS

**PUBLIC HEARING – De-annexation - RZ-06-012**, Tax Parcel 7-293-012, Oakland Partners LLC – The Mayor explained the circumstances that led to the De-annexation request. No Public Hearing was required. Council Member Edwards motioned to deny RZ-06-012 and approve the De-Annexation of Tax Parcel 7-293-012. Council Member Cohen seconded the motion. Approved 4-0.

**PUBLIC HEARING – VAR-07-001**, 5475 Azalea Crest Land, sunroom to encroach on rear setback – Awana explained the Variance request. The Public Hearing was opened and the applicant stated that he spoke with the neighbors and no one objected to the sun room. Council Member Cohen asked the applicant if he was amendable to putting in more buffer. He did not have a problem with doing that. No one spoke in opposition to the variance so the Public Hearing was closed Council Member Cohen motioned to approve VAR-07-001. The motion died for lack of a second. Council Member Sullivan motioned to deny VAR-07-001. Council Member N. Thompson seconded the motion. Approved 3-1 with Council Member Cohen voting nay.

#### NEW BUSINESS:

**PUBLIC HEARING - AX-07-001**, Tax Parcel: 7-323-012, A Portion of, William & Georgette Mielke, request to annex & rezone 4.11 acres at 5690 Sycamore Rd. Property currently zoned RA-200 in County requesting OI for Child Day Care Facility.

**PUBLIC HEARING Combined with AX-07-001, AX-07-002**, Tax Parcel 7-323-012, A Portion of, William & Georgette Mielke requesting to annex and rezone 1.29 acres at 5690 Sycamore Rd. Property is currently zoned RA-200 in Gwinnett County and applicant is requesting RS-200 for existing residential use – Awana explained the annexation and rezoning request. The applicants do request that if AX-07-001 was not approved that they be allowed to withdraw Ax-07-002. The staff recommendation is to deny but staff has listed conditions in case the Council wants to approve. Mayor Pirkle explained that the Public Hearings were combined and that each side, for and in opposition has 20 minutes to speak. The Public Hearing was opened and William and Georgette Mielke explained their application and request. The following spoke in favor of the applications: John London, Wendell Hall, Kelli Capobianco. They also presented a petition with over 100 signatures for approval of the request. The following people spoke in opposition of the project: John Riviera and his wife Linda, and James and Diane Beaumont. Mayor Pirkle explained that he felt that day cares belong on Buford Highway, Highway 20, Peachtree Industrial Blvd. or the business districts. A similar request was made recently for a residential road and was turned down. Council Member Edwards requested that this be tabled until when Council member Clint Thompson was present so there would be a full board. Council Member Cohen motioned to approve AX-07-001 with the conditions as outlined by staff, adding a condition that a Special Use Permit be issued to limit the use for the property to a day care. Council Member Sullivan seconded the motion. The vote was 2 yeas and 2 nays with Council Member Cohen and Sullivan voting yeas and Council Members Edwards and N. Thompson voting nays. The Mayor broke the tie with a nay vote citing the Land Use Plan as a reason. The motion was denied.

Council Member Cohen motioned to withdraw AX-07-002. Council Member Sullivan seconded the motion. Approved 4-0.

**PUBLIC HEARING - Zoning Map Update** – Awana displayed the Zoning Map with the updates from all annexations and rezoning that has occurred since it was updated last year. The Public Hearing was opened and no one spoke in opposition so it was closed. Council Member Edwards motioned to approve the updated Zoning Map for 2007. Council Member Sullivan seconded the motion. Approved 4-0.

**EXECUTIVE SESSION: TO DISCUSS LEGAL, REAL ESTATE AND/OR PERSONNEL:** Council Member Edwards motioned to enter Executive Session at 9:00 p.m. Council Member Sullivan seconded the motion. Approved 4-0.

**ADJOURNMENT:** Council Member Cohen motioned to adjourn at 9:15 a.m. Council Member Sullivan seconded the motion. Approved 4-0.

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Gary Pirkle, Mayor

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Jane Whittington, City Clerk