

**CITY OF SUGAR HILL
COUNCIL MEETING MINUTES
MONDAY, JUNE 11, 2007
7:30 PM CITY HALL ANNEX
4988 WEST BROAD STREET**

CALL TO ORDER – Mayor Pirkle called the meeting to order at 7:30 p.m. Present were Mayor Gary Pirkle, Mayor Pro Tem Nick Thompson and Council Members Marc Cohen, Steve Edwards, and Mike Sullivan. Council Member Clint Thompson was not present. Also present were City Manager Bob Hail, City Clerk Jane Whittington and City Attorney Frank Hartley.

PLEDGE OF ALLEGIANCE TO THE FLAG
INVOCATION – Given by Mayor Pirkle.

APPROVAL OF AGENDA – Council Member Cohen motioned to approve the agenda as submitted. Council Member Sullivan seconded the motion. Approved 4-0.

APPROVAL OF MINUTES – Council Meeting May 14, 2007 – Council Member Edwards motioned to approve the minutes as written. Council Member Sullivan seconded the motion. Approved 4-0.

CITY ATTORNEY’S REPORT – Frank Hartley had no report for regular session.

COUNCIL REPORTS

Council Member Mike Sullivan had no report.

Council Member Nick Thompson had no report.

Council Member Steve Edwards gave a shout out to his son Ryan who broke both wrists the day after school let out, right as the summer was beginning.

Council Member Marc Cohen reported sent condolences to City Manager Bob Hail who lost his Father recently. School is out and it is summer time try to be more careful as you drive around and at the pool. Also, be sure and call your Dad on Sunday to wish him a happy Father’s Day.

MAYOR’S REPORT – **Mayor Gary Pirkle** reported that he received a letter from one of our residents who is a member of the Daughter’s of the American Revolution and she wanted everyone to remember that June 14th is Flag Day and everyone please remember to fly their flags.

CITY CLERK’S REPORT – Jane Whittington had no report.

CITY MANAGER’S REPORT - See Attachment #1

CITIZENS AND GUESTS COMMENTS

Bill Harding, 4890 Cold Creek Court, sent a letter to the Mayor concerning a float and asked for a variance to have it parked in his yard. The Mayor explained that this matter was discussed at the last work Session and unfortunately there was not a majority to vary this. If the Council applies a variance to him then they would have to offer the same to other residents.

CONSENT AGENDA

Downtown Street Light Design – Mayor Pirkle explained the consent agenda item. At the Work session the Council agreed on a design for the street lights for the downtown area. Council Member Cohen motioned to approve the Consent Agenda. Council Member Sullivan seconded the motion. Approved 4-0.

OLD BUSINESS

NEW BUSINESS:

HEARING, Appeal, Donald Appling, Unsafe Building Abatement Code – Burney Agee, Building Official for the City presented pictures and documented damages to the house at 1223 Appling Road. Because the repairs are more than 50% they would have to be brought up to the current codes. There was mold on the sheetrock, exposed wiring. Mr. Appling requested to repair damage and rent house. Council Member Cohen sited concerns for the safety of the residents nearby and because of vermin he motioned to condemn the house and Mr. Appling is to tear it down. Council Member Edwards seconded the motion. Approved 4-0.

City Attorney Frank Hartley stated that because this is an Administrative Hearing we need to direct the City Attorney's office to put together some findings and conclusions and set forth some time frames in which this needs to be done. Also we need to inform Mr. Appling that he does have the right of appeal this decision to Superior Court of Gwinnett County. All of the materials that Mr. Appling has submitted and the memo and pictures the City presented be submitted to the City Clerk to form a record. Council Member Cohen motioned to direct the City Attorney to inform Mr. Appling to do whatever research is necessary and move forward on the condemnation. The City is to prepare an Order of Demolition for the property. Council Member Sullivan seconded with comments regarding timelines and the appeal process. The City Attorney explained that the timeline that the Council gives Mr. Appling is outside of the appeal process. If he appeals to Gwinnett Superior Court then the City's timeline is stopped. Timeline is discussed to consider asbestos research, etc. Council Member Sullivan's second stands. Council Member Cohen modified the motion to set the timeline for demolition to 45 days. Council Member Sullivan seconded the modified motion. Approved 4-0.

Council Member Sullivan left the meeting at this time.

PUBLIC HEARING, VAR-07-004, Alan Blain, Reduce Minimum Lot Size – Awana explained the variance application. Staff is recommending approval with conditions. The Public Hearing was opened and Mr. Blain explained that he wants to reduce the lot size requirements to construct a duplex. He presented an illustration of what the duplex would look like. This would be an investment property for him.

Meg Avery commented that maybe it would enhance the houses at the end of the street. Her property is behind Lois Drive and on weekends you can hear loud noise and music in her kitchen coming from these properties. She would like to see something quality there.

Doug Butler spoke in opposition to the variance. He owns a quadraplex on the street and voiced concerns regarding off street parking due to multiple occupants in a unit. Most duplexes have absentee owners.

The Public Hearing was closed and the Mayor asked that Code Enforcement be sent out to ticket illegally parked cars. Council Member Edwards motioned to approve VAR-07-004 with the staff conditions. Council Member Nick Thompson seconded the motion. Approved 3-0.

PUBLIC HEARING, VAR-07-005, Charles Pruitt, Gravel Parking Lot – Awana explained the variance application. They are requesting a gravel parking lot over two significant gas lines. Staff is recommending denial.

The Public Hearing was opened and the applicant Mr. Pruett explained that he had permission from Atlanta Gas Light to put the parking lot on top of the gas lines. The Public Hearing was closed and no one spoke in opposition to the variance. Council Member Cohen motioned to table VAR-07-005 to allow more time to research the variance and Mr. Awana to hear from Atlanta Gas Light's Attorney regarding the gas pipe lines since very heavy equipment will be on that parking lot. Council Member Edwards seconded the motion. Approved 3-0.

PUBLIC HEARING, VAR-07-006, Mill Creek Investments LLC, Stream Buffer – Awana explained the application. The applicant is requesting a reduction in the stream buffer citing a grandfathering clause as justification. This case was presented to the Council previously and the applicant's claim is that the site plan showed a reduced buffer at that time. The staff is recommending denial because it does not meet the grandfathering requirements under that ordinance or under the current requirements.

The Public Hearing was opened and attorney John Zwald spoke for the applicant.

Dawn Gober expressed concerns about how it would affect her property. The Public Hearing was closed. The City Attorney suggested that this matter be tabled for further discussion. The discussion does qualify under Executive Session because it is pending litigation. Council Member Cohen motioned to table VAR-07-006 until the next Council meeting. Council Member Edwards seconded the motion. Approved 3-0.

PUBLIC HEARING, RZ-07-002, Marilyn Bruce, 1162, 1168, 1176 Buford Highway, 8.3 Acres, Rezone Existing Zoning RS-100 (Medium Density Single Family Residential) to OI (Office Institutional) to maximize property and community value – Awana explained the rezoning application. The staff recommends approval with conditions.

The Public Hearing was opened and Marilyn Bruce explained why she requested to rezone the property is for resale. No one else spoke in favor or in opposition to the rezoning application so the hearing was closed.

Council Member Cohen motioned to approve RZ-07-002 to rezone from RS-100 to OI with staff conditions and the four planning commission conditions. Council Member Edwards seconded the motion. Approved 3-0.

PUBLIC HEARING - 2007 Millage Rate – The Mayor opened the Public Hearing for the 2007 Millage rate. The City Manager explained the revenue expected and the recommendation was to keep the rate at 3.8 mills. The exemptions have gone up this year due to schools and churches on Peachtree Industrial Blvd. The Public Hearing was opened and no one had comments.

Council Member Cohen asked the City Manager if we lowered the millage rate to 3.6 mills could we mathematically reduce the items on the City Manager report to accommodate this reduction. The City Manager explained that the increased services such as the new storm water department are increasing the amount of revenue needed to sustain the operating budget.

Council Member Edwards motion to accept the City Manager’s recommendation and set the 2007 Millage Rate 3.8 which is unchanged from last year. Council Member N. Thompson seconded the motion. Approved 3-0.

EXECUTIVE SESSION: TO DISCUSS LEGAL, REAL ESTATE AND/OR PERSONNEL: Council Member Cohen motioned to enter Executive Session at 9:35 p.m. Council Member N. Thompson seconded the motion. Approved 3-0.

The meeting was reconvened at 9:53 p.m. and no action was taken out of Executive Session.

ADJOURNMENT: Council Member Cohen motioned to adjourn. Council Member Edwards seconded the motion. Approved 3-0.

Gary Pirkle, Mayor

Jane Whittington, City Clerk