

**CITY OF SUGAR HILL
COUNCIL MEETING MINUTES
MONDAY, JANUARY 14, 2008
7:30 PM CITY HALL ANNEX
4988 WEST BROAD STREET**

CALL TO ORDER – by Mayor Pirkle. Present were Mayor Gary Pirkle, Council Members Marc Cohen Steve Edwards, Susie Gajewski, Mike Sullivan and Nick Thompson. Also present were City Manager Bob Hail, City Attorney Lee Thompson, and City Clerk Jane Whittington.

PLEDGE OF ALLEGIANCE TO THE FLAG
INVOCATION – given by Mayor Pirkle

OATH OF OFFICE – Susie Gajewski, Council Member; Marc Cohen, Council Member; Steve Edwards, Council Member. Mayor Pirkle administered the oath to the three Council Members collectively.

APPROVAL OF AGENDA – Council Member Cohen motioned to approve the Agenda as submitted. Council Member Sullivan seconded the motion. Approved 5-0.

APPROVAL OF MINUTES – December 10, 2007, Council Member Cohen motioned to approve the minutes as written. Council Member Sullivan seconded the motion. Approved 5-0.

MAYOR PRO TEM APPOINTMENT – Council Member Nick Thompson nominated Council Member Mike Sullivan as Mayor Pro Tem. There were no other nominations so Mike Sullivan is the Mayor Pro Tem for 2008.

CITY ATTORNEY’S REPORT
COUNCIL REPORTS
MAYOR’S REPORT
CITY CLERK’S REPORT
CITY MANAGER’S REPORT

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

OLD BUSINESS

PUBLIC HEARING, VAR-07-009, 1053 Level Creek, LLC., 1052 Level Creek Rd., reduction in Minimum Area, Front Setback and Side Yard – Council Member Nick Thompson presented the Clerk with a letter of abstention on this agenda item. He left the meeting room during deliberation and discussion of this matter. The Planning Director, Kaipo Awana presented the application with staff conditions. The variance for the side setbacks had been scaled down to a 5’ reduced setback and staff approves this request. The Public Hearing was opened and no one spoke in favor or in opposition so the Public Hearing was closed. Council Member Sullivan commented that usually they do not see a property that is zoned RM request to put single family homes there. Council Member Sullivan motioned to approve VAR-07-009 per staff recommendation with five foot reduced side setback including placing five foot sidewalks on the front. Council Member Edwards seconded the motion. Approved 4-0-1 with one abstention.

PUBLIC HEARING, AX-07-010 ANNEXATION TAX PARCEL 7-339- 016, 017, 018, 046,065, & 140 Andy Sudderth requested to annex and rezone 5.69 acres on GA Highway 20, property currently zoned Single Family Residential (R-100) in Gwinnett County, applicant is

requesting General Business District (BG) zoning classification for a Commercial Development – Director Awana stated that the staff recommends BG with conditions including a 40’ enhanced buffer. The Public Hearing was opened and the applicant requested that the 40’ buffer be reduced to 30’ is possible. In the area near the Level Run Place cul-de-sac they are requesting a 10’ buffer. No one else spoke in favor of the project. Brett Werrbach spoke in opposition. He stated that he was not in opposition of the project but was concerned regarding the buffers. He liked the idea of an enhanced buffer. Council Member Cohen motioned to approve AX-07-010 with staff conditions, amending them to add the following: condition #6 s. no intercoms or speakers; condition #7 delivery hours are from 7:00 a.m. to 9:00 p.m.; condition #8 removal of home illustrated in parcel 7-339-046 within 180 days; any new construction near the architectural elevation and design will match this schematic attached to the ordinance with knee walls and metal roofing; condition #10 the buffer reductions and privacy fence as drawn by Director Awana and attached to the ordinance and minutes. Council Member Thompson seconded for discussion. The City Attorney stated that the buffers were in condition #3. Council Member Cohen amended the motion to strike condition #10 and change condition #3 to reduce standard zoning buffer to enhanced 40’ buffer except in areas noted on the map. Council Member Thompson’s motion stands. Approved 5-0.

NEW BUSINESS:

Appointment of Municipal Court Judge, Margaret Washburn, **Associate Judges** Charles Barrett & Kathryn Schrader – Judge Washburn was present and updated the Council on the Municipal Court status and statistics. Council Member Cohen thanked Judge Washburn for her service and motioned to appoint her as Municipal Court Judge for 2008 along with Associate Judges Charles Barrett and Kathryn Schrader. Council Member Sullivan seconded the motion. Approved 5-0.

Appointment of Planning Commission Member – Council Member Sullivan nominated Shohn Tanner and Council Member Cohen nominated Eric Pearl. Shohn Tanner was approved 4-1 with Cohen voting for Eric Pearl.

PUBLIC HEARING, SUP-07-001, SPECIAL USE PERMIT, 1498 Buford Highway, Suite C, Mr. Wesley Cox requesting a Special Use Permit to open a title pawn business in existing shopping center, property currently zoned (BG) General Business District –Awana explained that the staff recommended approval with conditions and the Planning Commission recommended denial. The Public Hearing was opened and the applicant explained the nature of the business. This would be a Title Bucks which took the car title loans that the Title Max would not accept. These cars were older models. No one spoke in opposition so the hearing was closed. Council Member Cohen stated that this business was clearly on the lower end of the business community and not what the City wants to recruit for new businesses. Council Member Edwards motioned to deny SUP-07-001. Council Member Thompson seconded the motion. Motion to deny approved 5-0.

Gary Pirkle Park Phase One Contract – The City Manager explained that the proposal process was complete He is recommending Charles Pruitt Enterprises and asking the Council to direct the City Attorney and City Manager to enter into contract for Phase One of Gary Pirkle Park. Council Member Gajewski motioned to enter into contract with Charles Pruitt Enterprises for Phase One Grading of Gary Pirkle Park. Council Member Cohen seconded the motion. Approved 5-0.

Demolition of NuAir Property – The City Manager updated the Council that the city received 25 proposals. He is recommending Strategic Land Services to demolish the building, haul off the abated materials and stabilize the land. Council Member Edwards thanked the DDA for their efforts on bringing this forward and asked Council Member Thompson, as the DDA liaison, to make this motion. Council Member Thompson motioned to direct the City Manager and the City Attorney to enter into

contract with Strategic Land Services for the demolition of the NuAir property. Council Member Sullivan seconded the motion. Approved 5-0.

PUBLIC HEARING, Occupation Tax Ordinance Amendment – The amendment is to correct a typographical error in the rates for occupation tax. The Public Hearing was opened and no one spoke for or in opposition to the ordinance. Council Member Cohen motioned to approve the Occupation Tax Ordinance amendment. Council Member Sullivan seconded the motion. Approved 5-0.

Alcoholic Beverage Ordinance Amendment, the amendment to the Alcoholic Beverage Ordinance, Excise Tax is to correct a typographical error in the percentage rate for excise tax calculation. Council Member Sullivan motioned to approve the amendment to the Alcoholic Beverage Ordinance. Council Member Cohen seconded the motion. Approved 5-0.

Ordinance Amendment, Chapter 14, Maximum Occupancy – Director Awana explained the ordinance amendment. The maximum occupancy is eight and is based on the square footage of the dwelling. In a dwelling containing one thousand square feet or less, the maximum occupancy shall be four individuals. In a dwelling containing between one thousand one square feet and one thousand eight hundred square feet, the maximum occupancy shall be six individuals. In a dwelling containing one thousand eight hundred and one square feet or greater, the maximum occupancy shall be eight individuals. Variances may be granted by the Mayor and Council as set forth in the subsection contained in this ordinance amendment. Council Member Gajewski motioned to approve this ordinance amendment, Chapter 14, Maximum Occupancy. Council Member Cohen seconded the motion. Approved 5-0.

Municipal Gas Authority of Georgia Consent Agreement – The City Manager explained that MGAG requested that this agreement be signed because some of the utility companies were not in compliance with the Georgia Public Service Commission. Council Member Cohen motioned to approve the Municipal Gas Authority of Georgia Consent Agreement. Council Member Sullivan seconded the motion. Approved 5-0.

EXECUTIVE SESSION: TO DISCUSS LEGAL, REAL ESTATE AND/OR PERSONNEL:
Council Member Cohen motioned to enter Executive Session at 8:40 p.m. Council Member Sullivan seconded the motion. Approved 5-0. The meeting was reconvened and Council Member Cohen motioned to approve the salary increase for the City Manager and City Clerk as recommended in evaluations. Council Member Sullivan seconded the motion. Approved 5-0.

ADJOURNMENT: Council Member Cohen motioned to adjourn at 9:27 p.m. Council Member Sullivan seconded the motion. Approved 5-0.

Gary Pirkle, Mayor

Jane Whittington, City Clerk