

**CITY OF SUGAR HILL
COUNCIL MEETING MINUTES
MONDAY, SEPTEMBER 14, 2009
7:30 PM CITY HALL ANNEX
4988 WEST BROAD STREET
SUGAR HILL, GEORGIA**

CALL TO ORDER – by Mayor Pirkle at 7:30 p.m. Present were Mayor Gary Pirkle, Mayor Pro Tem Nick Thompson, Council Members Marc Cohen, Susie Gajewski, and Mike Sullivan. Also present were City Manager Bob Hail, City Clerk Jane Whittington, and City Attorney’s Frank Hartley and Lee Thompson. Council Member Steve Edwards was not present.

PLEDGE OF ALLEGIANCE TO THE FLAG

INVOCATION – Mayor Pirkle gave the invocation.

APPROVAL OF AGENDA – Council Member Thompson motioned to approve the Agenda as submitted. Council Member Gajewski seconded the motion. Approved 4-0.

APPROVAL OF MINUTES – August 10, 2009 – Council Member Gajewski motioned to approve the Minutes as written. Council Member Sullivan seconded the motion. Approved 4-0.

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

COUNCIL REPORTS

MAYOR’S REPORT

CITY CLERK’S REPORT

CITY MANAGER’S REPORT – City Manager Bob Hail was not present at tonight’s meeting so the Mayor read his report. See Exhibit A.

CITIZENS AND GUESTS COMMENTS

Mike Duvet of Robertson Sanitation requested that the Council would consider tabling the Sanitation Contract. They could propose additional options and add more recycling.

CONSENT AGENDA

Passports Issued at City Hall – Mayor Pirkle explained that the request came from the City Clerk to improve customer service at City Hall. Council Member Cohen motioned to approve the Consent Agenda. Council Member Sullivan seconded the motion. Approved 4-0.

OLD BUSINESS

NEW BUSINESS

PUBLIC HEARING - Zoning Ordinance Amendment – Planning Director Awana explained the amendment. This would amend Article 9, Section 909, Subsection C and allow bulk storage in HM1 with a Special Use Permit. The Public Hearing was opened and there were no comments from the public so the hearing was closed. There was some discussion regarding safety and flammability. Council Member Thompson motioned to approve the Zoning Ordinance Amendment. Council Member Gajewski seconded the motion. Approved 3-1 with Council Member Sullivan voting nay.

PUBLIC HEARING - SUP-09-001, Michael Enders, 810 Brogdon Rd., Install Two Bulk Tanks – Director Awana explained the application. This applicant is requesting a Special Use Permit to allow installation of two bulk tanks at 810 Brogdon Rd. – a 1,500 gallon liquid oxygen tank and an 11,000 gallon liquid nitrogen tank. This facility would be a distribution center for hospitals and doctor’s offices. The Public Hearing was opened and the applicants Mike Enders and Chuck Britain of NexAir explained the request. They are currently located near John’s Creek in Suwanee and employ about 12 to 15 people. Their largest customer is Emory and the nitrogen is about 10% of their business. The rest of their business is scrap yards, welding businesses, and safety supplies. The state inspects the tanks every year as well as the Gwinnett Fire Marshall’s office. No one spoke in opposition so the hearing was closed. Council Member Cohen motioned to approve SUP-09-001 with the staff conditions amending condition #1 as follows: Special Use Permit (SUP-09-001) approval shall be limited to NexAir, LLC for the use of a single 11,000 gallon liquid nitrogen tank and a single 1,500 gallon liquid oxygen tank as shown on the applicant’s site plan prepared by Mactec Engineering and Consulting, Inc. dated June 10, 2009. Council Member Sullivan seconded the motion. Approved 3-1 with Council Member Thompson voting nay.

PUBLIC HEARING - Sugar Hill Citgo, Beer & Wine Retail Sales – the City Clerk explained the history of the application. This application was submitted with a management agreement between the applicant Wayeez Jinnah and Rommel, Inc. Rommel received a citation to the municipal court for selling beer and wine without a license. The management agreement was entered into before the sales were made. One of the factors for Council consideration to grant or deny the application is whether the applicant has ever sold malt beverages or wine illegally in the City. Council Member Cohen motion to deny the application for retail sales of beer and wine for Sugar Hill Citgo and the applicant Wayeez Jinnah. Council Member Thompson seconded the motion. Approved 4-0.

Sanitation Contract – the City Manager sent out an RFP for sanitation services per the request of the Mayor and Council. Three proposals were received and a spreadsheet of comparative prices was brought forward for the Mayor and Council to consider. Mayor Pirkle thanked Robertson Sanitation for the 12 years they have serviced the City. He stated that he was pleased with their service. The proposals reflected that Advanced Disposal has the lowest prices and the highest franchise fee. The Mayor explained that the franchise fee is used to help maintain the city’s closed landfill. The City currently offers a bag system and a cart system for the residential customers. The proposals received will continue with this option. Council Member Cohen stated that he has pushed for a change in sanitation. In this economy it makes sense to go out to bid. He had suggesting tabling the decision tonight for thirty days to make sure that this is an apples to apples comparison. Council Member Sullivan asked if the 2 clean up days would still

be included and Brett Harrell of Advanced Disposal stated that they would include these days. November 1st will be the first day of service for the new vendor. Mark Odekirk, District Manager for Advanced Disposal stated that they will honor the old bags from Robertson and they will make their bags of the same quality (1.75 ML). Brad Martin of Robertson thanked the City for their business and asked if this could be tabled to allow apples to apples comparison. They would be willing to offer an alternate proposal.

Council Member Sullivan motioned to follow the direction of the City Manager and direct the City Manager and the City Attorney to prepare and sign a contract with Advanced Disposal for the citywide sanitation contract. Council Member Cohen seconded the motion. Approved 4-0.

Planning Commission Vacancy – Mayor Pirkle stated that this vacancy in the Planning Commission was created when Shohn Tanner qualified to run for City Council. The floor is opened for nomination and the person with the most votes will be sworn in at the next Planning Commission meeting. Council Member Cohen nominated Eric Harrell. Council Member Sullivan nominated Marla King. Marla King received 3 votes and Eric Harrell received 1 vote. Mayor Pirkle will administer the oath at the next Planning meeting.

3 Day Walk for the Cure – The Mayor explained that the City received a request to allow the use of the Town Green and Community Center parking lot on Friday, October 23rd for participants of the 3-Day Walk for the Cure to use as a “pit stop”. Council Member Cohen motioned to support the 3 Day Walk for the Cure and allow space on the Town Green and Community Center parking lot for logistical support. Council Member Sullivan seconded the motion. Approved 4-0.

Gwinnett Municipal Association Assessment – Mayor Pirkle explained that the Gwinnett Municipal Association expended the funds that the cities contribute as annual fees in the lawsuit regarding the Service Delivery Strategy with Gwinnett County. Council Member Cohen motioned to direct the Mayor and City Manager to prepare and sign an assessment check for \$33,450 payable to the GwMA for its legal fund and replenishment of the GwMA Membership Fund. Council Member Sullivan seconded the motion. Approved 4-0.

EXECUTIVE SESSION: TO DISCUSS LEGAL, REAL ESTATE AND/OR PERSONNEL:
There was no Executive Session held.

PUBLIC ACTION ON ANY EXECUTIVE SESSION MATTERS:

ADJOURNMENT: Council Member Cohen motioned to adjourn. Council Member Sullivan seconded the motion. Approved 4-0.

Gary Pirkle, Mayor

Jane Whittington, City Clerk