

**CITY OF SUGAR HILL  
COUNCIL MEETING MINUTES  
MONDAY, FEBRUARY 9, 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. Council Member Steve Edwards arrived later in the meeting. Also present were City Manager Bob Hail, City Attorney Frank Hartley and City Clerk Jane Whittington.

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 – January 12, 2009 – The Minutes of January 12, 2009 were approved with the following correction: Council Member Cohen requested correction in his Council Member report to read County Commissioner Kevin Kennerly instead of Representative Kevin Kennerly.

CITY ATTORNEY’S REPORT – Frank Hartley had no report for Regular Session.

**COUNCIL REPORTS**

Council Member Mike Sullivan reported on Sugar Hill Helping Hands, a volunteerism steering committee project. The new website is [Sugarhillhelpinghands.com](http://Sugarhillhelpinghands.com). The next meeting will be held Thursday, March 19<sup>th</sup> at 7:00 p.m. at a location to be determined.

Council Member Nick Thompson reported that the DDA will meet Tuesday, February 24<sup>th</sup> at the City Hall Annex. The meeting is at 6:30 p.m. The DDA had aerial pictures of Sugar Hill made and they are available on their website [DowntownSugarHill.com](http://DowntownSugarHill.com).

Council Member Marc Cohen had no report.

Council Member Susie Gajewski encouraged all of the friends and neighbors who have lost their jobs to hang in there.

MAYOR’S REPORT – Mayor Pirkle reported that the cemetery fence is almost finished. He thanked the City Manager and Mr. Kelemen for a good job. The July 3<sup>rd</sup> Celebration, fireworks and movie is in the planning phase. The registrations for spring programs in the Recreation Department have begun. I-9 Sports is offering all types of sport programs for children. The traffic situation on Suwanee Dam Rd. has been investigated by the City. The main cause is

replacement of the re-use water lines by Gwinnett County. Off-duty police officers have been called in to help with the traffic flow.

**CITY CLERK'S REPORT** – Jane Whittington, City Clerk reported that the City issued 19 new licenses in the month of January. Out of the 19, 6 were commercial based; and 13 were home based. The businesses include a paving contractor, locksmith, towing service and a new owner for the Coffee Cakes Bakery. The Clerk also received a letter commending an existing business in the City. A gentleman that lives in Florida's daughter was in Sugar Hill on a work assignment. She had a problem with her transmission while here. AAMCO Transmission of Sugar Hill took very good care of her. They picked her up, took her to her hotel and repaired the car at a reasonable price. She was back on her way and has had no further problems with that vehicle. He just wanted to express his appreciation for excellent service and peace of mind.

**CITY MANAGER'S REPORT** - Bob Hail City Manager reported the following: See Attachment #1.

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

#### **CONSENT AGENDA**

ARC Community Choices, Downtown Master Plan Implementation, Accept Goals as written. Council Member Cohen motioned to approve the Consent Agenda. Council Member Sullivan seconded the motion. Approved 4-0.

#### **NEW BUSINESS**

**PUBLIC HEARING – RZ-08-007, Rezoning Change in Conditions**, Tax Parcel ID 7-257-014, 015, 016; 7.76 acres; WaterMark, LLC request change in conditions to allow a landscape maintenance material co to continue operation for additional 24 months; located at 1069, 1089 & 1113 Buford Hwy; current zoning BG – Director Awana explained that this property was previously zoned for a landscaping business with staff conditions. The Public Hearing was opened and Gary Wert spoke in favor for the applicant. No one spoke in opposition so the Public Hearing was closed. Council Member Cohen motioned to approve RZ-08-007 with the 9 staff conditions (numbers 1 and 2 were struck and the 9 remaining were renumbered) #9 (previous #11) 50' from rear buffer combined with the center parcel frame buildings, no structure shall exceed 8 feet as long as it is not visible from Chatham Rd. or Buford Hwy. or if it is visible no maximum height shall exceed 6 feet. Mayor clarified structure to mean material pile. Cohen read explained definition to be bins or material pile. Council Member Sullivan seconded the motion. Approved 4-0.

**RZ-08-008, Rezoning**, Tax Parcel ID 7-271-069, 7.76 acres; Sugar Hill Business Center, LLC; **APPLICANT REQUEST TO WITHDRAW**. Council Member Cohen motioned to approve the withdrawal of RZ-08-008 as requested by the applicant. Council Member Sullivan seconded the motion. Approved 4-0.

**PUBLIC HEARING, VAR-09-001**, Wayne Ratfield, Metal Building Associates, Zoned HM-1 (Light Industry), request to reduce 25ft. setback to 5ft., screen only fence area visible from Cul-de-sac, allow existing fence to remain at present location – Director Awana explained the

variance application. The applicant is requesting a 5' setback. Staff had no criteria to approve the application so the recommendation is denial. The Public Hearing was opened and the applicant Wayne Ratfield of Metal Building Associates explained the variance application history. They purchased the property where the business had a like use and assumed that they could use the property in the same manner. He stated that denial would place a hardship on the business. No one spoke in opposition so the Public Hearing was closed.

**Council Member Edwards** entered the meeting at this time.

Council Member Cohen motioned to approve VAR-09-001 with one modification reducing the 25' setback to 10' enhanced buffer at the rear of the property and leaving the setback to 5' on the other two sides. Council Member Sullivan seconded the motion. Approved 5-0.

**PUBLIC HEARING, VAR-09-002**, Sidney Taylor, Taylor's Real Estate Investments, Inc., Zoned HM-1 (Light Industry), request to reduce 25 ft. setback to 5 ft., screen only the fence area visible from cul-de-sac, allow existing fence to remain at present location – Director Awana updated the Council that this property is adjacent to the property for VAR-09-001 and the request is the same. The Public Hearing was opened and the applicant Sydney Taylor, Taylors Real Estate Investment, explained the history of the variance request. No one spoke in opposition so the Public Hearing was closed. Council Member Cohen motioned to approve VAR-09-002 adding the 10' enhanced buffer a reduction of 25' setback to 10' with an enhanced buffer at the rear of the property and that request is recorded on the deed and filed with the Planning Department for future. Council Member Gajewski seconded the motion. Approved 5-0. The City Attorney clarified that on the previous variance the approval was for a 5' setback on the sides of the property. Is this case the same and the clarification was that it is the same.

**PUBLIC HEARING, VAR-09-003**, Scott Hundley, North American Properties, NRCT, LLC; Zoned BG (General Business), request to extend the Development Permit for an additional 24 months – Director Awana explained that the subject property was previously approved for a development permit and the permit expires March 31, 2009. The request is to extend the development permit until March 31, 2011. The Public Hearing was opened and Mitch Peavy, North American Properties, explained that the project is held up waiting on the financing. No one spoke in opposition so the Public Hearing was closed. Council Member Thompson motioned to approve VAR-09-003 inclusive of Phase II previously under consideration with the Planning Department. Council Member Cohen seconded the motion. Approved 5-0.

**Contract with Gwinnett County for Storm Water Fee Collection** – the City Manager explained the contract for the stormwater fee collection. The City Attorney had concerns on some of the wording of the contract. He drafted a lengthy memo outlining these concerns. The City Attorney will work with the Gwinnett County Attorney's office to work out the wording problems on the contract. The approval of the contract would be conditional with changes and the dates. Mayor Pirkle clarified that the Sugar Hill residents do not pay a Gwinnett County stormwater fee only one for Sugar Hill. Council Member Sullivan motioned to approve the contract conditional to the attorney's changes. Council Member Cohen seconded the motion. Approval 5-0.

**Resolution Georgia DNR EPD Hazardous Waste Trust Fund** – the City Manager explained that this is a reimbursement for funds expended on maintaining the former landfill site. Council Member Cohen motioned to approve the Resolution as drafted. Council Member Sullivan seconded the motion. Approved 5-0.

**Garner Property Barn** – Council Member Gajewski requested that the Mayor and Council take more time and look at saving the red barn on the Garner property. She stated that it is Sugar Hill history and one of the last barns standing in the area. Council Member Gajewski motioned to amend the previous direction given to the City Manager in regard to the red barn on the Garner property; to stabilize the barn until further options can be explored. Council Member Cohen seconded the motion. Approved 4-1 with Council Member Sullivan voting nay. The Mayor clarified the motion to stabilize; does this mean a structural engineer? Council Member Gajewski explained that the other options included stabilizing pouring the foundation, shoring up the walls or possibly taking it down and moving it near the community garden. Council Member Sullivan requested a time table. The City Manager explained that the City would have to go out for RFP for the layout of the land and the community building. The engineer could review it in 30 days. The City Manager will lock the barn up with a fence to protect anyone from going inside until a decision is made.

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

**ADJOURNMENT:** Council Member Cohen motioned to adjourn at 8:55 p.m. Council Member Sullivan seconded the motion. Approved 5-0.

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Gary Pirkle, Mayor

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Jane Whittington, City Clerk