

**CITY OF SUGAR HILL  
COUNCIL MEETING MINUTES  
MONDAY, JULY 13, 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, Steve Edwards, Susie Gajewski and Mike Sullivan. 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 Sullivan motioned to approve the Agenda as submitted. Council Member Cohen seconded the motion. Approved 5-0.

APPROVAL OF MINUTES – June 8, 2009 – Council Member Thompson motioned to approve the Minutes of June 8, 2009 as written. Council Member Gajewski seconded the motion. Approved 5-0.

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

**COUNCIL REPORTS**

Council Member Mike Sullivan thanked the staff, especially the recreation staff, for the July 3<sup>rd</sup> Sparks in the Park. It was a great success. The next meeting of Sugar Hill Helping Hands has been postponed. Stay tuned for further information and dates for the upcoming meetings.

Council Member Nick Thompson reminded everyone that the next meeting of the Downtown Development Authority will be Tuesday, July 28<sup>th</sup> at 6:30 p.m. at the City Hall Annex. There will also be a meeting regarding the Highway 20 widening on August 6<sup>th</sup> at the Community Center from 4 to 7 p.m.

Council Member Marc Cohen stated that his family had a chance to go the 4<sup>th</sup> of July Event in Sugar Hill. It was a great time and a phenomenal event. This opened up a philosophical discussion with his 7 year old. He wanted to know the meaning of the 4<sup>th</sup> of July. He explained that it is about freedom, the Declaration of Independence, and thanking the military. His son inquired whether the fireworks thanked the Army men. As a new part of his monthly report, starting in September, he would like to recognize and thank the Sugar Hill residents who are serving or who have served in the military. Please gather and send information to him regarding these residents to include: name, rank what unit they are in and if they are deployed where they are deployed.

Council Member Susie Gajewski reported that at the last Work Session the Mayor and Council agreed to increase the hours of Plaza Security. They have had increased issues in the residential communities in the pool areas, smashing of mailboxes and summer crime.

Council Member Steve Edwards announced that the City has a new school cluster, the Lanier cluster. They have a new mascot and are now known as the Lanier Longhorns. The middle school level still has the uniforms and supplies for the old mascot, the North Gwinnett Bulldogs. The PTA and other participants have teamed up to host a golf tournament at Sugar Hill Golf Course on October 12<sup>th</sup>, which is Columbus Day. They are looking for sponsors for this event. The funds will also go to the new high school for seed money for their new programs.

**MAYOR'S REPORT** – Mayor Gary Pirkle thanked the City staff for the July 3<sup>rd</sup> event. He thought that it went great. It was the best one so far. He thanked the sponsors for their support. The Gwinnett Municipal Association sponsored a Canned Food Drive for the North Gwinnett Co-op. There were bins at the July 3<sup>rd</sup> Event and the bags of food were passed on to the Co-op. This is an ongoing drive to help people in this area. There have been more meetings with other cities in Gwinnett County regarding the Service Delivery Strategy. There has been no headway recently and as a result the county has not set their millage rate. The digest has not been certified where the Gwinnett County School system and the cities can process their taxes. The City will be fine through this delayed process. He would also like to encourage sponsorship of the golf tournament to raise funds for the Lanier Cluster. The new Kroger that will be built at Suwanee Dam Rd. has signed on as the first Legacy Sponsor.

**CITY CLERK'S REPORT** – City Clerk Jane Whittington reported that there were 16 new businesses in the month of June. One new business, The Diner at Sugar Hill, will open where the Folks Restaurant was on Nelson Brogdon Blvd. They will open in August and have a wide variety of foods on their menu. They will be open for breakfast, lunch and dinner. The Mayor and Council will set the qualifying date and call for the November 3<sup>rd</sup> election at the August Council meeting. Qualifying will be the week of August 31<sup>st</sup>. The election will be for Mayor and Council Member's Thompson and Sullivan's seats. Level/Budget billing for the gas department ended in June. It will be offered again next May/June if you missed it. If you want more information about any of these items check out the City's website.

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

#### **CITIZENS AND GUESTS COMMENTS**

Tommy Brightwell stated that his subdivision received a stormwater letter for their common area. The fee would be \$648 and he felt that this was high. He was directed to talk to Planning Director Awana to see if there were credits that they could apply for.

Mark Furman, 5550 Saddletree Ct., asked for help with the house that the police took action on in 2008. It was boarded up and the boards and doors are falling off. This house is right across from their swim and tennis area.

Dan Lynn, 154 Blue Cedar Walk, also complained about this house in the neighborhood. He thought that when the police bombed it came off of the foundation.

## **CONSENT AGENDA**

### **Personnel Policy Amendment – Substance Abuse and Testing Policy**

Council Member Edwards motioned to approve the Consent Agenda. Council Member Sullivan seconded the motion. Approved 5-0.

## **OLD BUSINESS**

### **VAR-09-004, 1188 Pine Acre Dr., Gazebo within the Set Back & Drainage Easement –**

Director Awana explained the history of this application. This does not meet the accessory use minimum setback of 5 feet, it was built in a drainage easement and without a permit. He heard from the Homeowner's Association of Pinecrest Station and they did not approve of the structure per the covenants. The staff recommends denial. The Public Hearing was opened and the applicant Gorge Sablon spoke through his daughter as an interpreter. He stated that he was sorry and did not realize that a permit was required. He talked to his neighbors before he built the structure. He also observed the water flow.

Several members of the Homeowner's Association spoke in opposition of the Variance application. Stephanie Newsome stated that he did not fill out a modification form and get it approved by the Board of Directors; Jim Rust, 4644 Pine Isle; HOA Board of Directors stated a letter was sent to Mr. Sablon and a phone call in Spanish was made and answered by someone in the household. They asked that the Mayor and Council deny this variance and respect the homeowners. There were no other comments so the Public Hearing was closed.

Council Member Edwards motioned to deny VAR-09-004. Council Member Gajewski seconded the motion. Motion to deny approved 4-1 with Council Member Cohen voting nay.

**Personnel Policy Amendment – Year End Salary Adjustment** – The Mayor explained that this was discussed before to allow compensation for employees who have reached a cap in salary. This would be a one time payment instead of cumulative years. Council Member Cohen stated that this revision addressed his previous concerns of rather it exceeded the approved salary rate increase budgeted for that year. Council Member Cohen motioned to approve the Year End Salary Adjustment amendment to the Personnel Policy. Council Member Sullivan seconded the motion. Approved 5-0.

## **NEW BUSINESS**

**PUBLIC HEARING (Combined with RZ-09-003), RZ-09-002**, Tax Parcel: 7-254-009, 20.80 acres, The Massie Knight Group requesting a Change in Conditions Only to eliminate the 24' width requirement for a two-car garage, property located at Buford Highway 23 known as the Wiltshire Woods Subdivision – Director Awana explained the history of these cases. The Public Hearing is combined since they are the same project. The Massie Knight Group bought these two parcels and they are requesting a Change in Conditions Only to eliminate the 24' requirement for a two car garage. The staff recommendation is for denial and the Planning Commission recommended denial also.

The Public Hearing was opened and Lee Tucker Attorney for Mahaffey, Pickens & Tucker representing the applicant explained the reason for the Change in Conditions request. The applicant is unable to obtain a builder that can build marketable homes with the current 24' garage requirement. Since the Planning Commission Meeting the applicant met with the Planning Director to come up with modifications to Wiltshire Woods and Wiltshire Crest. They are willing to make compromises in some of the lot requirements and square footage of the homes.

The Public Hearing was opened to the opposition and Garland Hitchcock, 4115 Hillcrest View Ct., Suwanee, spoke regarding the garage size. In his neighborhood they have 24' garages. When homes do not have basements and have smaller garages, the garage becomes storage. He requested that the Mayor and Council look closely at decreasing requirements. Carol Van Dyke, 4210 Ruby Forest Blvd, Suwanee, stated that a spacious garage is a strong asset to sell a home.

Lee Tucker stated that it is a good testament that a national builder wants to come in and build. There will be restricted covenants and a Homeowner's Association to approve accessory structures. There were no other comments from the public so the hearing was closed. There were several questions from the Mayor and Council. Compromises in the garage size, lot size and square footage were discussed. Council Member Thompson motion to approve RZ-09-002 with the attached exhibit (Exhibit A) with highlighted and shaded lots, changing the setbacks per the exhibit, minimum structure square footage of 1900 square feet, minimum garage size of 400 square feet. Council Member Cohen seconded for discussion. There was some discussion regarding parking in the driveway and parking in the street and covenants to control this. Lee Tucker stated that they were willing to have the City Planning Department review and approve the covenants. The covenants should state that there be no more than two cars parked in the driveway and none in the street with the exception of a 24 hour allowance for guests. Council Member Cohen's second stands with the change of these four conditions. The City Attorney Frank Hartley requested clarification of the referenced exhibits on how they amend the setbacks. Council Member Thompson withdrew his previous motion and restated the motion to approve RZ-09-002 with the following conditions: increase the building front setback per the attached highlighted exhibit ( Exhibit A)from 25' to 30' for the highlighted lots (Lot # 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 19, 20, 21, 22, 23, 39, 40); minimum square footage of 1900 square feet in lieu of 1800 as previously approved; minimum garage width of 19 feet; minimum garage square footage of 400 feet; and the applicant is going to draft a condition to be part of the covenant and final plat subject to staff approval limiting no more than 2 cars to be parked in the driveway. Council Member Cohen seconded the motion. Approved 5-0.

**RZ-09-003**, Tax Parcel: 7-233-447, 18.183 acres, The Massie Knight Group requesting a Change in Conditions Only to eliminate the 24' width requirement for a two-car garage, property located at Roberts Rd. known as The Wiltshire Crest Subdivision – The Public Hearing was shared but the motion must be separate for RZ-09-003. Council Member Thompson motioned to approve RZ-09-003 with the highlighted plat attached as an exhibit (Exhibit B) increasing the front setback from 25' to 30' on the highlighted lots (Lot# 6, 7, 8, 9, 10, 11, 12, 13, 14, 18, 19, 27, 28, 29, 30, 31, 32, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54); minimum garage with 19 feet width; minimum garage square footage of 400 square feet; and no

more than two cars in the driveway included in the covenants for approval from staff. Council Member Cohen seconded the motion. Approved 5-0.

**Robertson Sanitation Contract** – Council Member Edwards recused himself from discussion and left the building because he works for a sanitation company. City Manager Bob Hail explained that the contract with United/Robertson Sanitation will expire at the end of October. If we are going out to bid we have to give them a 90 day notice of cancellation. At the Work Session, the Mayor and Council requested that he get information from other cities such as the rate, frequency and when the contract expires. He passed out a spread sheet comparison. Council Member Cohen stated that an RFP might result in a best cost and value for the citizens. Council Member Sullivan stated that the City also receives a franchise fee for the service. The Mayor explained that the franchise fee helps to cover the cost of maintaining the City’s closed landfill. He would also like to include in the RFP flexibility in the size of the carts and the bag system. Council Member Thompson asked the City Attorney if the contract automatically renewed at the expiration date. Frank Hartley explained that it does not automatically renew, you just have no contract as of that expiration rate. He did not find a ninety day notice clause but may have overlooked it. Council Member Thompson motioned to table this for thirty days. The motion died for lack of a second. Council Member Cohen motioned to provide direction to the City Manager to put out the City’s trash and sanitation contract for bid. Council Member Gajewski seconded the motion. Approved 3-1-1 with Council Members Cohen, Gajewski and Sullivan voting yea, Council Member Thompson voting nay and Council Member Edwards abstaining.

**EXECUTIVE SESSION: TO DISCUSS LEGAL, REAL ESTATE AND/OR PERSONNEL:** Council Member Cohen motioned to enter Executive Session at 9:45 p.m. Council Member Gajewski seconded the motion. Approved 4-0. Council Member Edwards had not returned to the building.

**PUBLIC ACTION ON ANY EXECUTIVE SESSION MATTERS:** There was no action taken out of Executive Session.

**ADJOURNMENT:** Council Member Cohen motioned to adjourn at 10:08 p.m.

---

Gary Pirkle, Mayor

---

Jane Whittington, City Clerk