

**CITY OF SUGAR HILL
COUNCIL MEETING MINUTES
MONDAY, MAY 14, 2012
7:30 PM CITY HALL ANNEX
4988 WEST BROAD STREET
SUGAR HILL, GEORGIA**

CALL TO ORDER – by Mayor Pirkle. Present were Mayor Gary Pirkle, Mayor Pro Tem Curtis Northrup, Council Members Marc Cohen, Steve Edwards, Susie Gajewski and Mike Sullivan. Also present were City Manager Bob Hail, City Clerk Jane Whittington and City Attorneys Frank Hartley and Lee Thompson.

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

APPROVAL OF AGENDA – The Mayor requested that the report section of the Agenda be moved to the end for timeline purposes. He also stated that Swain Stewart talked to the City Clerk before the meeting and submitted a request to postpone the hearing. Mr. Stewart asked for a postponement at last month’s meeting and at the Work Session May 7th. His reason for the request was that he has trouble speaking in crowds and would like to have someone with him. There were neighbors in the audience to speak at tonight’s hearing. The City Attorney Frank Hartley stated that if the neighbors were allowed to speak regarding the property at 1305 Hidden Circle then the appeal hearing would need to be opened. Council Member Edwards motioned to move the Report section to the end of the Agenda and to keep the Appeal of Demolition on the Agenda. Council Member Council Member Cohen seconded the motion. Approved 5-0.

APPROVAL OF MINUTES – Council Meeting April 9, 2012; Work Session April 2, 2012 – Council Member Cohen motioned to approve the minutes as written. Council Member Gajewski seconded the motion. Approved 5-0.

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

PROCLAMATION –

Jim Samford, Housing Authority – Mayor Pirkle presented the proclamation to Mr. Samford. He thanked Mr. Samford for his years of service. He thanked him also for the contributions and hard work with the World Changers program.

Spencer Wallace, Eagle Scout to be read by Council Member Cohen at his Court of Honor May 19, 2012 and then presented to Spencer at the June Council Meeting.

CITIZENS AND GUESTS COMMENTS

Tommy Brightwell, 4635 Allison Dr., spoke regarding the stormwater fee credit for the pool area and parking lot of his subdivision Lakefield Forest. He also called for volunteers and students for the senior computer classes at George Pierce Park.

OLD BUSINESS

NEW BUSINESS

Appeal of Demolition Hearing, 1305 Hidden Circle, Swain Stewart

Burny Agee, Chief Building Inspector for the City presented the case for the demolition of 1305 Hidden Circle. He stated that after inspection the house was unsafe for human occupancy. He showed pictures of collapsed roof, mold on the walls, flooded carpet and flooring, rotted and collapsed fascia on the outside of the house.

The Public Hearing was opened and the Mayor asked if anyone wished to speak in favor of the appeal. There being no comments or speaker, he then asked for anyone wishing to speak in opposition of the appeal. Ron Taylor, 1324 Hidden Circle, stated that he was a neighbor to the house in question. He stated that in his opinion the house needs to come down. The neighbors are afraid of what will happen with the mold and dust as the house comes down. Liz Dudley, 1314 Hidden Circle, stated that she has dealt with this house for ten years. It is infested with rats, vermin, raccoons, mildew, mold and dead vegetation. She is concerned about who will maintain the yard after demolition as well. No one else spoke in opposition so the Public Hearing was closed.

Burny Agee explained what would happen during demolition. Most of the mold and mildew will stay attached to the materials of the house. It would be loaded into dumpsters and hauled away. Mold needs 23% moisture to grow and there should not be a worry of it becoming airborne. Once the house is leveled and the materials hauled away, the lot would be leveled and the basement torn out. The land would be graded, seeded and straw put out. Once Mr. Swain obtains a permit Mr. Agee will be there to inspect and check to make sure it is properly done. Mr. Stewart would have thirty days after the permit to demolish the structure. Ms. Taylor, 1324 Hidden Circle stated that the whole thing is very sad. They were all friends and Mr. Stewart moved seven years ago. Her husband cuts the grass but the house is dangerous. She stated that Mr. Stewart never follows through with what he tells them he will do regarding the house.

All of documents from tonight's Public hearing for the Appeal of the Order by the Building Official were submitted to the City Clerk for the record. Council Member Sullivan motioned to deny the Appeal by Mr. Swain Stewart. Council Member Edwards seconded for discussion. He stated that he stands behind the decision of staff and the ordinances of the City. His second stands. Motion to deny the appeal approved 5-0. The City Clerk is to notify Mr. Stewart in writing the decision regarding his appeal. He needs to obtain the proper permits and demolish the house within thirty days or the City could demolish it and place a lien on the property. Mr. Stewart also has the right of appeal of this action to the Gwinnett County Superior Court.

6738 Pierless Avenue Drainage Easement for Fence – Director Awana explained that the City received a request to construct a fence which will encroach into a joint sanitary sewer and drainage easement. The easement contains a 30' corrugated metal pipe and an 8" sanitary sewer

line. The applicant wants a modification from the standard agreement. They would like to reduce the standard access path from 5' to 2-1/2'. The applicant was asked why he constructed the fence and then contacted the Planning Department. The sanitary sewer easement was also obtained after the fact. The applicant stated that timing of the fence was crucial because they have a dog. If he did not build the fence their house could be damaged. They did obtain the proper approval from Gwinnett County for the sanitary sewer easement and then went back to the City's Planning Department for a fence permit. The Planning Director stated that all the waterflow was underground and there was clearance to the manholes. Council Member Cohen motioned to approve the Drainage Easement Agreement and approve the 2-1/2' setback for the fence. Council Member Edwards seconded the motion. Approved 5-0.

PUBLIC HEARING, RZ-12-001, Fred Napier, 725 Brogdon Rd., LM to HM1 for Truck Terminal – Director Awana explained the rezoning request. Mr. Napier owns the property and is requesting for a zoning change from LM or light manufacturing to HM1 or heavy manufacturing to allow a truck terminal. The Public Hearing was opened. The applicant was present but did not speak regarding the application. No one spoke in opposition to the rezoning request so the Public Hearing was closed. Council Member Cohen motioned to approve RZ-12-001 with the 5 conditions as outlined by staff. Council Member Sullivan seconded the motion. Approved 5-0.

GMA Convention Voting Delegate – the City Clerk stated that the City usually has a voting delegate to represent the voting matters at the GMA Convention held in Savannah in June. Council Member Cohen stated that he would be available to be the voting delegate again this year. Council Member Sullivan nominated Council Member Cohen. There were no other nominations so Council Member Cohen will be the Voting Delegate at the GMA Convention held in Savannah in June.

Resolution Cooperation Agreement for U.S. Dept of HUD/Gwinnett County CDBG/City of Sugar Hill – this agreement approves the Mayor signing the Cooperation Agreement with Gwinnett County for CDBG funding, and the Resolution regarding the same. Council Member Cohen motioned to approve the Mayor signing the Cooperation Agreement and the Resolution to submit to Gwinnett County for CDBG funding. Council Member Sullivan seconded. Approved 5-0.

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

PUBLIC ACTION TAKEN OUT OF EXECUTIVE SESSION

ADJOURNMENT: Council Member Cohen motioned to adjourn. Council Member Sullivan seconded the motion. Approved 5-0.

Gary Pirkle, Mayor

Jane Whittington, City Clerk