

**CITY OF SUGAR HILL
COUNCIL MEETING MINUTES
MONDAY, OCTOBER 14, 2013, 7:30 P.M.
CITY HALL
5039 WEST BROAD STREET
SUGAR HILL, GEORGIA**

CALL TO ORDER by Mayor Pirkle at 7:30 p.m. Present were Mayor Gary Pirkle, Council Members Marc Cohen Brandon Hembree, Curtis Northrup and Mike Sullivan. Also present were City Manager Bob Hail, City Clerk Jane Whittington and City Attorney Frank Hartley. Mayor Pro Tem Susie Gajewski was not present.

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

APPROVAL OF AGENDA – Council Member Cohen motioned to amend the Agenda and move #7 New Business, the 75th Anniversary Committee up on the Agenda after Citizen & Guest Comments. Council Member Sullivan seconded the motion. Approved 4-0.

APPROVAL OF MINUTES – Council Meeting September 9, 2013, Work Session September 3, 2013, Special Called September 25, 2013. Council Member Northrup motioned to approve the Minutes as written. Council Member Hembree seconded the motion. Approved 4-0.

**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.

75th Anniversary Committee – Council Member Cohen Chairman of the Committee announced the winner of the Logo Contest, The Veugeler Group out of Buford, Georgia. There were over 65 entries and through a process of voting 4 finalists were chosen. The Veugeler emerged as winner through this process. The representative from the Veugeler Group, Angela Veugeler was present to accept the \$750.00 check on their behalf

CONSENT AGENDA

OLD BUSINESS

Public Hearing, RZ 13-003, JW Trucks, Rezone to HM-1 and remove the parcels from Town Center Overlay – Director Awana explained the application. JW Trucks has been in business at this location for eight years. The parcel is approximately 2.4 acres and is zoned BG. They are requesting to rezone the property HSB with a Special Use Permit which will allow the

non-conforming prohibited use to continue as requested. The amended application dated 9/20/13 was submitted by Guy Abernathy representative for JW Real Property, LLC and Jonathan Wimpy. The amended application requests to rezone several parcels (7292 202, 7292 162, 7292 067) to Highway Service Business (HSB) with a Special Use Permit under the Town Center Overlay (TCO) use provisions. The stated purpose of the request is to offset the impact from property taken for the Highway 20 Improvement Project and to expand existing auto sales business. The staff recommendation is to rezone to HSB with a Special Use Permit to allow the existing non-conforming prohibited use within the TCO.

The Public Hearing was opened and Luther Beck Attorney for JW Real Property spoke in favor of the project. He thanked the City Manager, City Attorneys and City Council for their work and consideration of this project application. No one else spoke in favor of the application.

Taylor Anderson, DDA Member, spoke in opposition of the project. He stated that the DDA is in opposition. The widening of Highway 20 should not be something that the City bends to. He read a spreadsheet of comparisons of tax bases. The DDA's concern is what affect the rezoning would have on downtown.

The Public Hearing was closed and the Mayor stated that the Council should look at the current use of the land. It is a truck lot and can continue as it is currently. Retaining walls, fence bushes can be a positive. Council Member Cohen stated that he was not a big fan of this project. He would rather see trees not trucks. Council Member Northrup stated that granting the application would allow better control of what it looks like. The improvements can be beneficial. There was much discussion regarding the twelve conditions presented tonight. The map marked by the City Manager to show the buffers and where everything was located and laid out was entered into the records as Exhibit A.

Council Member Sullivan motioned to approve RZ-13-003 with Staff conditions and Exhibit A. The motion included the following changes to the conditions #3 Exhibit A as entered into the record during tonight's Public Hearing; #4 with the minimum of 17ft. wide as opposed to 20ft. wide; also #4 the landscape strip at the final development will have evergreens 12ft. in height at planting as opposed to 6ft.; also #4 no more than four bucket trucks may demonstrate their buckets at any one time. They may not be left extended any not extend bucket greater than 20 ft. above street level. Bucket trucks shall be limited to the area shown on Exhibit A; #9 the water from the rear lot only (current land lot parcel 7292 162) can be tied to the City stormwater detention system, and strike last sentence it is not permitted for any water; #11 change date to December 31, 2013 not 2014. Council Member Northrup seconded the motion. The motioned ended in a tie with Council Member Northrup and Sullivan voting yea and Council Members Cohen and Hembree voting nay. The Mayor broke the tie with a yea vote. Motion carries.

Public Hearing, Petition for Road Abandonment, Whitehead Dr. – Director Awana explained that GA 20 Ventures LLC has submitted a petition for abandonment of Whitehead Dr. in response to certain zoning condition tied to the development of Bellagio Estates. This will allow them to comply with the current zoning conditions from AX-02-005, AX-02-006, AX-04-026 and RZ-04-10. The road size is .577 acres at 5600 block of Cumming Hwy. The staff recommendation is to approve the abandonment with four staff recommendations. The Public

Hearing was opened and there were no comments for or against the abandonment. Council Member Cohen motioned to approve the Petition for Road Abandonment of Whitehead Dr. with the four staff recommendations. Council Member Northrup seconded the motion. Approved 4-0.

NEW BUSINESS

Request for Drainage Easement Encroachment, 6597 Barker Station Walk – Director Awana explained that the city received an application to retain a fence that was installed within an existing drainage easement. The easement contains and 18” asphalt corrugated metal pipe and associated drainage structures. The six foot wooden fence does not impede the water flow. This request is identical to the neighbors request previously approved by Council. The staff recommends approval with the standard drainage easement agreement. Council Member Cohen motioned to approve the request for the drainage easement encroachment. Council Member Sullivan seconded the motion. Approved 4-0.

Public Hearing, RZ-13-006, Bellagio Estates Zoning Conditions – Director Awana explained that the City received an application to amend the zoning conditions for the Bellagio Estates residential subdivision dated August 8, 2013 from Mitch Peevy owner’s representative of GA 20 Ventures, to allow the front exterior to be at least 40% brick or stone and the balance to be fiber cement siding (single, shake or lap type). This would amend zoning condition #7 as approved with annexation case AX-02-006 which currently reads “The front exterior of the single-family units shall consist of a finished façade of brick, stone or stucco”. The Planning Commission recommended conditional approval. Staff recommends modifying conditions as requested and replacing other conditions as presented. The Public Hearing was opened and Mitch Peevy spoke on behalf of the application. He stated that they are not trying to reduce the quality of the homes. This is an amenity community with less than 90 lots. He presented six pictures of variations of the homes. No one else spoke in favor or opposition of the application so the hearing was closed. Council Member Cohen motioned to approve RZ-13-006 with the eleven staff conditions as outlined including Exhibit A, striking the word cedar in condition #3. Council Member Sullivan seconded the motion. Approved 4-0.

Public Hearing, RZ-13-007, 1455 S. Richland Creek Rd, Zoning Conditions – Director Awana explained that the City received an application dated August 15, 2013 from David Gaitan, Jr., property owner, to amend the zoning conditions for 1455 South Richland Creek Rd. to allow a landscape and concrete finishing business which would operate from six modular or mobile office trailers and a gravel parking area. On September 27, 2013 an updated survey was submitted which indicated that several additional variances were needed to allow the site to remain in its current condition. The applicant will be required to meet all applicable development, building and floodplain requirements; obtain appropriate permits; and pay associated penalties for performing work without permits. The request is to amend the zoning conditions and request several variances: allow six modular / mobile trailers; allow a gravel parking area. The following are additional variances necessary but not listed in re-zoning application: reduce 75’ zoning buffer to 40’; unscreened outdoor storage for semi-trailers (pine straw storage); reduce front setback from 40’ to 25’; eliminate side setback. The Planning Commission as well as the staff recommended partial approval with conditions.

The Public Hearing was opened and the applicant David Gaitan, Jr. spoke regarding the business that he has located there. They did not intend to get around anything but rather just went ahead with ignorance and assumption. They witnessed the impact of this property being located in a flood area about three or four months ago during the rain. They are landscape and building foundation contractors with eight administrative personnel working there as well. They formerly had the business located in Duluth but sold that location. No one else spoke in favor or in opposition so the hearing was closed.

Council Member Cohen motioned to approve RZ-13-007 with the five staff conditions as presented including the additional condition #6 added by the Planning Commission which limits the number of modular units to six (4 single, 1 double, 1 quad). Also add a condition #7 allow front setback reduction to 25' such that the buildings don't have to be relocated. Council Member Sullivan seconded for discussion. He requested clarification on the enhanced buffer, why is this needed in this area. Director Awana explained that it is for conservation and it was agreed to keep the enhanced buffer in the conditions. Council Member Sullivan's second stands. Motion approved 4-0.

Town Center Overlay Design Review Board – Frank Hartley, City Attorney explained that under the current ordinance for the Town Center Overlay District the TCO Design Review Board is appointed by the Mayor and Council. The board is to consist of five voting members who are residents of the City and registered voters. If the Mayor and Council wish to make themselves the TCO Design Review Board then a text change to the ordinance would be necessary. At some point when the ordinance was established, it was suggested that the DDA be the board but never officially done. It was agreed to move forward with a text change to the ordinance to make the Mayor and Council the TCO Design Review Board. It will be drafted and brought back to the Work Session for review then go to the Planning Commission and back to the Council.

75th Anniversary Committee – moved up in the Agenda

EXECUTIVE SESSION: TO DISCUSS LEGAL, REAL ESTATE AND/OR PERSONNEL

The motion was made by Council Member Sullivan to enter Executive Session. Council Member Cohen seconded the motion. Approved 4-0.

PUBLIC ACTION TAKEN OUT OF EXECUTIVE SESSION – The meeting was reconvened and there was no action taken out of Executive Session.

ADJOURNMENT: Council Member Northrup motioned to adjourn the meeting at 10:00 p.m. Council Member Hembree seconded the motion. Approved 4-0.

Gary Pirkle, Mayor

Jane Whittington, City Clerk