

**CITY OF SUGAR HILL
COUNCIL MEETING
MONDAY, JULY 8, 2013, 7:30 P.M.
CITY HALL
5039 WEST BROAD STREET
SUGAR HILL, GEORGIA**

CALL TO ORDER – by Mayor Pirkle. Present were Mayor Gary Pirkle, Mayor Pro Tem Susie Gajewski, Council Members Marc Cohen Curtis Northrup and Mike Sullivan. Council Member Steve Edwards was not at the meeting. 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 – Council Member Sullivan motioned to approve the agenda as submitted. Council Member Gajewski seconded the motion. Approved 4-0.

APPROVAL OF MINUTES – Council Meeting June 10, 2013, Work Session June 3, 2013, Council Member Northrup motioned to approve the Minutes as written. Council Member Cohen seconded the motion. Approved 4-0.

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

PROCLAMATIONS

Michael Frere Eagle Scout – Council Member Cohen read and presented the proclamation to Michael who was accompanied by his parents Jim and Leigh Frere.

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

CONSENT AGENDA

**Resolution Amendment 75th Anniversary Committee Members
Prison Crew Contract Approval
Playground Pavilion E.E. Robinson Park
Pinecrest Dr. Emergency Pipe & Road Repair
Adopt Gwinnett County Solicitation Ordinance**

Mayor Pirkle explained what the items on the Consent Agenda were. Council Member Sullivan motioned to approve the Consent Agenda. Council Member Gajewski seconded the motion. Approved 4-0.

OLD BUSINESS

PUBLIC HEARING RZ 13-003, JW Trucks, Rezone to HM-1 and remove the parcels from Town Center Overlay – Planning Director Awana explained the history of the rezoning application. The request is to rezone the properties to HM1 and to remove them from the Town Center Overlay. The staff reviewed and recommended denial. The Planning Commission did not forward a

recommendation to the Council. The public hearing was opened and Luther Beck spoke in favor of the project. Mr. Beck represents JW Truck Sales and JW Real Property LLC as their attorney. He presented seven constitutional objections into the record. Mr. Beck explained the whole history of RZ-13-003 and the applicant's situation because of the Highway 20 widening project. The request for the Council to consider tonight would be to table this agenda item to allow an amendment to the existing Town Center Overlay (TCO) to provide for the potential of a variance or a waiver and that would allow the continued use without having to remove the location from the TCO.

Nancy Wren, owner of the Sugar Hill Bakery, spoke in opposition to the application. She stated that the cars should have been placed on concrete years ago. She said that there are substantial car break-ins 2 or 3 a week.

There were no other comments so the public hearing was closed. Mayor Pirkle asked Mr. Beck if the property on West Broad Street that was originally in the application had been removed from the rezoning and the town center overlay request. Mr. Beck stated that it had. The Mayor stated that we needed the revised plan. Mr. Beck gave the City Clerk the revised plan for the record. Council Member Sullivan stated that he would rather the property have a special use permit in case it sold. Council Member Cohen motioned to table RZ-13-003 without prejudice. Council Member Sullivan seconded the motion. Approved 4-0.

NEW BUSINESS

PUBLIC HEARINGS, VAR-13-003 Fence Easements for Stephen Ryan, Aderonke Coker, Jorge Espinosa, Stacy Ellis and Emily Collins, Giulliana Guevara, Amanda Tenorio – P&D Director Awana explained the variance applications. All of the properties are similar with the exception of the Sugar Brook property. They are corner lots with six foot privacy fences installed. The Sugar Brook property has not been constructed yet but it is a corner lot as well. All of the public hearings will be opened and held separately with a separate motion for each property.

Stephan Ryan – Council Member Cohen motioned to enter the Public Hearing, Council Member Northrup seconded the motion. Approved 4-0. There were no comments so the hearing was closed. Council Member Cohen motioned to close the public hearing, Council Member Northrup seconded the motion. Approved 4-0.

Aderonke Coker – Council Member Sullivan motioned to enter the public hearing, Council Member Cohen seconded the motion. Approved 4-0. Mr. Coker spoke in favor of the fence easement. He stated that there was a pool across the street from their lot and they needed the privacy. There were no comments in opposition. Council Member Sullivan motioned to close the public hearing, Council Member Cohen seconded the motion. Approved 4-0.

Jorge Espinosa – Council Member Northrup motioned to enter the public hearing. Council Member Gajewski seconded the motion. Approved 4-0. Mr. Espinosa stated that he did not know that he needed a permit from the City. He applied to the Homeowner's Association and thought that was all he had to do. There were no comments in opposition. Council Member Cohen motioned to close the public hearing, Council Member Sullivan seconded the motion. Approved 4-0.

Stacy Ellis and Emily Collins – Council Member Northrup motioned to enter the public hearing, Council Member Sullivan seconded the motion. Approved 4-0. There were no comments for or against the easement. Council Member Northrup motioned to close the public hearing, Council Member Gajewski seconded the motion. Approved 4-0.

Giulliana Guevara – Council Member Cohen motioned to enter the public hearing, Council Member Gajewski seconded the motion. Approved 4-0. There were no comments for or against. Council Member Sullivan motioned to close the public hearing. Approved 4-0.

Amanda Tenorio – Council Member Gajewski motioned to enter the public hearing, Council Member Cohen seconded the motion. Approved 4-0. The family spoke regarding the fence. It would not stop visibility at the corner and they have two dogs that need the fence. They would also like to have a pool and privacy. Council Member Sullivan motioned to exit the public hearing, Council Member Gajewski seconded the motion. Approved 4-0.

Council Member Sullivan motioned to approve the fence easement for Stephan Ryan, Council Member Gajewski seconded the motion. Approved 4-0.

Council Member Northrup motioned to approve VAR-13-003 permit# 13-00657, Council Member Gajewski seconded the motion. Approved 4-0.

Council Member Cohen motioned to approve VAR-13-003 permit# 13-00658 Espinoza, Council Member Sullivan seconded the motion. Approved 4-0.

Council Member Gajewski motioned to approve the easement for Collins permit# 13-00659, Council Member Sullivan seconded the motion. Approved 4-0.

Council Member Northrup motioned to approve VAR-13-003 permit# 13-00660 Guevara, Council Member Gajewski seconded the motion. Approved 4-0.

Council Member Cohen motioned to approve VAR-13-003 permit # 13-00661 Tenorio, Council Member Northrup seconded the motion. Approved 4-0.

Council Member Sullivan requested that the Council consider an amendment to the ordinance regarding corner lot fences. This is not how he would like to see local government work.

PUBLIC HEARING, 2013 Millage Rate – the City Manager stated that the 2013 Budget is already set with the anticipation that the millage rate will be 3.8 mills. The re-evaluation of properties has left the tax revenue flat for this year. This is the third and final public hearing. The public hearing was opened and there were no comments so the hearing was closed. Mayor Pirkle stated that in the sixteen years that he has served as Mayor and as Council Member the millage rate was decreased once or twice but never increased. Council Member Sullivan motioned to set the 2013 millage rate at 3.8 mills and have the Mayor sign the Millage Rate Resolution. Council Member Cohen seconded the motion. Approved 4-0.

Resolution Relocate Early Absentee Voting – Mayor Pirkle explained that this is necessary because City Hall was relocated to 5039 West Broad Street. Changes in voting locations no longer have to be pre-cleared by the Department of Justice but the City Attorney stated that there is some legal advertising that will have to take place. Council Member Cohen motioned to approve the Resolution relocating the polling location for early and absentee voting to the new City Hall. Council Member Gajewski seconded the motion. Approved 4-0.

EXECUTIVE SESSION: TO DISCUSS LEGAL, REAL ESTATE AND/OR PERSONNEL – Council Member Cohen motioned to enter Executive Session. Council Member Sullivan seconded the motion. Approved 4-0.

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

ADJOURNMENT: Council Member Cohen motioned to adjourn at 9:21 p.m. Council Member Gajewski seconded the motion. Approved 4-0.

Gary Pirkle, Mayor

Jane Whittington, City Clerk