

**CITY OF SUGAR HILL
COUNCIL MEETING MINUTES
MONDAY, JULY 13, 2015, 7:30 P.M.
CITY HALL COUNCIL CHAMBERS
5039 WEST BROAD STREET
SUGAR HILL, GEORGIA**

CALL TO ORDER – by Mayor Edwards at 7:30 p.m. Present were Mayor Steve Edwards, Mayor Pro Tem Brandon Hembree, Council Members Marc Cohen, Susie Gajewski, and Mike Sullivan. Council Member Curtis Northrup was not present. Also present were City Manager Paul Radford, Assistant City Manager Troy Besseche, City Clerk Jane Whittington and City Attorney Frank Hartley.

PLEDGE OF ALLEGIANCE TO THE FLAG

INVOCATION – given by Mayor Edwards.

APPROVAL OF AGENDA – Council Member Gajewski motioned to approve the agenda as submitted. Mayor Pro Tem Hembree seconded the motion. Approved 4-0.

APPROVAL OF MINUTES – Council Meeting June 8, 2015, Work Session June 1, 2015 – Council Member Sullivan motioned to approve the minutes as written. Council Member Cohen seconded the motion. Approved 4-0.

REPORTS

**CITY ATTORNEY
COUNCIL
MAYOR
CITY CLERK
CITY MANAGER**

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

CONSENT AGENDA

Resolution, 2015 Hazard Mitigation Plan

Intergovernmental Agreement Buice School Property

The City Manager Paul Radford explained the two items on the consent agenda. They were discussed in Work Session. The resolution is to adopt the 2015 Countywide Hazard Mitigation Plan. The plan aims to anticipate the risks and hazards as well as to provide guidance and framework to the coordinated responses to such events. The Intergovernmental Agreement between the City and the DDA is for the Buice School. The DDA will lease and manage the Buice School and later market it. Council Member Sullivan motioned to approve the consent agenda. Council Member Cohen seconded the motion. Approved 4-0.

OLD BUSINESS

NEW BUSINESS

Resolution to Expand DDA Boundaries – Mayor Pro Tem Hembree explained that this resolution will expand the original DDA boundaries to include the Town Center Overlay. The boundaries have not been updated since 2003. Mayor Pro Tem Hembree motioned to approve the resolution to expand the DDA boundaries with attached exhibit A. Council Member Sullivan seconded the motion. Approved 4-0.

Public Hearing, AX-15-001, 1135 Chatham Rd., Buford Church of Christ, Inc., Annex 7.58 acres, OI – Planning Director Awana explained that this request to annex is submitted by Buford Church of Christ, 1135 Chatham Rd. The property is 7.5 acres RS-75 in the county requesting OI in the city. Their intent long term is to expand. The Planning Commission and staff recommended approval of the annexation and rezoning to OI. The public hearing was opened and no one spoke for or against so the hearing was closed. Council Member Cohen motioned to approve AX-15-001. Council Member Gajewski seconded the motion. Approved 4-0. The City Attorney Frank Hartley stated that the zoning must be specified. Council Member Cohen motioned to approve AX-15-001 with OI zoning. Council Member Gajewski seconded the motion. Approved 4-0.

(Public Hearing combined with RZ-15-005), AX-15-002, 5880 Suwanee Dam Rd., Annex 3.56 acres, RS-100/PRD – the Planning Director explained that AX-15-002 and RZ-15-005 are a joint project. The Planning Commission recommended approval of the annexation and rezoning to RS-100 with a PRD overlay and variance from the 20 foot construction buffer with 3 conditions. In response to the Planning Commission's recommendations, staff proposed 4 additional conditions. The public hearing was opened and Mitch Peavey, 448 Commerce Dr. Buford spoke for the applicant. He explained that since 2007 the property has had no offers as commercial. They feel that it is too far off of Highway 20 to be functional as commercial. They are asking for residential \$300,000 to \$400,000 price range, 2,400 to 2,700 square feet.

Jenn Wettstein, 298 Forest Bluff Ln. spoke in favor of the project. She is a resident of Kendrix Ridge and they would rather see residential go near their subdivision than commercial. This would protect their home value. Another Kendrix resident, Mr. Pachinko spoke in favor.

Jerry Prescott of Greenville, Georgia spoke against the property becoming residential. He felt commercial is a good use for the property. Cliff Clark, Duluth, Georgia owns property across the street and wants the properties to stay commercial. The property is zoned BG and will develop BG if left commercial.

There were no other comments so the hearing was closed. Council Member Sullivan stated that it might be a disservice to change this property to residential because it could impede the development of other commercial property in its vicinity. Council Member Cohen motioned to approve AX-15-002, 5880 Suwanee Dam Rd. with changing the zoning to RS-100 PRD with the seven staff conditions presented by the Planning Director tonight. Mayor Pro Tem Hembree seconded the motion with comment. He struggled with re-zoning this property to commercial. The city has too much commercial and going forward the council needs to be careful and aware. The best use of this property might be residential and closer to Highway 20 more appropriate for commercial. The second stands. The motion is approved 3-1 with Council Member Sullivan voting nay.

RZ-15-005, 5854 Suwanee Dam Rd., rezone 13.89 Acres from BG & R-100 to RS-100/PRD The Public Hearing was combined with AX-15-002) – Council Member Gajewski motioned to approve the rezoning to RS-100/PRD with the seven staff conditions. Mayor Pro Tem Hembree seconded the motion. The motion was approved 3-1 with Council Member Sullivan voting nay.

Public Hearing, VAR-15-003, 4492 Old Suwanee Rd., Eight (8) Foot High Fence Variance the Planning Director explained that this fence is existing and was built at 8 feet. The staff cannot recommend approval because the regulation states that a fence can only be six feet. The Council requested that the policy be revisited to allow eight foot fences in residential areas. The public hearing was opened and Brett Muetzfeld, 4548 Duncan Dr., spoke in favor of approval. It is a nice fence and

the homeowner is sorry for the confusion. No one else spoke in favor or against so the hearing was closed. Council Member Cohen motioned to approve VAR-15-003 for 4492 Old Suwanee Rd. approving an eight foot high fence. Council Member Sullivan seconded the motion. Approved 4-0.

Public Hearing, Design Review Board - Central Business District, 5000 West Broad St., Daddy O's Irish Pub, 49.66 Square Feet Sign and Material Changes to Exterior Appearance – the Planning Director explained that the city received an application from Signarama, Buford and Daddy O's Irish Ice Cream Pub requesting design review approval for material changes on exterior appearance at 5000 West Broad Street, which is located in the Central Business Overlay District. The proposed wall signs and architectural design are compatible with the building and nearby signs. The staff recommends approval. The public hearing was opened and there were no comments for or against so the hearing was closed. Council Member Sullivan motioned to approve the 49.66 square foot sign and the material changes to the exterior appearance of 5000 West Broad St. Mayor Pro Tem Hembree seconded the motion. Approved 4-0.

Public Hearing, Zoning Ordinance Amendment, Article 10, Overlay Zoning Districts, Town Center & Central Business Districts – the Planning Director explained that the planning staff proposed a text amendment to the Zoning Ordinance which addresses several recommendations within a 2008 implementation report from the Atlanta Regional Commission and updates use provisions in consideration of an updated master plan as well as evolving development patterns for the Town Center and Central Business Overlay Districts. The existing code limits land uses in the downtown area to those that foster a traditional small town urban character. The proposed revision broadens the scope of land uses for properties abutting the corridors subject to a special use permit. Council Member Cohen thanked Planning Director Awana for the work on this making it easier to understand. The public hearing was opened and there were no comments for or against so the hearing was closed. Council Member Cohen motioned to approve the amendment to Article 10, Overlay Zoning District as presented at tonight's meeting. Mayor Pro Tem Hembree seconded the motion. Approved 4-0.

Public Hearing, Zoning Ordinance Amendment, Article 4, Fireworks Legislation – Planning Director explained that Georgia House Bill 110 (HB 110) legalizes the sale of consumer fireworks, effective July 1, 2015. Also HB 110 forbids local governments from prohibiting the sale or use or explosion of consumer fireworks or products or services which are lawful. The summary of proposed revisions to Article 4 are as follows: Table 4.1 – Principal Uses, allows fireworks sales in HSB District as a Special Use with restrictions; Table 4.2 – Accessory Uses, allows fireworks sales as a Temporary Outdoor Use with restrictions in the HSB District; Section 406 – Restrictions on Principal Uses, requires firework vendors to follow all applicable national and federal laws, and to limit firework sales to permanent retail locations; Section 407 – Restrictions on Accessory Uses, allows temporary outdoor sales of fireworks for 20 days, once every six months, where a Special Use Permit has already been granted for firework sales as a principal use. Staff recommended approval as presented. The public hearing was opened and there were no comments for or against so the hearing was closed. Council Member Sullivan motioned to approve the amended Article 4, Zoning Districts and Use Provisions as presented. Council Member Gajewski seconded the motion. Approved 4-0.

Contract Award Maintenance Building Gary Pirkle Park – Assistant City Manager Besseche explained that an additional storage facility is needed for the recreation staff at Gary Pirkle Park. The plans and specifications were drawn up by Precision Planning in coordination with our staff and the project advertised for bids. There were four bids received and after reviewing and evaluating the qualifications, staff and Precision Planning recommend awarding the contract to Hobgood Construction in the amount of \$689,500. Council Member Sullivan motioned to award the construction contract to construct a new 4,000 square foot maintenance and storage building at Gary Pirkle Park in the amount of \$689,500. Mayor Pro Tem Hembree 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 Sullivan motioned to adjourn. Council Member Gajewski seconded the motion. Approved 4-0.

Steve Edwards, Mayor

Jane Whittington, City Clerk