

**CITY OF SUGAR HILL  
COUNCIL MEETING MINUTES  
MONDAY, JANUARY 11, 2016, 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, Curtis Northrup and Mike Sullivan. Council Member Susie Gajewski entered the meeting before RZ-15-010. Also present were City Manager Paul Radford, Assistant City Manager Troy Besseche, City Clerk Jane Whittington and City Attorneys Frank Hartley and Lee Thompson.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

**INVOCATION** – given by Mayor Edwards.

**Oath of Office for Council Members Marc Cohen, Brandon Hembree & Susie Gajewski** – Mayor Edwards administered the oath to Council Members Cohen and Hembree. Council Member Gajewski's oath was administered upon her arrival before case RZ-15-010.

**APPROVAL OF AGENDA** – Council Member Cohen motioned to move VAR-15-005 to item #7 and approve the agenda as amended. Mayor Pro Tem Hembree seconded the motion. Approved 4-0.

**APPROVAL OF MINUTES** – Council Meeting December 14, 2015; Work Session December 7, 2015; and Special Called Meeting December 7, 2015 – Council Member Cohen motioned to approve the minutes as written. Council Member Sullivan 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**

**Primrose Creek Phase 2, Final Plat Ratification**

**Gas System, Countywide Safety Plan**

**Right-of-Way Dedication and Acceptance Deed, Roberts Crest**

Mayor Edwards explained the items on the consent agenda. They were discussed thoroughly at the work session. Mayor Pro Tem Hembree motioned to approve the Consent Agenda. Council Member Sullivan seconded the motion. Approved 4-0.

**OLD BUSINESS**

**NEW BUSINESS**

**Planning Commission Appointments, Post 1 & 2** – Council Member Cohen nominated Todd Herion for Post #2. Council Member Sullivan nominated Rosemary Walsh for Post #1. There were no other nominations so they will both be sworn in at the January 19<sup>th</sup> Planning Commission meeting.

**Municipal Judge Appointment** – Council Member Northrup nominated to appoint Margaret Washburn as Chief Municipal Court Judge and Charles Barrett as Associate Judge for the City of Sugar Hill Municipal Court. They will continue to serve.

**City Attorney Appointment** – Council Member Cohen nominated Thompson, Sweeny, Kinsinger & Pereira as City Attorney for 2016 and implement the following billing rates for all time billed in 2016:

Lawyers with ten years or more of experience: \$175 per hour

Lawyers with three to ten years of experience: \$160 per hour

Lawyers with less than three years of experience: \$145 per hour

Law Clerks: \$125 per hour

Paralegals: \$75.00 per hour

There were no other nominations so the firm Thompson, Sweeny, Kinsinger & Pereira will continue to serve as City Attorney.

**Public Hearing, VAR-15-005, RLS Pool and Spa requesting stream buffer variance for the property located at 147 Woods Creek Drive** – the Planning Director explained that the city received an application from Reaves Newsom on behalf of Will Merrill requesting relief from the 75 foot setback requirement under the Stream Buffer Protection Ordinance to install a swimming pool, concrete pool deck, fire pit, bioretention rain garden, and wooden fence at 147 Woods Creek Drive. The request does not meet the criteria that allow staff to consider an approval for a variance, but staff has prepared conditions if the council chooses to consider approval. The public hearing was opened and the contractor explained why the variance was needed. No one else spoke in favor or in opposition so the hearing was closed.

Council Member Sullivan motioned to approve VAR-15-005 with the following conditions: (1) Any trees and shrubs removed from the 50' undisturbed buffer area must be replaced in accordance with the Gwinnett County Storm Water Design Manual and approved by the City Manager; (2) The pool deck must be constructed of permeable materials such as gravel, decomposed granite, natural stones, permeable concrete, permeable pavers or a grass lawn. Council Member Cohen seconded the motion. Approved 4-0.

**Public Hearing, RZ-15-010, Rezoning Change in Conditions, Ringo Abernathy & Associates / J.W. Truck Sales, Jonathan Wimpey, request to extend time frame set forth in conditions of zoning for RZ-13-003** – Planning Director Awana explained that the city received an application from Ringo Abernathy & Associates requesting to change the conditions of zoning to extend the time frame set forth in case RZ-13-003 for JW truck Sales, Inc. JW Truck Sales was granted conditional approval for HSB Highway Service Business zoning and a Special Use Permit for auto sales in 2013. One of the conditions included a requirement to obtain all necessary development permits and complete the improvements by December 31, 2015. No development permit applications have been received by the city for this property. The applicant is requesting an extension of the deadline for this zoning condition to December 31, 2017. The Planning Commission met on December 21, 2015 and recommended denial of this request.

Council Member Gajewski arrived at the meeting and the Mayor administered the oath of office.

The public hearing was opened and Luther Beck passed out handouts and gave one to the City Clerk to enter into the record. Mr. Beck explained that the applicant was unable to meet the deadline because of DOT construction on Highway 20 which this property is directly involved in. Included in the packet is a letter to the Mayor and Council explaining the Change of Condition Request. The only request they are

making is to extend the original time frame to permit and build out the property until December 31, 2017. Matt Reeves also spoke in favor of the request. Their time ran over by so the opposition side will be allowed 11 minutes. There were some questions from the Council regarding the time frame and why construction did not begin on the back side of the property. Mr. Back explained that there were drainage issues on the front side of the property where Highway 20 construction is occurring. Luther Beck requested that the Council table this until next month.

No one spoke in opposition so the hearing was closed. Mayor Pro Tem Hembree motioned to deny the requested change in conditions for RZ-15-010 for Ringo Abernathy & Associates on behalf of JW Truck Sales, Jonathan Wimpy, based on information set forth in the staff report including findings of fact and zoning analysis and to remove and declare null and void the Special Use Permit granted by RZ-13-003 due to failure to comply with the conditions. Council Member Cohen seconded the motion. Approved 5-0.

**EXECUTIVE SESSION: TO DISCUSS LEGAL, REAL ESTATE AND/OR PERSONNEL** – Council Member Cohen motioned to enter Executive Session at 8:45 p.m. Council Member Sullivan seconded the motion. Approved 5-0.

**PUBLIC ACTION TAKEN OUT OF EXECUTIVE SESSION** – the Mayor reconvened the meeting at 9:15 p.m. and there were items requiring action.

Council Member Sullivan motioned to authorize the Mayor to execute the revised Memorandum of Understanding with the Downtown Development Authority for the Duffey transaction to agree to fund/pay the return of any earnest money paid if the development agreement does not close. Council Member Cohen seconded the motion. Approved 5-0.

Mayor Pro Tem Hembree motioned to amend the City Manager retirement compensation approved at the December 14, 2015 Council Meeting to change the 457 contribution of 7.5% to a 22.1% total contribution into his 401a. Council Member Cohen seconded the motion. Approved 5-0.

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

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Steve Edwards, Mayor

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Jane Whittington, City Clerk