

CITY OF FLOWERY BRANCH
Special Called Meeting
June 9, 2005 - 6:00 P.M.

MINUTES

IN ATTENDANCE: Mayor Bryan Puckette, Council Members Jim Herold, Jan Smith, Larry Pritchett, Ed Lezaj and Jim Worl, City Attorneys Ron Bennett and Lucky Chandler, City Planner James Riker and City Clerk Judy Foster.

OPEN MEETING: Bryan Puckette called the Special Called Meeting to order at 6:01 pm.

CONSENT AGENDA: Bryan Puckette stated there would be no approval of the consent agenda as presented, each item would be voted on separately. Mr. Puckette also changed the agenda to include three (3) items: 1) Intergovernmental Agreement with the City of Oakwood; 2) Discussion of Ordinance No. 100C; and 3) Discussion of Historic Districts. Mr. Puckette also stated that he would not ask for approval for the April 28, 2005 Minutes since they were incorrect.

INTERGOVERNMENTAL AGREEMENT WITH OAKWOOD: Jan Smith made a motion to approve the intergovernmental agreement with Oakwood as proposed with an effective date of June 10, 2005. Ed Lezaj seconded, and the motion passed with a vote of three (3) affirmative and two (2) abstaining – Larry Pritchett and Jim Worl.

Approval of Minutes

May 2, 2005: Jim Worl made a motion to approve the May 2, 2005 minutes as written. Ed Lezaj seconded, and the motion passed unanimously with five (5) votes.

May 6, 2005: Ed Lezaj made a motion to approve the May 6, 2005 minutes as written. Larry Pritchett seconded, and the motion passed with a vote of three (3) affirmative and two (2) abstaining – Jan Smith and Jim Worl.

May 12, 2005: Larry Pritchett made a motion to approve the May 12, 2005 minutes as written. Jim Worl seconded, and the motion passed with a vote of four (4) affirmative and one (1) abstaining – Ed Lezaj.

May 23, 2005: Ed Lezaj made a motion to approve the May 23, 2005 minutes as written. Jim Worl seconded, and the motion passed with a vote of four (4) affirmative and one (1) abstaining – Jan Smith.

Approval of Accounts Payable

Ed Lezaj made a motion to approve the payment of accounts payable as due and as funds are available in accordance with the approved budget. Larry Pritchett seconded, and the motion passed unanimously with five (5) votes.

PUBLIC HEARINGS

Re-adoption of Official Zoning Map: Public Hearing began at 6:10 p.m.

James Riker reported that the Zoning Map has been updated from the last adopted zoning map he found dated in 1988. He confirmed that some properties do not match the county's tax records. Mr. Riker felt comfortable with the zoning map and recommended approval.

Dr. Doward Douwsma asked if the map on the power point presentation was the same as the map on the easel. Mr. Riker stated that the zoning map on the easel is the most current map.

Bryan Puckette stated that he was opposed to the adoption of the zoning map because there are five (5) areas which are identified as R-II which he believed to be R-I. Mr. Puckette also stated that he could not find any records to prove that the 1988 zoning map Mr. Riker used in updating the proposed map was ever officially adopted.

Jim Herold stated that if the county records indicate an R-I zoning on those properties and we have no Ordinance proving where those properties were ever rezoned, he agreed with the Mayor that those parcels should be identified as R-I.

Jim Worl stated that if the 1988 zoning map was never officially adopted, then it should not be used for any reference in devising this map.

Brett Barwick asked Mr. Riker if he spot checked the 1988 zoning map with the county records. Mr. Riker stated that he did check some parcels. Mr. Riker stated that there is also a disclaimer on Hall County records that they may not be accurate.

Public Hearing ended at 6:20 p.m.

Adoption of Revised Sign Ordinance: James Riker requested the Public Hearing regarding the Sign Ordinance be continued until the next Council Meeting on June 23, 2005 since the City has not received a response from the City Attorney.

OLD BUSINESS

Approval of Resolution No. 05-070 – Revised Fee for Sewer and Water Line Inspections :

James Riker reported that this Resolution would change the inspection fees for water and sewer lines from \$100 per day to \$25 per hour with a minimum fee of \$50. Bryan Puckette read the Resolution. Larry Pritchett made a motion to adopt Resolution 05-070 as read. Jim Worl seconded the motion. Ed Lezaj asked if the Exhibit could be amended to state "per visit" to clarify any questions regarding the minimum fee. Larry Pritchett amended his motion to include "per visit" as it relates to the minimum fees. Jim Worl seconded the amendment. The motion passed unanimously with five (5) votes.

NEW BUSINESS

First Reading of Ordinance No.319 Approving the Re-adoption of Official Zoning Map:

Ed Lezaj made a motion to direct staff and the City Attorney to re-evaluate the five districts that were mentioned earlier in the Public Hearing so the official adoption of the map can move forward. Larry Pritchett seconded, and the motion passed unanimously with five (5) votes.

Approval of Quote for Remodeling of Department of Planning and Community

Development: Bryan Puckette stated that he had several issues regarding this item: 1) The City Manager entered into a lease agreement for the property two doors down from City Hall and

the Charter specifically states that the Mayor shall sign all legal documents for the City. Therefore, he believed the lease is not valid. 2) The amount of the lease was above the City Manager's limit for spending as authorized by the City Council in the Purchasing Policy. 3) According to the Attorney General's Office, the City cannot spend public funds for a privately owned building, unless the City caused damage to the property. 4) The person who leased the property to the City is not the owner and whether or not he can legally permit the remodeling of the property is in question. 5) There are other properties in the City available for lease at less money if the office space is actually needed. 6) Why not buy the building instead of spending \$70,000 for a building the City does not own? Ron Bennett stated that the Attorney General's opinion is not legally binding. Mr. Bennett stated that he would have to know the relationship between the owner and the person who leased the property to the City before he could make an opinion. There was a general consensus among the City Council to table this matter until the City Attorney can give a legal opinion.

Approval of Resolution No. FP-05-03 Approving Final Plat Map for Pod H of Sterling on the Lake: James Riker reported that all the requirements have been met regarding Pod H of Sterling on the Lake and staff recommended approval of the final plat. Ed Lezaj made a motion to approve the final plat for Pod H of Sterling on the Lake. Jan Smith seconded, and the motion passed unanimously with five (5) votes.

PLANNING, ZONING, AND ANNEXATION ISSUES

Site Plan for Clarkstone Village: James Riker reported that at the last Council Meeting, the City Council directed staff to investigate the location of the retention pond being too close to a proposed well site. Mr. Riker received a survey from Moreland Altobelli which confirmed that the retention pond at Clarkstone Village is in the correct location. Therefore, staff recommended approval of the site plan for Clarkstone Village since it meets all requirements. Jim Herold made a motion to approve the site plan and landscape plan for Clarkstone Village. Larry Pritchett seconded, and the motion passed with a vote of four (4) affirmative and one (1) abstaining – Ed Lezaj.

Update of Comp Plan: James Riker reported that Jerry Weitz has been preparing background documents and is near completion on the community assessment component and the public participation program. Mr. Riker stated that neither of these are policy documents, only background data providing demographics, housing, and economic development and the City should have a final draft form of this data to the City Council within the next few weeks for review. After Council review, the data will be forwarded to DCA which is the first step of the Comp Plan. Mr. Riker also reported that Steering Committee nominations are due June 10, 2005.

REPORT FROM CITY ATTORNEY

Ron Bennett stated that he had no report; however, he did have some items to discuss in Executive Session regarding pending and/or potential litigation.

Bryan Puckette stated that he would bring up the discussion of Ordinance No. 100-C and the Historic Districts during the Work Session.

REPORT FROM CITY MANAGER

Chris Rainwater was absent from the meeting.

CITIZEN COMMENTS

None.

EXECUTIVE SESSION

Larry Pritchett made a motion to enter into Executive Session for the purpose of discussing potential and/or pending litigation. Ed Lezaj seconded, and the motion passed unanimously with five (5) votes. The Council moved into Executive Session at 6:49 pm.

MEETING RECONVENED

The meeting reconvened at 7:13 pm.

ADJOURNMENT

Jim Worl made a motion to adjourn the meeting. Larry Pritchett seconded, and the motion passed unanimously with five (5) votes.

Meeting adjourned at 7:14 pm.

City Clerk

Date Approved

Mayor