

**CITY OF FLOWERY BRANCH  
MINUTES FROM COUNCIL MEETING  
JULY 27, 2004 - 6:00 P.M.**

**IN ATTENDANCE:** Mayor Bryan Puckette, Council Members Jim Herold, Larry Pritchett, Ed Lezaj, Jim Worl, Jan Smith, City Manager Tim Gillette, Assistant City Clerk Lou Camiscioni and City Attorney Bill Coolidge.

**OPEN MEETING - PUBLIC HEARING**

Bryan Puckette called the Public Hearing to order at 6:00 p.m.

**APPLICATION FOR REZONING FROM FIRST CHOICE INVESTMENTS, LLC.  
REZONING OF 15.658 ACRES ON CANTRELL ROAD FROM M-I (Light Industrial)  
TO R-III (Multi-Family Residential).**

Gary Hodges (7316 Grandview Dr., Hall County), First Choice Investments, LLC, reviewed his request for the rezoning of 15.658 acres on Cantrell Road from M-1 (Light Industrial) to R-III (Multi-Family Residential). Plans consisted of a 67 lot sub-division; 24% of property would have a 35 foot buffer zone. Homes will have average price of \$150,000.00 and up, 2-car garages. Tax currently collected on property averages \$400 per year and would increase to \$7,200.00 annually. Homes would connect to the City of Flowery Branch Water and Sewer systems. Fees for Sewer Taps would be approximately \$200,000.00 to the City as well as Water/Meter fees averaging \$120,000.00.

**OPENED TO THE FLOOR FOR QUESTIONS AT 6:08 P.M.**

Mr. William Gurley (4776 Cantrell Road, Flowery Branch, GA) opposes the rezoning. His concerns were that of additional noise issues near and around his renters' homes.

Mrs. Mary Gurley (4783 E. Railroad Avenue, Flowery Branch, GA) opposes the rezoning based on the additional noise that would be created near and around her property.

**COUNCIL QUESTIONS:**

Jim Worl: asked about the ability of the City to provide water to the new sub-division based on the concerns the City had with the Mulberry Street project. Mr. Worl also asked about the size of the lots being only 10,000 square feet.

Tim Gillette: mentioned that all single family homes would have 20,000 square foot lots.

Gary Hodges: Water issue – the site in questions has a place rated high for water – he would work with the City for an easement so a well could be put in. Mentioned that lot sizes for Multi-Family homes is 10,000 square feet.

Jim Worl: the request for the water issue should then be a variance rather than an easement.

Ed Lezaj: What is the footprint for the structures?

Gary Hodges: 15,000 square feet and up. Homes would be mostly two story dwellings.

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Ed Lezaj: What about sidewalks?

Gary Hodges: Sidewalks would be in front facing Cantrell Road as well as entire sub-division and tie into Waterstone Crossing.

Larry Pritchett: Fee simple single family lots – ordinance problem. Variances are needed.

Gary Hodges: Sub-division could be zoned with conditions which would remove variance issues.

Larry Pritchett: City's requirements for a buffer along the creek are 50 feet, not 35 feet which is proposed.

Jan Smith: Thanks Gary even though your plans do not meet Flowery Branch zoning. Asked about parking, allowed on street or not.

Gary Hodges: No parking on the street. The driveways will be two cars wide.

Jan Smith: What about visitors?

Gary Hodges: Talked about where he lives now – same situation, no parking on the street but he and others that live where he does, do park on the street.

Jan Smith: How many feet between homes?

Gary Hodges: 10 feet on each side of houses. The distance between the driveways will be spread so that driveways do not but up against others.

Jan Smith: Parking issues again.

Jim Herold: Lots are too narrow – overall sizes too small. What's the setback for the front of the homes? Flowery Branch requirement is 25 feet.

Gary Hodges: We can adjust and tweak lots so homes can get pushed back – longer driveways.

Mr. Gurley: This would cause more traffic on Cantrell Road, its bad now. Will Cantrell be widened?

Gary Hodges: A Right-A-Way will address that.

**FIRST CHOICE INVESTMENTS REQUEST ENDED AT: 6:30 PM**

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**REZONING APPLICATION FROM LYNN A. BOWMAN FOR ANITA HARBIN –  
REZONING OF 5109 ATLANTA HIGHWAY FROM R-II (Moderate Density Residential)  
TO CB (Commercial Business).**

Mayor turned over his position to Larry Pritchett – Pro-Tem Mayor since he is an adjoining property owner.

Mr. Robert Bowman detailed his rezoning request for 5109 Atlanta Highway; this is his brother's property and he is speaking on his behalf. His brother would like to restore this property back to its original structure and incorporate two business suites in it. He mentioned a variance would be needed to reduce the property on the side stairs. Mr. Bowman also mentioned that instead of cutting down trees for parking, he would like to reduce the number of parking spaces from six (6) to five (5).

**OPENED TO THE FLOOR FOR QUESTIONS**

Bryan Puckette (5105 Atlanta Highway, Flowery Branch, Ga). Mr. Puckette said he supports rezoning this property to M-1 (Light Industrial) but not CB (Commercial Business). It is an excellent project but better use could be obtained for the property. Mr. Puckette would like to see a new building erected on this site that would provide for more revenue to the City.

Tim Gillette: Pam Landreth is here from the Historical Preservation Commission.

Pam Landreth: The request has value in terms of Flowery Branch History in the Historical District and the property could be eligible for National Registry. To tear the existing building down would be an issue. Ms. Landreth applauds what Mr. Bowman wants to do.

Jim Worl: Supports restoring the home. Variances allow more flexibility for restoring.

Ed Lezaj: Asked Ms. Landreth if the Historical Commission would support the restoration, and asked Mr. Bowman what the square footage was for the building.

Ms. Landreth: Yes the Commission would support and assist in the direction of the restoration.

Mr. Bowman: Approximately 2,300 heated square feet.

Ed Lezaj: Are parking requirements met? Mr. Lezaj requested that the City Attorney look into whether the City can honor the request.

Larry Pritchett: Is the building salvageable? If not, does Mr. Bowman have a "Plan B?"

Mr. Bowman: Unknown at this time if a Plan B exists or not. The family has many resources and failure is not an option at this time.

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Jan Smith: The strip on Atlanta Highway is the center of Flowery Branch. Would like to see the strip developed with new construction in theme with Flowery Branch. A downtown community is needed for Flowery Branch.

Mr. Bowman: I would hate to see it change that much (area along Atlanta Highway).

Jim Herold: I like the concept but the metal shed has to go along with the barn. This would allow one (1) or two (2) additional parking spaces.

**LYNN A. BOWMAN'S REQUEST ENDED AT 6:57 PM**

**END OF PUBLIC HEARINGS** – 5 minute recess.

**WORK SESSION: 7:09 PM TO 8:30 PM**

**REGULAR COUNCIL MEETING**

Mayor Bryan Puckette called the meeting to order at 8:33 p.m.

**CONSENT AGENDA**

Jim Herold made a motion to approve the consent agenda as follows:

- Approval of meeting minutes dated July 12, 2004;
- Approval of agenda as presented;
- Approval of payment of accounts payable as due and as funds are available in accordance with approved budget.

Jim Worl seconded and the motion passed unanimously with five (5) votes.

**CITIZEN'S COMMENTS**

None.

**OLD BUSINESS**

**City/Council Inmate Boarding Agreement:** Not discussed.

**Ordinance No. 310 – Council Meeting Schedule:** Tim Gillette: Two meetings a month – 2<sup>nd</sup> & 4<sup>th</sup> Tuesday. Court holds its session on the 2<sup>nd</sup> Tuesday currently but the Judge has said he would be in favor of moving Court to the 1<sup>st</sup> or 3<sup>rd</sup> Tuesday. Bill Coolidge City Attorney requested that Council first needs to find out the dates that have been given out with the summons – how far out are they before changes are made. Jan Smith is not available for any meeting on the 2<sup>nd</sup> Tuesday of the month. Jan Smith also requested that Council Members get their workbooks earlier than Friday so that they have time to review. Ms. Smith stated that the weekends are used for family time. Ed Lezaj said that this would mean that the Council Members would be working twice as many times doing City business; there should be any votes

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on Work Session items at Council Meetings. Mr. Lezaj stated that the open Planner position would be the person to expedite the process. Mr. Lezaj also stated that Council Members need more time than two (2) weeks to review critical items; going from 12 to 24 votes a year. Mr. Worl had no objections, at the work session take it case by case and base any votes at the Regular Council Meeting on that. Mr. Herold indicated that this had been discussed before and that he has no objection with the City Manager's proposal. Mr. Pritchett said that in reality the proposal is not changing the number of scheduled meetings, just fewer Special Meeting (reducing them). He has no objections and should this proposal not work out, the Council could always go back to the way it has been done. Ms. Smith asked Tim Gillette could his proposal for a Work Session and Regular Meeting involving voting? Mr. Gillette said it could if Council decided to vote on an issue discussed during the Work Session; talk about an issue than vote on it. Mr. Lezaj mentioned he thought the citizens would not have an opportunity to digest things. He asked how many other cities have two (2) meetings a month. Mr. Pritchett stated that during his discussing with other people associated with City Government, at least 1/3 in Hall County have two (2) meetings a month. Mayor Puckette mentioned that Flowery Branch had it this way in the past and it worked but to change it now would be a Council decision. Mr. Herold stated that a particular item could always be tabled to another time, another meeting if necessary. Mayor Puckette mentioned that schedules are posted a year out. Mr. Harold stated no intent needed to vote tonight. Mr. Coolidge mentioned that the Council Members should submit their 'good and bad days' to the City Manager so that he could review and come up with a schedule that the Council could work with. Mr. Coolidge is not available on Wednesdays but is on Thursdays. Tim Gillette mentioned the August 9<sup>th</sup> meeting to discuss this again.

**NEW BUSINESS**

**Approval of Final Plat, Pod B, Sterling on the Lake:** Tim Gillette stated that the developer of Sterling on the Lake requested we inspect Pod B and recommend that the final plat be approved. Larry Pritchett made a motion to approve the final plat for Pod B, Sterling on the Lake as presented. Jim Worl seconded and the motion passed with four (4) votes. Jan Smith abstained.

**Appointment to Finance & Purchasing Committee:** Jim Herold made a motion to move Ed Lezaj from the Finance & Purchasing Committee to the Public Utilities Committee and move Jim Worl from the Public Utilities Committee to the Finance & Purchasing Committee. Larry Pritchett seconded the motion. Jan Smith requested that Ed Lezaj still attend the August 12<sup>th</sup> Finance & Purchasing Committee meeting since she will be absent. Ed Lezaj agreed to do so. Vote passed unanimously with five (5) votes.

**MAYOR & COUNCIL ANNOUNCEMENTS**

Ed Lezaj requested status of Liquor and Adult Entertainment Ordinances. Bill Coolidge stated he was never instructed to do anything on the Adult Entertainment Ordinance. Mr. Coolidge reported that the Sign Ordinance review has begun, but the Comprehensive Alcohol Ordinance has not begun. Tim Gillette reported that he has a draft of the Comprehensive Alcohol Ordinance. Larry Pritchett reported that Lucky Chandler met with the adhoc committee on the Adult Entertainment Ordinance and that has fell by the wayside. Mr. Chandler billed the city

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\$8,500 and his draft was tabled by the Council. Recommended that the \$8,500 draft be reviewed by Mr. Coolidge and if necessary have more adhoc meetings.

**Wage Study:** Ed Lezaj asked what ever happened to the Carl Vincent Institute Wage Study reviewing the needs of employees of Flowery Branch. Larry Pritchett stated that was delayed until the new budget year final draft was available. Mayor Puckette stated that the contingency was included in the budget. Jim Herold asked that this item be put on the August 9th agenda for the Council to do something.

Jan Smith asked for an update on the Comprehensive Land Use Plan. Tim Gillette reported that he met with Debbie Hardy ten days ago and she will have an update in mid August.

Mayor Puckette mentioned that there is still a vacancy on the Metropolitan Planning Organization Public Advisory Committee.

Jim Herold may retire from his current employment Friday. He will know more later.

**EXECUTIVE SESSION:** Ed Lezaj made a motion to move into Executive Session for the purpose of discussing personnel issues and pending and/or potential litigation. Jim Worl seconded and the motion passed unanimously with five (5) votes. Council moved into Executive Session at 8:45 p.m.

**MEETING RECONVENED:** Council Meeting reconvened at 9:40 p.m.

**MEETING ADJOURNED:** Larry Pritchett made a motion to adjourn the meeting. Jim Herold seconded and the motion passed unanimously with five (5) votes. The meeting was adjourned at 9:41 p.m.

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ASST. CITY CLERK

\_\_\_\_\_  
DATE

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MAYOR