

**CITY OF FLOWERY BRANCH**  
**Council Meeting**  
**August 9, 2004 - 6:00 P.M.**

**MINUTES**

**IN ATTENDANCE:** Mayor Bryan Puckette, Council Members Jim Herold, Larry Pritchett, Ed Lezaj and Jim Worl, City Manager Tim Gillette, City Clerk Judy Foster, and City Attorney Bill Coolidge.

**OPEN MEETING:** Bryan Puckette called the meeting to order at 6:03 p.m.

**PLEDGE OF ALLEGIANCE:** Bryan Puckette led the pledge of allegiance.

**INVOCATION:** Bryan Puckette gave the invocation.

**PUBLIC HEARING: ANNEXATION & REZONING REQUEST FROM ELEANOR DUNLAP.** Bryan Puckette stated that the City has received a request from Eleanor Dunlap to annex and rezone 33.219 acres on Flowery Way from AR-III (Agricultural Residential) to M-I (Light Industrial). David Dunlap, who is representing Eleanor Dunlap, was not present.

Bryan Puckette asked for public comment.

John Baisley, 6168 Compass Drive, Vice President of Compass Point Home Owners Association, made comments in opposition to the requests which included environmental and traffic issues. He submitted a handout to the Mayor and Council for their consideration and as a matter of public record. (See attached.)

Daryl Rolland, Lexington Woods, made two comments in opposition to the requests: 1) He does not want any development on the subject property that would de-value the existing homes in the area; and 2) He suggested using Thurmond Tanner Parkway which is set up for industrial development. Mr. Rolland stated that the property owners would like to sit down with developer David Dunlap and logically discuss what the best use of the property is and to come to some kind of understanding.

Paul Durko, President of Compass Point Home Owners Association, made comments in opposition to the requests which included objections by Hall County regarding their Comprehensive Plan, sewer issues, best use of the subject property (zoning classification) and traffic issues on Wade Orr Road. Mr. Durko stated that if a compromise is not reached, he asked the City Council to deny the application. He submitted a handout as a matter of public record. (See attached.)

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Hugo Kollmer, 6086 Portsmouth Drive, Representative for Newport Subdivision, made comments in opposition to the requests that the rezoning of the subject property would diminish the surrounding properties and the character of the neighborhood. Mr. Kollmer submitted a petition of 86 names in opposition to these requests. (See attached.)

John Marshall, 6479 Flowery Way, Compass Pointe, made comments in opposition to the requests which included fire protection issues and stream buffer encroachment variances.

Marcia Preston, 6222 Compass Drive, Compass Pointe, made comments in opposition to the requests which included noise, light, crime and traffic issues. Ms. Preston submitted a letter as a matter of public record. (See attached.)

Frank Davis, 6131 North Star Drive, Compass Pointe, made comments in opposition to the requests which included children safety. Mr. Davis stated he did not want industry in his backyard.

Sarah Smith, 6369 Magnetic Point, Compass Pointe, made comments in opposition to the requests which included whether or not a waiver has been given to Flowery Branch and whether the property owners have filed for an injunction.

Bryan Puckette recognized Hall County Chairman Gary Gibbs and Commissioner Debra Lynn.

Joe Savelli, 6360 Marblehead Drive, Newport, made comments in opposition to the requests that the necessary studies have not been done to approve these requests and there have been several wrecks and one fatality on Wade Orr Road in the past year.

Darlene Wheeler, 6192 Compass Drive, Compass Pointe, made comments in opposition to the requests which reiterated comments made earlier in the meeting.

Charles Bullock, 6349 Marblehead Drive, Newport, made comments in opposition to the requests which included Wade Orr being a dangerous road, lack of police enforcement from Hall County and he does not want to be part of Flowery Branch.

Darla Cook, 6512 Flowery Way, Compass Pointe, made comments in opposition to the requests which included traffic safety and the access road to the subject property.

Max McCloud stated he did not want to be in the city limits of any city.

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**PUBLIC HEARING: ANNEXATION & REZONING REQUEST FROM DR. M.O. TOMEH.** Bryan Puckette stated that the City has received a request from Dr. M. O. Tomeh to annex and rezone 60 acres on Wade Orr Road from AR-III (Agricultural Residential) to M-I (Light Industrial). David Dunlap, who is representing Dr. Tomeh, was not present.

Bryan Puckette stated that most of the comments made regarding opposition to the Eleanor Dunlap property most likely were the same for the Tomeh property since they are being submitted together. However, Mr. Puckette asked for public comment.

John Baisley stated that he spoke with Dr. Tomeh about a meeting, but Dr. Tomeh informed him that he had given David Dunlap authority to act on his behalf because of his work schedule. Mr. Baisley suggested putting a library on the subject property. He stated that the surrounding property owners were looking for a compromise and he understands the need for balancing the tax base.

Brandon West, of Compass Point, stated that the City Council “did not have to do this”.

Frank Davis stated that he wanted to comment in opposition to both requests. He asked that the record show there is standing room only and an overflow crowd out into the street. He asked for a vote of the audience. None were in favor and all were opposed.

Debra Lynn, Hall County Commissioner, stated that she got involved in government by doing the same thing the property owners in attendance have done. She stated that this Mayor and Council have a listening ear and will hear the objections of the people. Ms. Lynn stated that recent legislation has taken away a lot of control from the County and asked Chairman Gary Gibbs to elaborate.

Gary Gibbs, Hall County Chairman, stated that House Bill 666 gutted the only thing the County had to rely on which was the bona fide objection of the Comprehensive Plan. Mr. Gibbs stressed the need for a balanced tax base in Hall County.

Ed Lezaj confirmed with Gary Gibbs that the City is the final authority on rezoning matters.

John Baisley confirmed with Gary Gibbs that Hall County would still maintain Wade Orr Road.

Bryan Puckette asked for comments from the City Council.

Jim Worl thanked everyone in attendance for their concern.

Ed Lezaj welcomed comments in writing and thanked everyone for their participation.

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Larry Pritchett thanked everyone and stated that it makes a difference when people respond to pending action and their comments would be taken into consideration.

Bryan Puckette thanked everyone as well.

Tim Gillette stated that neither of these requests are on any agenda at this time. He stated that the City is still working with the County regarding their objections and that we are only responding to a request. Mr. Gillette stated that the City has not obtained a waiver or an injunction at this time.

Daryl Rolland asked if there will be another public hearing. Bryan Puckette stated that this public hearing fulfilled the requirements of the City Zoning Ordinance. Tim Gillette stated that there may be more meetings in the future regarding these requests and the citizens will have full input. Mr. Puckette stated that David Dunlap will have to come forward to address these concerns before the City Council will act on the requests.

Bryan Puckette called for a five (5) minute recess at 7:15 p.m.

Meeting reconvened at 7:22 p.m.

**PUBLIC HEARING: ANNEXATION & REZONING REQUEST FROM ALBERT ANDERSON.** Bryan Puckette stated that the City has received a request from Albert Anderson for Wiley S. Black, Jesse M. Black, Jr., North Georgia Freezer, Inc. and Walter P. Frobos to annex and rezone 66.773 acres at Atlanta Highway and Martin Road from AR-III (Agricultural Residential) / HB (Highway Business) to CB (Commercial Business) / M-I (Light Industrial).

Albert Anderson, Applicant, submitted an updated site plan for the Mayor & Council to review. He stated that he spoke with James Miller, Hall Co. Engineer, regarding lining up the entrance to the park with the second entrance to Martin Elementary. Mr. Anderson is proposing a high end light industrial park with three sided brick buildings. He submits pictures to the Mayor and Council of similar buildings he has constructed for their review. Mr. Anderson stated that roads will be curb and gutter and they are not asking for any special variances.

Bryan Puckette asked for public comments.

There were no comments made in favor of or in opposition to the requests.

Mr. Anderson stated that they want to tie onto City sewer for the retail end of the park but not the industrial end.

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Bill Coolidge reported that the City received an objection from the City of Oakwood regarding this request.

**PUBLIC HEARING: AMENDMENT ONE TO CITY OF FLOWERY BRANCH ZONING ORDINANCE NO. 308:** Bryan Puckette stated that the City needs to amend its Zoning Ordinance No. 308 which would include editing corrections and clarification of permitted uses in R-II (Moderate Density Residential) and R-III (Multi-Family Residential) zoning districts.

Tim Gillette addressed recommended changes to the zoning ordinance as outlined in Ordinance No. 308-A (see attached). Mr. Gillette stated that the charts did not change except for typos, they are only referenced in the text form. All corrected pages have "Amendment A" on the bottom of the page.

There were no public comments or Council comments.

Public Hearings closed at 7:45 p.m.

Work Session was from 7:50 – 8:05 p.m.

Regular Council Meeting began at 8:12 p.m.

**CONSENT DOCKET**

Bryan Puckette added Resolution 04-055 Standard Building Codes to the agenda under New Business. Jim Herold made a motion to approve the consent docket as follows:

- Approval of meeting minutes dated July 27, 2004;
- Approval of agenda as presented with new item under new business;
- 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 four (4) votes.

**CITIZEN'S COMMENTS**

Kathy Stillman, of 6639 Sweetwater Point, stated that she thinks the Bowman rezoning request to renovate the home on Atlanta Highway is an excellent idea. She also agreed that the building codes are necessary as long as they can change in the future. Ms. Stillman stated that the Mayor and Council, City Manager and City Clerk have done an outstanding job.

Debra Lynn, of 5504 Madison Place, stated that working with the present city officials has been a pleasure and is glad to see that the City and County can work together as a team.

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**OLD BUSINESS**

**Resolution No. 04-054 – Policies & Specifications Manual:** Bryan Puckette read the resolution in full which adopts the City of Gainesville's Policies and Specifications for the installation of water and sewer lines with the exception of those items included in Exhibit A (see attached). Larry Pritchett made a motion to adopt the policies and specifications as read by Mayor Puckette including Exhibit A. Jim Worl seconded and the motion passed unanimously with four (4) votes.

**Compensation & Classification Plan:** Jim Herold stated that the staff needed to assure the job descriptions are correct in the plan and keep this item on any future agendas until it is acted upon.

**NEW BUSINESS**

**Resolution 04-055 Standard Building Code:** Bryan Puckette read the resolution in full which adopts Standard Building Code (International Building Code) 2000 Edition and related State of Georgia Amendments. Jim Worl made a motion to approve Resolution 04-055 as read. Ed Lezaj seconded and the motion passed unanimously with four (4) votes.

**PLANNING & ZONING**

**First Reading of Ordinance No. 310 – Rezoning of 5109 Atlanta Highway from R-II (Moderate Density Residential) to CB (Commercial Business) Lynn Bowman, Applicant:** Jim Worl made a motion to approve the first reading of Ordinance No. 310 regarding the Lynn Bowman rezoning request. Larry Pritchett seconded the motion. Ed Lezaj stated that when and if this rezoning is approved, it will not have much of a financial impact on the City. Motion carried unanimously with four (4) votes.

Jim Herold made a motion to include the first reading of Ordinance 308-A to the agenda which is the first amendment to Zoning Ordinance No. 308 and in which the public hearing was held earlier in this meeting. Ed Lezaj seconded and the motion passed unanimously with four (4) votes.

**First Reading of Ordinance No. 308-A Amendment One to the City of Flowery Branch Zoning Ordinance.** Jim Herold made a motion to waive the first reading of Ordinance 308-A and have first vote. Ed Lezaj seconded and the motion passed unanimously with four (4) votes.

Jim Herold made a motion to adopt the first reading of Ordinance No. 308-A. Larry Pritchett seconded and the motion passed unanimously with four (4) votes.

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**MAYOR & COUNCIL ANNOUNCEMENTS**

Bryan Puckette announced that the City received its certificate naming Flowery Branch Better Home Town as an official Main Street Program.

Larry Pritchett reported that the Beacon newsletter will be mailed later this week and it includes the dates of upcoming events that Better Home Town has planned. Mr. Pritchett stated that BHT would like to hold a car show in November. Also, a decision needs to be made concerning the Christmas event since the Police Department no longer wants to continue that event because of the problem with crowd control. Discussion held regarding this matter. Jim Herold volunteered to help with the Christmas Event.

**EXECUTIVE SESSION**

Jim Worl made a motion to enter into Executive Session to discuss personnel issues. Jim Herold seconded and the motion passed unanimously with four (4) votes. Council moved into Executive Session at 8:43 p.m.

**MEETING RECONVENED**

Meeting reconvened at 9:30 p.m.

Jim Worl made a motion to accept the offer from City Manager Tim Gillette for him to continue to serve as an employee at will until such time as to allow for a proper search for a new City Manager. Larry Pritchett seconded the motion. Jim Herold stated that he has total confidence in Mr. Gillette's professionalism and feels he will serve the City well until a replacement is found. Larry Pritchett and Jim Worl concurred with Mr. Herold. Motion passed unanimously with four (4) votes.

Jim Herold stated that a City Manager Search Committee has been appointed and comprised of Jim Worl, Bryan Puckette and himself. Mr. Herold stated that the committee will be considering previous applicants as well.

**ADJOURNMENT**

Jim Herold made a motion to adjourn the meeting. Jim Worl seconded and motion passed unanimously with four (4) votes.

Meeting adjourned at 9:36 p.m.

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CITY CLERK

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DATE

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MAYOR