

**CITY OF FLOWERY BRANCH**  
**Council Meeting - Voting Session**  
**Thursday, October 27<sup>th</sup>, 2005 - 6:00 P.M.**

**AGENDA**

**IN ATTENDANCE:** Mayor ProTem Larry Pritchett, Council Members Jim Herold, Jan Smith, and Jim Worl. Interim City Clerk Lou Camiscioni, City Planner James Riker and City Attorney Ron Bennett.

**OPEN MEETING:** The Mayor ProTem, Larry Pritchett, called the meeting to Council Voting Session to order at 6:00 p.m.

**CONSENT AGENDA:** Approval of Council Minutes for: [August 31, 2005 Special Called Meeting 5 p.m.](#), [September 1, 2005 Special Called Meeting 5 p.m.](#), [September 8, 2005 Work Session 6 p.m.](#), [September 29, 2005 Voting Session 6 p.m.](#), [October 1, 2005 Special Called Meeting 9 a.m.](#) and [October 13, 2005 Work Session Meeting 6 p.m.](#)

Motion to adopt the minutes for August 31, 2005, September 1, 2005, and September 8, 2005 was made by Mr. Worl and seconded by Mr. Herold. Motion carried with three (3) votes in the affirmative and one (1) vote abstained (Ms. Smith).

Motion to adopt the minutes for September 29, 2005, October 1, 2005, and October 13, 2005 was made by Mr. Herold and seconded by Ms. Smith. Motion carried with three (3) votes in the affirmative and one (1) vote abstained (Mr. Worl).

Discussion by Council pertaining to the Voting Session that would be scheduled the fourth (4<sup>th</sup>) Thursday in November be rescheduled due to the Thanksgiving Holiday. Motion was made by Mr. Herold to convert the Work Session Meeting scheduled for November 10<sup>th</sup>, 2005 into a combination Work Session / Voting Session. Motion seconded by Mr. Worl. Motion carried unanimously.

1) **PUBLIC HEARINGS**

- a) **Rezoning Amendment** to Ordinance No. 312, a request from S.G Development Group for an amendment to the original conditions of approval for the Clarkstone Village subdivision. Developer has requested item be continued to next voting session. A motion was made by Mr. Herold to postpone the hearing on Ordinance No. 312 until the November 10<sup>th</sup>, 2005 Council Meeting. Motion seconded by Ms. Smith. Motion carried unanimously. **Rescheduled for the November 10, 2005 Voting/Work Session Council Meeting.**
- b) **Annexation and Rezoning** of 5710 Jim Crow Road. A request from High Pointe Capital for annexation and rezoning of a 54+ acre parcel to PUD (Planned Unit Development). The applicant intends to develop the site for the construction of single family homes. **Mr. Riker informed the Council that hearing both the Annexation and Rezoning would require a vote from Council allowing both topics to be heard at the same time; Council agreed.** Mr. Riker reviewed this request with Council. Council Member Ms. Smith asked how many fifty (50) foot lots were planned in area A. Mr. Riker informed Ms. Smith that sixteen (16) were planned. Ms. Smith then asked about area A having age restrictions placed on these lots and if this development would be considered a 55 and over in age development. Mr. Reeves indicated that area A would be considered as 55 and over homes, but he could not accept any deed restrictions to that effect; this would not be classified as a Retirement Community. Comments were heard from Mr. Bent Reeves, Mr. Claude Guy, Mr. Buster Kankersley and Mr. Henry Skipper. 6:54 p.m. Public Hearing was ended.
- c) **Annexation and Rezoning** of No. 08097-000009. A request from Paulson-Mitchell for annexation and rezoning of a 3.07+ acre parcel to CB (Commercial Business). **Mr. Riker reviewed this item with Council.** Ms. Ann Felton representing Paulson Mitchell, Inc., also gave comments to Council. At 6:57 p.m. the Public Hearing portion ended with no other comments being heard.

**CITY OF FLOWERY BRANCH**  
**Council Meeting - Voting Session**  
**Thursday, October 27<sup>th</sup>, 2005 - 6:00 P.M.**

**AGENDA**

2) **OLD BUSINESS:**

- a) Stormwater Management Ordinances, **2<sup>nd</sup> readings** for:
- (1) Ordinance No. 05-322 Post-development Stormwater Management for new development and re-development. The caption of Ordinance No. 05-322 was read to Council by the City Attorney Mr. Bennett. Mr. Herold made a motion to adopt Ordinance No. 05-322 as read. Motion seconded by Mr. Worl. Motion carried unanimously.
  - (2) Ordinance No. 05-323 Illicit Discharge and Illegal Connection. The caption of Ordinance No. 05-323 was read by the City Attorney Mr. Bennett. Mr. Worl made a motion to adopt Ordinance No. 05-323 as read. Mr. Herold seconded the motion. Motion carried unanimously.
  - (3) Ordinance No. 05-324 Model Litter Ordinance. The caption of Ordinance No. 05-324 was read by the City Attorney Mr. Bennett. Ms. Smith made a motion to adopt Ordinance No. 05-324 as read. Mr. Worl seconded the motion. Motion carried unanimously.
  - (4) Ordinance No. 05-325 Model Stream Buffer Protection. The caption of Ordinance No. 05-325 was read by the City Attorney Mr. Bennett. Mr. Worl made a motion to adopt Ordinance No. 05-325 as read. Ms. Smith seconded the motion. Motion carried unanimously.
- b) **2<sup>nd</sup> Reading:** Amendment to Ordinance No. 321-A providing for the General Election in 2005. Election Superintendent changed from Lou Camiscioni to Betty J. Tjepkema. Absentee Ballot Clerks changed to read Martha Stephens and Lou Camiscioni. Poll Manager changed to read Betty J. Tjepkema. Poll Workers names to be supplied at a later date by Betty J. Tjepkema. The City Attorney, Mr. Bennett, read the caption of Ordinance No. 321-A. Mr. Herold made a motion to adopt Ordinance No. 321-A as read. Mr. Worl seconded the motion. Motion carried unanimously.
- c) **2<sup>nd</sup> Reading:** Amendment to Ordinance No. 322-A providing for the Special Election in 2005. Election Superintendent changed from Lou Camiscioni to Betty J. Tjepkema. Absentee Ballot Clerks changed to read Martha Stephens and Lou Camiscioni. Poll Manager changed to read Betty J. Tjepkema. Poll Workers names to be supplied at a later date by Betty J. Tjepkema. The City Attorney, Mr. Bennett, read the caption of Ordinance No. 322-A. Mr. Worl made a motion to adopt Ordinance No. 322-A as read. Ms. Smith seconded the motion. Motion carried unanimously.
- d) **Resolution No. V-05-03** pertaining to variance application for Jones & Hall Ventures for increase billboard height at 4945 Oak Street. Applicant has requested item be continued to next voting session. Mr. Riker informed Council that at the applicant's request and if agreed to, this item would be rescheduled until the November 10<sup>th</sup>, 2005 scheduled meeting. Motion made by Mr. Herold that consideration on Resolution No. V-05-03 be made for the November 10<sup>th</sup>, 2005 meeting. Motion seconded by Ms. Smith. Motion carried unanimously.
- e) Qualcon Lease. Mrs. Smith made a motion to accept the proposal submitted by Qualcon. After some discussion a vote was taken. Mr. Herold seconded the motion. Two votes in the affirmative (Ms. Smith and Mr. Herold) and two votes opposing the motion (Mr. Worl and Mr. Pritchett). Motion failed to pass.
- f) New Water Tank Location. Mr. Herold made the motion to have the new 750,000 ground lever water tank be situated on Roberts Drive. His motion included that the existing engineering firm acquire and report back to Council what costs would be involved for this to take place including associated booster pumps and equipment. Motion seconded by Ms. Smith. Motion carried unanimously.
- g) Tree Park Apartments – using Gainesville Water for Fire Protection. It was brought to the attention of the Council that a pump for the new water tank has already been delivered by Mr. John Washington. Mr.

**CITY OF FLOWERY BRANCH**  
**Council Meeting - Voting Session**  
**Thursday, October 27<sup>th</sup>, 2005 - 6:00 P.M.**

**AGENDA**

Washington was instructed by Council to investigate and report back to them on, or before the November 10, 2005 Council Meeting if this existing pump (which is intended for the new water tank) could be converted to eliminate temporarily, the issues involving Tree Park Apartments.

**NEW BUSINESS**

- a) Charter Communications Letter dated 10/10/05 – Franchise Renewal GA0297. The City Attorney, Mr. Bennett asked Council to direct the Mayor and himself to meet with Charter to discuss the creation of a Franchise Agreement between them and the City of Flowery Branch. Council so directed.
- b) Garbage Fee \$1.00 increase **Resolution # 05-088**. The City Attorney, Mr. Bennett, read to the Council the caption for Resolution No. 05-088 which would reverse the increase for Garbage fees, it would credit all garbage accounts currently being charged for this service two (2) dollars and the rate for said service would revert back to eleven (\$11.00) dollars per month. Mr. Herold made the motion to adopt Resolution No. 05-088 as read. Ms. Smith seconded the motion. Motion carried unanimously.
- c) **1<sup>st</sup> Reading Ordinance No. 330** - Property Tax Mileage Rate Increase. The City Attorney, Mr. Bennett, read the caption of Ordinance No. 330 to the Council. Mr. Herold made a motion to adopt Ordinance No. 330 as read. Mr. Worl seconded the motion. Motion carried with three (3) votes in the affirmative and one (1) vote opposed (Ms. Smith).
- d) Purchase of Posts for Christmas Decorations. Mrs. Smith discussed with Council the need for these posts pertaining to the City's Christmas event. Ms. Smith made a motion authorizing the Interim City Clerk to authorize the purchase. Mr. Herold seconded the motion. Motion carried unanimously. The Interim City Clerk, Lou Camiscioni, was instructed to call Universal Concepts, the company who sold the City the Christmas Tree and see what the costs would be if they were to store the Christmas tree for the City when it was taken down this year. Council will be advised of these costs if, Universal Concepts agrees to store the tree.
- e) Approval of RFP for Engineering firm. Mrs. Smith made a motion for the creation of a RFP and send them to engineering firms for competitive bids. Mr. Herold seconded the motion. Motion carried unanimously. It was noted that Mr. Washington who represents Rindt-McDuff Associates, Inc., has prepared for the previous City Manager qualifications that could be included in the RFP.
- f) City Finances and Accounting. Mrs. Smith made a motion to have Henry and Company, the City's accounting firm go back to a monthly schedule of reviewing the financial statements rather than having this done on a quarterly basis. Mr. Herold seconded the motion. Motion carried unanimously. Discussion by Ms. Smith also entailed a free service by the Carl Vincent Institute where they would review not only the financial statements but policies and procedures as well was rejected by Council.
- g) **1<sup>st</sup> Reading: Ordinance No 326 & 327** for annexation and rezoning of 5710 Jim Crow Road. A request from High Pointe Capital for annexation and rezoning of a 54+ acre parcel to PUD (Planned Unit Development). The applicant intends to develop the site for the construction of single family homes. The City Attorney, Mr. Bennett, read the caption for Ordinance No. 326 calling for the annexation portion involving 5710 Jim Crow Road. Mr. Herold made a motion to adopt Ordinance No. 326 as read. The motion was seconded by Mr. Worl. Motion carried unanimously. **2<sup>nd</sup> reading to take place on 11/10/05.**

Mr. Bennett then read the caption for Ordinance No. 327 calling for the rezoning of 5710 Jim Crow Road. A motion was made by Mr. Worl to adopt Ordinance No. 326 with however, the **recommended approvals listed on Exhibit C** in the ordinance. Motion was seconded by Ms. Smith. Motion carried unanimously. **2<sup>nd</sup> reading to take place on 11/10/05**

**CITY OF FLOWERY BRANCH**  
**Council Meeting - Voting Session**  
**Thursday, October 27<sup>th</sup>, 2005 - 6:00 P.M.**

**AGENDA**

- h) **1<sup>st</sup> Reading: Ordinance No. 328 & 329** for annexation and rezoning of No. 08097-000009. A request from Paulson-Mitchell for annexation and rezoning of a 3.07+ acre parcel to CB (Commercial Business). The City Attorney, Mr. Bennett, read the caption for Ordinance No. 328 calling for the annexation of parcel No. 08097-000009. A motion was made by Mr. Worl to adopt Ordinance No. 328 as read. Mr. Herold seconded the motion. Motion carried unanimously. **2<sup>nd</sup> reading to take place on 11/10/05**

Mr. Bennett then read the caption for Ordinance No. 329 calling for the rezoning of said parcel. A motion was made by Mr. Herold to adopt Ordinance No. 329 as read with Exhibit C as part of the Ordinance. The motion was seconded by Mr. Worl. Motion carried unanimously. **2<sup>nd</sup> reading to take place on 11/10/05.**

- i) **Chris Rainwater's Invoice.** The City Attorney, Mr. Bennett, reviewed with Council the subject matter for the invoice submitted by Mr. Rainwater. Mr. Bennett stated that the services provided by Mr. Rainwater, falls under the separation agreement between himself and the City and recommended to Council the invoice be denied. A motion was made by Mr. Herold to reject the request. Mr. Worl seconded the motion. Motion carried unanimously. Mr. Bennett was instructed by Council to respond to Mr. Rainwater, the decision of the Council.

4) **PLANNING, ZONING, and ANNEXATION ISSUES**

- a) Approval of contract for updating Zoning Code and Sub-Division Regulations. Mr. Riker reviewed with Council the contract for the Zoning Code and Sub-Division regulations would be changed to reflect additional changes to the contract submitted by Ms. Smith and Mr. Bennett. The changes were read to Council by Mr. Bennett. Mr. Herold made a motion to adopt the agreement with Mr. Jerry Weitz on these two issues as long as the changes were implemented in the agreement and agreed to by Mr. Weitz. Ms. Smith seconded the motion. Motion carried unanimously.
- b) Update on the Comprehensive Plan. Mr. Riker informed Council that a draft of the Comprehensive Plan would be available to the public and Council Members around November 9<sup>th</sup>.

5) **REPORT FROM THE CITY ATTORNEY**

Mr. Bennett advised Council that presently, there is no Franchise Agreement with Jackson EMC. They do however, pay the City 4% of their gross revenue from the previous year and the City has received those monies for last year. Mr. Bennett was advised by Council to report back to them after discussing with Jackson EMC as well as with Bellsouth on the creation of a Franchise Agreement.

**CITIZEN COMMENTS** - (limited to two (2) minutes)

Mr. Skipper, Mr. Allen Bryans, and Mr. Ed Lezaj addressed the Council on various issues.

8:27 p.m. A motion was made by Mr. Herold to adjourn (close) the open meeting and go into Executive Session. Mr. Worl seconded the motion. Motion carried unanimously.

A motion was made by Mr. Herold to enter into Executive Session. Motion seconded by Mr. Worl. Motion carried unanimously.

**CITY OF FLOWERY BRANCH**  
**Council Meeting - Voting Session**  
**Thursday, October 27<sup>th</sup>, 2005 - 6:00 P.M.**

**AGENDA**

**EXECUTIVE SESSION** *(if required)*

- Potential / Pending Litigation
- Personnel Matters
- Land Acquisition

8:54 p.m. Mr. Herold made a motion to adjourn Executive Session. Mr. Worl seconded the motion. Motion carried unanimously.

8:55 p.m. Mr. Herold made a motion to reopen the Regular Council Voting Meeting session. Mr. Worl seconded the motion. Motion carried unanimously.

**ADJOURNMENT**

Mr. Worl made a motion to adjourn the Council Meeting / Voting Session. Ms. Smith seconded the motion. Motion carried unanimously.

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Interim City Clerk

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Date Approved

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Mayor Pro Tem