



**CITY OF FLOWERY BRANCH
COUNCIL MEETING
Wednesday, February 1, 2006 – 9:30 a.m.**



**SPECIAL CALLED WORK SESSION
AND VOTING SESSION MINUTES**

OPEN MEETING: Mayor Hirling opened the meeting at 9:32 a.m.

IN ATTENDANCE: Mayor Hirling, Council Members Jim Herold, Jan Smith, Pat Zalewski, Allen Bryans, and Mary Jones. Also in attendance were City Clerk Melissa McCain, City Planner James Riker, City Attorney Ron Bennett, and Phil Sutton from Hall County.

PUBLIC HEARING:

Public Hearing for Amendment to Rezoning Conditions of Ordinance No. 198 – Barry Allen (on behalf of Garen Homes and Battle Properties) – Request to reduce the required driveway width from 16'-0" to 12'-0" for each townhouse. This request will also modify the developer's original commitment to provide three (3) parking spaces for each townhouse at the Water Stone Crossing Development.

City Planner Riker reviewed the request and advised that the homeowners and the developer have come to an agreement that satisfies both parties. The developer will be installing additional sidewalks with low lighting between the amenities area and the cul-de-sac. Included along the paved area will be landscaping and appropriate screening.

There were no questions or comments from the public or the council.

Mayor Hirling closed the public hearing at 9:37 a. m.

CONSENT AGENDA:

1. Approval of Council Minutes for January 26, 2006 Special called Work Session and Voting Session.

Councilwoman Smith made one correction to page 8.

A motion was made to approve the Council Minutes for January 26, 2006 Special called Work Session and Voting Session, as amended.

MOTION: Jan Smith
SECOND: Mary Jones
AYES: Mary Jones, James Herold, Jan Smith, pat Zalewski and Allen Bryans.
NAYES: None

UNFINISHED BUSINESS:

Resolution 06-006 Amendment to City Charter to establish the City Manager Position

Attorney Bennett reviewed and read resolution 06-006 amendment to the City Charter to establish the City Manager position.

Councilwoman Smith inquired on the process of evaluating the City Manager and the checks and balances that would be in place to monitor the actions of the position.

Mr. Sutton advised that the council could incorporate any process the council deemed necessary to monitor the actions of the position and that the process could be defined in the job description.

Attorney Bennett advised that a process can be set by a resolution or an ordinance.

There was a motion made to approve Resolution 06-006 Amendment to City Charter to establish the City Manager Position as presented.

MOTION: Mary Jones
SECOND: Pat Zalewski
AYES: Jan Smith, James Herold, Pat Zalewski, Allen Bryans and Mary Jones.
NAYES: None
Motion carried

Second Reading Ordinance # 303-C Setting Dates and Times of Council Meetings

Attorney Bennett read Ordinance #303-C Setting Dates and Times of Council Meetings.

A motion was made to approve the second reading of Ordinance #303-C Setting the dates and times of the 2006 Council Meetings as presented.

MOTION: Jan Smith
SECOND: Allen Bryans
AYES: Mary Jones, Allen Bryans, Jan Smith, James Herold, Pat Zalewski.
NAYES: None
Motion carried.

Second Reading Ordinance No. 239A and 240A for Amendment to Rezoning Conditions of Ordinance No. 239 & 240 Request to reclassify a portion of Lake Sterling Boulevard and to allow for other modifications to previously required off-site improvements along Capitola Farm Road for the Sterling on the Lake Development.

Attorney Bennett read Ordinance 239-A and 240-A for the amendment to rezoning conditions of Ordinance No. 239 & 240 request to reclassify a portion of Lake Sterling Boulevard and to allow for other modifications to previously required off-site improvements along Capitola Farm Road for the Sterling on the Lake Development.

There was a motion made to approve the second reading of Ordinance 239-A and 240-A for the amendment to rezoning conditions of Ordinance No. 239 & 240 request to reclassify a portion of Lake Sterling Boulevard and to allow for other modifications to previously required off-site improvements along Capitola Farm Road for the Sterling on the Lake Development.

MOTION: Allen Bryans
SECOND: Pat Zalewski
AYES: Mary Jones, Allen Bryans, Jan Smith, James Herold, Pat Zalewski.
NAYES: None
Motion carried.

First reading Ordinance No. 198A Amendment to Rezoning Conditions of Ordinance No. 198 Request to reduce the required driveway width from 16'-0" to 12'-0" for each townhouse. This request will also modify the developer's original commitment to provide three (3) parking spaces for each townhouse. Water Stone Crossing Development.

Attorney Bennett read Ordinance No. 198A Amendment to Rezoning Conditions of Ordinance No. 198 request to reduce the required driveway width from 16'-0" to 12'-0" for each townhouse. This request will also modify the developer's original commitment to provide three (3) parking spaces for each townhouse at the Water Stone Crossing Development.

There was a motion made to approve Ordinance No. 198A amendment to rezoning conditions of Ordinance No. 198 request to reduce the required driveway width from 16'-0" to 12'-0" for each townhouse. This request will also modify the developer's original commitment to provide three (3) parking spaces for each townhouse at the Water Stone Crossing Development.

MOTION: Jan Smith
SECOND: Mary Jones
AYES: Mary Jones, Allen Bryans, Jan Smith, James Herold, Pat Zalewski.
NAYES: None
Motion carried.

NEW BUSINESS:

Discussion - Marketing of City Property Located on Roberts Road

Engineer John Washington reviewed an appraisal of the Roberts road property. A copy of the appraisal dated September, 2004 was submitted to the Council for review.

Councilman Bryans advised that if the property was marketed separate from the Forbes property then the property would be worth much less than appraised because there would be no access to the property.

There was a consensus of the Council to approach Mr. Daren Wayne and have Mr. Wayne prepare and present the Council with a proposal to market the property on Roberts Road with the Forbes property.

Councilman Herold suggested that the City direct staff to prepare a list by department of old and unused equipment and that the City should hold an auction in the spring to dispose of said equipment.

There was a consensus of the City Council to direct staff to prepare and submit a proposed auction list to the Council.

Discussion – Obtaining Spray Field Appraisal.

Engineer Washington advised that some years back the City had made an agreement with the Hall County Board of Education to use an area behind the West Hall High School but the agreement was never executed.

The area cannot be used until such time lines are run.

For EPD approval a soil study would need to be completed to determine how much application can be made and an inspection of the spray heads would need to be completed because there had been prior complications with said heads. There still is a line in place from McEver Road to the spray field that could be utilized.

Councilman Bryans inquired on the best route to run a line between Atlanta Highway and McEver Road.

Engineer Washington the shortest route would be Radford Road but that there may be issues with the Gainesville water line already in place and the City may need to obtain easements. Utilize the current gravity sewer easement along mud creek may be an option for Tanners Creek. The other route could be behind ReConserve but this also may be offsite and need to obtain easements.

Council Woman Smith advised that the appraisal is needed to complete the agreement with Oakwood to settle the lawsuit to credit back towards Oakwood's portion of the spray field.

There was a consensus of the Council to direct the Mayor to contact the City of Oakwood and review the status of the agreement.

Approve Backup Generator for Booster Pump

Engineer Washington reviewed the submitted bids and recommended W.W. Williams - Detroit Diesel be awarded the bid in the amount of \$17,970.00.

There was a motion made to award the Backup Generator for Booster Pump bid to W.W Williams – Detroit Diesel in the amount of \$17,970.00 subject to the review and acceptance of the contract by the City Attorney.

MOTION: James Herold

SECOND: Allen Bryans

AYES: Mary Jones, Allen Bryans, Jan Smith, James Herold, Pat Zalewski.

NAYES: None

Motion carried

Approval of Bids for Electrical Services to Connect Generator to Booster Pump

Engineer Washington reviewed the fees required to connect the booster pump to the building and relocate the controls.

There was a motion made to direct Rindt-McDuff Associate to solicit bids for necessary electrical work to connect the generator to the new booster pump and relocating the well controls.

MOTION: James Herold

SECOND: Allen Bryans

AYES: Mary Jones, Allen Bryans, Jan Smith, James Herold, Pat Zalewski.

NAYES: None

Motion carried

Discussion and Council approval to Prepare RFP on New Ground Storage Water Tank

Engineer Washington reviewed a handout of a draft RFP on the new ground storage water tank.

There was a motion made to direct Rindt-McDuff Associates to prepare the required RFPs as presented and submit documents to tank vendors for bids.

MOTION: Allen Bryans

SECOND: James Herold

AYES: Mary Jones, Allen Bryans, Jan Smith, James Herold, Pat Zalewski.

NAYES: None

Motion carried

TE Grant Design Approval (Main Street-Street Scape)

City Planner Riker made a power point presentation along with handouts reviewing possible upgrades to Main Street from Railroad Street to the edge of the industrial area (Mooney Property)

Council woman Smith inquired on parking along Railroad Tracks.

City Planner Riker advised that the consultants are aware of the idea but there has been no in depth discussion.

City Planner Riker advised that the Council would need to consider the future location of the Caboose, if it was going to stay in its current location or be relocated and the area where the caboose is currently located could be landscaped and improved to be a staging area for Main Street activities.

It was noted that any possible costs incurred from moving the caboose would not be covered in the awarded grant monies.

Concerns were raised regarding the timing of the construction along Main Street and it was suggested that construction not begin until early 2007 due to the festivities the City holds over the fall/winter season.

There was a motion to approve Phase I of the proposed TE Grant upgrades to Main Street and to direct staff to investigate the burial of the power lines along Main Street.

MOTION: James Herold

SECOND: Allen Bryans

AYES: Mary Jones, Allen Bryans, Jan Smith, James Herold, Pat Zalewski.

NAYES: None

Motion carried

Discuss Potential Budget Adjustments

Mr. Sutton reviewed a power point presentation and a handout regarding budget adjustments.

There was a consensus of the City Council to place the potential budget adjustments on the February 15, Council Meeting Voting Session Agenda for further consideration.

Council Member Herold inquired if the City was still in receipt of a donation from the Atlanta Falcons Football Club for the City of Flowery Branch Sign. City Planner Riker advised that the City has entered into an agreement with a sign company and the only hold up is the securing of an easement to place the sign. (Forbes Property)

PLANNING, ZONING, AND ANNEXATION ISSUES

City Planner Riker produced a handout to the Council for review of the Sewer/Water Tap on fees for surrounding cities compared to the City of Flowery Branch's fees.

Councilman Bryans expressed concerns with developers receiving approval of building/site plans and then not developing or purchasing capacity for a year or two.

Councilman Herold advised that the fees should be paid up front so as to assist with the expansion of the treatment plant. These fees, if kept in a reserve, can assist the City in receiving better rates regarding bonding procedures.

There was a consensus of the Council to direct Attorney Bennett to research the possibility of obtaining pre-payment for tap-on/capacity reserve from developers and the ability to use those funds once received.

Councilwoman Jones expressed concerns and requested that Mr. Sutton research the building permit fees concerning mobile homes with that of Hall County.

REPORT FROM CITY ATTORNEY

No report

CITIZEN COMMENTS – please observe the two (2) minute time frame for comments.

None

ADJOURNMENT INTO EXECUTIVE SESSION:

A motion was made to .close the Special Called Work Session and Voting Session at 12:28 p.m and enter Executive Session to discuss:

1 Personal Issues

MOTION: Allen Bryans

SECOND: Pat Zalewski

AYES: Mary Jones, Allen Bryans, Pat Zalewski, James Herold and Jan Smith.

NAYES: None

Meeting adjourned into Executive Session 12:28 p.m.

EXECUTIVE SESSION:

A Motion was made to enter Executive Session at 12:36 p.m.

MOTION: James Herold

SECOND: Mary Jones

AYES: James Herold, Allen Bryans, Jan Smith, Mary Jones and Pat Zalewski

NAYES: None

Motion carried 12:36 p.m.

There was a motion made to close Executive Session at 1:20 p.m.

MOTION: James Herold

SECOND: Mary Jones

AYES: James Herold, Allen Bryans, Jan Smith, Mary Jones and Pat Zalewski

NAYES: None

Executive Session closed at 1:20 p.m.

There was a motion made to enter the open meeting at 1:21 p.m.

MOTION: Pat Zalewski

SECOND: James Herold

AYES: Allen Bryans, Jan Smith, James Herold, Pat Zalewski and Mary Jones.

NAYES: None

Motion carried 1:21 p.m.

There was a motion made to adjourn the 02-01-06 Special called Work Session and Voting Meeting at 1:21 p.m.

MOTION: Allen Bryans

SECOND: Mary Jones

AYES: Allen Bryans, Jan Smith, James Herold, Pat Zalewski and Mary Jones

NAYES: None

Meeting adjourned at 1:22 p.m.

City Clerk - Melissa McCain

Date

Mayor Diane Hirling