

**CITY OF FLOWERY BRANCH  
COUNCIL WORK SESSION MEETING  
March 1<sup>st</sup>, 2006, 9:30 A.M.  
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, Consultant with Hall County.

**CITIZEN COMMENTS:**

Mr. Lou Shepard 5686 Newberry Point, Flowery Branch, GA. 30542

Mr. Shepard approached the Council to express concerns regarding the variance for reduction of front yard setback located at 5682 Newberry Point Dr.

Mr. Shepard advised that in the past the Council has reviewed and denied other variance requests for front yard setbacks and that the Council should remain consistent and review thoroughly each request.

Mayor Hirling advised Mr. Shepard that there is a Public Hearing scheduled for March 9, 2006 at 6:00 p.m. regarding the variation request.

**WORK SESSION ITEMS:**

A. *Report from Chief Lanich:*

**1. New Procedures for Code Enforcement.**

Chief Lanich informed the Council that he had been working with Planning Manager Riker and staff regarding procedures for following up on code enforcement issues.

The process will begin by the Planning/Code Enforcement Officer investigating complaints, violations and notifying the violator with the intent to resolve the violation. If after two attempts and a reasonable amount of time has past and there is no resolution to the issue the Police Department will then issue a summons requiring the violator to appear before a judge who will then determine the course of action to be taken.

**2. Proposal of New Truck Route for Flowery Branch.**

Chief Lanich reviewed an alternate truck route for relief of truck traffic in the downtown area. The proposed route would close the city streets of Snelling, Chattahoochee and Atlanta Hwy intersections and, Spring Street (West of Atlanta Hwy) to trucks over six (6) wheels. This should apply also to Gainesville Street at the McEver Road intersection and Lights Ferry city limits.

Chief Lanich noted that this new route would exclude trucks making deliveries to local businesses

Further, Chief Lanich advised that the suggested truck route for trucks over six (6) wheels would be Radford Road which connects Atlanta Highway to McEver Road. This road is a County road and the width and structure is built to sustain this type of traffic.

### **3. Bulk Pick-Ups.**

Chief Lanich advised that in the past there has been problems with residents putting items other than bulk items at the curb for pick up and that residents need to be notified that if items are not bulk (papers, books etc) they need to be contained in some form so that these items do not blow around the city on windy days. Restrictions may want to be considered to reduce the amount of garbage around the city.

Councilman Herold suggested that monies from the garbage fund be used to increase the bulk garbage pick up from one (1) day a month to two (2) times a month.

### **B. Approval of Car Show and Chili Cook-Off**

Mr. Steve Soucie, 6255 Germantown Drive, Flowery Branch, GA. 30542 approached the Council and requested that the city allow the dates for the Chili Cook-off to be held the second week of October.

Mr. Soucie continued by stating that in the past the city has provide funds up front for the purchase of supplies for the vendors, moonwalk and trophies and that the city has supplied porta-potties, garbage containers and stage set up.

Once the event is over Mr. Soucie advised that the monies the city fronted for the supplies would be returned with proceeds from the event.

The approval of the Car Show and Chili Cook Off will be on the March 15<sup>th</sup>, Agenda for further consideration.

### **C. Approval for Troup 228 to Continue Conducting the Spring and Fall Festivals.**

Mr. David Perry, Boy Scout Troop 228 Approached the Council and requested permission to continue hosting the Spring and Fall Festivals for the City of Flowery Branch. Mr. Perry advised that approval has been granted for the 2006 events but that the troop is requesting a three (3) year standing approval for the hosting of the events.

The Spring Festival is scheduled to be held on April 15, 2006.

Mr. Perry advised that in the past the city has supplied porta-potties, garbage cans, security and staff for the event. The cost of the electricity that the vendors use is reimbursed to the city after the event has been completed.

Approval of Troop 228 to continue conducting the Spring and Fall Festival will be on the March 15, 2006 agenda for further consideration.

D. Proposal to Adopt a Resolution for Georgia Cities Week.

Mayor Hirling advised that the RDC is requesting that Cities participate in the Georgia Cities Week activities and to adopt a resolution recognizing April 23-April 30 as 'Georgia Cities Week'.

The proposed resolution adopting Georgia Cities Week as April 23-April 30, will be on the March 15, 2006 agenda for further consideration.

E. Adopt April 29, 2006 as Clean-Up Day for City of Flowery Branch.

Councilwoman Jones advised the Council that the Keep Hall Beautiful chairperson has agreed to provide supplies, at no charge, for the clean-up of the cities in Hall County. Included is the assistance of community service workers.

Councilwoman Jones continued and advised that the date is set for April 29, 2006 from the hours of 8:30 A.M. and 9:30 A.M.

Some of the past volunteers and groups requesting to participate are the Local Boy Scout and Girl Scout Troops, Prince of Peace Catholic Church and the Post Office.

Mayor Hirling advised that Tidewater Cove residents have volunteered to adopt the City Park as an area they would like to concentrate on keeping clean. Coffee and donuts to be provide by the city for the event and full garbage bags will be stored in the covered trailer behind the depot.

F. Nominate Citizen for RDC's Historic Preservation Advisory Committee

Mayor Hirling advised that if the city would like to remain a part of this Historic Committee a citizen would need to be nominated to attend the meetings.

Councilwoman Smith advised that she would volunteer to be on the committee until the council gave direction otherwise.

G. Discuss Codification of Ordinances.

City Clerk McCain provided the Council with a proposal from Municipal Code Corporation for the codifications of the City's Ordinances.

Clerk McCain noted that the base cost for the codification starts at approximately \$9,030.00. Compared to other cities of similar size additional costs for exceeding the 250 pages allowed in the base price range ranged from \$2,999.00-\$8,004.00

Further Clerk McCain advised that a few of the advantages are:

Efficiency/Time savings

Codification would allow staff to research ordinances quickly without delaying the requestor.

Amendments to codes are incorporated in the codification saving staff time of gathering and explaining the amendments.

Prevents ordinance and amendments from being separated

Other departments will have a copy of the codification book and will not have to go to City Hall to have staff pull an ordinance from the file cabinet for them.

Convenience-all city codes in easy to find and read format.

Council will have a current book to keep with them for answers to resident questions.

Web access-for citizens and developers which would allow them to research codes on the computer

H. Report from Phil Sutton:

1. **Interviews for City Manager**

Mr. Sutton advised that 32 resumes have been received and reviewed. Once the Council decides on candidates that they would like to consider for interviews the interviews will be scheduled. Once the finalists are chosen then notification to the newspaper is mandatory with appointment being withheld until 14 days after notification of said finalists.

2. **Status of payment to Wilwat**

Mr. Sutton advised that the line is under Candler Road and that the dedication paper work is currently being reviewed by Attorneys and the Engineers.

3. **Accounts Receivable - Overdue Utility Bills of \$29,670**

Mr. Sutton advised that in the past there has not been a process to collect delinquent utility bills and suggested that since the amount is currently \$29,670.00 that the city begin by sending letters to all persons with outstanding bills. The second step would be a letter indicating that the matter will be turned over for collection if not paid. The last step would be to turn the delinquent bills over to a collection company for collection.

4. **Sterling on the Lake – Red Oak Franchise Agreement**

Mr. Sutton advised that Red Oak Sanitation has full responsibility to pick up all trash at residential housing units.

Further Mr. Sutton advised that it is hard to assure compliance with the Ordinance requiring garbage service because the City does not have an easy way to track Sterling on the Lake residents because they are not receiving City water.

Currently the City is working with the developers to resolve this issue.

## **PLANNING, ZONING AND ANNEXATION ISSUES:**

### **1. Upcoming Public Hearings:**

Manager Riker reviewed the following requests while presenting a power point presentation:

- a) Public Hearing for Variance No. V-06-04 – A request from E.F.Hughs III (on behalf of JCR Group, LLC), for approval of a variance application. The applicant is requesting approval to decrease the required front yard setback from 35'-0" to 25'-6"±. The subject property is approximately 1.28± acres located at 5682 Newberry Point Drive.
- b) Public Hearing for Variance No. V-06-05 – A request from Jones & Hall Ventures to increase the height of a billboard from 60'-0" to 150'-0". The variance application also includes a request to increase the distance requirement from the billboard to a commercial or industrial activity from 600'-0" to 2192'-0". The subject property is approximately 10.13± acres located at 5072 Hog Mountain Road  
Public Hearing for Variance No. V-06-06 – A request from Jones & Hall Ventures to increase the height of a billboard from 60'-0" to 150'-0". The variance application also includes a request to increase the distance requirement from the billboard to a commercial or industrial activity from 600'-0" to 1857'-0". The subject property is approximately 6.5± acres located at 5008 Hog Mountain Road
- c) Public Hearing for Zoning Text Amendment No 308C – A request from the Rock Ministries to modify portions of Ordinance No. 308 relating to operation of Churches within M-I (Light Industrial) zoned districts within the City of Flowery Branch.

### **2. TE Grant Update**

Planning and Community Development Manager Riker advised the Council that he has met with Georgia Power and they are in the process of breaking down the fees for the burial of the poles along Main Street. This information will be provided to the Council when it becomes available.

### **3. Update Norfolk Southern RR Lease**

Manager Riker advised that Staff and Norfolk are currently working on a lease agreement including beautification of their areas and off street parking for the City.

Manager Riker noted that discussions regarding drainage issues have not been discussed and are not part of the plan/lease agreement that Norfolk is currently working on.

**REPORT FROM CITY ATTORNEY:**

Attorney Bennett advised that the public notice regarding the boundaries was incorrect and correction have been made for re-publication.

This item is proposed to be on the legislative agenda toward the end of the month.

**EXECUTIVE SESSION:**

11:03 A.M. A motion was made to recess the Work Session and enter Executive Session for Land Acquisition and Personnel Issues

MOTION: Allen Bryans  
SECOND: Mary Jones  
Motion carried unanimously.

11:35 A.M. a motion was made to exit Executive Session

MOTION: Mary Jones  
SECOND: James Herold  
AYES: James Herold, Jan Smith, Pat Zalewski, Allen Bryans and Mary Jones  
Motion carried.

**OPEN WORK SESSION:**

11:36 A.M. a motion was made to enter into open session

MOTION: James Herold  
SECOND: Allen Bryans  
AYES: James Herold, Jan Smith, Pat Zalewski, Allen Bryans and Mary Jones  
Motion carried.

A motion was made to direct the City Attorney to withdraw from continuing with any further action regarding the direction given by prior Council to proceed with condemnation proceedings for the proposed well site on the Henderson property.

Attorney Bennett advised that a vote to discontinue condemnation of the Henderson well site would need to be taken at a voting session instead of a work session and that this item should be placed on the March 15, 2006 voting session agenda for action.

There was a consensus to place the vote to discontinue condemnation of the Henderson well site on the March 15, 2006 voting session agenda for further consideration.

12:38 P.M. Councilman James Herold was excused from the meeting.

**EXECUTIVE SESSION:**

12:39 There A motion was made to recess the Work Session and enter Executive Session for Land Acquisition

MOTION: Mary Jones  
SECOND: Jan Smith  
AYES: Jan Smith, Pat Zalewski, Allen Bryans and Mary Jones  
Motion carried.

12:52 P.M. A motion was made to exit out of Executive Session.

MOTION: Pat Zalewski  
SECOND: Mary Jones  
AYES: Jan Smith, Pat Zalewski, Allen Bryans and Mary Jones  
Motion carried.

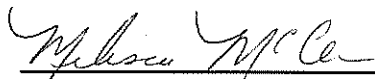
**OPEN WORK SESSION:**

There was some discussion regarding the sewer allocation and the David Merritt Property. Hall County has requested that the City of Flowery Branch allocate capacity to the David Merritt property and reduce the Hall County reserve.

**ADJOURNMENT:**

1:19 P.M. A motion was made to adjourn the March 1, 2006 Work Session Council Meeting.

MOTION: Mary Jones  
SECOND: Jan Smith  
AYES: Pat Zalewski, Jan Smith, Allen Bryans and Mary Jones.  
Meeting Adjourned.

  
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Melissa McCain City Clerk

3/15/06  
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Date Approved

  
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Diane Hirling Mayor