



**CITY OF FLOWERY BRANCH
COUNCIL MEETING
Wednesday, March 15, 2006 – 9:30 a.m.**



VOTING SESSION MINUTES

OPEN MEETING: Mayor Hirling opened the meeting at 9:30 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.

INVOCATION:

Father Fred Wendel from the Prince of Peace Catholic Church gave the invocation.

PUBLIC HEARING CON'T FROM 03-09-06:

Resolution 06-110 - 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.

Planning and Community Development Manager presented a power point exhibit summarizing the request.

The applicant Mr. Hughes was present.

Public Comments:

Scott Sheperd-5678 Newberry Point Drive, Flowery Branch, GA. 30542 informed the council that he was comfortable with the conditions imposed on the request.

Councilwoman Smith inquired on the responsible party if the runoff from the development of the property damaged the neighboring residences.

Manager Riker advised that the City's Engineer inspected the property and advised that the lot could be built in such a way as to prevent additional storm water drainage unto the neighboring properties.

Attorney Bennett advised that under the discretionary act that the city would not be liable for any storm water damage to any of the neighboring residence. The responsibility would fall upon the homeowner and the developer.

There was a consensus of the council to place this item on the 03-15-06 Voting Session Agenda for further consideration.

Resolution 06-111 - 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

Planning and Community Development Manager presented a power point exhibit summarizing the request.

Mr. Jones and Mr. Hall were present representing the applicant.

Public Comments:

Mr. Sandy Jones approached the council and advised that his company was comfortable with the conditions set on the request except the requirement to apply to the Department of Transportation for a tree cutting permit. Mr. Jones advised that The Department of Transportation does not allow the cutting of certain trees.

Mr. Ed Lezaj-5612 Newberry Point Drive, Flowery Branch, GA. 30542 approached the council and expressed concerns regarding the city setting precedence if allowing the applicant to raise the height of the billboard signs. Mr. Lezaj requested that the council enforce the sign code.

There was a consensus of the council to place this item on the 03-15-06 Voting Session Agenda for further consideration.

Resolution 06-112 - 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

Planning and Community Development Manager presented a power point exhibit summarizing the request.

Mr. Jones and Mr. Hall were present representing the applicant

Public Comment:

Mr. Ed Lezaj-5612 Newberry Point Drive, Flowery Branch, GA. 30542 approached the council and advised that the City of Oakwood and Gainesville do not have signs along the section of I-985 that runs through their town and the City of Flowery Branch should stand by the sign ordinance and not allow the eye sore of billboards along I-985.

Mr. Hall advised that The City of Gainesville does not incorporate any portion of I-985 and that Oakwood does allow billboard signs.

There was a consensus of the council to place this item on the 03-15-06 Voting Session Agenda for further consideration

ADJOURN 03-15-06 PUBLIC HEARING:

There was a motion made to close the Public Hearing at 9:58 a.m.

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

VOTING SESSION:

Mayor Hirling opened the voting session at 9:59 a.m.

Manager Riker requested that the following be added to agenda;

- Discussion Clarkstone Village Quick Claim Deed.

CONSENT AGENDA:

There was a motion made to approve the Consent Agenda as presented.

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

UNFINISHED BUSINESS:

[Second Reading Ordinance #332 - Bell South Occupational License Tax Levy](#)

Attorney Bennett read Ordinance #332. First reading was 02-15-06.

There was a motion made to approve the second reading of Ordinance #332-Bellsouth Occupational License Tax Levy.

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

[Discuss the Withdrawal of Condemnation Suit against Kent Henderson](#)

Attorney Bennett presented the council with Resolution #06-114 withdrawing the pursuit of the condemnation suit for the property owned by Mr. Kent Henderson.

There was a motion made not to proceed with a condemnation suit in the attempt to acquire property owned by Mr. Kent Henderson.

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

[Approval of Booster Pump Station Electrical Bids- Farr Electrical Contractors](#)

Consultant Sutton advised that the originally approved bidder has failed to present the required documentation to be considered for the project. The second lowest bid was received from Farr Electrical Contractors in the amount of \$5,240.00 and that staff is requesting that the council award the bid to Farr Electrical Contractors.

There was a motion made to approve and accept the bid received from Farr Electrical Contractors in the amount of \$5,240.00.

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

[Amendment 308C – First Reading - 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-1](#)

Mr. Riker informed the council that approval of the amendment would not authorize The Rock to be located in the Light Industrial Zone it would only allow for the application of a Special Use Permit and that each site would be approved / disapproved on a case by case basis.

Councilwomen Jones expressed concerns regarding the tax base and the loss of tax dollars the city would receive if a church was approved in an industrial area

Attorney Bennett conducted the first reading of Ordinance Amendment 308C.

There was a motion made to disapprove the first reading of Zoning Text Amendment 308C.

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

[Resolution 06-110 – 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

Attorney Bennett read Resolution 06-110.

There was a motion made to approve Resolution 06-110 – a resolution of the City of Flowery Branch City Council approving a request to reduce the front yard setback from 35'-0" TO 25'-6" for the subject property located at 5682 Newberry Point Drive.

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

Resolution 06-111 - 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

Attorney Bennett read Resolution 06-111

There was a motion made to approve Resolution 06-111 – a resolution of the City of Flowery Branch City Council approving a request to increase the building height of a billboard from 60'-0" to 135'-0" and to increase the distance requirement from the billboard to a commercial industrial activity from 600'-0" to 2192'-0" for the property located at 5072 Hog Mountain Road.

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

Resolution 06-112 - 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

Attorney Bennett read Resolution 06-112

There was a motion to approve Resolution 06-112 – A resolution of the City of Flowery Branch City Council approving a request to increase the building height of a billboard from 60'-0" to 135'-0" and to increase the distance requirement from the billboard to a commercial industrial activity from 600'-0" to 1857'-0" for the property located at 5008 Hog Mountain Road.

MOTION: Mary Jones
SECOND: Pat Zalewski
AYES: Allen Bryans, Jim Herold, Pat Zalewski and Mary Jones

NAYES: Jan Smith
Motion carried

NEW BUSINESS:

Select Health and Dental Plan for 2006-2007

a. Approve Pre Tax Status for Health Insurance Premiums.

Consultant Sutton reviewed the plan options for the cities health and dental plans.

There was a motion made to accept the proposal for health and dental care as provided by Blue Cross/Blue Shield Point of Service care.

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

Discuss options for property sale of 3.25 Acres off Roberts Drive

Consultant Sutton advised the council that the sale of the property must be done through a development authority. Consultant Sutton advised that the city has a development authority but that it is no longer active. The council can choose to reactivate the development authority or use the Gainesville – Hall County Development Authority.

Consultant Sutton advised that the city also would need to use the development authority to issue checks to the Banks family per the annexation agreement regarding the Banks property.

There was a consensus to direct interested parties to present names at the next work session for consideration for appointment to the Flowery Branch Development Authority.

There was a consensus to direct the attorney to update and revise a Resolution reactivating the Flowery Branch Development Authority.

Request from DCA to Support Lanier Technical College's Center of Innovation for Manufacturing Excellence Business Incubator - \$5,000.00 for Next Three Years

Sheila Still was present representing Lanier Technical College.

Consultant Sutton reviewed the request of support by Lanier Technical College's center of Innovation for Manufacturing Excellence Business Incubator.

There was a motion to authorize the Mayor to sign the City of Flowery Branch letter of support for the Lanier Technical College's Center of Innovation for Manufacturing Excellence Business Incubator.

MOTION: Jim Herold
SECOND: Pat Zalewski
AYES: Jan Smith, Allen Bryans, Jim Herold, Pat Zalewski and Mary Jones
NAYES: None

Motion carried

A motion was made to authorize the Mayor to sign Resolution 06-116 supporting Lanier Technical College's Center of Innovation for Manufacturing Excellence Business Incubator in the amount of \$5,000.00 a year for the next three (3) years.

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

The Mayor called for a fifteen (15) minute recess.

[Discussion Regarding Request from Halvorsen Development Corporation to Reserve Sewer Capacity for Stonebridge Crossing](#)

Consultant Sutton reviewed the request made by representatives of Stonebridge Crossing.

There was discussion by the council and a consensus was reached to direct staff to research the City of Flowery Branch and Gainesville Water agreement and continue this discussion to the April 5, 2006 work session for further consideration.

[Request for RFP for engineering services for expansion of Wastewater Treatment Plant:](#)

Consultant Sutton reviewed the Request for Proposal.

There was a motion made to direct staff to distribute the Request for Proposal as presented.

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

Councilwoman Jan Smith requested that the City consider a sign Moratorium.

Manager Riker advised that the new sign ordinance should be ready for review/approval within 30 days and that he will have a more defined time line at the April 5, 2006 work session.

Attorney Bennett read Resolution 06-117.

There was a motion made to approve resolution 06-117 imposing a sign moratorium.

MOTION: Jan Smith
SECOND: Jim Herold
AYES: Jan Smith and Jim Herold.,

NAYES: Allen Bryans, Pat Zalewski and Mary Jones
Motion failed

PLANNING, ZONING, AND ANNEXATION ISSUES

Resolution 06-113 - Approval of Final Plat Map Model Homes Phase II Sterling on the Lake.

Manager Riker reviewed the final plat map of the model homes phase II for Sterling on the Lake.

Attorney Bennett read Resolution 06-113.

There was a motion made to approve Resolution 06-113 – final plat map model homes Phase II of Sterling on the Lake.

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

TE Grant Update

Manager Riker advised that he has met with Georgia Power, Bellsouth and Charter Communications regarding the burial of the lines along Main Street. Information is being reviewed by each of the utilities and more defined costs should be available at the next work session on April 5, 2006.

Comp Plan Update

Manager Riker advised that the Comprehensive Plans is complete and that DCA has approved the plan. Currently the city is waiting on the return of the plans with any comments or changes by DCA.

Quick Claim Deed Clarkstone

Manager Riker advised that easement at Clarkstone is no longer functional to the City and that it is requested that the City abandon the easement and deed it back to Clarkstone.

There was a motion to authorize the Mayor to execute the documents to deed the property easement to Clarkstone.

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

Motion carried.

ATTORNEY REPORT:

Attorney Bennett advised that amendment to the City Charter has been approved in the House and the Senate and is pending approval by Sonny Perdue.

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

None

ADJOURNMENT INTO EXECUTIVE SESSION:

A motion was made to .close the March 15, 2006 Voting Session at 12 39 p.m and enter Executive Session to discuss:

- 1 Litigation
- 2 Personnel

MOTION: Jim Herold

SECOND: Pat Zalewski

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

NAYES: None

Meeting adjourned into Executive Session 12:39 p. m.

EXECUTIVE SESSION:

There was a motion made to close Executive Session at 1:44 p.m.

MOTION: Jim Herold

SECOND: Pat Zalewski

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

NAYES: None

Executive Session closed at 1:44 p.m.

RECONVENE OPEN SESSION:

Open Session reconvened at 1:45 p.m.

Appoint City Manager

There was a motion made to appoint Mr. Bill Andrews as City Manager subject to the parties agreeing on an appropriate employment agreement and to direct the Mayor to execute the agreement as authorized by City Council.

ADJORNMENT:

There was a motion to adjourn the March 15, 2006 Voting Meeting at 1:50 p.m.

MOTION: Jim Herold

SECOND: Mary Jones

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

NAYES: None

Meeting Adjourned at 1:50 p.m.

City Clerk - Melissa McCain

Date

Mayor Diane Hirling