



**CITY OF FLOWERY BRANCH
COUNCIL MEETING
Wednesday, May 3, 2006 – 9:30 a.m.**



SPECIAL CALLED VOTING AND WORK SESSION AGENDA

OPEN MEETING: Mayor Hirling opened the meeting at 9:31 a.m.

IN ATTENDANCE: Mayor Hirling, Council Members Jim Herold, Jan Smith, Pat Zalewski, Allen Bryans, and Mary Jones. Also in attendance were City Manager Bill Andrew, City Clerk Melissa McCain, City Planner James Riker, City Attorney Dick Carothers, Attorney Ron Bennett, and Consultant Jerry Weitz, representing Jerry Weitz and Associates.

CITIZENS COMMENTS:

Ken Morton – Owner/Developer Flowery Branch Tech Center.

Mr. Morton approached the Council and advised the Council that the demand for light industrial building space has been less than expected when the area was developed. Mr. Morton suggested that the Council support the request made by the Rock Ministries and allow churches in a M1 zoning district.

Chris Vaughan-4839 T Martin Gainesville, GA. 30506 - The Rock Ministries

Mr. Vaughan approached the Council and advised that The Rock Ministries was reapplying due to misinformation the Council received on prior occasions. A memo was distributed to the Council with further information regarding the request.

Mr. Vaughn requested that information be provided explaining reasons the Council may be opposed to the text amendment so that those issues can be addressed.

WORK SESSION ITEMS:

1. Discussion City of Flowery Branch Comprehensive Plan

City Planning Manager Riker advised that the draft Comprehensive Plan has been approved by the RDC and the State of Georgia. Further there is a Public Hearing scheduled for May 11, 2006 at 6:00 p.m.

Mr. Jerry Weitz reviewed a power point exhibit and specifically reviewed four issues that needed further direction from the City Council prior to the adoption of the plan.

- a. Whether the city supports the draft plan concepts of how to fund future improvements – impact fees for police space, community centers and greenway trails. Also, the proposal for a bond referendum to fund other community facilities. (City Hall etc.)

The Council then discussed this topic and expressed concerns regarding impact fees and referencing a bond referendum. A consensus was reached to direct staff to work with the consultant to revise the wording of the Comprehensive Plan regarding the impact fee and the bond resolution. This information will be revised and submitted to the Council for review.

- b. Elements of the “short term work program” and whether Council members support the projects included in that work program.

After a short discussion there was a consensus of the City Council to accept the short term work program and contents as presented.

- c. Minor modifications to the future land use plan map and the downtown circulation.

Manager Riker advised that there were a few modifications to the map as there were a few errors but that the modifications did not change the intent of the future land use map.

There was a consensus of the City Council to accept the land use plan map as revised by the City Planner.

- d. Minor modifications to transportation element.

Manager Riker advised that the Metropolitan Planning Organization has added additional items to their plan and requested that the City address the additional items that affect the City in the Cities Transportation Plan.

There was a consensus of the City Council to proceed with the Comprehensive Plan as revised and presented by Manager Riker.

There was a consensus to hold a public hearing addressing the Comprehensive Plan June 7, 2006 at 9:30am followed by the regularly scheduled Voting Session.

Discussion GMA voting delegates for the 2006 annual conference.

Mayor Hirling advised that she had received notice from the Georgia Municipal Association that they were requesting one member from each City to be present as a voting delegate for two meetings that are to held during the 2006 annual conference in Savannah.

There was a consensus of the City Council to appoint Mayor Hirling as the 2006 City of Flowery Branch voting delegate.

Mayor Hirling will represent the City of Flowery Branch as its voting delegate at the 2006 annual GMA conference in Savannah Ga.

Discussion Waterstone Crossing water/sewer tap on rates.

Mayor Hirling advised that Waterstone Crossing had submitted a letter to the City requesting a reduction in the water and sewer tap on fees. The developer had requested that the fees be reduced to the rates that were effective at the end of July 2005.

After a short discussion there was a motion made to deny the request made by Northstar Homes to reduce the water and sewer tap on fees and to direct the City Manager to issue a letter of denial to the developer.

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

Motion carried.

Formation Ad Hoc Committee

Mayor Hirling inquired if the Council was interested in forming an Ad Hoc Committee to study water/sewer issues and then report any findings to the Council.

There was a consensus of the City Council to form an Ad Hoc Committee and to appoint Councilman Jim Herold, Allen Bryans Sr. and City Manager Andrew to the Committee.

Discussion application new Beer/Wine license – Thai Dish restaurant – Thongxay (Tom) Rattanaxay.

City Clerk McCain informed the Council in January 2006 Mr. Rattanaxay applied for a beer and wine license for service at Thai Dish Restaurant located on Spout Springs Road. Further all the required taxes and fees have been paid and all is in order for discussion or approval of the request.

There was a motion made to approve a beer license and a wine license for Thongxay Rattanaxay at Thai Dish Restaurant.

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

CITY MANAGER REPORT

Retreat update

Manager Andrew advised that he was able to reserve Elachee Nature Center for the amount of \$75.00. The dates available are June 9, June 16, or June 23, 2006.

Further Mr. Lewis can facilitate the retreat for a fee of \$300.00.

There was a consensus of the City Council to hold the retreat on June 9, 2006 between the hours of 9:00 a.m. - 4:00 p.m. and to utilize the Elachee Nature Center for \$75.00 and to have Mr. Lewis serve as facilitator in the amount of \$300.00.

Discussion – 2006 Auditor – Almand Alexander and Associates.

Manager Andrew advised that consultant Jeremy Perry had suggested that the City utilize Almand Alexander and Associates for 2006 and that the City will reevaluate the options available for auditors for the 2007 audit.

There was a consensus of the City Council to direct Manager Andrew to research the fees incurred if Almand Alexander and Associates was utilized for the 2006 audit.

Request form Municipal Court Judge Hammond Law to add an additional Court Date to the Flowery Branch Court schedule.

Manager Andrew advised that Judge Law has requested a second court date be added to the city calendar as the once a month court dates are full. Because of all the cases before the court, people are forced to stand outside the City Hall in all kinds of weather because there is no room in the Council room.

There was a consensus of the City Council to add an additional night to the court calendar.

RFP 001

Manager Andrew advised that after receiving feedback regarding the RFP 001 for the Wastewater treatment plant upgrade that the RFP was removed from consideration. This is partially due to the amount of contingences that hinge on the decision by the EPD regarding discharge.

Manager Andrew suggested that the City request RFQs (request for qualifications) along with preliminary designs. Once the EPD has issues permits the City can go to bid on final designs.

Manager Andrew advised that he would bring an RFQ before the Council at the next voting session on May 17, 2006.

ATTORNEY REPORT:

No report.

PLANNING, ZONING AND ANNEXATION ISSUES:

Discussion – Request to allow churches as a permitted use within the M-1 Light Industrial Zoned Districts.

Manager Riker advised that at the last voting session the City Council denied a request from the Rock Ministries to modify the Zoning Code to allow churches in the M-1 Light Industrial zoned districts. The applicant has reapplied. Attached to the minutes is a copy of the memorandum from the Rock Ministries and an explanation for the resubmittal.

Manager Riker continued by stating that this submittal was for a City wide change regarding a zoning text amendment and that this request was not specifically for the Rock Ministries to occupy a space in the M-1 zoning districts. The Rock would need to apply for a Special Use Permit if the text amendment was approved.

There was some discussion regarding the request and it was noted that this request would be placed on the May 11, 2006, 6:00 p.m. Public Hearing Agenda for further discussion.

Discussion – Intergovernmental agreement for NPDES Small Municipal Separate Storm Sewer System (MS4) permit.

Manager Riker advised that the City is involved in a program consisting of a hot line and informational programming on Channel 18 T.V. Currently Gainesville and Hall County are operating the system and this agreement was before the prior Mayor and was never executed.

At this time both agencies are requesting that Flowery Branch execute the agreement for continuation of this program. Further noted was that execution of this agreement requires no financial obligation or funding from the City.

There was a motion made to execute the Intergovernmental Agreement for NPDES Small Municipal Separate Storm Sewer System (MS4) Permit.

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

Discussion – Final Plat Map application Tidewater Cove Phase IIA.

Manager Riker advised that a resolution has been prepared for the May 17, 2006 voting session at that this final approval will complete the Tidewater Cove Subdivision.

Further, Manager Riker advised that the Homeowners Association is continuing to work with the developer to finalize an agreement to have nature trails included in the subdivision as opposed to sidewalks.

Zoning Code Update

Manager Riker advised that there has been feedback from both developers and residents regarding the Zoning Code. Further, Manager Riker advised that staff would work diligently to complete the draft Zoning Code but that it may not be completed until August due to the time needed to work on and complete the budget and the Comprehensive Plan.

There was some discussion regarding the stream buffers and nuisance abatement.

The Council directed Manager Riker to report the status of the Zoning Code at the May 17, 2006 Council meeting to determine a proposed completion and approval date of the Code.

TE Grant

Manager Riker updated the Council on the status of the TE Grant. Manager Riker advised that the final concept report and memo have been received from DOT. Now we are preparing construction drawings- once prepared and approved by the City they will be sent to DOT for final approval. Once approved by DOT the City can go out for bid on the project.

RR Lease Update

Manager Riker reviewed the RR Lease.

Nuisance Ordinance Update

Manager Riker advised that he has obtained and reviewed the City of Oakwood Nuisance Ordinance and their model does not meet our needs. Their plan accomplished weeds, trash and debris and our City is

aiming toward expanding to include nuisance structures. Oakwood's penalty clause is comparable to what the City currently has.

Hall County Housing Team Report

Manager Riker advised that the housing team has a retreat in Valdosta scheduled. The retreat will be held to evaluate affordable housing costs. The team is putting together an RFP to obtain a consultant for a housing and market assessment regarding affordable housing in the County.

Manager Andrew advised that there are two grants available that can be applied for; The Community Development Block Grant, (water sewer roads improvements) or a Community Home Improvement Grant.(rehabbing homes or for assistance with down payments of new homes).

Manager Andrew advised that the County has offered to pay the expenses for him to attend the meeting.

There was a consensus that the City Manager would attend the retreat.

COUNCIL REPORT

A letter from Jimmy Dean, Director of Water and Wastewater Quality, was given to the Council for review. In summary the letter indicated that Tree Park Apartments is adding an 8" fire line up Thurmond Tanner Parkway to their main entrance. This line will cost Tree Park developers \$36,602.69. For an additional cost of \$16,394.58 the City can have the existing vault moved adding one fire hydrant assembly and a 20" jack boring under their entrance. This cost would be for future line extensions up the Thurmond Tanner Parkway.

There was a motion made to approve the expenditures of \$16,394.58 paid to Allen Pipeline for the placement of the 20" casing and 8" fire lines for future development.

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

ADJOURNMENT INTO EXECUTIVE SESSION:

- Potential Litigation

There was a motion made at 11:55 a.m. to exit open session and enter into Executive Session.

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

RECONVENE SPECIAL CALLED VOTING AND WORK SESSION

There was a motion made to exit Executive Session and continue the Special Called Work and Voting Session at 12:57 p.m.

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

Councilman Bryans inquired on the status of the Bids received for the water tank process.

City Clerk McCain advised that because the bids were opened the day before it did not get on this weeks agenda but that it will be on the May 17, 2006 voting session agenda for further consideration.

In summary only two bids were received;
Precon Corporation 115 S.W. 140 Terrace Newberry Florida \$527,305.00
Crom Corporation 250 S.W. 36th Terrace, Gainesville, Florida \$459,000.00

Engineer Washington is in the process of submitting a recommendation for the Councils' consideration at the May 17, 2006 voting meeting.

ADJOURNMENT

There was a motion made to adjourn 1:10 p.m.

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

Meeting adjourned at 1:10 p.m.

City Clerk - Melissa McCain

Date

Mayor - Diane Hirling