



**CITY OF FLOWERY BRANCH
COUNCIL MEETING
Wednesday, May 17, 2006 – 9:30 a.m.**



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 Manager Andrew, City Clerk Melissa McCain, City Planner James Riker and City Attorney Ron Bennett.

INVOCATION:

Scott Crook, Blackshear Place Baptist Church gave the invocation.

PUBLIC COMMENTS:

Craig Lutz-8072 Sleepy Lagoon Way, Flowery Branch, Ga. 30542

Mr. Lutz approached the council and advised that he was concerned with the through traffic in Sterling on the Lake and the safety issues the traffic raises. Mr. Lutz advised that on Lake Crossing Drive cars tend to speed and use the road as a cut through.

Mr. Lutz requested that the City look into erecting stop signs at the roads that intersect with Lake Crossing Drive to slow the traffic down and make the community a safer environment for the residents.

Mayor Hirling advised that the Chief of Police will investigate the concern.

Charles Chris Vaughn- 2293 Browns Bridge Road, Gainesville, GA.

Mr. Vaughn approached the Council and advised that all the information was before the Council and that he would be happy to answer any questions or address any concerns the Council had.

INTRODUCTION

City Clerk McCain introduced new employee Annette Hendry to the Council. Clerk McCain advised that Mrs. Hendry moved to the area January of 2006 and that her background was impressive and that she had moved to the area because she had children residing in Braselton and Oakwood.

The Council welcomed Mrs. Hendry.

CONSENT AGENDA:

There was a motion made to approve Consent Agenda items:

1. 03-09-06 Emergency Special Called Meeting Minutes
2. 03-15-06 Voting Session Meeting Minutes
3. 04-05-06 Work Session Meeting Minutes
5. 05-03-06 Special Called Voting-Work Session Meeting Minutes

MOTION: Jim Herold

SECOND: Pat Zalewski

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

NAYES: None

Motion carried.

There was a motion made to approve Consent Agenda item:

4. 04-20-06 Zoning Code Update/Open Work Session Meeting Minutes

MOTION: Allen Bryans

SECOND: Jan Smith

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

NAYES: None

ABSTAIN: Jim Herold

Motion carried

There was a motion made to approve Consent Agenda item:

6. 05-11-06 Public Hearing Meeting Minutes

MOTION: Jim Herold

SECOND: Allen Bryans

AYES: Jan Smith, Allen Bryans and Jim Herold.

NAYES: None

ABSTAIN: Mary Jones and Pat Zalewski

Motion carried

UNFINISHED BUSINESS:

Approval of two monthly sessions for Municipal Court

Police Chief Lanich was present for any questions or concerns.

Mayor Hirling advised that a handout was provided that included a breakdown of the cost to introduce a second court date.

There was a motion made to approve a second municipal court session and the days to be set by the discretion of the municipal court.

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

[Appointment of Almand Alexander & Associates as auditors for 2006](#)

City Manager Andrew advised the Council that staff recommends that the City appoint Almand Alexander & Associates as the City's 2006 auditor.

Further Mr. Andrew advised that the fee would be approximately \$13,000 to \$14,000. Almand Alexander & Associates has conducted the audit in the past and the actual cost to do a Government audit is approximately \$20,000 but that Almand Alexander & Associates were willing to reduce the extra \$6,000 cost.

There was a motion made to appoint Almand Alexander & Associates as the City of Flowery Branch auditor for the 2005/2006 year end audit.

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

[Approval of revised RFQ](#)

City Manager Andrew reviewed the revised Request for Qualifications (RFQ).

Manager Andrew further advised that the Ad Hoc Committee was proposed to consist of Councilman Bryans, Councilman Herold, Oakwood Representative Stan Brown and Hall County representative Kevin McInturff.

Councilwoman Smith advised that she objected to the City of Oakwood's Stan Brown sitting on the Ad Hoc Committee because Oakwood would be a client and customer and really had nothing to do with the actual expansion.

City Manager Andrew advised that both Stan Brown and Kevin McInturff have extensive experience and would serve as advisers only.

Councilwoman Zalewski expressed concerns with the option of using Gainesville Flat Creek Treatment Facility.

There was a motion made to approve RFQ 002 with the removal of the option to pump sewer to the City of Gainesville's Flat Creek Treatment Facility. The RFQ release date set as May 19,2006.

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

There was a motion made to approve an Ad Hoc Committee consisting of Councilman Bryans, Councilman Herold and City Manager Andrew with consulting available from Stan Brown, City of Oakwood and Kevin McInturff, Hall County for RFQ review only.

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

Approval of bid for new water tank

City Manager Andrew reviewed the bids and recommended that the Council approve the low bid presented by The Crom Corporation in the amount of \$459,000.00.

Mr. Andrew further advised that The Crom Corporation has done work for the City before and there have been not past problems with the company or the work that has been completed.

There was a motion made to award the water tank construction to The Crom Corporation in the amount of \$459,000.00-four hundred fifty nine thousand dollars and no cents with authorization for the Mayor to execute the documents once reviewed and approved by the City Attorney.

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

Approval Ordinance 308C - Request for text amendment to allow churches as a permitted use within the Light Industrial zoned district. M-1

Planner Riker advised the Council, that should the Council consider approving the text amendment, staff recommends that issuance of a Conditional Use Permit (CUP) be required prior to operation of a church within light industrial zones. Review and approval of a CUP would allow staff to assure that the operation of a church is compatible with existing industrial uses.

Attorney Bennett read proposed Ordinance 308C.

There was a motion made to approve the first reading of Ordinance 308C - text amendment to allow churches as a permitted use within the Light Industrial zoned district M-1.

MOTION: Jan Smith

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

[Approval Resolution 06-118 - Approval of Final Plat map application- Tidewater Cove Phase II A](#)

Planner Riker reviewed the final plat map application from D.R. Horton for Tidewater Cove Phase IIA.

Planner Riker informed the Council that the final plat map would indicate that the roads are private and that the City of Flowery Branch would not be responsible for any maintenance of the roadway and that it would be the responsibility of the Homeowners Association for the maintenance of the roadways.

Councilman Herold inquired if there were still outstanding issues with the developer.

Planner Riker advised that there were a few outstanding items that the City was monitoring and that the issues between the developer and homeowners regarding the nature trails have not been resolved.

The issues mentioned were a berm on the north side of the property, some soil erosion which the developer's engineer and the City's engineer are addressing.

Planner Riker advised that if the final plat is approved the City has the option of holding Certificate of Occupancy and future permits until such time all issues are resolved.

Councilman Bryans inquired if permits had been issued at this time for the proposed plat.

Planner Riker advised that the permitting of construction in this phase of the project could not begin until such time the final plat is approved.

Councilman Bryans advised that the developer has already begun construction in this phase of the development.

Planner Riker advised that staff would investigate the construction as there have been no permits issued at this time for construction on this phase of the project.

There was a motion made to postpone the approval of the plat map application- Tidewater Cove Phase II A until June 7, 2006.

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

There was a consensus to direct staff to investigate the construction and to compose a list of outstanding issues with progress of resolution of those listed items. Further direction was made to direct staff to work with the attorney on appropriate measures that may include holding certificate of occupancies and/or new permits.

CITY MANAGER REPORT

City Manager Andrew advised that the budget preparations were on schedule for review by the Council and available to the public on Friday May 26, 2006.

Mayor Hirling advised that there would be no Executive Session.

ATTORNEY REPORT

No report

PLANNING, ZONING, AND ANNEXATION ISSUES

Zoning Code Update

City Planner Riker advised that staff was still reviewing comments regarding the Zoning code the code would be ready for approval in August.

Comprehensive Plan Update

Planner Riker advised that the Comprehensive Plan would be ready for a Public Hearing June 7, 2006 at 9:30 am preceding the Special Called Voting Session.

Planner Riker further advised that approval of the Comprehensive Plan would reinstate the City's Local Government Status.

Also noted was that the Steering Committee for the Comprehensive Plan will be present at the meeting with recognition for the Committee's hard work and dedication to the project.

R.R. Lease Update

Planner Riker advised that he had met with Norfolk Southern and walked the property discussing potential leases, removal of the buildings across from Country Craft Furniture, drainage issues and beautification of the area.

The items discussed will be presented to Norfolk Southern Engineers and a final proposal to the City within a couple weeks.

Planner Riker advised that City Manager Andrew and himself attended a meeting with the Halverson Development and viewed some premature elevations for the proposed buildings on the Halverson property. Once more concrete information is available it will be presented to the Council.

COUNCIL REPORT

Councilman Bryans inquired on the waterline change at the Wilwat property.

City Manager Andrew reviewed the progress and advised that the City has issued the \$50,000. check to Wilwat and is currently waiting for the completion of the project and a check from Wilwat in the amount of \$36,000.00

There was a motion made to authorize staff to proceed with the line bore under Thurmond Tanner Road

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

ADJORNMENT:

There was a motion made to adjourn the May 17, 2006 Voting Meeting at 11:17 a.m.

MOTION: Jim Herold
SECOND: Jan Smith
AYES: Allen Bryans, Jan Smith, Pat Zalewski and Mary Jones.
NAYES: None
Meeting Adjourned at 11:17 a.m.

City Clerk - Melissa McCain

Date

Mayor Diane Hirling