



CITY OF FLOWERY BRANCH  
COUNCIL MEETING  
Wednesday, June 7, 2006, 2006 – 9:30 a.m.



**Special Called Work Session/Voting Session  
Meeting Minutes**

**PUBLIC HEARING:**

**CALL TO ORDER:** Mayor Hirling called to order the public hearing 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 Richard Carothers and Ron Bennett.

**2006/2007 Budget Review**

City Manager Andrew advised that the proposed schedule pertaining to the review and approval of the final budget is as follows;

June 7, 2006 Public Hearing

June 9, 2006 9:00 a.m. Informational review at the Council Retreat

June 14, 2006 9:30 a.m. Line by line review of the proposed budget

June 21, 2006 9:30 a.m. Formal adoption of the 2006/2007 Budget.

City Manager Andrew highlighted the following sections of the budget;

**Millage Rate Rollback:**

City Manager Andrew recommended a rollback in the millage rate from 2.845 to 2.837, resulting in a loss to the City of \$1,070.

If the rate is kept at 2.845, the advertisement costs of \$924 and staff time devoted to the required public hearings would negate any net increase in funds.

**Salary Increase**

City Manager Andrew advised that with a current US inflation rate of approximately 3%, he recommending a salary Increase of 4%.

However, rather than being available on July 1 for all employees, the increase would become effective on the individual's employment anniversary. This will result in a savings of approximately \$25,000. Efforts are underway to create a system of evaluation for employees. Those employees not performing at an acceptable level will receive a reduced or no raise.

### Water and Sewer Operating

City Manager Andrew advised that these costs have risen approximately 33% in large part due to the planned addition of three full-time employees for 24/7 coverage of the Waste Water Treatment Plant, State of Georgia – Environmental Protection Department watershed protection requirements, and rising utility costs. Of course, these utility costs (natural gas, gasoline, and electricity) will affect several departments.

Further City Manager Andrew recommended these fees be kept at some combination of the current combined rate of \$9,000. It should be noted, these funds are being asked to inordinately support the General Operating Budget. Lowering these fees will significantly impact the viability of future budgets.

### General and Water/Sewer Fund Balance Reserves

City Manager Andrew advised that with only a 7% increase to the budget, there is projected to be a decrease in the Undesignated Water/Sewer Fund Balance from \$2,655,213 to \$629,390, a drop of 76%. This level of borrowing from the Water/Sewer Fund Balance to the General Fund is not sustainable for the long term. This budget is calling for a transfer of \$346,900 from the Water/Sewer Fund to the General Fund alone. Optimally, each fund should be self-contained. On the whole, it is believed that growth projections alone will not allow for these Fund Balance Reserves to be re-established at acceptable levels.

City Planner Riker reviewed projected revenues from:

1. Tap Fees
2. Building Permits
3. Property Tax

There were no public comments or Council questions.

### Comprehensive Plan

City Planner Riker advised that each property owner was notified by mail, signs and banners have been posted, numerous public hearings and steering committee meetings have occurred, and copies of the proposed Comprehensive Plan have been available for review on the City's website as well as copies available at the City Hall. All comments and concerns have been addressed to the best ability of staff and consultants.

The Department of Community Affairs as well as the Georgia Mountains Regional Development Center has approved the Comprehensive Plan.

Planner Riker reviewed the following Comprehensive Plan Components:

- |                                     |                                |
|-------------------------------------|--------------------------------|
| ▪ Introduction                      | Population                     |
| ▪ Housing                           | Economic Development           |
| ▪ Community Facilities and Services | Intergovernmental Coordination |
| ▪ Transportation                    | Natural Resources              |
| ▪ Historic Resources                | Character Areas and Land Use   |
| ▪ Redevelopment                     | Short Term Work Program        |

There were no public comments or Council concerns.

**CLOSE OF PUBLIC HEARING:**

Mayor Hirling closed the public hearing at 10:10 a.m.

**SPECIAL CALLED WORK SESSION/VOTING SESSION**

**CALL TO ORDER:** Mayor Hirling Called the meeting to order at 10:10 a.m.

**RECOGNITION OF COMPREHENSIVE PLAN STEERING COMMITTEE:-**

Mayor Hirling and City Planner Riker presented the following Steering Committee Members with plaques of Appreciation for all the hard work and dedication that was put into the preparation of the Comprehensive Plan.

- |                 |                    |
|-----------------|--------------------|
| Richard Tole    | Brett Barwick      |
| William Barwick | Dr. Doward Douwsma |
| Mary Jones      | Frank McGowan      |
| Andy Pearson    | Alex Wayne         |
| Allen J. Bryans | Gary Hodges        |
| Nedra Jones     | Kevin O'Neill      |
| Frank Simpson   | Jan Smith          |

**UNFINISHED BUSINESS:**

**Resolution #06-120 Flowery Branch Comprehensive Plan**

City Attorney Carothers read Resolution #06-120

There was a motion made to approve Resolution 06-120 as presented.

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

An ad will be placed in the local newspaper informing of the adoption of the Comprehensive Plan.

**Resolution #06-118 - Approval of Final Plat map application- Tidewater Cove Phase II A**

Attorney Carothers read resolution #06-118.

Planner Riker advised that the Final Plat Map will state that the roads included in the approval will remain private roads.

There was a motion made to approve Resolution 06-118 as read.

MOTION: Jim Herold

SECOND: Pat Zalewski

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

NAYES: None

Motion carried.

**NEW BUSINESS:**

**Sewer/Water line inspection fees**

City Manager Andrew and Wastewater Treatment Plant Manger Dean reviewed the request to increase the fees charged for sewer/water line inspections to assist in covering the cost of inspections.

There was a consensus by Council to direct staff to report back to Council with further projection information and to direct the City Attorney to prepare a resolution for the increase in inspection fees.

**Alcohol/Beer/Wine License Application – Sabor Latino**

City Clerk McCain advised the Council that in January 2006 Mr. Victor Espinosa applied for a Beer and Wine license for his restaurant, Sabor Latino, located at 5545 Atlanta Hwy, Flowery Branch, Ga. 30542. All procedures, taxes and license fees have been paid.

City Clerk McCain advised one issue is that the restaurant is located 210' from an industrial building that currently rents to Christian City Church. According to Ordiance 54 the issuing of a beer or wine license is prohibited within 300' of a church.

Mr. Espinosa advised the Council that the Pastor of Christian City Church was willing to present the Council with a letter of support for the issuance of a liquor license for the Sabor Latino Restaurant.

City Clerk McCain advised that there was also a minor infraction on Mr. Espinosa's record and that after investigation by Chief Lanich there was no formal report made on the incident.

There was a motion made to approve the issuance of a Beer and Wine License to Mr. Victor Felix Espinosa for service at Sabor Latino located at 5545 Atlanta Highway

MOTION: Mary Jones

SECOND: Jim Herold

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

NAYES: None

Motion carried.

### **Taxi Ordinance:**

Mayor Hirling advised that Gainesville City has stopped issuing taxi cab licenses due to the amount already issued.

The City is in receipt of an application for a taxi cab license within the City limits and inquired if the Council was interested in the production of a taxi cab ordinance for the City of Flowery Branch.

After some discussion there was a consensus of the Council to direct City Attorney Carothers to investigate the current application and report to the Council some options that would protect the City from any probable liability.

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

### **R.R. Lease Update**

City Planner Riker advised that after meeting with a realtor for Norfolk Southern, walking the property and discussing beatification and parking an agreement has been reached to lease the property along the railroad from Chattahoochee Street to Snelling Avenue for the amount of \$1,200.00. This lease is proposed to include specific requirements of the lease as it pertains to beatification, landscaping, use of shed for storage and removal of unusable buildings.

Further Planner Riker advised that a report has been sent to the engineer for Norfolk Southern regarding drainage issues. There is no commitment to fix any current drainage problems at this time.

### **Zoning Code Update**

City Planner Riker advised that progress is still being made on the Zoning Code and it is proposed to be before Council for approval in August.

### **Nuisance Code Update**

City Planner Riker advised that he has researched and gathered information on Nuisance Ordinances from other communities as well as a conference he attended in Valdosta. Currently he is in the process of sorting through all the information and producing a comprehensive Nuisance Ordinance for the City of Flowery Branch with a submission to the Council in August for review and acceptance.

**Annexation/Rezoning Halverson Property Update**

City Planner Riker reviewed an application made by Paulson-Mitchell Inc. on behalf of Halverson Real Estate Corporation for annexation of 6.47 total acres with a designation of Commercial Business (CB).

The properties are currently located within Hall County Jurisdiction. Pursuant to House Bill 709 and O.C.G.A. 36-36-11 The City of Flowery branch forwarded the annexation and rezoning application to Hall County Planning Department for comment. Hall County has not raised any objection to the proposal.

City Planner Riker further advised the Council that there was a Public Hearing Scheduled for June 8, 2006 regarding the annexation.

**ATTORNEY REPORT**

No report

**COUNCIL REPORT**

None

**CITIZENS COMMENTS:**

None

**ADJORNMENT INTO EXECUTIVE SESSION:**

There was a motion made to adjourn into Executive Session for Land Acquisition and Potential Litigation at 11:16 a.m.

MOTION: Jim Herold

SECOND: Pat Zalewski

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

NAYES: None

Motion carried

There was a motion made to exit Executive Session and re-enter the Special Called Work Session/Voting Session at 12:32 p.m.

**ADJORNMENT**

There was a motion made to adjourn the June 7, 2006 Special Called Work Session/Voting Session at 12:37 p.m.

MOTION: Jim Herold

SECOND: Jan Smith

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

NAYES: None

Motion carried

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City Clerk - Melissa McCain

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Date

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Mayor Diane Hirling