



**CITY OF FLOWERY BRANCH  
COUNCIL MEETING  
Wednesday, July 19, 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, Allen Bryans, Pat Zalewski and Mary Jones. Also in attendance were City Manager Bill Andrew, City Clerk Melissa McCain, and City Attorney Ron Bennett.

**ABSENT:** Councilwoman Jan Smith

**INVOCATION:** Pastor Joshua Carr, United Methodist Church, gave the invocation.

**PUBLIC COMMENTS:**

**Ricky Roberts** – 4666 Hog Mountain Road. Flowery Branch, Ga.

Mr. Roberts, Roberts Insulation, approached the Council and advised that he had spoken with Hall County and they had told him that if Flowery Branch annexes property on both sides of the road, that the road would then be the responsibility of Flowery Branch. Mr. Roberts expressed concerns regarding the ability to use the service road for tractor trailers delivering or picking up products from his business. If these trucks are not allowed to stop traffic and conduct business then his family business will go bankrupt.

**CONSENT AGENDA:**

There was a motion made to approve Consent Agenda items:

1. 06-21-06 Voting Session Meeting Minutes
2. 07-05-06 Special Called Work/Voting Session Meeting Minutes

MOTION: Pat Zalewski

SECOND: Allen Bryans

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

NAYES: None

Motion carried

Mayor Hirling advised that under New Business the item to consider the approval of a beer/wine license for Major's Gourmet Fish House has been removed from the agenda for further consideration.

Mayor Hirling Further advised that Executive Session would include discussion on pending litigation.

## **UNFINISHED BUSINESS:**

### **Resolution 06-125 – Mobile Home Building Permit Fee Schedule**

City Manager Andrew advised the due to the extensive inspections the State requires on the production of mobile homes the inspections conducted by the City are less involved then on a typical new home.

Because less staff time is spent on inspections of mobile homes Resolution 06-125 proposes that the current inspection fee for mobile homes be changed from .25 cents per square foot to a flat \$50.00 permit fee.

Attorney Bennett read Resolution 06-125.

There was a motion made to approve Resolution 06-125 setting the building permit fee for mobile homes at \$50.00.

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

### **Ordinance 339 – Halvorson Property Annexation – 2<sup>nd</sup> Reading**

Attorney Bennett read Ordinance 339.

There was a motion made to approve Ordinance 339.

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

### **Ordinance 331 – Halvorson Property Rezoning – 2<sup>nd</sup> Reading**

Attorney Bennett read Ordinance 331.

There was a motion made to approve Ordinance 331.

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

### **Ordinance 334 – Conner Property Rezoning – 1<sup>st</sup> Reading**

Attorney Bennett read Ordinance 334.

Councilman Herold stated, for the record, that at this time the City does not have sewer capacity to support and service this development. It could be anywhere from two (2) to five (5) years before services are available.

There was a motion made to approve the first reading of Ordinance 334.

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

### **Resolution 06-124 – Conner Property Variance**

Planner Riker advised that this item would not be discussed until the second reading of Ordinance 334 as it can't be approved until Ordinance 334 is approved.

### **Ordinance 337 – Hazel Little/Halvorson Development Annexation – 1<sup>st</sup> Reading**

Attorney Bennett read Ordinance 337.

There was a motion made to approve the first reading of Ordinance 337.

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

### **Ordinance 338 – Hazel Little/Halvorson Development Rezoning – 1<sup>st</sup> Reading**

Attorney Bennett read Ordinance 338

There was a motion made to approve the first reading of Ordinance 338.

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

## First Choice Investments LLC Settlement Agreement

City Manager Andrew advised that after meeting with First Choice Investments regarding the \$20,000.00 agreement for the placement of the waterline along Mulberry Street that was not placed in the original agreement location they have agreed to settle the claim in the amount of 10,000.00.

There was a motion made to direct the Mayor and City Manager to disburse the funds for the settlement agreement dated July 19, 2006, in the amount of \$10,000.00.

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

### CITY MANAGER'S REPORT:

City Manager Andrew advised that the Department of Community Affairs has expressed concerns regarding the activity or lack thereof of the Historic Preservation Committee.

In order to satisfy the DCA appointments need to be made and regular meetings held.

The nominees for the Historic Preservation Committee are:

**Mary Jones – President – Voting Member**  
**Sue Kilgore – Voting Member**  
**Tara Malone – Voting Member**  
**Dinah Wayne – Non Voting Member**  
**Randy Dill – Non Voting Member**

There was a motion made to appoint the following people to the Historic Preservation Committee:

Mary Jones – President – Voting Member  
Sue Kilgore – Voting Member  
Tara Malone – Voting Member  
Dinah Wayne – Non Voting Member  
Randy Dill – Non Voting Member

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

**ATTORNEY REPORT:**

**RESOLUTION 06-126 – Taxi Cab Moratorium**

Attorney Bennett advised the Council that there have been inquires regarding running taxi cab garages within the City limits.

Further, Attorney Bennett advised that currently he is working on an Ordinance to prohibit taxi cab garages to operate in the City and that because this requires a change in the Zoning Ordinance a public hearing would need to be conducted. During the time between now and the completion of the new taxi cab ordinance a taxi cab moratorium has been drawn up to prevent applications for this use.

Attorney Bennett read Resolution 06-126.

There was a motion made to approve Resolution 06-126.

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

**PLANNING AND ZONING**

No report

**COUNCIL REPORT:**

Councilman Herold advised that he had spoke to Greg Beadles with the Atlanta Falcons and that the Falcons were pleased to hear that the City was going to light the water tower and the Falcon emblem. Also, Mr. Beadles had offered to assist the City with the moving forward of lighting the water tower.

**EXECUTIVE SESSION**

There was a motion made to adjourn into Executive Session at 10:02 am.

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

**RECONVENE OPEN SESSION:**

There was a motion made to reconvene the regularly scheduled open voting session at 10:49 am.

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

**ADJOURNMENT:**

There was a motion made to adjourn the Voting Session meeting at Session at 10:50 am.

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