



CITY OF FLOWERY BRANCH
COUNCIL MEETING
Wednesday, September 20, 2006,
9:30 a.m.



VOTING SESSION
MEETING 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, Mary Jones and Jan Smith. Also in attendance were City Manager Bill Andrew, City Clerk Melissa McCain, City Planner James Riker and City Attorney Richard Carothers.

INVOCATION:

Pastor Chuck Nation, representing First Baptist Church of Flowerly Branch gave the invocation.

CITIZENS COMMENTS:

There were not citizen comments.

CONSENT AGENDA:

Approve 08-10-06 Public Hearing Meeting Minutes
Approve 08-16-06 Voting Session Meeting Minutes
Approve 08-23-06 Public Hearing Meeting Minutes
Approve 08-30-06 Special Called Voting Meeting Minutes

There was a motion made to approve the above minutes as presented.

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

UNFINISHED BUSINESS:

2nd Read - Ordinance 239B & 240B – Amending the conceptual site plan and original conditions of approval relating to Ordinance 239 and 240 for the master planned community – Sterling on the Lake

Planner Riker advised that there were two changes to the Ordinance;

1. There was a typo in the name of the Developer-It was listed as Looper Lake LLC and was changed to read NNP Looper Lake LLC.
2. There was a condition added under the creation of lots – Condition #7.

Attorney Bennett read Ordinance 239B & 240 B.

There was motion made to approve Ordinance 239B and 240B as read.

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

[2nd reading – Ordinance 54D – An Ordinance to provide qualifications for the issuance of an alcohol beverage license](#)

There was discussion regarding officers of the businesses.

Attorney Bennett read Ordinance 54D.

There was a motion made to approve Ordinance 54D as read.

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

NEW BUSINESS:

[Approve 09-06-06 Special Called Voting/Work Session Meeting Minutes](#)

There was a motion made to approve the 09-06-06 Special Called Voting/Work Session Meeting Minutes as presented.

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

[Consider – Beer/Wine License Best Buy](#)

City Clerk McCain advised the Council that Mr. Ghulam Ahmed has purchased Best Buy Quality Foods and is requesting a beer and wine license transfer.

Mr. Ahmed has completed all the proper paper work, paid all taxes through 2006 and has applied and been granted a business license.

Mr. Ahmed is requesting that his transfer also include the approval of the 2007 business license as well as the 2007 beer and wine licenses.

There was a motion made to approve the beer and wine license transfer for Best Buy Quality foods and for the renewal of the 2007 beer and wine license.

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

[Resolution 06-132 - Final Plat Map Pod C Sterling on the Lake](#)

Planner Riker reviewed a plat of POD C.

Attorney Bennett read Resolution 06-132.

There was a motion made to approve Resolution 06-132 as read.

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

[1st Reading - Ordinance 100-E - Amendment to establish security deposits/administrative fees for water and sewer service by resolution](#)

Attorney Bennett read Ordinance 100E.

There was a motion made to approve Ordinance 100E.

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

[1st Reading of Ordinance 53-D Amendment to establish security deposits/administrative fees for garbage service by resolution](#)

Attorney Bennett read Ordinance 53D

There was a motion made to approve Ordinance 53D.

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

[Discussion - Encroachment Permit – 5509 & 5511 Main Street](#)

Planner Riker had advised that the Council was concerned at the prior meeting that the awning would negatively impact the TE grant and redevelopment of Main Street in regards to planting trees or a light pole in front of either of these buildings.

Planner Riker advised that the proposed awning would not affect the redevelopment of Main Street or affect the placement of a tree or light standard in front of either building.

The second concern was that of the awning only being for the building at 5511 Main Street. Planner Riker advised that the applicant, Mr. Sam Malcom, has agreed to install awnings at both buildings.

Planner Riker further advised that the owner would be willing to take paint suggestions for the colors of both buildings and awnings. Mr. Malcom will purchase all the paint necessary and paint 5511 Main Street and the painting of the building at 5509 would be the responsibility of the City.

There was some discussion regarding the façade of City Hall and the desire to preserve the historic look and street colors.

There was a consensus to direct Planner Riker to move forward with the paper work and discussions with the Attorney for the awnings.

CITY MANAGER'S REPORT:

[Discussion - Phillips State Prison – Inmate Detail Contract](#)

City Manager Andrew advised that Phillips State Prison has offered an inmate detail for work to be done within the City of Flowery Branch.

Manager Andrew advised that the City currently receives prisoner detail work through Hall County and that it has been approved in the budget to hire and train a person to be the guard for the detail as required by the new Hall County contract.

If the City were to use the Phillips State Prison inmates then the City would only be required to provide a 15 person van, road signs at work locations and safety vests. The Phillips prison inmates would number from 8-12.

Further it was noted that Water Quality Director Dean is checking into the possibility of receiving a free 800 MHz radio to be used for the detail and Manager Andrew is researching the liability issues with the City's insurance carrier.

Attorney Bennett suggested that the contract include a minimum of 8-10 prisoners and that the contract will automatically renew every five (5) years.

There was a motion made to approve the City entering into a contract with Phillips State Prison subject to Attorney Review and authorize the City Manager and Mayor to execute said document.

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

ATTORNEY REPORT:

No report

PLANNING AND ZONING

Discussion - New Schedule for Planning Zoning Code

Planner Riker advised of the following schedule:

- Public Workshop – 10/04/06 – 9:30 am
- Public Hearing – 10/12/06 – 6:00 pm
- Voting Session – 10/18/06 – 9:30 am (1st reading)
Second reading in November

Discussion - Tidewater Cove Phase & II Nature Trail

Planner Riker advised that the Developer and the Homeowners Association have reached an agreement regarding the sidewalks in the subdivision. The sidewalks will not be required but a path around the detention area will be installed.

Planner Riker noted that a public hearing would need to be held as the request would put the walkway within the 50ft undisturbed buffer area.

The Public Hearing is scheduled for October 10/12/06 6:00 pm

Discussion - Sterling on the Lake Pod Q

Planner Riker advised that Kevin O'Neill of Newland Communities has filed a rezoning application to modify specific development regulations contemplated within Ordinance No. 239 and 240 to allow for the construction of newly designed single family homes. Newland Communities in concert with David Weekly Homes have designed a pod intended to serve active adults. In order to construct the units with a unique design, the original regulations must be slightly modified when relating to setbacks and access.

The Public Hearing is scheduled for 10/12/06 at 6:00 pm

COUNCIL REPORT:

Councilman Herold commended the staff for the work that had been done regarding the new issue of the employee newsletter.

Reminder Car Show and Chili Cook-off is this weekend.

Mayor Hirling advised that she would be out of town for the October 12, 2006 Public Hearing.

Councilman Bryans suggested that staff research and repair Snelling Drive between Atlanta Highway and the Railroad tracks.

ADJOURNMENT INTO EXECUTIVE SESSION:

There was a motion made to adjourn the voting session into Executive Session at 10:52 am for

- Pending Litigation
- Land Acquisition.

Councilman Allen Bryans requested that Personnel Issues be included in the Executive Session.

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

RECONVENE REGULAR VOTING SESSION:

There was a motion made to end the Executive Session and Reconvene the Voting Session at 11:06 am.

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

ADJOURNMENT

There was a motion made to adjourn the meeting at 11:07 am

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

City Clerk - Melissa McCain

Date

Mayor Diane Hirling