



CITY OF FLOWERY BRANCH  
COUNCIL MEETING  
Wednesday, November 1, 2006,  
9:30 a.m.



**SPECIAL CALLED WORK/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 Ron Bennett.

**CITIZEN COMMENTS:**

**Mr. Ed Lezaj – 5612 Newberry Point Drive, Flowery Branch, Ga. 30542**

Mr. Lezaj approached the Council and expressed concerns regarding the Zoning Code regulations pertaining to the parking of recreational vehicles.

Mr. Lezaj continued by stating that he felt the City should reinstate the requirement of screening of recreational vehicles in the side yards. Further Mr. Lezaj suggested that the Council could also consider if side yard screening is required then there be relief from the screening if the recreational vehicle was located in the rear yard.

Pertaining to the time change from 72 hours to 2 weeks Mr. Lezaj advised that he felt the time should be reduced to three or four days with the option to come before the Council for a variance if needed.

In addition Mr. Lezaj suggested the City research who paved Radford Road in front of the elementary school and have the road repaved as it looks nice but is like a washboard to drive on.

Councilman Bryans advised that Hall County was responsible for the paving of Radford Road.

**NEW BUSINESS:**

**[Discussion/Presentation – 05/06 Audits.](#)**

Mr. Warren Almond representing Alexander, Almond and Associates, approached the Council and presented each member of the Council with a draft copy of the 2005/2006 fiscal year audit.

Mr. Alexander reviewed the entire document with Council.

There were no questions from the Council.

### [Amendment to Franchise Agreement Georgia Power Company](#)

City Manager Andrew advised the Council that the City, as well as all municipalities affected by Georgia Power, are in receipt of an amended franchise agreement with Georgia Power. The document contains information regarding street scape.

Manager Andrew noted that GMA has endorsed the agreement and that Flowery Branch is one of the few that have yet to sign the agreement.

Manager Andrew also advised the Council that Georgia Power has agreed to bury the power lines for an amount of \$43,879 as opposed to the first estimate of approximately \$81,000.

Further, Jackson EMC will be coming before the Council with a franchise agreement. In the past there has been no formal franchise agreement with Jackson EMC because they were servicing more rural and unincorporated areas.

There was some discussion of Jackson EMC requesting a smaller percentage of fees from commercial and industrial customers.

There was a motion made to approve the amendment to the franchise agreement with Georgia Power and to direct the Mayor to sign and execute said document.

MOTION: Allen Bryans

SECOND: Jim Herold

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

NAYES: None

Motion carried.

### [Discussion – MPDES/MS4 Phase II Permit](#)

City Planner Riker advised that the state requires the City to hold a public meeting regarding the annual stormwater runoff report. This meeting is held to receive feedback from the public as well as the Council.

Planner Riker continued by stating that the City is currently involved with the following;

1. Hall County/Gainesville Channel 18 Stormwater information channel
2. Elachee Nature center does presentations for over 400 students
3. Clean-up/Earth Day
4. Stormwater steering committee
5. Weekly stormwater and soil erosion inspections
6. Public Works and the Sewer department conduct monthly stream and creeks evaluation and testing
7. Trash and debris inspection and pick up
8. Stormwater hot line with Hall County
9. Preparing stormwater facilities map
10. Adopted all model ordinances (except Flood Plain Management and Conservation Ordinance-these are included in the Zoning Code to be approved this year.)
11. Three City employees are currently certified in Soil and Erosion and two are scheduled for training.

Councilman Herold suggested that Planner Riker consider budgeting additional staff to assist in maintaining all the requirements of the State and EPD.

Planner Riker advised that the City is currently working with Hall County and the City of Gainesville on the Flood Plain map as this effort is above and beyond the FEMA flood plain maps and is extremely costly.

[Discussion – 20 % Water/Sewer Rate Increase](#)

Manager Andrew advised the Council that the current water/sewer rates are scheduled to be increase 20% per the bonding agreement the City has. Currently \$31,000 a month is paid out for the bond.

Manager Andrew further advised that he is in the process of hiring a financial expert and one of his duties will be to research other avenues to fund large projects without having to raise water/sewer rates.

**UNFINISHED BUSINESS:**

[2<sup>nd</sup> Reading - Ordinance 118 B - Business License Renewal Date Change from December 31, to June 30.](#)

Attorney Bennett read Ordinance 118B.

There was a motion made to approve Ordinance 118 B as read.

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

[2<sup>nd</sup> Reading - Amendment 194A and 206A - Rezoning Amendment – Modify Conditions of Approval for the Development Identified within Ordinance 194 and 206, for 21.96 +/- Acre Townhomes Development Generally Known as Tidewater Cove](#)

Attorney Bennett read Amendment 194A & 206A.

There was a motion made to approve Amendment 194A and 206A as read.

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

[Discussion - Updated Zoning Ordinance \(with corresponding Zoning Map\) and subdivision /Land Development Ordinance](#)

Planner Riker advised that the document is in the final stages of the draft but that direction was needed regarding the parking of recreational vehicles. Further Planner Riker advised that there had been concerns regarding the zoning on Railroad Street and that those issues have been addressed to allow for businesses to continue operating on Railroad Street. Also addressed was the placement of places of worship. These types of facilities will be allowed in Institutional zones but not Commercial or Industrial zones.

There was a consensus of the Council to accept the draft as presented and to place it on the November 15, 2006 agenda for a first reading.

Councilwoman Smith advised that she was in favor of requiring that all recreational vehicles in the side yard be screened from view

Further Councilwoman Smith inquired if the City could incorporate into the sign ordinance a date that signs must be removed if the content of the sign contained dates.

Planner Riker will research the request.

**CITY MANAGER'S REPORT:**

[Additional Court Date Municipal Court](#)

Manager Andrew advised that he was in receipt of a letter from Hammond Law, the City's Municipal Court Judge, requesting an additional court date. Continuing Manager Andrew advised that the last court date had 500 people on the docket for trial.

Councilman Herold advised that as Sterling on the Lake builds out the City will have to consider additional Police staff to remain in that region of the City. The City is already getting numerous calls from that subdivision.

There was motion made to approve an additional court date for Municipal Court.

MOTION: Jim Herold

SECOND: Pat Zalewski

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

NAYES: None

Motion carried

Manager Andrew reminded the Council about the November 27, 2006 GMA 2<sup>nd</sup> District meeting to be held at the Gainesville Civic Center in the Longstreet Room at 6:30pm.

Manager Andrew informed the Council there would be a meeting of the Hall County Advisory Committee at Common Grounds on November 8<sup>th</sup> between the hours of 8:00 am and 9:00 pm.

Councilman Herold inquired on the filling of the water tank and advised that he would like to see that expedited in the case of an emergency the City would be temporarily covered.

Manager Andrew advised that the tank had been cleaned but that there is an issue with the center drain pipe.

Councilman Herold suggested buying water from the City of Gainesville at a cost of approximately \$3,500. if the filling with the City well would strain the system.

Councilman Bryans advised that superintendent Dean advised him that if the well were to run a couple extra hours the City could fill the tank without an issue.

### **ATTORNEY REPORT:**

No report

### **CLERK REPORT**

#### **Auction Update**

Clerk McCain advised the Council that the City's surplus items went on the auction block October 27 and the ended date is November 7. To date the City has bids amounting to \$8052.00 with \$603.90 of that going toward the fee to maintain the website and auction resulting of a net gain of \$7448.10.

#### **"Bring One for the Chipper" – Christmas tree recycling program**

Clerk McCain advised the Council that the Mayor had passed on some information regarding a State program called Bring One for the Chipper.

The program is held January 6<sup>th</sup> and would require the City to supply a chipper and a couple workers to be on site at the Wastewater Treatment Plant.

As residents dropped off Christmas trees for recycling they would be chipped for mulch and each participant would receive a hardwood tree sapling.

This program is similar to the Keep Georgia Beautiful program and all information will be documented and sent to the department of Community Affairs.

### **PLANNING AND ZONING**

Planner Riker advised that the November Public Hearing was cancelled due to lack of agenda items.

Planner Riker requested input from the Council on what date to hold the December public hearing.

There was a consensus of the City Council to hold the December Public Hearing on December 14<sup>th</sup> at 6:00 pm.

## **COUNCIL REPORT:**

Councilwoman Smith gave a brief overview of the progress of the Christmas Parade and Santa's Workshop.

Councilwoman Smith reviewed by stating that donations have been received in the amount of \$5150.00. Currently there are approximately 40 groups participating in the parade the Chief Lanich is organizing. Irma Fuentes is working with vendors and has approximately 20 registered. Johnny Thomas and Colin Smith are working hard on the decorations and the decorating of the Depot.

Continuing, Councilwoman Smith advised that flyers and advertising are in the works. Also Ornaments have been created and are on order.

Mayor Hirling advised that Depot Volunteer Robert Gross had passed away and that there would be a memorial service on Saturday November 4<sup>th</sup> at 1:00 pm. There is a memorial fund set up at Brand Bank Flowery Branch and proceeds will go toward the Depot fund.

Councilwoman Pat Zalewski advised that Council that she had attended the Joint Local Government meeting in Clermont and that the City is slated to host the meeting on April 23, 2007.

## **ADJOURNMENT INTO EXECUTIVE SESSION:**

There was a motion made to adjourn the Special Called Work/Voting session into Executive Session at 11:38 am for

- Pending Litigation
- Land Acquisition.
- Personnel Issues

MOTION: Jim Herold

SECOND: Pat Zalewski

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 11:55 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 11:56 am

MOTION: Mary Jones

SECOND: Jim Herold

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