



CITY OF FLOWERY BRANCH
COUNCIL MEETING
Wednesday, November 15, 2006,
9:30 a.m.



VOTING SESSION
MEETING MINUTES

OPEN MEETING: Mayor Hirling opened the meeting at 9:34 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, Police Chief Gerald Lanich, City Attorney Ron Bennett and Flowerly Branch Development Authority Chairman Doward G. Douwsma.

CONSENT AGENDA:

[Approval October 18, 2006 Voting Session Meeting Minutes](#)

[Approval November 1, 2006 Special Called Work/Voting Session Meeting Minutes](#)

There was a motion made to approve the October 18, 2006 Voting Session Meeting Minutes and the November 1, 2006 Special Called Work/Voting Session Meeting Minutes as presented.

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

UNFINISHED BUSINESS:

[Resolution 06-138 – Porter Road Abandonment](#)

Attorney Ron Bennett reviewed and read the resolution in its entirety.

Councilwoman Jones inquired if the easements had been acquired by the developer.

Planner Riker advised that he has not received any information on executed easement agreements.

Tom Vincent, Halverson Development, advised that the developer is currently working on the agreements and that all owners have agreed to allow the easements but that minor details were still being worked out. Further it is anticipated that all easements will be acquired and executed within thirty (30) days.

Attorney Ryan Reid approached the Council representing resident Ricky Roberts.

Attorney Reid filed with the City Clerk a "Motion to declare proposed abandonment of Porter Road to be unconstitutional."

Attorney Reid advised that the City would be violating the United States Constitution by the taking of Mr. Roberts's property and that an easement as opposed to the current public road would reduce the property value of Mr. Roberts's property.

Attorney Reid continued by stating that the abandonment is taken at the request of one entity (developer) and that it does not benefit the general public.

Mr. Ricky Roberts approached the Council and advised that he and his family have lived on Porter Road for more than 40 years and that he does not want to access his property through a driveway used for businesses.

Continuing, Mr. Roberts advised that the abandonment will lower his property value and that he wants to work with the developer and advised that he is willing to sell the property to them if they were interested.

Attorney Jay McClure representing the Halverson Development and Flow One LLC approached the Council and advised that Mr. Roberts is not being denied access to his property and further advised that Mr. Roberts owns two contiguous properties, one of which has access from Hog Mountain Road.

Regarding Maintenance issues Attorney McClure advised that the business tenants of the development have strict requirements for the maintenance of the entrances to the development. With this Mr. Roberts access will not only be maintained but it will be improved.

There was a motion made to approve Resolution 06-138 as read.

Mayor Hirling called for a second three times and received none.

Motion died for lack of second.

There was a motion made to table this item until the December 13, 2006 Special Called Voting/Work Session for further discussion.

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

[1st Read - Zoning Ordinance \(with corresponding Zoning Map\) and subdivision /Land Development Ordinance](#)

Planner Riker advised both documents were in final draft form for the Councils consideration.

Attorney Bennett read Ordinance 348, Zoning Ordinance (with corresponding Zoning Map)

There was a motion made to approve the first reading of Ordinance 348.

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

Attorney Bennett read Ordinance 349.

There was a motion made to approve the first reading of Ordinance 349.

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

NEW BUSINESS:

Discussion – Budget Amendments Police Department/FB Development Authority

City Manager Andrew advised that Chief Lanich requests that Christopher Hulseley be considered to fill a vacancy on the Flowery Branch Police Department.

Manager Andrew continued by stating that Officer Hulseley is currently employed by Hall County Sheriffs Department. When Officer Hulseley was hired on the Hall County Sheriffs Department he entered into a contract that requires Officer Hulseley to repay Hall County for training fees if he leaves employment with the Sheriffs Department within a specific time period. In order for Officer Hulseley to leave employment with the Sheriffs Department and retain employment with the City of Flowery Branch his contract would need to be bought out in the amount of \$9969.00. This amount is the cost of training and would be a cost incurred by the City if the City were to hire an officer that had not yet received training. This amount needs Council approval and would be part of a budget amendment that will be before the Council in March.

Chief Lanich approached the Council and advised that he had worked with Officer Hulseley in the past and has known Officer Hulseley for approximately 2 ½ years.

Further, Chief Lanich advised that he had spoken to three (3) of Officer Hulseley's supervisors and they all spoke highly of him.

There was a motion made to authorize the City Manager to issue a payment of \$9,969.00 to Hall County for the contract for Officer Hulseley and to offer Mr. Hulseley a contract for a position on the Flowery Branch Police Department. The contract will include a training clause that if Officer Hulseley were to leave the employment of Flowery Branch within two (2) years of hiring that Officer Hulseley would be responsible to repay the City of Flowery a pro-rated amount of his training costs in the amount of \$9,969.00.

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

[Approval Option Agreement with Development Authority in reference to the property located at 5495 East Main Street.](#)

Manager Andrew advised that the property located at 5495 East Main Street is being proposed to sell with other property fronting Thurmond Tanner Road. The property is not as valuable if sold separately. The option agreement would allow the Flowery Branch Development Authority to market the property. The use of the Development Authority allows the City to sell the property without having to go through a bidding process.

Attorney Bennett advised that there would be two items that would be addressed for the sale of the property;

1. Have a buyers purchase agreement
2. Council resolve to sell for the price on the buyers purchase agreement

Attorney Bennett suggested that the option agreement be changed to allow for up to a 10% commission on the property if sold by co-operating brokers. Change the renewal date to an automatic renewal unless one party advises the other of withdrawal in writing.

Attorney Bennett advised that the Development Authority has already approved the marketing and sale of the property if the Council approves.

There was a motion made to authorize the Mayor to sign and execute the Option Agreement with the Flowery Branch Development Authority with the above changes.

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

CITY MANAGER'S REPORT:

No report

ATTORNEY REPORT:

No report

CLERK REPORT

Auction Update

Clerk McCain advised that the auction has ended and the final tally on bids is in the amount of \$11,400.00 minus 7.5 percent that will be paid to GovDeals for hosting the website the auction was held on.

PLANNING AND ZONING

Planner Riker advised that Sterling on the Lake developer has approached him and requested if during the Public Hearing in December if the Council would consider voting on the variance at the Special Called Meeting following the Public Hearing.

There was a consensus of the City Council to follow standard procedure and vote on the variance requests at the normal scheduled Voting Session in January.

COUNCIL REPORT:

Councilwoman Smith reminded the Council that December 2, 2006 is the date for the Christmas Parade and Santa's Workshop.

ADJOURNMENT INTO EXECUTIVE SESSION:

There was a motion made to adjourn the Voting session into Executive Session at 11:18 am for

- Pending Litigation
- Personnel Issues

MOTION: Allen Bryans

SECOND: Jim Herold

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 11:26 am.

MOTION: Jim Herold

SECOND: Pat Zalewski

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

NAYES: None

Motion carried

There was a motion made to increase the City Manager's Salary to \$75,500.00 effective November 9, 2006 and to conduct another review of Mr. Andrew's performance on his one (1) year anniversary.

MOTION: Jim Herold

SECOND: Pat Zalewski

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

NAYES: None

Motion carried

ADJOURNMENT

There was a motion made to adjourn the meeting at 11:30 am

MOTION: Jim Herold

SECOND: Pat Zalewski

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

NAYES: None

Motion carried