



**CITY OF FLOWERY BRANCH  
COUNCIL MEETING  
Wednesday, December 13, 2006,  
9:30 a.m.**



**PUBLIC HEARING**

**OPEN MEETING:** Mayor Hirling opened the meeting at 9:47 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.

**INVOCATION:**

Pastor Robbie Coleman – Cornerstone Assembly of God gave the invocation.

**PUBLIC HEARING**

*A request to reduce the front building setback from 25'-0" to 15" for 16 lots within Pod R of the Sterling on the Lake development*

City Planner Riker advised the Council that in August 2006, Newland Communities platted Pod R for the creation of 16 townhome lots adjacent to the amenity center and clubhouse. The development standards for townhomes within this Pod require a 25'-0" front yard setback. After marking the foundation locations for eight of the units, the builder and developer have become concerned about the sitting and aesthetics of the units. Both parties believe that the 25'-0" front setback will detract from the look of the units while unjustly limiting the useable rear area.

Planner Riker continued by stating that the developer and builder are seeking to reduce the front yard setback from 25'-0" to 15'-0" for 16 lots. The proposed reduction is primarily for the dwelling portion of the structure. The proposal would allow for the front building wall of the dwelling to be 15'-0" from the property line with a minimum setback of 20'-0" to the garage. The proposed front yard setback reduction will not compromise any vehicle parking areas. The functional front setback will still allow a vehicle to be parked in front of the garage and be out of any portion of the public right-of-way.

Given that the variance request is primarily for the front dwelling wall and there is no apparent impact on off-street parking, staff has no objection to the request.

**CITIZENS COMMENTS**

There were no public comments.

Planner Riker advised that this item will be included on the January 17, 2006 Voting Session Agenda for further consideration.

Mayor Hirling closed the public hearing at 9:56 am.

**SPECIAL CALLED WORK/VOTING SESSION**  
**MEETING MINUTES**

**CITIZEN COMMENTS:**

Jay McClure- Signed up but was not present for comment.

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

Mr. Lezaj approached the Council and advised that he felt the Christmas Festival was very impressive and that City and Staff had done an excellent job.

Herold Kilgore – 5926 Lights Ferry Road, Flowery Branch, Ga. 30542

Mr. Kilgore approached the Council and advised that he had just purchased the property at 5926 Lights Ferry and that he was planning on selling the property.

Mr. Kilgore continued by stating the property next to his contains garbage and debris and that the aesthetics of the neighboring property brings down the value of his property and that he would like to see the property cleaned up.

Mr. Kilgore further advised that in December 2004 an Ordinance was passed requiring the owner of the property to clean up the property and to date it has not been cleaned up.

**NEW BUSINESS:**

*1<sup>st</sup> Reading Ordinance 350 - Jackson EMC Franchise Agreement*

City Manager Andrew advised that the State Utilities Commission grants Cities the ability to charge utility companies 4% of sales for the use of city right of ways. Jackson EMC has been a rural provider and in the past has paid the City fees on a voluntary basis.

Jackson EMC has provided a franchise agreement for the City but that the agreement did not include fees being charged to commercial businesses. The City feels if commercial property was excluded from the agreement then the current agreement with Georgia Power would need to be revised to exclude commercial property also.

The City is proposing to revise the agreement to include commercial properties.

Attorney Bennett read Ordinance 350

There was a motion made to approve Ordinance 350 with the inclusion of commercial businesses be included in the 4% fee.

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

### *1<sup>ST</sup> Reading Ordinance 100F - Commercial/Industrial/Business Sewer Rates*

Manager Andrew reviewed page two (2) section four (4) of the Ordinance and that this ordinance would allow for the changing of rates by Resolution and actually gives service applicants a procedure to follow when applying for new service.

Councilwoman Smith advised that the Ordinance should include a provision that if the City Manager denies an application the applicant has the opportunity to appeal to the Council for services.

There was a consensus of the Council to add an appeal process for the applicant if denied service by the City Manager within thirty (30) days of the denial.

Attorney Bennett read Ordinance 100F

There was a motion made to approve the first reading of Ordinance 100F.

MOTION: Allen Bryans

SECOND: Pat Zalewski

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

NAYES: None

Motion carried

### *Resolution 06-143 - Sewer Rate Fees*

There was some discussion on the calculations used to figure the numbers presented in the resolution.

City Manager Andrew reviewed volumetric charges and the estimates from the engineer. Further noted is that current fees cover the cost of the current demand regarding sewer and that the proposed fees would include monies for future uses.

There was a motion made to table this item until the December 15, 2006 Special Called Voting Session at 9:30 a.m.

MOTION: Allen Bryans

SECOND: Pat Zalewski

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

NAYES: None

Motion carried

### *Discussion/Approval – Purchasing Policy*

Manager Andrew advised that currently the Department Heads have many items that are purchased on a regular basis that exceed the \$500 current limit for their approval.

The new purchasing policy would allow a Department Head to approve spending amounts up to \$1,000. Also proposed is reducing the amount of quotes from four (4) to three (3) and anything over \$7,500 for a purchase would need to be approved by the Council prior to purchasing the item.

There was a motion made to approve the purchasing policy as proposed.

MOTION: Pat Zalewski

SECOND: Allen Bryans

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

NAYES: None

Motion carried

*Discussion/Approval – Boy Scout Troop 228 Spring Festival Date – April 14, 2007*

Becky Bowne was present representing Boy Scout Troop 228.

Manager Andrew advised that a request has been made to City Hall to allow the Boy Scouts to host the Spring Festival on April 14, 2007.

There was some discussion regarding the location of the festivities as the streetscape remodeling project will be in progress.

It was suggested that Ms. Bowen work with the City Manager and to hold the event along Railroad Avenue and in the vacant lot behind the depot.

Councilman Jim Herold suggested that the Boy Scouts do not use paint on the streets to mark any vendor or participant locations. Ms. Bowen advised that she had used removable chalk (45-60 day life span) and that the product was not washing off as advertised.

Ms. Bowen advised that she would use sidewalk chalk in the future.

Councilman Bryans requested that the railroad tracks be roped off to avoid children playing on the tracks and getting hurt.

There was a consensus of the Flowery Branch Council to approve the April 14<sup>th</sup> date for the Spring Festival to be hosted by Boy Scout Troop #228.

*Resolution 06-140 – Approval 2025 Comprehensive Plan Amendment #06-01 and all corresponding documents*

Planner Riker advised that the Georgia Mountain RDC and the Department of Community Affairs have reviewed and approved the 2025 Comprehensive Plan Amendment #06-01 and all the corresponding documents.

Attorney Bennett read Resolution 06-140.

There was a motion made to approve Resolution 06-140 as read.

MOTION: Jan Smith

SECOND: Pat Zalewski

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

NAYES: None

Motion carried

*Resolution 06-141 – Final Plat Map Sterling on the Lake Pod Z*

Planner Riker reviewed the request.

Attorney Bennett read Resolution 06-141.

There was a motion made to approve Resolution 06-141 as read.

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

*Resolution 06-142 – Final Plat Map Sterling on the Lake Pod K*

Planner Riker reviewed the request

Attorney Bennett read Resolution 06-142

There was a motion made to approve resolution 06-142 as read.

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

*Potential Tax Allocation District for the City of Flowery Branch*

Manager Andrew reviewed what Tax Allocation Districts (TAD) are and the advantages to having TADs.

Manager Andrew advised that he had met with Kenneth Bleakly of Bleakly Advisory Group and reviewed a proposed contract. The contract would be to hire Bleakly Advisory to assist the City is forming and developing TADs.

Attorney Bennett recommended that the City strike the section of the contract which references "Limitation of Liability" in its entirety.

Councilwoman Smith expressed concerns with staffing levels and the ability to maintain all the information involved in TADs.

Manager Andrew advised that he was aware that TAD monies could be used for consultants regarding the TAD but unsure if TAD funds could be used for staffing needs as it pertains to TADs.

Attorney Bennett read Resolution 06-144.

There was a motion made to approve Resolution 06-144 as read.

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

There was a motion made to authorize the City to enter into a contract with Bleakly Advisory Group and authorize the Mayor to execute the document removing the Limitation of Liability section on page four (4) of the contract.

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

**UNFINISHED BUSINESS:**

*2<sup>nd</sup> Reading of Ordinance 348 – Adoption of Zoning Code with Corresponding Zoning Map*

Attorney Bennett read Ordinance 348.

There was a motion made to approve Ordinance 348 as read.

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

*2<sup>nd</sup> Reading of Ordinance 349 – Adoption of Subdivision and Land Development Regulations*

Planner Riker read Ordinance 349

There was a motion made to approve Ordinance 349 as read.

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

*Resolution 06-138 – Porter Road Abandonment*

There was a motion made to table this item until the December 15, 2006 Special Called Voting Session at 9: 30 am for further review and discussion.

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

*Intergovernmental Agreement – Permitting the use of Hall County's 800MHz Radio System by the City of Flowery Branch for the Public Safety and Public Service Radio Communication*

Manager Andrew reviewed the Intergovernmental agreement.

It was noted that the current fees incurred by Hall County is \$13,000 a month in operating costs which the City of Flowery Branch would only be obligated for \$184.00 a month. In 2008 the fees incurred jump to \$29,000 a month with the City of Flowery Branch obligation unknown at this time.

There was a motion made to authorize the City of Flowery Branch to enter into an Intergovernmental Agreement with Hall County regarding the use of 800 MHz radios and to allow the Mayor to execute said document.

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

*Agreement – Transportation Enhancement Activities between the Department of Transportation and City of Flowery Branch*

Planner Riker reviewed the agreement.

There was a motion made to authorize the City of Flowery Branch to enter into an agreement with the Department of Transportation and to direct the Mayor to execute said document.

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

## **CITY MANAGER'S REPORT:**

### *Update Well Site*

Manager Andrew advised that the test well located at the Baptist Church Property on Spring Street is currently producing 600 Gals of water per minute. Samples of the water have been sent in for testing and it is anticipated that the sample will be returned by the end of January, construction of the well to begin third week of January and the well completion date estimated in March.

### *WWTP Update*

Manager Andrew advised that the City is currently reviewing the site for expansion. Further Manager Andrew has been working with Oakwood and Hall County in revising and condensing all the current intergovernmental agreements that the three entities are involved in with regard to sewer allocation.

Further Manager Andrew advised that Hall County and the City of Oakwood are interested in participating in the expansion of the WWTP.

## **ATTORNEY REPORT:**

No report

## **CLERK REPORT**

Clerk McCain reminded the Council that the Employee Appreciation Party was going to be held December 15, 2006 at 1:00 pm and that all were invited to attend.

## **PLANNING AND ZONING**

Planner Riker advised that Code Enforcement Officer Donald Bowers has passed his Commercial Inspectors Certification course and is now officially certified.

## **COUNCIL REPORT:**

No report

## **ADJOURNMENT INTO EXECUTIVE SESSION:**

There was a motion made to adjourn the Special Called Work/Voting session into Executive Session at 11:30 am for

- Pending Litigation
- Personnel Issues

MOTION: Jim Herold

SECOND: Pat Zalewski

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

NAYES: None

Motion carried

**RECONVENE REGULAR VOTING SESSION:**

There was a motion made to end the Executive Session and reconvene the Special Called Work/Voting Session at 12:22 pm.

MOTION: Jim Herold

SECOND: Mary Jones

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 Special Called Work/Voting Session at 12:29 pm.

MOTION: Jim Herold

SECOND: Mary Jones

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