



**CITY OF FLOWERY BRANCH**  
**Council Meeting Minutes**  
**Work Session**  
**Thursday February 4, 2010**  
**Immediately following Public Hearing**



**CALL TO ORDER:**

Mayor Hirling called the meeting to order at 7:36 p.m.

**IN ATTENDANCE:**

Mayor Diane Hirling and Council Members Craig Lutz, Chris Fetterman, Kris Yardley, Mike Miller and Tara Richards. Also in attendance were City Manager Bill Andrew, City Clerk Melissa McCain, City Planner James Riker and City Attorney Ron Bennett.

**PUBLIC COMMENTS: -**

*Bryan Puckett, 5611 Atlanta Highway, Flowery Branch Ga. 30542*

Mr. Puckett reviewed the prior days newspaper that included an article pertaining Dinah Wayne and advised that it was full of miss-information and that in order to move forward, a city needs a to know where it's been.

Mr. Puckett stated that he had applied for the status of Better Hometown during his term as Mayor, along with the City Clerk at that time Lynette Croy. Later Mrs. Wayne's name was added as the contact for that program. In the past it was thought that Mrs. Wayne applied for and secured that designation for the City and that is just not true. She was involved later in the process.

Mr. Puckett then referred to the article again and advised that Mrs. Wayne did leave in April 2004 and didn't come back till some prominent families came back to sit on the council. She left in 2004 taking the matching funds for the streetscape program in the amount of \$10,000 and it held up the main street project three to four years. Mr. Puckett stated that his reason for telling the council this was so that the council could move forward. When Mrs. Wayne left, that's when the city incorporated the scouts, the masons and other volunteers to host festivals in the city making the community feel more involved with the city.

Mr. Puckett stated that he was concerned that the city was going to hire someone that is not a city resident and may not have the city's best interest at heart. There are so many people that have vested interest in the town and probably volunteer for free. The city operated better without a hometown manger. Please consider this before you spend this money when it can be spent elsewhere in the city where it is needed.

Mr. Puckett also stated that it is frustrating that in the article Mrs. Wayne took credit for saving the depot when in fact that is not true. The depot was slated for demolition in the late 70's and his Father, who was Mayor at the time, arranged to purchase the depot for \$1.00 and remodeled it and restored it as well as spearheaded the project. Tea funds were also applied for before Mrs. Wayne time and two rounds of funding were received without Mrs. Wayne's help.

**UNFINISHED:**

There was no unfinished business.

**NEW BUSINESS:**

*Discussion January 21, 2010 Public Hearing Meeting Minutes*

Councilman Lutz commented that Mrs. Richards name was spelled incorrectly.

It was noted and corrected.

No other changes were noted.

This item was placed on the February 4, 2010 Consent Agenda for further consideration.

*Discussion January 21, 2010 Meeting Minutes*

No changes were noted.

This item was placed on the February 4, 2010 Consent Agenda for further consideration.

*Discussion - Annexation and Rezoning of 3 properties located at McEver Road and Gaines Ferry Road Flowery Branch.*

- Ordinance 426 – Annexation 6401 McEver Road
- Ordinance 427 – Rezoning of 6401 McEver Road
- Ordinance 428 – Annexation of 0 McEver Road
- Ordinance 429 – Rezoning of 0 McEver Road
- Ordinance 430 – Rezoning of 6353 McEver Road

Planner Riker advised that he had no further comments as this item was discussed in length at the public hearing.

Councilman Lutz inquired on the letter that Planner Riker received from the South Hall, Hall County Commissioner requesting the City to delay the public hearing.

Planner Riker advised that he had received a letter and an email from Randy Knighton of Hall County Planning that indicated that the County respectfully request that this item be tabled for further evaluation.

Councilman Lutz inquired who was going to evaluate it.

Planner Riker advised that the letter did not clarify who was going to further evaluate it.

Councilman Lutz inquired of there was an indication of intention to follow-up on this matter in the letter.

Planner Riker read the letter as follows; “This is in reference to the aforementioned annexation and rezoning requests scheduled for public hearing at this evenings Flowery Branch city council meeting. The Hall County District Commissioner in conjunction with the Hall County Planning Department respectfully request that this item be tabled for further evaluation.”

Councilman Lutz inquired if the City of Buford had recently contacted Rochester and Associates or the owner concerning annexation of that property.

Mr. Rochester stated that he directly had not been contacted but that there have been some properties recently that Buford had expressed interest in on McEver Road and Atlanta Highway.

Councilman Lutz inquired if Mr. Rochester knew if the owners Stonebridge LLC or the Kelly Estates have been contacted by the City of Buford.

Mr. Rochester stated that Buford had contacted his clients but that he was not sure when.

Councilman Lutz inquired, if the City of Flowery Branch were to delay this action tonight, the City could potential be in a situation where the Buford could come in and annex the property.

Mr. Rochester stated that his clients have requested that this not be delayed and they do realize that they have other options, but, they believe Flowery Branch is the place they want to develop this property; their main interest is to develop their property as is their constitutional right and they will explore other options if necessary.

Councilman Fetterman inquired if the City did not annex this property then Hall County, by their ordinance, could allow developments that the City of Flowery Branch has already struck such as asphalt plants, adult establishments, truck terminals and junk yards.

Planner Riker advised that if the County gave the property “Light Industrial” designation that yes those establishments could go in if approved through the Hall County Planning Department and Commission.

Councilman Fetterman inquired if Buford could annex the property if the City of Flowery Branch did not and stated that Buford’s zoning regulations could be similar to Hall County and any number of undesirable establishments could be erected on the property.

Planner Riker advised that Buford did have property in the area and he assumed that the codes were similar to Hall County.

Councilman Fetterman advised that it was his opinion that Buford would be less likely to put much concern into what was developed on the property.

Councilman Fetterman inquired if the City installed the sewer line along the property in question would that stop Buford from annexing any further into Hall County.

Planner Riker advised that it would stop Buford if the city annexed the property. The only way Buford could move in would be if the city de-annexed.

Mr. Rochester stated that just putting the sewer line in would not stop Buford from annexing the property but it would exclude them from servicing the property. Further, if the City chooses not to service the property then Buford can service the property even if the property is not in their service delivery area, but if annexed by flowery Branch then Buford can do nothing with the property.

Councilman Fetterman inquired on the difference of setbacks between HB and M1?

Planner Riker advised that if a highway business is abutting Residential the setbacks are, HB 50ft and M1 60 ft.

Further Planner Riker advised that there are minimum landscape strips along public rights-of-way as well as natural buffers abutting the residential in the amounts of HB 40ft and 50ft for M1 zoning districts.

Councilman Fetterman asked that the list of non-authorized uses include, auction house/yard, he stated the use of livestock is big concern, logging yard and gas tank sales, as well as increasing to a higher level of landscaping by increasing the diameter of trees and/or increasing the density of plantings.

Councilman Yardley stated that there have been many meetings and staff has worked hard with informing the public regarding the annexations and rezoning request.

Further, Councilman Yardley reiterated that there are developments that the public expressed concerns about and were mentioned such as a radio tower and reviewing Hall County Light Industrial zoning those are allowed according to Hall County.

Councilman Yardley was also concerned about what would be allowed to be developed on the property if Flowery Branch does not annex and control the development.

Councilman Miller expressed a concern that if Hall County keeps jurisdiction or Buford gets jurisdiction the quality of the development may not be up to Flowery Branch standards.

Councilman Miller reviewed the Dollar General and the fact they are not in the City limits because they would not comply with our standards.

Councilman Miller further encouraged the public to review the list of allowed developments in the Hall County code as opposed to the list of permitted uses in Flowery Branch.

Mayor Hirling advised that she agreed with Councilman Yardley and Miller and felt that City Manager Andrew and City Planner Riker had lifted the bar for development and that any development brought before the city for that location will be of the utmost quality if annexed into the City of Flowery Branch.

Councilman Fetterman further stated that the buildings in the City are held to a higher standard and the big box stores came to Flowery Branch because they believed in Flowery Branch. The City is willing to turn away developers if the developers do not abide by our standards.

Councilman Yardley further stated that there were some concerns about the timing of this annexation and advised that there have been several meetings and that this is a first reading of the ordinance with the understanding that the City can still change the Ordinance as it sees fit and if needed it can be postponed.

[Discussion – Contract with Downtown Management Services for Analysis of Flowery Branch Better Hometown Program](#)

City Manger Andrew reviewed the contract and stated that there were funds left over from the resignation of Better Hometown Manager Dinah Wayne and that a portion of these funds could be used to have Mr. Burnett analyze and make suggestions for the new budget year pertaining to our Better Hometown Program.

**DEPARTMENT REPORTS**

[City Manager Report](#) - No report

[City Clerk Report](#)

Clerk McCain advised the Council that the City was working with Keep Hall Beautiful for the Great American Clean Up program on April 10, 2010 as well as with a beautification project with the Church of Jesus Christ Latter Day Saints scheduled for April 24, 2010. This would include planting and painting entrance signs.

[Attorney Report](#) - No report

[Council Report](#) - No report

**ADJOURNMENT WORK SESSION:**

Mayor Hirling adjourned the Work Session at 8:25 pm.



**CITY OF FLOWERY BRANCH**  
**Council Meeting Minutes**  
**Voting Session**  
**Wednesday February 4, 2010**  
**Immediately following Work Session**



**OPEN VOTING SESSION:**

Mayor Hirling opened the Voting Session at 8:25 pm.

**CONSENT AGENDA:**

- Public Hearing Meeting Minutes January 21, 2010
- Meeting Minutes January 21, 2010
- Contract with Downtown Management Services for Analysis of Flowery Branch Better Hometown Program

There was a motion made to approve the Consent Agenda as presented.

MOTION: Mike Miller

SECOND: Tara Richards

AYES: Craig Lutz, Chris Fetterman, Kris Yardley, Mike Miller and Tara Richards

NAYES: None

Motion carried

**UNFINISHED BUSINESS:**

**[1<sup>st</sup> Reading - Ordinance 426 – Annexation 6401 McEver Road](#)**

Attorney Bennett read Ordinance 426.

There was a motion made to approve the first reading of Ordinance 426.

MOTION: Kris Yardley

SECOND: Mike Miller

AYES: Craig Lutz, Chris Fetterman, Kris Yardley and Mike Miller

NAYES: None

ABSTAIN: Tara Richards

**[1<sup>st</sup> Reading - Ordinance 427 – Rezoning of 6401 McEver Road](#)**

Attorney Bennett read Ordinance 427.

There was a motion made to postpone the vote on this item until a date certain, date of February 18, 2010

MOTION: Craig Lutz  
SECOND: Chris Fetterman

Discussion:

Councilmember Lutz advised that there were lots of concerns expressed pertaining to the M1 designation and he wanted to be sure there was enough time to review and address all the concerns of the public.

Councilman Yardley reiterated that changes can be made between readings if needed or postponed if needed at the second reading.

AYES: Craig Lutz  
NAYES: Chris Fetterman, Kris Yardley, Mike Miller  
ABSTAIN: Tara Richards

Motion denied.

There was a motion made to approve the first reading of Ordinance 427.

MOTION: Chris Fetterman  
SECOND: Kris Yardley  
AYES: Craig Lutz, Chris Fetterman, Kris Yardley and Mike Miller  
NAYES: None  
ABSTAIN: Tara Richards

[1<sup>st</sup> Reading - Ordinance 428 – Annexation of 0 McEver Road](#)

Attorney Bennett read Ordinance 428.

There was a motion made to approve the first reading of Ordinance 428.

MOTION: Kris Yardley  
SECOND: Mike Miller  
AYES: Craig Lutz, Chris Fetterman, Kris Yardley and Mike Miller  
NAYES: None  
ABSTAIN: Tara Richards

[1<sup>st</sup> Reading - Ordinance 429 – Rezoning of 0 McEver Road](#)

Attorney Bennett read Ordinance 429.

There was a motion made to approve the first reading of Ordinance 429.

MOTION: Mike Miller  
SECOND: Kris Yardley  
AYES: Craig Lutz, Chris Fetterman, Kris Yardley and Mike Miller  
NAYES: None  
ABSTAIN: Tara Richards

[1<sup>st</sup> Reading - Ordinance 430 – Rezoning of 6353 McEver Road](#)

Attorney Bennett read Ordinance 430.

There was a motion made to postpone the vote on this item until a date certain, date of February 18, 2010

MOTION: Craig Lutz

Motion died for lack of second

There was a motion made to approve the first reading of Ordinance 430.

MOTION: Kris Yardley  
SECOND: Mike Miller  
AYES: Craig Lutz, Chris Fetterman, Kris Yardley and Mike Miller  
NAYES: None  
ABSTAIN: Tara Richards

Councilman Fetterman requested that the council consider the additional landscaping requirements and to further restrict uses such as auction house, logging yard and gas tank sales prior to the second reading of Ordinance 430.

**ADJOURNMENT:**

There was a motion made to adjourn the meeting at 8:36 pm.

MOTION: Chris Fetterman  
SECOND: Kris Yardley  
AYES: Craig Lutz, Chris Fetterman, Kris Yardley, Mike Miller and Tara Richards  
NAYES: None  
Meeting adjourned at 8:36 pm.