



**CITY OF FLOWERY BRANCH**  
**Council Meeting Minutes**  
**Work Session**  
**Thursday May 6, 2010**  
**6:00 p.m.**



**CALL TO ORDER:**

Mayor Hirling called the meeting to order at 6:00 p.m.

**IN ATTENDANCE:**

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

**PLEDGE OF ALLEGIANCE:**

Mayor Hirling led the Pledge of Allegiance

**PUBLIC COMMENTS:**

**Anthony Grutadaurio, 5665 Grand Union Drive**

Mr. Grutadaurio, representing Red Oak Sanitation, approached the council and reviewed some of the programs Red Oak is offering to support Breast Cancer awareness. Mr. Grutadaurio also advised that he is aware the City contract with Red Oak is coming up for renewal and that Red Oak was interested in continuing business with the City and invited staff to visit the facility for a tour.

**PRESENTATION:**

Mr. Scott Chalmers gave a presentation pertaining to the theater business he and his wife run called 5<sup>th</sup> Row Center. During the presentation Mr. Chalmers requested that the City consider allowing the theater to occupy the city space located at 5509 Main Street and added that other cities pay for the buildings that the local theaters are in.

Mr. Chalmers felt that if allowed to occupy 5509 Main Street they could bring hundreds of people to the downtown area.

Councilmember Richards inquired if they would be using the space as a stage and expressed concerns with the columns throughout the space.

Mrs. Chalmers advised that the space would be used for office space, classes and rehearsals.

**UNFINISHED:**

*Discussion – Jones Road Configurations*

Planner Riker reviewed two options for the upgrading of Jones Road and summarized the following:

**Option 1:** Improve the entire section of Jones Road, from Mitchell Street to Gainesville Street, to a local roadway standard (Two 11’-0” wide travel lanes with appropriate storm drainage and shoulder areas). This option would also include a slight realignment of the Mitchell Street intersection and would likely include the need for additional right-of-way. (Not included in estimate)

Est. Construction Cost (without right-of-way acquisition)	\$ 200,000
Est. Engineering Cost	\$ 20,000
<b>TOTAL EST COST</b>	<b>\$ 220,000</b>

**Option 2:** Improve a portion of Jones Road, from Mitchell Street to Lorimar Court, to a modified local roadway standard. (Two 11’-0” wide travel lanes with limited shoulder areas). Under this option, the section of Jones Road from Gainesville Street to Lorimar Court would be designated as one-way (see attached sketch).

Est. Construction Cost	\$ 14,500
Est. Engineering Cost	\$ 0
Est. Misc Cost	\$ 1,500
<b>TOTAL EST COST</b>	<b>\$ 16,000</b>

Councilmember Miller expressed concerns on the additional traffic the options would put on Gainesville Street and inquired if that was taken into consideration for maintenance and repair.

Planner Riker advised that the Public Works Department was aware of the condition of the Street and the added wear and tear on Gainesville Street and was prepared to maintain the roadway by patching as necessary.

City Manager Andrew advised that the cost to mill and pave Gainesville Street ranged from 30-40 thousand dollars.

**PUBLIC COMMENTS ON JONES ROAD**

*Ann Jones – 6536 Mallard Cove, Flowery Branch, Tidewater Cove Subdivision.*

Ms. Jones approached the Council and stated that she uses the back entrance off of Jones Road and would like to see Gainesville Street improved for the amount started by Manager Andrew. Ms. Jones advised that a band aid fix would not be appropriate as the safety of the community is in question.

**Larry Thomas Sr. – 6197 Gainesville Street, Flowery Branch, Ga.**

Mr. Thomas approached the City and advised that he was present on behalf of his son and requested information on drainage and right of way.

City Planner Riker gave Mr. Thomas the information he was looking for.

Ms. Jones stated that if the back road was closed of then the subdivision would not have an emergency exit and would have only one entrance/exit.

Council Member Yardley stated that the City can't force a private property owner to allow for traffic through his property as is the case of the property located between Tidewater Cove Subdivision and Lights Ferry Road but the City can check into getting the proper entities together to take into consideration a connection between the two properties.

Further, Council Member Yardley stated that Option 1 was out of the City's budget and that Option 2 was more reasonable at this time.

Council Member Richards stated that if this back entrance is as big a safety concern as being portrayed then the back entrance should be temporarily closed off until a decision on the upgrades can be made.

Planner Riker advised that the City could check with the Fire Department for their opinion.

Council Member Fetterman advised that he was concerned with closing off the back exit at this time for safety reasons and requested more input from the residents at Tidewater Cove.

Planner Riker started that letters had been sent out to all residents of the Tidewater Cover Subdivision as well as residents on Jones Road, Lorimar Court and Gainesville Street.

Council Member Richards suggested attempting to contact the bank that owns the property between Tidewater Cove and Lights Ferry Road prior to taking a vote on moving forward with either option.

**Patty Chirico – 6503 Above Tide Place, Flowery Branch, Ga. 30542**

Ms. Chirico stated that she did not want to see the City have to take out a loan in order to move forward with option A especially with this being such a small part of town.

Ms. Chirico did request the City assist with contacting the owner of the property behind Tidewater Cove and see about connecting the properties for access out the back side of the subdivision to Lights Ferry Road.

**NEW BUSINESS:**

Planner Riker reviewed the contract with Jaeger Company for landscaping design. This contract is for the grant that was applied for and received with Hall County. The agreement states that Flowery Branch will pay for the design work and Hall County will pay for installation.

The area to be completed will be between Thurmon Tanner Road and Waterstone Crossing Subdivision on Atlanta Highway.

*Discussion – Ordinance 425 – Updated Soil, Erosion and Pollution Control Ordinance*

Planner Riker made the following summary statement:

The Georgia Erosion and Sedimentation Act (O.C.G.A. § 12-7-8-(a) (2)) requires that each Local Issuing Authority (LIA) adopt a comprehensive ordinance establishing procedures governing land-disturbing activities based on certain minimum requirements. The Act also requires an LIA to amend their ordinance within 12 months of any amendment to the Act. Accordingly, GaEPD has notified us of such an amendment and is requiring the adoption of a new ordinance by July 1, 2010.

*Discussion Ordinance 432 – Call For Special Election*

City Clerk McCain made the following summary statement:

The Attorney General has formulated an opinion that requires that the City call for a Special Election within a reasonable amount of time after a vacancy has occurred. Council member Craig Lutz qualified for a Hall County Commission post on April 26, 2010 therefore vacating his Flowery Branch Council Post Seat. The Official Code of Georgia (O.C.G.A.) sets only four available dates for a Special Election in O.C.G.A. 21-2-540(c) (1) (B). These dates are the 3<sup>rd</sup> Tuesday in March, date of a general primary, 3<sup>rd</sup> Tuesday in September and the Tuesday after the first Monday in November. The next available date that will allow enough time to have qualifying, ballots printed, absentee voting and official approval by the Department of Justice (60 days) is September 21, 2010.

Clerk McCain presented the following time line:

- May 5, 2010 1<sup>st</sup> reading Ordinance 432 – call for Special Election
- May 20, 2010 – 2<sup>nd</sup> reading Ordinance 432 – call for Special Election
- May 21, 2010 - Send letter to Hall County Board of Elections to reserve machines
- May 21, 2010 –DOJ online preclearance authorization
- May 21, 2010 – request call and qualification posting in paper (May 25<sup>th</sup> publish)
- June 9 – 11, 2010 – Qualify
- June 14, 2010 – send ballot info to Premier Elections
- August 23, 2010 - Absentee voting begins
- September 21, 2010 Election Day

Council Member Fetterman requested that qualifying be for a total of five (5) days as opposed to the scheduled two and a half days (2.5).

There was a consensus to change the qualifying dates to include a total of five (5) consecutive days.

Council Member Yardley inquired if there was a cost savings to hold the election with the next County Election.

Clerk McCain advised that she was unaware what a contract with the Hall County would cost to run the City's Special Election but she would research the question.

[Discussion – April 15, 2010 City Council Meeting Minutes](#)

There were no questions or comments regarding the minutes as presented.

[Discussion – CHIP Grant](#)

Manager Andrew reviewed the original \$189,517 grant break down as follows:

80% or \$152,991 for approximately 5 homes to be rehabilitated  
15% or \$27,500 for down payment assistance  
5% or \$9,024 for grant administration to HDRI

Continuing, Manager Andrew stated that of these amounts, none of the rehabilitation funds have been drawn down; there have been three draw downs for down payments totaling \$15,000 with a \$1,500 payment to HDRI; and, none of the grant administration has been drawn down.

It is believed that since DCA is allowing for these funds to be spent just outside the City Limits, we should take this opportunity to spend down the funds which will have three positive results: 1) the home will be improved for the owner, 2) the neighborhood will benefit and much of this area would be in or close to our City Limits, and 3) spending down the funds is desired in order to be considered favorably for future funds.

The \$25,000 budget for the house would result in a major rehabilitation of the home. There is a need to replace the sub-floors and flooring throughout the house, a new bathroom is needed, re-wiring will be necessary, some or all re-plumbing is likely, and some kitchen work is needed. The \$25,000 figure does not include what may be needed for lead abatement. If lead is found in the home, grant funds will cover its proper removal.

Council Member Fetterman inquired when we received the grant and if the grant stipulates only Flowery Branch residents were eligible.

Manager Andrew advised that the grant was applied for in 2007 and received in 2008 and the grant did specify that the funds were for Flowery Branch residents and added that Hall County also has a grant but that those funds are currently not available and the City currently has no applications for the monies.

**DEPARTMENT REPORTS**

[City Manager Report](#)

Manager Andrew reviewed the currently sewer lining project and informed the Council that during the relining it was found that the pipe that was original thought to be a 12 inch line is really only and 8 inch line and that during the lining the contractor had broken the pipe which required an emergency crew to be called to repair the line. Manager Andrew advised that if the City put in the pipe to bring it to the size it should be then the City could save some of the costs of a contractor to replace the pipe.

The estimates are about half of what a contractor would charge, the following meeting there will be more concrete information available for the Council's review.

### Planning Report

Planner Riker stated that the Historic Preservation Committee is requesting that the fees for a Certificate of Appropriateness be reduced from \$50.00. Planner Riker stated that the cost to post the proper notice for a certificate of appropriateness is currently about \$35.00.

Council Member Richards suggested reducing the cost of a major "Certificate of Appropriateness" to \$35.00 and cost for a minor "Certificate of Appropriateness" can be removed.

There was a consensus to reduce and remove the fees as stated above and place this in Resolution form for a future meeting.

City Clerk Report - No report

Attorney Report - No report

### Council Report

Mayor Hirling advised that the Master Gardeners and the Church of Jesus Christ of Latter Day Saints have installed plantings around all seven City signs.

Council Member Miller reminder the Council that the Taste of Flowery Branch was this upcoming weekend and that the monies raised were going to go for new band uniforms.

Mayor Hirling advised the Council that at the last Joint Local Government Meeting the By-Laws were changed to only allow municipalities to be members and attend meetings of the association. Hall County has been excluded from the association.

### **ADJOURNMENT WORK SESSION:**

Mayor Hirling adjourned the Work Session



**CITY OF FLOWERY BRANCH**  
**Council Meeting Minutes**  
**Voting Session**  
**Wednesday May 6, 2010**  
**Immediately following Work Session**



**OPEN VOTING SESSION:**

Mayor Hirling opened the Voting Session

**CONSENT AGENDA:**

There was a motion made to approve the Consent Agenda as presented and authorize Manager Andrew to execute the contract with the Jaeger Company.

MOTION: Chris Fetterman  
 SECOND: Tara Richards  
 AYES: Chris Fetterman, Kris Yardley, Mike Miller and Tara Richards  
 NAYES: None  
 Motion carried

**UNFINISHED BUSINESS:**

There was a motion made to move forward with option 2 of the Jones Road improvements.

MOTION: Kris Yardley  
 SECOND: Mike Miller

**DISCUSSION:**

Council Member Fetterman advised that he would still like to get further input from the residents of Tidewater Cover pertaining to the back entrance.

Council Member Richards advised that she would also like more input for the residents in the area of Jones road as well as close the back entrance to address safety concerns.

Manager Andrew reminded the Council that funds for this project would not be available until the next budget year which begins July 1, 2010.

Council Member Yardley stated that these improvements could move forward as they will also assist the residents on Lorimar Court.

AYES: Kris Yardley, Mike Miller and Mayor Hirling a (to break tie)  
 NAYES: Chris Fetterman and Tara Richards  
 Motion carried

There was a consensus to direct staff to move forward with researching the entrance off of Lights Ferry Road and contact the bank for such access as well as contacting the fire department pertaining to the back entrance being and emergency exit and to check into the cost of making the intersection at Jones and Mitchell a 90 degree intersection.

*1<sup>st</sup> Reading -Ordinance 425 – Updated Soil, Erosion and Pollution Control Ordinance*

Attorney Bennett read Ordinance 425

There was a motion made to approve the first reading of Ordinance 425.

MOTION: Kris Yardley  
SECOND: Mike Miller  
AYES: Chris Fetterman, Tara Richards, Kris Yardley and Mike Miller  
NAYES: None  
Motion carried

*1<sup>st</sup> Reading -Ordinance 432 – Call for Special Election*

Attorney Bennett read Ordinance 432

There was a motion made to approve the first reading of Ordinance 432 and include the amendment to hold qualifying for five (5) days as opposed to two and a half (2.5).

MOTION: Mike Miller  
SECOND: Chris Fetterman  
AYES: Chris Fetterman, Tara Richards, Kris Yardley and Mike Miller  
NAYES: None  
Motion carried

**EXECUTIVE SESSION:**

There was a motion made to enter Executive session at 8:20 p.m. for:

- Land Acquisition
- ~~Personnel~~
- Pending / Potential Litigation

MOTION: Tara Richards  
SECOND: Mike Miller  
AYES: Chris Fetterman, Tara Richards, Kris Yardley and Mike Miller  
NAYES: None  
Motion carried

**RECONVENE OPEN SESSION:**

There was a motion made to exit Executive session at 9:19 p.m.

MOTION: Tara Richards

SECOND: Kris Yardley

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

NAYES: None

Motion carried

**ADJOURNMENT:**

There was a motion made to adjourn the meeting at 9:19 p.m.

MOTION: Chris Fetterman

SECOND: Kris Yardley

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

NAYES: None

Meeting adjourned at 9:20 p.m.