



**CITY OF FLOWERY BRANCH**  
**Voting Session**  
**Meeting Minutes**  
**November 21, 2007, 9:30 am**



**CALL TO ORDER:**

Meeting was held immediately following the Public Hearing for this date.

Mayor Pro-tem Bryans called the meeting to order at 10:12 a.m.

**IN ATTENDANCE:**

Mayor Pro-Tem Bryans, Council Members Jim Herold, 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.

**ABSENT:**

Mayor Diane Hirling

**INVOCATION:**

Interim Pastor Matt Baker conducted the invocation during the Public Hearing prior to this meeting.

**PUBLIC COMMENTS:**

There were no public comments.

**CONSENT AGENDA:**

October 25, 2007 Public Hearing Meeting Minutes  
November 7, 2007 Special Called Work/Voting Session Agenda

There was a motion made to approve the consent agenda as presented.

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

**ALL MEETINGS ARE HELD AT THE CITY HALL – 5517 MAIN STREET, FLOWERY  
BRANCH, GEORGIA. 770-967-6371**

## **UNFINISHED BUSINESS:**

### **1<sup>st</sup> Reading Ordinance 373 - Water Restriction Enforcement and Penalties**

Manager Andrew summarized the restrictions.

Attorney Bennett made note that this Ordinance would only be in effect when the City Manager posts notice that there is a drought and the City would be following the water shortage management plan.

Councilman Herold inquired on the legality of posting notices regarding the violations and restrictions.

Attorney Bennett advised that it was not required to send a notice to every water customer and that it would be sufficient to place an ad in the paper, post the notice on the website as well as the community notice board in front of City Hall.

Attorney Bennett read Ordinance 373.

There was a motion made to approve the first reading of Ordinance 373.

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

### **Consider - 5509 Lease agreement**

Attorney Bennett presented the Council with a copy of the corrected lease agreement for 5509 Main Street and reviewed the same.

After some discussion there was a motion made to postpone the consideration of the lease agreement for 5509 Main Street until December 5, 2007 for further consideration.

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

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**NEW BUSINESS:**

**[Consider approval of the October 3, 2007 Special Called Work/Voting Session Meeting Minutes](#)**

There was a motion made to approve the October 3, 2007 Special Called Work/Voting Session Meeting Minutes as presented.

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

**[1st Reading Ordinance 360 and 348-5 - An amendment to the Zoning Ordinance Zoning Text Amendment and existing Adult Business Ordinance](#)**

Planner Riker reviewed Ordinance 360 and 348-5

Attorney Bennett presented Clerk McCain with the court recorders (Precision Reporting Inc. – Certified Shorthand Reporters.) recorded document from the October 25, 2007 public hearing regarding this subject. This document has become a part of the official recorded minutes for this meeting.

Attorney Bennett read Ordinance 360.

There was a motion made to approve the first reading of Ordinance 360.

MOTION: Jim Herold  
SECOND: Pat Zalewski

Discussion – Councilman Bryans inquired if a business owner could hold a license for Adult Business as well as an alcohol license simultaneously.

Attorney Bennett advised that only one license was allowed to be active at any one time.

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

Attorney Bennett read Ordinance 348-5.

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There was a motion made to approve the first reading of Ordinance 348-5.

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

Planner Riker advised the second reading of Ordinance 360 and 348-5 would be held on December 19, 2007 at the regularly scheduled Voting Session.

After some discussion regarding the Voting Session Meeting date there was a motion to reschedule the December 19, 2007 regular called Voting Session to December 18, 2007 at 9:30 a.m.

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

[1st Reading Ordinance 356-1 and 372 - Unsafe Structure and Nuisance Ordinance](#)

Planner Riker summarized the Ordinances.

Attorney Bennett read Ordinance 356-1.

Planner Riker advised that Councilwoman Smith requested an exception regarding downed trees. Planner Riker reviewed the request and Councilwoman Smith read the exception.

There was a motion made to approve the first reading of Ordinance 356-1 with the amendment included as exception #5.

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

Attorney Bennett read Ordinance 372.

There was a motion made to approve the first reading of Ordinance 372

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

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Planner Riker advised the second reading of Ordinance 356-1 and 372 will be held December 18, 2007 at 9:30 a.m.

[Consider the annexation and rezoning of a 26.973 +/- acre property located at 6596 Capitola Farm Road and consider an amendment to the conditions of approval relating to ordinance 239 and 240 for the master plan community on 894 acres generally known as Sterling on the Lake.](#)

Planner Riker requested that these items be postponed until the December 5, 2007 Special Called Work/Voting Session as staff is still working with Hall County Transportation on drafting conditions of approval.

There was a motion made to postpone the consideration of the annexation and rezoning of 26.973 +/- acre property located at 6596 Capitola Farm Road and consider an amendment to the conditions of approval relating to ordinance 239 and 240 for the master plan community on 894 acres generally known as Sterling on the Lake until the December 5, 2007 Special Called Work/Voting Session Council Meeting.

MOTION: Mary Jones

SECOND: Jim Herold

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

NAYES: None

Motion carried

Planner Riker advised that these items would be rescheduled to December 5, 2007 at 9:30 a. m.

[Resolution 07-025 – Sewer Reservation Barry Conner](#)

Planner Riker reviewed the request.

Attorney Bennett read Resolution 07-025.

Councilman Herold inquired if the reservation included areas outside of the City Limits.

Planner Riker advised that just property inside the limits was included in the Reservation.

There was a motion made to approve Resolution 07-025.

MOTION: Jim Herold

SECOND: Mary Jones

Discussion: Mayor Pro-tem inquired any of the reservation would be used for residential properties.

Planner Riker the language of the Resolution which indicates the reservation is for commercial or industrial use only.

Councilwoman Smith inquired if the timing of the request was premature.

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Planner Riker advised that from a staff perspective the requirements are, within 60 days from the adoption of the resolution, the applicant will need to pay the full connection fee of around one million dollars and 20% of that amount will be available to the City.

Real-estate Broker for the Conner Property advised that he was aware of the requirements and the need to be able to provide sewer for development. It's for due diligence purposes.

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

NAYES: Jan Smith

Motion carried

Councilwoman Smith stated for the record, "The negative vote is not against the project itself, but I am just uncomfortable committing to the sewer at this time. I just think it's to soon."

### 1st Reading 100H – Amendment to the Sewer Ordinance

Planner Riker reviewed the amendment.

There was some discussion.

Attorney Bennett read Ordinance 100H

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

MOTION: Jim Herold

SECOND: Pat Zalewski

AYES: Jim Herold, Pat Zalewski, Allen Bryans

NAYES: Jan Smith

ABSTAIN: Mary Jones

Motion carried

### CITY MANAGER REPORT:

City Manager Andrew reviewed and gave an update of Capitol Funding for reuses line and the Lights Ferry Lift Station.

### CLERK REPORT:

Clerk McCain advised that Steve Soucie, the chairman of the Car Show and Chili Cook Off has requested September 20, 2008 as the official date for the event.

There was a consensus of the City Council to approve September 20, 2008 as the official date for the annual Car Show and Chili Cook – Off.

### ATTORNEY REPORT:

No report.

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**PLANNING, ZONING REPORT:**

Planner Riker reviewed current projects and upcoming projects.

**COUNCIL REPORT:**

Councilwoman Jones reminded the Council that the tree lighting would be Thanksgiving night at 5:45 and that the Christmas Parade is scheduled for December 1<sup>st</sup>.

There was a motion made to enter Executive Session at 11:24 a.m.

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

There was a short break from 11:24 a.m. 11:33 a. m.

**EXECUTIVE SESSION**

- Pending Litigation

There was a motion made to exit Executive Session and reconvene Open Session at 11:50 a.m.

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

**ADJOURNMENT:**

**There was a motion made to adjourn the meeting at 11:51 a.m.**

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

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Mayor Pro-Tem Allen Bryans

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Date

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City Clerk – Melissa McCain

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