

CITY OF FLOWERY BRANCH
Special Called Work/Voting Session
Meeting Minutes
December 5, 2007, 9:30 am



CALL TO ORDER:

The Mayor called the meeting called the meeting to order at 10:12 a.m.

IN ATTENDANCE:

Mayor Diane Hirling and Council Members Allen Bryans, 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 Richard Carothers and Attorney Ron Bennett.

****Mayor Hirling announced that Land Acquisition will be added to the Executive Session. ****

PUBLIC COMMENTS:

There were no public comments.

UNFINISHED BUSINESS:

[2nd Reading Ordinance 373 - Water Restriction Enforcement and Penalties](#)

Manager Andrew summarized the restrictions.

Attorney Bennett read Ordinance 373.

There was a motion made to approve the 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 Main Street Lease agreement](#)

Manager Andrew advised that upon reviewing the lease renewal the City is still reviewing and making adjustments to the agreement and has received another lease offer at a separate location. Due to having two lease options Mr. Andrew requested that this discussion be postponed until the December 18, 2007 Voting Session Council Meeting.

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

There was a motion made to postpone the consideration of the lease agreement at 5512 Main Street to the December 18, 2007 voting session meeting.

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

NEW BUSINESS:

[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 advised that the City was in receipt of a written request by Patrick Clark, Newland Communities, that this item be postponed to February 20 for action by the Council. Mr. Clark and his commercial partners are working through some issues and also wanted to postpone the issue as a courtesy to the two new council members that live in the community that can discuss the issue.

Planner Riker also advised Mr. Clark that another public hearing would need to be held as the consideration date falls outside of the 65 day allowance between action and public hearing.

There was a consensus to continue this item till the February 20, 2007 City Council Voting Session.

[2nd Reading 100H – Amendment to the Sewer Ordinance](#)

Planner Riker reviewed the Ordinance.

Attorney Bennett read ordinance 100H.

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

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[Sewer Capacity for Master Meter Customers](#)

[Resolution 07-026](#)

[Resolution 07-027](#)

[Resolution 07-028](#)

[Resolution 07-029](#)

[Resolution 07-030-](#)

[Resolution 07-031](#)

[Resolution 07-032](#)

[Resolution 07-033](#)

Planner Riker reviewed the resolutions

Councilman Herold requested that the attorney read the resolution one time and include each location excluding the parcel for Trails West Trailer Home Park.

There was a consensus to have one vote that encompassed each resolution excluding resolution 07-026 – Trails West Mobile Home Park.

Attorney Bennett read resolution 07-027 and included each location in the reading.

There was a motion made to approve Resolution 07-027 – 07-033

MOTION: Allen Bryans

SECOND: Jim Herold

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

OPPOSED: Jan Smith

NAYES: None

Motion carried

Attorney Bennett read Resolution 07-026.

There was a motion made to approve Resolution 07-026.

MOTION: Allen Bryans

SECOND: Jim Herold

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

ABSTAIN: Mary Jones

OPPOSED: Jan Smith

NAYES: None

Motion carried

[Resolution 07-035 – Creation of FB Old Town & Commercial Gateways Redevelopment Area and Tax Allocation District.](#)

Planner Riker reviewed the Resolution.

Attorney Bennett read Resolution 07-035

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Councilman Bryans inquired if he voted would it be a conflict as he owned property within the TAD.

Attorney Bennett advised that two (2) Council Members owned property in the TAD and because both the Council Members have owned this property over two years, there is no conflict of interest.

There was a motion made to approve Resolution 07-035.

MOTION: Allen Bryans

SECOND: Jim Herold

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

OPPOSED: Jan Smith

NAYES: None

Motion carried

CITY MANAGER REPORT:

No report

CLERK REPORT:

Clerk McCain reviewed a spreadsheet form the 2007 Christmas Festival.

ATTORNEY REPORT:

No report.

PLANNING, ZONING REPORT:

Planner Riker reviewed current projects.

Planner Riker advised that there were no items scheduled for the December Public Hearing and that it would be cancelled.

Presentation Catherine Fox

Ms. Fox reviewed mandatory requirements for surface water management in Flowery Branch.

****Note – sign in sheet for training/presentation attached as part of official minutes****

COUNCIL REPORT:

Councilwoman Smith inquired on the submitter of the lease option and which property it pertained to.

Manager Andrew advised that the new proposed lease pertained to 5512 Main Street and the owner was Hortman and Dobbs Developers.

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**There was a short break from 10:40 a.m. 10:56 a. m.

EXECUTIVE SESSION

There was a motion made to enter Executive Session at 10:40 a.m. for

- Pending Litigation
- Land Acquisition

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 motion made to exit Executive Session and reconvene Open Session at 11:42 a.m.

MOTION: Jim Herold

SECOND: Pat Zalewski

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 11:43 a.m.

MOTION: Mary Jones

SECOND: Allen Bryans

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

NAYES: None

Motion carried

Mayor Diane Hirling

Date

City Clerk Melissa McCain

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