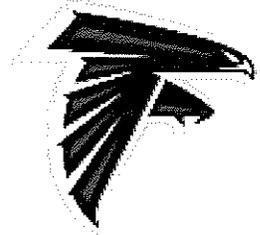


**CITY OF FLOWERY BRANCH**  
**Council Meeting Minutes**  
**WORK SESSION**  
**Wednesday November 5, 2008**  
**9:30 am**



**CALL TO ORDER:**

Mayor Hirling called the meeting to order at 9:30 a.m.

**IN ATTENDANCE:**

Mayor Diane Hirling and Council Members Mary Jones, Chris Fetterman, Craig Lutz, Allen Bryans and Pat Zalewski. Also in attendance were City Manager Bill Andrew, City Clerk Melissa McCain, City Planner James Riker and City Attorney Ron Bennett.

**PUBLIC COMMENTS:**

Chris Hartnett – 7940 Benchmark, Flowery Branch, Ga. 30542

Mr. Hartnett expressed concerns regarding the commercial development proposed by Sterling on the Lake. Mr. Hartnett advised that when he purchased his home he expected the area to be residential. Newland is currently looking to add commercial in front of the subdivision.

Further, Mr. Hartnett advised that there was currently enough shopping at either end of Spout Springs and he felt the infrastructure could not handle the proposal.

Mr. Hartnett suggested that further discussion be held between the developer and the residents of Sterling.

Mayor Hirling advised that all the comments discussed at the Public Hearing on October 30, 2008 were recorded and are part of the record.

**UNFINISHED BUSINESS:**

Discussion - Ordinance 382 - Annexation of a .33± Acre Site located at 4824 Old Orr Road.

Discussion - Ordinance 383 – Rezoning of .33± Acre Site located at 4824 Old Orr Road - Zoning Requested Highway Business

Discussion - Ordinance 384 - Annexation of 5.67 ± Acre Site located at 4847 Old Orr Road.

Discussion - Ordinance 385 - Rezoning of 5.67 ± Acre Site located at 4847 Old Orr Road. Zoning Requested, Highway Business.

Planner Riker reviewed these four items together and gave a summary of each.

Further, Planner Riker advised that these issues were discussed in detail at the October 30, 2008 Public Hearing.

There were no questions.

Discussion - Ordinance 386 - Annexation of a 2.83 ± Acre Site located at 4690 Holland Dam Road.

Discussion - Ordinance 387 - Rezoning of a 2.83 ± Acre Site located at 4690 Holland Dam Road. Zoning Requested, Highway Business

Planner Riker reviewed these two items together and gave a summary of both.

Further, Planner Riker advised that these issues were discussed in detail at the October 30, 2008 Public Hearing.

There was no discussion.

#### NEW BUSINESS:

Discussion – October 15th, 2008 Council Meeting Minutes

No discussion

Discussion – October 20, 2008 Special Called Meeting Minutes

No discussion

Discussion – Contract Penn Credit Corporation for debt collection

Clerk McCain advised that the City in the past has utilized RDS collection services that have since ceased the collection of unpaid utility bills.

The new company Penn Credit will actually have a cost savings to the City. RDS charged 21-27% Penn Credit charges 16.5 %.

There were some discussions regarding the procedures.

Discussion – Contract AT&T

Councilman Lutz recused himself from the discussion as he is an employee of AT&T.

Clerk McCain summarized the contract.

Discussion – Annual contract with CSI

Clerk McCain advised that CSI is the city's software provider and the contract is an annual contract including maintenance fees. The fee has increased by \$270.00 from last year and that is due to an upgrade to the system.

Councilman Lutz expressed concerns regarding updates to bandwidth etc, and advised that these issues were not addressed in the contract.

Clerk McCain advised that all the upgrades are at additional costs and would require an amendment to the contract if an upgrade and additional annual costs were required. Updates to the system we are currently running are included in the maintenance agreement.

Discussion Ordinance 389 & 390 – Annexation and rezoning of 4331 Thurmon Tanner Parkway

Discussion Ordinance 391 & 392 – Annexation and rezoning of 4300 Thurmon Tanner Parkway

Discussion Ordinance 393 & 394 – Annexation and rezoning of 4280 Thurmon Tanner Parkway

Planner Riker reviewed these 6 items together and gave a summary of all.

Further, Planner Riker advised that these issues were discussed in detail at the October 30, 2008 Public Hearing.

There was no discussion.

Discussion Ordinance 395, 396, 397, 398 and 239/240D Annexation and rezoning of the Honeycutt Tract and the Knutson Tract to bring into the Sterling on the Lake subdivision and to amend the conceptual site plan and original conditions accordingly.

Planner Riker reviewed these 5 items together and gave a summary of all.

Further, Planner Riker advised that these issues were discussed in detail at the October 30, 2008 Public Hearing

Councilman Fetterman requested that Section 19 of Ordinance 239/240D be amended and the following verbiage added:

For all commercial development, the applicant shall be required to meet all dimensional requirements (setbacks, height, building coverage, etc.) for the Neighborhood Shopping Zoning District, with the exception of the developer providing a minimum of 20' – 0" landscaped setback along the entire frontage of Spout Springs Road and along Lake Sterling Boulevard extending from its intersection of Spout Springs Road to the median break. Applicant shall also provide a mitered landscaped area at the intersection of Spout Springs Road and Lake Sterling Boulevard with a minimum dimension of 50' -0" (dimension shall be measured at a 45° angle from the intersecting property line of Spout Springs Road and Lake Sterling Boulevard). This condition is intended to allow for a more substantial landscape planting feature at the subdivision entrance and shall be outside of any required roadway dedication.

Planner Riker reviewed a picture of the boundaries with the request.

Mr. Clark addressed the Council and stated that this was the first he had seen of this request and without proper scaling he couldn't know the impacts. Continuing, Mr. Clark stated that the request seems to indicate a severe impact and would probably greatly compromise the marketability of that site as it is a small site.

Mr. Clark also stated that if the additional proposed conditions were approved Newland may need to eliminate the property as a viable commercial site and revert back to the initial residential development.

Mr. Clark further noted that if the development was built-out as a residential component, most of the trees fronting Spout Springs Road would be eliminated. If the property was built-out as a commercial site many of the trees could be saved.

Mr. Chris Hartnett inquired on why the location of the proposed commercial had to be fronting Spout Springs Road and not located in the corner.

Mr. Clark advised that there would be commercial in the original location as well as in the new locations as being proposed today.

Continuing, Mr. Clark advised that the commercial is being proposed to not only allow ease of access to the commercial services and to provide convenience to the residents.

Councilman Lutz stated that he wanted to be sure that Mr. Bragg was satisfied with the annexations and his property rights were preserved.

Planner Riker advised that the conditions are composed in such a way that the conditions contemplate an abandonment of Bragg Road. The abandonment would need to be made with cooperation of Hall County and the City of Flowery Branch together.

Further Planner Riker advised that there are conditions imposed that state certain improvements will need to occur prior to the development of the 77 acres.

Attorney Bennett advised that once the abandonment process begins the City will have the opportunity to impose conditions at the time of abandonment. So there are two layers, the Hall County abandonment and the City of Flowery Branch abandonment.

Mr. Bragg approached the Council and advised that it only makes sense to abandon the roadway. Mr. Bragg further noted that he could use Capitola Road and access City Roads to gain access to his property. Mr. Bragg advised that he had no issues with abandonment as long as his property rights are not encroached on.

Planner Riker advised that the plans are very conceptual at this time and that the access road may or may not change depending on the process but that the City is very cognizant of what Mr. Bragg wants and what Newland is requesting.

Councilman Fetterman inquired the original ordinance the proposed development has never been on the ordinance.

Planner Riker advised that they have approval, as of this date, to build residential units on the site and that the commercial section is being added.

Councilman Fetterman stated that if the residential units were built out on the property the trees would be removed to accomplish the building but if the City could work with the commercial development and save the trees.

Planner Riker advised that yes the developer could build single family homes with no further applications, or approvals needed.

Discussion Resolution 08-018 – Comprehensive Plan Amendment

Planner Riker review the Resolution.

Councilman Lutz advised it was premature to approve the resolution prior to the second reading of the Ordinance.

This item was postponed until the November 19, 2008 Council Meeting

Discussion Resolution 08-019 – Authorization to enter into S.P.L.O.S.T. Intergovernmental Agreement

City Manager Andrew reviewed the Resolution.

DEPARTMENT REPORTS:

Planning Department

No report

Manager Andrew reviewed LARP Funding for Spring Street.

City Manager Report

No Report

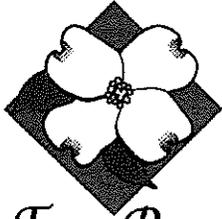
City Clerk Report

Clerk McCain advised that Jim Kenny, from the Flowery Branch Masonic Lodge, has requested the Council authorize the Lodge to host the 11<sup>th</sup> annual Boo Run on October 24, 2009.

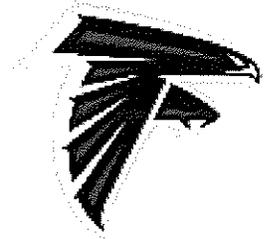
There was a consensus of the City Council to allow the Flowery Branch Masonic Lodge to host the 11<sup>th</sup> annual Boo Run on October 24, 2008.

ADJOURNMENT:

Mayor Hirling closed the work session at 10:36 a.m.



**CITY OF FLOWERY BRANCH**  
**Council Meeting Minutes**  
**VOTING SESSION**  
**Wednesday November 5, 2008**  
**9:30 am**



*Flowery Branch*

**CALL TO ORDER:**

Mayor Hirling called the Voting Session to order at 10:36 a.m.

**CONSENT AGENDA:**

*October 15th, 2008 Council Meeting Minutes*

*October 20, 2008 Special Called Meeting Minutes*

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

MOTION: Craig Lutz  
SECOND: Chris Fetterman  
AYES: Allen Bryans, Pat Zalewski, Chris Fetterman, Mary Jones, and Craig Lutz.  
NAYES: None  
Motion carried

**UNFINISHED BUSINESS:**

*2<sup>nd</sup> Reading - Ordinance 382 - Annexation of a .33± Acre Site located at 4824 Old Orr Road.*

Attorney Bennett read Ordinance 382.

There was a motion made to approve Ordinance 382 as read.

MOTION: Mary Jones  
SECOND: Allen Bryans  
AYES: Allen Bryans, Pat Zalewski, Chris Fetterman, Mary Jones, and Craig Lutz.  
NAYES: None  
Motion carried

*2<sup>nd</sup> Reading - Ordinance 383 - Rezoning of .33± Acre Site located at 4824 Old Orr Road - Zoning Requested Highway Business*

Attorney Bennett read Ordinance 383.

There was a motion made to approve Ordinance 383 as read.

MOTION: Mary Jones  
SECOND: Allen Bryans  
AYES: Allen Bryans, Pat Zalewski, Chris Fetterman, Mary Jones, and Craig Lutz.  
NAYES: None  
Motion carried

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2<sup>nd</sup> Reading - Ordinance 384 - Annexation of 5.67 ± Acre Site located at 4847 Old Orr Road.

Attorney Bennett read Ordinance 384.

There was a motion made to approve Ordinance 384 as read.

MOTION: Allen Bryans  
SECOND: Craig Lutz  
AYES: Allen Bryans, Pat Zalewski, Chris Fetterman, Mary Jones, and Craig Lutz.  
NAYES: None  
Motion carried

2<sup>nd</sup> Reading - Ordinance 385 - Rezoning of 5.67 ± Acre Site located at 4847 Old Orr Road.  
Zoning Requested, Highway Business.

Attorney Bennett read Ordinance 385.

There was a motion made to approve Ordinance 385 as read.

MOTION: Mary Jones  
SECOND: Pat Zalewski  
AYES: Allen Bryans, Pat Zalewski, Chris Fetterman, Mary Jones, and Craig Lutz.  
NAYES: None  
Motion carried

2<sup>nd</sup> Reading - Ordinance 387 - Rezoning of a 2.83 ± Acre Site located at 4690 Holland Dam  
Road. Zoning Requested, Highway Business

Attorney Bennett read Ordinance 387.

There was a motion made to approve Ordinance 387 as read.

MOTION: Craig Lutz  
SECOND: Allen Bryans  
AYES: Allen Bryans, Pat Zalewski, Chris Fetterman, Mary Jones, and Craig Lutz.  
NAYES: None  
Motion carried

Consider – Contract Penn Credit Corporation for debt collection

There was a motion made to approve contract between Penn Credit and the City of Flowery Branch for collections services and authorize the Mayor to execute said document.

MOTION: Mary Jones  
SECOND: Pat Zalewski  
AYES: Allen Bryans, Pat Zalewski, Chris Fetterman, Mary Jones, and Craig Lutz.  
NAYES: None  
Motion carried

Consider – Contract AT&T

There was a motion made to approve contract between AT&T and the City of Flowery Branch for phone and internet services and authorize the Mayor to execute said document.

MOTION: Pat Zalewski  
SECOND: Chris Fetterman  
AYES: Allen Bryans, Pat Zalewski, Chris Fetterman and Mary Jones  
NAYES: None  
RECUSED: Craig Lutz  
Motion carried

Consider - Annual Contract with CSI

There was a motion made to approve contract between CSI Outfitters and the City of Flowery Branch for Software Programming and authorize the Mayor to execute said document.

MOTION: Pat Zalewski  
SECOND: Mary Jones  
AYES: Allen Bryans, Pat Zalewski, Chris Fetterman, Craig Lutz and Mary Jones  
NAYES: None  
Motion carried

1<sup>st</sup> Reading Ordinance 389 Annexation of 4331 Thurmon Tanner Parkway

Attorney Bennett read Ordinance 389.

There was a motion made to approve Ordinance 389 as read.

MOTION: Allen Bryans  
SECOND: Pat Zalewski  
AYES: Allen Bryans, Pat Zalewski, Chris Fetterman, Mary Jones, and Craig Lutz.  
NAYES: None  
Motion carried

1<sup>st</sup> Reading Ordinance 390 – Rezoning of 4331 Thurmon Tanner Parkway

Attorney Bennett read Ordinance 390.

There was a motion made to approve Ordinance 390 as read.

MOTION: Pat Zalewski  
SECOND: Mary Jones  
AYES: Allen Bryans, Pat Zalewski, Chris Fetterman, Mary Jones, and Craig Lutz.  
NAYES: None  
Motion carried

1<sup>st</sup> Reading - Ordinance 391 - Annexation of 4300 Thurmon Tanner Parkway

Attorney Bennett read Ordinance 391.

There was a motion made to approve Ordinance 391 as read.

MOTION: Pat Zalewski  
SECOND: Craig Lutz  
AYES: Allen Bryans, Pat Zalewski, Chris Fetterman, Mary Jones, and Craig Lutz.  
NAYES: None  
Motion carried

1<sup>st</sup> Reading - Ordinance 392 – Rezoning of 4300 Thurmon Tanner Parkway

Attorney Bennett read Ordinance 392.

There was a motion made to approve Ordinance 392 as read.

MOTION: Craig Lutz  
SECOND: Mary Jones  
AYES: Allen Bryans, Pat Zalewski, Chris Fetterman, Mary Jones, and Craig Lutz.  
NAYES: None  
Motion carried

1<sup>st</sup> Reading - Ordinance 393- Annexation of 4280 Thurmon Tanner Parkway

Attorney Bennett read Ordinance 393.

There was a motion made to approve Ordinance 393 as read.

MOTION: Chris Fetterman  
SECOND: Mary Jones  
AYES: Allen Bryans, Pat Zalewski, Chris Fetterman, Mary Jones, and Craig Lutz.  
NAYES: None  
Motion carried

1<sup>st</sup> Reading - Ordinance 394- Rezoning of 4280 Thurmon Tanner Parkway

Attorney Bennett read Ordinance 394.

There was a motion made to approve Ordinance 394 as read.

MOTION: Allen Bryans  
SECOND: Chris Fetterman  
AYES: Allen Bryans, Pat Zalewski, Chris Fetterman, Mary Jones, and Craig Lutz.  
NAYES: None  
Motion carried

1<sup>st</sup> Reading – Ordinance 395. Annexation of the Honeycutt Tract to bring into the Sterling on the Lake subdivision.

Attorney Bennett read Ordinance 395.

There was a motion made to approve Ordinance 395 as read.

MOTION: Craig Lutz  
SECOND: Chris Fetterman  
AYES: Allen Bryans, Pat Zalewski, Chris Fetterman, Mary Jones, and Craig Lutz.  
NAYES: None  
Motion carried

1<sup>st</sup> Reading – Ordinance 396 - Rezoning of the Honeycutt Tract

Attorney Bennett read Ordinance 396

There was a motion made to approve Ordinance 396 as read.

MOTION: Pat Zalewski  
SECOND: Craig Lutz  
AYES: Allen Bryans, Pat Zalewski, Chris Fetterman, Mary Jones, and Craig Lutz.  
NAYES: None  
Motion carried

1<sup>st</sup> Reading – Ordinance, 397, Annexation and rezoning of the Knutson Tract to bring into the Sterling on the Lake subdivision

Attorney Bennett read Ordinance 397.

There was a motion made to approve Ordinance 397 as read.

MOTION: Chris Fetterman  
SECOND: Mary Jones  
AYES: Allen Bryans, Pat Zalewski, Chris Fetterman, Mary Jones, and Craig Lutz.  
NAYES: None  
Motion carried

1<sup>st</sup> Reading – 398 Rezoning of the Knutson Tract

Attorney Bennett read Ordinance 398.

There was a motion made to approve Ordinance 398 as read.

MOTION: Allen Bryans  
SECOND: Chris Fetterman  
AYES: Allen Bryans, Pat Zalewski, Chris Fetterman, Mary Jones, and Craig Lutz.  
NAYES: None  
Motion carried

1<sup>st</sup> Reading – 239/240D to amend the conceptual site plan and original conditions of the Sterling on the Lake Subdivision

Attorney Bennett read Ordinance 239/240D.

There was a motion made to approve Ordinance 239/240D with the following language included under section 19; For all commercial development, the applicant shall be required to meet all dimensional requirements (setbacks, height, building coverage, etc.) for the Neighborhood Shopping Zoning District, with the exception of the developer providing a minimum of 20' – 0" landscaped setback along the entire frontage of Spout Springs Road and along Lake Sterling Boulevard extending from its intersection of Spout Springs Road to the median break. Applicant shall also provide a mitered landscaped area at the intersection of Spout Springs Road and Lake Sterling Boulevard with a minimum dimension of 50' -0" (dimension shall be measured at a 45° angle from the intersecting property line of Spout Springs Road and Lake Sterling Boulevard). This condition is intended to allow for a more substantial landscape planting feature at the subdivision entrance and shall be outside of any required roadway dedication.

MOTION: Chris Fetterman

SECOND: Craig Lutz

Discussion – There was some minor discussion and it was noted that changes could be made between the first and second readings as more research and as further negotiations are conducted.

AYES: Pat Zalewski, Chris Fetterman, Mary Jones, and Craig Lutz.

NAYES: None

ABSTAIN: Allen Bryans

Motion carried

Discussion Resolution 08-018 – Comprehensive Plan Amendment

This item was postponed until the November 19, 2008 Council Meeting

Discussion Resolution 08-019 – Authorization to enter into S.P.L.O.S.T. Intergovernmental Agreement

Attorney Bennett read Resolution 08-019

There was a motion made to approve Resolution 08-019 as read.

MOTION: Mary Jones

SECOND: Allen Bryans

AYES: Allen Bryans, Pat Zalewski, Chris Fetterman, Mary Jones, and Craig Lutz.

NAYES: None

Motion carried

