



CITY OF FLOWERY BRANCH
Council Meeting Minutes
Work Session
Thursday May 20, 2010
6:00 p.m.



CALL TO ORDER:

Mayor Hirling called the meeting to order at 6:10 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, Assistant City Clerk Lou Camiscioni, City Planner James Riker and City Attorney Ron Bennett.

PUBLIC COMMENTS:

Dan Kniffen – 110 Boarder Way, Braselton Ga.

Mr. Kniffen approached the Council and advised that he had been associated with 5th Row Center theater program since the time it was located in Lawrenceville Georgia and further advised that he sat on the Board of Directors.

Mr. Kniffen further went on to say that he was in total support of relocating the theater to downtown Flowery Branch which would be beneficial to the City of Flowery Branch bringing traffic to the downtown area.

Terri Hicks – 4155 Gables Place, Buford Georgia

Ms. Hicks approached the Council and stated that her granddaughter is involved with the theater group and it is a family oriented group that produces shows that are family friendly with no objectionable material used. Further the productions are inexpensive and are a great way to enjoy a night out.

Tom and Lee McWilliams – 1728 Prospect Road, Lawrenceville, Georgia

Ms. McWilliams advised that much of the group drives from some distance to belong to this group and this brings tax dollars from outside the community into Flowery Branch. Mr. McWilliams advised that he and his wife have been involved for a long time and that it is a great mentoring program for kids whether they are interested in acting, lighting or stage prop preparation.

Madison Warlick – 6684 Woodlake Drive - 10 years old

Miss Warlick approached the council and advised that she has been acting with this group for two years and has been in two productions. She stated she loves 5th Row Center and would like it in Flowery Branch.

Melissa Beck- 3544 Winder Highway, Flowery Branch, Ga.

Ms. Beck approached the Council and advised that Flowery Branch needed a community theater.

Ms. Beck stated that she enjoys the Gainesville Theater but that it is more focused on student involvement than community involvement. 5th Row Center is a family group that involves all ages and talents.

Mayor Diane Hirling stated that 5th Row Center would be a great asset to downtown Flowery Branch.

UNFINISHED:

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

Planner Riker advised that nothing had changed since the last discussion at the May 6, 2010 Council Meeting.

Discussion – Ordinance 432 – Call for Special Election

Clerk McCain advised that the Ordinance had been changed to include the extra days of qualifying as requested by Council and that the new dates for qualifying for the September 21, 2010 Special Election would be June 21, 2010 through June 25, 2010.

Discussion – Ordinance 433 – Solid Waste

Attorney Bennett summarized by stating this ordinance would give residents a choice of either using the company the City has a franchise agreement with, disposing of their household refuse by use of the Hall County Resource Recovery Compactor sites or to dispose of their refuse at any other state, county or city approved facility.

Continuing Attorney Bennett advised that those residents not utilizing the City franchisee would need to be reported to Hall County for a possible fifty dollar (\$50) assessment on their annual Hall County tax bill. This would also require the franchisee to conduct all the billing and collections of fees.

There was some discussion regarding items and verbiage in section 4. Attorney Bennett will be changing the verbiage from the City to the franchise in a number of sections and have it ready for a second reading on June 3, 2010

NEW BUSINESS:

Discussion –May 6, 2010 Meeting Minutes

Clerk McCain removed Craig Lutz from the list of attendees as he was in attendance but was not representing the Flowery Branch Council. No other changes were made.

Discussion – Unpaid Tax Bills for 2009

Clerk McCain reviewed a list of taxes that were not paid for the 2009 and prior years.

Clerk McCain advised that prior Council were not interested in pursuing liens on properties that had outstanding taxes less than \$100.00. It has been noted that there are some properties that have unpaid tax bills for the past three years and although the individual tax bills do not exceed \$100.00 collectively the amount owed is over \$100.00.

There was a consensus of the Council to place liens on Properties that have taxes individually or collectively owed in an amount over \$100.00.

Discussion – Resolution 10-008

Manager Andrew advised that the resolution would be for the authorization for the City to apply jointly with Braselton, Buford, and Oakwood for a HUD Sustainable Communities Planning Grant.

Manager Andrew continued by stating that the grant was for amounts up to two million dollars in two different categories:

Category 1 – Regional Plans for Sustainable Development which includes stake-holder driven visioning and scenario planning exercises that will address and harmonize plans for the location, scale and type of housing, education and job centers; identify appropriate transportation and water infrastructure; and proactively consider risks of disasters.

Category 3 – Detail Execution Plans and Programs which include – inter-jurisdictional affordable and fair housing strategies, regional transportation investment programs, corridor transit-oriented development plans, sector or area plans, land banking and acquisition strategies, revenue sharing strategies, economic development strategies, plans to improve access to community amenities, and other specific activities that help ensure that the goals of the regional vision are implemented.

Manager Andrew advised that once the official grant application is release the matching numbers will be provided at that time.

Discussion – 5509 Lease Agreement with 5th Row Center

Manager Andrew reviewed the lease as requested by 5th Row Center.

Planner Riker advised that the City would need a more specific use of the building as the applicant has stated many different uses in the building.

Planner Riker further advised that one of the requests was for acting classes which is not allowed by the current zoning code. The code could be change rather quickly if it was the will of the council.

Planner Riker stated if he were to receive a specific site plan from 5th row Center including seating for performance he could get with the fire department and confirm what was needed.

Planner Riker advised that any signage would need to be approved through the Historic Preservation Commission and that the fee for a zoning change is \$500.00.

Council Member Fetterman stated that the City should pay the \$500.00 rezoning application fee.

Council Member Yardley suggested that the lease be postponed until June 17, 2010 when all the rezoning is completed and a more defined plan submitted.

Discussion – Contract Capable Financial Solutions

Manager Andrew reviewed the contract and advised that Ms. Cape would work on capitol improvement policies and financing/loans as well as review the City's financial account with the possibility of assisting with the budget and audit annually.

Council Member Yardley expressed some concerns with the financing of this position and requested the contract be removed from the Consent Agenda and place on the Regular voting Session Unfinished Business section for further consideration.

DEPARTMENT REPORTS

City Manager Report

➤ **Widening for Turning Radius at Phil Niekro and Thurmon Tanner**

Manager Andrew advised that the turning radius at Thurmon Tanner and Phil Niekro Blvd is not sufficient for Tractor Trailers to make the turn from Phil Niekro onto Thurmon Tanner and the bids received to correct are as follows:

- Ronald Fortner Trucking & Paving Inc. = \$6,500
- Espinosa Construction Inc. = \$9,747.48
- Two Other Companies Declined to Bid

Manager Andrew further advised that the City was responsible for the design work and Hall County for the installation. The company the city hired stated the radius that was already in place was sufficient but as it turns out once the pedestrian walkway island was installed the radius was not sufficient.

➤ **Sewer Line Upgrade at WWTP**

Manager Andrew advised that \$45,498 was the original Reynolds Inliner, LLC Estimate \$20,558 is due to Reynolds Inliner now and then some portion of the \$4,600 for the Emergency Repair. (Reynolds did not follow change order procedures on this repair.)

With payment to Reynolds there leaves \$24,940 to \$20,340 to expend from the original budget to finish the project.

Manager Andrew reviewed the following options for completion of the project:

OPTION 1

With Reynolds To Complete the Original Lining and Keep the 8" Line:

Emergency Repair	\$ 4,600.00
Finish Liner	\$21,390.00
Deduct Liner Profit	<u>\$ (3,550.00)</u>
Total Due	\$22,440.00

OPTION 2

With Reynolds to Upsize the 8" line to a 12" Line:

Emergency Repair	\$ 4,600.00
Pipe-Burst 8" to 12"	\$50,295.20
By-Pass Pumps	\$ 4,950.00
Deduct Liner Profit	<u>\$ (3,550.00)</u>
Total Due	\$56,295.20

OPTION 3

Kytle Backhoe and Construction Installation Upsize the 8" to 12" Line:

Install 12" Pipe	\$11,408.00
Install MH Inverts	\$ 300.00
ROW Clearing	\$ 500.00
Install Silt Fence	<u>\$ 800.00</u>
Total Due	\$13,008.00

Materials Bought By City for OPTION 3:

720' of 12" PVC Pipe	\$ 4,360.72
4 16"x12" Core/Boot	\$ 1,400.00
Survey Manholes	\$ 1,500.00
Concrete & #57 Stone	\$ 1,534.00
Fence, Grass, Straw	<u>\$ 1,500.00</u>
Total Due	\$10,294.72

OPTION 3 Totals \$23,302.72

Planning Report

➤ Jones Road Update

Planner Riker reviewed the following upgrade proposals

- Ronald Fortner Trucking and Paving Proposal Accepted on 5/19 for \$14,500. Work may begin 5/21 and be well underway next week.
- 1.5" Overlay on Gainesville Street "one-way section" = \$24,835 (does not include stormwater structures)
- 1.5" Patching & Overlay Gainesville Street from McEver to Chestnut St. = \$57,195

Planner Riker further stated upon speaking to the Fire Department they said there was no regulations stating that the City could not block off the back entrance but that they would like it either left open or gated so they could access the subdivision from the back entrance.

[Attorney Report](#) - No report

[Council Report](#) - No report

ADJOURNMENT WORK SESSION:

Mayor Hirling adjourned the Work Session at 7:43 pm.



CITY OF FLOWERY BRANCH
Council Meeting Minutes
Voting Session
Wednesday May 20, 2010
Immediately following Work Session



OPEN VOTING SESSION:

Mayor Hirling opened the Voting Session at 7:44 pm

CONSENT AGENDA:

- May 6, 2010 Meeting Minutes

There was a motion made to approve the Consent Agenda

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

UNFINISHED BUSINESS:

Contract – Financial Solutions

There was a motion made to table this contract until further budget hearings could be conducted

MOTION: Kris Yardley
SECOND: Chris Fetterman
AYES: Kris Yardley, Mike Miller and Chris Fetterman
NAYES: Tara Richards
Motion carried

2nd Reading Ordinance 425

Attorney Bennett read Ordinance 425

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

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

[2nd Reading -Ordinance 432 – Call for Special Election](#)

Attorney Bennett read Ordinance 432

There was a motion made to approve the second reading of Ordinance 432.

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

[1st Reading -Ordinance 433 – Solid Waster](#)

Attorney Bennett read Ordinance 432

There was a motion made to approve the second reading of Ordinance 432.

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

[Resolution 10-008-Sustainable Communities Grant Funding](#)

Attorney Bennett read Resolution 10-008

There was a motion made to approve Resolution 10-008 and amend the second recital to change the verbiage from a two million dollar grant to up to two million dollars. It was noted that the body of the resolution would also be changed to indicate up to two million dollars.

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

[Lease Agreement 5509 Main Street – 5th Row Center](#)

There was a motion made to table this lease until June 17, 2010.

MOTION: Kris Yardley
SECOND: Chris Fetterman

Discussion:

Council Member Fetterman stated that he had been to a couple of the production and was impressed with the event as well as the turnout for the events.

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

Thurmon Tanner Bid Award

There was a motion made to approve the bid presented by Ronald Fortner Trucking & Paving Inc. in the amount of \$6,500.

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

Sewer Upgrade WWTP

There was a motion made to pay Reynolds Inliner \$22,858.00 and close out the contract.

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

There was a motion made to choose Option 3 for the replacement of the sewer line with the City purchasing the materials and Kytle installing said line which includes the upgrading of the line from an 8 in line to a 12 inch line.

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

Mayor Pro-Tem

There was a motion made to appoint Mike Miller Mayor Pro-Tem for the City of Flowery Branch Council

MOTION: Tara Richards
SECOND: Mike Miller

Discussion:

Council Member Fetterman advised that he has been transferred to an office closer to the City and felt he had more availability than Council Member Miller and that he also has the advantage of being seated on the Council for a longer period of time.

AYES: Tara Richards, Mike Miller and Mayor Hirling

NAYES: Chris Fetterman and Kris Yardley

Motion carried

EXECUTIVE SESSION:

There was a motion made to enter Executive session at 8:02 p.m. for:

- Pending / Potential Litigation

MOTION: Kris Yardley

SECOND: Tara Richards

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 8:26 p.m.

MOTION: Tara Richards

SECOND: Chris Fetterman

AYES: Chris Fetterman, Tara Richards and Kris Yardley

NAYES: Mike Miller

Motion carried

ADJOURNMENT:

There was a motion made to adjourn the meeting at 8:37 p.m.

MOTION: Tara Richards

SECOND: Chris Fetterman

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

NAYES: None