



CITY OF FLOWERY BRANCH
Council Meeting
Public Hearing Minutes
Thursday March 17, 2011 6:00 pm



OPEN MEETING:

Mayor Miller opened the Public Hearing at 6:03 p.m.

PLEDGE OF ALLEGIANCE

PUBLIC HEARING:

Hearing #1: Rezoning amendment for Ordinance No. 239D/240D, relating to the master planned community generally known as Sterling on the Lake. The rezoning amendment is seeking to change conditions and development standards relating to Pod "N/O" and a portion of Pod "S"

City Planner James Riker – Tab 1

City Planner James Riker informed the Mayor and Council as to the history regarding the Planned Unit Development (PUD) for Sterling on the Lake. The PUD had received annexation, rezoning and master plan approval under a different name, by a different developer and under a different zoning ordinance that exists today.

The current developer, Newland Communities, is now seeking to modify the conceptual site plan and development standards for a 30± acre area along Lake Sterling Blvd. commonly known as POD "N/O", and a portion of Pod "S." This portion is currently approved for 191 lots consisting of four types of residential products: 98 townhomes, 46 homes on lots with 50 foot widths, 30 homes on 45 foot wide lots with alley access and 17 homes on 80 foot wide lots.

The developer is requesting a modification to eliminate the townhome products and redesign the lot layout to allow for single family homes to be developed instead. The developer is also requesting to eliminate 17 lots along Lake Sterling Blvd. and is proposing a 4± acre park at their location.

City Planner James Riker continued by saying the developer is proposing to develop this area in four phases and as a result, will be demolishing a portion of the existing roadway network. This plan was reviewed by Hall County Fire, Hall County Engineering and the City of Gainesville Utility Department and as of this date, no objections have been received from these agencies and their approval is to be included in the ordinance.

PUBLIC COMMENTS:

Council heard from Patrick Clark representing Newland Communities. Mr. Clark reiterated what City Planner Riker had discussed pertaining to the Rezoning Amendment Ordinance No. 239E/240E

Hearing # 2: An update of adopted Community Agenda (Comprehensive Plan) City Planner James Riker – Tab 2.

City Planner James Riker updated the Mayor and Council on the draft update that was handed out previously. It was pointed out as well, that as per the administrative rules of the Georgia Department of Community Affairs (DCA), local governments are required to update their short term work program, every five years, and Flowery Branch is scheduled to complete this update by June 2011.

City Planner Riker also informed the Council that over the past nine months, staff has been working on the required update and other amendments to the plan and reviewed the following changes using a visual presentation:

1. A new short-term work program covering the next five years.
2. Revised population, housing and employment projections.
3. Revised future development (character area) and future land use plan maps.
4. Revised transportation element to include the Old Town transportation study.
5. An Addendum to the Community Assessment for data purposes.

Mayor Miller asked if there was discussion from Council or, if there were any Public Comments at this time.

PUBLIC COMMENTS:

At this time the Mayor asked if there were anyone interested in addressing the Council. Don and Jeannette Vira, 6712 Capitola Farms Road, Flowery Branch, GA requested to speak to the Council. Mrs. Vira informed the Council that she and her husband own 20 acres that border Sterling on the Lake's property. Mrs. Vira further stated that she and her husband have been trying to sell their property but feel the land around theirs, owned by Newland Communities, is being unkept, making it difficult for them to find a buyer. They have asked the City Council for assistance in this matter.

ADJOURNMENT FROM PUBLIC HEARING:

The Public Hearing Meeting was closed by the Mayor at 6:35 p.m.



CITY OF FLOWERY BRANCH
Council Meeting
Work Session Minutes
Immediately following Public Hearing
Thursday March 17, 2011



CALL TO ORDER:

Mayor called the Work Session to order at 6:35 p.m.

PUBLIC COMMENTS:

There were no Public Comments.

UNFINISHED BUSINESS:

Discussion – City Council Appointments

City Planner James Riker reminded the Council that there is still one spot that is open on the Metropolitan Planning Organization.

City Planner Riker stated that the organization meets quarterly, typically between 2 and 3 pm in the afternoon. This organization actually has three committees. One is the Policy Committee which the Mayor sits on; another is the Technical Committee which the City Planner sits on and finally there is a Citizen's Advisory Committee and currently Ron Petri is representing the City on this committee and a second person could be appointed in addition to Mr. Petri. City Planner Riker further stated there is no time-line in filling the vacancy.

Discussion – 2nd Reading - Ordinance No. 446 - An amendment to the alcoholic beverage ordinance regulating off premises sales and Resolution No. 11-004 - establishing the amount of alcoholic beverage licensing fees relating to Ordinance No. 446 - [City Attorney – Tab 3](#)

City Attorney Bennett told the Council that the version of this ordinance in the workbooks incorporates the changes that were made at the meeting on March 3, 2011. This change deleted the prohibition against the tastings at liquor stores, groceries and convenience stores. It also reduced the application time for obtaining permits to 10 business days and in the case of non-profit organizations that will also conduct a wine tasting, the waiting period and/or the permit fee could be waived or reduced. The only other change made was taking 8-130 subsection (b) and adding the phrase malt beverage or wine tasting to that section.

Council Member Swafford pointed out that the ordinance as it reads now would prohibit an outside winery coming into the City to promote their own wine. The way the ordinance reads now states that they would have to purchase the wine inside the city.

City Attorney Bennett informed the Council that he does have another version of the Ordinance with him that was prepared after he and Council Member Swafford had this conversation earlier in the week.

Council Member Yardley commented that there are breweries in northern Georgia as well that would be restricted from having a tasting of their own beers in the City as well.

Council Member Swafford asked if the change would pertain to festivals as well.

City Attorney Bennett said it would. Anytime a permit is pulled for a tasting the ordinance applies.

City Attorney Bennett informed the Mayor and Council that in addition to Ordinance No. 446 that there is Resolution No. 11-004 that will need to be considered as well during the voting session to set the fees for the catering categories.

NEW BUSINESS:

Discussion – Draft meeting minutes from March 3, 2011 - [Interim City Clerk – Tab 4](#)

Corrections were noted by Council Members Swafford and Fetterman. Their requests will be reflected in the approved minutes. 1) 5th Row Center will remain at \$1.00 until the end of the current contract. 2) Change bi-weekly to bi-monthly and 95 gallon container to 18 gallon container.

Discussion – Beer, wine and distilled spirits license for Jackall LLC (dba Green's Tavern) formally Grapes & Hops - [Interim City Clerk – Tab 5](#)

New application has been received and is complete. Background checks were reviewed by Lt. Spillers (Flowery Branch Police Department); no history of any relevant violations.

Discussion – 1st Reading of Ordinance No. 239E/240E – A rezoning amendment to the master site plan and conditions of approval for the Sterling on the Lake Development. [City Planner – Tab 1](#)

Council Member Fetterman asked the representative from Newland Communities, Mr. Patrick Clark, if this project would be completed, once started, in 120 days? Mr. Clark informed the Council that it would be completed. Mr. Clark was also asked about the quantity of trees they would be planting.

Mr. Clark responded that there is no actual count yet; he is waiting for the plant list for the entire landscape plan which is being done by a registered landscape architect.

Council Member Richards asked if a plant list could be submitted to Council prior to voting on the 2nd reading.

Council Member Yardley stated that normally there are two weeks between 1st and 2nd reading but due to March being a 5 week month; it was asked if Council could consider a Special Called meeting on March 31st for the 2nd reading on the ordinance.

City Attorney Bennett informed the Council the 2nd reading could be done during the Council Retreat. The event would be listed as Council Retreat / Work / Voting Session. It was agreed that the 2nd reading would take place at 11 a.m. during the Council Retreat scheduled for Saturday, March 26, 2011.

Mayor Miller asked Mr. Clark what the selling price would be for the townhomes that are not going to be built under the new ordinance.

Mr. Clark replied the only marketable price now would be somewhere right at the \$100,000 to \$110,000 price. The price for the homes that will be built instead of the townhomes would be marketed in the \$180,000⁺ range. The model will be listed at \$200,000.

Council Member Anglin asked Mr. Clark about the roadways and driveways.

City Planner Riker informed Council that the requirements for driveways were not going to be changed. There will be plenty of room for people to park two vehicles in their garage as well as 2 vehicles outside the garage without restricting access to the sidewalks.

City Planner clarified one point with Council to make it clear to the developer, it's the Council's expectation that he submit to Staff a landscape plan that we will distribute to Council as a courtesy but not to be included in the ordinance. If it is also the desire of the Council to have the second reading during the retreat then in that motion make it specific to that day because it will be a public meeting.

Council Member Richards asked about parking issues that may come up after the project is completed. Where would people park to gain access to the park area?

Mr. Clark pointed out an area that would be a designated parking area for those individuals when visiting the park area.

Discussion – Contract with ISC, Inc. for Spout Springs Road Improvement Project.
City Planner – Tab 6

City Planner Riker addressed the Council reviewing the RFP that was put out for the Spout Springs/Holland Dam Road Improvement. The project will include modification of curb radii at the Spout Springs Road / Holland Dam Road intersection as well as the entrance to Stonebridge Village. The project will also include construction of a sidewalk along a portion of Holland Dam Road.

City Planner Riker further went on to say that publically advertised bids had been sent out; five bids were received back and the three lowest bidders are displayed on the screen. References on all three of the lowest bidders were reviewed and check by Mr. Johnny Thomas, City's Public Works Director. The work should take approximately one month or less. Hampton Inn also has been informed of the work that will be involved.

Discussion – Resolution No. 11-005 and contract with Georgia Department of Transportation (GDOT) for TE Grant Project - [City Planner – Tab 7](#)

City Planner Riker reviewed with Council Resolution No. 11-005 which is an agreement with the Georgia Department of Transportation (GDOT) for acceptance of Transportation Enhancement Grant No CSTEE-009-00(081) for the streetscape improvements along Railroad Avenue and Church Street. The award consists of a Transportation Enhancement (TE) grant by GDOT and is in the amount of \$250,000. City Planner Riker continued by saying that the City had already provided its 20% match for this project. What is required now is for Council to authorize the Mayor to sign the agreement with GDOT for implementation of the TE Grant project.

DEPARTMENT REPORTS:

City Manager Report

City Manager Andrew informed the Council that new signatory cards are needed for Drawdown of Funds under CDBG and CHIP Programs. Any two signatures out of the three already on record with Brand Bank will suffice. Currently the Mayor, Mayor-Pro Tem and the Interim City Clerk can sign City checks.

Interim City Clerk Report

Checks that will cover the cost of the hotel and parking for the Mayor and Council Members going to the GMA Convention in June will be issued once the exact amount is known.

City Planner Report

City Planner Riker requested that Council authorize the Mayor in a formal annexation request from the Army Corps of Engineering. The Chief for sometime had asked if the City could investigate this and we finally were able to get a lead on doing it. We've made contact with the Corps and tentatively they have said they would sign the document allowing the park to be annexed into the City. This would give our police department the ability to patrol the park since it will be part of the City.

City Planner Riker also informed the Council that the Energy Grant that helped with costs at the Water / Wastewater Treatment Plan had been completed.

City Attorney Report

No report.

Council Report

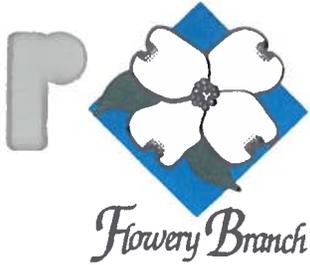
Council Member Yardley attended Crossover Day at the State Capital.

Mayor

Mayor Miller reminded everyone about the Retreat scheduled for Saturday, March 26, 2011. The retreat should start around 8 a.m. If members of the Council have anything they would like to discuss and included on the Retreat Agenda, they need to get it turned into the City Manager as soon as possible.

Also, AVITA is having a grand opening ribbon cutting ceremony on March 31st, 2011 at 10:30 a.m.

ADJOURNMENT WORK SESSION:



**CITY OF FLOWERY BRANCH
Council Meeting Agenda
Voting Session Minutes
Immediately following Work Session
Thursday March 17, 2011**



OPEN VOTING SESSION:

Mayor Miller opened the Voting Session at 7:40 p.m.

CONSENT AGENDA:

Consider - Draft meeting minutes from March 3, 2011 - [Interim City Clerk – Tab 4](#)

Consider – Beer, wine and distilled spirits license for Jackall LLC (dba Green’s Tavern) formally Grapes & Hops - [Interim City Clerk – Tab 5](#)

Consider – Contract with ISC, Inc. for Spout Springs Road Improvement Project.
[City Planner – Tab 6](#)

A motion to approve the Consent Agenda was made

MOTION: Kris Yardley
SECOND: Joe Anglin
Unanimous

UNFINISHED BUSINESS:

Consider – 2nd Reading - Ordinance No. 446 - An amendment to the alcoholic beverage ordinance regulating off premises sales - [City Attorney – Tab 3](#)

City Attorney Bennett read Ordinance No. 446.

A motion was made to approve the version of Ordinance No. 446 the Council currently has with the exclusion of Section 8-130 section b2.

MOTION: Kris Yardley
SECOND: Amanda Swafford
Unanimous

NEW BUSINESS:

Consider – Resolution No. 11- 004 - establishing the amount of alcoholic beverage licensing fees relating to Ordinance No. 446 - [City Attorney – Tab 3](#)

City Attorney Bennett read Resolution No. 11-004 to the Council. The only changes to this resolution are the last six categories for Beer and Wine Alcoholic Beverage Caterer; Distilled Spirits Beverage Caterer, Event Permit Beverage Caterer, Beer Tasting Permit and Wine Tasting Permit.

A motion was made to approve Resolution 11-004 as read.

MOTION: Chris Fetterman
SECOND: Tara Richards

Discussion: Council Member Kris Yardley would like to reduce the costs listed on Resolution 11-004 by 10%.

Council Member Swafford asked if any of the last six categories are currently a line item in this year's budget.

City Attorney Bennett replied no.

There was a motion to amend the original motion made by Council Member Fetterman, to reduce the last six items only on Resolution 11-004 by 50%.

MOTION: Kris Yardley
SECOND: Chris Fetterman
Unanimous

Consider – 1st Reading of Ordinance No. 239E/240E – A rezoning amendment to the master site plan and conditions of approval for the Sterling on the Lake Development - [City Planner – Tab 1](#)

City Attorney Bennett read Ordinance No. 239E/240E ready to the Mayor and Council.

A motion was made to approve the 1st reading of Ordinance 239E/240E tonight, with a Special Called Meeting to be held on the day of the Council Retreat, March 26, 2011 where the 2nd reading would be read at 11 a.m.

MOTION: Joe Anglin
SECOND: Tara Richards
Unanimous

Consider – Resolution No. 11-005 and contract with Georgia Department of Transportation (GDOT) for TE Grant Project - [City Planner – Tab 7](#)

A motion was made to approve Resolution No. 11-005 as read.

MOTION: Kris Yardley
SECOND: Joe Anglin
Unanimous

EXECUTIVE SESSION:

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

A motion was made to adjourn the Voting Session and enter into an Executive Session at 8:10 p.m. for the purposes of Land Acquisition and Personnel Issues.

MOTION: Tara Richards
SECOND: Joe Anglin

Unanimous

A motion was made to adjourn the Executive Session at 8:51 p.m. and re-enter the Voting Session.

MOTION: Tara Richards
SECOND: Chris Fetterman
Unanimous

A motion was made to adjourn the Voting Session at 8:52 p.m.

MOTION: Tara Richards
SECOND: Joe Anglin
Unanimous

ADJOURNMENT:



James M. Miller – Mayor

4-7-2011

Date



Lou Camiscioni – Interim City Clerk