



**CITY OF FLOWERY BRANCH**  
**Council Meeting**  
**Thursday, July 7, 2011 6:00 pm.**



**CALL TO ORDER:** Mayor Mike Miller called the meeting to order at 6:01 p.m

**IN ATTENDANCE:** Mayor Mike Miller, Council Members: Amanda Swafford, Chris Fetterman, Kris Yardley, Joe Anglin, and Tara Richards. Also in attendance were City Manager Bill Andrew and City Attorney Ron Bennett

**ABSENT:** None

**PLEDGE OF ALLEGIANCE:** Council Member Yardley led the pledge of allegiance

**PUBLIC COMMENTS:** Hall County Commissioner Craig Lutz of 8072 Sleepy Lagoon Way approached the Council regarding a letter that he had received regarding use of TAD money for the Mooney Property. He has forwarded the letter to the Hall County Tax Commissioner, Mr. Echols and the Chief Tax Appraiser, Mr. Watson. He wanted the members of the City Council to know that if they were planning on using TAD funds to develop the Mooney property, they would not be able to as there is a restriction on using TAD funds on tax exempt property. The purpose of TAD funds is to help increase the value of the property on the tax digest and improvements made on a tax exempt property would not fit that criteria.

**UNFINISHED BUSINESS:** None

**NEW BUSINESS:**

**DRAFT MINUTES:** City Clerk Burney presented the draft minutes from the June 16 Council Meeting. The changes requested by Council Member Swafford were incorporated which did change the number of pages for the minutes from 15 pages to 14 pages. There was no information removed from the minutes, there were mainly changes to spacing of paragraphs, which caused the entire document to be shorter.

❖ Resolution 11-011

City Manager Andrew indicated that this is a resolution to adopt the water and sewer rates for the upcoming budget year. The budget approved an increase of 2% in both the water and sewer rates and a change to the administrative fees from \$1.50 to \$1.65 for one service and \$2.50 to \$2.75 for both services. The amount of revenue anticipated from the fee increases is about \$10,500 for water and \$21,000 for sewer. The account service fee changes will generate an additional \$600 for customers with one service and an additional \$3,000 for customers with two services. The resolution presented to the Council was done with “track changes” to show a breakdown of the new rates.

Council Member Swafford verified with City Manager Andrew that the rate shown on water use rates Section I, A-2, Tier 3 should be changing from \$8.30 to \$8.46. This amount of \$8.30 was crossed out, but the new amount of \$8.46 was not reflected in the document. City Manger Andrew reiterated for the Council that the Tier structure for

water rates is mandated by the North Georgia Metro Water Planning District. An average use must be determined and then Tier 2 is 125% over the base rate and Tier 3 is 150% over the base rate. The tier structure is not mandated for sewer rates.

Council Member Yardley questioned the letter from Avery Dennison that was included in Council packets. The letter appears to be a request for a reduction of 10% of the surcharge for 15,000 gallons/day at \$22.00/gallon/day. City Manager Andrew stated that what Avery Dennison is asking for is the use of a sewer capacity for 2 years. Normally, the City would charge \$22.00/gallon/day for 15,000 gallons which would be \$330,000.00. Since the capacity needed would only be for 2 years for a cleanup project of the site, Avery Dennison is requesting to only be charged \$33,000.00 [10%]. This amount is not reflected in the budget numbers. The City has communicated to Avery Dennison the need that for engineering costs, legal costs and monthly testing costs associated with this request be reflected in the amount charged. Avery Dennison has indicated that once the City knows those costs, the amount will be included. The ordinance allows the City to set monthly sewer rates based on resolution. The ordinance sets the capacity charge at \$22.00/gallon/day so there is not an ordinance that would allow the sale of capacity for a limited time. Council Member Yardley stated that he just wanted to verify that Avery Dennison was not requesting a rate reduction.

Council Member Swafford asked whether there was a cap to the hardship rates in Section 3 of the resolution. City Manager Andrew stated that the way that section reads allows for a \$10.00 reduction to the bill, regardless of the water use. Council Member Fetterman pointed out a typo on sewer use rates Section II, A-1. Line 3 should be 2,501 - 4,500 instead of 0 – 4,500 gallons. City Manager Andrew verified that this would be corrected.

❖ Economic Development Service Contract

City Manager Andrew stated that some cities, including Flowery Branch, have had a relationship with the Economic Development Council (EDC) for several years. Cities fund the EDC and those funds are used to expand existing businesses and attract new businesses. Funding is provided as follows: Flowery Branch - \$15,000, Oakwood - \$15,000, Lula - \$2,500, Hall County - \$117,000, and Gainesville - \$130,000. Hall County and Gainesville have had a contract with the EDC and Oakwood and Flowery Branch have not. City Manger Andrew explained that the EDC has been working for the City and has been receiving funding from the City, but a formal contract has never been in place. In order to clarify the amount of funding to be provided by the City and what the EDC will do in return, a formal contract is desired.

Mr. Tim Evans, Vice President of Economic Development for the Greater Hall County Chamber of Commerce was present. Mr. Evans explained that there are a few projects that the EDC is focusing on for Flowery Branch. The existing industry program focuses on industries in and around Flowery Branch. There have been efforts to recruit new businesses that have been beneficial for Flowery Branch. Recently, Penmax Staffing moved into the Wayne Center. King's Hawaiian is currently under construction, which is in Oakwood, but is a sewer customer of Flowery Branch. Annexations that have been done by Flowery Branch have helped make the City more attractive to other businesses. Mr. Evans passed around a “prospect kit” for the Council to review to show how the EDC is working to highlight Flowery Branch and the surrounding South Hall area.

City Manager Andrew stated that the South Hall Business Council, which is a part of the Chamber of Commerce, is also active in the Flowery Branch area. The EDC is also part of the Chamber of Commerce, but their funds are separate from funds provided to the Chamber of Commerce. Mr. Evans stated that the EDC would soon be hosting a tour starting in Flowery Branch for a number of project managers that have helped bring some development to the area.

Council Member Swafford questioned Section 4 of the contract and whether a refund provision should be added. Section 4 addresses the termination of the contract, but there is no information on how money already paid to the EDC would be reallocated. City Manager Andrew stated that the City does not pay the EDC until after property taxes come in and that is not until near the end of the fiscal year. City Attorney Bennett stated a refund could be done on a pro-rata basis as the services provided would be hard to quantify. Mr. Evans stated that the City of Gainesville and Hall County receive a quarterly bill and this could be done for Flowery Branch also.

Council Member Yardley verified that this money is already in the budget and stated that the relationship between Flowery Branch and the EDC has been a beneficial one and should be continued. If quarterly billing would help address the refund issue that would be fine. Council Member Swafford indicated that she had not realized that the payment was not made until March and that allows time to verify that the provisions are being upheld. City Attorney Bennett stated that the agreement is a one year agreement and does not automatically renew, which would give the Council an opportunity to review the contract every year.

- ❖ City Clerk Burney presented two (2) letters that would need to be signed for Brand Bank to allow her to be the third signer on checks for the City. There was no discussion on this item.
- ❖ City Manager Andrew reminded the Council that they were invited to the Historic Preservation Commission Meeting next Wednesday and the members of that Board would need to be reappointed. All of the members have indicated that they are willing to continue to serve on the commission. The MPO Policy Committee needs to have a replacement named for Mr. Alan Wayne. He has moved to a different committee within that organization.

Council Member Anglin has given City Manager Andrew two names for the Ethics Committee. An appointee name is needed from Council Member Fetterman to replace Jan Smith. An appointee name is needed from Council Member Yardley as a replacement for Council Member Swafford, who was on the committee when she was elected to Council. Council Member Swafford named two appointees at the conclusion of the meeting.

**CITY MANAGER REPORT:** City Manager Andrew mentioned that he attended the Executive Committee Meeting for the Lake Lanier Convention and Visitors Bureau and that he has been appointed the Treasurer. The estimated amount paid to the Convention and Visitors Bureau by the City for Fiscal Year 2011 is approximately \$35,363 from the City Hotel/Motel Tax. By comparison, Lake Lanier Island Development Authority has paid \$110,000, Hall County \$71,660, Oakwood \$23,800, and Buford \$26,900.

**CITY CLERK REPORT:** City Clerk Burney reminded the Council that the Ordinance for Sunday alcohol sales would be on the agenda at the July 21, 2011 Council meeting.

**CITY PLANNER REPORT:** None

**CITY ATTORNEY REPORT:** None

**CITY COUNCIL REPORTS:**

Council Members Swafford, Fetterman, Anglin, and Richards had no report.

Council Member Yardley stated that he attended the fireworks at Sterling on the Lake on Saturday night and he feels that events like that help to bring the community together.

Mayor Miller indicated that the park at Sterling on the Lake is about to open and that the City may need to keep an eye on the water at that location. Mayor Miller received a letter from Trip Selman, a Scout Executive with the Northeast Georgia Council commending City Manager Andrew for his help with a Boy Scout camp at Rainey Mountain.

**ADJOURNMENT WORK SESSION**

Mayor Miller closed the Work Session and opened the voting session at 6:35 p.m.



**CITY OF FLOWERY BRANCH**  
**Council Meeting**  
**Voting Session**  
**Immediately following Work Session**  
**Thursday, July 7, 2011**



**OPEN VOTING SESSION:**

Mayor Mike Miller opened the Voting Session at 6:35 p.m.

**CONSENT AGENDA:**

Consider – Draft meeting minutes from June 16, 2011

**Motion: Joe Anglin**  
**Second: Kris Yardley**  
Discussion: None  
**Unanimous**

**UNFINISHED BUSINESS:** None

**NEW BUSINESS:**

Consider – Resolution 11-011

Read by City Attorney Bennett –Establishes the amount of use rates for water and sewer service, the amount of connection fees for water service and the amount of connection/capacity fees for sewer service; repealing conflicting resolutions; providing for severability, providing for an effective date; and for all other lawful purposes.

**Motion: Joe Anglin**  
**Second: Chris Fetterman**  
Discussion: Council Member Yardley verified with City Manager Andrew that the proposed rates will cover the costs for providing water and sewer. Council Member Yardley stated that he had originally voted against the budget because he thought the rates were being raised to retain a fund balance for future projects. Council Member Fetterman verified that the letter from Avery Dennison was received after the approval of the budget. City Manager Andrew stated that whatever amount was received from Avery Dennison would go into the Water and Sewer Capital Account since it would be considered a tap fee.  
**Unanimous**

Consider – Economic Development Service Contract

**Motion: Kris Yardley**  
**Second: Chris Fetterman**  
Discussion: None  
**Unanimous**

Consider – Two (2) letters for Brand Bank to authorize City Clerk Burney to be a third signer on City checks.

**Motion: Kris Yardley**

**Second: Chris Fetterman**

Discussion: None

**Unanimous**

City Attorney Bennett indicated that there were land acquisition and pending/potential litigation that would need to be discussed in an Executive Session.

Council Member Fetterman made a motion at 6:40 to enter to Executive Session to discuss land acquisition and pending/potential litigation.

**Motion: Chris Fetterman**

**Second: Amanda Swafford**

Discussion: None

**Unanimous**

**EXECUTIVE SESSION:**

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

There was a motion to exit the Executive Session and resume the Voting Session at 7:30 p.m.

**Motion: Chris Fetterman**

**Second: Kris Yardley**

Discussion: None

**Unanimous**

Council Member Fetterman asked if the City should consider paying taxes for the Mooney property so that TAD money could be used to develop it. City Attorney Bennett verified that he will look into whether that would be a possibility. City Manager Andrew stated that the Tax Commissioner has already said TAD funds could not be used for the Mooney Property and that the City has appealed that decision to the Board of Commissioners. City Attorney Bennett verified that the taxes on that property are about \$1500. The agreement for TAD allows the money to only be used by private developers.

There was a motion made by Council Member Yardley to exit the voting session at 7:34 p.m.

**Motion: Kris Yardley**

**Second: Joe Anglin**

Discussion: None

**Unanimous**

**Adjournment:**

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James "Mike" Miller - Mayor

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Dated

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Marja Burney – City Clerk