



**CITY OF FLOWERY BRANCH**  
**Public Hearing**  
**Thursday, August 4, 2011 6:00 pm.**



**CALL TO ORDER:** Mayor Mike Miller called the meeting to order at 6:06 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, City Planner James Riker and City Attorney Ron Bennett

**ABSENT:** None

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

**PUBLIC HEARING:**

The first public hearing on the agenda is for a Zoning Code Amendment No. 348-13 – The proposed amendment would modify portions of Article 2, “Definitions and Interpretations”, Article 3. “Establishment of Districts and Official Zoning Map”, Article 9, “Nonresidential Zoning Districts”, Article 16, “Adult Businesses”, Article 21, “Parking”, Article 23, Outdoor Lighting”, and Article 24, “Signs”.

City Planner Riker stated that groups of people that are “for” or “against” any of these applications will be allowed a minimum of 10 minutes total to speak. Therefore, people need to be courteous of others to ensure that everyone who wishes to speak will have the opportunity to do so.

City Planner Riker indicated that the first item to be heard is a Zoning Code Amendment and that it has nothing to do with the properties that were annexed and rezoned into the City last year in February on McEver Road and Gaines Ferry Road. The article in the Gainesville Times characterized this item in such a way that it was believed that this amendment directly related to those properties. The only way that this amendment relates to those properties is that at that public hearing, the Council felt that a new zoning classification needed to be created. Since the conditions placed on the annexed properties made the property more consistent with a light industrial category, the Council wanted to split the manufacturing classification into light and heavy designations. The conditions that were placed on the annexed properties remain in effect. They can only be modified by the Council if an application were to be made.

Based on the request by the Council, city staff has modified the Comprehensive Plan to add two land use categories for industrial – light (M-1) and heavy (M-2). Once the Comprehensive Plan was approved in June of this year, the Zoning Code needed to be updated. The proposed amendments to the Zoning Code are taken directly from the wishes of the Council and the citizens that were present at those meetings over a year ago. Some of those changes were to make a distinction between Auction Houses and Auction Yards, to create a new M-2 category, to update the zoning map with the M-2 category, make several dimensional changes to M-1 and M-2 categories, update the Adult Business section, update parking requirements, and update signage requirements for restrictions to changeable electronic multiple message signs.

This means that the City is creating an M-2 district but that no properties will be currently zoned M-2. If someone were to annex into the City in an area where the land use plan shows the possibility for heavy industrial, the Council would be able to give them the appropriate designation of M-2. The M-2 designation mirrors some of the M-1 requirements. The M-1 zoning requires a 20 foot landscape buffer on the right-of way, but a 30 foot landscape buffer requirement was one of the conditions of the property annexed on McEver Road. This 30 foot landscape buffer requirement will be incorporated into the M-2 zoning classification. The uses would not be expanded. Generally speaking, the uses being proposed for M-2 are all currently in the M-1 category. It should be noted that following adoption of the amendment certain uses within the M-1 category will be prohibited to allow for this designation to serve as a “light” industrial category. The prohibited heavier uses in M-1 will be transferred to M-2, thus creating a “heavy” industrial category. The separation of manufacturing and industrial uses into two categories “light” and “heavy” will allow the City to expand our economic base without compromising our quality of life and community charm.

Prior to the meeting, someone questioned where appropriate locations for M-2 property might be in the City of Flowery Branch. The adoption of the Comprehensive Plan by the Council identified that appropriate areas would be along the Thurmon Tanner corridor up near what will be exit 14 and down near the existing Lafarge Quarry area. There are no other areas identified as possibly being heavy industrial. The areas annexed at Gaines Ferry and McEver roads are identified as being zonings other than heavy industrial. The State of Georgia requires cities to look at properties that may, over time, be annexed or incorporated. When those potential properties are looked at, they are evaluated based on the surrounding properties. The City Attorney has reviewed the proposed Ordinance and some minor adjustments were made to comply with RLUIPA (Religious Land Use and Institutional Persons Act) and Adult Business Ordinances.

Council Member Yardley verified with City Planner Riker that if a property wanted to be annexed into the City and be zoned as heavy industrial, a public hearing would still need to be held. State law requires signs on the property to be rezoned along with a notice in the paper. The City also sends out notification letters to adjoining property owners. The application would also need to be approved by the Council.

### **PUBLIC COMMENTS:**

Ms. Betty Cooksey of 6572 Bermuda Lane stated that she appreciated all that the Council has done for the City and the Council’s consideration of the wishes of the citizens. Ms. Cooksey feels that businesses classified as heavy industrial would generate revenue for the City.

Mr. Mike Thompson of Tahiti Way approached and stated that he was told that it was a shame that he could not participate because he was not a resident of the City. Mr. Thompson wanted to advise the Council that there are people that live just outside the City limits that feel they should be allowed to participate in these meetings.

Mr. Andy Sparks of Blackberry Lane wanted to clarify if the restrictions that were placed on the property at Gaines Ferry and McEver Roads would make up the new M-1 classification. Mr. Riker stated that he would record Mr. Sparks’ question and would address it and any other questions presented after everyone had a chance to speak.

Ms. Kathy Stillman who lives in Sweetwater Point approached to say that she was one of the

people that was instrumental in getting the restrictions placed on the property at Gaines Ferry and McEver Roads. In working with City staff, heavy industrial uses were not allowed on that property. Ms. Stillman wanted to thank the City staff and the Council for helping the City to move forward.

Ms. Pat Olson of 6650 Lake Run Drive wanted to know why it was necessary to have an allowance for a crematory in the City Code. Further, Ms. Olson wanted to know why we do not have the right to eliminate certain businesses from the area. Why is a crematory listed as being a possible use? Why does the City not wait until someone wants to annex in and have a crematory on their property to discuss whether it is appropriate for that location?

City Planner Riker came forward to answer the questions asked in public comment. To answer Mr. Sparks' question, the restrictions placed on the property at Gaines Ferry and McEver Roads would make up the M-1 district with two exceptions. The first exception is that Adult Businesses would still have to be allowed in M-1 as they are the only zone that Adult Businesses are allowed to be in. Adult Businesses cannot be prohibited. Those businesses are protected under the Constitution and you could end up in federal court if they are not allowed. City Planner Riker read a section of the City Code for the benefit of the audience as follows:

Validity of existing conditions of zoning, notwithstanding the repeal of the Zoning Ordinance, if a property was zoned subject to conditions, the existing zoning conditions shall continue to apply to said property until or unless amended by the governing body.

This means that the condition restricting adult businesses at the property at Gaines Ferry and McEver Roads is still valid. The second exception is that there is a federal law called the Religious Land Use and Institutional Persons Act (RLUIPA) and it is focused on churches and places of worship. There is a slight change between what was permitted or what was restricted on the property at McEver Road and what is permitted now and that is simply to hold compliance with RLUIPA. If places of public assembly are treated differently, you could end up in federal court. There have been several cases related to mosques that are potential violations of RLUIPA. A recent case is in the City of Lilburn which is currently being investigated by the Department of Justice.

The question was asked as to whether it was acceptable to eliminate some uses. City Planner Riker stated that it is possible to eliminate some uses if they are not protected by the Constitution. Regarding the question about crematoriums, the Council could potentially eliminate those if it chose to. In an M-1 zone, a crematorium could only be present in conjunction with a Funeral Home.

Ms. Olson verified with City Planner Riker which properties indicated on the map as potential M-2 are currently located in the City.

The second public hearing on the agenda is Resolution 11-012 to abandon and close a portion of Bragg Road. A map of this road is attached to the minutes as Exhibit A. There were 17 emails received in support of the closing of Bragg Road and they are attached as Exhibit B. Bragg Road is a dirt road that runs between Capitola Farm Road and Blackjack Road. The presented resolution is requesting that the City close the 3949 feet 6 inch portion highlighted in yellow on the map. The City currently owns the yellow and green highlighted portions and Hall County owns the blue highlighted portion. There has been discussion with Hall County about closing the blue highlighted area past the one driveway on Bragg Road which is

highlighted in red. The County would be in favor of closing this road if a turnaround were to be constructed on property owned by Newland Communities to allow emergency vehicles to access the one house located on Bragg Road. The City has obtained the necessary dedication documents from Newland Communities for the turnaround property.

The City Engineer, Pond and Company, has evaluated this road and has expressed concern with vertical and horizontal alignment, the lack of shoulders and lighting, and safety due to severe washing out of the road in rainstorms. Pictures provided by Mr. Riker of the road reflected the rutting of the road, severe drop offs on the shoulders of the road, and a large amount of trash dumped along the road. The Chief of Police has produced a memo which is included in the Council packets that reflects concerns with criminal activity on Bragg Road. A few years ago, there were 2 people murdered on this road. The road does not serve a public purpose.

Council Member Fetterman verified that a barrier would be placed at Blackjack Road and the City would need to wait for Hall County to act to do anything else. City Planner Riker indicated that gates would be used to restrict the traffic. The County has an agreement with the City that they will routinely scrape Bragg Road, and the County has said they would construct the turnaround. The City routinely patrols the road for criminal activity and trash abatement. Closing the road would save resources of both the County and the City. The County would construct the turnaround and put up the two gates to restrict access.

### **PUBLIC COMMENTS:**

Ms. Johnnie Marie Jones of 7420 Whistling Duck Way approached to speak in support of closing Bragg Road. Their backyard fence is right by Mr. Bragg's driveway. People drive up and down the road all day and dump trash. Ms. Jones wanted to know how the gates would keep people off the road and where the turnaround would be constructed.

Mr. Ed Asbrige of 7702 Copper Kettle Way stated that Bragg Road is very narrow, not paved, and there are high weeds on both sides of the road that would not allow two cars to pass each other. There is also quite a bit of trash dumped along the road. The ditches alongside the road are very dangerous. Mr. Asbrige listed 8 reasons to close the road. There would be a cost savings, no trash to clean up, less possibility of fire in dry conditions, less dust, fewer abandoned animals, less noise, more safety, and it would free up the Police Department. He stated there are no reasons to keep the road open.

Mr. Todd Adams of 4808 Netherlands Place approached. Mr. Adams is not opposed to closing the portion of the road that is being proposed by the City. The blue section on the map fronts his uncle's property, which is 6 acres with 1000 feet of road frontage. His uncle does not currently live on the property, but it is an inheritance for a family member. The 6 acres could be divided into 8 lots and sold for residential development with septic tanks. To have sewer on this property would probably require a pump station. If the road area highlighted in blue on the map were to be closed, there would not be access to each potential residential parcel created by dividing up the 6 acres. Mr. Adams feels that the road area highlighted in blue should not be closed unless it is requested by the property owner that has road frontage. There is dust generated, but it has always been there. The homes were built next to the dirt road.

Mr. Rich Harrison of 7665 Legacy Road approached to say that he has seen trucks on Bragg Road late at night taking supplies from houses that are under construction. Trucks travel down that road late at night and he can hear them as he keeps his windows open at night.

Mr. Jones of 7420 Whistling Duck Way approached to question how far away would the turnaround be from his property.

City Planner Riker approached to address the questions asked during the public comments. The turnaround would not be any closer to the Jones' property. The turnaround would be located on the other side of Bragg road. City Planner Riker feels that a gate would work to limit access. There is the possibility that in the future this road could be used as part of a multiuse path. To address the concerns of Mr. Adams, the City is willing to have a conversation with Mr. Adams, Mr. Bragg and Newland Communities to come up with a solution. In the past, the City and Newland Communities were willing to provide paved, lighted access to Mr. Bragg to access his entire property. Mr. Bragg could then annex into the City with the same density requirements as Sterling on the Lake.

Council Member Fetterman verified that Bragg Road is a legitimate, public road.

### **ADJOURNMENT WORK SESSION**

Mayor Mike Miller closed the Public Hearing session and opened the work session at 7:08 pm.



**CITY OF FLOWERY BRANCH  
Work Session  
Immediately following Public Hearing  
Thursday, August 4, 2011 6:00 pm.**



**PUBLIC COMMENTS:**

Mr. Andy Sparks of 6117 Blackberry Lane approached to question if the City has ever tried to coordinate with the cities of Buford and Oakwood to create a Comprehensive Land Plan for the area.

City Planner Riker stated that the City is currently working on a Comprehensive Land Plan with the cities of Buford, Oakwood and Braselton. The cities applied for a federal grant, but the funds were not received. The City Managers of those cities are discussing reapplying for the grant. The document is very expensive to create but would cover the south Hall County area. City Manager Andrew stated that all four cities participating passed resolutions to apply for that grant as a group. McFarland-Dyer and Associates prepared the application for the grant. The feedback from the public through the Gainesville Times was not positive as people felt that the application would be a waste of money from the federal government. City Manager Andrew stated that the City Managers will be meeting to discuss this issue on Friday morning.

Ms. Pat Olson stated that even though they are not City residents, they do visit the City and wanted to know if there was a way to have a non-voting, non-authority, non-participating person who could be at the meetings. City Attorney Bennett stated that anyone from the public is welcome to attend any meetings. The agendas are online and the Council members are accessible through the City website. Formalization of a position is not required for someone to have that level of access.

Council Member Fetterman stated that the public could get a copy of all of the items provided in the City Council packets if they wanted to. City Attorney Bennett stated that the Open Records Act allows the public to request City documents. There is also quite a bit of information posted on the City website.

Ms. Olson also wanted to know which specific Council Member requested the staff to create the M-2 zoning classification. Council Member Fetterman stated that the entire Council directed the staff to create the M-2 zoning classification.

Mayor Miller recommended that Ms. Olson meet with Mr. Riker to discuss any specific issues that she had with the creation of the M-2 zoning classification. Mayor Miller also advised Ms. Olson that she could contact the Council individually and if she wanted to receive a copy of the agenda emailed to her, she could provide her email address to City Clerk Burney.

**UNFINISHED BUSINESS:** None

**NEW BUSINESS:**

**DRAFT MINUTES:** City Clerk Burney presented the draft minutes from the July 7 Council Meeting. The changes requested by Council Member Swafford were incorporated and the changes were emailed out to the Council Members this morning.

❖ Ordinance 348-13

The proposed amendment would modify portions of Article 2, “Definitions and Interpretations”, Article 3. “Establishment of Districts and Official Zoning Map”, Article 9, “Nonresidential Zoning Districts”, Article 16, “Adult Businesses”, Article 21, “Parking”, Article 23, Outdoor Lighting”, and Article 24, “Signs”.

City Planner Riker stated that if the first reading of this ordinance were to be approved tonight, there would be another public hearing at the next Council Meeting to correct a typo change regarding Adult Businesses. City Attorney Bennett verified that this would make the Adult Entertainment Ordinance and the Zoning Ordinance consistent.

Council Member Fetterman requested clarification of Article 9, Part 4. The question was does “Pedestrian accessibility is generally not anticipated, though pedestrian access is required along road frontages” mean that there will be sidewalks. City Planner Riker did verify that sidewalks would be required. Council Member Fetterman also questioned where the allowance of five stories for heights of buildings came from on table 9.2. City Planner Riker stated that 5 stories is what was identified in the Comprehensive Plan and is to accommodate large mechanical structures that might be used in an industrial business. The reason that 5 stories was established as a height requirement was because when the hotel was considering locating to Flowery Branch, the owner indicated that they only would build hotels that were five stories. This initiated a change of the Zoning Code by the Council.

❖ Resolution 11-012

The proposed resolution would abandon and close a portion of Bragg Road. Council Member Anglin verified with City Planner Riker that the entire portion of the road that Mr. Adams is requesting not be closed belongs to Hall County. City Planner Riker stated that the expectation would be that the City would initiate a letter to the County to facilitate installing a gate.

❖ Consideration of contract with Triscapes, Inc. for Transportation Enhancement Project

Eight bids were received for the Transportation Enhancement (TE) Grant Project along Railroad Avenue and Church Street. The process is that the City is to recommend the low bidder to Moreland Altobelli which administers the program for the Georgia Department of Transportation. Moreland Altobelli will review the provided information and then let the City know if they could enter into a contract with the low bidder. At that point, a standard contract would be entered with Triscapes, Inc. if they were approved. Staff is asking the Council to identify Triscapes, Inc. as the low bidder and authorize the Mayor to execute a contract upon approval by the Georgia Department of Transportation. Triscapes bid was \$171,350.00. The City has already matched its portion of the grant so that this is a reimbursable grant. Invoices received from Triscapes, Inc. will be forwarded to the Georgia Department of Transportation and the City will receive reimbursement. The schedule is that the invoices are reimbursed at 80% of the submitted amount and at the end of the project;

the City would be reimbursed for the full construction amount.

Council Member Fetterman verified with City Planner Riker that the grant amount was \$250,000 and the City had to match it 20%. That City amount has already been paid. The City was qualified to receive costs for construction up to \$250,000. So far, the City has into the match 20% of the \$250,000. So far, the City has spent money on design costs, \$6000.00 to replace a water line, and \$17,000 to relocate utilities. Therefore the City has spent \$23,000 plus the design costs. Council Member Fetterman is trying to eliminate an overrun on this project that the City might have to pay for. City Planner Riker stated that overruns that have occurred in the past were due to the desires of the Council to expand the projects. The bids for the last TE project came in higher than what was expected, but that was in 2008 and was due to the cost of materials due to Hurricane Katrina and the Council requested that a retaining wall be built. The Triscapes, Inc. bid leaves about \$80,000.00 left over from the amount allowed by the grant. The time frame on this from Notice to Proceed and execute a contract is 60-90 days. Usually these projects are completed within 2 years.

Council Member Anglin verified with City Planner Riker that Triscapes, Inc. has not done any work for the City in the past. Council Member Anglin was concerned about the bid being 25% lower than any others and that they have not done any work for the City before. City Planner Riker stated that their bid appeared to be lower because Triscapes, Inc. had a lower cost for the lighting component. City Planner Riker further indicated that this was a lump sum bid and Triscapes, Inc. would not be able to come back and request significant amounts of money later.

Mr. Ryan Hogan of Triscapes, Inc. was present. Mr. Hogan stated that although Triscapes, Inc. has not done work for Flowery Branch, they have done TE projects for three different cities.

❖ Contract extension with Pond and Company

This is a continuation of a contract with Pond and Company. There is no specific date that this contract ends as Pond and Company serves at the will of the Council and must be acknowledged each year. There is no change in the pricing; it is just stating that Pond and Company will continue to be used by the City. There are three firms used by the City: Pond and Company, Rindt-McDuff and Infratec. Rindt-McDuff and Infratec have contracts that expire and Pond and Company does not.

❖ Change to Ordinance 445

City Clerk Burney stated that this ordinance was already put into place as it allows for the 2011 General Election. Martha Stephens and Lou Camiscioni are listed on the ordinance as Absentee Ballot Clerks. Mr. Camiscioni has moved across the street to the building where the Planning Department is housed and Janice Harris has moved over to the front desk of City Hall. Due to the fact that Mr. Camiscioni is no longer located at City Hall and Ms Harris is, it is requested to allow Ms. Harris to be listed as one of the Absentee Ballot Clerks. Due to the amending of this ordinance, it would now be listed as Ordinance 445-A.

**CITY MANAGER REPORT:** None

**CITY CLERK REPORT:** None

**CITY PLANNER REPORT:** City Planner Riker stated that a request was received to install stop signs at two different intersections along Lake Sterling Boulevard. A map of this area is attached as Exhibit C. The City Engineer has looked at this area and as there are a large number of pedestrians in this area, he feels that a four way stop and a three way stop at the two different intersections are warranted. Quite a bit of speeding was observed in this area. In addition, there were some inquiries regarding the entrance to Sterling on the Lake. As people are turning left into the neighborhood and others are coming from the opposite direction and turning right, there has been a bit of confusion as to who has the right of way. The proposal is to install a yield sign for the people that are turning right. Newland Communities has said that they will install the signs on their decorative poles. The City would normally install the yield sign at a cost of \$100 on a non-decorative pole. As Newland would like to use a decorative pole that is consistent with the other signage in the neighborhood, they are requesting that the City give them \$100 as the City's contribution to this yield sign. There will be advanced warning signs prior to the new stop signs placed for 180 days to notify residents of the changes in traffic flow and signage.

City Manager Andrew stated that the City does not have a formal process for traffic studies in place. Traffic studies are being done if there are citizens that come forward with complaints about a location. There is the possibility that the City may need to start looking into more in-depth traffic studies to help to eliminate potential complaints from citizens.

Council Member Anglin stated that the yield sign coming off of Spout Springs is a good idea as there have been several near accidents at that location.

City Planner Riker stated that the stop signs would help to control the driving speeds and traffic near the park area.

Council Member Richards questioned whether a three way stop was necessary as it would be very close to the proposed four way stop. In addition, there is another four way stop just past the three way stop and the three way stop is for the road to the clubhouse. Council Member Richards further asked if it would be possible to use some other type of devices for pedestrian safety, such as crosswalks or signs that pedestrians have the right of way.

City Planner Riker verified that Council Member Richards was talking about using mid-block crosswalks. City Planner Riker feels that they do not work very well. He feels that they seem to work well in downtown traffic areas where traffic is already moving slowly. These types of crosswalks give a false sense of security to pedestrians. City Planner Riker stated that if the Council was not comfortable with the stop signs, the plan could be reviewed. The engineer was looking at the three way stop sign due to the developer's request.

Council Member Yardley agreed that he felt the three way stop signs at the clubhouse were not necessary.

Council Member Anglin also felt that the three way stop was not needed. He felt that since there is a sidewalk alongside the road there, pedestrians could use the sidewalk to get to the stop sign and then cross the road there.

Council Member Richards suggested that the four way stop sign could be put in and then the three way stop could be reviewed later to determine if it was still needed.

Mayor Miller asked if visibility of the four way stop from the main entrance of the neighborhood was being considered. Apparently, there are some sight visibility issues. City Planner Riker stated that there would be advance warning signs for the new four way stop. Mayor Miller pointed out that the warning signs would only be in place for 180 days and asked if the warning signs could be permanent for the stop sign coming from the main entrance. City Planner Riker stated that the City Engineer also felt that the advance sign should be permanent, but that would require the purchase of 2 more decorative signs at \$1000 each.

City Planner Riker stated that based on the direction given by the Council, he will have the engineer reevaluate the stop signs and if the Engineer feels that the three way stop is not necessary, the City will communicate to the developer that the City will only participate in erecting the four way stop.

Council Member Yardley stated that he has been asked about “stop bars” and wondered if those would be a possibility and help with visibility. City Planner Riker stated that the new signs that are proposed to be installed will have “stop bars”.

City Planner Riker concluded the topic of stop signs by stating that since the Council had several concerns in regards to the proposed signage that he would meet with the City Engineer and report back before any action is taken.

**CITY ATTORNEY REPORT:** City Attorney Bennett stated that at the last meeting of the Council he was directed to look into a question raised by Commissioner Lutz regarding the use of TAD funds on the Mooney property. City Attorney Bennett reminded the Council that he had sent a letter to the County to request that the Mooney property be changed to tax-exempt status. Commissioner Lutz had questioned whether TAD funds could be used on government owned tax-exempt property. City Attorney Bennett stated that after researching this issue, it was his opinion that it is possible per the redevelopment statute to use TAD funds on government owned tax-exempt property. This information is based on two things; the redevelopment statute does not prohibit the use of TAD funds and the definition of redevelopment states that it allows for work on governmental facilities. City Attorney Bennett indicated that City Planner Riker had sent an email at his request to Mr. Monjin who is with Bleakley and Associates, the City TAD consultant, and he agrees with City Attorney Bennett’s findings.

The tax-exempt request was placed on the Hall County Commission agenda and it was removed pending the determination of the use of TAD funds. If the Council is satisfied with the City Attorney’s findings, City Manager Andrew will call and have the tax-exempt request put back onto the County agenda. City Attorney Bennett did clarify that the statute allows this use of TAD funds, the Intergovernmental Agreement with the County currently does not. City Manager Andrew stated that the tax-exempt request has been tentatively scheduled on the August 22<sup>nd</sup> agenda. City Attorney Bennett verified for Council Member Fetterman that the County Agenda item is only for the tax-exempt request, not to change the TAD agreement.

Council Member Fetterman questioned whether clarification from the County should be acquired prior to the tax-exempt request going forward. City Attorney Bennett verified for Council Member Fetterman that there is a time limit to request the tax money back. The amount of money involved is about \$1500. The members of the Council verified that they would like to have the tax-exempt determination remain on the August 22<sup>nd</sup> County agenda.

**CITY COUNCIL REPORTS:**

Council Member Swafford announced that she intends to seek re-election for Post 1 on the Council this November. She stated that she has enjoyed serving the citizens of Flowery Branch and looks forward to doing it again, possibly.

Council Member Fetterman announced that he intends to seek re-election for Post 2 on the Council this November. After consulting with friends and family, he decided to run for re-election.

Council Members Yardley, Anglin, and Richards had no report.

Mayor Miller indicated that the State Economic Development Council visited Flowery Branch last week. This visit was coordinated by the Hall County Chamber of Commerce. Due to this meeting, Mayor Miller feels that the City needs to readdress impact fees. Oakwood was able to say that they do not collect impact fees and the Mayor would like for the City of Flowery Branch to be able to say that also.

### **ADJOURNMENT WORK SESSION**

Mayor Miller closed the Work Session and opened the voting session at 8:05 p.m.



**CITY OF FLOWERY BRANCH  
Council Meeting  
Voting Session  
Immediately following Work Session  
Thursday, August 4, 2011**



**OPEN VOTING SESSION:**

Mayor Mike Miller opened the Voting Session at 8:05 p.m.

**CONSENT AGENDA:**

Consider – Draft meeting minutes from July 7, 2011

Consider – First reading of Ordinance 445-A regarding Absentee Ballot Clerks for the General Election.

**Motion: Kris Yardley**

**Second: Joe Anglin**

Discussion: None

**Unanimous**

**UNFINISHED BUSINESS: None**

**NEW BUSINESS:**

Consider – First reading of Ordinance 348-13 which would modify portions of Article 2, “Definitions and Interpretations”, Article 3. “Establishment of Districts and Official Zoning Map”, Article 9, “Nonresidential Zoning Districts”, Article 16, “Adult Businesses”, Article 21, “Parking”, Article 23, Outdoor Lighting”, and Article 24, “Signs”.

**Motion to suspend the reading of Ordinance 348-13: Kris Yardley**

**Second: Chris Fetterman**

Discussion: None

**Unanimous**

**Motion to approve the first reading of Ordinance 348-13: Kris Yardley**

**Second: Chris Fetterman**

Discussion: Council Member Fetterman wanted it recorded that the Council has lived up to its’ promise that the Council would create the M-1 and M-2 designations. He further stated that it was nice to see members of the public coming to the meeting and showing an interest in what the Council is doing. Council Member Yardley also stated that he was glad to see public participation in this meeting. The Council is knowledgeable of the issues and members of the public are welcome to ask the Council regarding any questions that they have.

**Unanimous**

Consider – Resolution 11-012 to abandon and close a portion of Bragg Road. The portion to be closed extends north from Blackjack Road a distance of 3949 feet and 6 inches and shown in

yellow on the map which is attached to the Resolution as Exhibit A. City Planner Riker asked the Council to direct staff to send a copy of the Resolution and a letter requesting Hall County to act on the same sort of action for their portion of Bragg Road.

**Motion: Kris Yardley**

**Second: Joe Anglin**

Discussion: None

**Unanimous**

Consider - Contract with Triscapes, Inc. for TE project. City Attorney Bennett stated that the motion would be to award the contract pending Georgia Department of Transportation approval.

**Motion to approve the bid with Triscapes, Inc. for the TE project after approval from the Georgia Department of Transportation and authorizing the Mayor to execute a contract approved by the City Attorney: Kris Yardley**

**Second: Amanda Swafford**

Discussion: None

**Unanimous**

Consider – Approval of extension of contract with Pond Inc.

**Motion: Kris Yardley**

**Second: Joe Anglin**

Discussion: None

**Unanimous**

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

Council Member Yardley made a motion at 8:14 to enter to Executive Session to discuss land acquisition and pending/potential litigation.

**Motion: Kris Yardley**

**Second: Chris Fetterman**

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 8:47 p.m.

**Motion: Chris Fetterman**

**Second: Tara Richards**

Discussion: None

**Unanimous**

There was a motion made by Council Member Yardley to exit the voting session at 8:47 p.m.

**Motion: Kris Yardley**

**Second: Chris Fetterman**

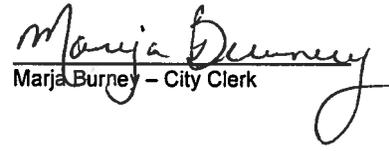
Discussion: None

**Unanimous**

**Adjournment:**

  
James "Mike" Miller - Mayor

8-18-11  
Dated

  
Marja Burney - City Clerk

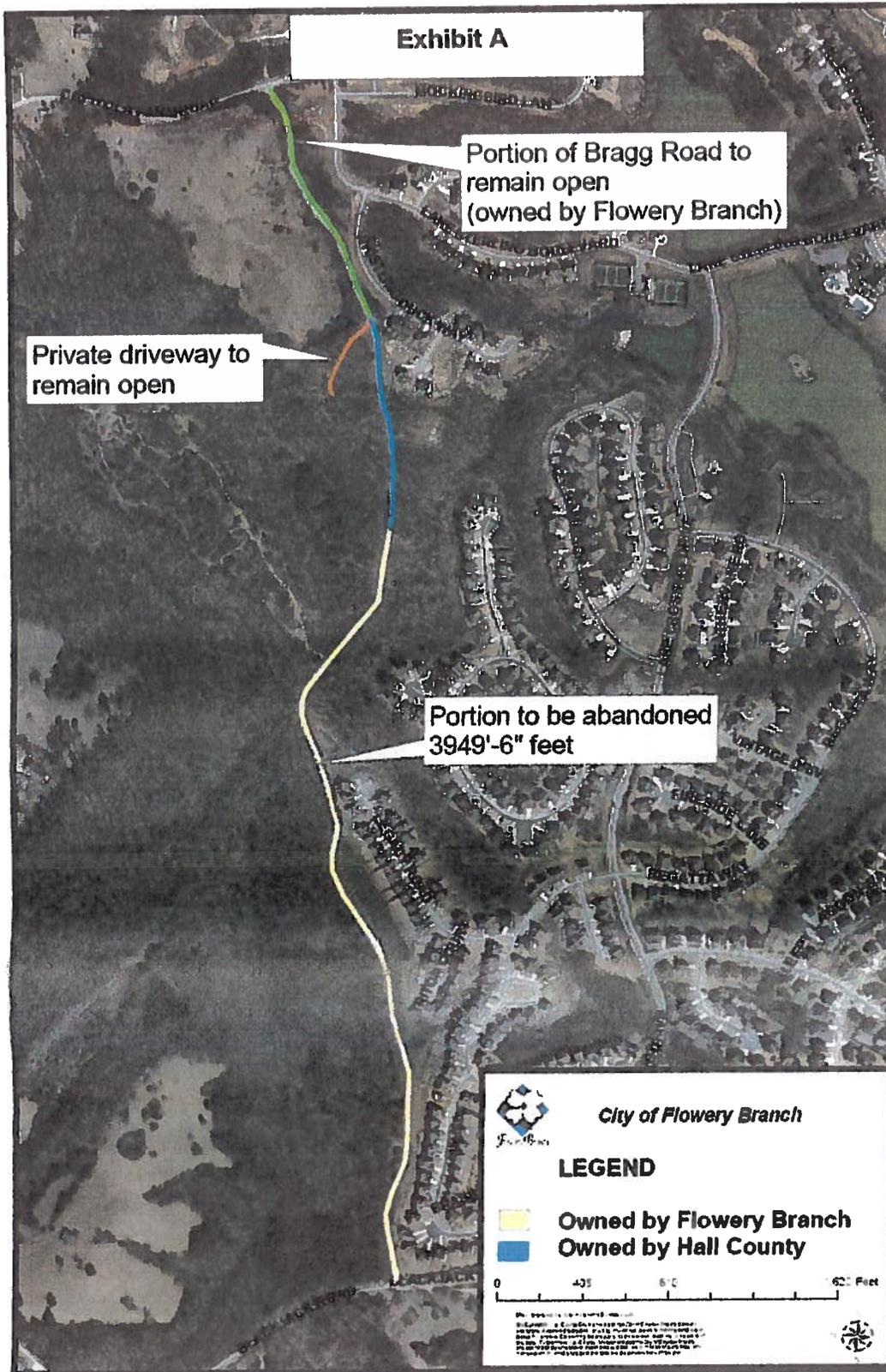


EXHIBIT A

**Marja Burney**

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**From:** Thursday, August 04, 2011 2:29 PM  
**Sent:** marjabfb@bellsouth.net  
**To:** loufb@bellsouth.net  
**Cc:** City of Flowery Branch: Website Contact Form  
**Subject:**

Here is the information submitted to [www.flowerybranchga.org/contact-us-form.php](http://www.flowerybranchga.org/contact-us-form.php) from 74.232.5.236 on Thursday, August 04th, 2011 at 11:29 am.

-----  
**Name:** James & Sharon Wolfe

**Subject:** Closing Bragg Road

**Message:** We are very much in favor oooooof the closing of Bragg Road. We here trucks going along the road at all times of the day.

Jim & Sharon Wolfe  
7730 Copper Kettle Way  
Flowery Branch, GA

**EXHIBIT B**

**Marja Burney**

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**From:**  
**Sent:** Thursday, August 04, 2011 11:04 AM  
**To:** marjabfb@bellsouth.net  
**Cc:** loufb@bellsouth.net  
**Subject:** City of Flowery Branch: Website Contact Form

Here is the information submitted to [www.flowerybranchga.org/contact-us-form.php](http://www.flowerybranchga.org/contact-us-form.php) from 24.197.159.240 on Thursday, August 04th, 2011 at 8:04 am.

-----  
Name: Charles Helmer

Subject: Closing of Bragg Road Proposal

Message: I wanted to voice my opinion to the proposed closing of Bragg Road. I live in Sterling on the Lake in an area that backs up to Bragg Road. During my time living in this area, I have been witness to many stray animals being dropped off or "dumped" on Bragg Road in the hope that they would be taken care of by someone in our neighborhood. I have also observed on occasion that it is used to race vehicles. My opinion is that the road does not serve a positive purpose and should be closed. Regards, Charles Helmer

**Marja Burney**

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**From:** Tuesday, August 02, 2011 6:05 PM  
**Sent:** loufb@bellsouth.net  
**To:** City of Flowery Branch: Website Contact Form  
**Subject:**

Here is the information submitted to [www.flowerybranchga.org/contact-us-form.php](http://www.flowerybranchga.org/contact-us-form.php) from 68.114.5.127 on Tuesday, August 02nd, 2011 at 3:04 pm.

-----  
Name: dave leib

Subject: abandonment of a portion of bragg rd

Message: I support the city of Flowery Branch to abandon a portion of bragg rd..Reasons,The vehicles traveling on that road cause unhealthy clouds of dust which i breath in and covers me and my quest. and the food It"s a teribble situation.I also fear a vehicle riding off the road down my backyard embankment,the thought is continuously on my mind when i am in the back yard.sincerely Dave

**Marja Burney**

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**From:**  
**Sent:** Tuesday, August 02, 2011 2:30 PM  
**To:** loufb@bellsouth.net  
**Subject:** City of Flowery Branch: Website Contact Form

Here is the information submitted to [www.flowerybranchga.org/contact-us-form.php](http://www.flowerybranchga.org/contact-us-form.php) from 65.6.128.133 on Tuesday, August 02nd, 2011 at 11:29 am.

-----  
Name: Steve & Bonnie Maxson

Subject: Bragg Rd

Message: We are in favor of closing that portion of Bragg Rd. that is in the city limits of FB. It has become a dumping ground and will only get worse in time. I also don't want my

**Marja Burney**

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**From:**  
**Sent:** Wednesday, August 03, 2011 12:09 AM  
**To:** loufb@bellsouth.net  
**Subject:** City of Flowery Branch: Website Contact Form

Here is the information submitted to [flowerybranchga.org/contact-us-form.php](http://flowerybranchga.org/contact-us-form.php) from 66.168.194.212 on Tuesday, August 02nd, 2011 at 9:09 pm.

-----  
Name: Joseph Neesen

Subject: Closing of Bragg Road

Message: I will not be able to attend August 4th meeting to express my view, but both my wife & I are in favor of closing Bragg Road. We do not know of any reason for it to be kept open.

**Marja Burney**

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**From:**  
**Sent:** Tuesday, August 02, 2011 5:19 PM  
**To:** loufb@bellsouth.net  
**Subject:** City of Flowery Branch: Website Contact Form

Here is the information submitted to [flowerybranchga.org/contact-us-form.php](http://flowerybranchga.org/contact-us-form.php) from 184.36.241.211 on Tuesday, August 02nd, 2011 at 2:19 pm.

-----  
Name: Eleanor Gene Witsell

Subject: Closing Bragg Road

Message: I am in favor of closing Bragg road. Access to Mr. Braggs home is ok but other traffic needs to stop immediately - it is a great place for drug users, and other illegal actions. SHUT IT DOWN.

Thanks,  
Eleanor Gene Witsell  
7468 Shady Glen Dr.  
Flowery Branch, GA 30542

**Marja Burney**

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**From:**  
**Sent:** Tuesday, August 02, 2011 3:17 PM  
**To:** loufb@bellsouth.net  
**Subject:** City of Flowery Branch: Website Contact Form

Here is the information submitted to [www.flowerybranchga.org/contact-us-form.php](http://www.flowerybranchga.org/contact-us-form.php) from 66.168.207.248 on Tuesday, August 02nd, 2011 at 12:17 pm.

-----  
Name: mike casper

Subject: bragg road

Message: please consider this a request from my wife and i that bragg road be closed as it will be discussed tomorrow night

**Marja Burney**

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**From:**  
**Sent:** Wednesday, August 03, 2011 6:51 PM  
**To:** marjabfb@bellsouth.net  
**Cc:** loufb@bellsouth.net  
**Subject:** City of Flowery Branch: Website Contact Form

Here is the information submitted to [www.flowerybranchga.org/contact-us-form.php](http://www.flowerybranchga.org/contact-us-form.php) from 24.197.159.55 on Wednesday, August 03rd, 2011 at 3:50 pm.

-----  
Name: jerry richardson

Subject: Bragg Road

Message: I support the closing of Bragg Road. Thanks

**James Riker**

**From:**

**Sent:** Wednesday, August 03, 2011 6:50 PM

**To:** 'James Riker'

**Subject:** Bragg Road Closure

James,  
Newland Communities, with particular reference to our Sterling on the Lake Community, is supportive of the plan by the City of Flowery Branch to close the cities portion of Bragg Road and the ongoing efforts to move towards the permanent abandonment of the balance of the road under Hall County's Jurisdiction. Please let us know if there is any assistance that we can provide to help facilitate this action.

Sincerely,  
Patrick Clark  
Vice President and General Manager  
Newland Communities.

**CITY OF FLOWERY BRANCH  
NOTICE OF PUBLIC HEARING FOR  
CONSIDERATION OF ROAD ABANDONMENT**

**NOTICE IS HEREBY GIVEN** in accordance with O.C.G.A. Section 32-7-2 (c) that the City Council of Flowery Branch will consider the abandonment of a portion of Bragg Road (extending north from Blackjack Road a distance of 3,949.6 +/- feet). The abandonment is for that portion of the roadway under ownership of the City of Flowery Branch. A hearing on this item is scheduled for August 4, 2011 as indicated below.

**WHEN:** City Council Meeting – August 4, 2011 - 6:00 p.m.

**WHERE:** City of Flowery Branch – Council Chambers  
5517 Main Street  
Flowery Branch, GA 30542

**TELEPHONE:** (770) 967-6371

This matter will be scheduled for consideration and approval by the Flowery Branch City Council on August 4, 2011, following the public hearing.

James Riker  
Community Development Director  
Hrg #2: August 4, 2011 6:00 p.m.

\*\*\*\*\*  
In compliance with the Americans with Disabilities Act of 1990, the City of Flowery Branch is committed to providing reasonable accommodations for a person with a disability. Please contact Marja Burney at (770) 967-6371 if special program accommodations are necessary and/or if program information is needed in an alternative format. Special requests must be made in a reasonable amount of time in order that accommodations can be arranged.

*I do agree with the abandonment of a  
Portion of Bragg Rd.  
David Leib 7834 BRASS LANTERN DRIVE  
Shelby Kim FLOWERY BRANCH*

**CITY OF FLOWERY BRANCH  
NOTICE OF PUBLIC HEARING FOR  
CONSIDERATION OF ROAD ABANDONMENT**

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*I do agree with the abandonment of a  
Portion of Bragg Rd. 7531  
JAMES P. WOODHEAD BESS  
LUTHER DAIVE*

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*I do agree with the abandonment of a  
Portion of Bragg Rd.*

*Gail J. Inge  
7738- Copper Kettle Way - FB.*

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*I do agree with the abandonment of a  
Portion of Bragg Rd.*

*[Handwritten Signature]*

*7842 Brass Lantern Dr*

**CITY OF FLOWERY BRANCH  
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Community Development Director  
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*I do agree with the abandonment of a  
Portion of Bragg Rd.*

*Madelene Kaplan  
7239 Brass Verbena Drive  
Flowery Branch Ga, 30542*

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Community Development Director  
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*I do agree with the abandonment of a  
Portion of Bragg Rd.*

*8-2-11*

*Jay Rudder  
7806 Brass Lantern Dr  
Flowery Branch GA  
30542*

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Community Development Director  
Hrg #2: August 4, 2011 6:00 p.m.

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*I do agree with the abandonment of a  
Portion of Bragg Rd. Leonila Lato  
7850 Brass Lantern Dr.  
Flowery Branch, GA 30542*

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NOTICE OF PUBLIC HEARING FOR  
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James Riker  
Community Development Director  
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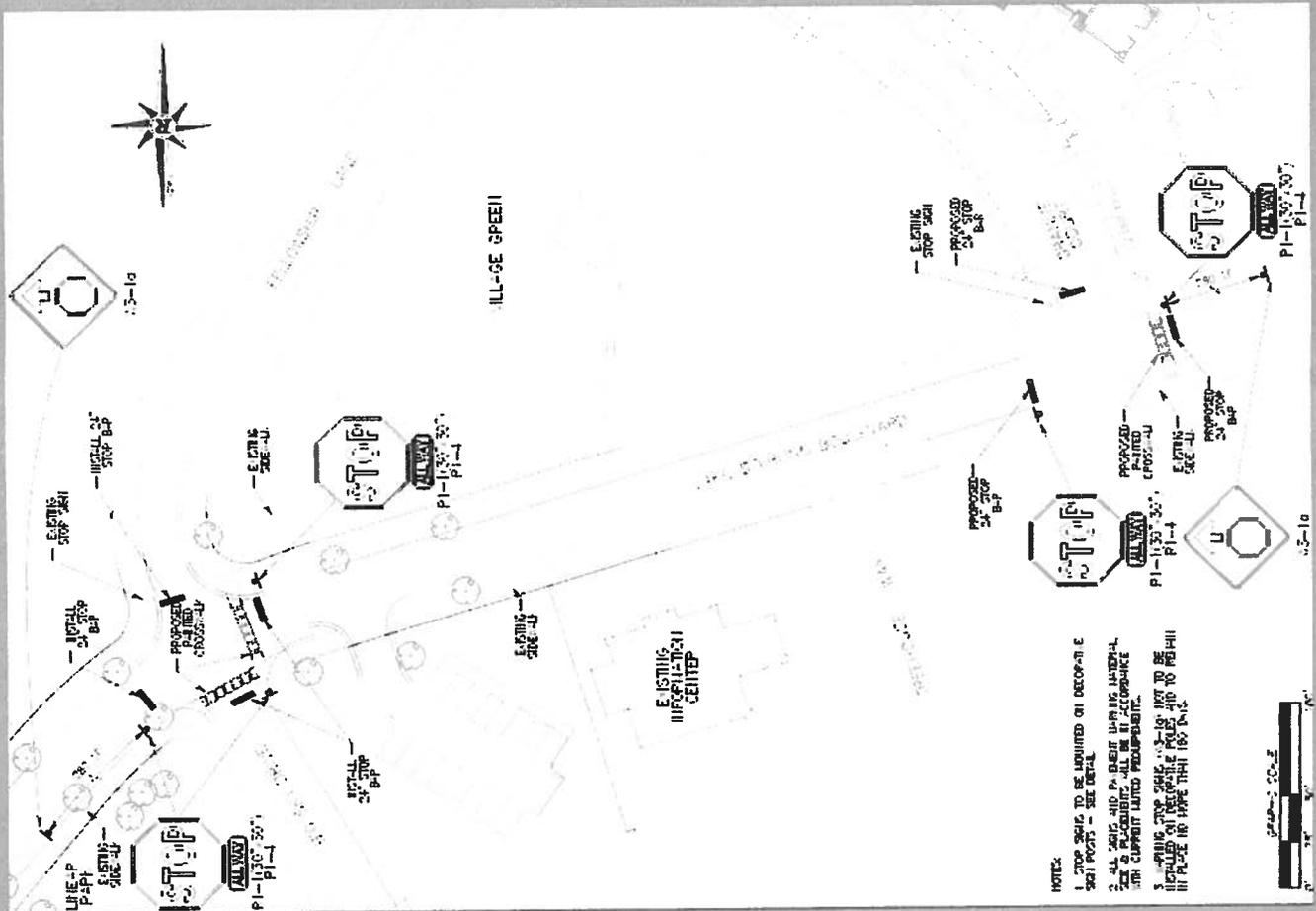
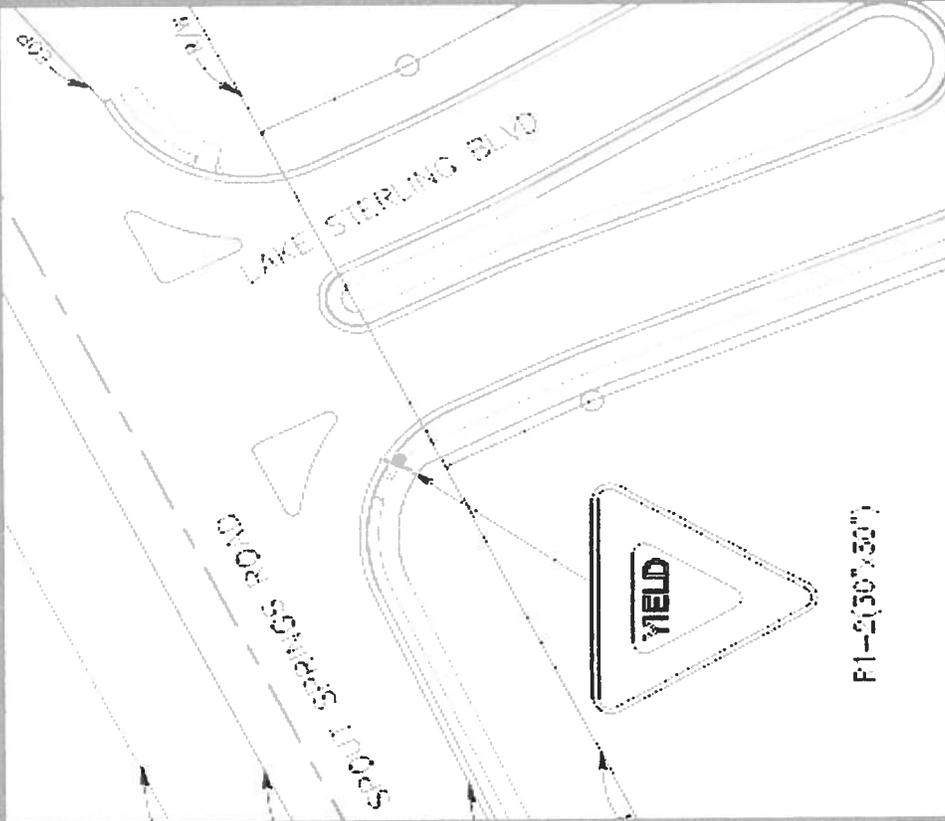
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I do agree with the abandonment of a  
Portion of Bragg Rd.  
Alicia A. Jones  
7846 Brass Lantern Drive  
Flowery Branch GA 30542

Proposed Stop Signs 



EXHIBIT C



- NOTES:
1. STOP SIGNS TO BE INSTALLED ON OCCUPAN E SIDE OF ROAD - SEE DETAIL.
  2. ALL SIGNS AND PLACEMENT SHALL BE IN ACCORDANCE WITH CURRENT AUSTIN REGULATIONS.
  3. EXISTING STOP SIGNS (PI-1(30\"/>

