



CITY OF FLOWERY BRANCH
Work Session
Thursday, September 1, 2011



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, City Planner James Riker and City Attorney Ron Bennett

ABSENT: None

PLEDGE OF ALLEGIANCE: Mayor Mike Miller led the pledge of allegiance

PUBLIC COMMENTS:

James Herold of 5615 Church Street approached to speak about the proposed street light ordinance. Mr. Herold stated that the street lights in the old town area are already being paid for by property taxes. If a separate charge were to be put on the property tax bills, citizens would be paying twice for the lights. Mr. Herold is requesting that if the street lights are listed separately on the tax bills, that the people in the old town area receive a credit on their property tax bill. Mr. Herold suggested that if the lights needed to be paid for by the citizens, the amount should be included in the budget and the millage rate be raised. The reason that some neighborhoods are not having their street lights paid for by the City is because the City Council was unwilling to raise the millage rate to pay for the lights. Mr. Herold is requesting that the City be honest about the fact that the lights need to be paid for, and raise the millage rate. Mr. Herold questioned if police services were now going to be charged based on usage and if so, were the residents of Sterling going to pay more as the police spend about a third of their time there. Mr. Herold feels that beginning to charge citizens for individual items is a slippery slope that the Council should not do that, they should just raise the property taxes.

UNFINISHED BUSINESS:

- ❖ Second Reading of Ordinance 450

This is an amendment to Chapter 5 Adult Entertainment of the adopted Municipal Code. City Planner Riker stated that he had no information to add and the Council had no additional questions.

- ❖ Second Reading of Ordinance 451

This ordinance is for the creation of Street Lighting Special Assessment Districts. City Planner Riker stated for the benefit of the audience that this ordinance is a framework ordinance that would allow the City to create districts. Adoption of this ordinance does not create districts or cause any assessments to be assigned to a district. In addition, for street lighting districts to be created, there would be two public hearings required. City Planner Riker indicated that he had discussed some items that needed clarification in the proposed ordinance with Council Member Swafford. Sections 42-3 and Section 42-6 refer to "single family residential". However, the purpose of the ordinance is to refer to either residential or commercial, not a specific type of residential use. Therefore, City Planner Riker is suggesting

that the words "single family" be deleted so that the ordinance would only refer to "residential".

City Planner Riker stated that he has prepared some additional maps at the Council's direction for their review and that those maps could be discussed now if the Council wished to. Council Member Fetterman suggested that the maps be reviewed now for the benefit of the audience. City Planner Riker stated that the Madison Creek HOA was responsible for paying for their street lights. The neighborhood approached the City and the City came up with an agreement where the City would pay for the lights and be reimbursed by the neighborhood. Madison Creek homeowners questioned why they should be paying for street lights on a public road, when other neighborhoods are having their street lights paid for by the City. Exhibit A reflects the maps that the City is currently paying for at a cost of about \$35,000 annually. A breakdown of cost per light has been provided by Georgia Power. Council directed staff to suggest possible ways to distribute the costs of the street lighting to the citizens. Exhibit B classifies the districts by light type. Some areas of the City are not shaded on this map (Anaguluskee, Tidewater, Clarkstone Village, Waterstone Crossing and Mulberry Village) as those street lights are not being paid for by the City. Exhibit C shows a potential breakdown cost of the street lights. The most expensive lights are located on Atlanta Highway and as there are not a lot of properties to share the cost, the assessment would be about \$205.00 per parcel annually.

City Planner Riker stated that one of the other options was to create one large district. This is shown on Exhibit D. This map has 696 taxable properties and the amount annually per parcel would be \$51.43. However, the idea was presented that some of the neighborhoods that are already paying for their street lights would possibly receive a benefit from other street lights in the City. If those properties were added in, the per parcel annual cost would change to \$27.04 as shown on Exhibit E. If all 2700 properties in the City were to be included, the per parcel annual cost would be \$13.26.

Then, the idea was suggested to define subdivisions and separate them out as they have the most expensive lighting. All other taxable properties would cover a general portion of the street lighting bill, which seems to be the idea favored by the Council. If the Council was interested in recouping the actual costs for street lighting, on Exhibit G, Post Top 1 properties (Madison Creek and Newberry Point) would pay for their street lights at \$34.00 per parcel annually. Post Top 2 (Portsmouth) would be paying \$29.00 per parcel annually. The general public cost to all taxable property owners would be \$11.00 per parcel annually. If the Council was not interested in collecting the full cost for the street lights, they could use Exhibit G to create Post Top 1 and 2 as districts which would generate roughly \$9000.00 annually.

If the City were to begin charging for the street lights, the City could look at improving the street lighting in some areas. City Planner Riker has contacted Georgia Power regarding pricing on some different areas. Gainesville Street is lacking lighting in some areas. There has been some previous discussion as to whether or not everyone is receiving a benefit from the street lights that are currently in place. The only lights that were looked at for the possible creation of districts are lights that the City currently pays for. City Planner Riker stated that some other options were sent out to the members of the Council and not a lot of feedback was received regarding those options.

Council Member Fetterman stated that he wants to be sure that the Council does not rush this decision and that having two public hearing will help with getting input from the citizens.

Council Member Yardley encouraged the public to attend the two public hearings. The budget for the City reflects that revenues have gone down and that expenses have gone up. In 2010, the revenue collection was \$60,000 less than what was budgeted due partly to changes in property tax values. Council Member Yardley further stated that the Council will be interested to find out at the public hearing what services the citizens want the Council to prioritize and fund. Currently, the City has 26 miles of road to maintain with less than \$100,000 in the roads budget. To redo roads, it costs about \$60,000 a mile. The decision was made to give less funding to the roads department so that other things could be funded.

Mayor Miller asked City Planner Riker if there was a standard for street lighting distances and wattages. City Planner Riker stated that there are standards, but they vary based on the road classification. City Planner Riker further stated that he is unsure if the street lights that are currently in the City meet that standard as that would take further evaluation. If the districts were to be created, the hope would be that the City would correct any deficiencies based on the standards for street lighting. Mayor Miller also questioned if this would also lead to an evaluation of the street lights on Atlanta Highway. City Planner Riker stated that Atlanta Highway is a state highway and there is no minimum standard required by the state. Safety and quality of illumination would be major concerns when reviewing the lighting. The lights on Atlanta Highway cost \$31.61 per month per light. There is also the possibility to change from high pressure sodium lighting to LED lighting which is cheaper. Georgia Power is currently looking into what types of lighting would be appropriate.

Council Member Yardley stated that he had received some questions about the lights themselves as to the actual charges and could some of the lights be cycled on and off at different times. City Planner Riker answered that the charges being considered are the actual costs. Georgia Power has not been asked about whether or not it would be possible to turn off some of the street lights, but that is something that can be looked into.

Council Member Fetterman asked about who determined the eligibility of LED lights in the fixtures. City Planner Riker stated that when lighting was addressed at the treatment plant two years ago Georgia Power was not looking at LED technology, but they may have reconsidered their stance on the use of LED lighting.

City Manager Andrew stated that LED lights are being looked at more because they give off a whiter light which is more pleasing, instead of the current yellow light. Council Member Fetterman asked City Planner Riker to look into the cost of changing the City street lights to LED lighting and what the long term savings might be.

Council Member Swafford stated that in reviewing the ordinance, when property owners can request the creation of a street light district (Section 42-9), the ordinance says that the street light assessment will be paid as part of the city's annual ad valorem tax bill. If 51% of the property owners in an area are approved for the creation of a district at the beginning of the year, the City would be responsible for paying for those lights until the property tax bill were issued at the end of the year as the City would have no other recourse to collect the special assessment. Council Member Swafford suggested changing the wording in this section to address this possible scenario. The way that it is worded in the ordinance now, if property owners requested creation of a special assessment district, the City would either have to pay the costs until property tax bills went out, or the application would have to be put on hold until closer to the time for property tax bills to be issued. City Planner Riker indicated that the assessment on the tax bill could include fees incurred to date. As the fees would be set by

resolution each year, the amounts could be reevaluated each year. City Attorney Bennett stated that the ordinance could be amended later if needed. City Planner Riker stated that the best way to ensure payment is to include it on the property tax bills. Council Member Swafford indicated that her major concern is the City having to budget for the costs for the street lights after a district has already been created.

City Manager Andrew indicated that if a district were to be created in one year, but the money were to be collected in another year, the money collected could not be applied to the previous year. City Planner Riker stated that this scenario was not considered and that he would contact the County to see how they have handled this situation as they currently do a street light assessment.

Mayor Miller wanted to know if every taxable lot were to be included in the assessment, if an area that does not have street lights were to request street lights, where would the money come from to pay for those lights. City Planner Riker stated that if the Council were interested in improving the street lighting in the City, the amount charged to the citizens might need to be higher because the current suggested amount only covers the actual cost. The cost of a new light would be determined by whether or not there was underground or above ground service, if there was a pole already in place, and if that pole was able to accept secondary service. City Planner Riker verified for Mayor Miller that if the Council were to not create assessment districts, a budget amendment would need to be done for \$24,000 to \$26,000 as only four months were budgeted for this year.

Council Member Anglin stated that he feels that everyone receives a benefit from street lights and that every citizen and business should pay for that benefit. The best thing to do at this point is to determine the most fair and equitable way to distribute the costs associated with street lighting.

Council Member Richards indicated that she feels the Council is moving too quickly to create the districts. She was against subsidizing the street lights in Madison Creek because the framework was not in place and the City was giving a benefit to one community and getting involved in the utility business. The City has created a problem that there is no good answer to. There is not even a professional study that could be referred to in support of any decisions that could be made.

Council Member Yardley stated that the areas designated on Exhibit G as Post Top 1 and 2 are receiving a \$9000 subsidy from the City which is an unfair distribution of tax dollars. As a result, the City has not created the subsidy, it already exists. A consultant was not tapped for this project as the Council felt that staff could research this issue and make recommendations. The best thing to do at this point is to listen to the comments from the citizens and use the recommendations and ideas that are in the majority.

City Planner Riker announced the schedule of hearings for the benefit of the audience.

September 15, 2011	First public hearing regarding special assessment district map (the proposed map would probably be Exhibits G and H)
October 6, 2011	Second public hearing
October 20, 2011	Adoption of Resolution establishing fees and charges for districts

City Planner Riker stated that after checking with our computer software company, there would be a onetime \$1500 charge to add a line to the property tax bill. City Planner Riker stated that he would try to get answers from Georgia Power and the County regarding questions asked by the Council. City Planner Riker stated that there is a process to shut off lights which would allow a light to be turned off after 6 months. To change fixture and lights types would be about 3 months. This information will be verified with Georgia Power.

Mayor Miller indicated that he was asked by citizens about why street lights are not paid for already by franchise fees and property taxes. If \$240,000 dollars is coming in from franchise fees, why is that not sufficient to pay for street lights. City Manger Andrew stated that in the budget revenues and expenditures are not matched up. Creating an enterprise fund would allow the revenues for street lights to be attributed to the expenses and allow the City to look at the quality of service provided. City Manager stated that the franchise fees that are paid go to the company so that the company can pay the City for the use of right of way for poles and lines.

Council Member Fetterman indicated that he would like to discuss the changes to the ordinance that were suggested by Council Member Swafford in regards to "single family residential". Council Member Swafford suggested that the wording be changed to "non-residential". City Attorney Bennett verified Section 42-3 the first line would read "Street lighting in districts other than ~~single family~~ residential shall only be permitted..." The second sentence would read "Non-residential lighting districts..." City Attorney Bennett stated that "other than residential" and "non-residential" mean the same thing. Council Member Swafford felt that "non-residential should be used so that the same term would be used. City Attorney Bennett read the first sentence of Section 42-3 to be read as follows:

Street lighting in non-residential lighting districts shall only be permitted by city council approval subject to the safety, economic and other factors involved.

City Planner Riker stated that Section 42-6 would also need to be changed to take out "single family residential". City Attorney Bennett stated that the sentence would read as follows:

However, in non-residential zoned areas different criteria may be adopted by the city council for the payment of installation and operational costs.

Council Member Swafford stated that in Section 42-9 the final part which reads "as part of the city's annual ad valorem property tax bill" could be removed.

Council Member Richards questioned City Planner Riker as to whether or not information should be received from the County regarding how they handle the billing issue prior to changing this section of the proposed ordinance. City Planner Riker stated that the ordinance could be approved as is and amendments to this ordinance could be made if warranted. Or, this ordinance could be approved at a later date. However, the ordinance that is to be discussed at the next meeting for street light assessment districts is based on Ordinance 451 already being passed. City Attorney Bennett stated that if Ordinance 451 does not have a second reading and approval at this meeting, there would be the possibility that street light assessments could not be placed on the property tax bills for this year. If changes need to this ordinance at a later time after information is received from the County, the changes could be addressed concurrently with any application that was received for the creation of a new district at the property owner's request.

Council Member Fetterman indicated that he would be in favor of the first two changes, but not the most recent requested change. Council Member Yardley questioned if this ordinance could be tabled to the next meeting. City Planner Riker stated that since Ordinance 451 is the framework that calls for two public hearings, it would need to be in place prior to a public hearing taking place. Council Member Fetterman wanted to know if a special called meeting could be held to pass this ordinance.

Council Member Swafford clarified that she wanted to only change Section 42-9 which refers to creation of street lighting districts by property owner. The proposed change would have no effect on the assessment for street lights on the tax bills for districts created by the Council. City Planner Riker stated that was correct but there may be other sections that may need to be changed. Section 42-7 refers to ad valorem taxes so it may need to be changed also. Council Member Anglin and Council Member Fetterman both expressed agreement with making the first two changes to the ordinance only and then making additional changes later if needed.

City Attorney Bennett read the changes proposed. Section 42-3 read as follows:

Street lighting in non-residential lighting districts shall only be permitted by city council approval subject to the safety, economic and other factors involved.

Section 42-6 would read as follows:

However, in non-residential zoned areas different criteria may be adopted by the city council for the payment of installation and operational costs.

DRAFT MINUTES: City Clerk Burney presented the draft minutes from the August 18 Council Meeting. The changes requested by Council Member Swafford and Mayor Miller were incorporated.

NEW BUSINESS:

The first item under new business is a renewal of the lease for Calliope Sweets. City Manager Andrew stated that Calliope Sweets is on Main Street and is going on the second year of a three year contract with the City. Calliope Sweets is interested in changing the lease amount for the second year. Currently they are paying \$300.00 a month and the current lease would change to \$650.00 a month for the second year, to begin in October. City Manager Andrew stated that he was originally approached about keeping the lease at \$300.00 a month. However, in an attempt to keep parity with the other tenant on Main Street, Fifth Row Center, the suggestion would be to lower the rent to \$250.00 a month which is what Fifth Row Center will begin paying.

Council Member Fetterman verified that Fifth Row Center is paying \$250.00 a month currently. That amount being paid would cover the maintenance expenses of the property. The amount being paid by the renters would cover maintenance expenses and the City is currently looking at sealing the roofs with a reflective coating that would reduce the energy bills.

The second item under new business is an Intergovernmental Agreement with Hall County for installation of decorative mast arms and asphalt paving associated with the McEver Road/Gainesville Street intersection improvement project. Funds were authorized in last year's budget to pay for this project, but the project has not yet been started. In the current year's budget the costs to repave Gainesville Street were included. The paving of Gainesville Street

will be from Chestnut Street to the intersection and the work will coincide with the work being done by the County. The Intergovernmental Agreement also includes a stipulation that the work will all be completed within 2 years and if the work is not completed in that time frame the City will receive a refund of funds paid. Council Member Swafford verified that the City is the one that included the two year time frame in the agreement.

City Manager Andrew verified with City Planner Riker that the construction on this project is expected to begin in July of 2012 as the County prefers to do this type of work while school is not in session. City Manager Andrew stated that \$66,602 dollars was transferred from last year's budget to a Capital Improvement Plan for this project. The \$66,602 was not spent last year. The money was held for this project. This leaves about \$24,400 remaining in the budget for road maintenance work.

Council Member Swafford wanted to know when the City would need to pay the money for this project to the County. The money was transferred to a Capital Improvement Plan so that it would not roll back into the General Fund. The money would be due at the start of construction in July of 2012.

CITY MANAGER REPORT: City Manager Andrew stated that he wanted to congratulate the water department as the Georgia Department of Natural Resources Environment Protection Division did an audit of the City's water and all the wells of the City passed with flying colors.

City Manager Andrew had received a request from Guy Harry, who has been hired by the City of Braselton to serve as a consultant for a consortium of cities, Braselton, Flowery Branch, Oakwood and Buford. The consultant will be applying for a sustainable communities grant which would allow cities to plan for utility sighting, parks, and roads. Currently, the consultant is working on a preapplication. Budget information was provided by the City and a request was made for the City to pay a \$20,000 match. As this is only a preapplication, the match funds would not have to be paid until the next budget year. Even after the application were approved, the City could pull out and not have to pay the match funds if the Council did not want to spend the money. The four cities are meeting with the consultant tomorrow morning. The grant amount would be \$400,000 for the grant and \$80,000 for the match.

CITY CLERK REPORT: City Clerk Burney indicated that the business that she mentioned at the last meeting that owed back property taxes had not signed for the certified letter sent regarding a hearing at this Council meeting. City Clerk Burney verified with Council and the City Attorney that the next step to be taken would be to have the business/property owner served by the Police Department with a notice of hearing for the Council meeting on September 15th.

City Clerk Burney further stated that on September 11 she will be attending a presentation of IQM2 which is an agenda and meeting minute management tool. She will provide information regarding this at the next meeting.

CITY PLANNER REPORT: City Planner Riker stated that the T project will begin next Tuesday. The work will begin on Church Street and the project should be complete within 60 days.

City Planner Riker also indicated that there will be a transportation roundtable meeting on September 13th at Spout Springs library. The meeting will start at 5:30 PM and will run until 7:00 PM.

CITY ATTORNEY REPORT: None

CITY COUNCIL REPORTS:

Council Member Swafford stated that planning is under way for the Christmas Parade and Festival and there was a good turnout at the meeting that was held earlier this week. Committees are being formed and if anyone is interested in working on the Christmas Parade and Festival they should contact Council Member Swafford.

Council Member Fetterman stated that he attended the Christmas Parade and Festival meeting and that there was a great deal of participation. There was a request for some adults to do some book reading and that maybe some of the members of the Council could do some of that reading. Council Member Fetterman stated that he also attended the first meeting of the Hall County Advisory Committee for Enviroshare. The first presentation was about recycling paint.

Council Members Yardley, Anglin and Richards had no report.

Mayor Miller stated that the Car Show in downtown will be on September 17th. Wrigley's will be having a celebration for 40 years in Flowery Branch/Hall County. Mooney's Bar-B-Que is a new business in the City and is open on Friday and Saturday nights at 5:00 PM.

ADJOURNMENT WORK SESSION

Mayor Miller closed the Work Session and opened the voting session at 7:30 p.m.



**CITY OF FLOWERY BRANCH
Council Meeting
Voting Session
Immediately following Work Session
Thursday, September 1, 2011**



OPEN VOTING SESSION:

Mayor Mike Miller opened the Voting Session at 7:20 p.m.

Council Member Yardley questioned if there was an objection with moving the lease for Calliope Sweets and the Intergovernmental Agreement with the County to the Consent Agenda. Council Member Swafford indicated that there was an objection.

CONSENT AGENDA:

Consider – Draft meeting minutes from August 18, 2011

Motion: Chris Fetterman

Second: Kris Yardley

Discussion: None

Unanimous

UNFINISHED BUSINESS:

Consider – Second Reading of Ordinance 450

City Attorney Bennett: An ordinance to amend Chapter 5 Adult Entertainment Section 5-11 location restrictions relating to not A (1) manufacturing and industrial zoning districts; repealing conflicting ordinances and for other lawful purposes.

The body of this ordinance would permit adult entertainment in the M-1 and M-2 zoning classifications.

Motion: Joe Anglin

Second: Tara Richards

Discussion: None

Unanimous

Consider – Second Reading of Ordinance 451

Motion: Amanda Swafford

To approve with the changes under Section 42-3 to read “Street lighting in non-residential districts shall only be permitted by city council approval subject to the safety, economic and other factors involved.” Section 42-6 to read “However, in non-residential zoning areas different criteria may be adopted by the city council for the payment of installation and operational costs.” Section 42-9 (a) to strike “as part of the city’s annual ad valorem property tax bill” from the final sentence given that Section 42-7, that section to be struck only applies to that portion prior to the time that property tax bills are to be sent out.

City Attorney Bennett clarified that the motion is to adopt this ordinance with the three changes presented. Section 42-3 and 42-6 is a semantics change. Section 42-9 (a) is to strike the last phrase which starts with “as part of the city’s annual ad valorem property tax bill.”

Council Member Yardley stated that there was also a change to Section 42-7. Council Member Swafford clarified that Section 42-7 would not be impacted by the change to Section 42-9. City

Planner Riker stated that he had discussed this with the City Attorney and if Section 42-9 were to be changed, there would be no recourse for the City to collect on money owed through the use of a lien.

Second: Chris Fetterman for the purpose of discussion

Council Member Yardley wanted to know if this could be passed with Section 42-9 intact with the understanding that it could be changed later. Council Member Swafford stated that striking the phrase from Section 42-9 would not prohibit the City from collecting the assessment on the property tax bills. Council Member Swafford stated that she wanted to keep her motion as originally presented. Council Member Swafford stated that the change would only apply to charges incurred for the creation of the district. Council Member Fetterman wondered if the information regarding payments prior to tax bills being sent out on a new street light district be added later as a framework has not been created yet. Could the wording for payment of the start of a street light district be added if a new district were to be created at the request of citizens. Council Member Swafford then questioned why this ordinance was being created if the total framework was not being addressed. Council Member Yardley and City Attorney Bennett verified for Council Member Swafford that this ordinance will allow citizens to apply for the creation of a street light district. City Attorney Bennett stated that if the ordinance were to need to be amended, it could be done simultaneously with an application. There being no further discussion, a roll call vote was called.

Council Member Swafford: Aye

Council Member Fetterman: Nay

Council Member Yardley: Nay

Council Member Anglin: Nay

Council Member Richards: Nay

Motion Fails

Motion: Kris Yardley

To approved Ordinance 451 with changes as previously stated in the previous motion to 42-3 and 42-6 leaving 42-7 and 42-9 intact.

Second: Chris Fetterman

Discussion: None

Unanimous

Council Member Yardley requested the City Attorney investigate what ramifications leaving the ordinance as is will have. City Attorney Bennett indicated that he would work with City Planner Riker to find out how the County handles the situation of new districts being created after the tax bills have gone out. City Attorney Bennett advised that he would report back and that it would be best to research the situation thoroughly and review the ordinance prior to making any changes.

NEW BUSINESS:

Consider – Renewal of lease for Calliope Sweets

Motion: Amanda Swafford

To approve renewal of the lease with sections added that will discuss provisions if the landlord decides to sell the building prior to the expiration of the lease. There is currently no provision in the lease for that.

Mayor Miller verified that the motion is to approve the lease with a provision for sell by the landlord. Council Member Swafford stated that the motion is to rewrite the lease. City Attorney Bennett indicated that if the City sold the building to another owner, the lease would be in place and the owner would be obligated to lease the building under the terms outlined in the current

lease. City Attorney Bennett wanted to know if Council Member Swafford was asking for an “out clause” if a new owner came in, they would not have to honor the lease. City Attorney Bennett verified that the motion is valid, but it requires more detail. The best thing to do at this point would be to give some direction to the City Attorney and he could bring an updated lease for the Council to review. Council Member Swafford stated that she was trying to have a motion to not vote on the renewal of the lease but to modify the lease. Mayor Miller stated that as there is not technically a motion, there should be no discussion and asked Council Member Swafford to restate her motion.

Motion: Amanda Swafford

To postpone the adoption of the lease until the next meeting on September 15.

Second: None

Motion dead for lack of second.

City Attorney Bennett verified that the lease does not expire until the end of September. The request was for a continued reduced rent rate for the second year. City Attorney Bennett requested clarification of what the Council is looking for.

Motion: Joe Anglin

To approve the lease for Calliope Sweets with a modification to change the second year rent to \$250.00 a month

Second: Tara Richards

Discussion: None

Aye: Chris Fetterman, Kris Yardley, Joe Anglin, Tara Richards

Nay: Amanda Swafford

City Attorney Bennett stated that the Council is above and beyond with the vote. The City Attorney will work up a document that changes Section 1.02 to reflect the changes requested.

Consider – Intergovernmental Agreement with Hall County for installation of decorative mast arms and asphalt paving associated with the McEver Road/Gainesville Street intersection improvement project.

Motion: Kris Yardley

Second: Joe Anglin

Discussion: None

Unanimous

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

Council Member Yardley made a motion at 7:52 to enter to Executive Session to discuss pending/potential litigation.

Motion: Kris Yardley

Second: Joe Anglin

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 8:10 p.m.

Motion: Chris Fetterman

Second: Tara Richards

Discussion: None

Unanimous

City Attorney Bennett stated that he had discussed the requested changes to the lease with Calliope Sweets with Council Member Swafford. To clarify, Council Member Swafford is requesting that a provision be put into the lease that since Calliope Sweets is being given a lower rent amount, that if someone wishes to rent the space and pay the full amount of the rent, that Calliope Sweets will match the full amount to retain their lease.

There was a motion made by Council Member Fetterman to exit the voting session at 8:12 p.m.

Motion: Chris Fetterman

Second: Joe Anglin

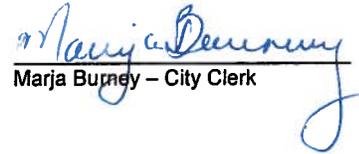
Discussion: None

Unanimous

Adjournment:


James "Mike" Miller - Mayor

9-15-11
Dated


Marja Burney - City Clerk

Street Lighting



Legend

FB_StreetLights

Light_Desc

- 150 watt HPS Post Top (UG)
- 100 watt HPS Cobrahead (OH)
- 250 watt HPS Cobrahead (OH)
- 400 watt HPS Cobrahead (OH)
- 400 watt HPS Directional Flood (OH)
- Main Street (UG)

Map Prepared By: GatesMcHaffal County GIS

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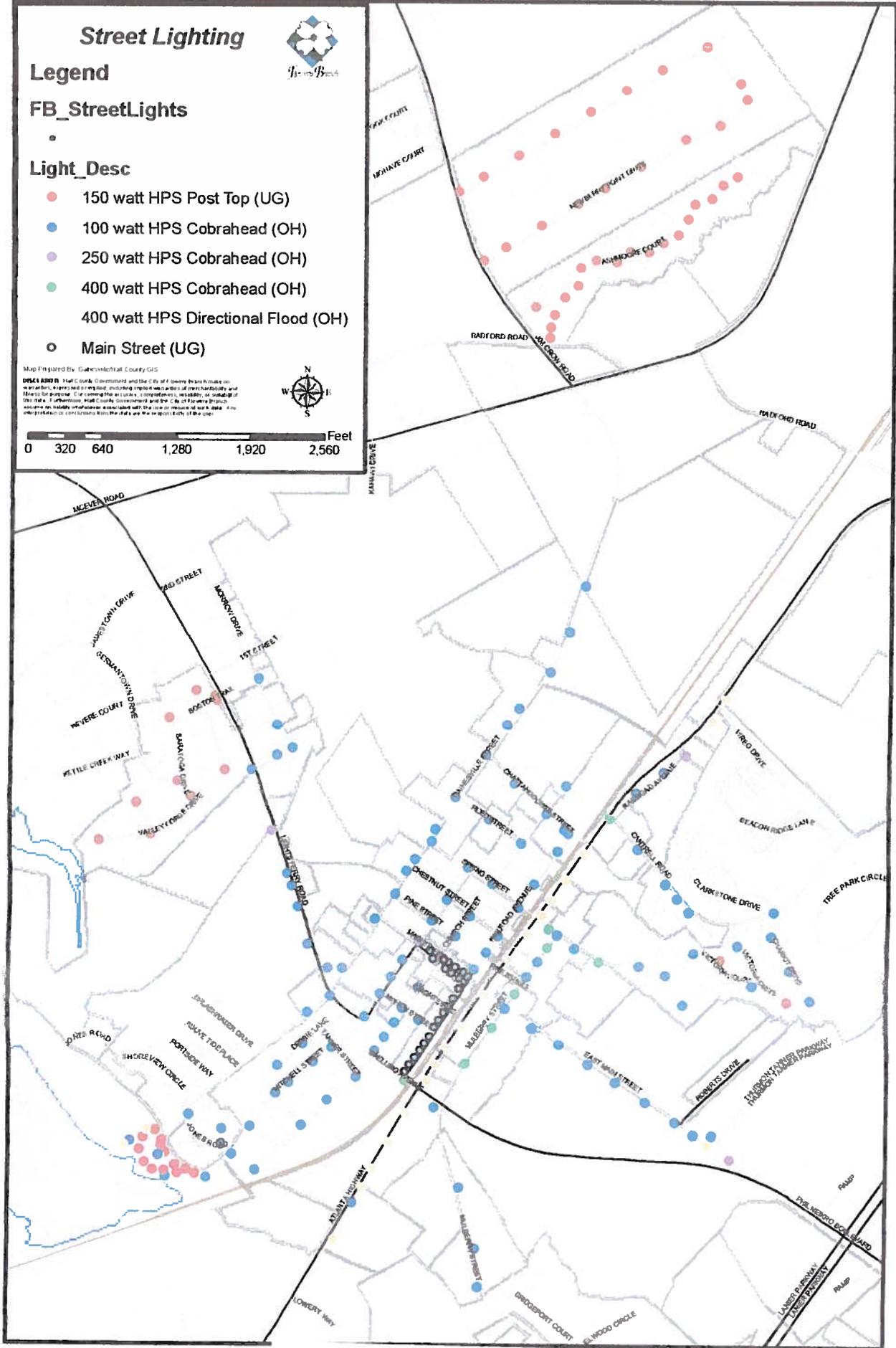


EXHIBIT A

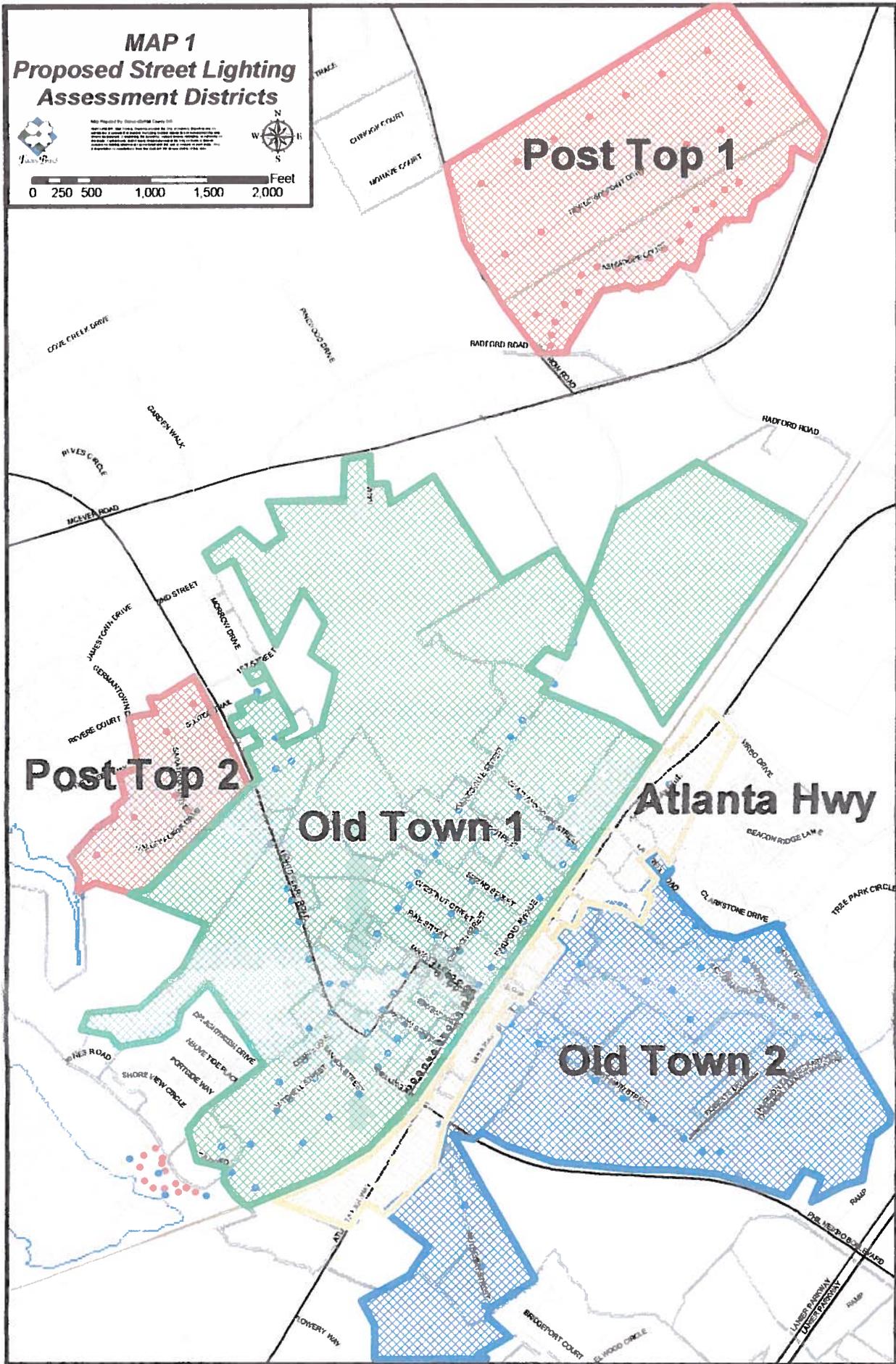
MAP 1
Proposed Street Lighting
Assessment Districts



Map prepared by StreetLighting Consultants
 Map of the City of Atlanta, Georgia, showing the proposed street lighting assessment districts. The map is based on the City of Atlanta's street network and is intended for informational purposes only. It is not intended to be used for legal or financial purposes. The City of Atlanta is not responsible for any errors or omissions on this map.



0 250 500 1,000 1,500 2,000 Feet



Sheet 1 Corresponds with MAP 1

District	Qty	Unit \$	Monthly \$	Annual \$	# of Parcels	\$ per Parcel
Post Top 1	36	\$ 16.17	\$ 582.12	\$ 6,985.44	207	\$ 33.75
Post Top 2	10	\$ 16.17	\$ 161.70	\$ 1,940.40	67	\$ 28.96
Old Town 1	70	\$ 10.26	\$ 718.20	\$ 8,618.40		
	4	\$ 17.95	\$ 71.80	\$ 861.60		
				\$ 9,480.00	251	\$ 37.77
Old Town 2	31	\$ 10.26	\$ 318.06	\$ 3,816.72		
	5	\$ 24.91	\$ 124.55	\$ 1,494.60		
	1	\$ 31.61	\$ 31.61	\$ 379.32		
	2	\$ 16.17	\$ 32.34	\$ 388.08		
	23	\$ 11.96	\$ 275.08	\$ 3,300.96		
				\$ 9,379.68	132	\$ 71.06
Atlanta Hwy	18	\$ 31.61	\$ 568.98	\$ 6,827.76		
	3	\$ 10.26	\$ 30.78	\$ 369.36		
	2	\$ 24.91	\$ 49.82	\$ 597.84		
	1	\$ 17.95	\$ 17.95	\$ 215.40		
				\$ 8,010.36	39	\$ 205.39
				\$ 35,795.88	696	

Sheet 3 Corresponds with MAP 3

District	Qty	Unit \$	Monthly \$	Annual \$	# of Parcels	\$ per Parcel
	36	\$ 16.17	\$ 582.12	6,985.44	207	
	10	\$ 16.17	\$ 161.70	1,940.40	67	
	70	\$ 10.26	\$ 718.20	8,618.40		
	4	\$ 17.95	\$ 71.80	861.60		
				9,480.00	251	
	31	\$ 10.26	\$ 318.06	3,816.72		
	5	\$ 24.91	\$ 124.55	1,494.60		
	1	\$ 31.61	\$ 31.61	379.32		
	2	\$ 16.17	\$ 32.34	388.08		
	23	\$ 11.96	\$ 275.08	3,300.96		
				9,379.68	132	
	18	\$ 31.61	\$ 568.98	6,827.76		
	3	\$ 10.26	\$ 30.78	369.36		
	2	\$ 24.91	\$ 49.82	597.84		
	1	\$ 17.95	\$ 17.95	215.40		
				8,010.36	39	
				35,795.88	696	\$ 51.43
				35,795.88	1324	\$ 27.04
				35,795.88	2700	\$ 13.26

With all areas identified in BLUE

With all taxable properties including Sterling on the Lake

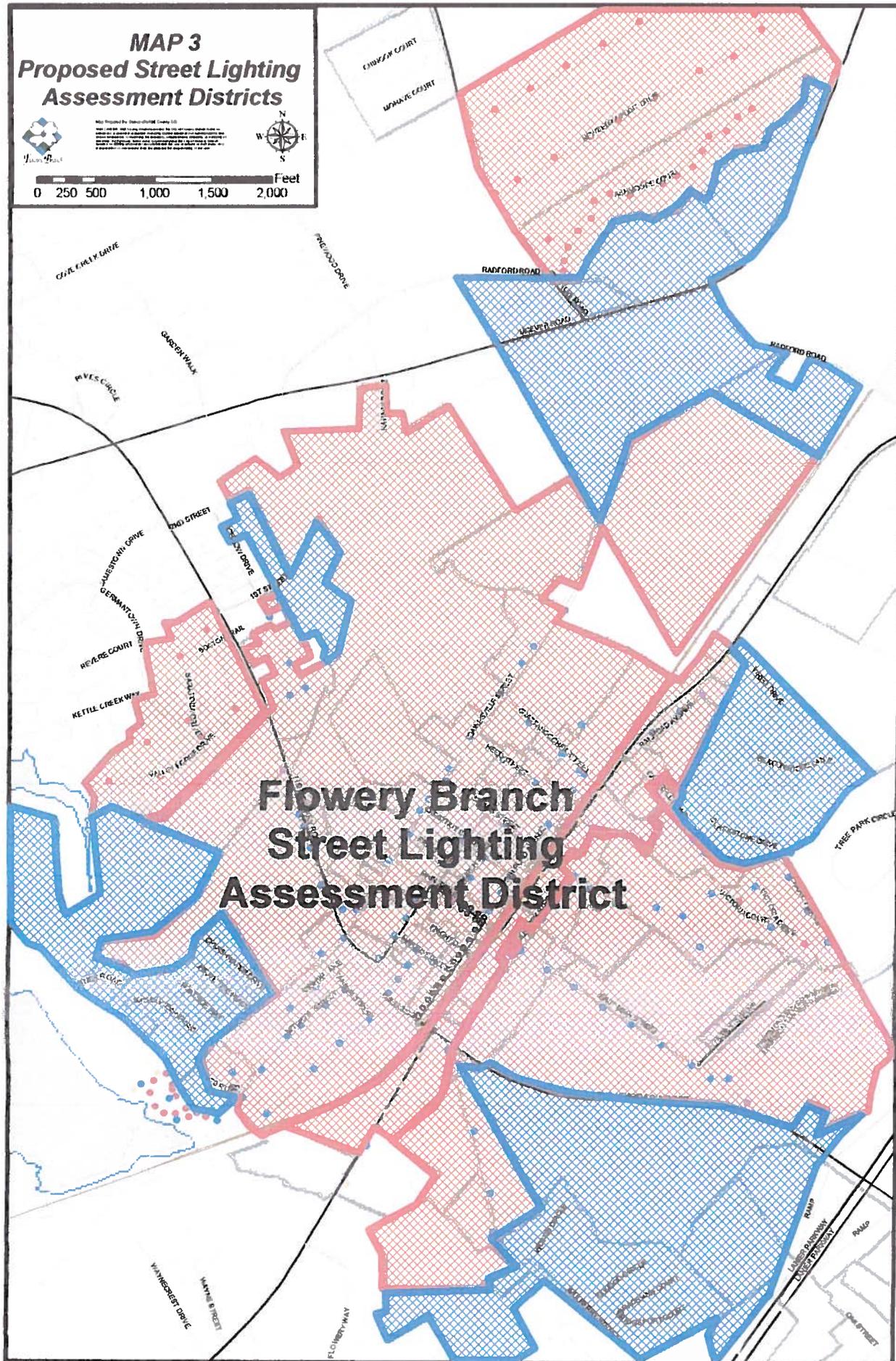
MAP 3 Proposed Street Lighting Assessment Districts



Map Prepared by: StreetLighting.com LLC
This map was prepared for the City of Flowering Branch, Georgia. It is intended for informational purposes only and does not constitute a contract or any other legal document. The City of Flowering Branch is not responsible for any errors or omissions on this map.



0 250 500 1,000 1,500 2,000 Feet

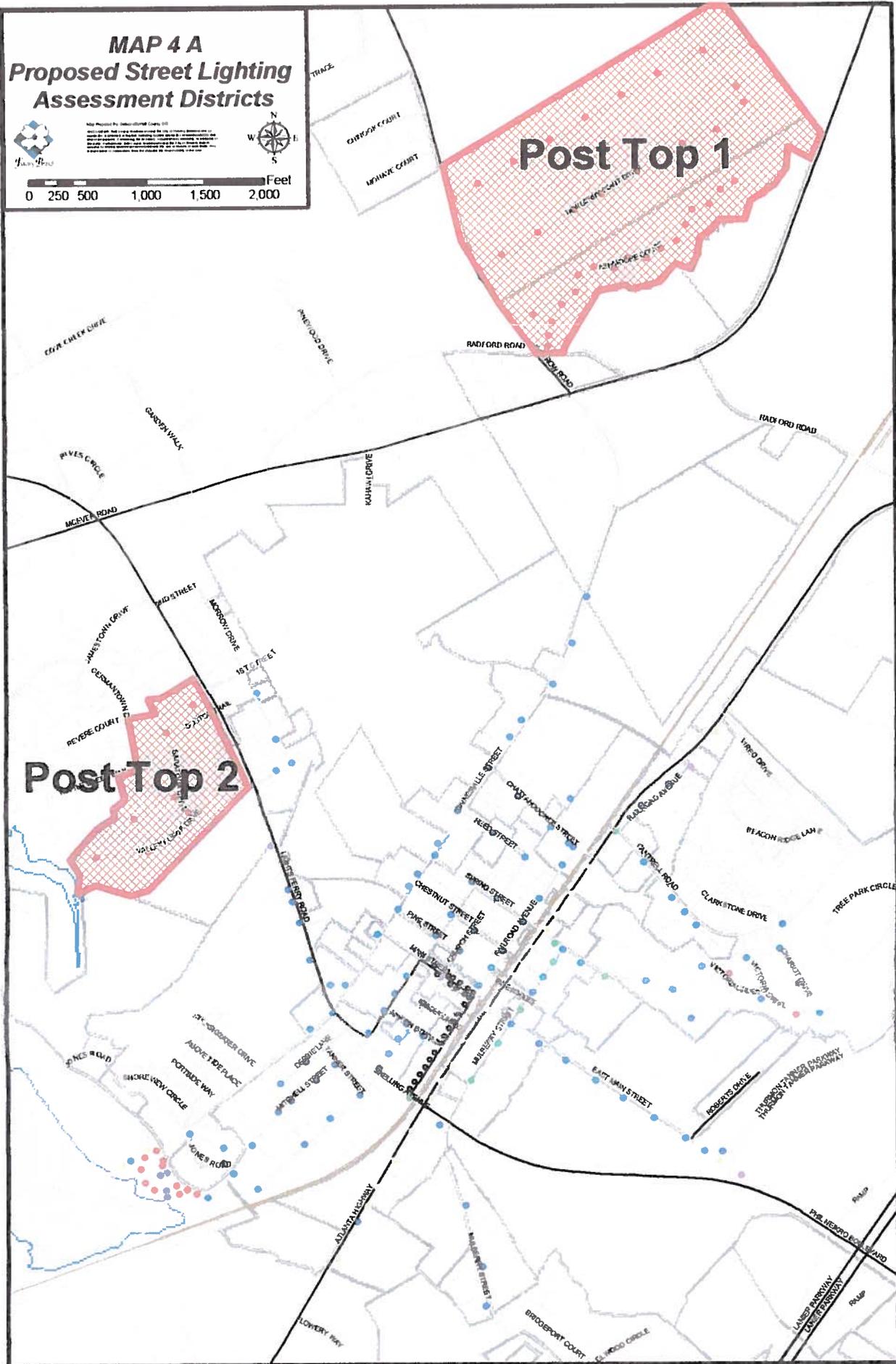
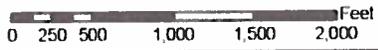


Flowering Branch Street Lighting Assessment District

MAP 4 A
Proposed Street Lighting
Assessment Districts



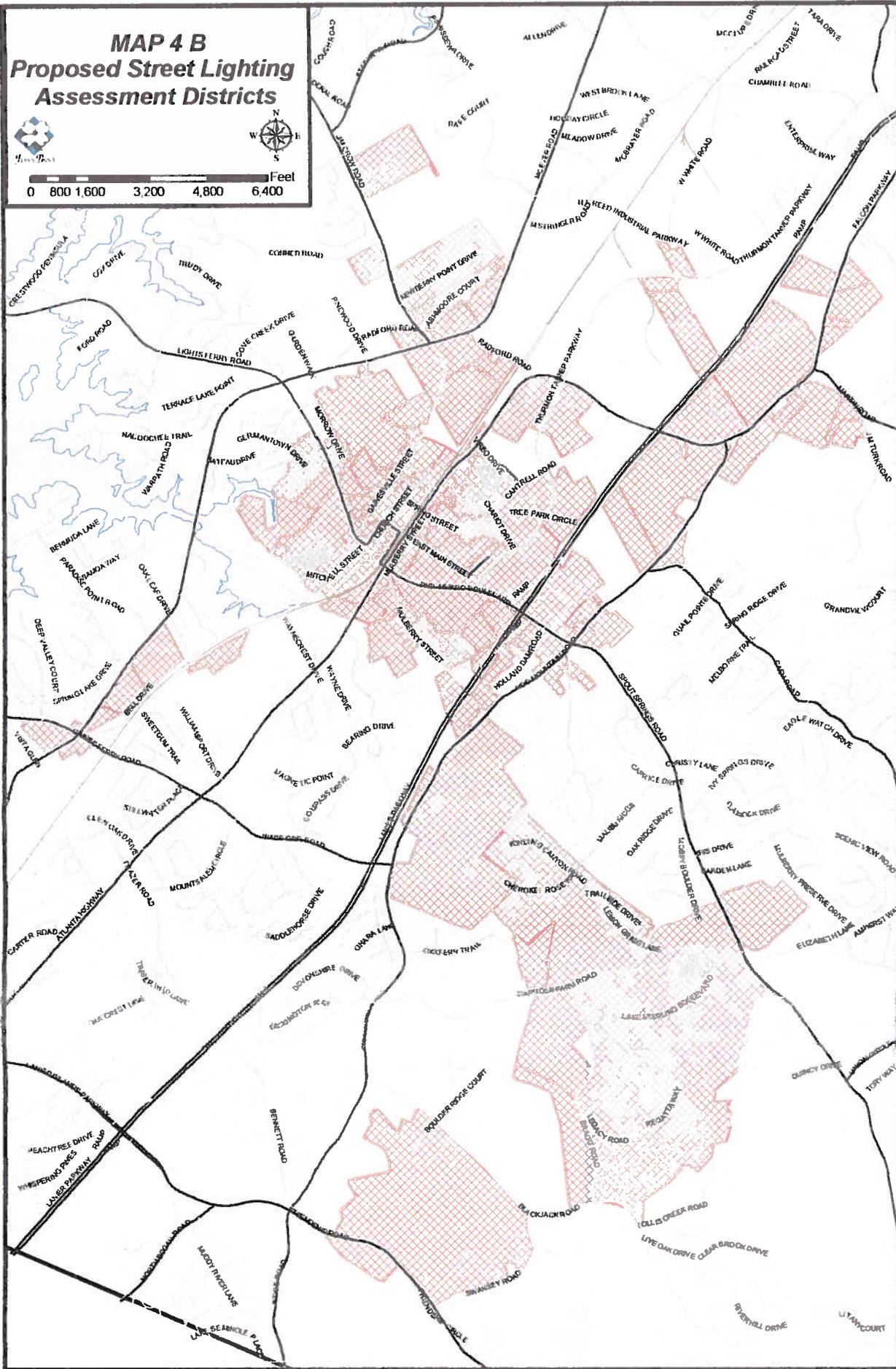
Map Prepared By: James Beasly & Associates, Inc.
 1000 West 10th Street, Suite 100
 Denver, CO 80202
 Phone: 303.733.1111
 Fax: 303.733.1112
 Website: www.jba.com



MAP 4 B Proposed Street Lighting Assessment Districts



0 800 1,600 3,200 4,800 6,400 Feet



Option to create a street lighting district for Post Top 1 and Post Top 2. In addition, establish a district of the entire city to cover "general public street lighting" meaning those areas outside of a defined subdivision. The numbers are arbitrary in this option and are designed to arrive at the budgeted amount of \$ 35,795

Type	Qty	\$ per parcel	General public cost \$ per parcel	Revenue
Post Top 1	207	\$ 34.00	\$11.00	\$ 7,038.00
Post Top 2	67	\$ 29.00	\$11.00	\$ 1,943.00
Parcels not in an HOA and/or those utilizing public street lights	422		\$11.00	\$ 4,642.00
Parcels in an HOA paying for their own lights (Tidewater, Waterstone, Clarkstone, etc...)	628		\$11.00	\$ 6,908.00
Other Parcels outside of downtown proper (Stonebridge Village, Thurmon Turner Parkway, etc..)	276		\$11.00	\$ 3,036.00
Parcels in Sterling on the Lake	1100		\$11.00	\$ 12,100.00
Total Parcels	2700			
general public cost		\$11.00		\$ 35,667.00