



**CITY OF FLOWERY BRANCH**  
**Work Session**  
**Immediately following Public Hearing**  
**Thursday, November 3, 2011 6:00 pm.**



**CALL TO ORDER:** Mayor Mike Miller called the meeting to order at 6:02 p.m.

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

**ABSENT:** None

**PLEDGE OF ALLEGIANCE:** George Wangemann, City of Gainesville Council Member, led the pledge of allegiance

**PUBLIC COMMENTS:**

Mr. Ed Lejaz from Newberry Point spoke regarding Ordinance 452 – Creation of street lighting “special assessment” districts. Mr. Lejaz indicated that he was surprised to see this item on the agenda as the tax bills have already gone out. Mr. Lejaz feels that voting on this item tonight would not be a good idea as the landscape of the Council could change with the election that is being held on November 8, 2011. Even if the ordinance were to be approved, it would not be utilized until the next budget year as the tax bills have already gone out. Mr. Lejaz further indicated that one of his neighbors wanted to know how the Council could begin charging homeowners for street lights because it would appear that when Newberry Point was admitted to the City, there was an agreement that the City would pay for the street lights. The City Planner did state that there was an agreement between Madison Creek and the City for the City to pay for the lights. Mr. Lejaz’s neighbor wanted to also know how it would be possible to change an agreement without a referendum. In addition, Mr. Lejaz has heard from other people that they would like to see some revenue from the water bill payments go toward paying for street lights. Mr. Lejaz also questioned about who will be paying for the sewer line in the City. He is assuming that it would be paid for out of the Enterprise Fund.

**PROCLAMATION:**

Mayor Miller presented to George Wangemann a Proclamation announcing the month of November as “Family Month”.

**PRESENTATION:**

2010 Transportation Investment Act (TIA) by Srikanth Yamala, Transportation Planning Manager (GHMPO) Gainesville-Hall Metropolitan Planning Organization  
Provided for this presentation were two items that are attached to the minutes:  
Exhibit A – Listing of transportation monies and how they will be allotted to different jurisdictions in the Georgia Mountain Regional Commission  
Exhibit B – Map of Adopted Hall County Transportation Investment Act Projects  
Mr. Yamala indicated that he would be giving an update of the Transportation SPLOST proposed projects. In 2010, the Georgia General Assembly passed the TIA (Transportation Investment Act) which creates twelve districts. The City of Flowery Branch is in Region 2 – The Georgia Mountain Region which includes 13 counties. Each district can levy 1 percent

additional sales tax for transportation projects. This type of SPLOST can be used for both maintenance and operations. Seventy-five percent of the money collected will be spent on regional projects and twenty-five percent will be distributed to individual counties and municipalities. If the tax were to be passed, the sales tax would change from 7 percent to 8 percent.

To determine the projects to be funded, there was a roundtable where two members from each county attended. The Hall County representatives were Mayor Bruner from the City of Gainesville and Hall County Chairman Tom Oliver. The total amount allotted for the Georgia Mountain Region is about 300 million dollars. South of exit 16 on Interstate 985 is where fifty percent of the county population is located. However, the land mass is only one-third of the entire county. If the transportation SPLOST vote fails, another vote will not be able to be held for 24 months. Local governments would be required to match 30 percent. If the vote were to pass now, the local governments would only be required to match 10 percent.

Mayor Miller, who is the current policy chair, asked if the map key number for the proposed projects on Exhibit B is an indication of the order of priority. Mr. Yamala indicated that the map key only lists the proposed projects in alphabetical order. Column F on Exhibit B shows when the funding for the projects would be provided.

#### **UNFINISHED BUSINESS:**

- ❖ Hearing regarding business license for Flowery Branch Auction and Antiques

City Planner Riker informed the Council that the applicant is not present. There has been some discussion with the attorney and engineer for Mr. Bailey, the property owner, and based on that discussion, the recommendation would be to continue this hearing until the first meeting in December. City Attorney Bennett indicated that progress is being made on this project. Mr. Bailey has met with the Georgia Department of Transportation regarding drainage issues on the property. Within a week or two, it is anticipated that plans will be available for City Planner Riker's review.

- ❖ Discussion of second reading of Ordinance 452 - Creation of street lighting "special assessment" districts  
Discussion of first reading of Resolution 11-013 – Establish fees and charges associated with Ordinance 452

City Planner Riker indicated that he has no further information to provide to the Council on this item. To follow up on public comments that were made at previous meetings, the City contacted the Georgia Municipal Association to discover what information had been provided to members of the general public. The assertion was made that the Georgia Municipal Association indicated that if the City were to set up street light districts, that it could possibly be illegal. The City was able to verify with the Georgia Municipal Association that their organization works on behalf of the cities and does not have conversations with or provide information to members of the general public. As the tax bills have already gone out, any decisions that were made tonight would not have an effect on tax revenues.

Council Member Swafford asked about the assertion about Newberry Point having a document that binds the City to pay for the street lights. City Planner Riker stated that there is no such document that says that. When streets are accepted and taken into the City, there is no agreement that guarantees that the City will pay for the street lights. A referendum would not be

needed to provide for that to happen. There was also information that was conveyed about percentages of franchise fees that were being paid by the residents of Newberry Point. The amount indicated was 7 percent. The correct amount is 5 percent of the water bill.

Council Member Fetterman questioned if Ordinance 452 and Resolution 11-013 were to be passed, could a separate tax bill be sent and would it be enforceable? City Manager Andrew stated that it would be enforceable, but the question would be how much the City would want to spend to enforce it. Council Member Fetterman verified with City Manager Andrew that the cost to send out an additional bill would be about \$2800.00.

**NEW BUSINESS:** None

**DRAFT MINUTES:** City Clerk Burney presented the draft minutes from the October 20, 2011 City Council Meeting. City Clerk Burney stated that the most of the changes forwarded by Council Member Swafford have been incorporated.

**CITY MANAGER REPORT:**

City Manager Andrew indicated that he had looked at the budget numbers to try to get an idea of the state of the City. The numbers only reflect the revenues that have been collected to date, so the picture may not be very accurate as property tax bills just went out. Currently, 33 percent of the revenues for the City should be collected. The actual percentage collected is 44 percent. This translates to the City being ahead in revenues by \$292,000. Revenues from the franchise fees for Georgia Power are anticipated to be larger as the summer was rather hot. Currently, the expenditures should be at 33 percent. The actual percentage spent is 24 percent. This translates to the City having spent about \$239,000 less.

**CITY CLERK REPORT:** None

**CITY PLANNER REPORT:**

City Planner Riker indicated that the sidewalk, sod and pavers are completed for the transportation project in the downtown area. Street lights are the only items that have not yet been installed. The street lights should be in at the end of November. There is a cross drain being put in on Main Street to help alleviate some of the water runoff. There are ADA ramps and curbs being put in around the caboose. Runoff was undermining the foundation of the caboose and the curbs should help to alleviate that. Over the next two weeks, Railroad Avenue and Main Street will be restriped. Council Member Swafford verified that most of the work will be completed prior to the Christmas Parade and should not cause any problems.

**CITY ATTORNEY REPORT:** None

**CITY COUNCIL REPORTS:**

Council Member Swafford stated that preparations for the Christmas Parade are continuing and the Parade will begin at noon on December 3rd.

Council Member Fetterman had no report.

Council Member Anglin stated that the Flowery Branch football team is hoping to win its first championship and encouraged people to support the team.

Council Member Richards stated that the tennis team in Sterling on the Lake has qualified to go to Nationals with USTA. The Nationals will be held in Tucson, Arizona the weekend before Thanksgiving.

Mayor Miller stated that he attended the Spout Springs widening meeting, which appeared to be well attended. The Christmas Tree Lighting will be on December 2. Chorus rehearsals for the Tree Lighting will be on November 15 and November 29 from 6:00 p.m. to 7:30 p.m. There were 17 trees available to be decorated for the auction and those trees are currently sold out. There is a new stop sign in Sterling on the Lake and striping will be added on the pavement later.

Council Member Swafford stated that the Boy Scout Troop in Flowery Branch has had 7 Scouts achieve the rank of Eagle this year. Only 2 percent of Scouts in the United States become Eagle Scouts. There have been a total of 9 Eagle Scouts overall in this particular group.

#### **ADJOURNMENT WORK SESSION**

Mayor Miller closed the Work Session and opened the voting session at 6:53 p.m.



**CITY OF FLOWERY BRANCH  
Council Meeting  
Voting Session  
Immediately following Work Session  
Thursday, November 3, 2011**



**OPEN VOTING SESSION:**

Mayor Mike Miller opened the Voting Session at 6:53 p.m.

**CONSENT AGENDA:**

Consider – Draft meeting minutes from October 20, 2011

**Motion: Tara Richards**

**Second: Joe Anglin**

Discussion: None

**Unanimous**

**UNFINISHED BUSINESS:**

- ❖ Hearing regarding business license for Flowery Branch Auction and Antiques

Council Member Anglin made a motion to postpone this hearing to the December 1 City Council Meeting.

**Motion: Joe Anglin**

**Second: Tara Richards**

Discussion: None

**Unanimous**

- ❖ Consider – Second reading of Ordinance 452 – An ordinance to create street lighting special assessment districts within the City of Flowery Branch as indicated on Exhibit A-1 and Exhibit A-2 attached hereto; to provide for payment and collection of assessment fees; to provide for severability; to provide for codification; to provide for an effective date; to repeal conflicting ordinances and for all other lawful purposes.  
Resolution 11-013 – To establish fees for special assessment districts

City Planner Riker reminded the Council that there are two versions of the ordinance and resolution in their packets and if either were to be approved tonight, it would need to be indicated which ordinance and resolution were being approved.

**Council Member Anglin made a motion to table the second reading of Ordinance 452 and Resolution 11-013 until March 1, 2012, which should be the first meeting of the Council in March.**

**Motion: Joe Anglin**

**Second: Tara Richards**

Discussion: Council Member Fetterman wanted to know if a motion could be made to a meeting date that has not been set by resolution for next year. City Attorney Bennett stated that a meeting can be set for any date. If a meeting was to be held in January and City Council meeting dates were to be changed to a different date, then another motion would need to be made to change the date to hear this item from March 1, 2012. Mayor Miller verified with City

Attorney Bennett that the motion could be changed to have this item heard at the first regularly scheduled Council Meeting in March, 2012.

**Council Member Anglin amended his motion to table the second reading of Ordinance 452 and Resolution 11-013 until the first regularly scheduled Council meeting in March 2012.**

**Motion: Joe Anglin**

**Second: Tara Richards**

Discussion: Council Member Swafford suggested that this item be moved to a later date in March because there will be a new Council member seated after the election on March 6, 2012. This would allow the new Council member to give input on this item.

**Council Member Anglin amended his motion to table the second reading of Ordinance 452 and Resolution 11-013 until the first regularly scheduled Council meeting in April 2012.**

**Motion: Joe Anglin**

**Second: Tara Richards**

Discussion: Council Member Fetterman stated that this has been a long process that began at the City Council retreat. The budget was passed with the street light fees not being paid by the City. The City staff would need to find about \$27,000 in the budget and Council Member Fetterman would like to see an indication of where that money will be coming from at the next Council meeting. The Council had all agreed that street lights needed to be addressed. Now that the time has come to pass this item, people have bailed out. The members of the Council need to find out what the citizens want.

Council Member Swafford indicated that she agreed with what Council Member Fetterman said. However, the amount that needs to be found appears to be more than \$27,000. There has been some discussion about consolidating the public works department on the Mooney Property and money would need to be provided for that. In addition, the rent on City owned property has been reduced, which will decrease revenues. Council Member Swafford wanted to know if there is so much money sitting around in the general fund, why is that money not being returned to the citizens.

Council Member Anglin stated that when street light charges were considered during the budget preparation process, there was no guarantee that it would pass. His concern is that the \$27,000 amount was left out of the budget and the citizens were not aware of it. The citizens are not totally against the idea of street light districts and it can be considered at a later time and seems to have a strong chance of passing.

Council Member Richards indicated that there has been some good input from the citizens and that the best solution for the street light districts has not been found yet and needs to be looked at some more.

Council Member Fetterman verified with City Attorney Bennett that the framework ordinance for street light districts has already been approved.

**City Clerk Burney did a roll call vote at the request of Mayor Miller.**

**Council Member Swafford: Yes**

**Council Member Fetterman: Yes**

**Council Member Anglin: Yes**

**Council Member Richards: Yes**

**Unanimous**

**NEW BUSINESS:** None

**There was a motion made by Council Member Richards at 7:09 p.m. to go into Executive Session for the purpose of property acquisition.**

**Second: Chris Fetterman**

Discussion: None

**Unanimous**

**EXECUTIVE SESSION:**

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

**There was a motion made by Council Member Richards to exit the Executive Session and resume the Voting Session at 7:32 p.m.**

**Second: Joe Anglin**

Discussion: None

**Unanimous**

**There was a motion made by Council Member Fetterman to exit the voting session at 7:32 p.m.**

**Second: Tara Richards**

Discussion: None

**Unanimous**

**Adjournment:**

  
James "Mike" Miller - Mayor

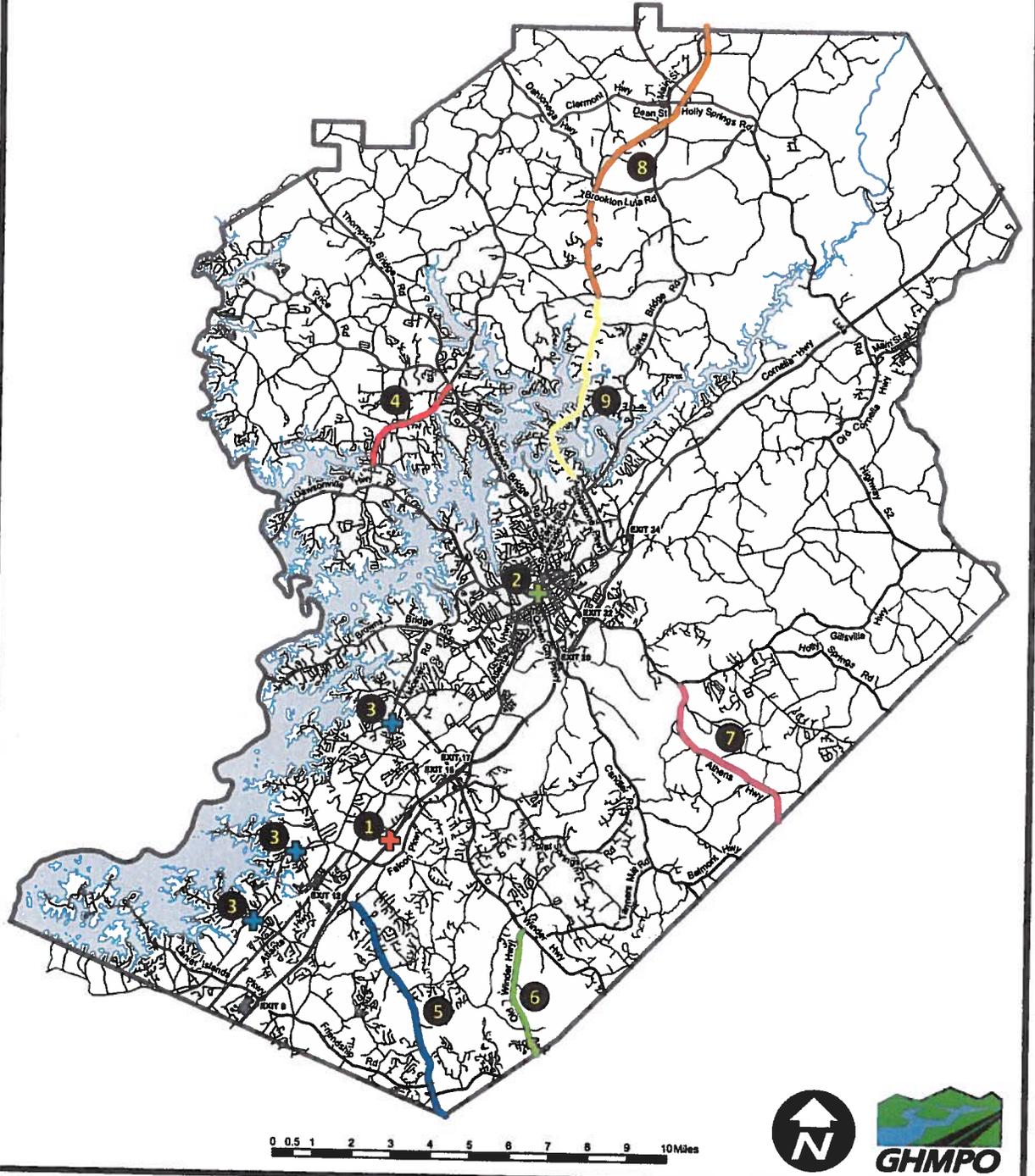
12-1-11  
Dated

  
Marja Burney - City Clerk

GDOT ESTIMATES ONLY--ALL NUMBERS BASED ON 2011 LMIG DATA, 2010 CENSUS DATA, AND THE STATE ECONOMIST'S BASE CASE REGIONAL SALES TAX FORECAST. ALL NUMBERS ARE SUBJECT TO CHANGE AND ARE ONLY FOR THE YEAR 2011.

County	Jurisdiction	Total Mileage*	Population**	LARP Factor	LARP Factor Distribution	LARP Factor = 1/5 Population and 4/5 Centerline Paved and Unpaved Lane Miles
*Based on 2011 GDOT Report **Based on 2010 Census Numbers ***Based on 2013 State of Georgia Economist Base Case Regional Sales Tax Forecast - Net of All Special Exemptions						
<b>2 - GEORGIA MOUNTAIN REGIONAL COMMISSION</b>						
BANKS	(UNINCORPORATED)	334.54	14,795	0.039617165	\$925,544	Total GMRC Mileage*
BANKS	ALTO	0.00	516	0.000167111	\$3,904	7684.90
BANKS	BALDWIN	0.00	741	0.000239978	\$5,606	
BANKS	GILLSVILLE	0.00	28	9.068E-06	\$212	Total GMRC Population*
BANKS	HOMER	18.23	1,141	0.002267269	\$52,968	617,556
BANKS	LULA	0.00	158	5.11694E-05	\$1,195	
BANKS	MAYSVILLE	70.07	976	0.002383979	\$55,695	25% of Total GMRC Sales Tax
BANKS	TOTAL =	372.79	16,305		\$1,045,125	\$23,362,195.25
DAWSON	(UNINCORPORATED)	279.16	19,794	0.035471056	\$828,682	Total GMRC Sales Tax**
DAWSON	DAWSONVILLE	10.70	2,536	0.001935175	\$45,210	\$93,448,781
DAWSON	TOTAL =	289.86	22,330		\$873,892	
FORSYTH	(UNINCORPORATED)	1094.96	170,081	0.169067576	\$3,949,790	Cities are within multiple regional commissions.
FORSYTH	CUMMING	37.53	5,430	0.005665427	\$132,357	
FORSYTH	TOTAL =	1132.49	175,511		\$4,082,147	Cities are within multiple counties in the same regional commission.
FRANKLIN	(UNINCORPORATED)	451.62	15,694	0.05209637	\$1,217,086	
FRANKLIN	CANON	12.91	761	0.00154039	\$37,155	
FRANKLIN	CARNESVILLE	7.31	577	0.000947838	\$22,144	
FRANKLIN	FRANKLIN SPRINGS	8.79	952	0.00123353	\$28,580	
FRANKLIN	LAVDONIA	25.07	2,156	0.00330803	\$77,283	
FRANKLIN	MARTIN	0.00	13	4.21014E-06	\$98	
FRANKLIN	ROYSTON	23.87	1,931	0.003110241	\$72,662	
FRANKLIN	TOTAL =	529.57	22,084		\$1,455,008	
HABERSHAM	(UNINCORPORATED)	517.61	30,750	0.063841941	\$1,491,488	
HABERSHAM	ALTO	10.85	656	0.001342979	\$31,375	
HABERSHAM	BALDWIN	17.09	2,538	0.002601023	\$60,766	
HABERSHAM	CLARKESVILLE	15.82	1,733	0.002208111	\$51,586	
HABERSHAM	CORNELIA	47.90	4,160	0.006333648	\$147,968	
HABERSHAM	DEMOREST	17.66	1,823	0.002428802	\$56,742	
HABERSHAM	MOUNT AIRY	19.12	1,284	0.002406229	\$56,215	
HABERSHAM	TALLULAH FALLS	0.00	97	3.14142E-05	\$734	
HABERSHAM	TOTAL =	646.06	43,041		\$1,896,874	
HALL	(UNINCORPORATED)	1160.69	129,883	0.162891671	\$3,805,507	
HALL	BRASELTON	0.00	1,690	0.000547319	\$12,787	
HALL	BUFFORD	0.00	946	0.000306369	\$7,157	
HALL	CLERMONT	7.12	875	0.001024569	\$23,936	
HALL	FLOWERY BRANCH	25.08	5,679	0.00445002	\$103,962	
HALL	GAINESVILLE	135.90	33,804	0.025094895	\$586,272	
HALL	GILLSVILLE	4.92	207	0.000485521	\$11,343	
HALL	LULA	33.40	2,600	0.004318977	\$100,901	
HALL	OAKWOOD	21.51	3,970	0.00352491	\$82,350	
HALL	REST HAVEN	0.00	30	9.71572E-06	\$227	
HALL	TOTAL =	1387.72	179,684		\$4,734,442	
HART	(UNINCORPORATED)	549.62	19,588	0.063559295	\$1,484,885	
HART	BOWERSVILLE	11.20	465	0.001316516	\$30,757	
HART	CANON	0.00	43	1.39291E-05	\$325	
HART	HARTWELL	39.08	4,469	0.005515556	\$128,855	
HART	ROYSTON	0.00	648	0.00020986	\$4,903	
HART	TOTAL =	599.90	25,213		\$1,644,822	
LUMPKIN	(UNINCORPORATED)	383.80	24,724	0.047960723	\$1,120,468	
LUMPKIN	DAHLONEGA	28.20	5,242	0.004639287	\$108,244	
LUMPKIN	TOTAL =	412.00	29,966		\$1,228,712	
RABUN	(UNINCORPORATED)	352.50	12,051	0.040598142	\$948,462	
RABUN	CLAYTON	36.11	2,047	0.004421996	\$103,308	
RABUN	DILLARD	6.42	339	0.000778111	\$18,178	
RABUN	MOUNTAIN CITY	11.07	1,088	0.001504746	\$35,154	
RABUN	SKY VALLEY	26.72	272	0.002869648	\$67,041	
RABUN	TALLULAH FALLS	7.13	71	0.000765229	\$17,877	
RABUN	TIGER	6.50	408	0.000808785	\$18,895	
RABUN	TOTAL =	446.45	16,276		\$1,208,916	
STEPHENS	(UNINCORPORATED)	376.99	17,193	0.044783684	\$1,046,245	
STEPHENS	AVALON	4.41	213	0.000528064	\$12,337	
STEPHENS	MARTIN	7.11	368	0.000859132	\$20,076	
STEPHENS	TOCCOA	62.75	8,491	0.009282163	\$216,852	
STEPHENS	TOTAL =	451.26	26,175		\$1,295,509	
TOWNS	(UNINCORPORATED)	543.00	8,692	0.059341402	\$1,386,345	
TOWNS	HIAWASSEE	12.05	880	0.001539402	\$35,964	
TOWNS	YOUNG HARRIS	5.43	899	0.000856412	\$20,008	
TOWNS	TOTAL =	560.48	10,471		\$1,442,317	
UNION	(UNINCORPORATED)	563.57	20,704	0.065372918	\$1,527,255	
UNION	BLAIRSVILLE	8.00	652	0.001043957	\$24,389	
UNION	TOTAL =	571.57	21,356		\$1,551,644	
WHITE	(UNINCORPORATED)	257.82	23,224	0.034339567	\$802,248	
WHITE	CLEVELAND	21.63	3,410	0.003356042	\$78,405	
WHITE	HELEN	5.50	510	0.000737719	\$17,235	
WHITE	TOTAL =	284.75	27,144		\$897,887	

# Adopted Hall County Transportation Investment Act (TIA) Projects



Map Key	Project Description	Project Cost (2011 Dollars)	Amount of Federal Funds Leveraged	% of Federal Funds Leveraged	Amount Requested from Sales Tax (Year of Expenditure: Dollars)		
					Band 1 (CY 2013-15)	Band 2 (CY 2016-19)	Band 3 (CY 2020-22)
1	I-985 New Interchange North of SR 13/Atlanta Hwy Near Martin Road	\$42,548,435	\$22,548,435	53%		\$22,523,248	
2	Jesse Jewel Pkwy and John Morrow Pkwy Intersection Improvements	\$2,380,000	\$0	0%	\$2,525,675		
3	McEver Road Intersection Improvements* (Galnes Ferry, Lights Ferry & Stephens Rd)	\$9,420,364	\$0	0%	\$8,499,863		
4	Sardis Road Connector - SR 60/Thompson Bridge Road to Sardis Road near Chestatee Road	\$46,287,300	\$0	0%		\$52,127,018	
5	Spout Springs Road - Hog Mountain Road to Gwinnett County Line	\$46,323,531	\$0	0%	\$49,158,902		
6	SR 211/Old Winder Hwy - SR 53/Winder Hwy to Gwinnett County Line	\$40,048,064	\$0	0%			\$48,818,367
7	US 129/SR 11/Athens Hwy Widening from SR 323/Gillsville Hwy to SR 332 In Jackson County	\$35,900,593	\$30,900,593	86%	\$5,306,040		
8	US 129/SR 11/Cleveland Hwy - Nopone Road to White County line	\$44,166,785	\$0	0%			\$53,839,064
9	US 129/SR 11/Cleveland Hwy Widening from Limestone Road to Nopone Road	\$46,847,829	\$0	0%			\$57,107,242
					\$65,490,480	\$74,650,266	\$159,764,673
					\$299,905,419		

\*Difference between the project cost and the requested sales tax amount will be funded by Hall County  
October 5, 2011