



**CITY OF FLOWERY BRANCH**  
**Council Meeting Minutes**  
**Voting Session**  
**Thursday December 6, 2012**



**CALL TO ORDER:** Mayor Mike Miller called the meeting to order at 6:21 p.m.

**IN ATTENDANCE:** Mayor Mike Miller, Mayor Pro tem Joe Anglin, Council Members: Mary Jones, Damon Gibbs, Fred Richards and Tara Richards. Also in attendance were City Manager Bill Andrew, City Planner James Riker, City Finance Director Jeremy Perry, Police Chief David Spillers and City Attorney Ron Bennett.

**ABSENT:** None

**PUBLIC COMMENTS:**

Mr. Craig Lutz on 8072 Sleepy Lagoon Way approached to speak about the three (3) TAD (Tax Allocation District) items that are on the City agenda. Mr. Lutz, in addition to being a Flowery Branch citizen, is also one of the Hall County Commissioners. Mr. Lutz indicated that there was a consensus among the members of the Hall County Commission that the projects presented as being TAD projects do not hold with the spirit of the TAD agreement between the City of Flowery Branch and Hall County. TAD projects are funded through an increase in the tax digest and the listed projects would remove properties from the tax digest. Mr. Lutz requested that the City table the TAD items on the agenda until an agreement could be worked out between the City and the County. Mr. Lutz stated he is aware that there is a concern regarding a deadline for the funds to be used by the end of the year.

**CONSENT AGENDA:**

Draft Council meeting minutes from November 1, 2012

**Motion to approve consent agenda: Joe Anglin**

**Second: Damon Gibbs**

**Unanimous**

**UNFINISHED BUSINESS:** None

**NEW BUSINESS:**

Resolution 12-008 – City Council approval of Tax Allocation District (TAD) financing for asbestos abatement and demolition of the former Mooney Manufacturing site at 5702 Main Street

**A RESOLUTION OF THE CITY OF FLOWERY BRANCH CITY COUNCIL UTILIZING TAD FINANCING FOR ASBESTOS ABATEMENT, DEMOLITION ACTIVITIES, AIR QUALITY MONITORING, AND REIMBURSEMENT OF ALL PREVIOUSLY INCURRED PROFESSIONAL SERVICE COSTS RELATING TO THE DEMOLITION OF APPROXIMATELY 1.41 ± ACRES OF THE FORMER MOONEY MANUFACTURING SITE LOCATED AT 5702 MAIN STREET, FLOWERY BRANCH GEORGIA.**

**Motion to approve Resolution 12-008: Tara Richards**

**Second: Mary Jones**

Council Member Anglin verified with City Planner Riker that the company that the City is contracting with has the appropriate credentials to do the work. City Planner Riker further indicated that the company has also submitted a performance bond in regards to the work to be performed.

**Unanimous**

Contract with Southern Environmental Services, Inc. for asbestos abatement and demolition of the Mooney Manufacturing plant site

**Motion to authorize the Mayor to sign the contract with Southern Environmental Services, Inc. for asbestos abatement and demolition of the Mooney**

**Manufacturing plant site: Damon Gibbs**

**Second: Fred Richards**

**Unanimous**

Contract with ECS Southeast, LLC for air quality monitoring during demolition of the Mooney Manufacturing plant site

**Motion to authorize the Mayor to sign the contract with ECS Southeast, LLC for air quality monitoring during demolition of the Mooney Manufacturing plant site: Joe Anglin**

**Second: Damon Gibbs**

Council Member Gibbs thanked City Planner Riker for including air quality monitoring to ensure the well-being of the citizens in the community.

**Unanimous**

Resolution 12-009 – City Council approval of Tax Allocation District (TAD) financing for acquisition of 5318 Railroad Avenue and 5404 Church Street (2.72± acres)

**A RESOLUTION OF THE CITY OF FLOWERY BRANCH CITY COUNCIL UTILIZING TAD FINANCING FOR THE ACQUISITION OF 2.72 ± ACRES COMMONLY KNOWN AS 5318 RAILROAD AVENUE AND 5404 CHURCH STREET IN FLOWERY BRANCH GEORGIA FOR REDEVELOPMENT PURPOSES.**

**Motion to approve Resolution 12-009: Damon Gibbs**

**Second: Fred Richards**

**Unanimous**

Purchase agreement with United Community Bank for acquisition of 5318 Railroad Avenue and 5404 Church Street (2.72 ± acres)

**Motion to authorize the Mayor to sign the purchase agreement with United Community Bank for acquisition of 5318 Railroad Avenue and 5404 Church Street (2.72 ± acres): Damon Gibbs**

**Second: Mary Jones**

Mayor Miller verified with City Attorney Ron Bennett that this item had been discussed with the County Attorney, Bill Blalock and that the attorneys were in agreement that the TAD money was being used appropriately. City Manager Andrew stated that he had also spoken with Mr. Blalock and that he indicated that the City was well within the state law regarding its' use of TAD funds.

Council Member Anglin stated that the City has done the following in its decision regarding the use of TAD funds:

1. always provided an annual report to the County as required by the intergovernmental agreement regarding TAD funding
2. Had three (3) TAD committee meetings that have been attended by County representatives
3. All TAD recommendations have received unanimous TAD committee approval
4. All previous and proposed TAD projects are permitted under the guidelines of the intergovernmental agreement with Hall County
5. All previous and proposed TAD projects are permitted under the Redevelopment Powers Law
6. Other governments in Hall County are using TAD funds for similar purposes as are being proposed
7. City Attorney agrees that the City is in compliance with the intergovernmental agreement with the County

The property is being offered at \$225,000 which is a great price for that property and the City should not pass it up.

Mayor Miller stated that there was a comment regarding an end of the year deadline in the contract and questioned if that was accurate. City Attorney Bennett stated that the deadline in the contract refers to the initial encumbrance of TAD funds. That deadline has already been met through reimbursement of costs, to Bleakley for consulting and Hortmann and Dobbs for demolition, that have already been incurred. The next time the County would be able to reconsider payment of TAD funds would be January of 2015, the end of the next look back period.

City Manager Andrew stated that the items presented for TAD funding were originally discussed at the City Council retreat in March. The Mooney demolition was being looked at now because there have been safety concerns at the site. The purchase of the property is being looked at as the property for purchase was reappraised by the bank and the sale price was lowered.

Mayor Miller verified with the City Attorney that if the Hall County Board of Commissioners took action to try to stop the actions of the City, they would be breaking a legal contract and that the City would be within its legal grounds to file a lawsuit if action was taken by the County. Mayor Miller wanted to go on record as stating that he would be at the Courthouse the next morning with the City Attorney to file against the County since it is ridiculous that a Commissioner that campaigned as municipal friendly is trying to stop what the City is trying to do.

**Unanimous**

Resolution 12-010 – City Council approval of Tax Allocation District (TAD) financing for preparation of a downtown master plan

**A RESOLUTION OF THE CITY OF FLOWERY BRANCH CITY COUNCIL UTILIZING TAD FINANCING FOR PREPARATION OF A SPECIFIC REDEVELOPMENT PLAN RELATING TO CERTAIN AREAS WITHIN THE FLOWERY BRANCH OLD TOWN AND COMMERCIAL GATEWAYS REDEVELOPMENT PLAN**

**Motion to approve Resolution 12-010: Tara Richards**

**Second: Damon Gibbs**

**Unanimous**

Resolution 12-011 – Update of fee schedule for reviews and permits

**A RESOLUTION OF THE CITY OF FLOWERY BRANCH CITY COUNCIL AMENDING THE PREVIOUSLY ADOPTED SCHEDULE OF FEES FOR BUILDING REVIEWS AND PERMITS, PLANNING REVIEWS AND PERMITS, WATER AND SEWER REVIEW AND PERMITS AND OTHER DEVELOPMENT APPLICATIONS AND FEES AS SHOWN ON THE ATTACHED FEE SCHEDULE**

**Motion to approve Resolution 12-011: Mary Jones**

**Second: Fred Richards**

**Unanimous**

**EXECUTIVE SESSION:**

*Executive Session for acquisition of real estate*

*Motion to enter Executive Session at 6:37 p.m. for the purposes of acquisition of real estate: Joe Anglin*

*Second: Mary Jones*

*Unanimous*

*Motion to exit Executive Session at 6:51 p.m.: Fred Richards*

*Second: Mary Jones*

*Unanimous*

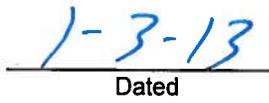
**ADJOURNMENT:**

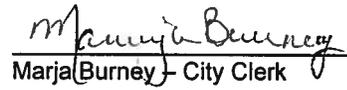
**Motion to adjourn the voting session at 6:52 p.m.: Damon Gibbs**

**Second: Fred Richards**

**Unanimous**

  
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James "Mike" Miller - Mayor

  
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Dated

  
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Marja Burney - City Clerk