City of Flowery Branch
City Council Meeting
February 6, 2020 6:00 pm
City of Flowery Branch City Hall
5410 Pine Street, Flowery Branch GA, 30542

CALL WORK SESSION TO ORDER:

Mayor Pro Tem Anglin called the meeting to order at 6:04 pm.

PRESENT: Mayor Pro-Tem Joe Anglin and Council Members Chris Mundy, Leslie Jarchow, and Amy Farah

ABSENT: Mayor Mike Miller and Councilman Ed Asbridge.

Also present were City Manager Bill Andrew, City Clerk Melissa McCain, Finance Director Alisha Gamble, Planner Rich Atkinson, Corporal Dalton Hall and Attorney Ron Bennett.

PLEDGE OF ALLEGIANCE:

Mayor Pro-Tem Anglin led the Pledge of Allegiance.

PUBLIC HEARING:

Consider - 1st Reading of Ordinance 575a and 576a Request to Amend Approved Conditions of Zoning. (Applicant Gee Harvey)

Planner Atkinson reviewed the request and advised that both Ordinance 575 and 576 were approved with a zoning condition that water and sewer be provided by the City of Flowery Branch.

Continuing, Planner Atkinson stated that the applicant has requested to amend the conditions of zoning to enable connection to the City of Gainesville water system as opposed to the Flowery Branch water system. It was noted that the City of Gainesville has a water line that is located in the right of way in front of the property and the City's line is a lengthy distance away.

Mr. Gee Harvey approached the council and advised that as the developer he would not be able to bear the entire cost of running a line to connect to a Flowery Branch line and felt that the City should install the line and he would be willing to pay an additional amount for each tap into the system. Mr. Harvey also stated that the City would be benefiting by having the ability to serve other developments in that area with that line.

Mr. Harvey advised that he would be willing to add conditions in the covenants that would require residents of this subdivision to connect to Flowery Branch water when it becomes available.

Flowery Branch consultant Bob Troxler with Infratec stated that most developers are required to make the connection to utilities at their cost and that the statement Mr. Harvey made advising the Fire Department would like to see a 12-inch line run for pressure is very conservative and that a 12-inch line was not required or necessary.

Mr. Troxler expressed concerns with allowing the developer to tap into the Gainesville System and advised that Gainesville would not likely give up those customer revenues when the City does run along service to that development.

There were no public comments.

Mayor Pro-Tem Anglin closed the public hearing at 6:39 pm

Annexation of three (3) parcels of land totaling 44.36 +/- acres of land for 102 single family detached subdivision.

Planner Atkinson reviewed the request and reasons staff was requesting denial:

- The proposed project does not promote the McEver Corridor as envisioned by the City
- Creates another subdivision "on an island" without access to any commercial/retail uses
- Comp Plan and PUD call for a mixed-use product. Even if the project can be looked upon as part of the larger McEver Road Corridor it cannot be made to meet the intent of the PUD or the comprehensive plan
- If the other parcels could be incorporated into this plan the City would have the opportunity for a cohesive mixed-use project on a very important corner in the City and the McEver Road Corridor
- As presented, the corner and the corridor will be disjointed and left to be developed as individual parcels

Public Comments – Opposed

Susan Barge – 6593 McEver Road, Flowery Branch, Ga. 30542/Lightway Recovery

Ms. Barge advised that the proposed plan has homes planned right up along their driveway and further expressed concerns with the pump station on the boundary and the effects is would have on their business.

Ms. Barge further expressed concerns with the subdivision only having one entrance/exit.

Harley Jones – 6490 Deep Valley Court, Flowery Branch, Ga. 30542

Mr. Jones expressed concerns with the already heavy traffic on the two lane McEver Road and requested that if approved the developer be required to upgrade the intersection at Gaines Ferry Road and McEver Road.

Kathy Forte – 6363 Green Oak, Flowery Branch, Ga. 30542

Ms. Forte expressed concerns with traffic and growth in the area.

Nathan Martin – 6513 Vista Glen, Flowery Branch, Ga. 30542

Mr. Martin express concerns with traffic and felt that this proposal had homes to close together and noted the proposed subdivision should blend in with the neighboring subdivisions and those neighboring subdivisions have lots of .5 acres or more.

Austin Smith – 6529 Vista Glen, Flowery Branch, Ga. 30542

Mr. Smith inquired if they would be forced to annex into the city.

Manager Andrew advised that the subdivision would not be required to annex.

Ken Meier – 5956 Warpath, Flowery Branch, Ga. 30542

Mr. Meier advised that the infrastructure needed to come prior a new subdivision.

Further, Mr. Meier stated that he was concerned with air quality the removal of all the trees in the area.

Public Comments – In Favor

William Fricks – 4321 S. Lee Street – Attorney for applicant

Mr. Fricks advised that this request is for utilities with lots ranging from 70-78 feet with a few 55-foot lots.

Mr. Fricks further advised that his client was willing to install a pump/lift station for the project as the developer won't have any commercial if there is no sewer.

Ed Lezaj – 5612 Newberry Point, Flowery Branch., Gas. 30542.

Mr. Lezaj suggested that the council follow the comprehensive plan or get rid of it. If the plan suggests that the property should be commercial, it should be commercial.

Mayor Pro-Tem Anglin closed the public hearing at 7:00 pm.

Consider a request from Bill Stark MB Regional Enterprises, Inc. to rezone 17.43 +/- acres of land identified as 0 McEver Road, tax parcel number 08099 000011, from M1 (Light Industrial) to PUD (Planned Unit Development) with the intent to develop a 93 unit attached townhome subdivision.

Planner Atkinson reviewed the rezoning requested and noted the following:

- With the mix of commercial, residential, and one vacant corner lot, the addition of this project will help the Gainesville/McEver corner meet the City's vision for the corridor
- The vacant corner must also be developed as N-S or a mixed-use to fully help the City reach its goals for the corridor
- The design for the subdivision is adequate
- Has many of the features the City has been looking for
- Product is a large unique townhome with master on the main
- The development, if looked at as part of the surrounding area, meets the requirements of the PUD zoning and the intent of the FB comprehensive plan
- Conditions should require connectivity to the outparcels next door
- Landscape continuity along McEver (mesh with McEver Self-Storage)

Public Comment – OPPOSED

None

Public Comment – In Favor

Steve Gilliam, 305 Green Street, Gainesville, Ga.

Mr. Gilliam advised the site is challenging with the slope to the creek and that the developer has agreed to all the conditions as proposed.

Mayor Pro-Tem Anglin inquired on the driveway length.

Bill Stark, applicant, advised the driveways were 23 feet from curb to garage.

Mayor Pro-Tem Anglin closed the public hearing at 7:26 pm.

UNFINISHED BUSINESS - WORK SESSION:

There was no unfinished business.

NEW BUSINESS -WORK SESSION:

GMEBS Restated Defined Benefit Retirement Plan Adoption Agreement

Director Gamble reviewed the agreement and the 12 key changes as follows:
- Final Average Earnings and Federal Law Compensation Limits
- Mandatory Participation; Opt Out Through Written Agreement with Employer
- Immediate Participation for all Eligible Employees
- Repayment of Withdrawn Employee Contributions; Interest and Timing
- No Employee Contributions While Receiving In-Service Distribution
- In-Service Distribution
- Auto A Terminated Vested Death Benefits as Default
- Default Death Beneficiaries

- Application for Disability Benefits
- Employer Indemnification of GMEBS; GMEBS Reliance on Information Provided by Employer and Participant; Payment of Benefits Conditioned on Receipt of Information
- Correction of Overpayments to Deceased Individual
- Correction of Underpayments to Deceased Individual

Resolution 20-003 - 2nd Quarter Amendment to the Budget for FY2020 as Previously Adopted on June 27, 2019

Director Gamble reviewed the resolution and advised that she would be bringing adjustments to the council on a quarterly basis to ensure the City stays in compliance with balanced budget requirements.

Director Gamble further went on to review the amendments as follows:

First Amendment – General Fund
- Increase Insurance Premium Tax $1,600
- Increase Patrol Event Support Overtime $1,100 and Public Works Event Support Overtime $500
- Event support overtime was not budgeted during the regular budget process as we were unable to estimate costs without a full year history. Going forward, the City will be able to estimate this expense annually

Second Amendment – Water / Wastewater Fund
- Increase Meter Set Fees $20,165 (new account)
- Increase Administration Fees $3,585
- Increase Meter Purchases $23,750 (new account)
- It was determined collections for meter set fees (meters installed City employees) and costs of meters for new developments should be recorded as an operating revenue/expense. This adjustment is to establish the new accounts to actual activity for the quarter.

2020 Regulatory Event Dates

Clerk McCain advised that the city authorizes certain events that are repeated annually. To streamline the process, regular events are being presented as one item.

Continuing, Clerk Mccain stated that once Council approves the dates, the Clerk will issue the license after the application is approved by the Chief of Police and City Manager.

It was noted that any events outside of the normal events listed will be brought to the council for approval at the time of application.

Consider elevations submitted for approval by Mr. Gee Harvey for the Bell Road subdivision.

Planner Atkinson reviewed the elevations for the Bell Road subdivision.

Mayor Pro-Tem Anglin inquired on the square foot of the homes.,

The applicant, Mr. Gee Harvey, advised the homes were proposed to be 1,800 – 2,000 sq. ft. Mayor Pro-Tem Anglin inquired in the garage doors would be carriage doors

Mr. Harvey advised that they could have carriage doors.

Mayor Pro-Tem Anglin inquired if the shingles would be architectural shingles.

Mr. Harvey advised that they would be three-tab shingles.

1st Reading of Ordinance 575a and 576a Request to Amend Approved Conditions of Zoning. (Applicant Gee Harvey)

Discussed during the public hearing – no further comments.

Annexation of three (3) parcels of land totaling 44.36 +/- acres of land for 102 single family detached subdivision.

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Consider a request from Bill Stark MB Regional Enterprises, Inc. to rezone 17.43 +/- acres of land identified as 0 McEver Road, tax parcel number 08099 000011, from M1 (Light Industrial) to PUD (Planned Unit Development) with the intent to develop a 93 unit attached townhome subdivision.

Discussed during the public hearing – no further comments.

Consider a request by Mr. Bret Clark to amend his approved site plan associated with McEver Self-Storage Ordinance # 580.

Planner Atkinson reviewed the request and noted that the significant changes to the plan are due to topography issues and a reduction in the parcel size by 1.4 acres.

Planner Atkinson stated that staff recommends allowing the project to proceed without coming back through for a public hearing and Council approval and noted the changes as follows:

- Less disturbed acreage (=/- .9 acres)
- Approximately 3,000 square feet of climate controlled self-storage
- 3 less covered boat/RV spaces

Resolution 20-004 - Proposed Increase of the Hotel-Motel Tax from 5% to 8%

City Manager Andrew reviewed the resolution and noted that Laker Lanier Islands Convention and Visitors Bureau and the City of Oakwood are also in favor of increasing the tax.

Current fee breakdown is:
5% Now – Divided 2% going to LLCVB ($27,336)*
3% going to FB GF ($41,004)

The additional 3% would be divided with half going to the LLCVB and half going to the City for Tourism Development, about $20,502 for each in additional revenue.

*The City supplements the LLCVB budget with $16,500 from the GF, with a total budget of $32,900 to support Downtown activities. This does not include overtime with the police.

Consider January 16, 2020 Meeting Minutes

Clerk McCain advised that there were no changes.

DEPARTMENT REPORTS:

City Manager Report

Manager Andrew reviewed the following items:

- Progress on Old Town Plans
- Final Report being prepared on the Old Town Survey – 3,440 respondents, only 71 not in city/zip code. "… the best response rate for a targeted survey demographic I have ever seen."
- Drawings should be to TRG in about two weeks for pricing
- Old train loading dock removed to provide more parking

Finance Report

Direct Gamble gave a financial update for the second quarter of the fiscal year and also on the SPLOST VII.

ADJOURNMENT WORK SESSION:

Mayor Pro-Tem Anglin closed the work session at 8:13 pm.

VOTING SESSION MINUTES

CALL VOTING SESSION TO ORDER:

Mayor Pro-Tem Anglin opened the voting session at 8:13 pm.

PUBLIC COMMENTS:

There were no public comments.

CONSENT AGENDA:

1. 2020 Regulatory Event Dates
2. January 16, 2020 Meeting Minutes
3. Per Diem - Mike Miller

There was a motion made to approve the consent agenda as presented.

MOTION: Chris Mundy
SECOND: Leslie Jarchow
AYES: Chris Mundy, Leslie Jarchow and Amy Farah
NAYS: None
Motion carried

UNFINISHED BUSINESS - VOTING SESSION:

Consider elevations submitted by Mr. Chris Hill for a proposed downtown townhome development.

Planner Atkinson reviewed the elevations.

MOTION: Amy Farah
SECOND: Chris Mundy
AYES: Chris Mundy, Leslie Jarchow and Amy Farah
NAYS: None
Motion carried

There was a consensus of the council to add the land swap agreement with Winterset Holdings LLC.

There was a motion made to approve the land swap agreement between Winterset Holdings and the City of Flowery Branch as presented and authorize the Mayor to execute the necessary documents.

MOTION: Amy Farah
SECOND: Leslie Jarchow
AYES: Chris Mundy, Leslie Jarchow and Amy Farah
NAYS: None
Motion carried

Development Agreement with the City of Flowery Branch and Tim Bassett Construction Services d/b/a Burley Holdings, LLC

There was a motion made to approve the development agreement with Burley Holdings and authorize the Mayor to execute the necessary documents.

MOTION: Leslie Jarchow
SECOND: Amy Farah
AYES: Chris Mundy, Leslie Jarchow and Amy Farah
NAYS: None
Motion carried

NEW BUSINESS - VOTING SESSION:

Resolution 20-003 - 2nd Quarter Amendment to the Budget for FY2020 as Previously Adopted on June 27, 2019

There was a motion made to approve resolution 20-003 as presented.

MOTION: Chris Mundy
SECOND: Leslie Jarchow
AYES: Chris Mundy, Leslie Jarchow and Amy Farah
NAYS: None
Motion carried

1st Reading of Ordinance 575a and 576a Request to Amend Approved Conditions of Zoning. (Applicant Gee Harvey)

Councilmember Farah expressed concerns with approving the connection to the City of Gainesville and then losing that service and those revenue permanently.

Mr. Harvey advised he would make a covenant restriction that residents in the subdivision would be required to switch to Flowery Branch when Flowery Branch service was available.

Attorney Bennett advised the current agreement between the City of Flowery Branch and the City of Gainesville does not indicate that Gainesville will have to give up service once Flowery Branch can provide service.

There was a motion made to table the 1st reading of ordinance 575a and 576a request to amend approved conditions of zoning until March 5th.

MOTION: Amy Farah
SECOND: Chris Mundy

Discussion:

Councilman Mundy advised that he did not want to make a hasty decision and wanted to look further into the request.

AYES: Chris Mundy, Leslie Jarchow and Amy Farah
NAYS: None
Motion carried

Resolution 20-004 - Proposed Increase of the Hotel-Motel Tax from 5% to 8%

There was a motion made to submit the resolution to increase the hotel motel tax from 5% to 8% to the local delegation for legislation consideration.

MOTION: Chris Mundy
SECOND: Leslie Jarchow
AYES: Chris Mundy, Leslie Jarchow and Amy Farah
NAYS: None
Motion carried

EXECUTIVE SESSION:

There was a motion to enter executive session at 8:49 pm to discuss pending/potential litigation.

MOTION: Amy Farah
SECOND: Leslie Jarchow
AYES: Chris Mundy, Leslie Jarchow and Amy Farah
NAYS: None
Motion carried

There was a motion to exit executive session at 9:03 pm.

MOTION: Chris Mundy
SECOND: Leslie Jarchow
AYES: Chris Mundy, Leslie Jarchow and Amy Farah
NAYS: None
Motion carried

ADJOURNMENT:

There was a motion to adjourn at 9:03 pm.

MOTION: Chris Mundy
SECOND: Amy Farah
AYES: Chris Mundy, Leslie Jarchow and Amy Farah
NAYS: None
Motion carried