



**City of Flowery Branch
City Council Meeting
Thursday, April 16, 2020, 6:00 PM
City of Flowery Branch City Hall
5410 West Pine Street, Flowery Branch GA, 30542**



CALL WORK SESSION TO ORDER:

HOW TO JOIN THE MEETING - City Council Meeting

Thu, Apr 16, 2020 5:30 PM - 8:30 PM (EDT)

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Access Code: 413-053-757

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PUBLIC HEARING:

UNFINISHED BUSINESS - WORK SESSION:

- Consider Red Oak Sanitation Contract Renewal
[RED OAK CONTRACT Flowery Branch Ga 2015.pdf](#)
[Red Oak Sanitation Request 3-10-2020.pdf](#)
[RED OAK CONTRACT Flowery Branch Ga 2020 FINAL.pdf](#)
[EXECUTIVE SUMMARY - Red Oak Sanitation Contract.pdf](#)

NEW BUSINESS -WORK SESSION:

- Consider Resolution 20-011 - 3rd Quarter Amendment to the Budget for FY2020 as Previously Adopted on June 27, 2019
[Resolution 20-011Executive Summary.pdf](#)
[Resolution 20-011.pdf](#)
[Attachment A - Resolution 20-011 Budget Amendment Form.pdf](#)
[Attachment B - BA Descriptions and Detailed Report.pdf](#)
- First and Second Read of An Ordinance Deeming Violations of the Governor's April 2, 2020 Executive Order a Public Nuisance Violation in the City Code So the City of Flowery Branch May Impose Penalties
[Ordinance __ COVID 19 Enforcement of Governor's Exec Order.docx](#)
[Governor Kemp's Executive Order.pdf](#)

[Kemp Shelter in Place Exec Order Summary.docx](#)

- Resolution 20-012 - Declare State of Emergency Continuation
[20-012 -Cont State of Emergency COVID.pdf](#)
- Consider March 24, 2020 Meeting Minutes
[03242020.pdf](#)
- Consider April 2, 2020 Meeting Minutes
[04022020.pdf](#)

DEPARTMENT REPORTS: -

- a. City Manager Report
 - b. City Clerk Report
 - c. Finance Director Report
 - d. Planning Department Report
 - e. Police Report
 - f. Attorney Report
 - g. Council Report
- FY2020 - Quarter 3 Financial Update

ADJOURNMENT WORK SESSION:

VOTING SESSION AGENDA

CALL VOTING SESSION TO ORDER:

PUBLIC COMMENTS: - Please limit to two minutes

CONSENT AGENDA:

- Consider March 24, 2020 Meeting Minutes
[03242020.pdf](#)
- Consider April 2, 2020 Meeting Minutes
[04022020.pdf](#)
- Consider Per Diem - Mike Miller

UNFINISHED BUSINESS - VOTING SESSION:

- Consider Formal Financial Policies: Operating Budget Policy, One-time Revenues Policy, Expenditures Policy, Capital Policy, and Long-Term Forecasting and Planning Policy
[Operating Budget Policy.pdf](#)
[One-Time Revenues Policy .pdf](#)
[Expenditures Policy.pdf](#)
[Long-Term Forecasting and Planning Policy.pdf](#)
[Capital Policy .pdf](#)
[Executive Summary - 2nd Set of Financial Policies.pdf](#)

- Consider - 2nd Reading of Ordinance # 587; an annexation request submitted by All Awesome properties to bring a .96 +/- acre tract of land known as 6490 McEver Road into the corporate City-limits of Flowery Branch.
[Applications as submitted.pdf](#)
[McEver Road Corridor.pptx](#)
[McEver Whitehorse staff report.pdf](#)
[Annexation Ordinance - All Awesome Properties FINAL.pdf](#)
- Consider - 2nd Reading of Ordinance # 588; an annexation request submitted by Whitehorse, LLC. to bring an 8.84 +/- acre tract of land known as 6509 McEver Road into the corporate City-limits of Flowery Branch.
[Annexation Ordinance Whitehorse 1 FINAL.pdf](#)
- Consider - 2nd Reading of Ordinance # 589; an annexation request submitted by Whitehorse, LLC. to bring an 34.5 +/- acre tract of land known as 6533 McEver Road into the corporate City-limits of Flowery Branch.
[Annexation Ordinance Whitehorse 2 FINAL.pdf](#)
- Consider - 2nd Reading of Ordinance #591 a request to rezone 6409 McEver Road from Hall County ARIII to Flowery Branch PUD.
[Rezoning All Awesome Properties FINAL.pdf](#)
- Consider - 2nd Reading of Ordinance #592 a request to rezone 6509 McEver Road from Hall County HB to Flowery Branch PUD.
[Rezoning Ordinance Whitehorse 1 FINAL.pdf](#)
- Consider - 2nd Reading of Ordinance #593 a request to rezone 6533 McEver Road from Hall County ARIII to Flowery Branch PUD.
[Rezoning Ordinance Whitehorse 2 FINAL.pdf](#)
- Consider 2nd Reading of Ordinance 585 - Rezone of 0 McEver Road from M1 (Light Industrial) to PUD (Planned Unit Development)
[Staff Report for Bowen Stark.pdf](#)
[Application as submitted.pdf](#)
[McEver Road Corridor.pptx](#)
[585 ORDINANCE.pdf](#)

NEW BUSINESS - VOTING SESSION:

- Consider Red Oak Sanitation Contract Renewal
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[Ordinance __ COVID 19 Enforcement of Governor's Exec Order.docx](#)

[Governor Kemp's Executive Order.pdf](#)

[Kemp Shelter in Place Exec Order Summary.docx](#)

- [Resolution 20-012 - Declare State of Emergency Continuation
20-012 -Cont State of Emergency COVID.pdf](#)

EXECUTIVE SESSION:

ADJOURNMENT:

If you have a disability or impairment and need special assistance please contact the City Clerk prior to the meeting at 770-967-6371 - Meeting agenda is subject to change



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider Red Oak Sanitation Contract Renewal

COUNCIL MEETING DATE: April 16, 2020

HISTORY:

Red Oak Sanitation has been servicing the City of Flowery Branch citizens with garbage and recycling services for about 20 years without a rate increase. The last contract signed with Red Oak Sanitation is dated May 7, 2015 and is set to expire on May 7, 2020. City staff reached out to Red Oak Sanitation to notify them the City will be placing these services out for bid this year. Staff explained to Red Oak that the Requests for Proposals (RFP) process is to ensure the City is doing its due diligence in providing the best services to our citizens at the least cost and the City does not have any complaints about the service provided by Red Oak Sanitation.

FACTS AND ISSUES:

Statements below were presented by Red Oak Sanitation at the 4/2/2020 work session:

1. Red Oak has been providing service to the City of Flowery Branch for 20 years without a rate increase. Over the years, we have continued to find solutions and create efficiencies so that we could maintain our monthly rate.
2. Over that same period, our cost to drop off recycling at the recycling center has been a roller coaster, going from actually being paid \$5 per ton to now where we are paying \$57 per ton to drop off.
3. As you can see with the increase letters that we gave you, that the landfill rate for MSW at \$40 per ton is much cheaper for dumping than recycling.
4. With our subscription customers (excluding the City of Flowery Branch customers), we are now billing those that choose to recycle an additional fee as it's an extra service.
5. We would like to extend or renew our contract with the City at a rate of \$12 per month for household trash and for only those that recycle an additional \$4 per month.
6. All customers will be notified of the rate change by letter by 5/1/2020.

OPTIONS:

Approve the new Red Oak Sanitation Agreement as presented

IF FUNDING IS INVOLVED, ARE FUNDS APPROVED IN THE CURRENT BUDGET:

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Approve the new Red Oak Sanitation Agreement as presented

SAMPLE MOTION:

I make a motion to approve for the Mayor to sign the new Red Oak Sanitation agreement which will be effective May 1, 2020.

COLLABORATING DEPARTMENT:

Finance

DEPARTMENT: Administration

Prepared by: Melissa McCain

ATTACHMENTS

- [RED OAK CONTRACT Flowery Branch Ga 2015.pdf](#)
- [Red Oak Sanitation Request 3-10-2020.pdf](#)
- [RED OAK CONTRACT Flowery Branch Ga 2020 FINAL.pdf](#)
- [EXECUTIVE SUMMARY - Red Oak Sanitation Contract.pdf](#)

Residential Waste Removal Agreement

This agreement made and entered into on the 7th day of May, 2015, by and between the City of Flowery Branch, hereinafter referred to as "City", and Red Oak Sanitation, hereinafter referred to as "Contractor".

Section 1: Commencement of Work

The Contractor agrees to provide service to residents of the City under the current sanitation services requirements which are listed below. Service will begin no later than May 7th, 2015.

Section 2: Term of Agreement

The term of the Agreement shall be for a period of one (1) year, beginning May 7, 2015. The Agreement shall automatically renew for one (1) year at the end of the first one (1) year term, the second one (1) year term, the third one (1) year term and fourth (1) year term unless either party provides the other party with written notice at least thirty (30) days prior to the termination of the then-current term.

Section 3: Categories of Service and Acceptable Items

- 3.1) Garbage. The Contractor will provide once-per-week residential waste removal service to residents of the City. Residents will be provided with one 95-gallon waste container, customized with the official City logo, for storage of garbage. Residents will place their garbage container at their curb on collection days. Disposal of all garbage will occur at Hall County Transfer Station, 1 Ruby St., Gainesville, GA, 30501 or any other State licensed facility
- 3.2) Recycling. The Contractor will provide once-per-week recycling removal service to residents of the City. Residents will be provided with one 95 or 65-gallon recycling container for storage of recyclables. Residents will place their recycling containers at their curb on collection days. Recycling materials will be processed at SP Recycling in Lawrenceville, GA and Olde Atlanta Recycling in Cumming, GA, or any other State licensed facility.
- 3.3) Yard Waste. The Contractor will provide once-per-week yard trimmings collection to residents of the City. Residents will contain all grass clippings, leaves, twigs and shrubbery in paper yard waste bags. The Contractor will not collect branches and limbs. The Contractor will remove up to 1.5 cubic yards (7 bags) of yard trimmings, per home, per week. Additional bags of yard trimmings must be scheduled with Contractor's customer service representatives and paid for prior to removal. Residents will place all yard trimmings at their curb on collection days."

- 3.4) Refuse. The Contractor will provide once-per-week refuse removal service to residents of the City. Residents will place all refuse at their curb on collection days. For the purposes of this Agreement, refuse is classified as items which are either too big or too heavy to be disposed of in a household garbage bag. Exceptions include construction and demolition debris and other items, as designated by the Contractor, which cannot be efficiently removed. Items containing liquids must be properly tagged before removal.

Section 4: Residential Waste Removal Service

- 4.1) Duties. The Contractor shall remove and dispose of garbage, recyclable items, yard waste, and refuse outlined in this Agreement.
- 4.2) Equipment. The Contractor will provide residents of the City with one 95-gallon garbage container. Each additional garbage container requested by a resident will incur an additional charge. The official City logo will be printed on the side of each garbage container.
- 4.3) Amounts allowed for Removal. The amounts of garbage, recyclable items, yard waste, and bulk items allowed per pickup are as follows: one 95-gallon waste cart full of garbage (unless additional waste carts are requested and paid for); one 95 or 65-gallon recycling container full of recyclable items; 1 cubic yard of yard waste (additional cubic yards must be requested and paid for); one refuse item.
- 4.4) Location of Pickup. Removal of garbage, recyclable items, yard waste, and refuse shall occur beside the curb at the end of the driveway of each resident of the City.
- 4.5) Time Requirements. All garbage, yard waste, recycling and refuse to be removed must be set out by 7:00 a.m. on the day of pickup.
- 4.6) Refusal of Removal. The Contractor may refuse to remove any garbage, recyclable items, yard waste, or refuse not placed in their respective waste cart, recycling container, yard waste bags and rolls, or proper point of pickup, unless a special arrangement is made by calling the office of the Contractor. The Contractor may also refuse to remove construction and demolition debris and other items, as designated by the contractor, which cannot be efficiently removed.

Section 5: Holidays

The Contractor will not provide service on the following holidays: New Year's Day, Memorial Day, the Fourth of July, Labor Day, Thanksgiving Day, and Christmas Day. During a holiday week will occur one day after the normal pickup day.

Section 6: Rates

Residents of the City will pay \$11.⁶⁵ per month, per home. Residents will pay \$6.⁰⁰ per month, per home for each additional garbage container. Residents will pay \$8.⁰⁰ per cubic yard of yard waste, exceeding 1.5 cubic yard (7 bags or rolls) per week.

Section 7: Payment and Billing

- 7.1) Payment. Payment is due by the first day of each service quarter. Payment in full for three months of service is required before service can begin. Additional cubic yards of yard waste must be paid for prior to removal via phone, online, or in-person transaction with Contractor's customer service representatives.
- 7.2) Billing. The Contractor will bill residents of the City individually and on a quarterly basis.

Section 8: Presentations and Warranties of Red Oak Sanitation

- 8.1) Organization, Power and Authority. The Contractor is a corporation duly organized and validly existing under the laws of the State of Georgia, with full corporate power and authority to enter into this Agreement and perform its obligations hereunder.
- 8.2) Due Authorization; Binding Obligation. The execution, delivery and performance of this Agreement and all other agreements contemplated hereby and the consummation of the transactions contemplated hereby has been duly authorized by all necessary corporate action on the part of the Contractor. This Agreement has been duly executed and delivered by the Contractor and is a valued and binding obligation of the Contractor enforceable in accordance with its terms.

Section 9: Insurance

The Contractor shall procure and keep in force and effect throughout the term of the Agreement such liability insurance with at least \$1 million in coverage to protect the City and the Contractor, as their interest may appear, against claims of any and all persons for personal injury, death or property damage occurring during the Contractor's provision of sanitation services. The Contractor shall produce a certificate of insurance upon request by the City.

Section 10: Indemnity

Except for the City negligence and/or intentional misconduct, the Contract shall indemnify and save harmless the City from and against any and all liability, penalties, damages, losses, expenses and judgments by reason of any injury or claim of injury to person or property, of any nature and howsoever caused, arising out of the Contractor's provision of sanitation services.

Section 11: Miscellaneous

11.1) In the event that any provision or portion thereof of this Agreement shall be found to be invalid or unenforceable, then such provision or portion thereof shall be reformed in accordance with the applicable laws. The invalidity or unenforceability of any provision or portion of the Agreement shall not affect the validity or enforceability of any other provision or portion of the Agreement.

11.2) All provisions of this Agreement shall be strictly complied with and conformed to by the Contractor, and no modifications or amendments to this Agreement shall be made except upon the written consent of the parties. No modification or amendment shall be construed to release either party from any obligation of the Agreement except as specifically provided for in such modification or amendment.

11.3) This Agreement shall be interpreted under the laws of the State of Georgia.

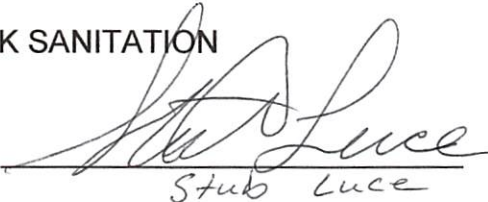
IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year above first written.

CITY OF FLOWERY BRANCH

Signed:  Date: 5/7/15
Mayor Mike Miller

Attest:  Date: 5/7/15
City Clerk Melissa McCain

RED OAK SANITATION

Signed:  Date: 4/27/15
Stub Luce

Title: Pres.

Contractor Affidavit under O.C.G.A. § 13-10-91(b) (1)

By executing this affidavit, the undersigned contractor verifies its compliance with O.C.G.A. § 13-10-91, stating affirmatively that the individual, firm or corporation which is engaged in the physical performance of services on behalf of The City of Flowery Branch has registered with, is authorized to use and uses the federal work authorization program commonly known as E-Verify, or any subsequent replacement program, in accordance with the applicable provisions and deadlines established in O.C.G.A. § 13-10-91. Furthermore, the undersigned contractor will continue to use the federal work authorization program throughout the contract period and the undersigned contractor will contract for the physical performance of services in satisfaction of such contract only with subcontractors who present an affidavit to the contractor with the information required by O.C.G.A. § 13-10-91(b). Contractor hereby attests that its federal work authorization user identification number and date of authorization are as follows:

58269048 / 522590
Federal Work Authorization User Identification Number/E-Verify #

5/19/12
Date of Authorization

Red Oak Sanitation, Inc
Name of Contractor

City of Flowery Branch
Name of Project

Name of Public Employer

I hereby declare under penalty of perjury that the foregoing is true and correct.

Executed on April 27, 2015 in Gaines (city), GA (state).

[Signature]
Signature of Authorized Officer or Agent

Stub Luce Pres
Printed Name and Title of Authorized Officer or Agent

SUBSCRIBED AND SWORN BEFORE ME
ON THIS THE 27th DAY OF April, 2015.

[Signature]
NOTARY PUBLIC

My Commission Expires: April 23, 2016

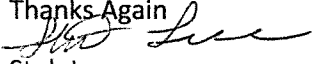


Good Afternoon Bill,

We would like to thank you and Alisha for meeting with us last week. To follow up here are some of the points we would like to discuss with the Mayor and or council.

1. Red Oak has been providing service to the city of Flowery Branch for 20 years without a rate increase. Over the years we have continued to find solutions and create efficiency's so that we could maintain our monthly rate.
2. Over that same period of time our cost to drop off recycling at the recycling center has been a roller coaster, going from actually being paid \$ 5 per ton (of which we donated to American Cancer society) to now where we are paying \$ 57 per ton to drop off.
3. As you can see with the increase letter's that we gave you that the landfill rate for msw at \$ 40 per ton is much cheaper for dumping than recycling.
4. With our subscription customers (excluding the city of Flowery Branch customers) we are now billing those that choose to recycle an additional fee as it's an additional service.
5. We would like to extend or renew our contract with the city at a rate of \$ 12 per month for household trash and for only those that recycle an additional \$ 4 per month.

Thanks Again



Stub Luce

**RESIDENTIAL WASTE SERVICES AGREEMENT BY AND BETWEEN
THE CITY OF FLOWERY BRANCH, GEORGIA AND RED OAK SANITATION, INC.**

THIS AGREEMENT (this “Agreement”), is made and entered into effective the 1st day of May 2020, by and between the City of Flowery Branch, Georgia, a Georgia municipal corporation, (hereinafter referred to as “City”) and Red Oak Sanitation, Inc., a Georgia corporation, (hereinafter referred to as “Contractor”).

SECTION 1: COMMENCEMENT OF WORK

The Contractor agrees to provide service to residents of the City under the current sanitation services requirements, which are listed below. Service will begin no later than May 1, 2020.

SECTION 2: TERM OF AGREEMENT

The term of the Agreement shall be for a period of one (1) year, beginning May 1, 2020. The Agreement shall automatically renew for one (1) year at the end of the first one (1) year term, the second one (1) year term, the third one (1) year term and fourth one (1) year term unless either party provides the other party with written notice at least thirty (30) days before the termination of the then-current term.

**SECTION 3: CATEGORIES OF RESIDENTIAL WASTE REMOVAL
SERVICE AND ACCEPTABLE ITEMS**

Garbage. The Contractor will provide a once-per-week residential waste removal service to residents of the City. Residents will be provided with one 95-gallon waste cart for storage of garbage. Residents will place their garbage containers at their curb on collection days by 7:00 AM.

Amounts allowed for removal: The amounts of garbage, recyclable items, yard waste, and bulk items allowed per pickup are as follows: one 95-gallon waste cart full of garbage (unless additional waste carts are requested and paid for); one 95 or 65-gallon recycling container full of recyclable items; 1 cubic yard of yard trimmings (extra cubic yards must be requested and paid for); and one bulk item. Disposal of all garbage will occur at Hall County Transfer Station, 1 Ruby Street, Gainesville, GA, 30501 or any other State-licensed facility.

Recycling. The Contractor will provide a once-per-week recycling removal service to residents of the City. Residents will be provided with one 95 or 65-gallon recycling container for storage of recyclables. Residents will place their recycling containers at their curb on collection days by 7:00 AM. Recycling materials will be processed at SP Recycling in Lawrenceville, GA, or any other State-licensed facility.

Yard Trimmings. The Contractor will provide once-per-week yard trimmings collection to residents of the City. Residents will contain all grass clippings, leaves, twigs, and shrubbery in paper yard waste bags. The Contractor will not collect branches and limbs. The Contractor will remove up to 1 cubic yards (7 bags or rolls) of yard trimmings, per home, per week. Additional bags of yard trimmings must be scheduled with the Contractor's customer service

representatives and paid for prior to removal. Residents will place all yard trimmings at their curb on collection days by 7:00 AM.

Bulk Item. The Contractor will provide a once-per-week bulk removal service to residents of the City. Residents will place all bulk at their curb. For the purposes of this Agreement, bulk is classified as items that are either too big or too heavy to be disposed of in a household garbage bag. All bulk items must be scheduled with the Contractor prior to pickup. Bulk item pickups may not be scheduled on a regular service garbage day. Exceptions include construction and demolition debris and other items, as designated by the Contractor, which cannot be efficiently removed. Items containing liquids must be appropriately tagged before removal.

Refusal of Removal. The Contractor may refuse to remove any garbage, recyclable items, yard trimmings, or bulk item not placed in their respective waste cart, recycling container, yard waste bags, and rolls, or proper point of pickup, unless a special arrangement is made by calling the office of the Contractor. The Contractor may also refuse to remove construction and demolition debris and other items, as designated by the Contractor, which cannot be efficiently removed.

SECTION 4: HOLIDAYS

The Contractor will not provide service on the following holidays: New Year's Day, Memorial Day, the Fourth of July, Labor Day, Thanksgiving Day, and Christmas Day. Service during a holiday week will occur one day after the regular pickup day.

SECTION 5: RATES

Residents of the City will pay \$12.00 per month per home. Residents will pay \$6.00 per month per household for each additional garbage container. Residents will pay \$8.00 per cubic yard of yard waste, exceeding 1 cubic yards (7 bags or rolls) per week. If the customer elects to utilize recycling services, there will be an additional charge of \$4.00 per month for recycling services.

SECTION 6: PAYMENT AND BILLING

Payment. Payment is due by the first day of each service quarter or month based on method of billing. Payment in full for three months of service is required before service can begin. Additional cubic yards of yard waste must be paid for before removal via phone, online, or in- person transaction with Contractor's customer service representatives.

Billing. The Contractor will bill residents of the City individually and directly.

SECTION 7: REPRESENTATIONS AND WARRANTIES OF RED OAK SANITATION

Organization, Power, and Authority. The Contractor is a corporation duly organized and validly existing under the laws of the State of Georgia, with full corporate power and authority to enter into this Agreement and perform its obligations hereunder.

Due Authorization; Binding Obligation. The execution, delivery, and performance of this Agreement and all other agreements contemplated hereby and the consummation of the transactions contemplated hereby have been duly authorized by all necessary corporate action on the part of the Contractor. This Agreement has been duly executed and delivered by the Contractor and is a valued and binding obligation of the Contractor enforceable in accordance with its terms.

SECTION 8: INSURANCE

The Contractor shall procure and keep in force and effect throughout the term of the Agreement such liability insurance with at least \$1 million in coverage to protect the City and the Contractor, as their interest may appear, against claims of any and all persons for personal injury, death or property damage occurring during the Contractor's provision of sanitation services. The Contractor shall produce a certificate of insurance upon request by the City.

SECTION 9: INDEMNITY

Except for the City's negligence and/or intentional misconduct, the Contractor shall indemnify and save harmless the City from and against any and all liability, penalties, damages, losses, expenses and judgments by reason of any injury or claim of injury to person or property, of any nature and howsoever caused, arising out of the Contractor's provision of sanitation services.

SECTION 10: MISCELLANEOUS

In the event that any provision or portion thereof of this Agreement shall be found to be invalid or unenforceable, then such provision or portion thereof shall be reformed in accordance with the applicable laws. The invalidity or unenforceability of any provision or portion of the Agreement shall not affect the validity or enforceability of any other provision or portion of the Agreement.

All provisions of this Agreement shall be strictly complied with and conformed to by the Contractor, and no modifications or amendments to this Agreement shall be made except upon the written consent of the parties. No modification or amendment shall be construed to release either party from any obligation of the Agreement except as specifically provided for in such modification or amendment.

This Agreement shall be interpreted under the laws of the State of Georgia.

This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

IN WITNESS WHEREOF, City and Contractor have carefully read and reviewed this Amendment and each term and provision contained herein, and by the execution of this Amendment shows their informed and voluntary consent thereto. The parties hereby agree that, at the time this Amendment is executed, the terms of this Amendment are commercially reasonable and effectuate the intent and purpose of City and Contractor with respect to the sanitation services provided to the citizens of the City of Flowery Branch.

This day _____ of April, 2020.

CITY: THE CITY OF FLOWERY BANCH , GA

By: James M. Miller, Mayor

ATTEST:

Melissa McCain, City Clerk

APPROVED AS TO FORM:

E. Ronald Bennett, Jr., City Attorney

Signatures Continued on Next Page

CONTRACTOR: RED OAK SANITATION, INC.

By: Lynn Luce, CEO

By: Marlon Luce, CFO

Sworn to and subscribed before me
this ____ day of April, 2020.

NOTARY PUBLIC

My commission expires: _____

FLOWERY BRANCH CITY COUNCIL
EXECUTIVE SUMMARY

SUBJECT: Red Oak Sanitation – Renewal of Agreement

DATE: April 1, 2020

(X) RECOMMENDATION

() POLICY DISCUSSION

BUDGET INFORMATION:

() STATUS REPORT

ANNUAL-

() OTHER

CAPITAL-

COMMISSION ACTION REQUESTED ON: April 16, 2020

PURPOSE: Approve the new Red Oak Sanitation Agreement as presented

HISTORY:

Red Oak Sanitation has been servicing the City of Flowery Branch citizens with garbage and recycling services for about 20 years without a rate increase. The last contract signed with Red Oak Sanitation is dated May 7, 2015, and is set to expire on May 7, 2020. City staff reached out to Red Oak Sanitation to notify them the City will be placing these services out for bid this year. Staff explained to Red Oak that the Requests for Proposals (RFP) process is to ensure the City is doing its due diligence in providing the best services to our citizens at the least cost, and the City does not have any complaints about the service provided by Red Oak Sanitation.

FACTS AND ISSUES:

Statements below were presented by Red Oak Sanitation at the 4/2/2020 work session:

1. Red Oak has been providing service to the City of Flowery Branch for 20 years without a rate increase. Over the years, we have continued to find solutions and create efficiencies so that we could maintain our monthly rate.
 2. Over that same period, our cost to drop off recycling at the recycling center has been a roller coaster, going from actually being paid \$5 per ton to now where we are paying \$57 per ton to drop off.
 3. As you can see with the increase letters that we gave you, that the landfill rate for MSW at \$40 per ton is much cheaper for dumping than recycling.
-
-

-
-
4. With our subscription customers (excluding the City of Flowery Branch customers), we are now billing those that choose to recycle an additional fee as it's an extra service.
 5. We would like to extend or renew our contract with the City at a rate of \$12 per month for household trash and for only those that recycle an additional \$4 per month.
 6. All customers will be notified of the rate change by letter by 5/1/2020.
-
-

OPTIONS: Approve the new Red Oak Sanitation Agreement as presented

RECOMMENDED SAMPLE MOTION:

I make a motion to approve for the Mayor to sign the new Red Oak Sanitation agreement, which will be effective May 1, 2020.

DEPARTMENT: Administration and Finance

Prepared by: Alisha Gamble



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider Resolution 20-011 - 3rd Quarter Amendment to the Budget for FY2020 as Previously Adopted on June 27, 2019

COUNCIL MEETING DATE: April 16, 2020

HISTORY:

A budget is balanced when the sum of estimated revenues and appropriated fund balances is equal to expenditure/expense appropriations for each applicable fund. Revenue estimates and governmental needs change throughout the year which requires approval from Council for said budget amendments.

FACTS AND ISSUES:

- See attachment A and B for 3rd quarter details.

OPTIONS:

Approve Resolution 20-011 for 3rd Quarter Amendment to the Budget for FY2020 as Previously Adopted on June 27, 2019.

IF FUNDING IS INVOLVED, ARE FUNDS APPROVED IN THE CURRENT BUDGET:

No

AMOUNT AND SOURCE OF FUNDS:

Excess collections in revenue in FY2020 for General Fund and Water/Wastewater Fund

RECOMMENDATION:

Approve Resolution 20-011 for 3rd Quarter Amendment to the Budget for FY2020 as Previously Adopted on June 27, 2019.

SAMPLE MOTION:

I make a motion for the City Council to authorize approval of Resolution 20-011, 3rd Quarter Amendment to the Budget for FY2020 as Previously Adopted on June 27, 2019 as presented in Attachment A and B.

COLLABORATING DEPARTMENT:

DEPARTMENT: Finance

Prepared by: Melissa McCain

ATTACHMENTS

- [Resolution 20-011 Executive Summary.pdf](#)
- [Resolution 20-011.pdf](#)
- [Attachment A - Resolution 20-011 Budget Amendment Form.pdf](#)
- [Attachment B - BA Descriptions and Detailed Report.pdf](#)

FLOWERY BRANCH CITY COUNCIL
EXECUTIVE SUMMARY

SUBJECT: Resolution 20-011: 3rd Quarter Amendment to the Budget for FY2020 as Previously Adopted on June 27, 2019

DATE: 4/2/2020

BUDGET INFORMATION:
ANNUAL-
CAPITAL-

(X) **RECOMMENDATION**
() **POLICY DISCUSSION**
() **STATUS REPORT**
() **OTHER**

COMMISSION ACTION REQUESTED ON: 4/16/2020

PURPOSE: To approve Resolution 20-011, 3rd Quarter Amendment to the Budget for FY2020 as Previously Adopted on June 27, 2019

HISTORY: A budget is balanced when the sum of estimated revenues and appropriated fund balances is equal to expenditure/expense appropriations for each applicable fund. Revenue estimates and governmental needs change throughout the year which requires approval from Council for said budget amendments.

FACTS AND ISSUES:

- See attachment A and B for 3rd quarter details.
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RECOMMENDED SAMPLE MOTION: I make a motion for the City Council to authorize approval of Resolution 20-011, 3rd Quarter Amendment to the Budget for FY2020 as Previously Adopted on June 27, 2019 as presented in Attachment A and B.

DEPARTMENT: Finance

Prepared by: Alisha Gamble

RESOLUTION NO.: 20-011

**TO AMEND THE BUDGET FOR FISCAL YEAR 2020 AS PREVIOUSLY ADOPTED ON
JUNE 27, 2019.**

WHEREAS, the City Council approved a budget for fiscal year 2020 for the City of Flowery Branch on June 27, 2019 by Resolution 19-008; and

WHEREAS, the budget is a dynamic rather than static revenue and spending plan which requires adjustment from time to time as circumstances change; and

WHEREAS, these adjustments maintain a balanced budget for all funds.

NOW, THEREFORE, BE IT RESOLVED THAT the governing body for the City of Flowery Branch hereby adopts the adjustments to the budget listed on “Attachment A” and “Attachment B”, attached hereto and made a part of the Resolution.

RESOLVED this 16th day of April 2020.

James M. Miller, Mayor

ATTEST:

Melissa McCain, City Clerk

APPROVED AS TO FORM:

E. Ronald Bennett, Jr., City Attorney

**City of Flowery Branch
Request For Budget Adjustment**



Fund/Department: _____

505

Effective Date: _____

3/31/2020

Account Number	Account Name	Current Budget	Debit (Credit)	Revised Budget
				-
				-
505-0000-344220	Meter Set Fees	(20,165)	(20,600)	(40,765)
505-4400-531110	W / Meter Purchases	23,750	20,600	44,350
				-
				-
				-
				-
				-
				-
				-
				-
				-
				-
				-
				-
				-
				-
				-
				-
				-
				-
				-
				-
				-
<u>Totals</u>		\$ 3,585	\$ -	\$ 3,585

Justification: RESOLUTION 20-011: BUDGET AMENDMENT TO FY2020 APPROVED BUDGET FROM JUNE 27, 2019.

Approvals:

Finance Director:

Alesha L. Spindle

Date:

4/7/2020

City Manager: _____

Date: _____

Mayor: _____

Date: _____

Finance Department Use

Posted By: _____

Date Posted: _____

Council Action Required: Yes _____ No _____

Budget Adjust. #: _____

Income Statement

For Fiscal: FY 2020 Period Ending: 03/31/2020

		Original Total Budget	Current Total Budget	MTD Activity	YTD Activity	Budget Remaining
Fund: 505 - WATER / SEWER FUND						
Revenue						
Department: 0000 - Undesignated						
505-0000-344210	Water Charges	617,792.00	617,792.00	54,614.87	520,366.59	97,425.41
505-0000-344211	Misc. Water & Sewer Charges	0.00	0.00	0.00	-33.60	33.60
505-0000-344212	Water Charges - Portable Meters	0.00	0.00	0.00	3,709.25	-3,709.25
505-0000-344220	Meter Set Fees	0.00	20,165.00	19,015.00	62,000.00	-41,835.00
505-0000-344232	Admin. Fees	16,000.00	19,585.00	7,766.00	38,752.24	-19,167.24
505-0000-344253	Sewer Charges - Billed By Gainesville	0.00	0.00	0.00	36,431.46	-36,431.46
505-0000-344254	Sewer Charges	1,155,314.00	1,155,314.00	69,235.54	783,535.02	371,778.98
505-0000-346901	Account Service Charge W&S	50,000.00	50,000.00	0.00	0.00	50,000.00
505-0000-346905	Sewer & Water Inspection Fees	5,000.00	5,000.00	0.00	400.00	4,600.00
505-0000-349300	Bank Fees / Bad Check Fees	225.00	225.00	60.00	325.00	-100.00
505-0000-361000	Interest Revenues - Operating	3,750.00	3,750.00	0.00	1,073.05	2,676.95
505-0000-380000	Penalties / Reconnect Fees	60,000.00	60,000.00	1,132.07	48,583.27	11,416.73
505-0000-380100	W&S Miscellaneous Revenue	3,000.00	3,000.00	1,303.50	3,600.65	-600.65
505-0000-380500	S / F.O.G. & Pre-Treatment Permits	7,850.00	7,850.00	150.00	3,060.00	4,790.00
505-0000-389000	WI Rebates from Gainesville 5%	30,000.00	30,000.00	0.00	13,981.47	16,018.53
505-0000-389200	Reserves	331,193.00	331,193.00	0.00	0.00	331,193.00
Department: 0000 - Undesignated Total:		2,280,124.00	2,303,874.00	153,276.98	1,515,784.40	788,089.60
Revenue Total:		2,280,124.00	2,303,874.00	153,276.98	1,515,784.40	788,089.60

Expense

Department: 0000 - Undesignated						
505-0000-574000	Bad Debts for Uncollectible	0.00	0.00	0.00	8,977.50	-8,977.50
505-0000-579000	Contingency	110,500.00	110,500.00	0.00	0.00	110,500.00
505-0000-581100	Bonds - Principal Payments	266,000.00	266,000.00	266,000.00	266,000.00	0.00
505-0000-581300	GEFA - Principal Payments	69,219.00	69,219.00	5,704.69	51,103.53	18,115.47
505-0000-582100	Bonds - Interest Payments	85,608.00	85,608.00	0.00	23,776.20	61,831.80
505-0000-582101	Amort. of Bond Refunding Premium	5,800.00	5,800.00	0.00	0.00	5,800.00
505-0000-582300	GEFA - Interest Payments	16,814.00	16,814.00	1,464.71	13,421.07	3,392.93
505-0000-611308	Transfer Out 308 - WS Capital Projects Fun	0.00	9,770.00	0.00	9,770.00	0.00
Department: 0000 - Undesignated Total:		553,941.00	563,711.00	273,169.40	373,048.30	190,662.70

Department: 1500 - General Administration

505-1500-511100	W/S Admin / Salaries	99,837.00	99,837.00	4,207.84	71,050.38	28,786.62
505-1500-511300	W/S Admin / Overtime	6,598.00	6,598.00	256.80	2,912.56	3,685.44
505-1500-512100	W/S Admin / Health Insurance	20,147.00	20,147.00	1,038.17	16,676.47	3,470.53
505-1500-512200	W/S Admin / FICA & Medicare	8,085.00	8,085.00	340.42	5,530.97	2,554.03
505-1500-512220	Admi - Long Term Disability	703.00	703.00	30.48	489.01	213.99
505-1500-512400	W/S Admin / Retirement	9,493.00	9,493.00	696.98	6,273.35	3,219.65
505-1500-512600	W/S Admin / GA SUI	149.00	149.00	4.55	98.70	50.30
505-1500-521204	Admin - Professional Services	10,000.00	11,300.00	0.00	11,270.00	30.00
505-1500-521240	W/S Admin / Legal Fees	12,000.00	10,080.00	1,620.00	6,150.00	3,930.00
505-1500-521300	W/S Admin / Website & Software Mainten	13,500.00	13,500.00	1,389.15	12,444.99	1,055.01
505-1500-521310	W/S Admin / IT Services	16,810.00	16,810.00	2,243.94	10,709.69	6,100.31
505-1500-523210	W/S Admin - Call Notifications Expense	0.00	150.00	0.00	148.20	1.80
505-1500-523250	W&S Admin Shipping & Postage	13,000.00	13,000.00	0.00	8,225.81	4,774.19
505-1500-523310	W/S Admin - Advertising	0.00	1,000.00	0.00	864.00	136.00
505-1500-523400	W&S Printing	3,000.00	3,000.00	0.00	1,421.40	1,578.60
505-1500-523600	S/W - Merchant Sys. Fee & Admin Fee	531.00	31.00	0.00	0.00	31.00
505-1500-531110	W/S Office Supplies	1,500.00	2,200.00	0.00	2,165.78	34.22
505-1500-531600	W&S Admin - Small Equipment	6,000.00	4,800.00	1,395.48	3,734.97	1,065.03
Department: 1500 - General Administration Total:		221,353.00	220,883.00	13,223.81	160,166.28	60,716.72

Department: 4300 - Wastewater

505-4300-511100	S/ Salaries	200,532.00	200,532.00	12,759.28	136,881.33	63,650.67
505-4300-511300	S/ Overtime	5,125.00	5,125.00	98.44	2,400.00	2,725.00
505-4300-512100	S/ Health Insurance	51,899.00	51,899.00	2,947.24	35,521.46	16,377.54
505-4300-512200	S/ FICA & Medicare	15,580.00	15,580.00	967.01	11,372.76	4,207.24
505-4300-512220	S/ - Long Term Disability	945.00	945.00	65.30	809.19	135.81

Income Statement

For Fiscal: FY 2020 Period Ending: 03/31/2020

	Original Total Budget	Current Total Budget	MTD Activity	YTD Activity	Budget Remaining
505-4300-512400 S/ Retirement					
505-4300-512600 S/ GA SU1	11,346.00	11,346.00	833.03	7,496.84	3,849.16
505-4300-521204 S / Engineering Fees	300.00	300.00	5.46	87.54	212.46
505-4300-521310 S/ Sewage Testing	25,000.00	20,115.00	4,412.79	17,969.12	2,145.88
505-4300-521315 S/ EPD Compliance & Fines	2,500.00	2,500.00	0.00	0.00	2,500.00
505-4300-522110 S/ Sludge Disposal	1,000.00	1,000.00	0.00	0.00	1,000.00
505-4300-522200 S/ Repairs & Maintenance	25,000.00	25,000.00	1,420.00	12,977.91	12,022.09
505-4300-522205 S/ Vehicle Repairs & Maintenance	75,000.00	74,675.00	3,818.27	48,087.21	26,587.79
505-4300-523200 S/ Communications	2,500.00	2,500.00	0.00	1,551.45	948.55
505-4300-523221 S/ Cell Phones	2,500.00	2,825.00	317.13	2,821.87	3.13
505-4300-523250 S / Shipping & Postage	2,100.00	2,100.00	180.58	1,386.53	713.47
505-4300-523500 S/ Travel Expenses	200.00	200.00	0.00	51.02	148.98
505-4300-523600 S/ Dues & Fees	500.00	500.00	0.00	177.37	322.63
505-4300-523700 S/ Education & Training	1,900.00	1,900.00	0.00	1,825.41	74.59
505-4300-531100 S/ Supplies & Materials	2,000.00	2,000.00	115.00	1,097.50	902.50
505-4300-531110 S/ Office Supplies	19,000.00	18,640.00	1,523.77	15,577.44	3,062.56
505-4300-531120 S/ Chemicals	1,500.00	1,800.00	134.32	1,708.07	91.93
505-4300-531230 S/ Electricity	160,000.00	160,000.00	14,721.44	84,546.84	75,453.16
505-4300-531270 S/ Gasoline & Diesel	150,000.00	150,000.00	12,685.40	91,519.77	58,480.23
505-4300-531600 S/ Small Equip. & Lab Equip.	9,600.00	9,600.00	435.89	3,431.09	6,168.91
505-4300-531790 S/ Uniforms	10,000.00	10,000.00	1,288.37	1,575.16	8,424.84
505-4300-542000 S / Capital - Machinery & Equipment	4,000.00	4,060.00	375.50	4,053.68	6.32
Department: 4300 - Wastewater Total:	38,000.00	38,000.00	0.00	12,973.20	25,026.80
505-4334-522200 L/S Repairs & Maint.	818,027.00	813,142.00	59,104.22	497,899.76	315,242.24
505-4334-523200 L/S Communications	45,000.00	45,000.00	0.00	10,632.32	34,367.68
505-4334-531210 L/S Water	3,300.00	3,300.00	0.00	2,355.00	945.00
505-4334-531230 L/S Electricity	3,500.00	3,500.00	282.18	2,612.87	887.13
505-4334-531240 L/S Propane Gas	32,500.00	32,500.00	3,537.29	23,802.36	8,697.64
Department: 4334 - Sewer Lift Stations Total:	3,500.00	3,500.00	1,013.61	1,566.46	1,933.54
505-4400-511100 W/ Salaries	87,800.00	87,800.00	4,833.08	40,969.01	46,830.99
505-4400-511300 W/ Overtime	267,636.00	267,636.00	18,166.19	155,500.27	112,135.73
505-4400-512100 W/ Health Insurance	7,113.00	7,113.00	100.84	2,048.15	5,064.85
505-4400-512200 W/ FICA & Medicare	64,311.00	64,311.00	5,047.52	46,062.56	18,248.44
505-4400-512220 W/ - Long Term Disability	20,770.00	20,770.00	1,387.55	13,395.87	7,374.13
505-4400-512400 W/ Retirement	1,099.00	1,199.00	117.25	1,125.00	74.00
505-4400-512600 W / GA SU1	15,982.00	15,982.00	1,173.41	10,561.14	5,420.86
505-4400-521204 W / Engineering Fees	375.00	375.00	19.99	114.60	260.40
505-4400-521300 W/ Water Testing & Storm Wtr Monit	20,000.00	11,055.00	4,412.80	10,077.83	977.17
505-4400-521313 W/ WaterShed Protection Plan	8,830.00	8,830.00	0.00	5,975.00	2,855.00
505-4400-521315 W/ EPD Compliance - Audits & Repts	15,000.00	15,000.00	0.00	0.00	15,000.00
505-4400-522200 W/ Repairs & Maintenance	8,000.00	8,000.00	0.00	0.00	8,000.00
505-4400-522205 W / Vehicle Repairs & Maintenance	15,000.00	15,000.00	0.00	1,380.15	13,619.85
505-4400-523200 W/ Communications	5,000.00	5,000.00	0.00	1,355.35	3,644.65
505-4400-523221 W/ Cell Phones	500.00	500.00	41.35	358.52	141.48
505-4400-523250 W / Shipping & Postage	2,100.00	2,100.00	137.14	1,101.74	998.26
505-4400-523400 W / Printing & Binding	9,600.00	9,600.00	31.24	249.02	9,350.98
505-4400-523500 W/ Travel Expenses	15,312.00	15,212.00	0.00	839.00	14,373.00
505-4400-523600 W/ Dues & Fees	250.00	2,310.00	0.00	2,297.98	12.02
505-4400-523700 W/ Education & Training	1,900.00	1,900.00	0.00	1,782.43	117.57
505-4400-531100 W/ Supplies & Materials	1,000.00	1,000.00	116.00	849.98	150.02
505-4400-531110 W / Meter Purchases	15,000.00	17,000.00	2,776.65	11,064.89	5,935.11
505-4400-531270 W/ Gasoline & Diesel	0.00	23,750.00	20,602.40	44,343.40	-20,593.40
505-4400-531600 W/ Small Equipment	12,000.00	12,000.00	604.65	8,352.36	3,647.64
505-4400-531790 W/ Uniforms	3,000.00	3,000.00	0.00	975.00	2,025.00
Department: 4400 - Water Total:	5,725.00	5,725.00	297.75	2,507.11	3,217.89
	515,503.00	534,368.00	55,032.73	322,317.35	212,050.65

**ATTACHMENT B
QUARTERLY BUDGET ADJUSTMENT RESOLUTION
ADJUSTMENT DESCRIPTIONS**

GENERAL FUND

GENERAL FUND

Notable adjustments, which did not affect the total budget, are as follows:

- An adjustment to correct transfer accounts to 9000 account classification to match the DCA Chart of Accounts requirement for a total of \$252,260.
- An adjustment for Hotel Motel transfer in to actual amount collected for a total amount of \$68,340.

SPECIAL REVENUE FUNDS

TAX ALLOCATION DISTRICT FUND

The Tax Allocation District fund recognized a total increase of \$5,606,390 during the third quarter of FY2020. The adjustment associated with this increase are as follows:

- Revenue Bond Series 2020 for a total of \$5,606,390

HOTEL MOTEL TAX FUND

The Hotel Motel Tax fund did not recognize a total increase during the third quarter of fiscal year 2020.

Another notable adjustment, which did not affect the total budget, but represent an adjustment between the 60%/40% allocation is as follows:

- An adjustment to correct 60%/40% allocation of budget moving \$16,152 between the revenue and expense accounts.

CAPITAL PROJECT FUNDS

WATER/WASTEWATER CAPITAL PROJECTS FUND

The Water and Wastewater Capital Project fund recognized a total increase of \$450,500 during the third quarter of FY2020. The adjustments associated with this increase are as follows:

- Approved Infratec Task Order – Wastewater Expansion Plant Design/Permits (\$415,500)
- Approved Infratec Task Order – Wastewater Plant Site Demolition (35,000).

**ATTACHMENT B
QUARTERLY BUDGET ADJUSTMENT RESOLUTION
ADJUSTMENT DESCRIPTIONS**

SPLOST VII CAPITAL PROJECTS FUND

The SPLOST Capital Project fund recognized a total increase of \$50,000 during the third quarter of FY2020. The adjustments associated with this increase are as follows:

- Public Works Booster Pump Station (approval during Council Retreat) for a total of \$50,000.

LOCAL RESOURCES CAPITAL PROJECTS FUND

The Local Resources Capital Projects fund recognized a total increase of \$4,376 during the third quarter of FY2020. The adjustment associated with this increase are as follows:

- Adjustment to LMIG Revenue actual amount collected generated an increase of \$4,376 to the Paving/Repairs Maintenance – Roads.

ENTERPRISE FUNDS

WATER AND WASTEWATER OPERATING FUND

No adjustments during the second quarter of fiscal year 2020. Minor adjustments between department accounts as needed.



City of Flowery Branch

Budget Adjustment Report

Adjustment Detail

For Date Range: 01/01/2020 - 03/31/2020

Account Number	Account Name	Packet Number	Post Date	Original Budget	Budget Adjustments Amount	Current Budget
Adjustment Number	Adjustment Description					
Budget Code: Revised Budget - Revised Budget Fiscal: FY 2020						
Fund: 100 - GENERAL FUND						
Department: 0000 - Undesignated						
100-0000-314100	Hotel/Motel Tax			-68,340.00	68,340.00	0.00
BA0000178	3/31/2020 additional budget adjustments	GLPKT04034	03/31/2020		68,340.00	
100-0000-351300	PD - Asset Forfeiture Account			-1,000.00	-4,010.00	-5,010.00
BA0000175	3/31/2020 Quarterly Department Budget A	GLPKT03879	03/31/2020		-4,010.00	
100-0000-391275	Transfer In - Hotel/Motel Rev			0.00	-68,340.00	-68,340.00
BA0000178	3/31/2020 additional budget adjustments	GLPKT04034	03/31/2020		68,340.00	
BA0000179	Correct BA0000178 - Bkws Entry for HM	GLPKT04035	03/31/2020		-136,680.00	
100-0000-611270	Transfer Out 270 - TAD Fund			64,000.00	-64,000.00	0.00
BA0000168	Correct TF Accts to 9000 Designation per CO	GLPKT03787	03/04/2020		-64,000.00	
100-0000-611350	Transfer out 350 - Local Resources Fund			0.00	-188,260.00	-188,260.00
BA0000168	Correct TF Accts to 9000 Designation per CO	GLPKT03787	03/04/2020		-188,260.00	
Department 0000 Total:				-5,340.00	-256,270.00	-261,610.00
Department: 1110 - Council						
100-1110-511101	Council / Meeting Per Diem			15,000.00	-8,200.00	6,800.00
BA0000163	Challenge Coin Purchase For Flowery Branc	GLPKT03355	01/24/2020		-3,300.00	
BA0000170	New Tablets for Council	GLPKT03811	03/09/2020		-4,900.00	
100-1110-531100	Council / Supplies & Material (EDC)			2,200.00	8,200.00	10,400.00
BA0000163	Challenge Coin Purchase For Flowery Branc	GLPKT03355	01/24/2020		3,300.00	
BA0000170	New Tablets for Council	GLPKT03811	03/09/2020		4,900.00	
Department 1110 Total:				17,200.00	0.00	17,200.00
Department: 1500 - General Administration						
100-1500-521204	Admin / Prof. Svs / Eng / Appraisals			8,000.00	1,000.00	9,000.00
BA0000175	3/31/2020 Quarterly Department Budget A	GLPKT03879	03/31/2020		1,000.00	
100-1500-521240	Admin / Legal Fees			50,000.00	-6,571.00	43,429.00
BA0000175	3/31/2020 Quarterly Department Budget A	GLPKT03879	03/31/2020		-6,571.00	
100-1500-521245	Admin / Annual Audit Fees			26,400.00	9,951.00	36,351.00
BA0000175	3/31/2020 Quarterly Department Budget A	GLPKT03879	03/31/2020		9,951.00	
100-1500-521300	Admin / Website & Software Maintenance			13,500.00	1,390.00	14,890.00
BA0000175	3/31/2020 Quarterly Department Budget A	GLPKT03879	03/31/2020		1,390.00	
100-1500-523200	Admin / Communications			500.00	100.00	600.00
BA0000175	3/31/2020 Quarterly Department Budget A	GLPKT03879	03/31/2020		100.00	
100-1500-523500	Admin / Travel Expenses			6,000.00	-2,000.00	4,000.00
BA0000175	3/31/2020 Quarterly Department Budget A	GLPKT03879	03/31/2020		-2,000.00	
100-1500-523501	Admin / Intern Travel Expense			0.00	1,130.00	1,130.00
BA0000175	3/31/2020 Quarterly Department Budget A	GLPKT03879	03/31/2020		1,130.00	
100-1500-523603	Admin / Muni Code			10,000.00	-3,000.00	7,000.00
BA0000175	3/31/2020 Quarterly Department Budget A	GLPKT03879	03/31/2020		-3,000.00	
100-1500-523700	Admin / Education & Training			6,000.00	-1,000.00	5,000.00
BA0000175	3/31/2020 Quarterly Department Budget A	GLPKT03879	03/31/2020		-1,000.00	
100-1500-531100	Admin / Supplies & Materials			4,000.00	-1,000.00	3,000.00
BA0000175	3/31/2020 Quarterly Department Budget A	GLPKT03879	03/31/2020		-1,000.00	
Department 1500 Total:				124,400.00	0.00	124,400.00

Budget Adjustment Report

For Date Range: 01/01/2020 - 03/31/2020

Account Number	Account Name	Packet Number	Post Date	Original Budget	Budget Adjustments Amount	Current Budget
Adjustment Number	Adjustment Description					
Department: 1565 - Gen Govt Bldg and Plant						
100-1565-531100	City Hall & Bldg's/ Supplies & Materials			2,500.00	1,130.00	3,630.00
BA0000175	3/31/2020 Quarterly Department Budget A	GLPKT03879	03/31/2020		1,130.00	
100-1565-531700	City Hall & Bldg's - Other Expenses			20,000.00	-1,130.00	18,870.00
BA0000175	3/31/2020 Quarterly Department Budget A	GLPKT03879	03/31/2020		-1,130.00	
Department 1565 Total:				22,500.00	0.00	22,500.00
Department: 3210 - Police Administration						
100-3210-521230	PD / Covert & Seizure Equipment			0.00	4,010.00	4,010.00
BA0000175	3/31/2020 Quarterly Department Budget A	GLPKT03879	03/31/2020		4,010.00	
100-3210-521292	PD / Technology Fund Expense			0.00	-2,500.00	-2,500.00
BA0000162	PD Ed & Training Adjustment	GLPKT03354	01/24/2020		-2,500.00	
100-3210-523501	PD / Intern Travel Expense			0.00	52.00	52.00
BA0000175	3/31/2020 Quarterly Department Budget A	GLPKT03879	03/31/2020		52.00	
100-3210-523700	PD / Education & Training			6,000.00	2,944.00	8,944.00
BA0000162	PD Ed & Training Adjustment	GLPKT03354	01/24/2020		2,500.00	
BA0000175	3/31/2020 Quarterly Department Budget A	GLPKT03879	03/31/2020		444.00	
100-3210-531100	PD/ Supplies & Materials			8,500.00	-496.00	8,004.00
BA0000175	3/31/2020 Quarterly Department Budget A	GLPKT03879	03/31/2020		-52.00	
BA0000175	3/31/2020 Quarterly Department Budget A	GLPKT03879	03/31/2020		-444.00	
Department 3210 Total:				14,500.00	4,010.00	18,510.00
Department: 3223 - Patrol						
100-3223-511100	Patrol/ Salaries			693,504.00	-5,000.00	688,504.00
BA0000175	3/31/2020 Quarterly Department Budget A	GLPKT03879	03/31/2020		-5,000.00	
100-3223-511300	Patrol/ Overtime			16,914.00	5,000.00	21,914.00
BA0000175	3/31/2020 Quarterly Department Budget A	GLPKT03879	03/31/2020		5,000.00	
Department 3223 Total:				710,418.00	0.00	710,418.00
Department: 4210 - Highways & Street Adm						
100-4210-521204	PWs / Prof. Services			10,000.00	6,000.00	16,000.00
BA0000175	3/31/2020 Quarterly Department Budget A	GLPKT03879	03/31/2020		6,000.00	
100-4210-522205	PWs / Vehicle Repairs & Maint.			8,000.00	900.00	8,900.00
BA0000175	3/31/2020 Quarterly Department Budget A	GLPKT03879	03/31/2020		900.00	
100-4210-522260	PWs / Stormwater Management			30,000.00	-6,900.00	23,100.00
BA0000175	3/31/2020 Quarterly Department Budget A	GLPKT03879	03/31/2020		-6,900.00	
100-4210-531600	PWs / Small Equipment			25,000.00	-1,500.00	23,500.00
BA0000160	Public Works Request - Truck Purchase	GLPKT03282	01/16/2020		-1,500.00	
100-4210-542200	PWs / Vehicles			45,000.00	1,500.00	46,500.00
BA0000160	Public Works Request - Truck Purchase	GLPKT03282	01/16/2020		1,500.00	
Department 4210 Total:				118,000.00	0.00	118,000.00
Department: 7400 - Planning & Community Dev.						
100-7400-521201	PCD / Professional Sys & Projects			110,000.00	-5,460.00	104,540.00
BA0000175	3/31/2020 Quarterly Department Budget A	GLPKT03879	03/31/2020		-5,460.00	
100-7400-521202	PCD / MS4 Reporting			25,000.00	-5,000.00	20,000.00
BA0000171	Intern Budget Adjustment	GLPKT03855	03/12/2020		-5,000.00	
100-7400-521203	PCD / Contracted Services (Intern)			0.00	5,000.00	5,000.00
BA0000171	Intern Budget Adjustment	GLPKT03855	03/12/2020		5,000.00	
100-7400-521208	PCD / Traffic Calming			10,000.00	-5,000.00	5,000.00
BA0000175	3/31/2020 Quarterly Department Budget A	GLPKT03879	03/31/2020		-5,000.00	
100-7400-521240	PCD/ Legal Fees			25,000.00	4,000.00	29,000.00
BA0000175	3/31/2020 Quarterly Department Budget A	GLPKT03879	03/31/2020		4,000.00	
100-7400-521247	PCD / Plan Review Expenses			10,000.00	4,500.00	14,500.00
BA0000175	3/31/2020 Quarterly Department Budget A	GLPKT03879	03/31/2020		4,500.00	
100-7400-522205	PCD / Vehicle Repairs & Maint			2,000.00	360.00	2,360.00

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Budget Adjustment Report

For Date Range: 01/01/2020 - 03/31/2020

Account Number	Account Name	Packet Number	Post Date	Original Budget	Budget Adjustments Amount	Current Budget
Adjustment Number	Adjustment Description					
BA0000175	3/31/2020 Quarterly Department Budget A	GLPKT03879	03/31/2020		360.00	
100-7400-523400	PCD/ Printing & Binding			150.00	1,000.00	1,150.00
BA0000175	3/31/2020 Quarterly Department Budget A	GLPKT03879	03/31/2020		1,000.00	
100-7400-531400	PCD/ Books & Periodicals			150.00	200.00	350.00
BA0000175	3/31/2020 Quarterly Department Budget A	GLPKT03879	03/31/2020		200.00	
100-7400-531600	PCD / Small Equipment			7,000.00	400.00	7,400.00
BA0000175	3/31/2020 Quarterly Department Budget A	GLPKT03879	03/31/2020		400.00	
Department 7400 Total:				189,300.00	0.00	189,300.00
Department: 9000 - Non-Departmental						
100-9000-611270	Transfer Out 270 - TAD Fund			0.00	64,000.00	64,000.00
BA0000168	Correct TF Accts to 9000 Designation per CO	GLPKT03787	03/04/2020		64,000.00	
100-9000-611350	Trans Out 350 - Local Resources Fund			986,795.00	188,260.00	1,175,055.00
BA0000168	Correct TF Accts to 9000 Designation per CO	GLPKT03787	03/04/2020		188,260.00	
Department 9000 Total:				986,795.00	252,260.00	1,239,055.00
Fund 100 Total:				2,177,773.00	0.00	2,177,773.00

Budget Adjustment Report

For Date Range: 01/01/2020 - 03/31/2020

Account Number	Account Name	Packet Number	Post Date	Original Budget	Budget Adjustments Amount	Current Budget
Adjustment Number	Adjustment Description					
Fund: 270 - TAX ALLOCATION DISTRICT F						
Department: 0000 - Undesignated						
270-0000-311100	TAD - Revenue - Hall Co Portion			-60,000.00	-37,229.00	-97,229.00
BA0000175	3/31/2020 Quarterly Department Budget A	GLPKT03879	03/31/2020		-37,229.00	
270-0000-311150	TAD - Revenue - City's Portion			-60,000.00	60,000.00	0.00
BA0000175	3/31/2020 Quarterly Department Budget A	GLPKT03879	03/31/2020		60,000.00	
270-0000-391100	Transfer in 100 - General Fund			0.00	-62,251.00	-62,251.00
BA0000175	3/31/2020 Quarterly Department Budget A	GLPKT03879	03/31/2020		-62,251.00	
270-0000-393000	Debt Issued - Series 2020 Bond			0.00	-4,995,000.00	-4,995,000.00
BA0000174	TAD Debt Closing Budget Adjustment 3-10-2	GLPKT03996	03/10/2020		-4,995,000.00	
270-0000-393400	Premiums on Bonds Issued			0.00	-511,910.00	-511,910.00
BA0000174	TAD Debt Closing Budget Adjustment 3-10-2	GLPKT03996	03/10/2020		-511,910.00	
270-0000-521208	TAD - Expense - Hall County Portion			60,000.00	37,229.00	97,229.00
BA0000175	3/31/2020 Quarterly Department Budget A	GLPKT03879	03/31/2020		37,229.00	
270-0000-521209	TAD - Expense - City's Portion			60,000.00	2,251.00	62,251.00
BA0000175	3/31/2020 Quarterly Department Budget A	GLPKT03879	03/31/2020		2,251.00	
270-0000-541200	Pine Street Park			0.00	883,164.00	883,164.00
BA0000174	TAD Debt Closing Budget Adjustment 3-10-2	GLPKT03996	03/10/2020		883,164.00	
270-0000-541210	Liberty Park			0.00	883,164.00	883,164.00
BA0000174	TAD Debt Closing Budget Adjustment 3-10-2	GLPKT03996	03/10/2020		883,164.00	
270-0000-541220	Farmers Market Park			0.00	883,164.00	883,164.00
BA0000174	TAD Debt Closing Budget Adjustment 3-10-2	GLPKT03996	03/10/2020		883,164.00	
270-0000-541400	Old Town Streetscapes			0.00	883,164.00	883,164.00
BA0000174	TAD Debt Closing Budget Adjustment 3-10-2	GLPKT03996	03/10/2020		883,164.00	
270-0000-541410	Old Town Paving			0.00	883,164.00	883,164.00
BA0000174	TAD Debt Closing Budget Adjustment 3-10-2	GLPKT03996	03/10/2020		883,164.00	
270-0000-541420	Old Town Bike-Pedestrian Path			0.00	883,164.00	883,164.00
BA0000174	TAD Debt Closing Budget Adjustment 3-10-2	GLPKT03996	03/10/2020		883,164.00	
270-0000-584000	Issuance Costs			0.00	84,090.00	84,090.00
BA0000174	TAD Debt Closing Budget Adjustment 3-10-2	GLPKT03996	03/10/2020		84,090.00	
270-0000-611100	Transfer Out 100 -General Fund			0.00	47,530.00	47,530.00
BA0000174	TAD Debt Closing Budget Adjustment 3-10-2	GLPKT03996	03/10/2020		47,530.00	
270-0000-611350	Transfer out to 350- Local Resources Fund			0.00	76,306.00	76,306.00
BA0000174	TAD Debt Closing Budget Adjustment 3-10-2	GLPKT03996	03/10/2020		76,306.00	
Department 0000 Total:				0.00	0.00	0.00
Fund 270 Total:				0.00	0.00	0.00

Budget Adjustment Report

For Date Range: 01/01/2020 - 03/31/2020

Account Number	Account Name	Packet Number	Post Date	Original Budget	Budget Adjustments Amount	Current Budget
Adjustment Number	Adjustment Description					
Fund: 275 - TOURISM / HOTEL - MOTEL F						
Department: 0000 - Undesignated						
275-0000-314100	CVB Hotel Tax Rev - City's Portion			0.00	-16,152.00	-16,152.00
BA0000178	3/31/2020 additional budget adjustments	GLPKT04034	03/31/2020		-16,152.00	
275-0000-391275	CVB Hotel Tax Rev - CVB's Portion			-46,920.00	16,152.00	-30,768.00
BA0000178	3/31/2020 additional budget adjustments	GLPKT04034	03/31/2020		16,152.00	
Department 0000 Total:				-46,920.00	0.00	-46,920.00
Department: 7540 - 7540						
275-7540-572000	Convention Visitors Bureau			46,920.00	-16,152.00	30,768.00
BA0000178	3/31/2020 additional budget adjustments	GLPKT04034	03/31/2020		-16,152.00	
275-7540-611100	Trans Out 100 - General Fund			0.00	16,152.00	16,152.00
BA0000178	3/31/2020 additional budget adjustments	GLPKT04034	03/31/2020		16,152.00	
Department 7540 Total:				46,920.00	0.00	46,920.00
Fund 275 Total:				0.00	0.00	0.00

Budget Adjustment Report

For Date Range: 01/01/2020 - 03/31/2020

Account Number	Account Name	Packet Number	Post Date	Original Budget	Budget Adjustments Amount	Current Budget
Adjustment Number	Adjustment Description					
Fund: 308 - WATER/ SEWER CAPITAL PROJECTS FUND						
Department: 0000 - Undesignated						
308-0000-399900	Budgeted Retained Earnings			0.00	-450,500.00	-450,500.00
BA0000169	Fund 308 - Project 50180 & 50190	GLPKT03808	03/09/2020		-450,500.00	
308-0000-541300	Wastewater Expansion Plant Design/Permits			0.00	415,500.00	415,500.00
BA0000169	Fund 308 - Project 50180 & 50190	GLPKT03808	03/09/2020		415,500.00	
308-0000-541500	Wastewater Plant Site Demolition			0.00	35,000.00	35,000.00
BA0000169	Fund 308 - Project 50180 & 50190	GLPKT03808	03/09/2020		35,000.00	
Department 0000 Total:				0.00	0.00	0.00
Fund 308 Total:				0.00	0.00	0.00

Budget Adjustment Report

For Date Range: 01/01/2020 - 03/31/2020

Account Number	Account Name	Packet Number	Post Date	Original Budget	Budget Adjustments Amount	Current Budget
Adjustment Number	Adjustment Description					
Fund: 320 - SPLOST FUND						
Department: 0000 - Undesignated						
320-0000-399900	Budgeted Fund Balance			0.00	-50,000.00	-50,000.00
BA0000173	Public Works Booster Pump Station #30170	GLPKT03903	03/19/2020		-50,000.00	
320-0000-541400	Public Works Booster Pump Station			0.00	50,000.00	50,000.00
BA0000173	Public Works Booster Pump Station #30170	GLPKT03903	03/19/2020		50,000.00	
Department 0000 Total:				0.00	0.00	0.00
Fund 320 Total:				0.00	0.00	0.00

Budget Adjustment Report

For Date Range: 01/01/2020 - 03/31/2020

Account Number	Account Name	Packet Number	Post Date	Original Budget	Budget Adjustments Amount	Current Budget
Fund: 350 - LOCAL RESOURCES FUND						
Department: 0000 - Undesignated						
350-0000-334100	LMIG Revenue			-80,000.00	-4,376.00	-84,376.00
BA0000175	3/31/2020 Quarterly Department Budget A	GLPKT03879	03/31/2020		-4,376.00	
350-0000-522200	Paving/Repairs & Maintenance - Roads			486,235.00	4,376.00	490,611.00
BA0000175	3/31/2020 Quarterly Department Budget A	GLPKT03879	03/31/2020		4,376.00	
Department 0000 Total:				406,235.00	0.00	406,235.00
Fund 350 Total:				406,235.00	0.00	406,235.00

Budget Adjustment Report

For Date Range: 01/01/2020 - 03/31/2020

Account Number	Account Name	Packet Number	Post Date	Original Budget	Budget Adjustments Amount	Current Budget
Adjustment Number	Adjustment Description					
Fund: 505 - WATER / SEWER FUND						
Department: 1500 - General Administration						
505-1500-521204	Admin - Professional Services			10,000.00	1,300.00	11,300.00
BA0000175	3/31/2020 Quarterly Department Budget A	GLPKT03879	03/31/2020		1,300.00	
505-1500-521240	W/S Admin / Legal Fees			12,000.00	-1,450.00	10,550.00
BA0000175	3/31/2020 Quarterly Department Budget A	GLPKT03879	03/31/2020		-1,920.00	
BA0000180	Correct BA0000175 - over \$470	GLPKT04039	03/31/2020		470.00	
505-1500-523210	W/S Admin - Call Notifications Expense			0.00	150.00	150.00
BA0000175	3/31/2020 Quarterly Department Budget A	GLPKT03879	03/31/2020		150.00	
505-1500-523600	S/W - Merchant Sys. Fee & Admin Fee			531.00	-500.00	31.00
BA0000176	WS Admin Office Supplies March 2020 Adju	GLPKT04017	03/31/2020		-500.00	
505-1500-531110	W/S Office Supplies			1,500.00	500.00	2,000.00
BA0000176	WS Admin Office Supplies March 2020 Adju	GLPKT04017	03/31/2020		500.00	
Department 1500 Total:				24,031.00	0.00	24,031.00
Department: 4300 - Wastewater						
505-4300-522200	S/ Repairs & Maintenance			75,000.00	-325.00	74,675.00
BA0000175	3/31/2020 Quarterly Department Budget A	GLPKT03879	03/31/2020		-325.00	
505-4300-523200	S/ Communications			2,500.00	325.00	2,825.00
BA0000175	3/31/2020 Quarterly Department Budget A	GLPKT03879	03/31/2020		325.00	
505-4300-531100	S/ Supplies & Materials			19,000.00	-360.00	18,640.00
BA0000176	WS Admin Office Supplies March 2020 Adju	GLPKT04017	03/31/2020		-360.00	
505-4300-531110	S/ Office Supplies			1,500.00	300.00	1,800.00
BA0000176	WS Admin Office Supplies March 2020 Adju	GLPKT04017	03/31/2020		300.00	
505-4300-531790	S/ Uniforms			4,000.00	60.00	4,060.00
BA0000176	WS Admin Office Supplies March 2020 Adju	GLPKT04017	03/31/2020		60.00	
Department 4300 Total:				102,000.00	0.00	102,000.00
Department: 4400 - Water						
505-4400-512220	W/ - Long Term Disability			1,099.00	100.00	1,199.00
BA0000175	3/31/2020 Quarterly Department Budget A	GLPKT03879	03/31/2020		100.00	
505-4400-523400	W / Printing & Binding			15,312.00	-100.00	15,212.00
BA0000175	3/31/2020 Quarterly Department Budget A	GLPKT03879	03/31/2020		-100.00	
Department 4400 Total:				16,411.00	0.00	16,411.00
Department: 4420 - Water Supply						
505-4420-522200	Well Buildings - Repairs/Maint			1,000.00	100.00	1,100.00
BA0000175	3/31/2020 Quarterly Department Budget A	GLPKT03879	03/31/2020		100.00	
505-4420-523900	Wells & Water Tanks R&M/Inspections			29,000.00	-100.00	28,900.00
BA0000175	3/31/2020 Quarterly Department Budget A	GLPKT03879	03/31/2020		-100.00	
Department 4420 Total:				30,000.00	0.00	30,000.00
Fund 505 Total:				172,442.00	0.00	172,442.00
Budget Code Revised Budget Total:				2,756,450.00	0.00	2,756,450.00

Description

Fund Summary

Description	Fund	Original Budget	Budget Adjustments	Current Budget
Budget Code: Revised Budget - Revised Budget Fiscal: FY 2020				
	100	2,177,773.00	0.00	2,177,773.00
	270	0.00	0.00	0.00
	275	0.00	0.00	0.00
	308	0.00	0.00	0.00
	320	0.00	0.00	0.00
	350	406,235.00	0.00	406,235.00
	505	172,442.00	0.00	172,442.00
Budget Code Revised Budget Total:		2,756,450.00	0.00	2,756,450.00



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: First and Second Read of An Ordinance Deeming Violations of the Governor's April 2, 2020 Executive Order a Public Nuisance Violation in the City Code So the City of Flowery Branch May Impose Penalties

COUNCIL MEETING DATE: April 16, 2020

HISTORY:

Without this Ordinance, the City would have to relay any violations of the Governor's April 2, 2020 Order (and its extensions) to the County Solicitor and thus not allow for the involvement of the Municipal Court process, rather than going through the Hall County Court System. If we take no action, Sheriff's Deputies are able to close businesses for violations but we cannot. Our Police Department is allowed to issue a misdemeanor charge but it would go the County Court.

With the passage of this Ordinance, we would be able to treat a violation as a Public Nuisance Violation and thus we could route the violator through the Municipal Court and not have to involve the County. Incidentally, there is some debate as to whether the County would book violators at the County Jail for a misdemeanor due to their concerns about COVID-19. So, by citing as a Public Nuisance, we would avoid that issue.

FACTS AND ISSUES:

OPTIONS:

There are basically three options:

- 1) Take no action.
- 2) Amend this Ordinance in some way.
- 3) Pass this Ordinance as Presented.

IF FUNDING IS INVOLVED, ARE FUNDS APPROVED IN THE CURRENT BUDGET:

No

AMOUNT AND SOURCE OF FUNDS:

No funding is involved.

RECOMMENDATION:

Approval

SAMPLE MOTION:

I motion to approve Ordinance __ Deeming Violations of the Governor's April 2, 2020 Executive Order a Public Nuisance Violation in the City Code So the City of Flowery Branch May Impose Penalties

COLLABORATING DEPARTMENT:

DEPARTMENT: Administration

Prepared by: Melissa McCain

ATTACHMENTS

- [Ordinance __ COVID 19 Enforcement of Governor's Exec Order.docx](#)
- [Governor Kemp's Executive Order.pdf](#)
- [Kemp Shelter in Place Exec Order Summary.docx](#)

**AN EMERGENCY ORDINANCE AMENDING ARTICLE I – IN GENERAL OF
CHAPTER 35 - OFFENSES AND MISCELLANEOUS PROVISIONS OF THE
FLOWERY BRANCH CODE OF ORDINANCES BY ADDING SECTION 35-6
DEEMING VIOLATIONS OF THE GOVERNOR’S EXECUTIVE ORDER DATED
APRIL 2, 2010 A PUBLIC NUISANCE AND IMPOSING PENALTIES; REPEALING
CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING
FOR AN EFFECTIVE DATE; AND FOR ALL OTHER LAWFUL PURPOSES.**

WHEREAS, the World Health Organization has declared coronavirus disease 2019 (COVID-19) a world health emergency and a pandemic; and

WHEREAS, the President of the United States declared a National Health Emergency on March 13, 2020; and

WHEREAS, the Governor of the State of Georgia declared a State of Emergency in Georgia on March 14, 2020; and

WHEREAS, the Mayor and Council of the City of Flowery Branch, Georgia declared a State of Emergency in Flowery Branch on March 24, 2020; and

WHEREAS, to ensure a safe and healthy Georgia, the Governor of the State of Georgia issued an Executive Order on April 2, 2020, requiring citizens of the State of Georgia to shelter in place to impede the spread of COVID-19; and

WHEREAS, the Mayor and Council of the City of Flowery Branch is authorized adopt an ordinance to meet a public emergency affecting life, health, property or public peace not in conflict with said shelter in place Executive Order; and

WHEREAS, to prevent or minimize harm to the citizens of Flowery Branch resulting from the public health emergency caused by the COVID-19 pandemic the Mayor and Council wish to ensure the enforcement of said shelter in place Executive Order.

NOW THEREFORE, the Council of the City of Flowery Branch hereby ordains as follows:

SECTION 1. Article I – In General of Chapter 35 – Offenses and Miscellaneous Provisions of the Flowery Branch Code of Ordinances by adding Section 35-6 - Violations of State Executive Orders as follows:

“Sec. 35-6. – Public Nuisance. Violations of the Executive Order issued by the Governor of the State of Georgia dated April 2, 2020, as may be amended or extended, within the City of Flowery Branch, Georgia shall be deemed to disturb or endanger the peace or decency and /or be deemed a public nuisance and shall be

prosecuted as such in the municipal court of the city. Any person who shall do anything prohibited by this section as the same exists or as it may hereafter be amended, or who shall fail to do anything required by this section as the same exists or as it may hereafter be amended, shall be subject to the penalties allowed by Section 1-12 and as assessed in the discretion of the judge of the municipal court of the city.”

SECTION 2. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION 3. If any section, subsection, provision, or clause of any part of this Ordinance shall be declared invalid or unconstitutional, or, if the provisions of any part of this Ordinance as applied to a particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not held to be invalid or unconstitutional. It is hereby declared as the intent of the Mayor and City Council that this Ordinance would have been adopted in its current form without the invalid or unconstitutional provision contained herein.

SECTION 4. This Ordinance shall become effective immediately upon adoption and shall stand automatically repealed upon expiration of the Executive Order issued by the Governor of the State of Georgia on April 2, 2020, as may be amended or extended.

SO ORDAINED this 16th day of April, 2020.

James M. Miller, Mayor

Attest:

Melissa McCain, City Clerk

Approved as to form:

E. Ronald Bennett, Jr., City Attorney



THE STATE OF GEORGIA

EXECUTIVE ORDER

BY THE GOVERNOR:

EXECUTIVE ORDER TO ENSURE A SAFE & HEALTHY GEORGIA

- WHEREAS:** On March 14, 2020, due to the impact of COVID-19 on the State of Georgia, I issued Executive Order No. 03.14.20.01, declaring a Public Health State of Emergency in Georgia; and
- WHEREAS:** The Georgia General Assembly concurred with Executive Order 03.14.20.01 by joint resolution on March 16, 2020; and
- WHEREAS:** The number of COVID-19 cases in Georgia continues to rise; and
- WHEREAS:** The Georgia Department of Public Health has determined that COVID-19 is spreading throughout communities, requiring the implementation of certain restrictions to limit the spread; and
- WHEREAS:** The Centers for Disease Control and Prevention has determined that older adults, people of any age who have serious underlying medical conditions, and certain other people groups may be at higher risk for more serious complications from COVID-19; and
- WHEREAS:** Code Section 38-3-51(c)(4) vests the Governor with the power to perform and exercise such other functions, powers, and duties as may be deemed necessary to promote and secure the safety and protection of the civilian population; and
- WHEREAS:** Code Section 38-3-51(d)(1) vests the Governor with the power to suspend any regulatory statute prescribing the procedures for conduct of state business, or the orders, rules, or regulations of any state agency if strict compliance with any statute, order, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency or disaster; and
- WHEREAS:** Code Sections 31-2A-4 and 31-12-4 vests the Department of Public Health with the power to segregate and isolate certain individuals with certain communicable diseases or conditions when said

individuals' exposure to the general population is likely to endanger the health of others; and

WHEREAS: In consultation with the Governor's Coronavirus Task Force and health and emergency preparedness officials, I have determined that the following temporary actions are necessary and appropriate to protect the health, safety, and welfare of Georgia's residents and visitors.

NOW, THEREFORE, PURSUANT TO AFOREMENTIONED GEORGIA LAW AND THE AUTHORITY VESTED IN ME AS GOVERNOR OF THE STATE OF GEORGIA, IT IS HEREBY

ORDERED: All residents and visitors of the State of Georgia shall practice social distancing and sanitation in accordance with this Order and guidelines published by the Centers for Disease Control and Prevention.

IT IS FURTHER

ORDERED: No business, establishment, corporation, non-profit corporation, organization, or county or municipal government shall allow more than ten (10) persons to be gathered at a single location if such gathering requires persons to stand or to be seated within six (6) feet of any other person. This provision shall not apply to cohabitating persons outside of their homes, family units or roommates residing together in private homes, or entities defined as "Critical Infrastructure" by this Order.

IT IS FURTHER

ORDERED: That as used in this Order, the term "single location" shall be interpreted to mean a space where all persons gathered cannot maintain at least six (6) feet of distance between themselves and any other person. The term "single location" shall not include private residences.

IT IS FURTHER

ORDERED: That all residents and visitors of the State of Georgia are required to shelter in place within their homes or places of residence, meaning remaining in their place of residence and taking every possible precaution to limit social interaction to prevent the spread or infection of COVID-19 to themselves or any other person, unless they are:

1. Conducting or participating in Essential Services;

2. Performing Necessary Travel;
3. Are engaged in the performance of, or travel to and from, the performance of Minimum Basic Operations for a business, establishment, corporation, non-profit corporation, or organization not classified as Critical Infrastructure; or
4. Are part of the workforce for Critical Infrastructure and are actively engaged in the performance of, or travel to and from, their respective employment.

IT IS FURTHER

ORDERED: That Essential Services permitted pursuant to the provisions of this Order are limited to the following:

1. Obtaining necessary supplies and services for family or household members, such as food and supplies for household consumption and use, medical supplies or medication, supplies and equipment needed to work from home, and products needed to maintain safety, sanitation, and essential maintenance of the home or residence. Preference should be given to online ordering, home delivery, and curbside pick-up services wherever possible as opposed to in-store shopping.
2. Engaging in activities essential for the health and safety of family or household members, such as seeking medical, behavioral health, or emergency services.
3. Engaging in outdoor exercise activities so long as a minimum distance of six (6) feet is maintained during such activities between all persons who are not occupants of the same household or residence.

IT IS FURTHER

ORDERED: That Necessary Travel permitted under this Order is limited to such travel as is required to conduct or participate in Essential Services, Minimum Basic Operations, or Critical Infrastructure as defined by this Order.

IT IS FURTHER

ORDERED: That Minimum Basic Operations are limited to:

1. The minimum necessary activities to maintain the value of a business, establishment, corporation, non-profit corporation, or organization, provide services, manage inventory, ensure security, process payroll and employee benefits, or for related functions. Such minimum necessary activities include remaining open to the public subject to the restrictions of this Order.

2. The minimum necessary activities to facilitate employees or volunteers being able to work remotely from their residences or members or patrons being able to participate remotely from their residences.
3. Instances where employees are working outdoors without regular contact with other persons, such as delivery services, contractors, landscape businesses, and agricultural industry services.

IT IS FURTHER

ORDERED:

That all businesses, establishments, corporations, non-profit corporations, or organizations that are not Critical Infrastructure shall only engage in Minimum Basic Operations as defined in this Order during the effective dates of this Order. Such entities shall also implement measures which mitigate the exposure and spread of COVID-19 among its workforce. Such measures shall include the following:

1. Screening and evaluating workers who exhibit signs of illness, such as a fever over 100.4 degrees Fahrenheit, cough, or shortness of breath;
2. Requiring workers who exhibit signs of illness to not report to work or to seek medical attention;
3. Enhancing sanitation of the workplace as appropriate;
4. Requiring hand washing or sanitation by workers at appropriate places within the business location;
5. Providing personal protective equipment as available and appropriate to the function and location of the worker within the business location;
6. Prohibiting gatherings of workers during working hours;
7. Permitting workers to take breaks and meals outside, in their office or personal workspace, or in such other areas where proper social distancing is attainable;
8. Implementing teleworking for all possible workers;
9. Implementing staggered shifts for all possible workers;
10. Holding all meetings and conferences virtually, wherever possible;
11. Delivering intangible services remotely wherever possible;
12. Discouraging workers from using other workers' phones, desks, offices, or other work tools and equipment;
13. Prohibiting handshaking and other unnecessary person-to-person contact in the workplace;
14. Placing notices that encourage hand hygiene at the entrance to the workplace and in other workplace areas where they are likely to be seen;
15. Suspending the use of Personal Identification Number ("PIN") pads, PIN entry devices, electronic signature capture,

- and any other credit card receipt signature requirements to the extent such suspension is permitted by agreements with credit card companies and credit agencies;
16. Enforcing social distancing of non-cohabitating persons while present on such entity's leased or owned property;
 17. For retailers and service providers, providing for alternative points of sale outside of buildings, including curbside pick-up or delivery of products and/or services if an alternative point of sale is permitted under Georgia law;
 18. Increasing physical space between workers and customers;
 19. Providing disinfectant and sanitation products for workers to clean their workspace, equipment, and tools;
 20. Increasing physical space between workers' worksites to at least six (6) feet.

IT IS FURTHER

ORDERED:

The term "Critical Infrastructure" shall refer to businesses, establishments, corporations, non-profit corporations, and organizations as defined by the U.S. Department of Homeland Security as "essential critical infrastructure workforce," in guidance dated March 19, 2020, and revised on March 28, 2020, and those suppliers which provide essential goods and services to the critical infrastructure workforce as well as entities that provide legal services, home hospice, and non-profit corporations or non-profit organizations that offer food distribution or other health or mental health services. The operation of Critical Infrastructure shall not be impeded by county, municipal, or local ordinance.

Critical Infrastructure that continues in-person operation during the effective dates of this Order shall implement measures which mitigate the exposure and spread of COVID-19 among its workforce. Such measures may include, but shall not be limited to:

1. Screening and evaluating workers who exhibit signs of illness, such as a fever over 100.4 degrees Fahrenheit, cough, or shortness of breath;
2. Requiring workers who exhibit signs of illness to not report to work or to seek medical attention;
3. Enhancing sanitation of the workplace as appropriate;
4. Requiring hand washing or sanitation by workers at appropriate places within the business location;
5. Providing personal protective equipment as available and appropriate to the function and location of the worker within the business location;
6. Prohibiting gatherings of workers during working hours;

7. Permitting workers to take breaks and lunch outside, in their office or personal workspace, or in such other areas where proper social distancing is attainable;
8. Implementing teleworking for all possible workers;
9. Implementing staggered shifts for all possible workers;
10. Holding all meetings and conferences virtually, wherever possible;
11. Delivering intangible services remotely wherever possible;
12. Discouraging workers from using other workers' phones, desks, offices, or other work tools and equipment;
13. Providing disinfectant and sanitation products for workers to clean their workspace, equipment, and tools;
14. Prohibiting handshaking and other unnecessary person-to-person contact in the workplace; and
15. Placing notices that encourage hand hygiene at the entrance to the workplace and in other workplace areas where they are likely to be seen; and
16. Suspending the use of Personal Identification Number ("PIN") pads, PIN entry devices, electronic signature capture, and any other credit card receipt signature requirements to the extent such suspension is permitted by agreements with credit card companies and credit agencies.

IT IS FURTHER

ORDERED: That the Georgia Department of Economic Development is authorized to issue guidance to any business, corporation, organization, or industry trade group regarding its status as Critical Infrastructure. This guidance shall not require a finding of fact but shall be in writing and shall be considered a final agency action for the purpose of proceedings under Code Section 50-13-19.

IT IS FURTHER

ORDERED: All restaurants and private social clubs shall cease providing dine-in services. Takeout, curbside pick-up, and delivery are permitted in accordance with the provisions of this Order.

This provision shall not limit the operation of dine-in services in hospitals, healthcare facilities, nursing homes, or other long-term care facilities; however, to the extent possible, such facilities should offer in-room dining.

IT IS FURTHER

ORDERED: That all gyms, fitness centers, bowling alleys, theaters, live performance venues, operators of amusement rides as defined by

Code Section 25-15-51, body art studios permitted pursuant to Code Section 31-40-2, businesses registered pursuant to Code Sections 43-10-11 and 43-10-18, estheticians as defined by Code Section 43-10-1(8), hair designers as defined by Code Section 43-10-1(9), persons licensed to practice massage therapy pursuant to Code Section 43-24A-8, and businesses which possess a license to operate as or otherwise meet the definition of “bar” as defined by Code Section 3-1-2(2.1), shall cease in-person operations and shall close to the public while this Order is in effect.

IT IS FURTHER

ORDERED: That persons required to shelter in place under any provision of this Order shall not receive visitors, except as follows:

1. Visitors providing medical, behavioral health, or emergency services or medical supplies or medication, including home hospice;
2. Visitors providing support for the person to conduct activities of daily living or instrumental activities of daily living;
3. Visitors providing necessary supplies and services, such as food and supplies for household consumption and use, supplies and equipment needed to work from home, and products needed to maintain safety, sanitation, and essential maintenance of the home or residence; or
4. Visitors received during end-of-life circumstances.

To the extent practicable under the circumstances, visitors shall maintain a minimum distance of six (6) feet between themselves and all other occupants of the person’s home or residence. Any visitors visiting for the sole purpose of delivering medication, supplies, or other tangible goods shall, to the extent practicable, deliver such items in a manner that does not require in-person contact or require the deliverer to enter the person’s home or residence.

IT IS FURTHER

ORDERED: That the provisions of this Order related to visitors listed in the immediately preceding paragraph shall be strictly enforced against nursing homes or other long-term care facilities, including inpatient hospice, assisted living communities, personal care homes, intermediate care homes, community living arrangements, and community integration homes.

IT IS FURTHER

ORDERED: That an exception to any shelter-in-place requirement set forth hereunder applies in the event of an emergency. In such cases,

persons are encouraged to leave their homes or residences and shelter in place in accordance with the rules included in this Order at a safe alternate location. Persons experiencing homelessness are urged to obtain shelter and to contact governmental and other entities for assistance.

IT IS FURTHER

ORDERED: That the Department of Public Health, the Department of Public Safety, or any other state department or state officer deputized by the Governor or the Georgia Emergency Management and Homeland Security Agency are, after providing reasonable notice, authorized to mandate the closure of any business, establishment, corporation, non-profit corporation, or organization not in compliance with this Order for a period not to extend beyond the term of this Order.

IT IS FURTHER

ORDERED: That the Adjutant General of the Georgia National Guard and the Commissioner of the Department of Public Safety shall provide resources as requested to assist in the enforcement of this Order.

IT IS FURTHER

ORDERED: That pursuant to Code Section 38-3-51, the powers of counties and cities conveyed in Titles 36 and 38, including those specific powers enumerated in Code Sections 36-5-22.1 and 36-35-3 are hereby suspended to the extent of suspending enforcement of any local ordinance or order adopted or issued since March 1, 2020, with the stated purpose or effect of responding to a public health state of emergency, ordering residents to shelter-in-place, ordering a quarantine, or combatting the spread of coronavirus or COVID-19 that in any way conflicts, varies, or differs from the terms of this Order. Enforcement of all such ordinances and orders is hereby suspended and no county or municipality shall adopt any similar ordinance or order while this Order is in effect, except for such ordinances or orders as are designed to enforce compliance with this Order.

IT IS FURTHER

ORDERED: That if one or more of the provisions contained in this Order shall conflict with the provisions of any previous Executive Order or Agency Administrative Order, the provisions of this Order shall control. Further, in the event of any conflict, the provisions of any quarantine or isolation Order issued to a specific person by the Department of Public Health shall control.

IT IS FURTHER

ORDERED: That nothing in this Order shall be construed to suspend or limit the sale, dispensing, or transportation of firearms or ammunition, or any component thereof.

IT IS FURTHER

ORDERED: That pursuant to Code Section 38-3-7, any person who violates this Order shall be guilty of a misdemeanor. Officials enforcing this Order should take reasonable steps to provide notice prior to issuing a citation or making an arrest.

IT IS FURTHER

ORDERED: This Order rescinds and replaces Executive Order 03.23.20.01.

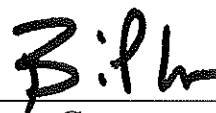
IT IS FURTHER

ORDERED: That if one or more of the provisions contained in this Order shall be held to be invalid, in violation of the Georgia Constitution, in violation of Georgia law, or unenforceable in any respect, such invalidity, violation, or unenforceability shall not affect any other provisions of this Order, but, in such case, this Order shall be construed as if such invalid, illegal, or unenforceable provision had never been contained within the Order.

IT IS FURTHER

ORDERED: All provisions of the Order shall become effective for a period beginning at 6:00 P.M. on Friday, April 3, 2020, and expiring at 11:59 P.M. on Monday, April 13, 2020.

This 2nd day of April 2020, at 3:12 P.M.



GOVERNOR

MEMO

TO: Flowery Branch Mayor and City Council

FROM: E. Ronald Bennett, Jr., City Attorney

DATE: April 2, 2020

RE: Governor Kemp's Shelter in Place Executive Order Dated April 2, 2020 Summary

1. Must follow the CDC Guidelines for social distancing and sanitation.
2. No gathering of more than 10 people so long as persons can remain 6' apart.
3. The 10-person gathering limit does not apply to a family units or roommates in a private residence.
4. Shelter in place at home except for:
 - a. Conducting or participating in Essential Services
 - (1) Buying family supplies and services such as:
 - (a) Food
 - (b) Medicine/medical supplies
 - (c) Work from home equipment/supplies
 - (d) Safety, sanitation and essential home maintenance
 - (2) Seeking health care
 - (3) Exercising outdoors while 6' apart
 - b. Performing Necessary Travel – travel required to conduct or participate in:
 - (1) Essential Services
 - (2) Minimum Basic Operations
 - (3) Work from Home
 - (4) Outdoor work without regular contact with other persons
 - c. Engaging in performance of Minimum Basic Operations
 - (1) NOT on the Critical Infrastructure list
 - (2) Must implement COVID-19 mitigation measures
 - d. Work for Critical Infrastructure as defined by U.S. Department of Homeland Security
 - (1) General categories of Critical Infrastructure
 - (a) Communications
 - (b) Chemical
 - (c) Critical Manufacturing
 - (d) Commercial Facilities
 - (e) Dams
 - (f) Defense Industrial Base
 - (g) Emergency Services
 - (h) Energy
 - (i) Financial
 - (j) Food & Agriculture
 - (k) Government Facilities

- (l) Healthcare & Public Health
- (m) Information Technology
- (n) Nuclear Reactors, Materials & Waste
- (o) Transportation Systems
- (p) Water

(2) Must implement COVID-19 mitigation measures

5. Georgia Department of Economic Development to give guidance
6. Restaurants closed to in person dining/takeout, curbside pickup and delivery allowed
7. Cafeterias in hospitals, nursing homes, long term care facilities, etc. can continue to have in person dining
8. Gyms/fitness centers, bowling alleys, theaters, live performance venues, amusement ride operators, body art studios, beauty salons/barbers, estheticians, hair designers, massage and bars must close to in person operations.
9. No visitors at your residence except:
 - a. To provide health care service
 - b. To support resident with daily living activities
 - c. To provide household food and supplies
 - d. To provide work from home equipment and supplies
 - e. To provide safety, sanitation and essential home maintenance
10. No visitors shall be strictly enforced for nursing homes, long term care facilities, assisted living, personal care homes, etc.
11. Can leave your home in the case of an emergency
12. No suspension or limitation of the sale/transportation of firearms or ammunition
13. State can close business that do not comply
14. Violations can be punished as misdemeanor:
 - a. 1 year in jail
 - b. \$1000 fine
15. Order is enforced by:
 - a. Georgia State Patrol
 - b. County Sheriff/Police Department
 - c. City Police Department
16. Warnings are encouraged over citations
17. Counties and cities cannot adopt ordinance similar to this Order
18. Order is in effect from 6:00 pm 4/3/20 to 11:59 pm on 4/13/20



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Resolution 20-012 - Declare State of Emergency Continuation

COUNCIL MEETING DATE: April 16, 2020

HISTORY:

Originally Approved on March 19, 2020 with and expiration of April 16, 2020.

FACTS AND ISSUES:

OPTIONS:

IF FUNDING IS INVOLVED, ARE FUNDS APPROVED IN THE CURRENT BUDGET:

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Approve

SAMPLE MOTION:

I make a motion to approve Resolution 20-012 and the continued state of emergency procedures as found in the resolution.

COLLABORATING DEPARTMENT:

DEPARTMENT: Administration

Prepared by: Melissa McCain

ATTACHMENTS

- [20-012 -Cont State of Emergency COVID.pdf](#)

RESOLUTION 20-012

DECLARATION OF LOCAL STATE OF EMERGENCY

WHEREAS, the outbreak of Coronavirus Disease 2019 (COVID-19) within the State of Georgia and the rapidly evolving threat to health and safety posed by that outbreak has created an emergency condition involving public safety and the preservation of public services; and

WHEREAS, the City has noted the increase in confirmed cases of COVID-19 within the State of Georgia and the Centers for Disease Control's (CDC) conclusion regarding the likelihood of more cases; and

WHEREAS, the City notes further the January 31, 2020 declaration of the Secretary of Health and Human Services of a public health emergency in the United States and the World Health Organization's March 11, 2020 declaration of COVID-19 as a pandemic; and

WHEREAS, as of the date of this Resolution, there have been over 100 confirmed cases of COVID-19 in the State of Georgia, including one death; and

WHEREAS, COVID-19 poses a serious risk of severe illness or even death for many people including but not limited to the public at large, the citizens of the City of Flowery Branch and all City personnel as well as the elected and appointed officials of the City of Flowery Branch; and

WHEREAS, Populations identified by the CDC who are particularly vulnerable include many members of the public; and

WHEREAS, in February of this year, the Centers for Disease Control and Prevention issued "Interim Guidance" recommending that all employers consider how best to decrease the spread of COVID-19, including the review of guidance from state and local health officials; and

WHEREAS, significant actions taken to date in response to the threat include the cancellation of essentially all events involving large gatherings of people, the closing of public and private schools, colleges and universities, and the conversion of business and government operations to telework platforms; and

WHEREAS, the President of the United States has declared a national emergency; and

WHEREAS, the Governor of Georgia declared a public health emergency on March 14, 2020; and

WHEREAS, the Mayor and Council of the City of Flowery Branch, Georgia (the "City") is the duly elected governing authority for the City; and

WHEREAS, based upon the President's Declaration of National Emergency, the Governor's Public Health State of Emergency Declaration of Local Emergency, and in recognition of the number of identified and projected cases of COVID-19 in the State of Georgia, the preventative measures being implemented throughout the State of Georgia, and the severity of risk posed to the public, and given the above public health recommendations from public health authorities, the Mayor and Council of the City of Flowery Branch believe that it is in the best interests of the welfare of the City of Flowery Branch and its residents to declare a local state of emergency in order to invoke the power for the Mayor and Council to consider a resolution to hold all Public Meetings by Teleconference due to emergency circumstances as permitted by OCGA 50-14-1 (g) of the Georgia Open Meetings Act;

IT IS HEREBY DECLARED that a local state of emergency exists due to the COVID-19 pandemic;

IT IS FURTHER DECLARED that the local state of emergency is a circumstance involving public and the preservation of property and public services sufficient for the Mayor and Council to consider a resolution to hold all Public Meetings by Teleconference due to emergency circumstances as permitted by OCGA 50-14-1 (g) of the Georgia Open Meetings Act for so long as the local state of emergency exists; and

IT IS FURTHER DECLARED that this declaration of a local state of emergency shall continue until 11:59 P.M., Thursday, May 21, 2020 unless this declaration is renewed by the Mayor and/or Council of the City of Flowery Branch or until such time as the Mayor and/or Council of the City of Flowery Branch find that the emergency conditions no longer exist.

PASSED AND ADOPTED by the City Council of the City of Flowery Branch Georgia this 16th day of April 2020.

James Miller - Mayor

ATTEST:

Vickie Short, Interim City Clerk

APPROVED AS TO FORM:

E. Ronald Bennett, Jr., City Attorney



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider March 24, 2020 Meeting Minutes

COUNCIL MEETING DATE: April 16, 2020

HISTORY:

FACTS AND ISSUES:

OPTIONS:

IF FUNDING IS INVOLVED, ARE FUNDS APPROVED IN THE CURRENT BUDGET:

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Approve with the consent agenda

SAMPLE MOTION:

No motion needed, on the Consent Agenda

COLLABORATING DEPARTMENT:

DEPARTMENT: Administration

Prepared by: Melissa McCain

ATTACHMENTS

- [03242020.pdf](#)



**City of Flowery Branch
Special Called Council Meeting
March 24, 2020**



**City of Flowery Branch City Hall
5410 Pine Street, Flowery Branch GA, 30542**

TELECONFERENCE MEETING

CONNECTION TO MEETING:

Due to COVID-19 this meeting was held utilizing GOTOMeeting.

Please join my meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/828415213>

You can also dial in using your phone.

(For supported devices, tap a one-touch number below to join instantly.)

United States: +1 (408) 650-3123

- One-touch: tel:+14086503123,,828415213#

Access Code: 828-415-213

DECLARATION OF LOCAL STATE OF EMERGENCY

Resolution 20-009 - Declare State of Emergency

Attorney Bennett reviewed the resolution that declares the following:

IT IS HEREBY DECLARED that a local state of emergency exists due to the COVID-19 pandemic;

IT IS FURTHER DECLARED that the local state of emergency is a circumstance involving public and the preservation of property and public services sufficient for the Mayor and Council to consider a resolution to hold all Public Meetings by Teleconference due to emergency circumstances as permitted by OCGA 50-14-1 (g) of the Georgia Open Meetings Act for so long as the local state of emergency exists; and

IT IS FURTHER DECLARED that this declaration of a local state of emergency shall continue until 11:59 P.M., Thursday, April 16, 2020 unless this declaration is renewed by the Mayor and/or Council of the City of Flowery Branch or until such time as the Mayor and/or Council of the City of Flowery Branch find that the emergency conditions no longer exist.

CALL WORK SESSION TO ORDER:

PRESENT BY TELECONFERENCE: Mayor James Miller and Councilmembers Chris Mundy, Ed Asbridge, Leslie Jarchow, Amy Farah, and Joe Anglin

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

PUBLIC HEARING:

There was no public hearing.

UNFINISHED BUSINESS - WORK SESSION:

There was no unfinished business.

NEW BUSINESS -WORK SESSION:

Consider the First Reading of an Ordinance 586 Relating to Efforts to Limit the Spread of the COVID -19

Attorney Bennett advised that this ordinance would be considered for a first reading and a second reading at this meeting because of the urgency to stop the spread of this Coronavirus.

In summary this ordinance requires:

1. Restaurants are closed to in-house dining.
2. Restaurants with a valid license may sell beer and wine as take out or delivery.
3. Occupation Tax deadline extended to Sept. 30
4. No penalties or interest will be applied to late utility payments.
5. No suspension of utility service.

These measures will be effective through the life of the Emergency Declaration.

Mayor Miller advised that the City understands that this is very difficult for the businesses in the City and advised that the City is united with the neighboring communities in closing restaurants to in-house dining but in an effort assist with the takeout and delivery options the City is relaxing the regulations on alcoholic beverage carry out and will allow businesses with an alcoholic beverage consumption on the premises license to deliver sealed beer or wine with meals.

Mayor Miller also advised that the business license fees are extended from a due date of June 30 to September 30, 2020.

Finally, Mayor Miller stated that there is a financial burden put on many of the residents so this ordinance would initiate a temporary extension to the payment of water/sewer bills without penalties or cut-offs.

Councilman Asbridge inquired on how the businesses will get this notice and how will it be enforced.

Attorney Bennett advised that this ordinance would be advertised on the website, through the paper, the Facebook page, Instagram and Twitter and an email blast to the water/sewer customers.

City Manager Andrew advised that he has been in contact with the Chief of Police and that if there was a business in violation of this ordinance, they would be given a warning initially and second offences could be cited.

Attorney Bennett advised that the penalty for violating this ordinance is up to 365 days in jail, up to a \$1,000 fine and the possible revocation/suspension of alcohol licenses.

Consider Formal Financial Policies: Operating Budget Policy, One-time Revenues Policy, Expenditures Policy, Capital Policy, and Long-Term Forecasting and Planning Policy

Finance Director Gamble reviewed the newly proposed policies noting that the City is already following policies 1-3 and are working toward procedures for policies 4 and 5.

1. Operating Budget Policy
 - a. Purpose: to guide a comprehensive plan to deliver efficient and effective services to residents and stakeholders of the City.
2. One-time Revenues Policy
 - a. Purpose: to guide the City of Flowery Branch to spend within its means and stay financially healthy by specifying uses for one-time revenues.
3. Expenditures Policy
 - a. Purpose: to guide an efficient and effective expenditure system that guarantees the spending of public resources to match generated revenues to the greatest extent possible.
4. Capital Policy
 - a. Purpose: to provide guidelines to complete a comprehensive process that allocates limited resources into capital investment and management decisions.
5. Long-Term Forecasting and Planning Policy
 - a. Purpose: to give the City the best chance of a thriving community now and for future generations.

Discussion - Request from Red Oak Sanitation – Renewal of Contract

Manager Andrew reviewed the Red Oak Contract and noted that Red Oak Sanitation has been servicing the City with garbage and recycling services for about 20 years without a rate increase.

Continuing, Manager Andrew advised that the last contract signed with Red Oak Sanitation is dated May 7, 2015 and is set to expire on May 7, 2020. City staff reached out to Red Oak Sanitation to notify them the City will be placing these services out for bid this year.

Red Oak sent a message to the council that read as follows:

Red Oak has been providing service to the city of Flowery Branch for 20 years without a rate increase. Over the years we have continued to find solutions and create efficiency's so that we could maintain our monthly rate.

Over that same period of time our cost to drop off recycling at the recycling center has been a roller coaster, going from actually being paid \$ 5/ton (of which we donated to American Cancer society) to now where we are paying \$57/ton to drop off. The landfill rate for Municipal Solid Waste (MSW) at \$40/ton is much cheaper for dumping than recycling.

With our subscription customers (excluding the city of Flowery Branch customers), we are now billing those that choose to recycle an additional fee as it's an additional service. We would like to extend or renew our contract with the city at a rate of \$12/month for household trash and for only those that recycle an additional \$4/month.

Manager Andrew reviewed the current and proposed rates as follows:

Current rates: \$11.65/month for garbage. Residents will pay \$6/month, per home for each additional garbage container. Residents will pay \$8/cubic yard of yard waste, exceeding 1.5 cubic yards (7 bags or rolls)/week.

Proposed Rates: Red Oak would like to extend or renew our contract with the City at a rate of \$12/month for household trash and for only those that recycle an additional \$4/month. This would mean an increase of \$0.35/month for garbage and \$4/month for recycling, if the customer chooses to continue recycling.

The City has a good history with their service and it is not likely a new service will be cheaper and even if it is, it may not be what is promised. Further Red Oak has single axle trucks for our smaller roads.

Councilmember Anglin stated that residents have three choices, get garbage and recycling services, get garbage service only or choose to not get any service and take their refuse and recycling to one of the trash compactor sites.

Manager Andrew advised that was correct.

Consider preliminary plat for a project known as "The Farm" located at Gaines Ferry and McEver Road.

Planner Atkinson reviewed the preliminary plat and the layout of the development and advised that the Ace Hardware was going to be built first.

Councilman Anglin expressed concerns with the impact of this development at the intersection of Gaines Ferry Road and McEver Road and suggested that staff discuss the use of impact fees for upgrading this intersection.

Manager Andrew advised that the City collects impact fees for Hall County but that those funds don't necessarily get spent within the City limits.

Consider Resolution 20-006 - A Resolution to Formally Accept Roadways in the Sterling on the Lake Subdivision.

Planner Atkinson advised that there is a section of Boathouse Way in POD U that has been inspected by Building Inspector Donald Bowers and Public Works Director Johnny Thomas and is ready for the City to accept ownership.

Consider Resolution 20-007 - A Resolution to Formally Accept Roadways in the Sterling on the Lake Subdivision.

Planner Atkinson advised that there is a section of Trailside Drive in POD Y that has been inspected by Building Inspector Donald Bowers and Public Works Director Johnny Thomas and is ready for the City to accept ownership.

Consider Resolution 20-008 - A Resolution to Formally Accept Roadways in the Sterling on the Lake Subdivision.

Planner Atkinson advised that there is a section of Trailside Drive and Bonfire Drive in POD Y that has been inspected by Building Inspector Donald Bowers and Public Works Director Johnny Thomas and is ready for the City to accept ownership.

Consider February 20, 2020 Meeting Minutes

There were no changes to the minutes as presented.

Consider March 5, 2020 Meeting Minutes

There were no changes to the minutes as presented.

DEPARTMENT REPORTS:

City Manager Report

Manager Andrew reviewed the following:

1. Staff is moving ahead with demo at the wastewater plant and demolition of old drying beds to make room for the expansion.
2. The cost for water pumps on Gainesville St., including a high capacity pump is approximately \$50,000 and will be covered through the \$184,000 in excess SPLOST VII. If the initial pump is sufficient for fire services, the cost could be as low as \$35,000.
3. Given the crisis, we are studying changes to current and future budgets and meeting with other municipalities to discuss finances during this pandemic.

ADJOURNMENT WORK SESSION:

Mayor Miller adjourned the work session at 7:10 pm.

VOTING SESSION MINUTES

CALL VOTING SESSION TO ORDER:

Mayor Miller called the voting session to order at 7:10 pm.

PUBLIC COMMENTS:

Harvey Glass- Manager J. Christopher's Restaurant, Flowery Branch, Ga.

Manager Glass inquired on health dept. regulations

Mayor Miller advised that health inspections are held by Hall County and the City will check into the process for reopening when the circumstances allow and email that to Mr. Glass.

Mayor Miller further advised that the council does not want businesses to close but inhouse dining is restricted for the safety of the community.

Susan Barge – 6593 McEver Road, Flowery Branch, Ga.

Ms. Barge expressed concerns with the annexation plan that was presented this evening including the distances between the pump station and the property line and the back of the houses to her driveway.

CONSENT AGENDA:

- February 20, 2020 Meeting Minutes
- March 5, 2020 Meeting Minutes

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

MOTION: Chris Mundy

SECOND: Amy Farah

AYES: Chris Mundy, Leslie Jarchow, Amy Farah, Joe Anglin

Councilman Asbridge was unable to answer the roll call vote due to technical difficulties but advised when he made connection that he was in favor of approval.

NAYS: None

Motion carried

UNFINISHED BUSINESS - VOTING SESSION:

Consider the 2nd Reading of Ordinance 575A. Request to Amend Approved Conditions of Zoning. (Applicant Gee Harvey).

Attorney Bennett read the caption to Ordinance 575A and noted that the only change, at the applicant's request, was to remove the condition requiring the applicant to use City of Flowery Branch water and allow the developer to use City of Gainesville water.

There was a motion made to approve the second reading of ordinance 575a.

MOTION: Joe Anglin

SECOND: Chris Mundy

AYES: Chris Mundy, Leslie Jarchow, Amy Farah, Joe Anglin

Councilman Asbridge was unable to answer the roll call vote due to technical difficulties but advised when he made connection that he was in favor of approval.

NAYS: None

Motion carried

2nd Reading of Ordinance 576A Request to Amend Approved Conditions of Zoning. (Applicant Gee Harvey)

Attorney Bennett read the caption to Ordinance 576A and noted that the only change, at the applicant's request, was to remove the condition requiring the applicant to use City of Flowery Branch water and allow the developer to use City of Gainesville water.

There was a motion made to approve the second reading of ordinance 576a.

MOTION: Amy Farah

SECOND: Joe Anglin

AYES: Chris Mundy, Leslie Jarchow, Amy Farah, Joe Anglin

Councilman Asbridge was unable to answer the roll call vote due to technical difficulties but advised when he made connection that he was in favor of approval.

NAYS: None

Motion carried

Councilman Anglin noted that the City does not currently have a water line located close enough to service this development and for the developer to run a water line would be financially burdensome to the developer.

1st Reading of Ordinance 585 - Rezone of 0 McEver Road from M1 (Light Industrial) to PUD (Planned Unit Development)

Attorney Bennett read the caption to Ordinance 585.

There was a motion made to approve the first reading of ordinance 585 for the rezoning of 0 McEver Road.

MOTION: Joe Anglin

SECOND: Chris Mundy

Discussion:

Councilman Anglin inquired if the slope on the back of the property between the development and Madison Creek would be left undisturbed and if it is disturbed, he felt it would need some screening.

Planner Atkinson advised that he would speak to Mr. Stark and felt he would do what it takes to fence and or screen to the councils satisfaction.

Mayor Miller asked what the required set back was.

Planner Atkinson advised the set back is 75 feet from center of the creek to either side of the creek.

AYES: Chris Mundy, Leslie Jarchow, Amy Farah, Joe Anglin
Councilman Asbridge was unable to answer the roll call vote due to technical difficulties but advised when he made connection that he was in favor of approval.

NAYS: None

Motion carried

Consider Elevations Submitted for Approval by Mr. Gee Harvey for the Bell Road subdivision.

Planner Atkinson advised that Mr. Gee Harvey has agreed to all models having a brick water table even though the renderings don't indicate it.

There was a motion made to approve the elevations submitted by Mr. Harvey for the Bell Road Subdivision.

MOTION: Amy Farah

SECOND: Leslie Jarchow

Discussion:

Councilman Anglin inquired on the brick water table and that there would be no three-tab shingles or lessor product and he garage doors would have carriage door hardware.

Mr. Harvey advised that he agreed to all three.

There was a motion made to amend the motion to include all models to have a brick water table in the front of the homes, carriage door hardware and no three-tab shingles or lessor shingles.

MOTION: Joe Anglin

SECOND: Chris Mundy

AYES: Chris Mundy, Leslie Jarchow, Amy Farah, Joe Anglin

Councilman Asbridge was unable to answer the roll call vote due to technical difficulties but advised when he made connection that he was in favor of approval.

NAYS: None

Motion carried

Original motion with amendment vote

AYES: Chris Mundy, Leslie Jarchow, Amy Farah, Joe Anglin

Councilman Asbridge was unable to answer the roll call vote due to technical difficulties but advised when he made connection that he was in favor of approval.

NAYS: None

Motion carried

NEW BUSINESS - VOTING SESSION:

Attorney Bennett noted that the first item that was discussed at the beginning of the meeting was required to be voted on if the council would approve adding it to the voting session.

Mayor Miller advised it could be considered at this time.

Attorney Bennett reviewed the resolution and advised it would run for 30 days until April 23, 2020.

There was a motion made to approve Resolution 20-009 issuing a State of Emergency in the City of Flowery Branch due to the COVID pandemic.

MOTION: Chris Mundy

SECOND: Leslie Jarchow

AYES: Chris Mundy, Leslie Jarchow, Amy Farah, Joe Anglin

Councilman Asbridge was unable to answer the roll call vote due to technical difficulties but advised when he made connection that he was in favor of approval.

NAYS: None

Motion carried

First Reading of an Ordinance Relating to Efforts to Limit the Spread of the COVID -19

Attorney Bennett advised that because this is an emergency ordinance the council is allowed to have both readings and approve the ordinance in the same meeting.

Attorney Bennett read the caption.

There was a motion made to approve the first reading of Ordinance 586 in an attempt to limit the spread of the Coronavirus.

MOTION: Joe Anglin

SECOND: Leslie Jarchow

AYES: Chris Mundy, Leslie Jarchow, Amy Farah, Joe Anglin

Councilman Asbridge was unable to answer the roll call vote due to technical difficulties but advised when he made connection that he was in favor of approval.

NAYS: None

Motion carried

Mayor Miller noted that this would allow restaurants with consumption licenses to sell packaged beer or wine with meals ordered for takeout or deliver.

Second Reading of an Ordinance Relating to Efforts to Limit the Spread of the COVID -19

There was a motion made to approve ordinance 586 in an attempt to limit the spread of the Coronavirus.

MOTION: Chris Mundy

SECOND: Amy Farah

AYES: Chris Mundy, Leslie Jarchow, Amy Farah, Joe Anglin

Councilman Asbridge was unable to answer the roll call vote due to technical difficulties but advised when he made connection that he was in favor of approval.

NAYS: None

Motion carried

Consider Preliminary Plat for a Project Known as "The Farm" located at Gaines Ferry and McEver Road.

There was a motion made to approve the preliminary plat for the project known as "The Farm: located at Gaines Ferry and McEver Road.

MOTION: Amy Farah

SECOND: Chris Mundy

Discussion:

Mr. Asbridge advised that he was in favor of this development and after studying the traffic study he does not feel traffic will be an issue.

AYES: Chris Mundy, Ed Asbridge, Leslie Jarchow, Amy Farah, Joe Anglin

NAYS: None

Motion carried

Consider the appointment of three individuals to the Historic Preservation Committee as alternates.

Planner Atkinson summarized the need for alternate members for the HPC.

There was a motion made to approve the appointment of Bob Hayes, Rick Lamb, and Ed Goss.

MOTION: Leslie Jarchow

SECOND: Joe Anglin

AYES: Chris Mundy, Ed Asbridge, Leslie Jarchow, Amy Farah, Joe Anglin

NAYS: None

Motion carried

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

Attorney Bennett read the caption to Ordinance 587.

There was a motion made to approve Ordinance 587 and the annexation of 6490 McEver Road.

MOTION: Joe Anglin

SECOND: Ed Asbridge

Discussion:

Councilman Anglin advised that this property is already in front of a small subdivision and will be adjoining the property called "The Farm"

Councilman Anglin advised that a pump station has to go in specific locations, and it has to be lower than the homes and it appears this may be the lowest spot and there is not a choice in its location.

Manager Andrew advised that the pump station would be under ground and there would be a generator that would be above ground but the distance from the residential use is quite significant.

Councilman Anglin inquired on screening.

Manager Andrew advised that it could have a vinyl fencing and landscaping but must remain accessible.

Councilman Asbridge advised there is no commercial proposed and inquired on why.

Planner Atkinson advised that the two parcels next to this would be incorporated to include a transition from residential homes to townhomes to commercial, but the adjoining property owner has not come to an agreement on price for a sale.

Manager Andrew stated that the City could consider a development agreement to pay into a larger pump station on this property to allow for future growth of the two properties to the north.

Councilman Anglin inquired on sidewalks and the developer noted that there would be sidewalks on both sides of the road.

Councilwoman Farah inquired if there could be an additional buffer between the property and the neighboring property owner's business.

Planner Atkinson advised that it could be considered at time of rezoning

Mr. Fricks, the developer, advised the lots are 147-foot lots so they would not be backing up to the neighboring property.

Mr. Fricks advised they could install additional buffers.

AYES: Chris Mundy, Ed Asbridge, Amy Farah, Joe Anglin

NAYS: Leslie Jarchow

Motion carried

Attorney Bennett read the caption to Ordinance 588.

There was a motion made to approve the first reading of Ordinance 588 and the annexation of 6509 McEver Road.

MOTION: Joe Anglin
SECOND: Leslie Jarchow
AYES: Chris Mundy, Ed Asbridge, Amy Farah, Joe Anglin
NAYS: Leslie Jarchow
Motion carried

Attorney Bennett read the caption to Ordinance 589.

There was a motion made to approve ordinance 589 and the annexation of 6533 McEver Road.

MOTION: Joe Anglin
SECOND: Ed Asbridge
AYES: Chris Mundy, Ed Asbridge, Amy Farah, Joe Anglin
NAYS: Leslie Jarchow
Motion carried

Councilman Anglin requested that staff discuss with the developer about having the homes that backup to McEver Road have some form of contour to them so as not to have flat backs facing McEver Road.

Resolution 20-006 - A Resolution to Formally Accept Roadways in the Sterling on the Lake Subdivision.

Attorney Bennett read the caption to Resolution 20-006.

There was a motion made to approve Resolution 20-006 as presented.

MOTION: Chris Mundy
SECOND: Amy Farah
AYES: Chris Mundy, Ed Asbridge, Leslie Jarchow, Amy Farah, Joe Anglin
NAYS: None
Motion carried

Resolution 20-007 - A Resolution to Formally Accept Roadways in the Sterling on the Lake Subdivision.

Attorney Bennett read the caption to Resolution 20-007.

There was a motion made to approve Resolution 20-007 as presented.

MOTION: Ed Asbridge
SECOND: Joe Anglin
AYES: Chris Mundy, Ed Asbridge, Leslie Jarchow, Amy Farah, Joe Anglin
NAYS: None
Motion carried

Resolution 20-008 - A Resolution to Formally Accept Roadways in the Sterling on the Lake Subdivision.

Attorney Bennett read the caption to Resolution 20-008.

There was a motion made to approve resolution 20-008 as presented.

MOTION: Joe Anglin
SECOND: Leslie Jarchow
AYES: Chris Mundy, Ed Asbridge, Leslie Jarchow, Amy Farah, Joe Anglin
NAYS: None
Motion carried

EXECUTIVE SESSION:

There was a motion made to enter executive session at 8:59 for personnel and pending/potential litigation.

MOTION: Joe Anglin
SECOND: Leslie Jarchow
AYES: Chris Mundy, Ed Asbridge, Leslie Jarchow, Amy Farah, Joe Anglin
NAYS: None
Motion carried

There was a motion made to reconvene open session at 10:02.

MOTION: Chris Mundy
SECOND: Amy Farah
AYES: Chris Mundy, Ed Asbridge, Leslie Jarchow, Amy Farah, Joe Anglin
NAYS: None
Motion carried

ADJOURNMENT:

There was a motion made to adjourn at 10:03 pm.

MOTION: Ed Asbridge
SECOND: Amy Farah
AYES: Chris Mundy, Ed Asbridge, Leslie Jarchow, Amy Farah, Joe Anglin
NAYS: None
Motion carried



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider April 2, 2020 Meeting Minutes

COUNCIL MEETING DATE: April 16, 2020

HISTORY:

FACTS AND ISSUES:

OPTIONS:

IF FUNDING IS INVOLVED, ARE FUNDS APPROVED IN THE CURRENT BUDGET:

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Approve with the consent agenda

SAMPLE MOTION:

No motion necessary, on the consent agenda

COLLABORATING DEPARTMENT:

DEPARTMENT: Administration

Prepared by: Melissa McCain

ATTACHMENTS

- [04022020.pdf](#)



**City of Flowery Branch
City Council Meeting**

April 2, 2020

**City of Flowery Branch City Hall
5410 Pine Street, Flowery Branch GA, 30542**



CALL WORK SESSION TO ORDER:

PRESENT: Mayor James Miller and Councilmembers Chris Mundy, Ed Asbridge, Leslie Jarchow, Joe Anglin, Amy Farah

Also present were City Manager Bill Andrew, City Clerk Melissa McCain, Deputy City Clerk Vickie Short, Finance Director Alisha Gamble, Planner Rich Atkinson, Attorney Ron Bennett

CONNECTION TO MEETING:

Due to COVID-19 this meeting was held utilizing GOTOMeeting.

Please join my meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/914489933> You can also dial in using your phone United States: +1 (571) 317-3122 - One-touch: tel:+15713173122,,914489933# Access Code: 914-489-933 New to GoToMeeting? Get the app now and be ready when your first meeting starts: <https://global.gotomeeting.com/install/914489933>

UNFINISHED BUSINESS - WORK SESSION:

Consider 1st Reading of Ordinance 591 -Rezoning of 6490 McEver Road - All Awesome properties

Planner Atkinson advised that the next three items had been discussed at two other meetings and that nothing had changed.

Consider the 1st Reading of Ordinance 592 - Rezoning of 6509 McEver Road - Whitehorse, LLC.

Planner Atkinson advised that the next three items had been discussed at two other meetings and that nothing had changed.

Consider the 1st Reading of Ordinance 593 - Rezoning of 6533 McEver Road - Whitehorse, LLC.

Planner Atkinson advised that the next three items had been discussed at two other meetings and that nothing had changed.

Councilman Anglin advised that buffering had been discussed.

Planner Atkinson advised that he has been working on conditions with the developer and those will be finalized and ready for the next meeting.

Councilman Anglin inquired on the status of upgrading the pump station and the city paying for a portion of that upgrade for future growth.

Planner Atkinson advised that Attorney Bennett was working on a development agreement for that purpose.

Councilman Asbridge asked on the price range for the proposed homes.

Mr. Fricks advised they would be in the 300 thousand range.

NEW BUSINESS -WORK SESSION:

Consider Resolution 20-010 – A Resolution Relating to Efforts to Limit the Spread of the COVID-19

Attorney Bennett advised that Governor Kemp was going to release an order that may trump the council's resolution.

Attorney Bennett reviewed the proposed order and suggested to table this item until after Governor Kemp's Shelter in Place order was presented.

DEPARTMENT REPORTS:

Council Report

Councilman Anglin thanked staff for their hard work to get through this pandemic.

Councilman Asbridge thanked staff also and advised that the new McDonalds is moving right along with construction.

Councilwoman Farah was very appreciative of staffs support and work.

Councilwoman Jarchow echoed the feeling of gratitude.

Councilman Mundy also thanked staff for their work efforts and suggested that everyone supports the local businesses the best they can to help them get through this.

Mayor Miller thanked staff and the public works department and encourage all citizens to abide by the Governors order and take it seriously.

ADJOURNMENT WORK SESSION:

Mayor Miller closed the work session at 6:27 pm.

VOTING SESSION MINUTES

CALL VOTING SESSION TO ORDER:

Mayor Miller called the voting session to order at 6:28 pm.

PUBLIC COMMENTS:

Teresa Cantrell – McEver Road, Flowery Branch, Ga. 30542

Ms. Cantrell thanked the council for hosting the virtual meetings.

Ms. Cantrell advised that she had reached out to the council as an adjacent property owner with concerns and suggested that the council table this item in order to allow the public to meet with staff and council to share concerns and suggested conditions.

Ms. Cantrell advised that one of the conditions was to require the 75-foot buffer and to maybe use that as a common area and not just a buffer and suggest a sidewalk along McEver and throughout the subdivision.

Ms. Cantrell wanted to know what conditions were going to be required to ensure that the homes would be sold at the 300-thousand-dollar range and are the plans site specific as neighbors to this development would like to add a black vinyl coated chain link fence.

Further Ms. Cantrell suggested that the council table this for more discussion time and inquired if there was a way for the public to be involved in the site plan conditions.

Planner Atkinson advised that it was site specific and the applicant would be required to follow the site plan if approved and the conditions have been written by staff and he will have those ready for the next meeting. The lot size will be dictated by the site plan and Code sets a minimum standard.

Attorney Bennett advised that some cities have a meeting with the public to engage the council, but Flowery Branch's current system does not have that mechanism. The council can take public comments and incorporate those if they wish.

Janet Upchurch, Nags Way, Gainesville, Ga.

Ms. Upchurch advised that her business has been closed for the last three weeks because of the pandemic and she is still paying a minimum water/sewer bill.

Ms. Upchurch requested that the council base the commercial based utility rates on a usage base rate as opposed to a minimum rate.

CONSENT AGENDA:

There was no consent agenda to consider.

UNFINISHED BUSINESS - VOTING SESSION:

1st Reading of Ordinance 591 -Rezoning of 6490 McEver Road - All Awesome properties

Attorney Bennett read the caption to ordinance 591.

There was a motion made to approve the first reading of ordinance 591, the rezoning of 6490 McEver Road.

MOTION: Chris Mundy

SECOND: Joe Anglin

Discussion:

Councilman Anglin inquired on the turn lanes into the development.

Planner Atkinson pulled up the site plan

Mr. Fricks advised that there would be a turn lane to turn left into the subdivision and a deceleration lane to turn right into the subdivision.

Councilman Anglin advised that he wanted to see at the next meeting how the pump station was going to be screened.

AYES: Chris Mundy, Ed Asbridge, Joe Anglin, Amy Farah

NAYS: Leslie Jarchow

Motion carried

1st Reading of Ordinance 592 - Rezoning of 6509 McEver Road - Whitehorse, LLC.

Attorney Bennett read the caption to ordinance 592.

There was a motion made to approve the first reading of ordinance 592, rezoning of 6509 McEver Road.

MOTION: Joe Anglin

SECOND: Amy Farah

AYES: Chris Mundy, Ed Asbridge, Joe Anglin, Amy Farah

NAYS: Leslie Jarchow

Motion carried

1st Reading of Ordinance 593 - Rezoning of 6533 McEver Road - Whitehorse, LLC.

Attorney Bennett read the caption to ordinance 593.

There was a motion made to approve the first reading of ordinance 593, rezoning of 6533 McEver Road.

MOTION: Amy Farah
SECOND: Joe Anglin
AYES: Chris Mundy, Ed Asbridge, Joe Anglin, Amy Farah
NAYS: Leslie Jarchow
Motion carried

Consider Resolution 20-010 – A Resolution Relating to Efforts to Limit the Spread of the COVID-19

There was a motion made to table Resolution 20-010

MOTION: Chris Mundy
SECOND: Joe Anglin
AYES: Chris Mundy, Ed Asbridge, Joe Anglin, Amy Farah, Leslie Jarchow.
NAYS:
Motion carried

NEW BUSINESS - VOTING SESSION:

There was no new business to consider.

EXECUTIVE SESSION:

There was a motion made to enter executive session at 6:51 pm for litigation, personnel and property disposition/acquisition.

MOTION: Leslie Jarchow
SECOND: Amy Farah
AYES: Chris Mundy, Ed Asbridge, Leslie Jarchow, Joe Anglin, Amy Farah
NAYS: None
Motion carried

There was a motion made to reconvene open session at 7:55 pm.

MOTION: Joe Anglin
SECOND: Ed Asbridge
AYES: Chris Mundy, Ed Asbridge, Leslie Jarchow, Joe Anglin, Amy Farah
NAYS: None
Motion carried

ADJOURNMENT:

There was a motion made to adjourn at 7:58 pm.

MOTION: Joe Anglin

SECOND: Chris Mundy

AYES: Chris Mundy, Ed Asbridge, Leslie Jarchow, Joe Anglin, Amy Farah

NAYS: None

Motion carried



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: FY2020 - Quarter 3 Financial Update

COUNCIL MEETING DATE: April 16, 2020

HISTORY:

FY2020 - Quarter 3 Financial Update

FACTS AND ISSUES:

Detailed reports and statements will be emailed to Council for review before the meeting.

OPTIONS:

IF FUNDING IS INVOLVED, ARE FUNDS APPROVED IN THE CURRENT BUDGET:

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

No action needed

SAMPLE MOTION:

No motion required

COLLABORATING DEPARTMENT:

DEPARTMENT: Finance

Prepared by: Melissa McCain

ATTACHMENTS

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FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider March 24, 2020 Meeting Minutes

COUNCIL MEETING DATE: April 16, 2020

HISTORY:

FACTS AND ISSUES:

OPTIONS:

IF FUNDING IS INVOLVED, ARE FUNDS APPROVED IN THE CURRENT BUDGET:

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Approve with the consent agenda

SAMPLE MOTION:

No motion needed, on the Consent Agenda

COLLABORATING DEPARTMENT:

DEPARTMENT: Administration

Prepared by: Melissa McCain

ATTACHMENTS

- [03242020.pdf](#)



**City of Flowery Branch
Special Called Council Meeting
March 24, 2020**



**City of Flowery Branch City Hall
5410 Pine Street, Flowery Branch GA, 30542**

TELECONFERENCE MEETING

CONNECTION TO MEETING:

Due to COVID-19 this meeting was held utilizing GOTOMeeting.

Please join my meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/828415213>

You can also dial in using your phone.

(For supported devices, tap a one-touch number below to join instantly.)

United States: +1 (408) 650-3123

- One-touch: tel:+14086503123,,828415213#

Access Code: 828-415-213

DECLARATION OF LOCAL STATE OF EMERGENCY

Resolution 20-009 - Declare State of Emergency

Attorney Bennett reviewed the resolution that declares the following:

IT IS HEREBY DECLARED that a local state of emergency exists due to the COVID-19 pandemic;

IT IS FURTHER DECLARED that the local state of emergency is a circumstance involving public and the preservation of property and public services sufficient for the Mayor and Council to consider a resolution to hold all Public Meetings by Teleconference due to emergency circumstances as permitted by OCGA 50-14-1 (g) of the Georgia Open Meetings Act for so long as the local state of emergency exists; and

IT IS FURTHER DECLARED that this declaration of a local state of emergency shall continue until 11:59 P.M., Thursday, April 16, 2020 unless this declaration is renewed by the Mayor and/or Council of the City of Flowery Branch or until such time as the Mayor and/or Council of the City of Flowery Branch find that the emergency conditions no longer exist.

CALL WORK SESSION TO ORDER:

PRESENT BY TELECONFERENCE: Mayor James Miller and Councilmembers Chris Mundy, Ed Asbridge, Leslie Jarchow, Amy Farah, and Joe Anglin

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

PUBLIC HEARING:

There was no public hearing.

UNFINISHED BUSINESS - WORK SESSION:

There was no unfinished business.

NEW BUSINESS -WORK SESSION:

Consider the First Reading of an Ordinance 586 Relating to Efforts to Limit the Spread of the COVID -19

Attorney Bennett advised that this ordinance would be considered for a first reading and a second reading at this meeting because of the urgency to stop the spread of this Coronavirus.

In summary this ordinance requires:

1. Restaurants are closed to in-house dining.
2. Restaurants with a valid license may sell beer and wine as take out or delivery.
3. Occupation Tax deadline extended to Sept. 30
4. No penalties or interest will be applied to late utility payments.
5. No suspension of utility service.

These measures will be effective through the life of the Emergency Declaration.

Mayor Miller advised that the City understands that this is very difficult for the businesses in the City and advised that the City is united with the neighboring communities in closing restaurants to in-house dining but in an effort assist with the takeout and delivery options the City is relaxing the regulations on alcoholic beverage carry out and will allow businesses with an alcoholic beverage consumption on the premises license to deliver sealed beer or wine with meals.

Mayor Miller also advised that the business license fees are extended from a due date of June 30 to September 30, 2020.

Finally, Mayor Miller stated that there is a financial burden put on many of the residents so this ordinance would initiate a temporary extension to the payment of water/sewer bills without penalties or cut-offs.

Councilman Asbridge inquired on how the businesses will get this notice and how will it be enforced.

Attorney Bennett advised that this ordinance would be advertised on the website, through the paper, the Facebook page, Instagram and Twitter and an email blast to the water/sewer customers.

City Manager Andrew advised that he has been in contact with the Chief of Police and that if there was a business in violation of this ordinance, they would be given a warning initially and second offences could be cited.

Attorney Bennett advised that the penalty for violating this ordinance is up to 365 days in jail, up to a \$1,000 fine and the possible revocation/suspension of alcohol licenses.

Consider Formal Financial Policies: Operating Budget Policy, One-time Revenues Policy, Expenditures Policy, Capital Policy, and Long-Term Forecasting and Planning Policy

Finance Director Gamble reviewed the newly proposed policies noting that the City is already following policies 1-3 and are working toward procedures for policies 4 and 5.

1. Operating Budget Policy
 - a. Purpose: to guide a comprehensive plan to deliver efficient and effective services to residents and stakeholders of the City.
2. One-time Revenues Policy
 - a. Purpose: to guide the City of Flowery Branch to spend within its means and stay financially healthy by specifying uses for one-time revenues.
3. Expenditures Policy
 - a. Purpose: to guide an efficient and effective expenditure system that guarantees the spending of public resources to match generated revenues to the greatest extent possible.
4. Capital Policy
 - a. Purpose: to provide guidelines to complete a comprehensive process that allocates limited resources into capital investment and management decisions.
5. Long-Term Forecasting and Planning Policy
 - a. Purpose: to give the City the best chance of a thriving community now and for future generations.

Discussion - Request from Red Oak Sanitation – Renewal of Contract

Manager Andrew reviewed the Red Oak Contract and noted that Red Oak Sanitation has been servicing the City with garbage and recycling services for about 20 years without a rate increase.

Continuing, Manager Andrew advised that the last contract signed with Red Oak Sanitation is dated May 7, 2015 and is set to expire on May 7, 2020. City staff reached out to Red Oak Sanitation to notify them the City will be placing these services out for bid this year.

Red Oak sent a message to the council that read as follows:

Red Oak has been providing service to the city of Flowery Branch for 20 years without a rate increase. Over the years we have continued to find solutions and create efficiency's so that we could maintain our monthly rate.

Over that same period of time our cost to drop off recycling at the recycling center has been a roller coaster, going from actually being paid \$ 5/ton (of which we donated to American Cancer society) to now where we are paying \$57/ton to drop off. The landfill rate for Municipal Solid Waste (MSW) at \$40/ton is much cheaper for dumping than recycling.

With our subscription customers (excluding the city of Flowery Branch customers), we are now billing those that choose to recycle an additional fee as it's an additional service. We would like to extend or renew our contract with the city at a rate of \$12/month for household trash and for only those that recycle an additional \$4/month.

Manager Andrew reviewed the current and proposed rates as follows:

Current rates: \$11.65/month for garbage. Residents will pay \$6/month, per home for each additional garbage container. Residents will pay \$8/cubic yard of yard waste, exceeding 1.5 cubic yards (7 bags or rolls)/week.

Proposed Rates: Red Oak would like to extend or renew our contract with the City at a rate of \$12/month for household trash and for only those that recycle an additional \$4/month. This would mean an increase of \$0.35/month for garbage and \$4/month for recycling, if the customer chooses to continue recycling.

The City has a good history with their service and it is not likely a new service will be cheaper and even if it is, it may not be what is promised. Further Red Oak has single axle trucks for our smaller roads.

Councilmember Anglin stated that residents have three choices, get garbage and recycling services, get garbage service only or choose to not get any service and take their refuse and recycling to one of the trash compactor sites.

Manager Andrew advised that was correct.

Consider preliminary plat for a project known as "The Farm" located at Gaines Ferry and McEver Road.

Planner Atkinson reviewed the preliminary plat and the layout of the development and advised that the Ace Hardware was going to be built first.

Councilman Anglin expressed concerns with the impact of this development at the intersection of Gaines Ferry Road and McEver Road and suggested that staff discuss the use of impact fees for upgrading this intersection.

Manager Andrew advised that the City collects impact fees for Hall County but that those funds don't necessarily get spent within the City limits.

Consider Resolution 20-006 - A Resolution to Formally Accept Roadways in the Sterling on the Lake Subdivision.

Planner Atkinson advised that there is a section of Boathouse Way in POD U that has been inspected by Building Inspector Donald Bowers and Public Works Director Johnny Thomas and is ready for the City to accept ownership.

Consider Resolution 20-007 - A Resolution to Formally Accept Roadways in the Sterling on the Lake Subdivision.

Planner Atkinson advised that there is a section of Trailside Drive in POD Y that has been inspected by Building Inspector Donald Bowers and Public Works Director Johnny Thomas and is ready for the City to accept ownership.

Consider Resolution 20-008 - A Resolution to Formally Accept Roadways in the Sterling on the Lake Subdivision.

Planner Atkinson advised that there is a section of Trailside Drive and Bonfire Drive in POD Y that has been inspected by Building Inspector Donald Bowers and Public Works Director Johnny Thomas and is ready for the City to accept ownership.

Consider February 20, 2020 Meeting Minutes

There were no changes to the minutes as presented.

Consider March 5, 2020 Meeting Minutes

There were no changes to the minutes as presented.

DEPARTMENT REPORTS:

City Manager Report

Manager Andrew reviewed the following:

1. Staff is moving ahead with demo at the wastewater plant and demolition of old drying beds to make room for the expansion.
2. The cost for water pumps on Gainesville St., including a high capacity pump is approximately \$50,000 and will be covered through the \$184,000 in excess SPLOST VII. If the initial pump is sufficient for fire services, the cost could be as low as \$35,000.
3. Given the crisis, we are studying changes to current and future budgets and meeting with other municipalities to discuss finances during this pandemic.

ADJOURNMENT WORK SESSION:

Mayor Miller adjourned the work session at 7:10 pm.

VOTING SESSION MINUTES

CALL VOTING SESSION TO ORDER:

Mayor Miller called the voting session to order at 7:10 pm.

PUBLIC COMMENTS:

Harvey Glass- Manager J. Christopher's Restaurant, Flowery Branch, Ga.

Manager Glass inquired on health dept. regulations

Mayor Miller advised that health inspections are held by Hall County and the City will check into the process for reopening when the circumstances allow and email that to Mr. Glass.

Mayor Miller further advised that the council does not want businesses to close but inhouse dining is restricted for the safety of the community.

Susan Barge – 6593 McEver Road, Flowery Branch, Ga.

Ms. Barge expressed concerns with the annexation plan that was presented this evening including the distances between the pump station and the property line and the back of the houses to her driveway.

CONSENT AGENDA:

- February 20, 2020 Meeting Minutes
- March 5, 2020 Meeting Minutes

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

MOTION: Chris Mundy

SECOND: Amy Farah

AYES: Chris Mundy, Leslie Jarchow, Amy Farah, Joe Anglin

Councilman Asbridge was unable to answer the roll call vote due to technical difficulties but advised when he made connection that he was in favor of approval.

NAYS: None

Motion carried

UNFINISHED BUSINESS - VOTING SESSION:

Consider the 2nd Reading of Ordinance 575A. Request to Amend Approved Conditions of Zoning. (Applicant Gee Harvey).

Attorney Bennett read the caption to Ordinance 575A and noted that the only change, at the applicant's request, was to remove the condition requiring the applicant to use City of Flowery Branch water and allow the developer to use City of Gainesville water.

There was a motion made to approve the second reading of ordinance 575a.

MOTION: Joe Anglin

SECOND: Chris Mundy

AYES: Chris Mundy, Leslie Jarchow, Amy Farah, Joe Anglin

Councilman Asbridge was unable to answer the roll call vote due to technical difficulties but advised when he made connection that he was in favor of approval.

NAYS: None

Motion carried

2nd Reading of Ordinance 576A Request to Amend Approved Conditions of Zoning. (Applicant Gee Harvey)

Attorney Bennett read the caption to Ordinance 576A and noted that the only change, at the applicant's request, was to remove the condition requiring the applicant to use City of Flowery Branch water and allow the developer to use City of Gainesville water.

There was a motion made to approve the second reading of ordinance 576a.

MOTION: Amy Farah

SECOND: Joe Anglin

AYES: Chris Mundy, Leslie Jarchow, Amy Farah, Joe Anglin

Councilman Asbridge was unable to answer the roll call vote due to technical difficulties but advised when he made connection that he was in favor of approval.

NAYS: None

Motion carried

Councilman Anglin noted that the City does not currently have a water line located close enough to service this development and for the developer to run a water line would be financially burdensome to the developer.

1st Reading of Ordinance 585 - Rezone of 0 McEver Road from M1 (Light Industrial) to PUD (Planned Unit Development)

Attorney Bennett read the caption to Ordinance 585.

There was a motion made to approve the first reading of ordinance 585 for the rezoning of 0 McEver Road.

MOTION: Joe Anglin

SECOND: Chris Mundy

Discussion:

Councilman Anglin inquired if the slope on the back of the property between the development and Madison Creek would be left undisturbed and if it is disturbed, he felt it would need some screening.

Planner Atkinson advised that he would speak to Mr. Stark and felt he would do what it takes to fence and or screen to the councils satisfaction.

Mayor Miller asked what the required set back was.

Planner Atkinson advised the set back is 75 feet from center of the creek to either side of the creek.

AYES: Chris Mundy, Leslie Jarchow, Amy Farah, Joe Anglin
Councilman Asbridge was unable to answer the roll call vote due to technical difficulties but advised when he made connection that he was in favor of approval.

NAYS: None

Motion carried

Consider Elevations Submitted for Approval by Mr. Gee Harvey for the Bell Road subdivision.

Planner Atkinson advised that Mr. Gee Harvey has agreed to all models having a brick water table even though the renderings don't indicate it.

There was a motion made to approve the elevations submitted by Mr. Harvey for the Bell Road Subdivision.

MOTION: Amy Farah

SECOND: Leslie Jarchow

Discussion:

Councilman Anglin inquired on the brick water table and that there would be no three-tab shingles or lessor product and he garage doors would have carriage door hardware.

Mr. Harvey advised that he agreed to all three.

There was a motion made to amend the motion to include all models to have a brick water table in the front of the homes, carriage door hardware and no three-tab shingles or lessor shingles.

MOTION: Joe Anglin

SECOND: Chris Mundy

AYES: Chris Mundy, Leslie Jarchow, Amy Farah, Joe Anglin

Councilman Asbridge was unable to answer the roll call vote due to technical difficulties but advised when he made connection that he was in favor of approval.

NAYS: None

Motion carried

Original motion with amendment vote

AYES: Chris Mundy, Leslie Jarchow, Amy Farah, Joe Anglin

Councilman Asbridge was unable to answer the roll call vote due to technical difficulties but advised when he made connection that he was in favor of approval.

NAYS: None

Motion carried

NEW BUSINESS - VOTING SESSION:

Attorney Bennett noted that the first item that was discussed at the beginning of the meeting was required to be voted on if the council would approve adding it to the voting session.

Mayor Miller advised it could be considered at this time.

Attorney Bennett reviewed the resolution and advised it would run for 30 days until April 23, 2020.

There was a motion made to approve Resolution 20-009 issuing a State of Emergency in the City of Flowery Branch due to the COVID pandemic.

MOTION: Chris Mundy

SECOND: Leslie Jarchow

AYES: Chris Mundy, Leslie Jarchow, Amy Farah, Joe Anglin

Councilman Asbridge was unable to answer the roll call vote due to technical difficulties but advised when he made connection that he was in favor of approval.

NAYS: None

Motion carried

First Reading of an Ordinance Relating to Efforts to Limit the Spread of the COVID -19

Attorney Bennett advised that because this is an emergency ordinance the council is allowed to have both readings and approve the ordinance in the same meeting.

Attorney Bennett read the caption.

There was a motion made to approve the first reading of Ordinance 586 in an attempt to limit the spread of the Coronavirus.

MOTION: Joe Anglin

SECOND: Leslie Jarchow

AYES: Chris Mundy, Leslie Jarchow, Amy Farah, Joe Anglin

Councilman Asbridge was unable to answer the roll call vote due to technical difficulties but advised when he made connection that he was in favor of approval.

NAYS: None

Motion carried

Mayor Miller noted that this would allow restaurants with consumption licenses to sell packaged beer or wine with meals ordered for takeout or deliver.

Second Reading of an Ordinance Relating to Efforts to Limit the Spread of the COVID -19

There was a motion made to approve ordinance 586 in an attempt to limit the spread of the Coronavirus.

MOTION: Chris Mundy

SECOND: Amy Farah

AYES: Chris Mundy, Leslie Jarchow, Amy Farah, Joe Anglin

Councilman Asbridge was unable to answer the roll call vote due to technical difficulties but advised when he made connection that he was in favor of approval.

NAYS: None

Motion carried

Consider Preliminary Plat for a Project Known as "The Farm" located at Gaines Ferry and McEver Road.

There was a motion made to approve the preliminary plat for the project known as "The Farm: located at Gaines Ferry and McEver Road.

MOTION: Amy Farah

SECOND: Chris Mundy

Discussion:

Mr. Asbridge advised that he was in favor of this development and after studying the traffic study he does not feel traffic will be an issue.

AYES: Chris Mundy, Ed Asbridge, Leslie Jarchow, Amy Farah, Joe Anglin

NAYS: None

Motion carried

Consider the appointment of three individuals to the Historic Preservation Committee as alternates.

Planner Atkinson summarized the need for alternate members for the HPC.

There was a motion made to approve the appointment of Bob Hayes, Rick Lamb, and Ed Goss.

MOTION: Leslie Jarchow

SECOND: Joe Anglin

AYES: Chris Mundy, Ed Asbridge, Leslie Jarchow, Amy Farah, Joe Anglin

NAYS: None

Motion carried

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

Attorney Bennett read the caption to Ordinance 587.

There was a motion made to approve Ordinance 587 and the annexation of 6490 McEver Road.

MOTION: Joe Anglin

SECOND: Ed Asbridge

Discussion:

Councilman Anglin advised that this property is already in front of a small subdivision and will be adjoining the property called "The Farm"

Councilman Anglin advised that a pump station has to go in specific locations, and it has to be lower than the homes and it appears this may be the lowest spot and there is not a choice in its location.

Manager Andrew advised that the pump station would be under ground and there would be a generator that would be above ground but the distance from the residential use is quite significant.

Councilman Anglin inquired on screening.

Manager Andrew advised that it could have a vinyl fencing and landscaping but must remain accessible.

Councilman Asbridge advised there is no commercial proposed and inquired on why.

Planner Atkinson advised that the two parcels next to this would be incorporated to include a transition from residential homes to townhomes to commercial, but the adjoining property owner has not come to an agreement on price for a sale.

Manager Andrew stated that the City could consider a development agreement to pay into a larger pump station on this property to allow for future growth of the two properties to the north.

Councilman Anglin inquired on sidewalks and the developer noted that there would be sidewalks on both sides of the road.

Councilwoman Farah inquired if there could be an additional buffer between the property and the neighboring property owner's business.

Planner Atkinson advised that it could be considered at time of rezoning

Mr. Fricks, the developer, advised the lots are 147-foot lots so they would not be backing up to the neighboring property.

Mr. Fricks advised they could install additional buffers.

AYES: Chris Mundy, Ed Asbridge, Amy Farah, Joe Anglin

NAYS: Leslie Jarchow

Motion carried

Attorney Bennett read the caption to Ordinance 588.

There was a motion made to approve the first reading of Ordinance 588 and the annexation of 6509 McEver Road.

MOTION: Joe Anglin
SECOND: Leslie Jarchow
AYES: Chris Mundy, Ed Asbridge, Amy Farah, Joe Anglin
NAYS: Leslie Jarchow
Motion carried

Attorney Bennett read the caption to Ordinance 589.

There was a motion made to approve ordinance 589 and the annexation of 6533 McEver Road.

MOTION: Joe Anglin
SECOND: Ed Asbridge
AYES: Chris Mundy, Ed Asbridge, Amy Farah, Joe Anglin
NAYS: Leslie Jarchow
Motion carried

Councilman Anglin requested that staff discuss with the developer about having the homes that backup to McEver Road have some form of contour to them so as not to have flat backs facing McEver Road.

Resolution 20-006 - A Resolution to Formally Accept Roadways in the Sterling on the Lake Subdivision.

Attorney Bennett read the caption to Resolution 20-006.

There was a motion made to approve Resolution 20-006 as presented.

MOTION: Chris Mundy
SECOND: Amy Farah
AYES: Chris Mundy, Ed Asbridge, Leslie Jarchow, Amy Farah, Joe Anglin
NAYS: None
Motion carried

Resolution 20-007 - A Resolution to Formally Accept Roadways in the Sterling on the Lake Subdivision.

Attorney Bennett read the caption to Resolution 20-007.

There was a motion made to approve Resolution 20-007 as presented.

MOTION: Ed Asbridge
SECOND: Joe Anglin
AYES: Chris Mundy, Ed Asbridge, Leslie Jarchow, Amy Farah, Joe Anglin
NAYS: None
Motion carried

Resolution 20-008 - A Resolution to Formally Accept Roadways in the Sterling on the Lake Subdivision.

Attorney Bennett read the caption to Resolution 20-008.

There was a motion made to approve resolution 20-008 as presented.

MOTION: Joe Anglin
SECOND: Leslie Jarchow
AYES: Chris Mundy, Ed Asbridge, Leslie Jarchow, Amy Farah, Joe Anglin
NAYS: None
Motion carried

EXECUTIVE SESSION:

There was a motion made to enter executive session at 8:59 for personnel and pending/potential litigation.

MOTION: Joe Anglin
SECOND: Leslie Jarchow
AYES: Chris Mundy, Ed Asbridge, Leslie Jarchow, Amy Farah, Joe Anglin
NAYS: None
Motion carried

There was a motion made to reconvene open session at 10:02.

MOTION: Chris Mundy
SECOND: Amy Farah
AYES: Chris Mundy, Ed Asbridge, Leslie Jarchow, Amy Farah, Joe Anglin
NAYS: None
Motion carried

ADJOURNMENT:

There was a motion made to adjourn at 10:03 pm.

MOTION: Ed Asbridge
SECOND: Amy Farah
AYES: Chris Mundy, Ed Asbridge, Leslie Jarchow, Amy Farah, Joe Anglin
NAYS: None
Motion carried



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider April 2, 2020 Meeting Minutes

COUNCIL MEETING DATE: April 16, 2020

HISTORY:

FACTS AND ISSUES:

OPTIONS:

IF FUNDING IS INVOLVED, ARE FUNDS APPROVED IN THE CURRENT BUDGET:

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Approve with the consent agenda

SAMPLE MOTION:

No motion necessary, on the consent agenda

COLLABORATING DEPARTMENT:

DEPARTMENT: Administration

Prepared by: Melissa McCain

ATTACHMENTS

- [04022020.pdf](#)



**City of Flowery Branch
City Council Meeting**

April 2, 2020

**City of Flowery Branch City Hall
5410 Pine Street, Flowery Branch GA, 30542**



CALL WORK SESSION TO ORDER:

PRESENT: Mayor James Miller and Councilmembers Chris Mundy, Ed Asbridge, Leslie Jarchow, Joe Anglin, Amy Farah

Also present were City Manager Bill Andrew, City Clerk Melissa McCain, Deputy City Clerk Vickie Short, Finance Director Alisha Gamble, Planner Rich Atkinson, Attorney Ron Bennett

CONNECTION TO MEETING:

Due to COVID-19 this meeting was held utilizing GOTOMeeting.

Please join my meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/914489933> You can also dial in using your phone United States: +1 (571) 317-3122 - One-touch: tel:+15713173122,,914489933# Access Code: 914-489-933 New to GoToMeeting? Get the app now and be ready when your first meeting starts: <https://global.gotomeeting.com/install/914489933>

UNFINISHED BUSINESS - WORK SESSION:

Consider 1st Reading of Ordinance 591 -Rezoning of 6490 McEver Road - All Awesome properties

Planner Atkinson advised that the next three items had been discussed at two other meetings and that nothing had changed.

Consider the 1st Reading of Ordinance 592 - Rezoning of 6509 McEver Road - Whitehorse, LLC.

Planner Atkinson advised that the next three items had been discussed at two other meetings and that nothing had changed.

Consider the 1st Reading of Ordinance 593 - Rezoning of 6533 McEver Road - Whitehorse, LLC.

Planner Atkinson advised that the next three items had been discussed at two other meetings and that nothing had changed.

Councilman Anglin advised that buffering had been discussed.

Planner Atkinson advised that he has been working on conditions with the developer and those will be finalized and ready for the next meeting.

Councilman Anglin inquired on the status of upgrading the pump station and the city paying for a portion of that upgrade for future growth.

Planner Atkinson advised that Attorney Bennett was working on a development agreement for that purpose.

Councilman Asbridge asked on the price range for the proposed homes.

Mr. Fricks advised they would be in the 300 thousand range.

NEW BUSINESS -WORK SESSION:

Consider Resolution 20-010 – A Resolution Relating to Efforts to Limit the Spread of the COVID-19

Attorney Bennett advised that Governor Kemp was going to release an order that may trump the council's resolution.

Attorney Bennett reviewed the proposed order and suggested to table this item until after Governor Kemp's Shelter in Place order was presented.

DEPARTMENT REPORTS:

Council Report

Councilman Anglin thanked staff for their hard work to get through this pandemic.

Councilman Asbridge thanked staff also and advised that the new McDonalds is moving right along with construction.

Councilwoman Farah was very appreciative of staffs support and work.

Councilwoman Jarchow echoed the feeling of gratitude.

Councilman Mundy also thanked staff for their work efforts and suggested that everyone supports the local businesses the best they can to help them get through this.

Mayor Miller thanked staff and the public works department and encourage all citizens to abide by the Governors order and take it seriously.

ADJOURNMENT WORK SESSION:

Mayor Miller closed the work session at 6:27 pm.

VOTING SESSION MINUTES

CALL VOTING SESSION TO ORDER:

Mayor Miller called the voting session to order at 6:28 pm.

PUBLIC COMMENTS:

Teresa Cantrell – McEver Road, Flowery Branch, Ga. 30542

Ms. Cantrell thanked the council for hosting the virtual meetings.

Ms. Cantrell advised that she had reached out to the council as an adjacent property owner with concerns and suggested that the council table this item in order to allow the public to meet with staff and council to share concerns and suggested conditions.

Ms. Cantrell advised that one of the conditions was to require the 75-foot buffer and to maybe use that as a common area and not just a buffer and suggest a sidewalk along McEver and throughout the subdivision.

Ms. Cantrell wanted to know what conditions were going to be required to ensure that the homes would be sold at the 300-thousand-dollar range and are the plans site specific as neighbors to this development would like to add a black vinyl coated chain link fence.

Further Ms. Cantrell suggested that the council table this for more discussion time and inquired if there was a way for the public to be involved in the site plan conditions.

Planner Atkinson advised that it was site specific and the applicant would be required to follow the site plan if approved and the conditions have been written by staff and he will have those ready for the next meeting. The lot size will be dictated by the site plan and Code sets a minimum standard.

Attorney Bennett advised that some cities have a meeting with the public to engage the council, but Flowery Branch's current system does not have that mechanism. The council can take public comments and incorporate those if they wish.

Janet Upchurch, Nags Way, Gainesville, Ga.

Ms. Upchurch advised that her business has been closed for the last three weeks because of the pandemic and she is still paying a minimum water/sewer bill.

Ms. Upchurch requested that the council base the commercial based utility rates on a usage base rate as opposed to a minimum rate.

CONSENT AGENDA:

There was no consent agenda to consider.

UNFINISHED BUSINESS - VOTING SESSION:

1st Reading of Ordinance 591 -Rezoning of 6490 McEver Road - All Awesome properties

Attorney Bennett read the caption to ordinance 591.

There was a motion made to approve the first reading of ordinance 591, the rezoning of 6490 McEver Road.

MOTION: Chris Mundy

SECOND: Joe Anglin

Discussion:

Councilman Anglin inquired on the turn lanes into the development.

Planner Atkinson pulled up the site plan

Mr. Fricks advised that there would be a turn lane to turn left into the subdivision and a deceleration lane to turn right into the subdivision.

Councilman Anglin advised that he wanted to see at the next meeting how the pump station was going to be screened.

AYES: Chris Mundy, Ed Asbridge, Joe Anglin, Amy Farah

NAYS: Leslie Jarchow

Motion carried

1st Reading of Ordinance 592 - Rezoning of 6509 McEver Road - Whitehorse, LLC.

Attorney Bennett read the caption to ordinance 592.

There was a motion made to approve the first reading of ordinance 592, rezoning of 6509 McEver Road.

MOTION: Joe Anglin

SECOND: Amy Farah

AYES: Chris Mundy, Ed Asbridge, Joe Anglin, Amy Farah

NAYS: Leslie Jarchow

Motion carried

1st Reading of Ordinance 593 - Rezoning of 6533 McEver Road - Whitehorse, LLC.

Attorney Bennett read the caption to ordinance 593.

There was a motion made to approve the first reading of ordinance 593, rezoning of 6533 McEver Road.

MOTION: Amy Farah
SECOND: Joe Anglin
AYES: Chris Mundy, Ed Asbridge, Joe Anglin, Amy Farah
NAYS: Leslie Jarchow
Motion carried

Consider Resolution 20-010 – A Resolution Relating to Efforts to Limit the Spread of the COVID-19

There was a motion made to table Resolution 20-010

MOTION: Chris Mundy
SECOND: Joe Anglin
AYES: Chris Mundy, Ed Asbridge, Joe Anglin, Amy Farah, Leslie Jarchow.
NAYS:
Motion carried

NEW BUSINESS - VOTING SESSION:

There was no new business to consider.

EXECUTIVE SESSION:

There was a motion made to enter executive session at 6:51 pm for litigation, personnel and property disposition/acquisition.

MOTION: Leslie Jarchow
SECOND: Amy Farah
AYES: Chris Mundy, Ed Asbridge, Leslie Jarchow, Joe Anglin, Amy Farah
NAYS: None
Motion carried

There was a motion made to reconvene open session at 7:55 pm.

MOTION: Joe Anglin
SECOND: Ed Asbridge
AYES: Chris Mundy, Ed Asbridge, Leslie Jarchow, Joe Anglin, Amy Farah
NAYS: None
Motion carried

ADJOURNMENT:

There was a motion made to adjourn at 7:58 pm.

MOTION: Joe Anglin

SECOND: Chris Mundy

AYES: Chris Mundy, Ed Asbridge, Leslie Jarchow, Joe Anglin, Amy Farah

NAYS: None

Motion carried



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider Per Diem - Mike Miller

COUNCIL MEETING DATE: April 16, 2020

HISTORY:

FACTS AND ISSUES:

OPTIONS:

IF FUNDING IS INVOLVED, ARE FUNDS APPROVED IN THE CURRENT BUDGET:

Yes

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Approve with consent agenda

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Administration

Prepared by: Melissa McCain

ATTACHMENTS

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FLOWERY BRANCH CITY COUNCIL



EXECUTIVE SUMMARY

SUBJECT: Consider Formal Financial Policies: Operating Budget Policy, One-time Revenues Policy, Expenditures Policy, Capital Policy, and Long-Term Forecasting and Planning Policy

COUNCIL MEETING DATE: April 16, 2020

HISTORY:

GFOA (Government Finance Officers Association) Best Practices identifies specific policies and procedures that contribute to improved government management. They aim to promote and facilitate positive change or recognize excellence rather than merely to codify the current accepted practice. GFOA has emphasized that these practices be proactive steps that a government should be taking. Best practices are applicable to all governments (both large and small). Over the coming months, the finance department will present for consideration approval of financial policies and guidelines to ensure the City of Flowery Branch is following sound and highly recommended procedures.

These policies are key to the budget planning process and long-term financial planning for any organization. Also, last year, the Council requested a more detailed budget document, which entails formalizing our budget process and key financial policies for this presentation. This budget document will explain all our key financial policies and budget planning process and show the detail of the approved budget. From this detailed budget document, we plan to create a shorter summary of the budget for the public and for the Council to share. Both the detailed document and summary document will be available on our website as well. We are working towards producing a more detailed budget document for the FY2021 year, and it should be complete by the end of June. These key policies will also flow into a more detailed audit document called the Comprehensive Annual Financial Report (CAFR). The CAFR will provide more information than our regular audit report, including 10-year statistical information along with some reporting requirements for our new debt. The CAFR will be completed in December.

Descriptions of these policies and best practices can be located at the following link:
<https://www.gfoa.org/best-practices>

FACTS AND ISSUES:

Some of the presented policies may be already informally utilized under the Council's direction, while others may be new policies. This request for approval step will formalize the recommended best practices for financial budgeting and reporting for local municipalities. Once the policies are approved, they will be reviewed by management on an annual basis. If any changes need to be made, the changes will be presented annually to the Council for request of approval. The group of policies presented are:

Operating Budget Policy –

- Purpose: to guide a comprehensive plan to deliver efficient and effective services to residents and stakeholders of the City

- The City is currently informally following all steps in Section 4 of the policy.

One-time Revenues Policy –

- Purpose: to guide the City of Flowery Branch to spend within its means and stay financially healthy by specifying uses for one-time revenues.
- The City is currently informally following all steps in Section 4 of the policy.

Expenditures Policy –

- Purpose: to guide an efficient and effective expenditure system that guarantees the spending of public resources to match generated revenues to the greatest extent possible.
- The City is currently informally following all steps in Section 4 of the policy.

Capital Policy –

- Purpose: to provide guidelines to complete a comprehensive process that allocates limited resources into capital investment and management decisions.
- This policy is new for the City. The City does not have a formal evaluation plan for capital projects as projected in Section 4. Capital Asset Classification section of \$5,000, Funding Policy section, and Asset Condition Assessment section is informally followed by staff at this time. Staff is currently implementing the evaluation process for the FY2021 budget year. Finance staff will continue to work with the departments to implement these processes for evaluation with each budget cycle. This process may evolve as we implement each step for our City.

Long-Term Planning and Forecasting Policy –

- Purpose: to give the City the best chance of a thriving community now and for future generations.
- This policy is new for the City. The City currently contracts services to assist with financial forecasting. Our goal with this policy is to continue with long-term forecasting and planning either internally or by contracted services. This policy is vital for the capital improvements process as well.

OPTIONS:

To continue to have management perform without formal policies or consider approving or modifying the policies as presented.

IF FUNDING IS INVOLVED, ARE FUNDS APPROVED IN THE CURRENT BUDGET:

No

AMOUNT AND SOURCE OF FUNDS:

N/A

RECOMMENDATION:

Approve the Operating Budget Policy, One-time Revenues Policy, Expenditures Policy, Capital Policy, and Long-Term Forecasting and Planning Policy as presented.

SAMPLE MOTION:

I make a motion to approve the following policies as presented: Operating Budget Policy, One-time Revenues Policy, Expenditures Policy, Capital Policy, and Long-Term Forecasting and Planning Policy.

COLLABORATING DEPARTMENT:

Administration

DEPARTMENT: Finance

Prepared by: Melissa McCain

ATTACHMENTS

- [Operating Budget Policy.pdf](#)
- [One-Time Revenues Policy .pdf](#)
- [Expenditures Policy.pdf](#)
- [Long-Term Forecasting and Planning Policy.pdf](#)
- [Capital Policy .pdf](#)
- [Executive Summary - 2nd Set of Financial Policies.pdf](#)



City of Flowery Branch

Operating Budget Policy

Section 1: Authority

The Finance Department is responsible for all financial operations, budgeting reporting and compliance, payroll processing, coordinating, and preparing for the annual audit for the City of Flowery Branch. The Finance Director, as head of the Finance Department, therefore, upholds the responsibility for administering the Operating Budget Policy on behalf of the Finance Department and City Administration.

Although the Finance Department is responsible for all financial operations, authority over the Operating Budget Policy remains under the discretion of City Council, as indicated by Part 1 - City Charter, Article VIII, §8.1.

Section 2: Purpose

The purpose of this Operating Budget Policy is to guide a comprehensive plan to deliver efficient and effective services to residents and stakeholders of the City. The formulation of the operating and capital budget is one of the most important financial activities that Flowery Branch undertakes each year. This budget policy is intended to provide guidelines to assist in the formulation and consideration of broader implications of financial discussions and decisions.

Section 3: Scope

The Operating Expenditures Policy for the City of Flowery Branch shall apply to all funds for the City, which are accounted for in the City's Annual Audit.

Section 4: Policy

Basis of Budgeting

- Government-wide and Proprietary Fund financial statements are adopted on the accrual basis of accounting.
- Governmental Fund financial statements are adopted on the modified accrual basis of accounting.

Budgetary Control

- The Flowery Branch Budget shall be adopted in accordance with all state statutes and mandates.
- Department management is responsible for administering their respective programs within the financial constraints described by the budget as adopted.
- The City Manager along with the Finance Director shall provide updates on the City's financial position by regularly reporting to City Council the status of actual expenditures, expenses, and revenues compared to the adopted budget. Further, the City Manager and the Finance Director will ensure that department management has access to timely and accurate financial data.

Balanced Budget

- The City shall endeavor to adopt a structurally balanced budget. Generally, this means that recurring revenues should fund recurring expenditures and non-recurring revenues should fund non-recurring expenditures. On occasion, the recurring revenues may cover the non-recurring expenditures when these revenues experience an unusual increase. [See Structurally Balanced Budget Policy]
- Minimum levels of reserves must be maintained unless reserves are being used in accordance with the purposes permitted by the City's policy. [See General Fund Reserves policy and Enterprise Fund Reserves policy]

Budget Structure

- The budget shall be constructed around City Council and City Administration's long-term goals for the distribution of City services and the associated desired culture and environment. When appropriate, a needs assessment of constituents' priorities, challenges, and opportunities shall be integrated into the visioning process to assist with the establishment of both short-term and long-term goals.
- The City's departments shall create plans that describe their operational needs. These plans shall address the appropriate level of funding required to meet constituents' needs based on the established long-term and short-term goals for the City. These funding requests are to be distinguished from CIP Requests [see Capital Improvements Policy] in that they shall provide an overview of the entire department rather than just one project. These plans should contain the identification of opportunities and challenges associated with implementing the department's priorities and vision.
- The budget shall be based on programs in order to provide insight into the costs of the types of services that the City provides. Deliverables and specific actions shall be detailed at the programmatic level, which support the goals outlined in both City and department plans.
- The budget shall be prepared in a manner that reflects the full cost of providing services.

- The budget shall display estimated beginning fund balances and net position, estimated revenue and receipts, appropriations, and the estimated year-end fund balances and net position.

Estimates of Revenue, Expenditures, and Expenses

- The City shall take an objective and analytical approach to forecasting revenues, expenditures, and expenses as accurately as possible. Though the City will use the best information available to estimate revenues, including millage rates and tax revenues accurately, absolute certainty is impossible. Should revenues be overestimated, the spending plans and priorities established during the budget process shall be used to propose appropriations and spending as required to bring the budget into balance.
- The Finance Department shall monitor revenue incomes and expenditure/expense outflows to assess the implications of the annual budget in order to provide timely updates on actual financial performance.
- The Finance Department shall develop and maintain long-term financial forecasts, at least five years into the future, in order to help the City assess its long-term financial sustainability.

Stakeholder Participation

- The City shall provide meaningful opportunities for the stakeholders (constituents) to provide input into the financial planning and budget process before a budget is adopted.

Address Long-Term Liabilities

- The City shall fully fund current portions of long-term liabilities in order to maintain the trust of creditors and avoid accumulating excessive liabilities over the long-term.

Responsibilities and Calendar

- The City's fiscal year runs from July 1 to June 30. Each department shall submit their budget plans no later than February, after which the Finance Department Director and the City Manager shall review them. By May, the proposed budget shall be reviewed with the Mayor and City Council. In June, a public hearing and budget discussion shall be held to facilitate stakeholder participation, and the budget is adopted by City Council by the end of the year.
- All budget procedures shall be conducted in accordance with City ordinance and state law.

Budget Amendments

- Amendments shall be considered or adopted by City Council during formal Council meetings

Priorities for Funding

- It is the City’s policy to first spend restricted expenditures, which are defined as “when there are limitations imposed on their use either through the enabling legislation adopted by the City or through external restrictions imposed by creditors, grantors, or laws or regulations of other governments.”
- It is the City’s policy to subsequently spend unrestricted expenditures in the following order:
 - Committed expenditures, which are defined as “when they can be used only for specific purposes pursuant to constraints imposed by formal action of the City Council through the adoption of a resolution. The City Council also may modify or rescind the commitment.”
 - Assigned expenditures, which are defined as “when amounts are constrained by the City’s intent to be used for specific purposes, but are neither restricted nor committed. Through resolution, the City Council has authorized the City manager to assign fund balances.”
 - Unassigned expenditures, which are defined as “the residual amount when the balances do not meet any of the above criterion. The City reports positive unassigned fund balances only in the General Fund. Negative unassigned fund balances may be reported in all funds.”
- See the City of Flowery Branch Expenditures Policy for more information on spending

Section 5: Review and Amendment

The targets, as mentioned above, shall be reviewed every fiscal year during the budget planning process or whenever city conditions indicate that a policy update is necessary. Any updates to the policy shall be subject to the approval of City Council. The following notes the creation, revision, and planned review dates:

- Date Created: February 26, 2020
 - Last Revised: March 6, 2020
 - Revision date by: July 1, 2021



City of Flowery Branch

One-Time Revenues Policy

Section 1: Authority

The Finance Department is responsible for all financial operations, budgeting reporting and compliance, payroll processing, coordinating, and preparing for the annual audit for the City of Flowery Branch. The Finance Director, as head of the Finance Department, therefore, upholds the responsibility for administering the One-Time Revenues Policy on behalf of the Finance Department and City Administration.

Although the Finance Department is responsible for all financial operations, authority over the Operating Budget Policy remains under the discretion of City Council, as indicated by Part 1 - City Charter, Article VIII, §8.1.

Section 2: Purpose

This One-Time Revenues policy is intended to guide the City of Flowery Branch to spend within its means and stay financially healthy by specifying uses for one-time revenues.

Section 3: Scope

This policy applies to all funds which receive one-time revenues.

Section 4: Policy

One-Time Revenues

- When the City of Flowery Branch receives a one-time revenue, generally, it shall be used for one-time expenses. These expenses should not create an affordable obligation in future years. Examples include paying debts, refurbishing a capital asset, and building up reserves.

Undependable Revenues

- When the City of Flowery Branch receives revenues which vary from one year to the next, it shall be treated as a one-time revenue. This is because these revenues are unstable and unreliable, so we can't assume that the same revenue will be available in future years.

Section 5: Review and Amendment

The targets, as mentioned above, shall be reviewed every fiscal year during the budget planning process or whenever city conditions indicate that a policy update is necessary. Any updates to the policy shall be subject to the approval of City Council. The following notes the creation, revision, and planned review dates:

- Date Created: March 2, 2020
 - o Last Revised:
 - o Revision date by: July 1, 2021



City of Flowery Branch

Expenditures Policy

Section 1: Authority

The Finance Department is responsible for all financial operations, budgeting reporting and compliance, payroll processing, coordinating, and preparing for the annual audit for the City of Flowery Branch. The Finance Director, as head of the Finance Department, therefore, upholds the responsibility for administering the Expenditures Policy on behalf of the Finance Department and City Administration.

Although the Finance Department is responsible for all financial operations, authority over the Expenditures policy remains under the discretion of City Council, as indicated by Part 1 - City Charter, Article VIII, §8.1.

Section 2: Purpose

The purpose of this Expenditures Policy is to guide an efficient and effective expenditure system that guarantees the spending of public resources to match generated revenues to the greatest extent possible.

Section 3: Scope

The Expenditures Policy for the City of Flowery Branch shall govern all expenditures allocated for the City, which are accounted for in the City's Annual Audit.

Section 4: Policy

The Budget Process

- The City begins its budget process in December and, after thorough analysis, adopts the budget in June.
- One-time expenditures are generally to be funded by one-time revenues, and recurring expenditures are generally to be funded by recurring revenues [See Structurally Balanced Budget Policy]
- It is the City's policy to first spend restricted expenditures, which are defined as "when there are limitations imposed on their use either through the enabling legislation adopted by the City or through external restrictions imposed by creditors, grantors, or laws or regulations of other governments."

- It is the City’s policy to subsequently spend unrestricted expenditures in the following order:
 - Committed expenditures, which are defined as “when they can be used only for specific purposes pursuant to constraints imposed by formal action of the City Council through the adoption of a resolution. The City Council also may modify or rescind the commitment.”
 - Assigned expenditures, which are defined as “when amounts are constrained by the City’s intent to be used for specific purposes, but are neither restricted nor committed. Through resolution, the City Council has authorized the City Manager to assign fund balances.”
 - Unassigned expenditures, which are defined as “the residual amount when the balances do not meet any of the above criterion. The City reports positive unassigned fund balances only in the General Fund. Negative unassigned fund balances may be reported in all funds.”

Personnel Spending

- Salaries and benefits for City administrators and City Council are accounted for under “General Government” in the audited financial statements and in the budget. Funding for these personnel, therefore, largely comes from the General Fund. Personnel in other departments, such as Water/Sewer, is recorded as “personal services and employee benefits” in the audited financial statements and may come out of other funds, such as the Water/Sewer fund.

Privatization of Government Services

- The City shall contract out government services to private companies, known as privatization, through an open and competitive bidding process. The company selected to provide the service shall be required to submit a comprehensive plan for their service, including, but not limited to, costs, timeline, community effects, and other evaluation standards determined by City administration, depending on the service.

Long-term Liabilities

- The City shall, to the best of its ability, fund long-term liabilities using long-term, recurring revenues, as stated in the Structurally Balanced Budget policy. The City shall not take on any long-term liabilities without careful consideration and impact evaluation.

Section 5: Review and Amendment

The targets, as mentioned above, shall be reviewed every fiscal year during the budget planning process or whenever city conditions indicate that a policy update is necessary. Any updates to the policy shall be subject to the approval of City Council. The following notes the creation, revision, and planned review dates:

- Date Created: February 26, 2020
 - o Last Revised: March 6, 2020
 - o Revision date by: July 1, 2021



City of Flowery Branch

Long-Term Forecasting and Planning Policy

Section 1: Authority

The Finance Department is responsible for all financial operations, budgeting reporting and compliance, payroll processing, coordinating, and preparing for the annual audit for the City of Flowery Branch. The Finance Director, as head of the Finance Department, therefore, upholds the responsibility for administering the Operating Budget Policy on behalf of the Finance Department and City Administration.

Although the Finance Department is responsible for all financial operations, authority over the Operating Budget Policy remains under the discretion of City Council, as indicated by Part 1 - City Charter, Article VIII, §8.1.

Section 2: Purpose

A thriving community requires a long-term perspective because financial challenges are often created over many years and can take more than a year to solve. A long-term financial plan and budget allows the City of Flowery Branch to remain mindful of its long-term financial health. Therefore, the purpose of this policy is to give the City the best chance of a thriving community now and for future generations.

Section 3: Scope

The City shall forecast for all funds.

Section 4: Policy

Length of the Forecast

- The City of Flowery Branch will forecast revenues, expenses and financial position at least five years into the future. The length of the forecast should be longer if five years is not enough to address issues that are a threat to the financial health of the City.

Frequency of Forecasting

- The long-term financial forecast shall be updated at least twice a year. It will be updated before the budget process to inform decision-makers of the City's financial position going into budget discussions. It will also be updated after the budget has been created to show decision-makers how the City's financial path has changed as a result of decisions made.

Assumptions and Analysis

- City staff will prepare a forecast that is based on assumptions that best reflect the status quo condition of the City. The forecast will not assume any major changes in policy where such change is speculative. Other assumptions behind the forecast will be made clear. This includes assumed growth rates in revenues and expenses. It also includes assumptions about forces that impact revenues and expenses. Examples might include changes in population, property values, etc.

Long-Term Financial Plan

- The goal of the City of Flowery Branch is for the forecast to be balanced over the time period of the forecast. Therefore, the City shall maintain a long-term financial plan that includes a statement of how it will achieve and/or maintain balance over a multiyear period.

Section 5: Review and Amendment

The targets, as mentioned above, shall be reviewed every fiscal year during the budget planning process or whenever city conditions indicate that a policy update is necessary. Any updates to the policy shall be subject to the approval of City Council. The following notes the creation, revision, and planned review dates:

- Date Created: March 2, 2020
 - o Last Revised: March 6, 2020
 - o Revision date by: July 1, 2021



City of Flowery Branch

Capital Assets Policy

Section 1: Authority

The Finance Department is responsible for all financial operations, budgeting reporting and compliance, payroll processing, coordinating, and preparing for the annual audit for the City of Flowery Branch. The Finance Director, as head of the Finance Department, therefore, upholds the responsibility for administering the Capital Assets policy on behalf of the Finance Department and City Administration.

Although the Finance Department is responsible for all financial operations, authority over the Capital Assets policy remains under the discretion of City Council, as indicated by Part 1 - City Charter, Article VIII, §8.1.

Section 2: Purpose

Capital assets have a major impact on the ability of the City to deliver services along with the economic vitality and overall quality of life for Flowery Branch stakeholders. The purpose of this policy is to provide guidelines to complete a comprehensive process that allocates limited resources into capital investment and management decisions

Section 3: Scope

This policy shall apply to all funds.

Section 4: Policy

Capital Project Selection

- An objective set of criteria will be used to assess and evaluate project proposals. Although specific criteria may be updated from time to time, the following concepts are the core principles to be considered in the development of such criteria:
 - Long-Term Forecasts: Long-term forecasts should be prepared to better understand resources available for capital spending and to assess operational impacts and eventual maintenance replacement costs.
 - Impact on Other Projects: Projects should not be considered in isolation. One project's impact on others should be recognized and costs shared between projects where appropriate.
 - Allow for Funding of Preliminary Activities: For some projects, it may be wise to fund only preliminary engineering/planning before committing to funding the

whole project. However, even these expenditures can be considerable. They should, therefore, be evaluated, analyzed, and prioritized appropriately.

- o Full Lifecycle Costing: Cost analysis of a proposed project should encompass the entire life of the asset, from planning and acquisition to disposal.
- o Predictable Project Timing and Scope: Schedule and scope estimates should be practical and achievable withing the requested resources, including financial and human.

Capital Asset Classification

- The City's Capital Asset classifications are defined in three principles.
 - o All depreciable assets will be at the cost of \$5,000 or higher.
 - o Any assets less than \$5,000 may be maintained on the asset schedule for inventory purposes only (at the discretion of the Finance Director). For example, police car equipment, computers, IT equipment, etc.

Balanced Capital Improvement Plan

- The adopted Capital Improvement Plan is a balanced six-year plan. This means that for the entire six-year period, revenues will be equal to project expenditures in the Capital Improvement Plan. It is possible that the plan will have more expenditures than revenues in a single year, but this imbalance will be corrected through the use of interim financing as needed. However, over the life of the six-year plan, all expenditures will be provided for with identified revenues.

Capital Improvement Funding Policy

- The City provides financial resources for the Capital Improvement Plan through the following sources:
 - o (Fund 100) Unrestricted general operating funds as deemed necessary.
 - o (Fund 320) SPLOST VIII, which is a sales tax of one percent that must be used to fund capital projects.
 - o (Fund 350) Local Maintenance Improvements Grant, which is based in the City's total centerline road miles and the total population as compared to the state's total centerline road miles and population.
 - o (Fund 308) Water/Wastewater Development Charges, which is used to fund capital projects that improve the quality of the water and wastewater system and services to citizens.
 - o (Fund 505) Unrestricted water/wastewater operating reserves as deemed necessary.
 - o Debt may be utilized if deemed necessary only if no other funding sources are available.

Capital Budget

- Each year, the City's Finance Department will develop a Capital Budget which will contain the spending plan for Capital Projects. The first year of the adopted Capital Improvement Plan will be the Capital Budget for the fiscal year.

Capital Budget Management

- Management of Capital Projects is essential to create the best value for City taxpayers through capital spending. The following policies shall be observed in order to help insure the best project management possible.
 - Each department is responsible for their Capital Improvement Projects as follows: preparing the project proposal, developing a project budget and cash flow forecast prior to project commencement, ensuring that required phases are completed on schedule, authorizing all project expenditures, monitoring project cash flows, ensuring that all regulations and laws are observed, and periodically reporting project status. Each department must actively manage their projects and major departments may provide quarterly reports on the status of each project.
 - Capital Project amendments during a year shall not exceed the annually adopted budget and funding levels. Each department must manage its capital program within certain time and cost constraints.

Asset Condition Assessment

- The City's Finance Department may conduct a comprehensive asset inventory that projects replacement and maintenance needs for the next six years and will update this projection each year. The asset inventory will describe the current condition of the City's assets, establish standards for asset condition, account for the complete cost to maintain assets up to standard over their lifecycle, and account for the risks associated with assets that are below condition standards. City departments shall have the responsibility for inventorying and assessing the assets within their purview, and ensuring that it reconciles with the Finance Department's capital asset records.
- The life of the assets is noted in the audited financial statements and in the following table:

Assets	Governmental Activities	Business-type Activities
Buildings and improvements	20-50 years	20-50 years
Public domain infrastructure	14-40 years	14-40 years
Machinery and Equipment	5-20 years	5-20 years
Vehicles	5 years	5 years

Prioritization of Asset Maintenance and Replacement

- It is the City's intent to maintain its existing assets at a level that protects the initial capital investment and minimizes future maintenance and replacement costs. Based on an asset inventory and risk assessment, recommendation for asset maintenance shall be included in the Capital Improvement Plan

Funding of Asset Maintenance

- The City will ensure that adequate resources are allocated to preserve the City's existing infrastructure to the best of its ability before allocating resources to other Capital Projects.

Section 5: Quality Control and Quality Assurance

It is the responsibility of the Finance Director to ensure the presence of procedures that provide sufficient guidance to affected City personnel to fulfill the intent of this policy

Periodic Review of the Targets

- The targets, as mentioned above for the Capital Assets Policy, shall be reviewed every fiscal year during the budget planning process or whenever city conditions indicate that a policy update is necessary. Any updates to the policy shall be subject to the approval of City Council. The following notes the creation, revision, and planned review dates:
 - o Date Created: February 3, 2020
 - o Last revised: March 9, 2020
 - o Revision date by: July 1, 2021

FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY

SUBJECT: Consider Formal Financial Policies: Operating Budget Policy, One-time Revenues Policy, Expenditures Policy, Capital Policy, and Long-Term Forecasting and Planning Policy

DATE: March 6, 2020

(X) RECOMMENDATION

() POLICY DISCUSSION

BUDGET INFORMATION:

() STATUS REPORT

ANNUAL-

() OTHER

CAPITAL-

COMMISSION ACTION REQUESTED ON: April 2, 2020

PURPOSE: Approve the Operating Budget Policy, One-time Revenues Policy, Expenditures Policy, Capital Policy, and Long-Term Forecasting and Planning Policy as presented.

HISTORY:

GFOA (Government Finance Officers Association) Best Practices identifies specific policies and procedures that contribute to improved government management. They aim to promote and facilitate positive change or recognize excellence rather than merely to codify the current accepted practice. GFOA has emphasized that these practices be proactive steps that a government should be taking. Best practices are applicable to all governments (both large and small). Over the coming months, the finance department will present for consideration approval of financial policies and guidelines to ensure the City of Flowery Branch is following sound and highly recommended procedures.

These policies are key to the budget planning process and long term financial planning for any organization. Also, last year, the Council requested a more detailed budget document, which entails formalizing our budget process and key financial policies for this presentation. This budget document will explain all our key financial policies and budget planning process and show the detail of the approved budget. From this detailed budget document, we plan to create a shorter summary of the budget for the public and for the Council to share. Both the detailed document and summary document will be available on our website as well. We are working towards producing a more detailed budget document for the FY2021 year, and it should be complete by the end of June. These key policies will also flow into a more detailed audit document called the Comprehensive Annual Financial Report (CAFR). The CAFR will provide more information than our regular audit report, including 10-year statistical information along with some reporting requirements for our new debt. The CAFR will be completed in December.

Descriptions of these policies and best practices can be located at the following link:

<https://www.gfoa.org/best-practices>

FACTS AND ISSUES:

Some of the presented policies may be already informally utilized under the Council's direction, while others may be new policies. This request for approval step will formalize the recommended best practices for financial budgeting and reporting for local municipalities. Once the policies are approved, they will be reviewed by management on an annual basis. If any changes need to be made, the changes will be presented annually to the Council for request of approval. The group of policies presented are:

Operating Budget Policy –

- Purpose: to guide a comprehensive plan to deliver efficient and effective services to residents and stakeholders of the City
- The City is currently informally following all steps in Section 4 of the policy.

One-time Revenues Policy –

- Purpose: to guide the City of Flowery Branch to spend within its means and stay financially healthy by specifying uses for one-time revenues.
- The City is currently informally following all steps in Section 4 of the policy.

Expenditures Policy –

- Purpose: to guide an efficient and effective expenditure system that guarantees the spending of public resources to match generated revenues to the greatest extent possible.
- The City is currently informally following all steps in Section 4 of the policy.

Capital Policy –

- Purpose: to provide guidelines to complete a comprehensive process that allocates limited resources into capital investment and management decisions.
- This policy is new for the City. The City does not have a formal evaluation plan for capital projects as projected in Section 4. Capital Asset Classification section of \$5,000, Funding Policy section, and Asset Condition Assessment section is informally followed by staff at this time. Staff is currently implementing the evaluation process for the FY2021 budget year. Finance staff will continue to work with the departments to implement these processes for evaluation with each budget cycle. This process may evolve as we implement each step for our City.

Long-Term Planning and Forecasting Policy –

- Purpose: to give the City the best chance of a thriving community now and for future generations.
 - This policy is new for the City. The City currently contracts services to assist with financial forecasting. Our goal with this policy is to continue with long-term forecasting and planning either internally or by contracted services. This policy is vital for the capital improvements process as well.
-
-

RECOMMENDED SAMPLE MOTION:

I make a motion to approve the following policies as presented: Operating Budget Policy, One-Time Revenues Policy, Expenditures Policy, Capital Policy, and Long-Term Forecasting and Planning Policy

DEPARTMENT: Finance

Prepared by: Alisha Gamble



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider - 2nd Reading of Ordinance # 587; an annexation request submitted by All Awesome properties to bring a .96 +/- acre tract of land known as 6490 McEver Road into the corporate City-limits of Flowery Branch.

COUNCIL MEETING DATE: April 16, 2020

HISTORY:

This annexation request was approved by City Council on Tuesday, March 24th, 2020.

FACTS AND ISSUES:

OPTIONS:

IF FUNDING IS INVOLVED, ARE FUNDS APPROVED IN THE CURRENT BUDGET:

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Approve the second read of Ordinance # 587

SAMPLE MOTION:

I make a motion to approve ordinance # 587 as submitted.

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Melissa McCain

ATTACHMENTS

- [Applications as submitted.pdf](#)
- [McEver Road Corridor.pptx](#)
- [McEver Whitehorse staff report.pdf](#)
- [Annexation Ordinance - All Awesome Properties FINAL.pdf](#)

**Community Development
Annexation, Rezoning, & Ordinance Schedule 2019-2020**

Complete Application Deadline	*Public Hearing	+Work Session	#Voting Session
July 12, 2019	August 1	August 1 September 5	September 19
		October 3	October 17
July 29, 2019	September 5	September 5 October 3	October 17
		November 7	November 21
August 22, 2019	October 3	October 3 November 7	November 21
		December 5	December 19
September 16, 2019	November 7	November 7 December 5	December 19
		January 2	January 16
October 21, 2019	December 5	December 5 January 2	January 16
		February 9	February 20
November 18, 2019	January 2	January 2 February 9	February 20
		March 5	March 19
December 13, 2019	February 9	February 9 March 5	March 19
		April 2	April 16
January 17, 2020	March 5	March 5 April 2	April 16
		May 7	May 21

*Public hearing begins at **6:00**
 +Work Session begins at **7:00**
 #Voting Session begins at **6:00**

Annexation Application #2/ 6533 McEever Road, Flowery Branch, GA 30542/Parcel No. 08150 002018Owner - CROW DARRYL HOLDINGS LLC/Acres - 34.56
NAMES AND ADDRESSES PF ADJOINING PROPERTY OWNERS

Parcel ID	08150 002024	Physical Address	6693 MCEVER RD, FLOWERY BRANCH GA 30542	Owner	HINTON FAMILY, LLLP	Contact Info	HINTON FAMILY, LLLP 2753 MERRITT DR. BUFORD GA 30518
Parcel ID	08150A000001	Physical Address	6604 LAKE RUN DRIVE, FLOWERY BRANCH, GA 30542	Owner	RENATA RAVIZZINI	Contact Info	RENATA RAVIZZINI 6604 LAKE RUN DRIVE FLOWERY BRANCH GA 30542
Parcel ID	08150 002009	Physical Address	6574 MCEVER ROAD , FLOWERY BRANCH GA 30542	Owner	WILLIAM SCRUGGS BERNADETTE SCRUGGS	Contact Info	WILLIAM SCRUGGS SCRUGGS BERNADETTE 6574 MCEVER ROAD FLOWERY BRANCH GA 3054
Parcel ID	08149 000010	Physical Address	6547 MCEVER ROAD, FLOWERY BRANCH GA 30542	Owner	BERNADETTE B SCRUGGS BARBARA O'CALLAGHAN	Contact Info	BERNADETTE B SCRUGGS O'CALLAGHAN BARBARA 6547 MCEVER ROAD FLOWERY BRANCH GA 30542
Parcel ID	08149 000009	Physical Address	6526 MCEVER RD, FLOWERY BRANCH GA 30542	Owner	DORIS P BAILEY	Contact Info	DORIS P BAILEY P.O. BOX 3109 CLEVELAND GA 30528
Parcel ID	08149 000101	Physical Address	6505 VISTA GLEN, FLOWERY BRANCH GA 30542	Owner	JOHN M CREVIS III	Contact Info	JOHN M CREVIS III 6505 VISTA GLEN FLOWERY BRANCH GA 30542
Parcel ID	08150 002002	Physical Address	6509 MCEVER RD, FLOWERY BRANCH GA 30542	Owner	E&S DEVELOPMENT, LLC	Contact Info	E&S DEVELOPMENT, LLC 5052 NELSON BROGDON BLVD. SUGAR HILL GA 30518

White Horse 70 LLC
4984 B U Bowman Dr
Suite 106
Buford, GA 30518

Quantum National Bank
Suwanee, GA
64-0489/0611

001210

11/25/2019

PAY TO THE ORDER OF City of Flowery Branch

\$ **500.00

Five Hundred and 00/100*****

DOLLARS

City of Flowery Branch

Flowery Branch, GA

MEMO

Rezoning Fees 6533 McEver Rd

Renew M. Tupp
AUTHORIZED SIGNATURE

MP

⑈001210⑈ ⑆061104893⑆ 33644⑈

White Horse 70 LLC

City of Flowery Branch

11/25/2019

001210

Date	Type	Reference	Original Amt.	Balance Due	Discount	Payment
11/25/2019	Bill	Rezoning Fees 6533 M	500.00	500.00		500.00
Check Amount						500.00

Quantum National Ba Rezoning Fees 6533 McEver Rd

500.00



ANNEXATION APPLICATION

Application #1

Date: November 21, 2019

Address of Request:

6509 McEver Rd (Parcel # 08150 002002)

Submitted to the City Clerk per The Flowery Branch Code of Ordinances;
Appendix C, "Zoning Ordinance", Article 44; Section 44.4 on

City Clerk Signature _____

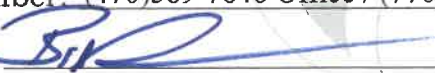
Applicant Information

Name: White Horse 70, LLC by William R. Fricks Attorney for the Applicant

Address: 4321 South Lee Street, Ste 200
Buford, GA 30518

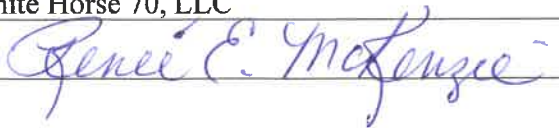
E-mail address: wfricks@williamfrickspc.com

Phone number: (470)589-7646 Office / (770) 633-2264 Cell

Signature: 

Property owner information (if different than the applicant)

Property owner (please print): White Horse 70, LLC

Signature of property owner: By: 



Property Information

Tax Map Number: 08150 002002

Current Zoning: Highway Business (H-B) Total Acres: 8.84

Is this property contiguous to the city-limits of Flowery Branch? Yes

Proposed City of Flowery Branch Zoning: PUD, Planned Unit Development

Proposed City of Flowery Branch Character Area: Highway Business (HB)

Current Use: Undeveloped Property

Per the Flowery Branch Code of Ordinances; Appendix C, "Zoning Ordinance", Article 36; Does this property potentially require a **DRI** (Development of Regional Impact) study? DRI is not required

Voting Rights Act Information

Resident Population: _____ Housing Units: _____ Other Buildings: _____

Race Population %: White _____ Black _____ Hispanic _____ Other _____

Please provide the following at time of submittal in (one hard copy and digitally):

- Legal description
- Current survey of property
- Detailed description of request
- Conflict of interest disclosure (attached)
- Disclosure of campaign contributions (attached)
- Zoning application
- Annexation $\geq$ 100 acres of land requires an official request to amend the character area and future land use map designation for the subject property
- Names and addresses of adjoining property owners
- Reasons for requesting annexation
- Signed statement authorizing City of Flowery Branch staff and/or City Council to inspect the subject property



Conflict of Interest Disclosure

Identify all members of the City Council of the City of Flowery Branch and Employees of the City of Flowery Branch Community Development Department who

Have a property interest in the real property affected by this request

None

Have a financial interest (direct ownership interest) of the total assets or capital stock of a business entity where such ownership interest is more than 10% in any business entity which has a property interest in the real property affected by this request

None

Have a member of the family (spouse, mother, father, brother, sister, son or daughter) having a property financial interest as herein defined, in the real property affected by this request

None

Disclosure of Campaign Contributions

List below the names of local government officials of the City of Flowery Branch to whom campaign contributions were made, within two (2) years immediately preceding the filing of this application, which campaign contributions total \$250.00 or more or to whom gifts were made having a total value of \$250.00 or more.

Elected Officials Name

Amount of Description of Gift

_____	_____
_____	_____



REZONING APPLICATION

Application #2

Date: November 21, 2019

Address of Request:

6533 McKeever Road (Parcel # 08150 00218)

Flowery Branch, GA 30542

Tax Map # 08150 002018 Current Zoning: AR-III

Is this site located within the boundaries of the historic district? NO

Currently a conforming use? _____

Any conditions of zoning, CUP's, etc.? _____

Applicant Information

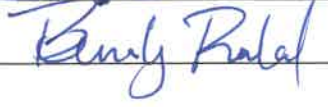
Name: White Horse 70, LLC by William R. Fricks Attorney for the Applicant

Address: 4321 South Lee Street, Suite 200, Buford GA 30518

E-mail address: wfricks@williamfrickspc.com

Phone number: (470) 589-7646

Signature: 

Notary: 

BEVERLY ROWLAND
NOTARY PUBLIC
Gwinnett County, GEORGIA
My Commission Expires
August 15, 2020



Property owner information (if different than the applicant)

Property owner (please print): White Horse 70, LLC

Signature of property owner: By: Gene E. McLenzie

Notary: Bing Raulif

BEVERLY ROWLAND
NOTARY PUBLIC
Gwinnett County, GEORGIA
My Commission Expires
August 15, 2020

Property Information

Tax Map Number: 08150 002018

Current Zoning: Agricultural Residential III (AR-III) Total Acres: 34.56

Is this property located within the city-limits of Flowery Branch? NO

Proposed City of Flowery Branch Zoning: PUD, Planned Unit Development

Current Use: Undeveloped Property

Please review the Flowery Branch Code of Ordinances, Appendix C, "Zoning Ordinance", Article 34, for complete requirements.

Please provide the following at time of submittal in (one hard copy and digitally):

- Legal description
- Current survey of property



- Site plan shall meet the requirements of the Flowery Branch Code of Ordinances; Appendix C, “Zoning Ordinance”, Article 34 sections 34.5
- Development statistics per the Flowery Branch Code of Ordinances; Appendix C, “Zoning Ordinance”, Article 34 sections 34.6
- Analysis requirements per the Flowery Branch Code of Ordinances; Appendix C, “Zoning Ordinance”, Article 34 sections 34.7
- Detailed description of request
- Conflict of interest disclosure (attached)
- Disclosure of campaign contributions (attached)
- Names and addresses of adjoining property owners
- Reasons for requesting rezoning
- Signed statement authorizing City of Flowery Branch staff and/or City Council to inspect the subject property

Conflict of Interest Disclosure

Identify all members of the City Council of the City of Flowery Branch and Employees of the City of Flowery Branch Community Development Department who

Have a property interest in the real property affected by this request

NO

Have a financial interest (direct ownership interest) of the total assets or capital stock of a business entity where such ownership interest is more than 10% in any business entity which has a property interest in the real property affected by this request

NO

Have a member of the family (spouse, mother, father, brother, sister, son or daughter) having a property financial interest as herein defined, in the real property affected by this request

NO



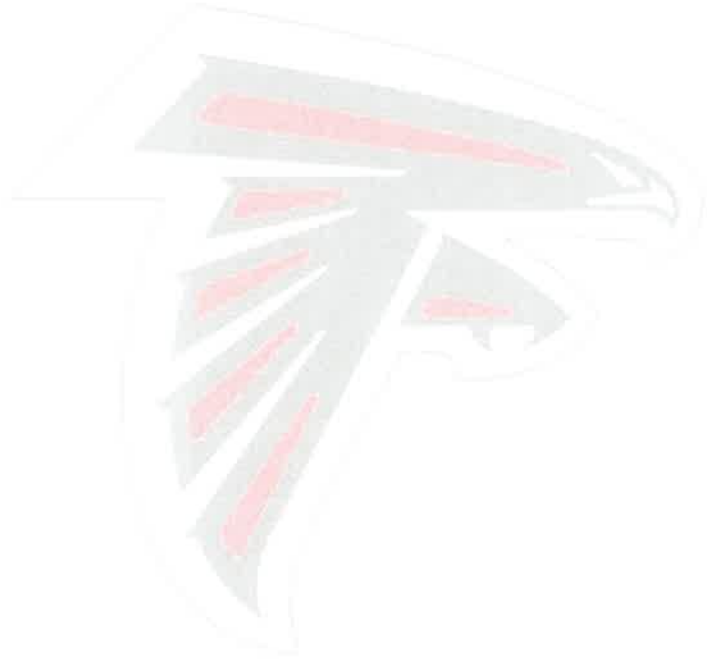
Disclosure of Campaign Contributions

List below the names of local government officials of the City of Flowery Branch to whom campaign contributions were made, within two (2) years immediately preceding the filing of this application, which campaign contributions total \$250.00 or more or to whom gifts were made having a total value of \$250.00 or more.

Elected Officials Name	Amount of Description of Gift
N/A	
N/A	

CITY STAFF ONLY

Application Received By: _____
Date: _____ Total Fee: _____



6490 MCEVER ROAD, FLOWERY BRANCH GA 30542 (Parcel Number: 08149 000005)

All that tract or parcel of land lying and being in Land Lot 149 of the 8th District, Hall County, Georgia, containing 0.97 acre as shown on a plat of survey for Larry R. Bailey and Lex Cates by Thomas Wood, Registered Land Surveyor, dated January 6, 1987, and being more particularly described as follows:

Beginning at an iron pin on the northwestern right of way of McEver Road, said point being 918 feet southwesterly from the intersection of the right of way of McEver Road and the right of way of Gaines Ferry Road as measured along the right of way of McEver Road; thence proceeding along the northwestern right of way of McEver Road, south 57 degrees 39 minutes west a distance of 217.33 feet to an axle; thence north 42 degrees 15 minutes west a distance of 196.53 feet to an axle; thence north 52 degrees 00 minutes east a distance of 194.00 feet to an iron pin; thence south 47 degrees 37 minutes east a distance of 220.48 feet to an iron pin on the northwestern right of way of McEver Road the place or point of beginning

6509 MCEVER RD, FLOWERY BRANCH, GA 30542 (Parcel Number: 08150 002002)

All that tract or parcel of land lying and being in Land Lot 150 of the 8th Land District, Hall County, Georgia, as shown and delineated as 8.843 acres, more or less, on plat of survey for Anthony Sherman & Victor Felix Espinosa by Jarrard Surveying dated May 26, 2005, last revised September 9, 2005, and being more particularly described as follows:

Beginning at an iron pin at a point on the southeastern right of way of McEver Road (80 foot right of way), said point being South 63 degrees 25 minutes 07 seconds East, a distance of 50.84 feet, from the intersection of the centerlines of McEver Road and Vista Glen; thence running North 64 degrees 26 minutes 11 seconds East along the southeastern right of way of McEver Road, a distance of 247.50 feet, to an iron pin; thence leaving said right of way and running South 24 degrees 39 minutes 37 seconds East, a distance of 1160.82 feet, to an iron pin on the northwestern right of way of southern railroad (400 foot right of way); thence running South 41 degrees 46 minutes 15 seconds West along said right of way, a distance of 484.73 feet, to an iron pin; thence leaving said right of way and running North 24 degrees 47 minutes 04 seconds West, a distance of 477.85 feet, to an iron pin; thence

LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Land Lot 150 of the 8th District, Hall County, Georgia and being more particularly described as follows:

BEGINNING at a point on the southeastern right-of-way of McEver Rd (80 foot right-of-way), said point being South 69 degrees 54 minutes 36 seconds East, a distance of 50.84 feet, from the intersection of the centerlines of McEver Road and Vista Glen;

THENCE North 57 degrees 56 minutes 37 seconds East a distance of 247.50 feet to a point;
THENCE South 31 degrees 09 minutes 06 seconds East a distance of 1160.82 feet to a point;
THENCE South 35 degrees 16 minutes 46 seconds West a distance of 484.73 feet to a point;
THENCE South 35 degrees 16 minutes 46 seconds West a distance of 1044.12 feet to a point;
THENCE North 29 degrees 55 minutes 31 seconds West a distance of 1331.61 feet to a point;
THENCE North 17 degrees 11 minutes 57 seconds East a distance of 482.13 feet to a point;
THENCE along a curve to the right for an arc length of 306.37 feet, having a radius of 430.82 feet, being subtended by a chord bearing North 37 degrees 34 minutes 17 seconds East, for a distance of 299.95 feet to a point;
THENCE North 57 degrees 56 minutes 37 seconds East a distance of 485.64 feet to a point, said point being THE TRUE POINT OF BEGINNING.

The above described property contains an area 43.735 acres.

Annexation Application #1/ 6509 MCEVER RD, Flowery Branch, GA 30542/Parcel No. 08150 002002/Owner - E&S DEVELOPMENT, LLC /Acres - 8.84
NAMES AND ADDRESSES PF ADJOINING PROPERTY OWNERS

Parcel ID	08150 002002A	Physical Address	6495 MCEVER RD, FLOWERY BRANCH GA 30542	Owner	CLARA MAE MANN	Contact Info	C/O DIANE CRAWFORD 13209 JENNER LANE AUSTIN TX 787297455
Parcel ID	08149 000005	Physical Address	6490 MCEVER RD, FLOWERY BRANCH, GA 30542	Owner	ALL AWESOME PROPERTIES LL	Contact Info	ALL AWESOME PROPERTIES LLC 4411 SUWANEE DAM RD., SUITE 415
Parcel ID	08149 000116	Physical Address	6510 VISTA GLEN DRIVE, FLOWERY BRANCH GA 30542	Owner	BILLY KENNETH PATTERSON PATTERSON SHELBY JEAN	Contact Info	BILLY KENNETH PATTERSON PATTERSON SHELBY JEAN 6510 VISTA GLEN DRIVE FLOWERY BRANCH GA 30542
Parcel ID	08150 002018	Physical Address	6533 MCEVER RD, FLOWERY BRANCH GA 30542	Owner	DARRYL CROW HOLDINGS LLC	Contact Info	DARRYL CROW HOLDINGS LLC 6172 JIM CROW ROAD FLOWERY BRANCH GA 30542
Parcel ID	08149 000009	Physical Address	6526 MCEVER RD, FLOWERY BRANCH GA 30542	Owner	DORIS P BAILEY	Contact Info	DORIS P BAILEY P.O. BOX 3109 CLEVELAND GA 30528



ANNEXATION APPLICATION

Application #2

Date: November 20, 2019

Address of Request:

6533 McEver Rd (Parcel # 08150 002018)
Flowery Branch, GA 30542

Submitted to the City Clerk per The Flowery Branch Code of Ordinances;
Appendix C, "Zoning Ordinance", Article 44; Section 44.4 on

City Clerk Signature

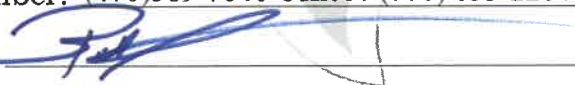
Applicant Information

Name: White Horse 70, LLC by William R. Fricks Attorney for the Applicant

Address: 4321 South Lee Street, Ste 200
Buford, GA 30518

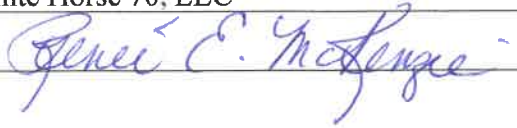
E-mail address: wfricks@williamfrickspc.com

Phone number: (470) 589-7646 Office / (770) 633-2264 Cell

Signature: 

Property owner information (if different than the applicant)

Property owner (please print): White Horse 70, LLC

Signature of property owner: By: 



Property Information

Tax Map Number: 08150 002018

Current Zoning: Agricultural Residential III (AR-III) Total Acres: 34.56

Is this property contiguous to the city-limits of Flowery Branch? Yes

Proposed City of Flowery Branch Zoning: PUD Planned Unit Development

Proposed City of Flowery Branch Character Area: Highway Business (HB)

Current Use: Undeveloped Property

Per the Flowery Branch Code of Ordinances; Appendix C, "Zoning Ordinance", Article 36; Does this property potentially require a **DRI** (Development of Regional Impact) study? DRI is not required

Voting Rights Act Information

Resident Population: _____ Housing Units: _____ Other Buildings: _____

Race Population %: White _____ Black _____ Hispanic _____ Other _____

Please provide the following at time of submittal in (one hard copy and digitally):

- Legal description
- Current survey of property
- Detailed description of request
- Conflict of interest disclosure (attached)
- Disclosure of campaign contributions (attached)
- Zoning application
- Annexation $\geq$ 100 acres of land requires an official request to amend the character area and future land use map designation for the subject property
- Names and addresses of adjoining property owners
- Reasons for requesting annexation
- Signed statement authorizing City of Flowery Branch staff and/or City Council to inspect the subject property



Conflict of Interest Disclosure

Identify all members of the City Council of the City of Flowery Branch and Employees of the City of Flowery Branch Community Development Department who

Have a property interest in the real property affected by this request

None

Have a financial interest (direct ownership interest) of the total assets or capital stock of a business entity where such ownership interest is more than 10% in any business entity which has a property interest in the real property affected by this request

None

Have a member of the family (spouse, mother, father, brother, sister, son or daughter) having a property financial interest as herein defined, in the real property affected by this request

None

Disclosure of Campaign Contributions

List below the names of local government officials of the City of Flowery Branch to whom campaign contributions were made, within two (2) years immediately preceding the filing of this application, which campaign contributions total \$250.00 or more or to whom gifts were made having a total value of \$250.00 or more.

Elected Officials Name	Amount of Description of Gift
------------------------	-------------------------------

None	



REZONING APPLICATION

Application #2

Date: November 21, 2019

Address of Request:

6533 McKeever Road (Parcel # 08150 00218)

Flowery Branch, GA 30542

Tax Map # 08150 002018 Current Zoning: AR-III

Is this site located within the boundaries of the historic district? NO

Currently a conforming use? _____

Any conditions of zoning, CUP's, etc.? _____

Applicant Information

Name: White Horse 70, LLC by William R. Fricks Attorney for the Applicant

Address: 4321 South Lee Street, Suite 200, Buford GA 30518

E-mail address: wfricks@williamfrickspc.com

Phone number: (470) 589-7646

Signature: 

Notary: 

BEVERLY ROWLAND
NOTARY PUBLIC
Gwinnett County, GEORGIA
My Commission Expires
August 15, 2020



Property owner information (if different than the applicant)

Property owner (please print): White Horse 70, LLC

Signature of property owner: By *Gene E. McJannet*

Notary: *Beverly Rowland*

BEVERLY ROWLAND
NOTARY PUBLIC
Gwinnett County, GEORGIA
My Commission Expires
August 18, 2020

Property Information

Tax Map Number: 08150 002018

Current Zoning: Agricultural Residential-III (AR-III) Total Acres: 34.56

Is this property located within the city-limits of Flowery Branch? NO

Proposed City of Flowery Branch Zoning: PUD, Planned Unit Development

Current Use: Undeveloped Property

Please review the Flowery Branch Code of Ordinances, Appendix C, "Zoning Ordinance", Article 34, for complete requirements.

Please provide the following at time of submittal in (one hard copy and digitally):

- Legal description
- Current survey of property



- Site plan shall meet the requirements of the Flowery Branch Code of Ordinances; Appendix C, “Zoning Ordinance”, Article 34 sections 34.5
- Development statistics per the Flowery Branch Code of Ordinances; Appendix C, “Zoning Ordinance”, Article 34 sections 34.6
- Analysis requirements per the Flowery Branch Code of Ordinances; Appendix C, “Zoning Ordinance”, Article 34 sections 34.7
- Detailed description of request
- Conflict of interest disclosure (attached)
- Disclosure of campaign contributions (attached)
- Names and addresses of adjoining property owners
- Reasons for requesting rezoning
- Signed statement authorizing City of Flowery Branch staff and/or City Council to inspect the subject property

Conflict of Interest Disclosure

Identify all members of the City Council of the City of Flowery Branch and Employees of the City of Flowery Branch Community Development Department who

Have a property interest in the real property affected by this request

NO

Have a financial interest (direct ownership interest) of the total assets or capital stock of a business entity where such ownership interest is more than 10% in any business entity which has a property interest in the real property affected by this request

NO

Have a member of the family (spouse, mother, father, brother, sister, son or daughter) having a property financial interest as herein defined, in the real property affected by this request

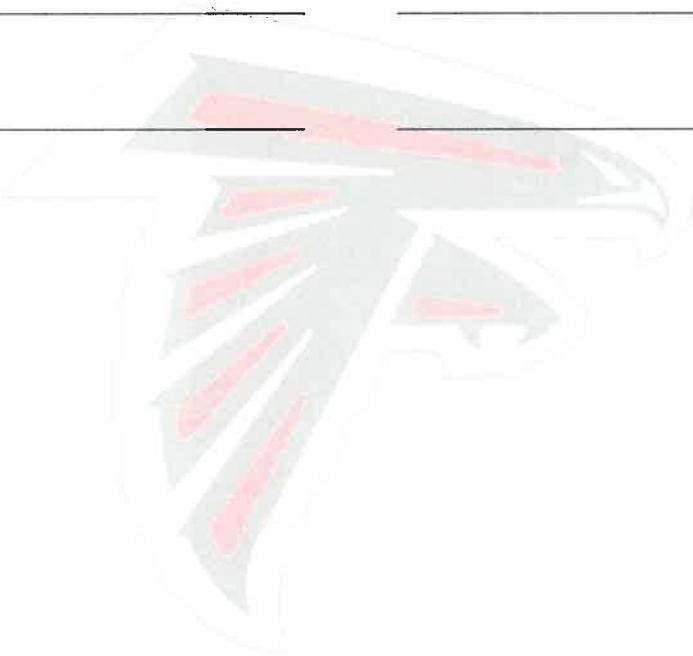
NO



Disclosure of Campaign Contributions

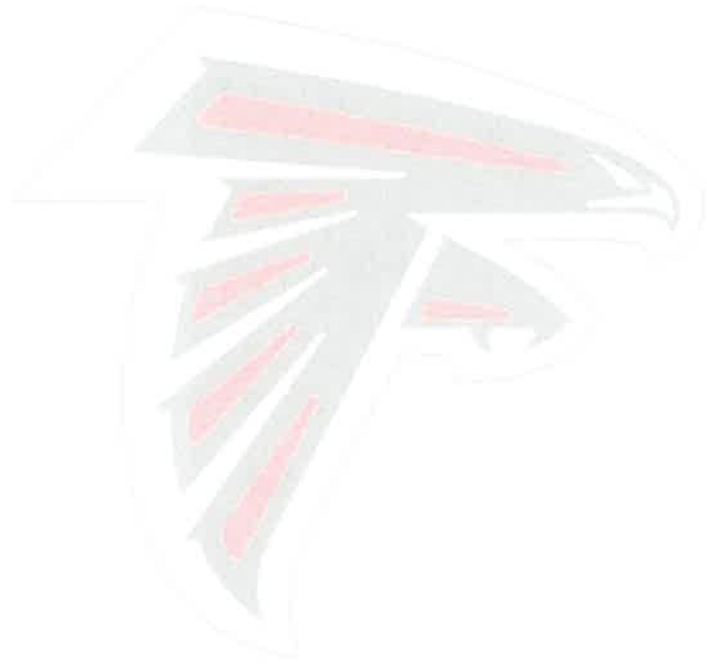
List below the names of local government officials of the City of Flowery Branch to whom campaign contributions were made, within two (2) years immediately preceding the filing of this application, which campaign contributions total \$250.00 or more or to whom gifts were made having a total value of \$250.00 or more.

Elected Officials Name	Amount of Description of Gift
N/A	
N/A	



CITY STAFF ONLY

Application Received By: _____
Date: _____ Total Fee: _____



6533 MCEVER ROAD, FLOWERY BRANCH, GA 30542 (Parcel Number: 08150 002018)

Tract One:

All that lot, tract or parcel of land lying, situate and being in Land Lot 150, 8th District, Hall County, Georgia, being all of Tracts 1, 2, 3, 4, and 5 of that property shown on a survey for "Lee Waldrip Auction Company," dated February 4, 1985, prepared by Henry Bailey, Georgia Registered Land Surveyor, recorded in Plat Book 101, page 82, Hall County, Georgia Plat Records, said plat and the record thereof being incorporated herein for a more full and complete description.

Tract Two:

All that lot, tract or parcel of land lying, situate and being in Land Lot 150, 8th District, Hall County, Georgia, being shown to contain 4.971 acres according to a survey for "Lee Waldrip Auction Co.," dated February 4, 1985, prepared by Henry Bailey, Georgia Registered Land Surveyor, recorded in Plat Book 101, page 96, Hall County, Georgia Plat Records, said plat and the record thereof being incorporated herein for a more full and complete description.

Tracts One and Two as described herein being all of that property described in a Corrective Warranty Deed from Lee Waldrip Auction Company to Harvey R. Crenshaw, Lawrence D. Crenshaw, and Robert C. Payne, dated July 11, 1985, recorded in Deed Book 897, page 13, Hall County, Georgia Deed Records.

Tract Three:

All that lot, tract or parcel of land lying, situate and being in Land Lot 150, 8th District, Hall County, Georgia, being all of that property shown on a survey for "Roy A. Scott," prepared by Jimmy Bullock, Georgia Registered Land Surveyor, dated December 1, 1988, being shown to contain 4.00 acres according to said survey and being more fully described as follows:

BEGINNING at an iron stake located on the eastern right of way of Holiday McEver Road, which iron pin is located south 55 degrees 31 minutes west 1367 feet from the nail and cap set centerline of McEver Road and Gaines Ferry Road; thence from said beginning iron pin running south 30 degrees 24 minutes east 871.21 feet to an iron pin; thence running south 69 degrees 11 minutes west 200 feet to an iron pin; thence running north 30 degrees 24 minutes west 871.21 feet to an iron pin located on the eastern right of way of Holiday McEver Road; thence running along said right of way of Holiday McEver road north 59 degrees 17 minutes east 200 feet to the beginning iron pin.

This being the same property described in a Warranty Deed from Roy Scott to Lawrence D. Crenshaw, Harvey R. Crenshaw, and Robert C. Payne dated February 16, 1990, recorded in Deed Book 1441, page 177, Hall County, Georgia Deed Records.

LEGAL DESCRIPTION

Combined legal Parcel # 08150 00218, 08150 00202

All that tract or parcel of land lying and being in Land Lot 150 of the 8th District, Hall County, Georgia and being more particularly described as follows:

BEGINNING at a point on the southeastern right-of-way of McEver Rd (80 foot right-of-way), said point being South 69 degrees 54 minutes 36 seconds East, a distance of 50.84 feet, from the intersection of the centerlines of McEver Road and Vista Glen;

- THENCE North 57 degrees 56 minutes 37 seconds East a distance of 247.50 feet to a point;
- THENCE South 31 degrees 09 minutes 06 seconds East a distance of 1160.82 feet to a point;
- THENCE South 35 degrees 16 minutes 46 seconds West a distance of 484.73 feet to a point;
- THENCE South 35 degrees 16 minutes 46 seconds West a distance of 1044.12 feet to a point;
- THENCE North 29 degrees 55 minutes 31 seconds West a distance of 1331.61 feet to a point;
- THENCE North 17 degrees 11 minutes 57 seconds East a distance of 482.13 feet to a point;
- THENCE along a curve to the right for an arc length of 306.37 feet, having a radius of 430.82 feet, being subtended by a chord bearing North 37 degrees 34 minutes 17 seconds East, for a distance of 299.95 feet to a point;
- THENCE North 57 degrees 56 minutes 37 seconds East a distance of 485.64 feet to a point, said point being THE TRUE POINT OF BEGINNING.

The above described property contains an area 43.735 acres.



ANNEXATION APPLICATION

Application #3

Date: November 21, 2019

Address of Request:

6490 McEver Rd (Parcel # 08149 000005)

Submitted to the City Clerk per The Flowery Branch Code of Ordinances;
Appendix C, "Zoning Ordinance", Article 44; Section 44.4 on

City Clerk Signature _____

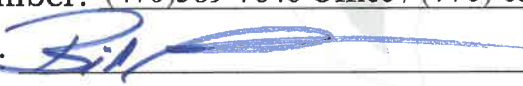
Applicant Information

Name: All Awesome Properties, LLC by William R. Fricks Attorney for the Applicant

Address: 4321 South Lee Street, Ste 200
Buford, GA 30518

E-mail address: wfricks@williamfrickspc.com

Phone number: (470)589-7646 Office / (770) 633-2264 Cell

Signature: 

Property owner information (if different than the applicant)

Property owner (please print): All Awesome Properties LLC

Signature of property owner: By: 

**Property Information**

Tax Map Number: 08149 000005

Current Zoning: Agricultural Residential III (AR-III) Total Acres: 0.96

Is this property contiguous to the city-limits of Flowery Branch? Yes

Proposed City of Flowery Branch Zoning: _____

Proposed City of Flowery Branch Character Area: Highway Business (HB)

Current Use: Undeveloped Property

Per the Flowery Branch Code of Ordinances; Appendix C, "Zoning Ordinance", Article 36; Does this property potentially require a **DRI** (Development of Regional Impact) study? _____

Voting Rights Act Information

Resident Population: _____ Housing Units: _____ Other Buildings: _____

Race Population %: White _____ Black _____ Hispanic _____ Other _____

Please provide the following at time of submittal in (one hard copy and digitally):

- Legal description
- Current survey of property
- Detailed description of request
- Conflict of interest disclosure (attached)
- Disclosure of campaign contributions (attached)
- Zoning application
- Annexation $\geq$ 100 acres of land requires an official request to amend the character area and future land use map designation for the subject property
- Names and addresses of adjoining property owners
- Reasons for requesting annexation
- Signed statement authorizing City of Flowery Branch staff and/or City Council to inspect the subject property



Conflict of Interest Disclosure

Identify all members of the City Council of the City of Flowery Branch and Employees of the City of Flowery Branch Community Development Department who

Have a property interest in the real property affected by this request

None

Have a financial interest (direct ownership interest) of the total assets or capital stock of a business entity where such ownership interest is more than 10% in any business entity which has a property interest in the real property affected by this request

None

Have a member of the family (spouse, mother, father, brother, sister, son or daughter) having a property financial interest as herein defined, in the real property affected by this request

None

Disclosure of Campaign Contributions

List below the names of local government officials of the City of Flowery Branch to whom campaign contributions were made, within two (2) years immediately preceding the filing of this application, which campaign contributions total \$250.00 or more or to whom gifts were made having a total value of \$250.00 or more.

Elected Officials Name	Amount of Description of Gift



REZONING APPLICATION

Application #3

Date: November 21, 2019

Address of Request:

6490 MCEVER RD , FLOWERY BRANCH, GA 30542

Tax Map # 08149 000005 Current Zoning: AR-III

Is this site located within the boundaries of the historic district? NO

Currently a conforming use? _____

Any conditions of zoning, CUP's, etc.? _____

Applicant Information

Name: White Horse 70, LLC by William R. Fricks Attorney for the Applicant

Address: 4321 South Lee Street, Suite 200, Buford GA 30518

E-mail address: wfricks@williamfrickspc.com

Phone number: (470) 589-7646

Signature: 

Notary: 

BEVERLY ROWLAND
NOTARY PUBLIC
Gwinnett County, GEORGIA
My Commission Expires
August 15, 2020

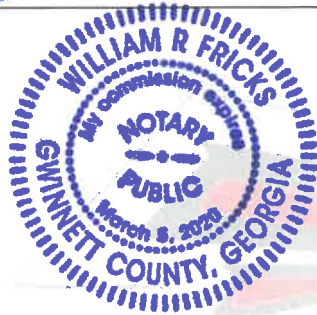


Property owner information (if different than the applicant)

Property owner (please print): All Awesome Properties LLC

Signature of property owner: By: _____

Notary: _____



Property Information

Tax Map Number: 08149 000005

Current Zoning: Agricultural Residential III (AR-III) Total Acres: 0.96

Is this property located within the city-limits of Flowery Branch? NO

Proposed City of Flowery Branch Zoning: PUD, Planned Unit Development

Current Use: Undeveloped Property: Property will be subdivided into 2 lots

Please review the Flowery Branch Code of Ordinances, Appendix C, "Zoning Ordinance", Article 34, for complete requirements.

Please provide the following at time of submittal in (one hard copy and digitally):

- Legal description
- Current survey of property



- Site plan shall meet the requirements of the Flowery Branch Code of Ordinances; Appendix C, “Zoning Ordinance”, Article 34 sections 34.5
- Development statistics per the Flowery Branch Code of Ordinances; Appendix C, “Zoning Ordinance”, Article 34 sections 34.6
- Analysis requirements per the Flowery Branch Code of Ordinances; Appendix C, “Zoning Ordinance”, Article 34 sections 34.7
- Detailed description of request
- Conflict of interest disclosure (attached)
- Disclosure of campaign contributions (attached)
- Names and addresses of adjoining property owners
- Reasons for requesting rezoning
- Signed statement authorizing City of Flowery Branch staff and/or City Council to inspect the subject property

Conflict of Interest Disclosure

Identify all members of the City Council of the City of Flowery Branch and Employees of the City of Flowery Branch Community Development Department who

Have a property interest in the real property affected by this request

NO

Have a financial interest (direct ownership interest) of the total assets or capital stock of a business entity where such ownership interest is more than 10% in any business entity which has a property interest in the real property affected by this request

NO

Have a member of the family (spouse, mother, father, brother, sister, son or daughter) having a property financial interest as herein defined, in the real property affected by this request

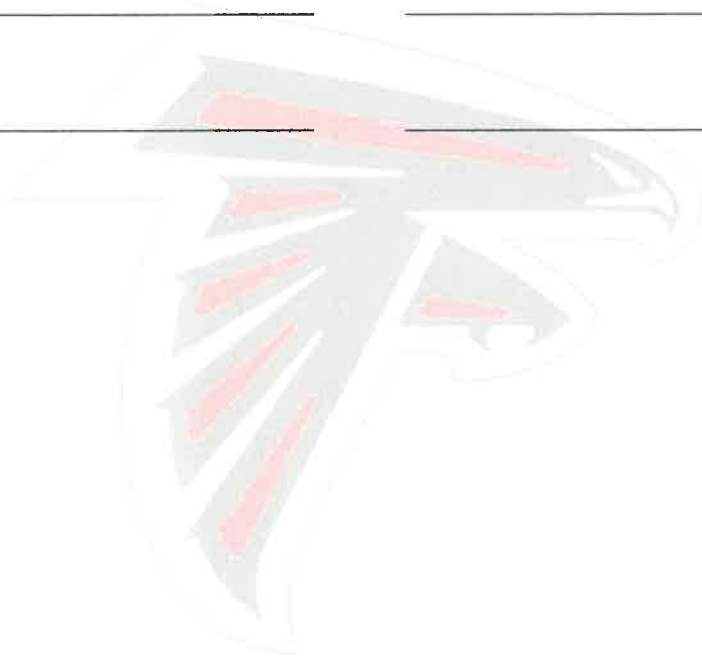
NO



Disclosure of Campaign Contributions

List below the names of local government officials of the City of Flowery Branch to whom campaign contributions were made, within two (2) years immediately preceding the filing of this application, which campaign contributions total \$250.00 or more or to whom gifts were made having a total value of \$250.00 or more.

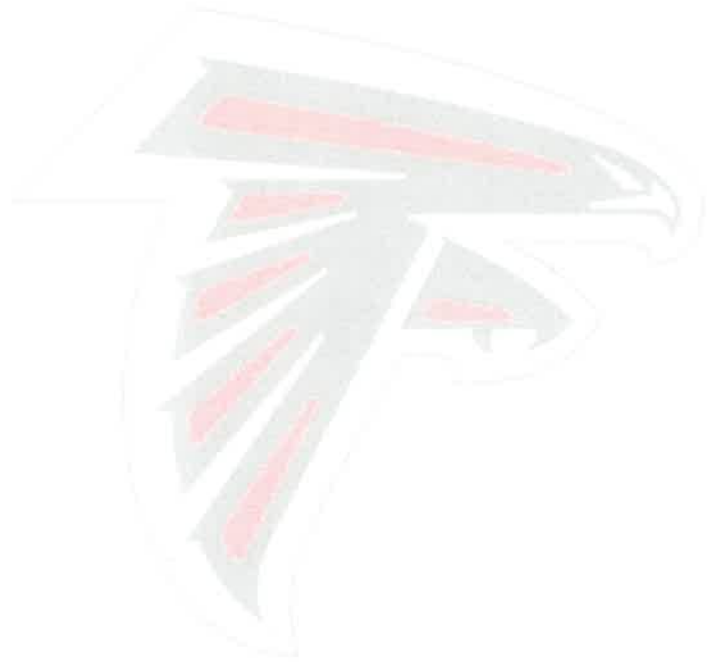
Elected Officials Name	Amount of Description of Gift
N/A	
N/A	



CITY STAFF ONLY

Application Received By: _____

Date: _____ Total Fee: _____



6490 MCEVER ROAD, FLOWERY BRANCH GA 30542 (Parcel Number: 08149 000005)

All that tract or parcel of land lying and being in Land Lot 149 of the 8th District, Hall County, Georgia, containing 0.97 acre as shown on a plat of survey for Larry R. Bailey and Lex Cates by Thomas Wood, Registered Land Surveyor, dated January 6, 1987, and being more particularly described as follows:

Beginning at an iron pin on the northwestern right of way of McEver Road, said point being 918 feet southwesterly from the intersection of the right of way of McEver Road and the right of way of Gaines Ferry Road as measured along the right of way of McEver Road; thence proceeding along the northwestern right of way of McEver Road, south 57 degrees 39 minutes west a distance of 217.33 feet to an axle; thence north 42 degrees 15 minutes west a distance of 196.53 feet to an axle; thence north 52 degrees 00 minutes east a distance of 194.00 feet to an iron pin; thence south 47 degrees 37 minutes east a distance of 220.48 feet to an iron pin on the northwestern right of way of McEver Road the place or point of beginning

6509 MCEVER RD, FLOWERY BRANCH, GA 30542 (Parcel Number: 08150 002002)

All that tract or parcel of land lying and being in Land Lot 150 of the 8th Land District, Hall County, Georgia, as shown and delineated as 8.843 acres, more or less, on plat of survey for Anthony Sherman & Victor Felix Espinosa by Jarrard Surveying dated May 26, 2005, last revised September 9, 2005, and being more particularly described as follows:

Beginning at an iron pin at a point on the southeastern right of way of McEver Road (80 foot right of way), said point being South 63 degrees 25 minutes 07 seconds East, a distance of 50.84 feet, from the intersection of the centerlines of McEver Road and Vista Glen; thence running North 64 degrees 26 minutes 11 seconds East along the southeastern right of way of McEver Road, a distance of 247.50 feet, to an iron pin; thence leaving said right of way and running South 24 degrees 39 minutes 37 seconds East, a distance of 1160.82 feet, to an iron pin on the northwestern right of way of southern railroad (400 foot right of way); thence running South 41 degrees 46 minutes 15 seconds West along said right of way, a distance of 484.73 feet, to an iron pin; thence leaving said right of way and running North 24 degrees 47 minutes 04 seconds West, a distance of 477.85 feet, to an iron pin; thence

NAMES AND ADDRESSES PF ADJONING PROPERTY OWNERS

Parcel ID	08149 000116	Physical Address	6510 VISTA GLEN DRIVE, FLOWERY BRANCH GA 30542	Owner	BILLY KENNETH PATTERSON PATTERSON SHELBY JEAN	Contact Info	BILLY KENNETH PATTERSON PATTERSON SHELBY JEAN 6510 VISTA GLEN DRIVE FLOWERY BRANCH GA 30542
Parcel ID	08140 000218	Physical Address	6482 MCEVER RD, FLOWERY BRANCH, GA 30542	Owner	SARKAR DEVELOPMENT GROUP, INC.	Contact Info	c/o HENDERSON LEGAL 1350 SPRING STREET SUITE 485 ATLANTA GA 30309
Parcel ID	08150 002002A	Physical Address	6495 MCEVER RD, FLOWERY BRANCH GA 30542	Owner	CLARA MAE MANN	Contact Info	C/O DIANE CRAWFORD 13209 JENNER LANE AUSTIN TX 787297455
Parcel ID	08150 002002	Physical Address	6509 MCEVER RD, FLOWERY BRANCH GA 30542	Owner	E&S DEVELOPMENT, LLC	Contact Info	E&S DEVELOPMENT, LLC 5052 NELSON BROGDON BLVD. SUGAR HILL GA 30518

Easement and Agreement

On this the 22 day of November 2019, White Horse 70, LLC. (White Horse) enters into an agreement with and grants an easement to All Awesome Properties, LLC. (All Awesome). White Horse is in negotiations to acquire Parcels 08150 002002 and 08150 002018, across the street from the property owned by All Awesome. In exchange for joining White Horse in applying for rezoning and annexation (at their expense) into to the City of Flowery Branch, with their Parcel 08149 000005. White Horse, if successful with getting re-zoning and annexation with a minimum of 2.3 residential units per acre, will, when re-zoned and annexed, White Horse will purchase and develop the above parcels for a residential community with sewer. White Horse will provide All Awesome with an easement to the nearest point of that development and sewer. White Horse will also pay for the cost of boring under McEver Rd. from the All Awesome property to the nearest access point of the new sewer system when development is completed.

Signed and agreed to by all parties on this the 22, day of November 2019 by All Awesome Properties, LLC. and White Horse 70, LLC. both of which are Georgia Companies.



All Awesome Properties, LLC.
By: Joe Ackerman



White Horse 70, LLC.
By: Renee E. McKenzie Manager



McEver Road Corridor

February 6, 2020



McEver Road Corridor

- Staff feels the development of this corridor is imperative to the overall success of the City.
- As plans for the downtown progress, the City must ensure all annexation and rezoning decisions throughout the city are made with the utmost care and thoughtfulness.
- The McEver Road Corridor is an important part of the City as it is a well-traveled stretch with many undeveloped or underdeveloped parcels.



Currently

- Approximately 3.8 +/- miles of road that run through the City
- City only controls a small portion of this road
- City controls two very important intersections – McEver and Gaines Ferry Road and McEver and Gainesville Street



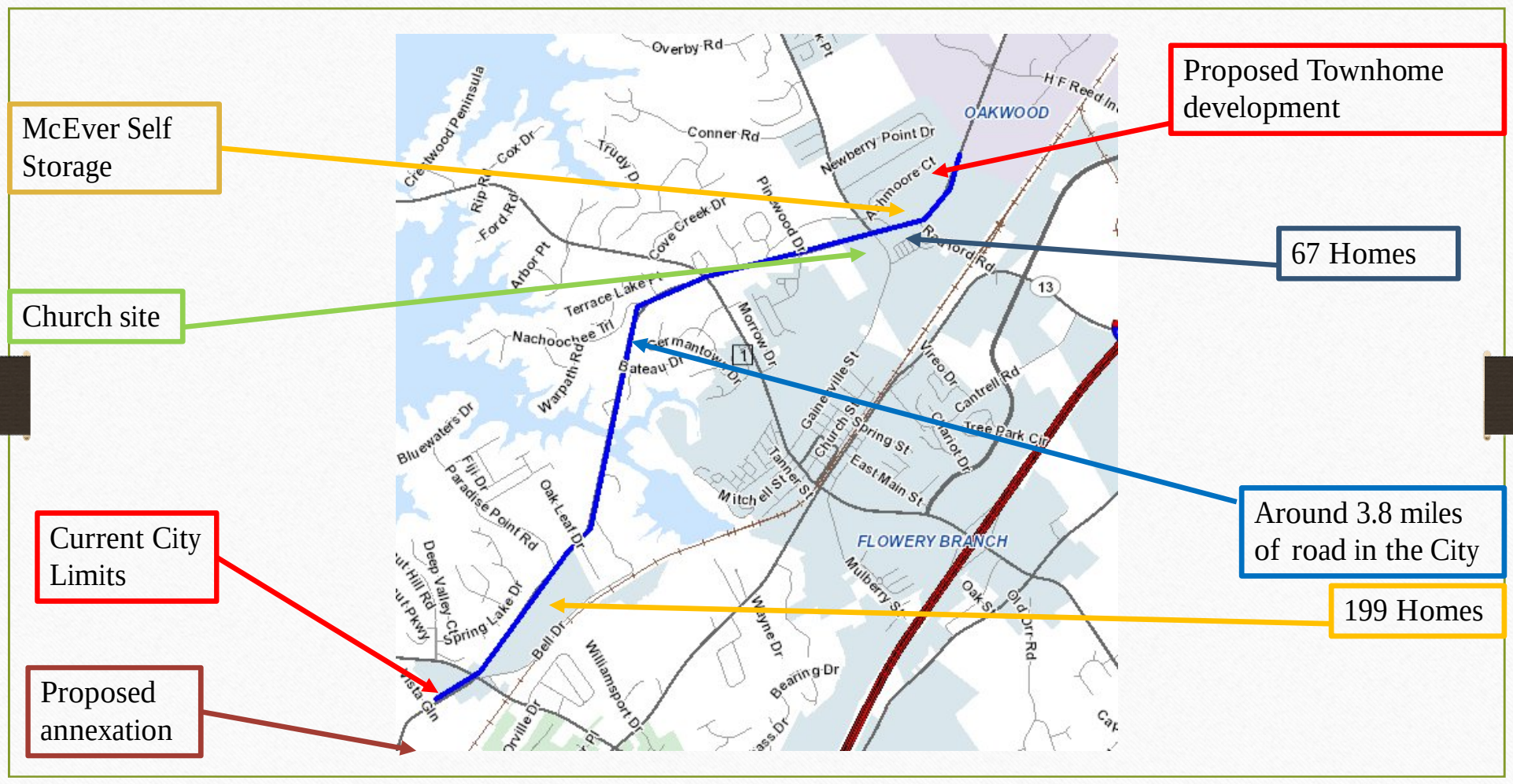
Projects

- City has many proposed, approved, or active projects on or close to this corridor
- Corridor should be looked at holistically
- City needs a mix of residential and commercial



Projects

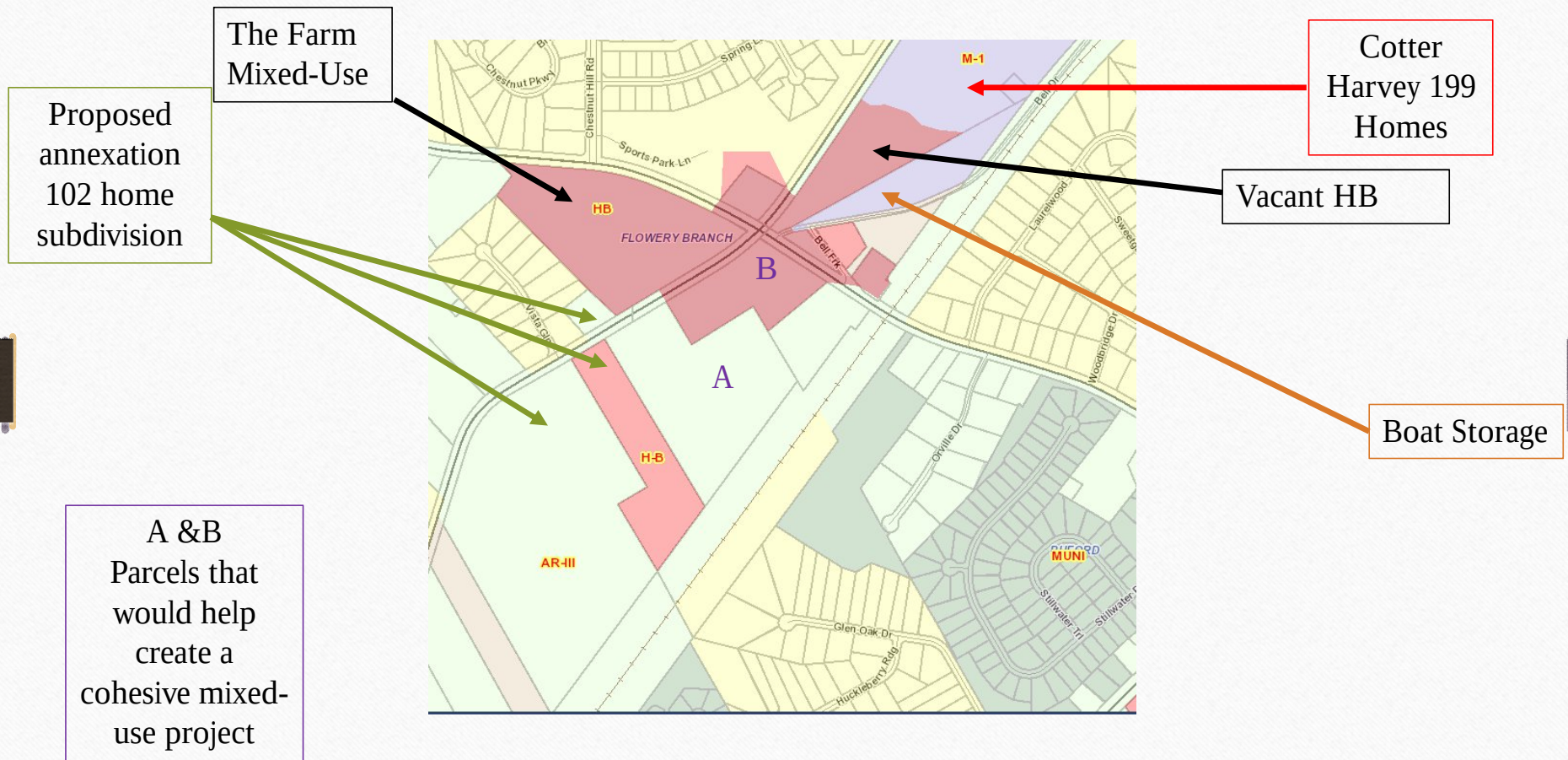
- Two new proposed projects
- Both residential
- Both near corners the City controls
- Staff is in favor of one of the projects





Corner of McEver & Gaines Ferry

- Approved 199 homes; proposed would add an additional 102
- 2 vacant properties zoned HB
- Boat storage yard
- Bell Road – appears to be in the RR right-of-way

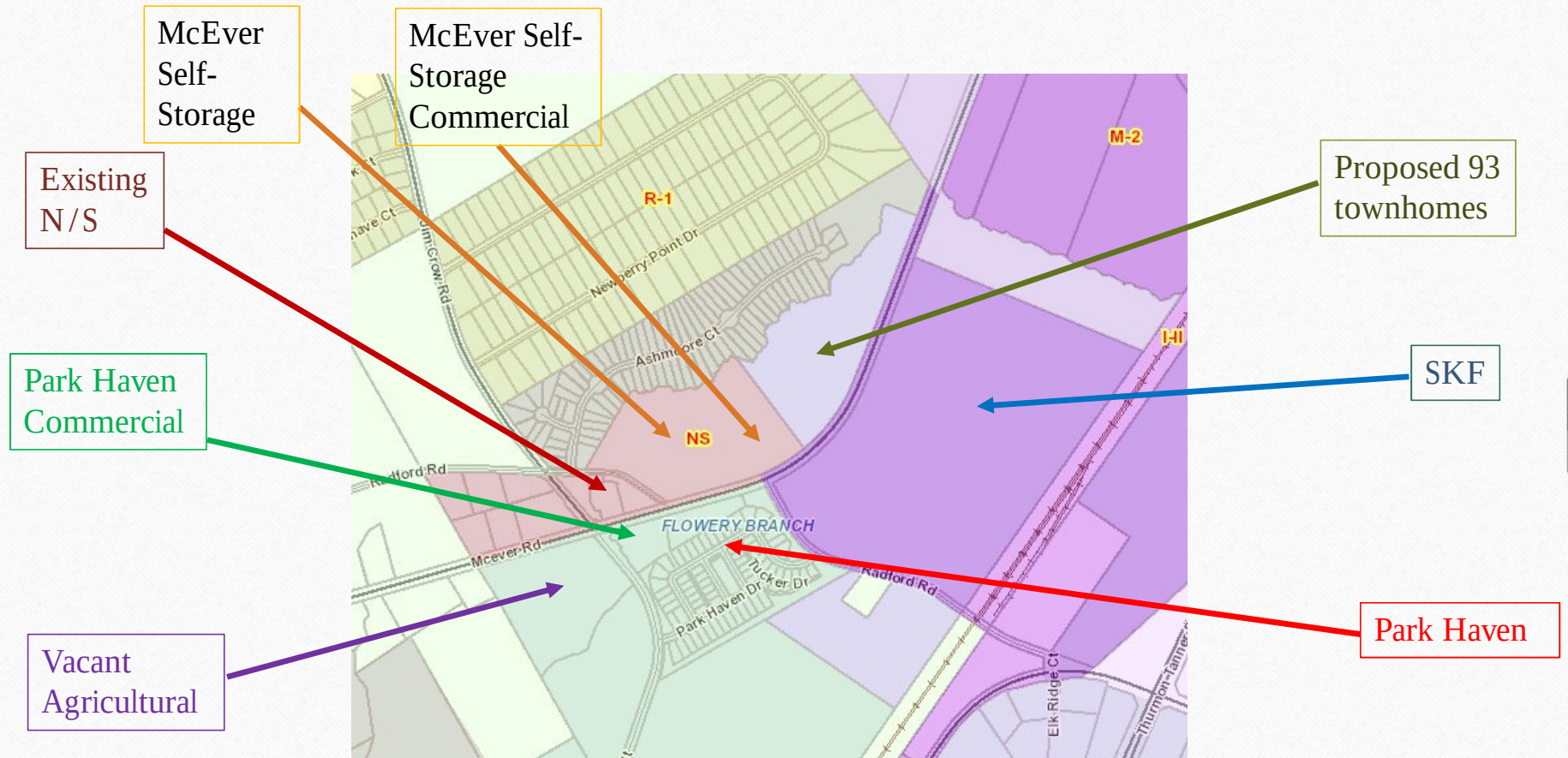


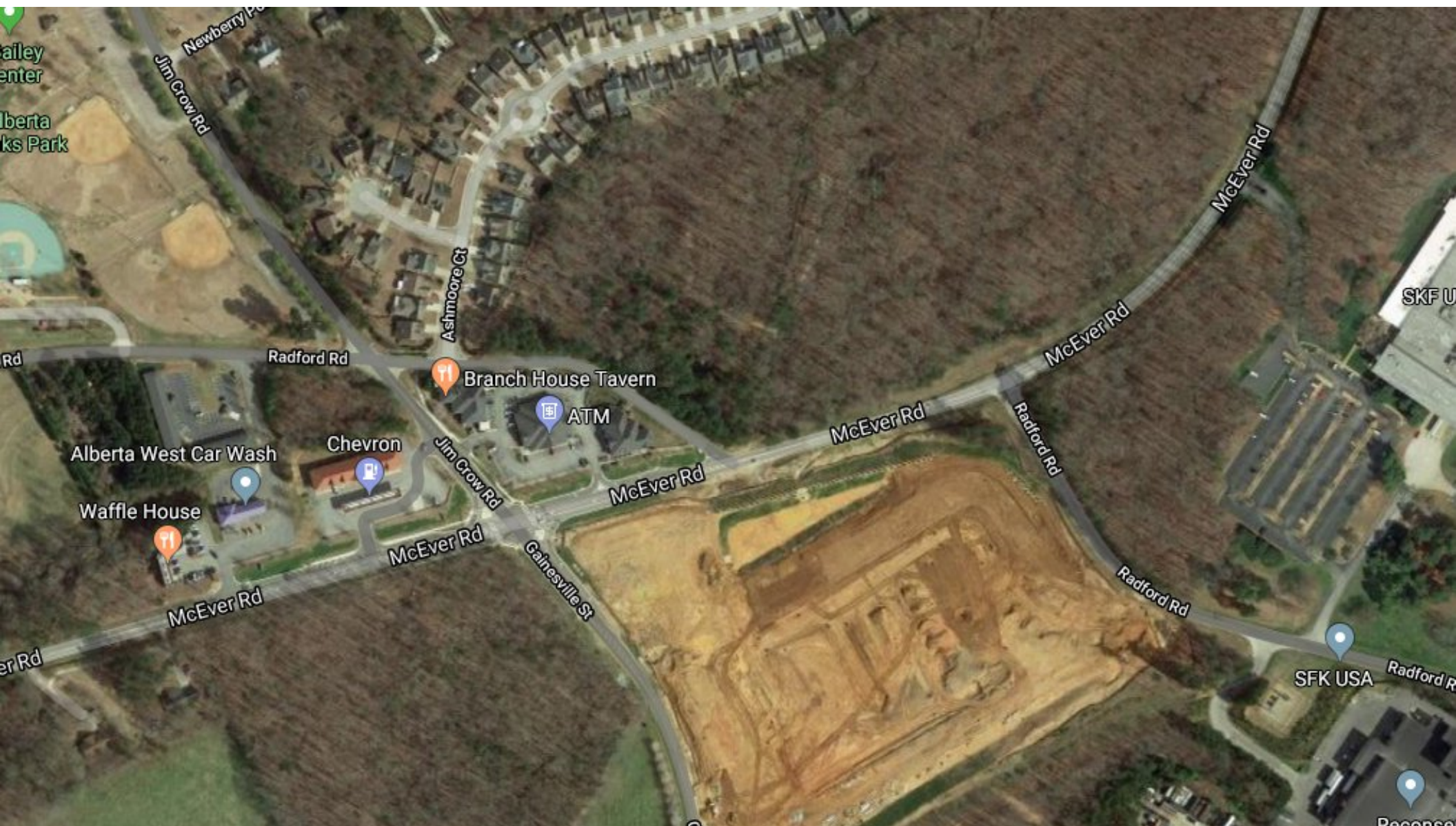




Corner of McEver & Gainesville Street

- Existing retail
- Approved self-storage project
- Approved 67 single family home subdivision with commercial outparcel
- Vacant agricultural land
- Proposed townhome development (93 Units)







Corridor Development

- Developments (if not a true mixed-use) should be cohesive with the surrounding area
- City should strive to ensure the two corners it controls are developed properly
- Comprehensive Plan should help guide the City



Applicant: White Horse 70, LLC.

Property Owner: All Awesome Properties, LLC., White Horse, LLC.

Subject Properties: 6490 McEver Road; 08149 000005; .96+/- acres

6509 McEver Road; 08150 002002; +/- 8.84 acres

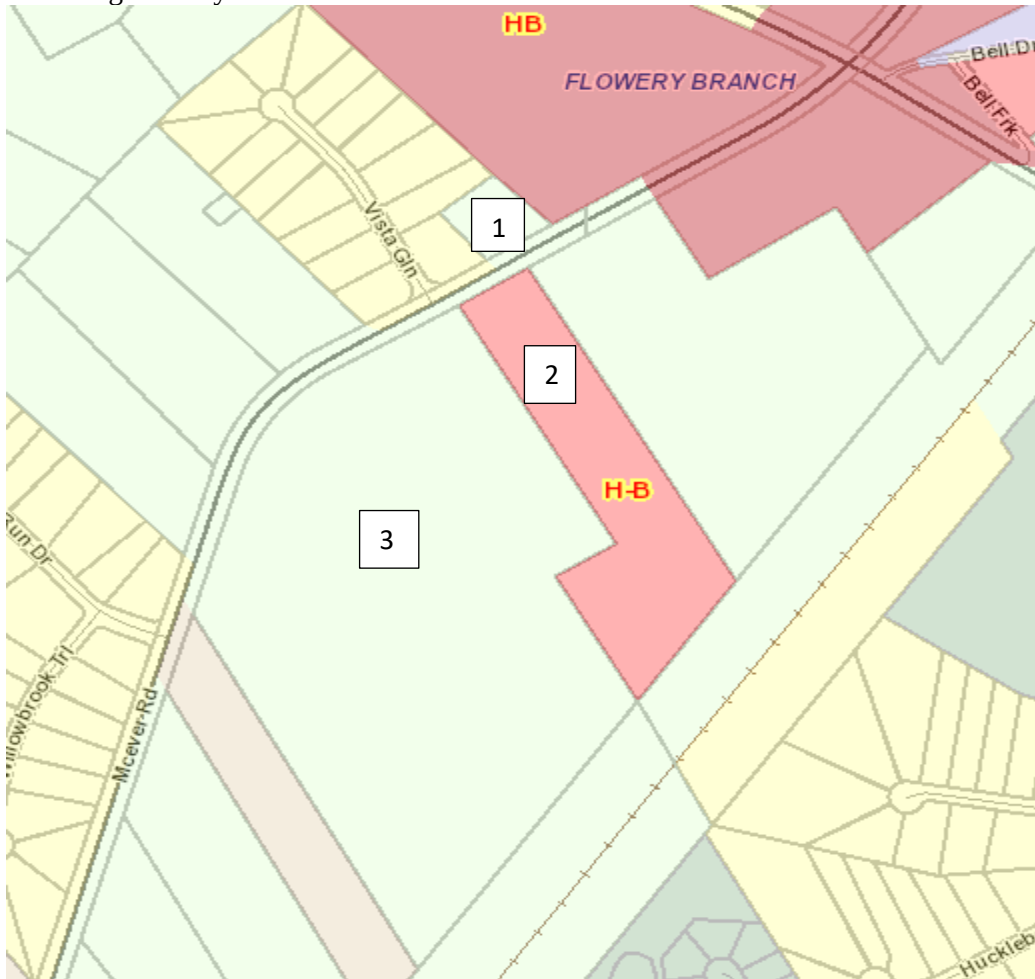
6533 McEver Road; 08150 002018; +/- 34.5

Request: Annex and rezone to PUD with the intent to build a 102 single family detached subdivision

Current Use: Vacant

Character Area: Mixed Use

A proposed annexation and rezoning from Agricultural Residential and Highway Business to PUD to develop a 102 single family detached subdivision.





Mixed Use



VISION: Areas that will be developed with a combination of different land uses intended to create an environment where compatible land uses can be located in close proximity to each other. Diverse places with unique architecture contributing to the economic base of the city.

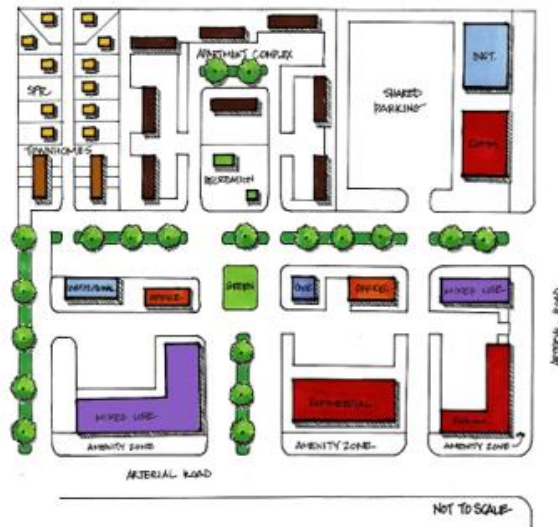
USES AND INTENSITIES: Acceptable uses include business/office parks, light industrial, smaller scale retail, neighborhood commercial and residential uses.

MAJOR FEATURES: Connectivity is important between uses and developments. Automobile traffic is frequent but pedestrian accessibility is still a necessity.

REGULATIONS: This character area will be primarily implemented with the planned unit development or commercial zoning districts. Developments will be required to complete design review and comply with all aesthetic requirements.

QUALITY COMMUNITY OBJECTIVES

IMPLEMENTED: Appropriate business, residential, and employment options, transition between more intense uses and compatibility between uses.



ILLUSTRATIVE MIXED-USE ACTIVITY CENTER

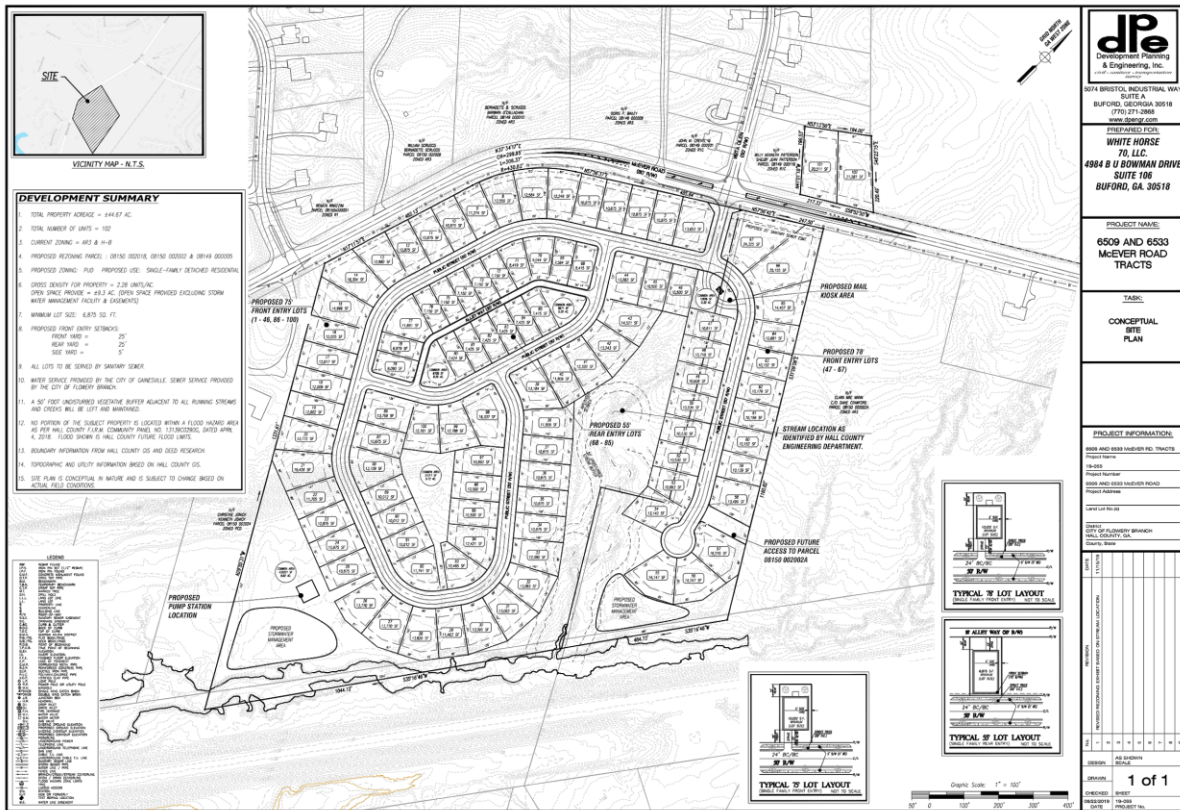
Jerry Weitz & Associates, Inc.
Planning & Development Consultants



Illustrative Example of Mixed Use with Focus on Commercial/Residential Design



Proposed site plan:



PUD Description and Intent

This zoning district is intended primarily to implement the “Single-family residential” designation of the future land use plan contained within the comprehensive plan of the City of Flowery Branch, in a way that meets objectives that cannot necessarily be accomplished by conventional residential zoning districts. It is also intended to implement the “suburban residential” character area established in the comprehensive plan but may also be used to implement the “traditional neighborhood development” character area.

PUD Zoning Requirements

The character, location, and appropriateness of the proposed mix of land uses and residential dwelling types; Not a mixed-use development as presented. It does border commercially zoned areas and is close to a proposed (but yet to be developed or permitted) project that has a commercial element.



The extent to which the proposed architectural features of buildings within the planned unit development are harmonious; N/A. As currently proposed, it is a single use (single family detached) development.

Consistency with the objectives of this Article; Not consistent as submitted. There is a potential for commercial development next to and adjacent to this proposed project and this could possibly be viewed as a mixed use if the City knew what was planned to be developed on these sites (the City does not at this time).

Consistency with the comprehensive plan of the city; Not consistent as submitted.

The adequacy of open spaces and play areas and recreation facilities that are provided for the needs of the development occupants; Open space appears adequate but no amenities (playground, pool, etc.) are shown. There appears to be very little useable open space as presented.

Consistency with any design guidelines of this Article or otherwise determined to be applicable via character area designation. Consistent as submitted.

Proposed Elevations





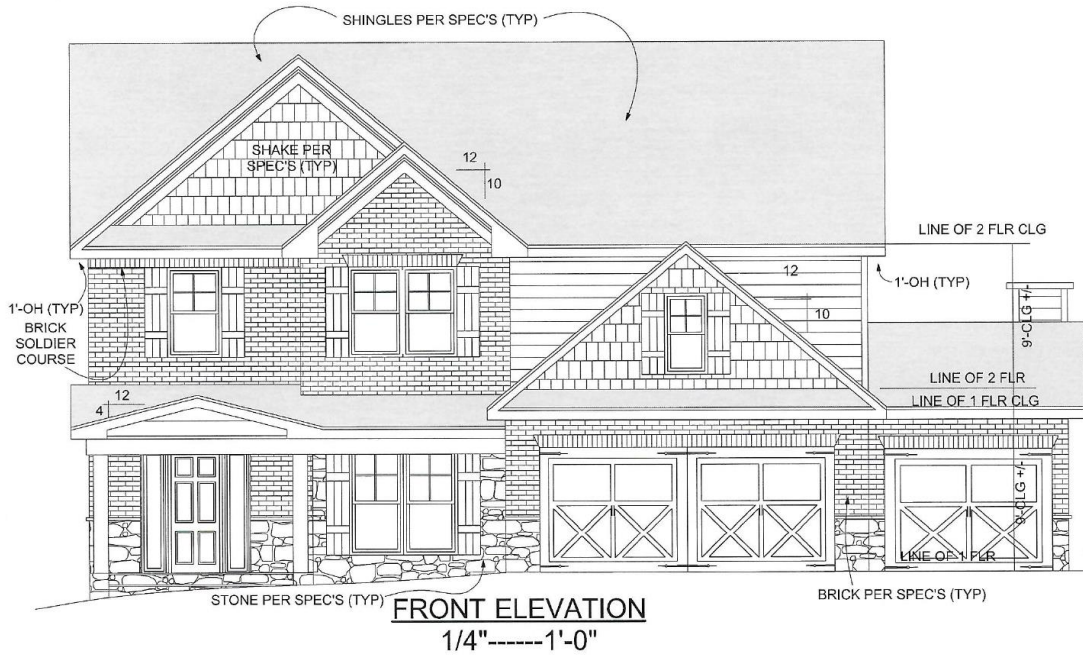
SMITHTOWN





ROCK SPRINGS

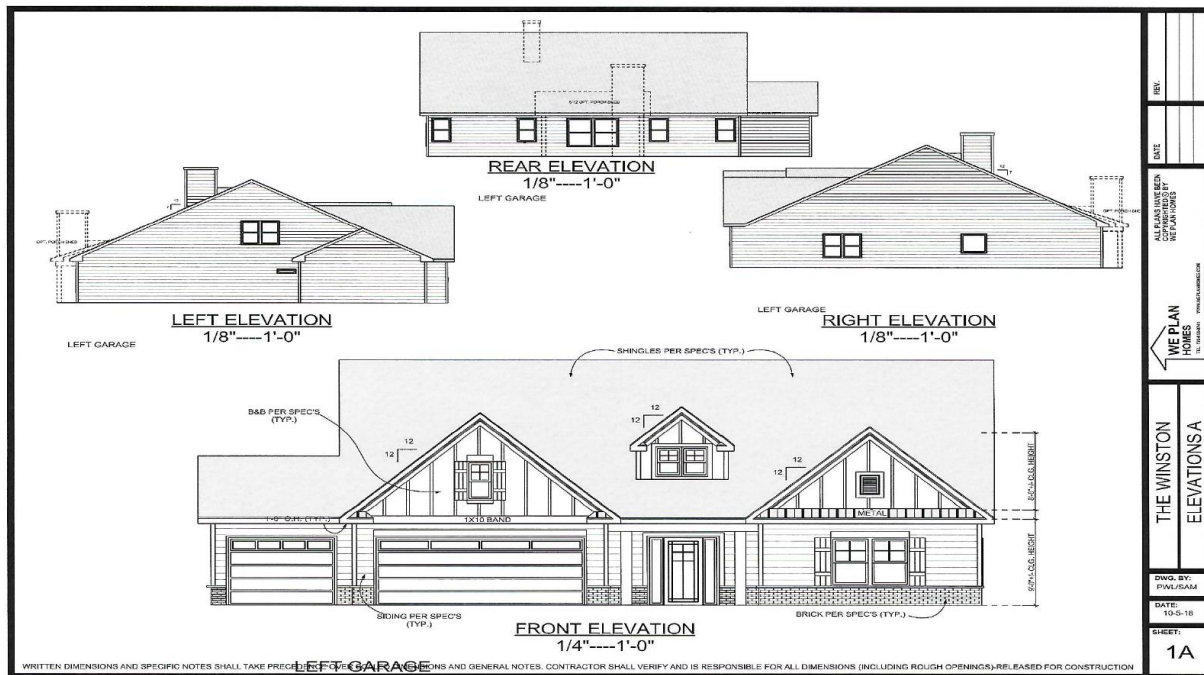


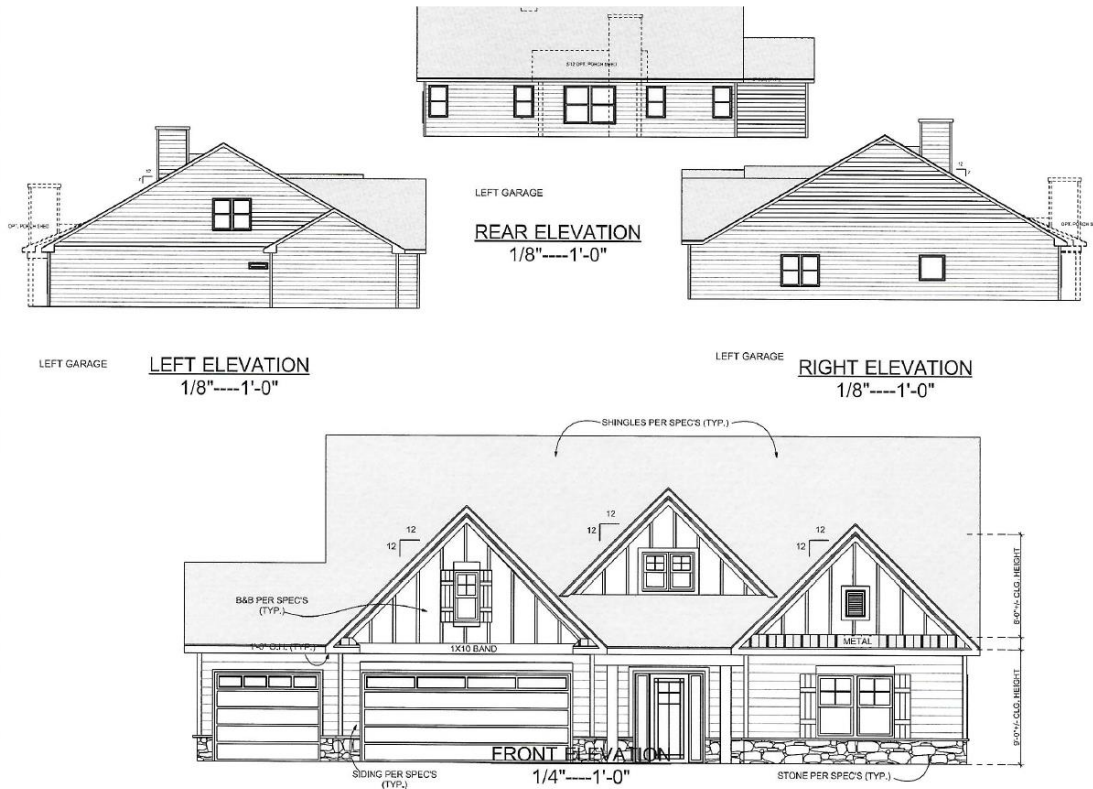


REV.	DATE	ALL PLANS HAVE BEEN REVIEWED BY: WE PLAN HOMES, LLC.
12-2014		
THE WATERTON II		
ELEVATION 'A'		
DWG. BY:	DATE:	SHEET:
PWL/SAM	4-14-10	1



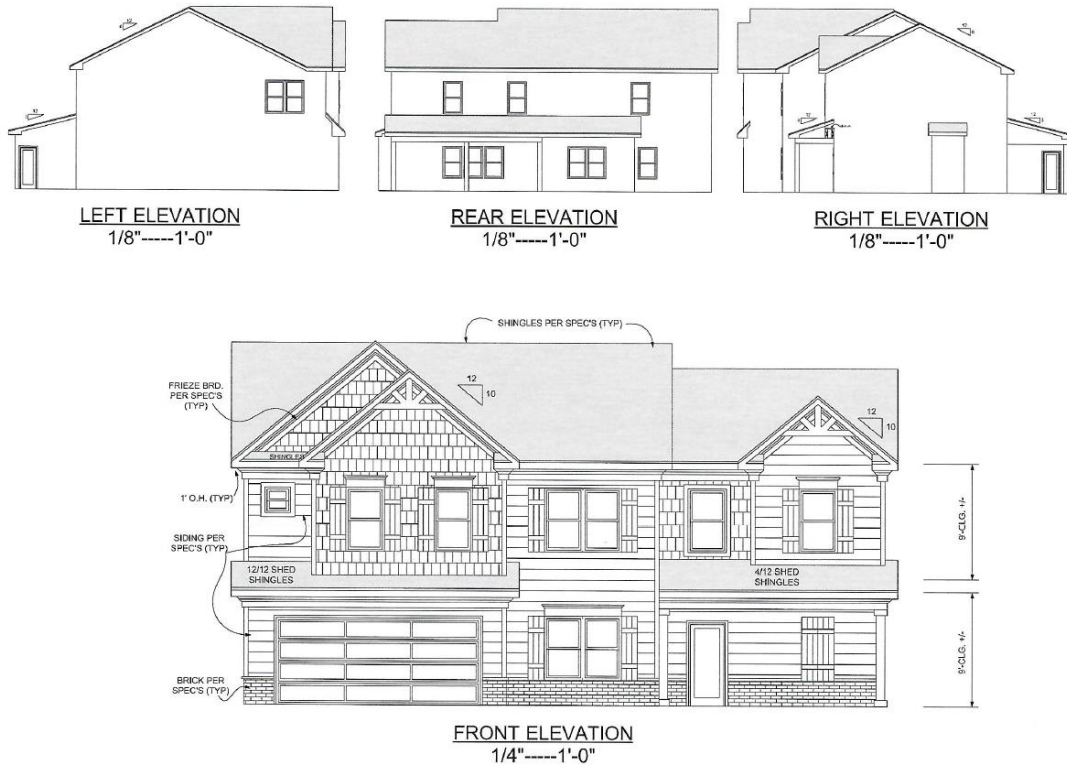
REV.	DATE	ALL PLANS HAVE BEEN REVIEWED BY: WE PLAN HOMES, LLC.
12-2014		
THE WATERTON II		
ELEVATION 'B'		
DWG. BY:	DATE:	SHEET:
PWL/SAM	4-14-10	1





WRITTEN DIMENSIONS AND SPECIFIC NOTES SHALL TAKE PRECEDENCE OVER SCALED DIMENSIONS AND GENERAL NOTES. CONTRACTOR SHALL VERIFY AND IS RESPONSIBLE FOR ALL DIMENSIONS (INCLUDING ROUGH OPENINGS)-RELEASED FOR CONSTRUCTION

REV.	
DATE	
ALL DIMENSIONS UNLESS OTHERWISE NOTED BY WE PLAN HOMES	
WE PLAN HOMES	
10-5-18	
THE WINSTON ELEVATIONS C	
DWG. BY: FWL/SAM	
DATE: 10-5-18	
SHEET: 1C	



REV.	
DATE	
ALL PLANS HAVE BEEN CHECKED BY WE PLAN HOMES	
WE PLAN HOMES	
THE LANIER ELEVATIONS	
DWG. BY: FWL/SAM	
DATE: 11-17-17	
SHEET:	

Sample Development Agreement

Sewer Capacity

The sewer plant expansion is on schedule but there is no guarantee that capacity will be available for this subdivision prior to its completion.

McEver Road Corridor (see corresponding powerpoint)

Staff feels the development of this corridor is imperative to the overall success of the City. As plans for the downtown progress, the City must ensure all annexation and rezoning decisions throughout the city are made with the utmost care and thoughtfulness. The McEver Road Corridor is an important part of the City as it is a well-traveled stretch with many undeveloped or underdeveloped parcels. The City has three approved subdivisions (199, 324 and 67 homes) currently under design or construction on McEver Road. Additionally, there is a 129-home subdivision on Jim Crow Road being built that feeds into McEver



Road. The large influx of residential feeds the need for local services to be provided. The proposed site, if approved for residential use, would have no access to any commercial uses at the present time. The northern corner of Gaines Ferry and McEver is also zoned commercial and is currently vacant. This area could have been made part of the approved 199 home PUD subdivision and turned into a true mixed-use project. It is staff's opinion that the approval of the proposed subdivision without including the commercial pieces of property to the north create another subdivision on an island. Additionally, it leaves an entire corner (one of the two the City controls) of the McEver Road Corridor vacant and zoned commercial. This would be another missed opportunity in the corridor.

Staff recommendation

The proposed subdivision layout is adequate. The applicant has not submitted elevations at the time of this report but discussions regarding the product and materials have been positive. The major issues are the lack of meeting the requirements of the comprehensive plan and the planned unit development zoning designation. Both call for a mixed-use product. Even if the project can be looked upon as part of a the larger McEver Road Corridor it can not be made to meet the intent of the PUD or the comprehensive plan. If the other parcels to the north (see the corresponding powerpoint) 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. Therefore, it is staff's recommendation to deny the annexation and rezoning requests.

Public Hearing Published 01/09/2020
Public Hearing 02/06/2020

First Read 03/19/2020
Approved 04/16/2020

ORDINANCE NO. 587

AN ORDINANCE TO ANNEX AND BRING WITHIN THE CORPORATE LIMITS OF THE CITY OF FLOWERY BRANCH, STATE OF GEORGIA, A PARCEL OF REAL PROPERTY OWNED BY ALL AWESOME PROPERTIES, LLC, TOTALING .96+/- ACRES WHICH IS KNOWN AS 6490 MCEVER ROAD, ASSIGNED TAX PARCEL IDENTIFICATION NUMBER 08149 000005, AND SHOWN ON AND LEGALLY DESCRIBED ON THE ATTACHED EXHIBIT “A”; PROVIDE FOR SEVERABILITY; , ESTABLISH AN EFFECTIVE DATE; REPEAL CONFLICTING ORDINANCES; AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, All Awesome Properties, LLC. owns all the tract or parcel of land totaling .96 +/- acres identified as 6490 McEver Road, Tax Parcel Identification Number 08149 000005, and as shown and legally described on Exhibit “A”; and

WHEREAS, the City Council of the City of Flowery Branch has considered the application submitted by All Awesome Properties, LLC. and in conjunction with the standards set forth in O.C.G.A. §§ 36-36-1 through 36-36-110, O.C.G.A. § 36-60-111, and the City of Flowery Branch Zoning Ordinance for annexation into the City’s corporate limits; and

WHEREAS, said parcel of land is within the unincorporated area of Hall County, State of Georgia, and is contiguous to the existing corporate limits of the City of Flowery Branch, Georgia at this time; and

WHEREAS, All Awesome Properties, LLC. has submitted to the City Council of Flowery Branch, Georgia, a written and signed application and affidavit showing that All Awesome Properties, LLC, consents to being annexed, and

WHEREAS, a survey and complete description of the lands to be annexed is included in the application; and

WHEREAS, the City Council held a public hearing at the meeting of February 6, 2020, duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

NOW THEREFORE, THE COUNCIL OF THE CITY OF FLOWERY BRANCH HEREBY ORDAINS AS FOLLOWS:

SECTION 1. RECITALS.

All of the foregoing recitals of this Ordinance are incorporated by reference as if fully set forth herein and are made part of this annexation ordinance.

SECTION 2. ANNEXATION.

The City Council of Flowery Branch, Georgia, does hereby annex and include within the corporate limits of the City of Flowery Branch, Georgia the tract or parcel of land totaling .96 +/- acres identified as 6490 McEver Road, Tax Parcel Identification Number 08149 000005, and as shown and legally described on Exhibit "A". Said Exhibit is incorporated by reference as if fully set forth herein.

SECTION 3. CERTIFICATION BY THE CITY CLERK

The City Council of Flowery Branch, Georgia, authorizes and directs the City Clerk of Flowery Branch, Georgia to certify this Ordinance with the attached Exhibit and file a certified copy of this Ordinance with its Exhibit with the Department of Community Affairs and any other public official or agencies as required by law.

SECTION 4. SEVERABILITY.

Should any section or provision of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of this Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

SECTION 5. EFFECTIVE DATE.

The effective date of this Ordinance shall be May 1, 2020.

SECTION 6. REPEALER.

All ordinances and parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

Approved this 16th day of April 2020.

James M. Miller, Mayor

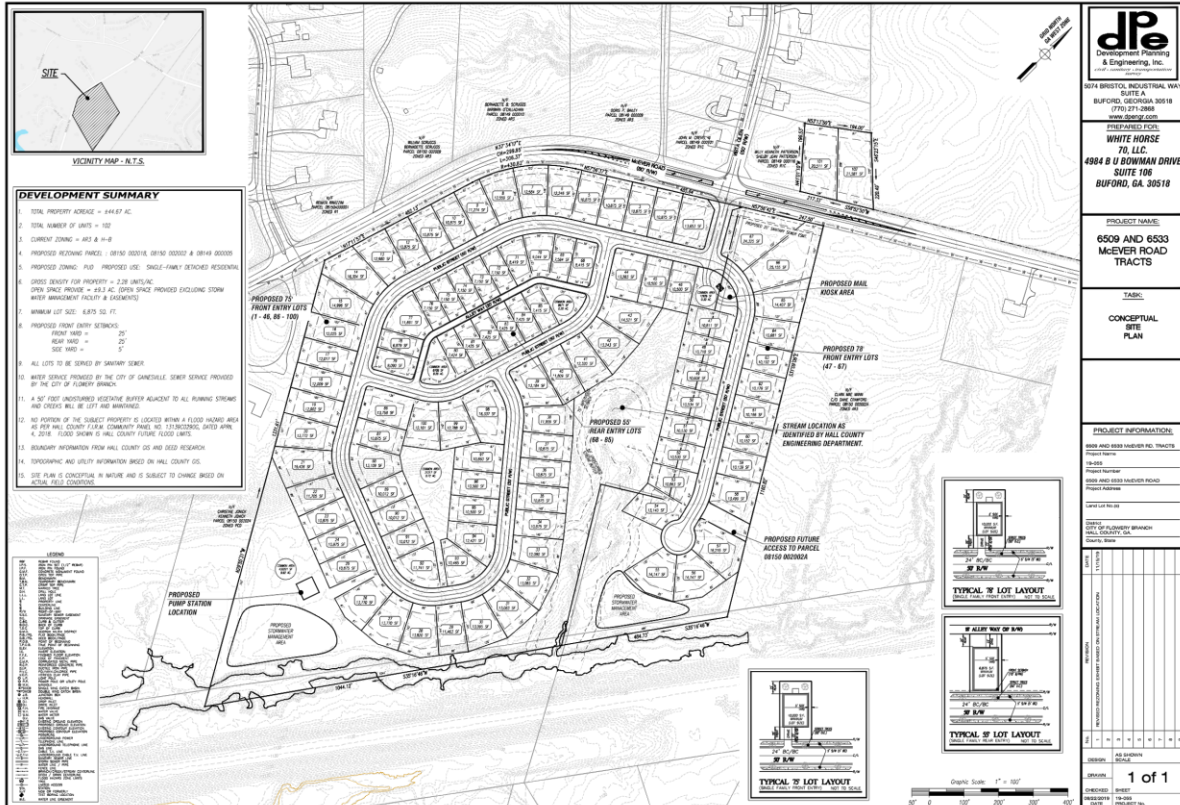
ATTEST

Melissa McCain, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, Jr., City Attorney

Exhibit "A"



6490 MCEVER ROAD, FLOWERY BRANCH GA 30542 (Parcel Number: 08149 000005)

All that tract or parcel of land lying and being in Land Lot 149 of the 8th District, Hall County, Georgia, containing 0.97 acre as shown on a plat of survey for Larry R. Bailey and Lex Cates by Thomas Wood, Registered Land Surveyor, dated January 6, 1987, and being more particularly described as follows:

Beginning at an iron pin on the northwestern right of way of McEver Road, said point being 918 feet southwesterly from the intersection of the right of way of McEver Road and the right of way of Gaines Ferry Road as measured along the right of way of McEver Road; thence proceeding along the northwestern right of way of McEver Road, south 57 degrees 39 minutes west a distance of 217.33 feet to an axle; thence north 42 degrees 15 minutes west a distance of 196.53 feet to an axle; thence north 52 degrees 00 minutes east a distance of 194.00 feet to an iron pin; thence south 47 degrees 37 minutes east a distance of 220.48 feet to an iron pin on the northwestern right of way of McEver Road the place or point of beginning.



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider - 2nd Reading of Ordinance # 588; an annexation request submitted by Whitehorse, LLC.to bring an 8.84 +/- acre tract of land known as 6509 McEver Road into the corporate City-limits of Flowery Branch.

COUNCIL MEETING DATE: April 16, 2020

HISTORY:

This annexation request was approved by City Council on Tuesday, March 24th, 2020.

FACTS AND ISSUES:

OPTIONS:

IF FUNDING IS INVOLVED, ARE FUNDS APPROVED IN THE CURRENT BUDGET:

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Approve the second read of Ordinance # 588

SAMPLE MOTION:

I make a motion to approve ordinance # 588 as submitted.

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Melissa McCain

ATTACHMENTS

- [Annexation Ordinance Whitehorse 1 FINAL.pdf](#)

Public Hearing Published 01/09/2020
Public Hearing 02/06/2020

First Read 03/19/2020
Approved 04/16/2020

ORDINANCE NO. 588

AN ORDINANCE TO ANNEX AND BRING WITHIN THE CORPORATE LIMITS OF THE CITY OF FLOWERY BRANCH, STATE OF GEORGIA, A PARCEL OF REAL PROPERTY OWNED BY WHITE HORSE, LLC, TOTALING 8.84+/- ACRES WHICH IS KNOWN AS 6509 MCEVER ROAD, ASSIGNED TAX PARCEL IDENTIFICATION NUMBER 08150 002002, AND IS SHOWN ON AND LEGALLY DESCRIBED ON ATTACHED EXHIBIT “A”; PROVIDE FOR SEVERABILITY; ESTABLISH AND EFFECTIVE DATE; REPEAL CONFLICTING ORDINANCES; AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, White Horse, LLC. owns all the tract or parcel of land totaling 8.84 +/- acres identified as 6509 McEver Road, Tax Parcel Identification Number: 08150 002002, and as shown and legally described on Exhibit “A”; and

WHEREAS, the City Council of the City of Flowery Branch has considered the application submitted by White Horse, LLC, and in conjunction with the standards set forth in O.C.G.A. §§ 36-36-1 through 36-36-110, O.C.G.A. § 36-60-111, and the City of Flowery Branch Zoning Ordinance for annexation into the City’s corporate limits; and

WHEREAS, said parcel of land is within the unincorporated area of Hall County, State of Georgia, and is contiguous to the existing corporate limits of the City of Flowery Branch, Georgia at this time; and

WHEREAS, White Horse, LLC. has submitted to the City Council of Flowery Branch, Georgia, a written and signed application and affidavit showing that White Horse, LLC, consents to being annexed, and

WHEREAS, a survey and complete description of the lands to be annexed is included in the application; and

WHEREAS, the City Council held a public hearing at the meeting of February 6, 2020, duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

NOW THEREFORE, THE COUNCIL OF THE CITY OF FLOWERY BRANCH HEREBY ORDAINS AS FOLLOWS:

SECTION 1. RECITALS.

All of the foregoing recitals of this Ordinance are incorporated by reference as if fully set forth herein and are made part of this annexation ordinance.

SECTION 2. ANNEXATION.

The City Council of Flowery Branch, Georgia, does hereby annex and include within the corporate limits of the City of Flowery Branch, Georgia the tract or parcel of land totaling 8.84 +/- acres identified as 6509 McEver Road, Tax Parcel Identification Number 08150 002002, and as shown and legally described on Exhibit "A". Said Exhibit is incorporated by reference as if fully set forth herein.

SECTION 3. CERTIFICATION BY THE CITY CLERK

The City Council of Flowery Branch, Georgia, authorizes and directs the City Clerk of Flowery Branch, Georgia to certify this Ordinance with the attached Exhibit and file a certified copy of this Ordinance with its Exhibit with the Department of Community Affairs and any other public official or agencies as required by law.

SECTION 4. SEVERABILITY.

Should any section or provision of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of this Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

SECTION 5. EFFECTIVE DATE.

The effective date of this Ordinance shall be May 1, 2020.

SECTION 6. REPEALER.

All ordinances and parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

Approved this 16th day of April 2020.

James M. Miller, Mayor

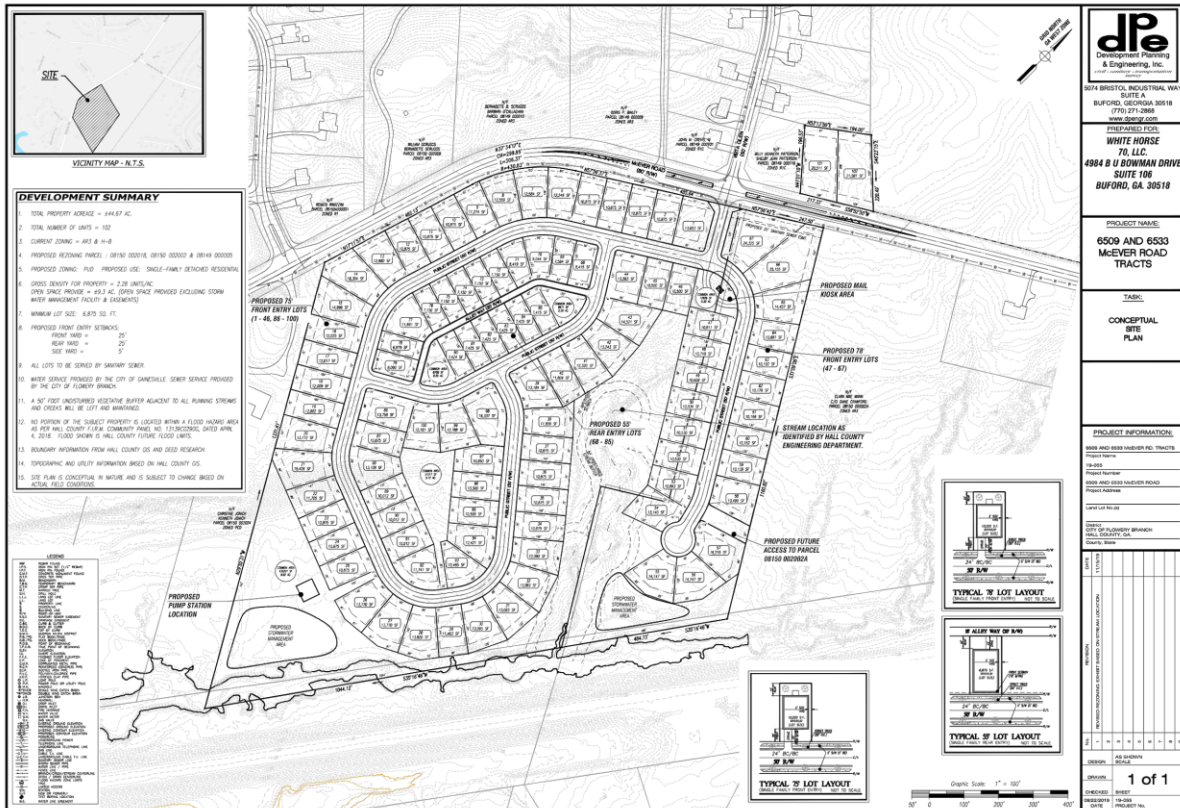
ATTEST

Melissa McCain, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, Jr., City Attorney

Exhibit "A"



6509 MCEVER RD, FLOWERY BRANCH, GA 30542 (Parcel Number: 08150 002002)

All that tract or parcel of land lying and being in Land Lot 150 of the 8th Land District, Hall County, Georgia, as shown and delineated as 8.843 acres, more or less, on plat of survey for Anthony Sherman & Victor Felix Espinosa by Jarrard Surveying dated May 26, 2005, last revised September 9, 2005, and being more particularly described as follows:

Beginning at an iron pin at a point on the southeastern right of way of McEver Road (80 foot right of way), said point being South 63 degrees 25 minutes 07 seconds East, a distance of 50.84 feet, from the intersection of the centerlines of McEver Road and Vista Glen; thence running North 64 degrees 26 minutes 11 seconds East along the southeastern right of way of McEver Road, a distance of 247.50 feet, to an iron pin; thence leaving said right of way and running South 24 degrees 39 minutes 37 seconds East, a distance of 1160.82 feet, to an iron pin on the northwestern right of way of southern railroad (400 foot right of way); thence running South 41 degrees 46 minutes 15 seconds West along said right of way, a distance of 484.73 feet, to an iron pin; thence leaving said right of way and running North 24 degrees 47 minutes 04 seconds West, a distance of 477.85 feet, to an iron pin;



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider - 2nd Reading of Ordinance # 589; an annexation request submitted by Whitehorse, LLC.to bring an 34.5 +/- acre tract of land known as 6533 McEver Road into the corporate City-limits of Flowery Branch.

COUNCIL MEETING DATE: April 16, 2020

HISTORY:

This annexation request was approved by City Council on Tuesday, March 24th, 2020.

FACTS AND ISSUES:

OPTIONS:

IF FUNDING IS INVOLVED, ARE FUNDS APPROVED IN THE CURRENT BUDGET:

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Approve the second read of Ordinance # 589

SAMPLE MOTION:

I make a motion to approve ordinance # 589 as submitted.

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Melissa McCain

ATTACHMENTS

- [Annexation Ordinance Whitehorse 2 FINAL.pdf](#)

Public Hearing Published 01/09/2020
Public Hearing 02/06/2020

First Read 03/19/2020
Approved 04/16/2020

ORDINANCE NO. 589

AN ORDINANCE TO ANNEX AND BRING WITHIN THE CORPORATE LIMITS OF THE CITY OF FLOWERY BRANCH, STATE OF GEORGIA, A PARCEL OF REAL PROPERTY OWNED BY WHITE HORSE, LLC, TOTALING 34.5+/- ACRES WHICH IS KNOWN AS 6533 MCEVER ROAD, ASSIGNED TAX PARCEL IDENTIFICATION NUMBER 08150 002018, AND SHOWN ON AND LEGALLY DESCRIBED ON ATTACHED EXHIBIT “A”; PROVIDE FOR SEVERABILITY; ESTABLISH AND EFFECTIVE DATE; REPEAL CONFLICTING ORDINANCES; AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, White Horse, LLC. owns all the tract or parcel of land totaling 34.5 +/- acres identified as 6533 McEver Road, Tax Parcel Identification Number 08150 002018, and as shown and legally described on Exhibit “A”; and

WHEREAS, the City Council of the City of Flowery Branch has considered the application submitted by White Horse LLC. and in conjunction with the standards set forth in O.C.G.A. §§ 36-36-1 through 36-36-110, O.C.G.A. § 36-60-111, and the City of Flowery Branch Zoning Ordinance for annexation into the City’s corporate limits; and

WHEREAS, said parcel of land is within the unincorporated area of Hall County, State of Georgia, and is contiguous to the existing corporate limits of the City of Flowery Branch, Georgia at this time; and

WHEREAS, White Horse LLC. has submitted to the City Council of Flowery Branch, Georgia, a written and signed application and affidavit showing that White Horse LLC, consents to being annexed, and

WHEREAS, a survey and complete description of the lands to be annexed is included in the application; and

WHEREAS, the City Council held a public hearing at the meeting of February 6, 2020, duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

NOW THEREFORE, THE COUNCIL OF THE CITY OF FLOWERY BRANCH HEREBY ORDAINS AS FOLLOWS:

SECTION 1. RECITALS.

All of the foregoing recitals of this Ordinance are incorporated by reference as if fully set forth herein and are made part of this annexation ordinance.

SECTION 2. ANNEXATION.

The City Council of Flowery Branch, Georgia, does hereby annex and include within the corporate limits of the City of Flowery Branch, Georgia the tract or parcel of land totaling 34.5+/- acres identified as 6533 McEver Road, Tax Parcel Identification Number 08150 002018, and as shown and legally described on Exhibit "A". Said Exhibit is incorporated by reference as if fully set forth herein.

SECTION 3. CERTIFICATION BY THE CITY CLERK

The City Council of Flowery Branch, Georgia, authorizes and directs the City Clerk of Flowery Branch, Georgia to certify this Ordinance with the attached Exhibit and file a certified copy of this Ordinance with its Exhibit with the Department of Community Affairs and any other public official or agencies as required by law.

SECTION 4. SEVERABILITY.

Should any section or provision of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of this Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

SECTION 5. EFFECTIVE DATE.

The effective date of this Ordinance shall be May 1, 2020.

SECTION 6. REPEALER.

All ordinances and parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

Approved this 16th day of April 2020.

James M. Miller, Mayor

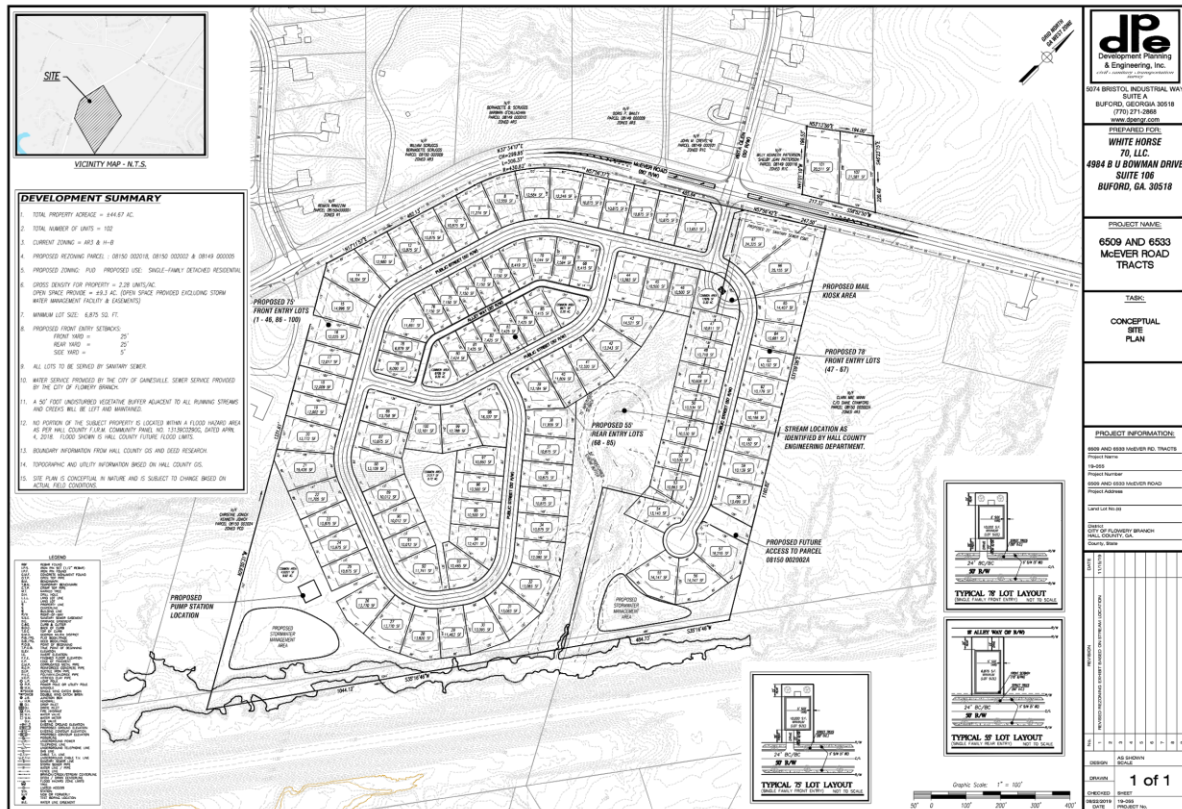
ATTEST

Melissa McCain, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, Jr., City Attorney

Exhibit "A"



6533 MCEVER ROAD, FLOWERY BRANCH, GA 30542 (Parcel Number: 08150 002018)

Tract One:

All that lot, tract or parcel of land lying, situate and being in Land Lot 150, 8th District, Hall County, Georgia, being all of Tracts 1, 2, 3, 4, and 5 of that property shown on a survey for "Lee Waldrip Auction Company," dated February 4, 1985, prepared by Henry Bailey, Georgia Registered Land Surveyor, recorded in Plat Book 101, page 82, Hall County, Georgia Plat Records, said plat and the record thereof being incorporated herein for a more full and complete description.

Tract Two:

All that lot, tract or parcel of land lying, situate and being in Land Lot 150, 8th District, Hall County, Georgia, being shown to contain 4.971 acres according to a survey for "Lee Waldrip Auction Co.," dated February 4, 1985, prepared by Henry Bailey, Georgia Registered Land Surveyor, recorded in Plat Book 101, page 96, Hall County, Georgia Plat Records, said plat and the record thereof being incorporated herein for a more full and complete description.

Tracts One and Two as described herein being all of that property described in a Corrective Warranty Deed from Lee Waldrip Auction Company to Harvey R. Crenshaw, Lawrence D. Crenshaw, and Robert C. Payne, dated July 11, 1985, recorded in Deed Book 897, page 13, Hall County, Georgia Deed Records.

Tract Three:

All that lot, tract or parcel of land lying, situate and being in Land Lot 150, 8th District, Hall County, Georgia, being all of that property shown on a survey for "Roy A. Scott," prepared by Jimmy Bullock, Georgia Registered Land Surveyor, dated December 1, 1988, being shown to contain 4.00 acres according to said survey and being more fully described as follows:

BEGINNING at an iron stake located on the eastern right of way of Holiday McEver Road, which iron pin is located south 55 degrees 31 minutes west 1367 feet from the nail and cap set centerline of McEver Road and Gaines Ferry Road; thence from said beginning iron pin running south 30 degrees 24 minutes east 871.21 feet to an iron pin; thence running south 69 degrees 11 minutes west 200 feet to an iron pin; thence running north 30 degrees 24 minutes west 871.21 feet to an iron pin located on the eastern right of way of Holiday McEver Road; thence running along said right of way of Holiday McEver road north 59 degrees 17 minutes east 200 feet to the beginning iron pin.

This being the same property described in a Warranty Deed from Roy Scott to Lawrence D. Crenshaw, Harvey R. Crenshaw, and Robert C. Payne dated February 16, 1990, recorded in Deed Book 1441, page 177, Hall County, Georgia Deed Records.



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider - 2nd Reading of Ordinance #591 a request to rezone 6409 McEver Road from Hall County ARIII to Flowery Branch PUD.

COUNCIL MEETING DATE: April 16, 2020

HISTORY:

The first read of this rezoning request was approved by City Council on April 2, 2020.

FACTS AND ISSUES:

OPTIONS:

IF FUNDING IS INVOLVED, ARE FUNDS APPROVED IN THE CURRENT BUDGET:

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Approve as submitted.

SAMPLE MOTION:

I make a motion to approve Ordinance #591 as submitted.

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Melissa McCain

ATTACHMENTS

- [Rezoning All Awesome Properties FINAL.pdf](#)

Public Hearing Published 01/09/2020
Public Hearing 02/06/2020

First Read 04/02/2020
Approved 04/16/2020

ORDINANCE NO. 591

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH, GEORGIA, BY REZONING .96+/- ACRES OF LAND OWNED BY ALL AWESOME PROPERTIES LLC WHICH IS COMMONLY KNOWN AS 6490 MCEVER ROAD, IDENTIFIED AS TAX PARCEL IDENTIFICATION NUMBER 08149 000005, AS SHOWN ON EXHIBIT “A”, AND AS LEGALLY DESCRIBED ON EXHIBIT “B”, BY REZONING SAID TRACT FROM HALL COUNTY AR III (AGRICULTURAL RESIDENTIAL) TO FLOWERY BRANCH PUD (PLANNED UNIT DEVELOPMENT) SUBJECT TO THE CONDITIONS SET FORTH IN EXHIBIT “C”; PROVIDING FOR SEVERABILITY; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE; AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, All Awesome Properties LLC owns all that tract or parcel of land being considered for rezoning totaling .96+/- acres identified as 6490 McEver Road, Tax Parcel Identification Number 08149 000005, as shown on Exhibit “A”, and as legally described on Exhibit “B”; and

WHEREAS, the City Council of the City of Flowery Branch has considered the application as submitted by All Awesome Properties LLC and in conjunction with the standards set forth in Article 34 - Section 34.7 of Zoning Ordinance No. 348 of the City of Flowery Branch, Georgia; and

WHEREAS, All Awesome Properties LLC has submitted to the City Council of Flowery Branch, Georgia, a written and signed application requesting to be rezoned; and

WHEREAS, a survey and complete legal description of the land to be rezoned is included in the application; and

WHEREAS, the City Council held a public hearing at the meeting of February 6, 2020, duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

NOW THEREFORE, THE COUNCIL OF THE CITY OF FLOWERY BRANCH HEREBY ORDAINS AS FOLLOWS:

SECTION 1. FINDINGS.

The City Council finds that the proposed rezoning of the parcel from Hall County AR III (Agricultural Residential) to Flowery Branch PUD (Planned Unit Development) is consistent with the adopted standards for governing the exercise of the zoning power consistent with O.C.G.A. § 36-66-5 and requirements of the Zoning Ordinance as identified below.

1. The proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.
2. The proposal is not expected to adversely affect the existing use or usability of adjacent or nearby property.
3. The property could be used in accordance with the existing regulations and has a reasonable economic use as currently zoned.
4. The development if approved and constructed is not expected to result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
5. The proposal is in conformity with the policy and intent of the comprehensive plan including the character area map and future land use plan map.
6. The proposal is considered appropriate in view of existing use(s) and zoning of the subject property and nearby properties.
7. No determination has been made by staff with regard to the value differential between development under the current zonings as opposed to proposed.
8. A proposed development will not be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations.
9. There are no known adverse effects that would result from the change in zoning district map, or change in use, on the character of a zoning district.
10. Development as proposed is not expected to impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality. Compliance with city subdivision and land development regulations will be required, which include but are not limited to soil erosion and sedimentation, stormwater, and flood damage prevention.

SECTION 2. LEGAL DESCRIPTION AND REZONING.

The subject parcel, as shown on Exhibit “A” and as legally described in Exhibit “B”, is hereby rezoned from Hall County AR III (Agricultural Residential) to Flowery Branch PUD (Planned Unit Development), subject to the conditions set forth on Exhibit “C”. Said Exhibits are incorporated by reference as if fully set forth herein.

SECTION 3. AMENDMENT OF THE ZONING MAP.

This Ordinance is enacted as an amendment to the Zoning Map of Flowery Branch, Georgia. Accordingly, the Zoning Administrator is hereby authorized to update the Official Map consistent with Article 3 of the Zoning Ordinance.

SECTION 4. SEVERABILITY.

Should any section or provision of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of this Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

SECTION 5. EFFECTIVE DATE.

The effective date of this Ordinance shall be May 1, 2020.

SECTION 6. REPEALER.

All ordinances and parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

Approved this 16^h day of April 2020.

ATTEST

James M. Miller, Mayor

Melissa McCain, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, Jr., City Attorney

Exhibit “A”

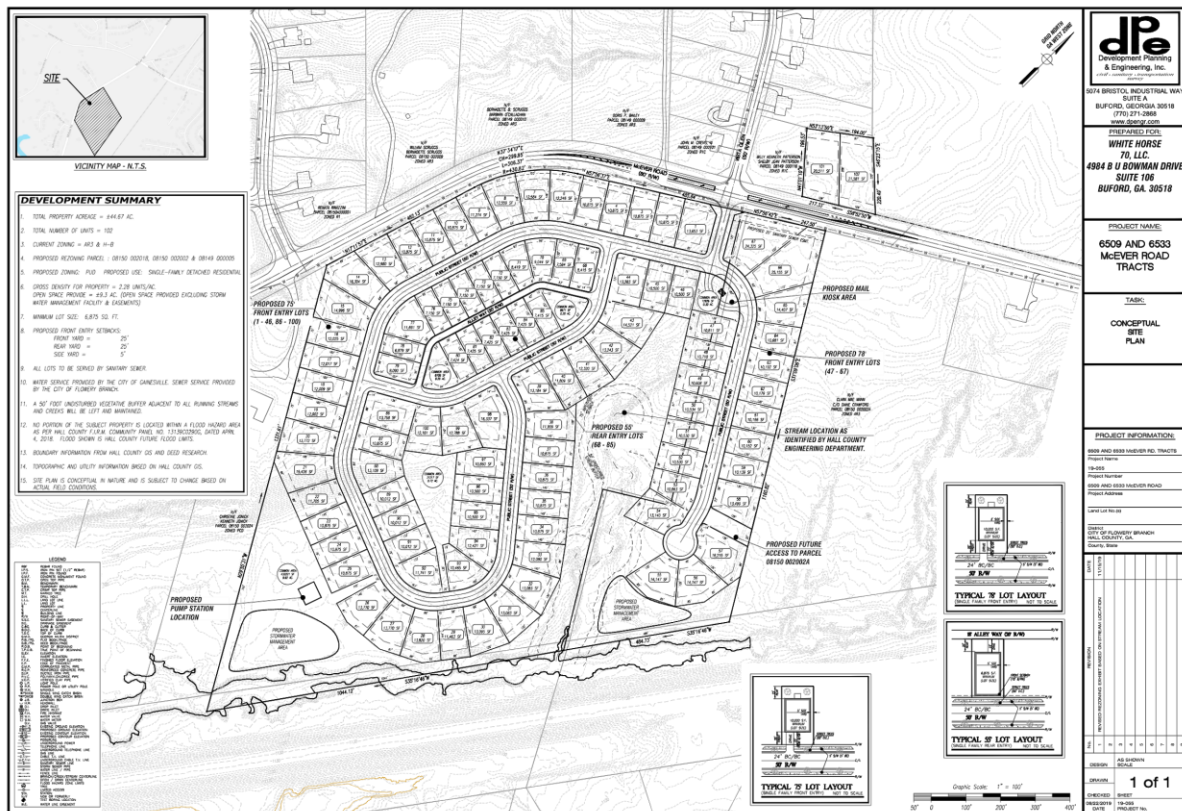


Exhibit "B"

6490 MCEVER ROAD, FLOWERY BRANCH GA 30542 (Parcel Number: 08149 000005)

All that tract or parcel of land lying and being in Land Lot 149 of the 8th District, Hall County, Georgia, containing 0.97 acre as shown on a plat of survey for Larry R. Bailey and Lex Cates by Thomas Wood, Registered Land Surveyor, dated January 6, 1987, and being more particularly described as follows:

Beginning at an iron pin on the northwestern right of way of McEver Road, said point being 918 feet southwesterly from the intersection of the right of way of McEver Road and the right of way of Gaines Ferry Road as measured along the right of way of McEver Road; thence proceeding along the northwestern right of way of McEver Road, south 57 degrees 39 minutes west a distance of 217.33 feet to an axle; thence north 42 degrees 15 minutes west a distance of 196.53 feet to an axle; thence north 52 degrees 00 minutes east a distance of 194.00 feet to an iron pin; thence south 47 degrees 37 minutes east a distance of 220.48 feet to an iron pin on the northwestern right of way of McEver Road the place or point of beginning.

Exhibit “C”

Conditions of Zoning (These conditions apply to the overall development shown on Exhibit “A” and are applicable to the property owned by All Awesome Properties LLC as part of the overall development as identified above.)

1. Site

- A. Layout of project shall generally adhere to the submitted plan as approved on April 16, 2020 and as attached as Exhibit “A”
- B. Maximum density of 102 single family units for the overall development as shown on Exhibit “A”
- C. All homes shall be a minimum of 2,000 heated square feet
- D. Homes shall generally adhere to the plan book submitted to staff electronically on March 13, 2020 and attached hereto
- E. Lot size and setbacks per approved plan
- F. Landscape plan shall be submitted at time of LDP
- G. Street trees shall be planted with root barriers and must be approved by staff
- H. All roadways and alleys shall be public
- I. All roadways will be turned over to the City through an official resolution approved by City Council and not at the time of final plat
- J. A maintenance bond totaling 20% of all public improvements is required at time of final plat
- K. Sewer shall be provided by the City of Flowery Branch
- L. 5’ sidewalk shall be provided on both sides of the roads throughout the development
- M. Detailed entrance plans shall be submitted and approved by the City
- N. Streetlights must be dedicated to the homeowner’s association in perpetuity at the time of final plat.
- O. Buffer along southern boundary must be enhanced to limit disturbance to the existing business located at 6593 McEver Road and identified as tax parcel identification no. 08150 002024. Plan shall create an evergreen barrier coupled with an opaque fence to shield the development. Said plan must be submitted and approved by City staff prior to the issuance of an LDP.
- P. Sewer pump station location and design shall be reviewed and approved by City staff prior to installation. Applicant agrees to negotiate in good faith with the City to upsize the capacity of this station to serve the surrounding areas. Any such agreement will be memorialized in a development agreement in generally the same form as attached hereto to be approved by both parties prior to the issuance of a land disturbance permit. Additionally, the pump station must have a 6’ black-vinyl coated fence and landscape screening which must be approved by the Director of Planning and Community Development.
- Q. The location of the vehicular/pedestrian roadway connection to the adjoining commercial property located at 6495 McEver Road, tax parcel identification number 08150 002002A, shall be finalized prior to the issuance of an LDP. Additionally, plan showing the road width, size, landscaping, sidewalks, bike lanes, etc. must be approved by the City prior to the issuance of an LDP.
- R. 5’ sidewalk shall be installed on McEver Road and shall run the entire length of the development.

2. Home/Lot Design

- A. Driveways of non-alley fed homes shall be a minimum of 23' as measured from the back of sidewalk to the front façade of the garage
- B. Individual lots shall show landscaping at time of permit and shall have a mixture of shrubs and a minimum of two trees
- C. All lots must be sodded prior to issuance of certificate of occupancy
- D. A residential drainage plan (RDP) may be required for any lots that have potential drainage issues as determined by the City
- E. A house location plan (HLP) is required for each home at the time of permitting

3. Major and Minor PUD Changes

- A. Major changes shall be approved by City Council and shall include:
 - 1) Change in unit number of 4 or more
 - 2) Reduction in setback greater than 5 feet (homes must always be 10' apart from one another regardless of setback)
 - 3) Any change deemed major by staff
- B. Minor shall be approved by the Director of Planning and Community Development and shall include:
 - 1) Change in unit number of 3 or less
 - 2) Reduction in setback less than 5 feet
 - 3) Approval of lot width variations not to fall below the approved minimum
 - 4) All other changes deemed non-major by staff

Elevations

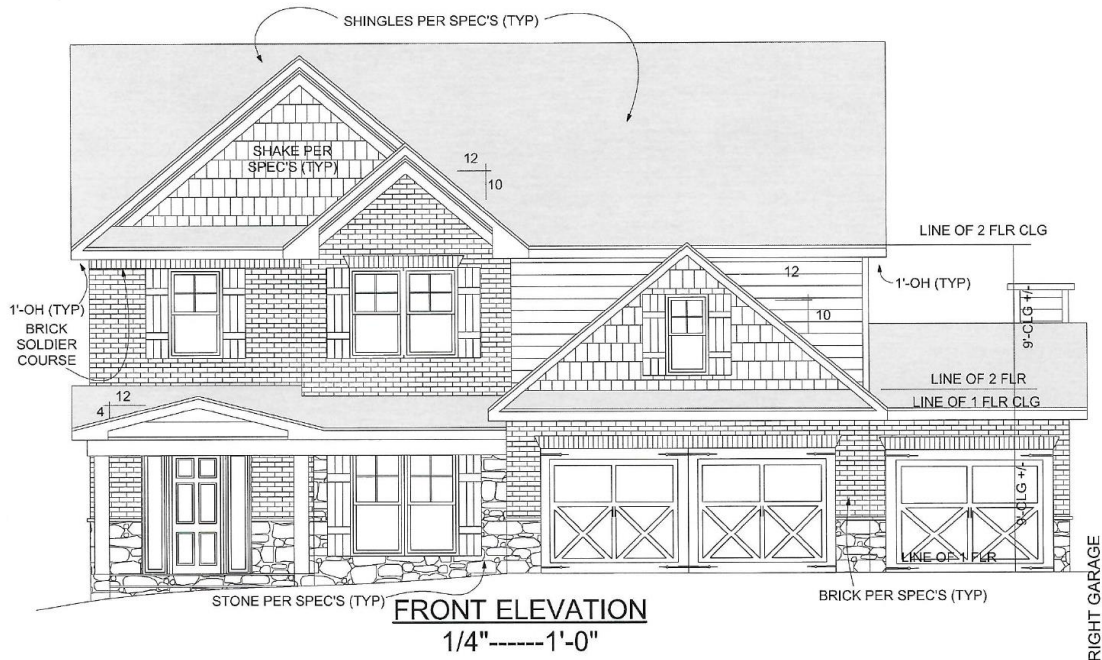


SMITHTOWN



ROCK SPRINGS





Sample Development Agreement

AGREEMENT BY AND BETWEEN _____ AND THE CITY OF FLOWERY BRANCH, GEORGIA FOR IMPROVEMENT OF THE _____ LIFT STATION

This AGREEMENT is made and entered into this ____ day of _____, 2020, by
and between _____, located at
_____ (“DEVELOPER”) and the City of Flowery
Branch, Georgia, a Georgia municipal corporation, located at 5410 Pine Street, Flowery Branch,
Georgia (“CITY”) for the purpose of improving the CITY’s existing sanitary sewer system by
constructing a new _____ Lift Station with an expanded capacity (“PROJECT”).

WHEREAS, DEVELOPER is the developer of ____ acres of land commonly known as
the _____ Residential Subdivision located on McEver Road within the City
of Flowery Branch, Georgia, consisting of _____ residential units as shown on Exhibit A,
attached hereto and incorporated herein (“DEVELOPMENT”), desires certain commitments from
the CITY, in regard to the PROJECT; and,

WHEREAS, the CITY desires to partner with DEVELOPER in the PROJECT for
construction of the PROJECT to provide sanitary sewer service capacity beyond that required for
said DEVELOPMENT.

NOW THEREFORE, DEVELOPER and CITY agree to the following:

- I. DEVELOPER shall be responsible for the engineering design of the PROJECT which
has been, or will be, accomplished by professional engineers registered in the State of
Georgia and be in compliance with all relevant CITY specifications and standards.
Prior to the beginning of construction, the engineering design of the PROJECT must
be approved in writing by the CITY’s engineer. DEVELOPER shall bear the cost of the
engineering design of the PROJECT.

- II. DEVELOPER shall be responsible for and shall provide all labor and materials necessary for the construction of the PROJECT, the scope of which is described in Exhibit B attached hereto and incorporated herein.
- III. DEVELOPER shall be responsible to provide resident inspection during construction of the PROJECT and to ensure conformity to the engineering design, compliance with all relevant CITY specifications and standards, and quality of construction. DEVELOPER shall bear the cost of said resident inspection. CITY shall have the right to inspect the PROJECT during construction. DEVELOPER shall not bear the cost of said CITY inspection.
- IV. DEVELOPER shall provide CITY a statement from the PROJECT engineer certifying that the materials and workmanship meet the CITY's specifications and standards. Upon request of CITY, DEVELOPER shall substantiate by material affidavits from suppliers and by applicable test results. DEVELOPER shall provide two copies of "as-builts" drawings of the PROJECT.
- V. DEVELOPER shall provide CITY with copies of all lien releases by material and equipment suppliers.
- VI. The PROJECT shall be complete upon certification in writing by the CITY's engineer and city manager.
- VII. DEVELOPER shall be responsible for maintaining the PROJECT for one year after the CITY certifies the PROJECT complete. DEVELOPER shall transfer all equipment warranties to the CITY within fourteen (14) days before the expiration of the one-year maintenance period.
- VIII. Upon completion of the PROJECT, CITY shall reimburse DEVELOPER no more than ____% of the actual construction cost of the PROJECT or \$_____, whichever is less, in accordance with the following process:

- A. DEVELOPER shall make a written request to the CITY for reimbursement and provide all supporting invoices and cancelled checks or other proof of payment related to the actual construction cost of the PROJECT.
- B. Within 30 days of receipt of DEVELOPER's written request for reimbursement, CITY shall reimburse DEVELOPER in accordance with this Paragraph VI.
- IX. Upon reimbursement by CITY, DEVELOPER shall dedicate all rights, title and interest that DEVELOPER may have in the PROJECT and any real property, including but not limited to easements or rights-of-way, necessary for the purpose of owning, operating and/or maintaining the PROJECT by providing CITY a recordable plat(s) showing all utilities within public easements and/or rights of way to be owned and maintained by the CITY. Should DEVELOPER fail to provide such a plat(s), CITY shall not permit connection of the DEVELOPMENT to the CITY'S sewer system nor issue any certificate of occupancy. CITY shall not accept said dedication until such time that all property offered by DEVELOPER for acceptance by the CITY is free and clear of all encumbrances including but not limited to liens and security interests.
- X. Nothing in this AGREEMENT shall relieve DEVELOPER from paying any required fees for CITY sewer capacity and/or connection to the CITY's sewer system.
- XI. The term of this AGREEMENT shall be from the date first written above up and through one (1) year after completion of the PROJECT.
- XII. All notices under this AGREEMENT shall be in writing and shall be deemed to have been given by delivering in-person, certified mail, or statutory overnight deliver to the following:

For CITY: Bill Andrew
 City Manager
 City of Flowery Branch
 5410 Pine Street
 Flowery Branch, Georgia 30542

For DEVELOPER:

- XIII. DEVELOPER shall indemnify and hold harmless CITY for any and all claims arising out of any act or omission related to the design and construction of the PROJECT made by DEVELOPER, or any person for whom DEVELOPER could be liable, prior to CITY's acceptance of ownership of the PROJECT.
- XIV. The failure of any party to exercise any right given hereunder or to insist upon strict compliance with any term, condition or covenant specified herein shall not constitute a waiver of such party's right to exercise such right or to demand strict compliance with any such term, condition or covenant under this AGREEMENT.
- XV. This AGREEMENT contains the sole and entire agreement of the parties with respect to the PROJECT contemplated hereunder and no representation, inducement, promise or agreement, parole or written, between the parties and not incorporated herein shall be of any force of effect. Any amendment to this AGREEMENT shall be in writing and executed by the parties.
- XVI. This AGREEMENT may not be assigned or transferred by either party without the written consent of the other party. The provisions of this AGREEMENT shall inure to the benefit or and be binding upon the parties hereto and the respective success and assigns.
- XVII. Time is of the essence with respect to this AGREEMENT.
- XVIII. This AGREEMENT and all amendments hereto shall be governed and construed under the laws of the State of Georgia.
- XIX. If any term, covenant or condition of this AGREEMENT or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, such

provision, or the application of such term, covenant or condition to persons or circumstances other than those as to which it is held invalid or unenforceable, shall be deemed severable, and the remainder hereof shall not be affected thereby, and each term, covenant, or condition of this AGREEMENT shall be valid and be enforced to the fullest extent permitted by law.

XX. This AGREEMENT may be executed in several counterparts, each of which shall constitute an original and all of which together shall constitute one and the same instrument.

IN WITNESS THEREOF, the parties have set their hand and seal.

CITY OF FLOWERY BRANCH, GEORGIA

_____ By:	_____ By: James M. Miller, Mayor
_____ ATTEST:	_____ ATTEST:
_____ By:	_____ By: Melissa McCain, City Clerk

EXHIBIT A

EXHIBIT B



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider - 2nd Reading of Ordinance #592 a request to rezone 6509 McEver Road from Hall County HB to Flowery Branch PUD.

COUNCIL MEETING DATE: April 16, 2020

HISTORY:

The first read of this rezoning request was approved by City Council on April 2, 2020.

FACTS AND ISSUES:

OPTIONS:

IF FUNDING IS INVOLVED, ARE FUNDS APPROVED IN THE CURRENT BUDGET:

No

AMOUNT AND SOURCE OF FUNDS:

0

RECOMMENDATION:

Approve as submitted.

SAMPLE MOTION:

I make a motion to approve Ordinance #592 as submitted.

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Melissa McCain

ATTACHMENTS

- [Rezoning Ordinance Whitehorse 1 FINAL.pdf](#)

Public Hearing Published 01/09/2020
Public Hearing 02/06/2020

First Read 04/02/2020
Approved 04/16/2020

ORDINANCE NO. 592

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH, GEORGIA, BY REZONING 8.84+/- ACRES OF LAND OWNED BY WHITE HORSE, LLC WHICH IS COMMONLY KNOWN AS 6509 MCEVER ROAD, IDENTIFIED AS TAX PARCEL IDENTIFICATION NUMBER 08150 002002, AS SHOWN ON EXHIBIT “A”, AND AS LEGALLY DESCRIBED ON EXHIBIT “B”, BY REZONING SAID TRACT FROM HALL COUNTY HB (HIGHWAY BUSINESS) TO FLOWERY BRANCH PUD (PLANNED UNIT DEVELOPMENT) SUBJECT TO THE CONDITIONS SET FORTH IN EXHIBIT “C”; PROVIDING FOR SEVERABILITY; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE; AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, White Horse LLC owns all tract or parcel of land being considered for rezoning totaling 8.84+/- acres identified as 6509 McEver Road, Tax Parcel Identification Number 08150 002002, as shown on Exhibit “A”, and as legally described on Exhibit “B”; and

WHEREAS, the City Council of the City of Flowery Branch has considered the application as submitted by White Horse LLC, and in conjunction with the standards set forth in Article 34 - Section 34.7 of Zoning Ordinance No. 348 of the City of Flowery Branch, Georgia; and

WHEREAS, White Horse LLC has submitted to the City Council of Flowery Branch, Georgia, a written and signed application requesting to be rezoned; and

WHEREAS, a survey and complete legal description of the land to be rezoned is included in the application; and

WHEREAS, the City Council held a public hearing at the meeting of February 6, 2020, duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

NOW THEREFORE, THE COUNCIL OF THE CITY OF FLOWERY BRANCH HEREBY ORDAINS AS FOLLOWS:

SECTION 1. FINDINGS.

The City Council finds that the proposed rezoning of the parcel from Hall County HB (Highway Business) to Flowery Branch PUD (Planned Unit Development) is consistent with the adopted standards for governing the exercise of the zoning power consistent with O.C.G.A. § 36-66-5 and requirements of the Zoning Ordinance as identified below.

1. The proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.
2. The proposal is not expected to adversely affect the existing use or usability of adjacent or nearby property.
3. The property could be used in accordance with the existing regulations and has a reasonable economic use as currently zoned.
4. The development if approved and constructed is not expected to result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
5. The proposal is in conformity with the policy and intent of the comprehensive plan including the character area map and future land use plan map.
6. The proposal is considered appropriate in view of existing use(s) and zoning of the subject property and nearby properties.
7. No determination has been made by staff with regard to the value differential between development under the current zonings as opposed to proposed.
8. A proposed development will not be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations.
9. There are no known adverse effects that would result from the change in zoning district map, or change in use, on the character of a zoning district.
10. Development as proposed is not expected to impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality. Compliance with city subdivision and land development regulations will be required, which include but are not limited to soil erosion and sedimentation, stormwater, and flood damage prevention.

SECTION 2. LEGAL DESCRIPTION AND REZONING.

The subject parcel, as shown on Exhibit “A” and as legally described in Exhibit “B”, is hereby rezoned from Hall County HB (Highway Business) to Flowery Branch PUD (Planned Unit Development) and subject to conditions set forth on Exhibit “C”. Said Exhibits are incorporated by reference as if fully set forth herein.

SECTION 3. AMENDMENT OF THE ZONING MAP.

This Ordinance is enacted as an amendment to the Zoning Map of Flowery Branch, Georgia. Accordingly, the Zoning Administrator is hereby authorized to update the Official Map consistent with Article 3 of the Zoning Ordinance.

SECTION 4. SEVERABILITY.

Should any section or provision of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of this Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

SECTION 5. EFFECTIVE DATE.

The effective date of this Ordinance shall be May 1, 2020.

SECTION 6. REPEALER.

All ordinances and parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

Approved this 16^h day of April 2020.

ATTEST

James M. Miller, Mayor

Melissa McCain, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, Jr., City Attorney

Exhibit “A”

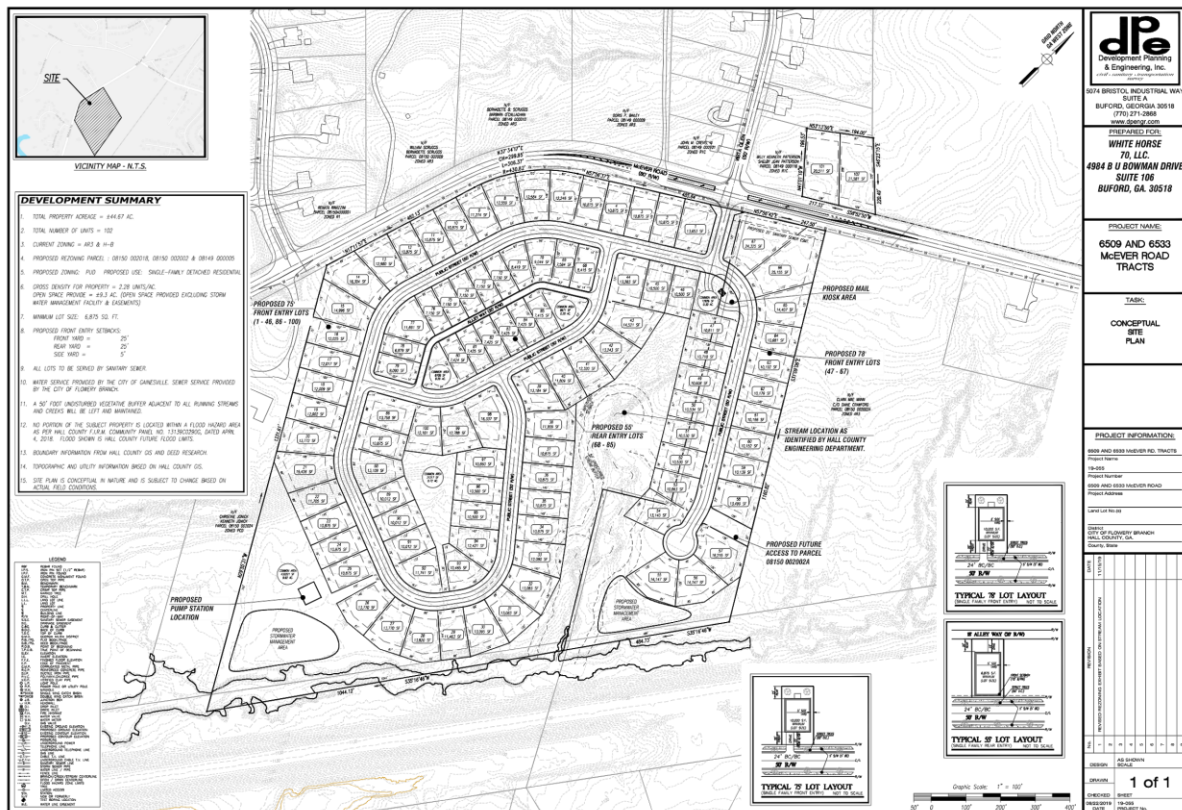


Exhibit "B"

6509 MCEVER RD, FLOWERY BRANCH, GA 30542 (Parcel Number: 08150 002002)

All that tract or parcel of land lying and being in Land Lot 150 of the 8th Land District, Hall County, Georgia, as shown and delineated as 8.843 acres, more or less, on plat of survey for Anthony Sherman & Victor Felix Espinosa by Jarrard Surveying dated May 26, 2005, last revised September 9, 2005, and being more particularly described as follows:

Beginning at an iron pin at a point on the southeastern right of way of McEver Road (80 foot right of way), said point being South 63 degrees 25 minutes 07 seconds East, a distance of 50.84 feet, from the intersection of the centerlines of McEver Road and Vista Glen; thence running North 64 degrees 26 minutes 11 seconds East along the southeastern right of way of McEver Road, a distance of 247.50 feet, to an iron pin; thence leaving said right of way and running South 24 degrees 39 minutes 37 seconds East, a distance of 1160.82 feet, to an iron pin on the northwestern right of way of southern railroad (400 foot right of way); thence running South 41 degrees 46 minutes 15 seconds West along said right of way, a distance of 484.73 feet, to an iron pin; thence leaving said right of way and running North 24 degrees 47 minutes 04 seconds West, a distance of 477.85 feet, to an iron pin;

Exhibit “C”

Conditions of Zoning (These conditions apply to the overall development shown on Exhibit “A” and are applicable to the property owned by All Awesome Properties LLC as part of the overall development as identified above.)

1. Site

- A. Layout of project shall generally adhere to the submitted plan as approved on April 16, 2020 and as attached as Exhibit “A”
- B. Maximum density of 102 single family units for the overall development as shown on Exhibit “A”
- C. All homes shall be a minimum of 2,000 heated square feet
- D. Homes shall generally adhere to the plan book submitted to staff electronically on March 13, 2020 and attached hereto
- E. Lot size and setbacks per approved plan
- F. Landscape plan shall be submitted at time of LDP
- G. Street trees shall be planted with root barriers and must be approved by staff
- H. All roadways and alleys shall be public
- I. All roadways will be turned over to the City through an official resolution approved by City Council and not at the time of final plat
- J. A maintenance bond totaling 20% of all public improvements is required at time of final plat
- K. Sewer shall be provided by the City of Flowery Branch
- L. 5’ sidewalk shall be provided on both sides of the roads throughout the development
- M. Detailed entrance plans shall be submitted and approved by the City
- N. Streetlights must be dedicated to the homeowner’s association in perpetuity at the time of final plat.
- O. Buffer along southern boundary must be enhanced to limit disturbance to the existing business located at 6593 McEver Road and identified as tax parcel identification no. 08150 002024. Plan shall create an evergreen barrier coupled with an opaque fence to shield the development. Said plan must be submitted and approved by City staff prior to the issuance of an LDP.
- P. Sewer pump station location and design shall be reviewed and approved by City staff prior to installation. Applicant agrees to negotiate in good faith with the City to upsize the capacity of this station to serve the surrounding areas. Any such agreement will be memorialized in a development agreement in generally the same form as attached hereto to be approved by both parties prior to the issuance of a land disturbance permit. Additionally, the pump station must have a 6’ black-vinyl coated fence and landscape screening which must be approved by the Director of Planning and Community Development.
- Q. The location of the vehicular/pedestrian roadway connection to the adjoining commercial property located at 6495 McEver Road, tax parcel identification number 08150 002002A, shall be finalized prior to the issuance of an LDP. Additionally, plan showing the road width, size, landscaping, sidewalks, bike lanes, etc. must be approved by the City prior to the issuance of an LDP.
- R. 5’ sidewalk shall be installed on McEver Road and shall run the entire length of the development.

2. Home/Lot Design

- A. Driveways of non-alley fed homes shall be a minimum of 23' as measured from the back of sidewalk to the front façade of the garage
- B. Individual lots shall show landscaping at time of permit and shall have a mixture of shrubs and a minimum of two trees
- C. All lots must be sodded prior to issuance of certificate of occupancy
- D. A residential drainage plan (RDP) may be required for any lots that have potential drainage issues as determined by the City
- E. A house location plan (HLP) is required for each home at the time of permitting

3. Major and Minor PUD Changes

- A. Major changes shall be approved by City Council and shall include:
 - 1) Change in unit number of 4 or more
 - 2) Reduction in setback greater than 5 feet (homes must always be 10' apart from one another regardless of setback)
 - 3) Any change deemed major by staff
- B. Minor shall be approved by the Director of Planning and Community Development and shall include:
 - 1) Change in unit number of 3 or less
 - 2) Reduction in setback less than 5 feet
 - 3) Approval of lot width variations not to fall below the approved minimum
 - 4) All other changes deemed non-major by staff

Elevations

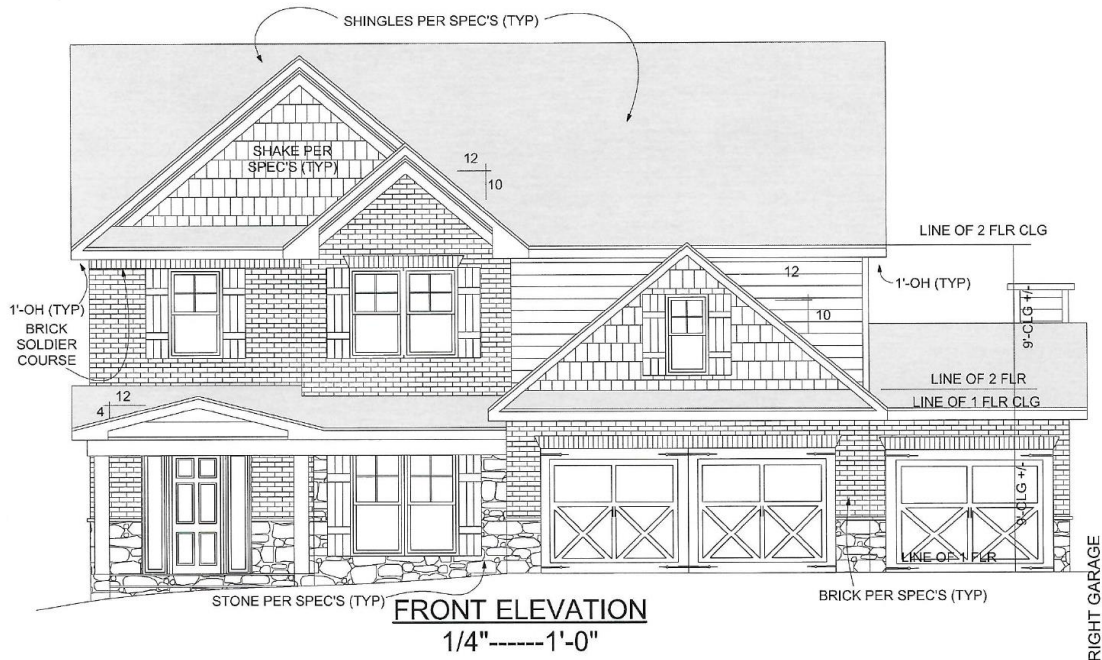


SMITHTOWN



ROCK SPRINGS

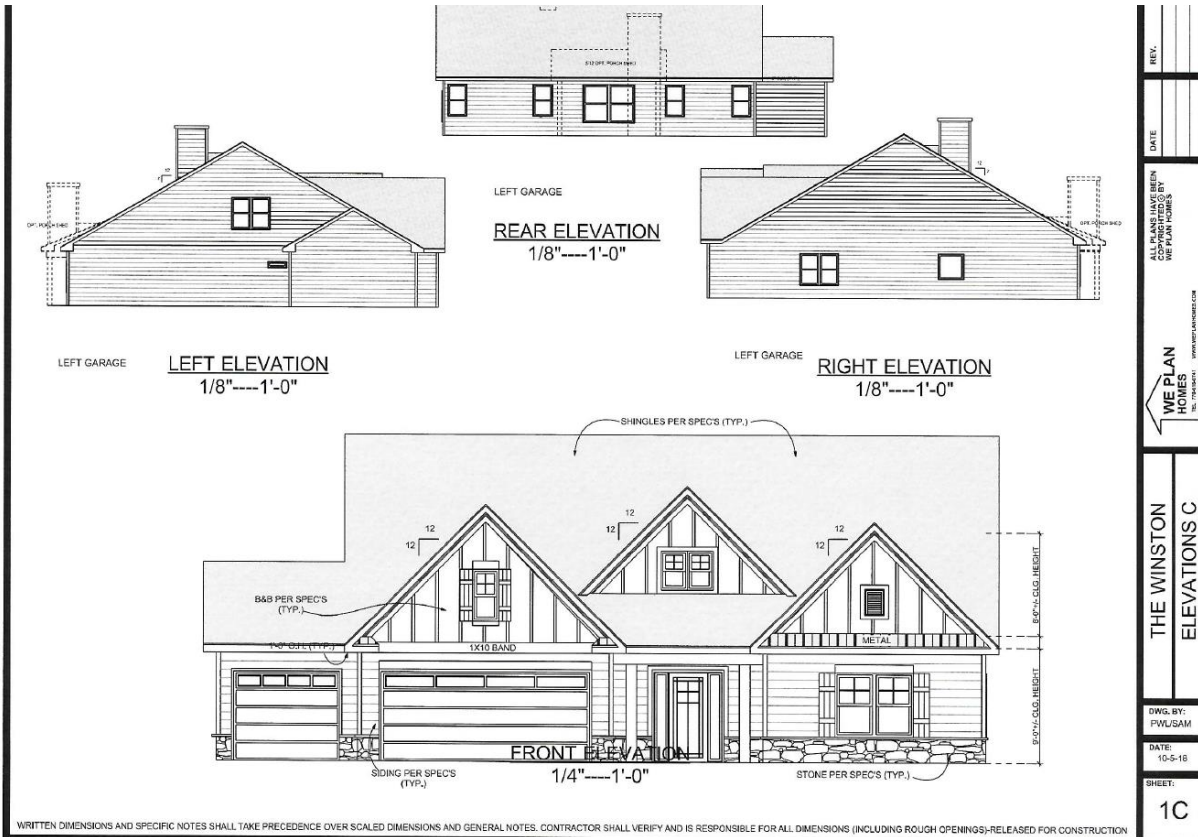




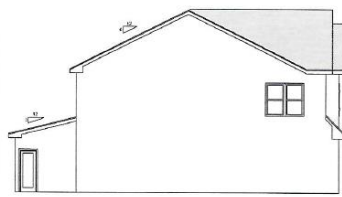
REV.	DATE
1	12-2014
ALL PLANS HAVE BEEN REVIEWED BY WE PLANS HOMES, LLC.	
WE PLAN HOMES, LLC.	
11000 W. 11TH AVENUE, SUITE 100, DENVER, CO 80233	
THE WATERTON II	
ELEVATION 'A'	
DWG. BY:	PWL/SAM
DATE:	4-14-10
SHEET:	1



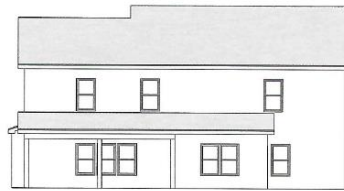
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DWG. BY:	PWL/SAM
DATE:	4-14-10
SHEET:	1



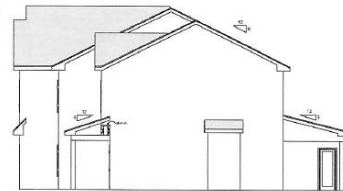
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WE PLAN HOMES	
THE WINSTON ELEVATIONS C	
DWG. BY: FWL/GAM	
DATE: 10-5-18	
SHEET: 1C	



LEFT ELEVATION
1/8"-----1'-0"



REAR ELEVATION
1/8"-----1'-0"



RIGHT ELEVATION
1/8"-----1'-0"



FRONT ELEVATION
1/4"-----1'-0"

REV.

DATE _____

ALL PLANS HAVE BEEN
COPYRIGHTED © BY
WE PLAN HOMES

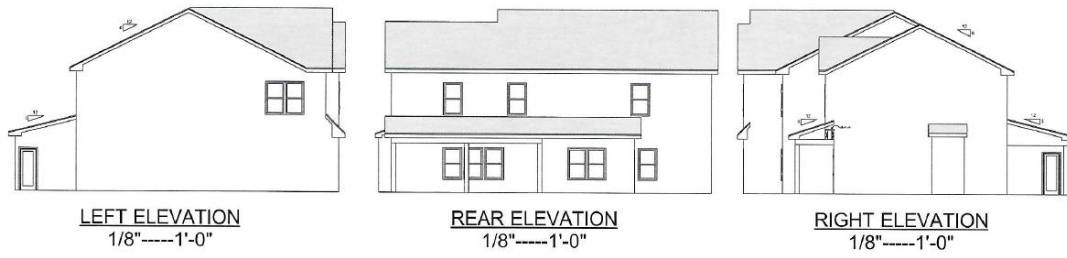
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THE LANIER
ELEVATIONS

DWG. BY:
FWL/SAM

DATE:
11-17-17

SHEET:



REV.	
DATE	
ALL PLANS HAVE BEEN REVIEWED BY WE PLAN HOMES	
WE PLAN HOMES	
THE LANIER ELEVATIONS	
DWG. BY: PWL/SAM	
DATE: 11-17-17	
SHEET:	

Sample Development Agreement

AGREEMENT BY AND BETWEEN _____ AND THE CITY OF FLOWERY BRANCH, GEORGIA FOR IMPROVEMENT OF THE _____ LIFT STATION

This AGREEMENT is made and entered into this ____ day of _____, 2020, by
and between _____, located at
_____ (“DEVELOPER”) and the City of Flowery
Branch, Georgia, a Georgia municipal corporation, located at 5410 Pine Street, Flowery Branch,
Georgia (“CITY”) for the purpose of improving the CITY’s existing sanitary sewer system by
constructing a new _____ Lift Station with an expanded capacity (“PROJECT”).

WHEREAS, DEVELOPER is the developer of ____ acres of land commonly known as
the _____ Residential Subdivision located on McEver Road within the City
of Flowery Branch, Georgia, consisting of _____ residential units as shown on Exhibit A,
attached hereto and incorporated herein (“DEVELOPMENT”), desires certain commitments from
the CITY, in regard to the PROJECT; and,

WHEREAS, the CITY desires to partner with DEVELOPER in the PROJECT for
construction of the PROJECT to provide sanitary sewer service capacity beyond that required for
said DEVELOPMENT.

NOW THEREFORE, DEVELOPER and CITY agree to the following:

- I. DEVELOPER shall be responsible for the engineering design of the PROJECT which
has been, or will be, accomplished by professional engineers registered in the State of
Georgia and be in compliance with all relevant CITY specifications and standards.
Prior to the beginning of construction, the engineering design of the PROJECT must
be approved in writing by the CITY’s engineer. DEVELOPER shall bear the cost of the
engineering design of the PROJECT.

- II. DEVELOPER shall be responsible for and shall provide all labor and materials necessary for the construction of the PROJECT, the scope of which is described in Exhibit B attached hereto and incorporated herein.
- III. DEVELOPER shall be responsible to provide resident inspection during construction of the PROJECT and to ensure conformity to the engineering design, compliance with all relevant CITY specifications and standards, and quality of construction. DEVELOPER shall bear the cost of said resident inspection. CITY shall have the right to inspect the PROJECT during construction. DEVELOPER shall not bear the cost of said CITY inspection.
- IV. DEVELOPER shall provide CITY a statement from the PROJECT engineer certifying that the materials and workmanship meet the CITY's specifications and standards. Upon request of CITY, DEVELOPER shall substantiate by material affidavits from suppliers and by applicable test results. DEVELOPER shall provide two copies of "as-builts" drawings of the PROJECT.
- V. DEVELOPER shall provide CITY with copies of all lien releases by material and equipment suppliers.
- VI. The PROJECT shall be complete upon certification in writing by the CITY's engineer and city manager.
- VII. DEVELOPER shall be responsible for maintaining the PROJECT for one year after the CITY certifies the PROJECT complete. DEVELOPER shall transfer all equipment warranties to the CITY within fourteen (14) days before the expiration of the one-year maintenance period.
- VIII. Upon completion of the PROJECT, CITY shall reimburse DEVELOPER no more than ____% of the actual construction cost of the PROJECT or \$_____, whichever is less, in accordance with the following process:

- A. DEVELOPER shall make a written request to the CITY for reimbursement and provide all supporting invoices and cancelled checks or other proof of payment related to the actual construction cost of the PROJECT.
- B. Within 30 days of receipt of DEVELOPER's written request for reimbursement, CITY shall reimburse DEVELOPER in accordance with this Paragraph VI.
- IX. Upon reimbursement by CITY, DEVELOPER shall dedicate all rights, title and interest that DEVELOPER may have in the PROJECT and any real property, including but not limited to easements or rights-of-way, necessary for the purpose of owning, operating and/or maintaining the PROJECT by providing CITY a recordable plat(s) showing all utilities within public easements and/or rights of way to be owned and maintained by the CITY. Should DEVELOPER fail to provide such a plat(s), CITY shall not permit connection of the DEVELOPMENT to the CITY'S sewer system nor issue any certificate of occupancy. CITY shall not accept said dedication until such time that all property offered by DEVELOPER for acceptance by the CITY is free and clear of all encumbrances including but not limited to liens and security interests.
- X. Nothing in this AGREEMENT shall relieve DEVELOPER from paying any required fees for CITY sewer capacity and/or connection to the CITY's sewer system.
- XI. The term of this AGREEMENT shall be from the date first written above up and through one (1) year after completion of the PROJECT.
- XII. All notices under this AGREEMENT shall be in writing and shall be deemed to have been given by delivering in-person, certified mail, or statutory overnight deliver to the following:

For CITY:

Bill Andrew
City Manager
City of Flowery Branch
5410 Pine Street
Flowery Branch, Georgia 30542

For DEVELOPER:

- XIII. DEVELOPER shall indemnify and hold harmless CITY for any and all claims arising out of any act or omission related to the design and construction of the PROJECT made by DEVELOPER, or any person for whom DEVELOPER could be liable, prior to CITY's acceptance of ownership of the PROJECT.
- XIV. The failure of any party to exercise any right given hereunder or to insist upon strict compliance with any term, condition or covenant specified herein shall not constitute a waiver of such party's right to exercise such right or to demand strict compliance with any such term, condition or covenant under this AGREEMENT.
- XV. This AGREEMENT contains the sole and entire agreement of the parties with respect to the PROJECT contemplated hereunder and no representation, inducement, promise or agreement, parole or written, between the parties and not incorporated herein shall be of any force of effect. Any amendment to this AGREEMENT shall be in writing and executed by the parties.
- XVI. This AGREEMENT may not be assigned or transferred by either party without the written consent of the other party. The provisions of this AGREEMENT shall inure to the benefit or and be binding upon the parties hereto and the respective success and assigns.
- XVII. Time is of the essence with respect to this AGREEMENT.
- XVIII. This AGREEMENT and all amendments hereto shall be governed and construed under the laws of the State of Georgia.
- XIX. If any term, covenant or condition of this AGREEMENT or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, such

provision, or the application of such term, covenant or condition to persons or circumstances other than those as to which it is held invalid or unenforceable, shall be deemed severable, and the remainder hereof shall not be affected thereby, and each term, covenant, or condition of this AGREEMENT shall be valid and be enforced to the fullest extent permitted by law.

XX. This AGREEMENT may be executed in several counterparts, each of which shall constitute an original and all of which together shall constitute one and the same instrument.

IN WITNESS THEREOF, the parties have set their hand and seal.

CITY OF FLOWERY BRANCH, GEORGIA

_____ By:	_____ By: James M. Miller, Mayor
_____ ATTEST:	_____ ATTEST:
_____ By:	_____ By: Melissa McCain, City Clerk

EXHIBIT A

EXHIBIT B



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider - 2nd Reading of Ordinance #593 a request to rezone 6533 McEver Road from Hall County ARIII to Flowery Branch PUD.

COUNCIL MEETING DATE: April 16, 2020

HISTORY:

The first read of this rezoning request was approved by City Council on April 2, 2020.

FACTS AND ISSUES:

OPTIONS:

IF FUNDING IS INVOLVED, ARE FUNDS APPROVED IN THE CURRENT BUDGET:

No

AMOUNT AND SOURCE OF FUNDS:

0

RECOMMENDATION:

Approve as submitted.

SAMPLE MOTION:

I make a motion to approve Ordinance #593 as submitted.

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Melissa McCain

ATTACHMENTS

- [Rezoning Ordinance Whitehorse 2 FINAL.pdf](#)

Public Hearing Published 01/09/2020
Public Hearing 02/06/2020

First Read 04/02/2020
Approved 04/16/2020

ORDINANCE NO. 593

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH, GEORGIA, BY REZONING 34.5+/- ACRES OF LAND OWNED BY WHITE HORSE LLC WHICH IS COMMONLY KNOWN AS 6533 MCEVER ROAD, IDENTIFIED AS TAX PARCEL IDENTIFICATION NUMBER 08150 002018, AS SHOWN ON EXHIBIT "A", AS LEGALLY DESCRIBED ON EXHIBIT "B", BY REZONING SAID TRACT FROM HALL COUNTY AR III (AGRICULTURAL RESIDENTIAL) TO FLOWERY BRANCH PUD (PLANNED UNIT DEVELOPMENT) SUBJECT TO THE CONDITIONS SET FORTH IN EXHIBIT "C"; PROVIDING FOR SEVERABILITY; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, White Horse LLC. owns all tract or parcel of land being considered for rezoning totaling 34.5+/- acres identified as 6533 McEver Road, Tax Parcel Identification Number 08150 002018, as shown on Exhibit "A", and as legally described on Exhibit "B"; and

WHEREAS, the City Council of the City of Flowery Branch has considered the application as submitted by White Horse, LLC and in conjunction with the standards set forth in Article 34 - Section 34.7 of Zoning Ordinance No. 348 of the City of Flowery Branch, Georgia; and

WHEREAS, White Horse, LLC has submitted to the City Council of Flowery Branch, Georgia, a written and signed application requesting to be rezoned; and

WHEREAS, a survey and complete legal description of the land to be rezoned is included in the application; and

WHEREAS, the City Council held a public hearing at the meeting of February 6, 2020, duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

NOW THEREFORE, THE COUNCIL OF THE CITY OF FLOWERY BRANCH HEREBY ORDAINS AS FOLLOWS:

SECTION 1. FINDINGS.

The City Council finds that the proposed rezoning of the parcel from Hall County AR III (Agricultural Residential) to Flowery Branch PUD (Planned Unit Development) is consistent with the adopted standards for governing the exercise of the zoning power consistent with O.C.G.A. § 36-66-5 and requirements of the Zoning Ordinance as identified below.

1. The proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.
2. The proposal is not expected to adversely affect the existing use or usability of adjacent or nearby property.
3. The property could be used in accordance with the existing regulations and has a reasonable economic use as currently zoned.
4. The development if approved and constructed is not expected to result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
5. The proposal is in conformity with the policy and intent of the comprehensive plan including the character area map and future land use plan map.
6. The proposal is considered appropriate in view of existing use(s) and zoning of the subject property and nearby properties.
7. No determination has been made by staff with regard to the value differential between development under the current zonings as opposed to proposed.
8. A proposed development will not be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations.
9. There are no known adverse effects that would result from the change in zoning district map, or change in use, on the character of a zoning district.
10. Development as proposed is not expected to impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality. Compliance with city subdivision and land development regulations will be required, which include but are not limited to soil erosion and sedimentation, stormwater, and flood damage prevention.

SECTION 2. LEGAL DESCRIPTION AND REZONING.

The subject parcel, as shown on Exhibit “A” and as legally described in Exhibit “B” is hereby rezoned from Hall County AR III (Agricultural Residential) to Flowery Branch PUD (Planned Unit Development) , and subject to conditions set forth on Exhibit “C”. Said Exhibits are incorporated by reference as if fully set forth herein.

SECTION 3. AMENDMENT OF THE ZONING MAP.

This Ordinance is enacted as an amendment to the Zoning Map of Flowery Branch, Georgia. Accordingly, the Zoning Administrator is hereby authorized to update the Official Map consistent with Article 3 of the Zoning Ordinance.

SECTION 4. SEVERABILITY.

Should any section or provision of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of this Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

SECTION 5. EFFECTIVE DATE.

The effective date of this Ordinance shall be May 1, 2020.

SECTION 6. REPEALER.

All ordinances and parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

Approved this 16^h day of April 2020.

ATTEST

James M. Miller, Mayor

Melissa McCain, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, Jr., City Attorney

Exhibit “A”

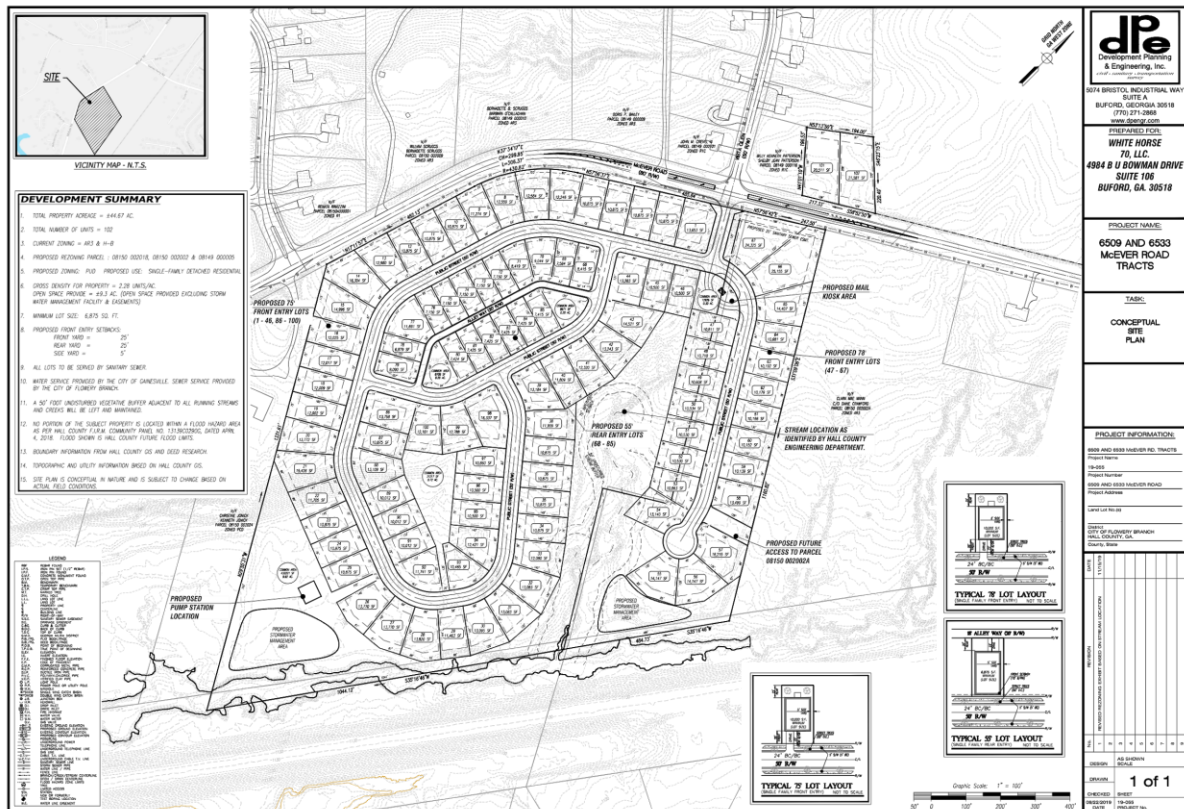


Exhibit "B"

6533 MCEVER ROAD, FLOWERY BRANCH, GA 30542 (Parcel Number: 08150 002018)

Tract One:

All that lot, tract or parcel of land lying, situate and being in Land Lot 150, 8th District, Hall County, Georgia, being all of Tracts 1, 2, 3, 4, and 5 of that property shown on a survey for "Lee Waldrip Auction Company," dated February 4, 1985, prepared by Henry Bailey, Georgia Registered Land Surveyor, recorded in Plat Book 101, page 82, Hall County, Georgia Plat Records, said plat and the record thereof being incorporated herein for a more full and complete description.

Tract Two:

All that lot, tract or parcel of land lying, situate and being in Land Lot 150, 8th District, Hall County, Georgia, being shown to contain 4.971 acres according to a survey for "Lee Waldrip Auction Co.," dated February 4, 1985, prepared by Henry Bailey, Georgia Registered Land Surveyor, recorded in Plat Book 101, page 96, Hall County, Georgia Plat Records, said plat and the record thereof being incorporated herein for a more full and complete description.

Tracts One and Two as described herein being all of that property described in a Corrective Warranty Deed from Lee Waldrip Auction Company to Harvey R. Crenshaw, Lawrence D. Crenshaw, and Robert C. Payne, dated July 11, 1985, recorded in Deed Book 897, page 13, Hall County, Georgia Deed Records.

Tract Three:

All that lot, tract or parcel of land lying, situate and being in Land Lot 150, 8th District, Hall County, Georgia, being all of that property shown on a survey for "Roy A. Scott," prepared by Jimmy Bullock, Georgia Registered Land Surveyor, dated December 1, 1988, being shown to contain 4.00 acres according to said survey and being more fully described as follows:

BEGINNING at an iron stake located on the eastern right of way of Holiday McEver Road, which iron pin is located south 55 degrees 31 minutes west 1367 feet from the nail and cap set centerline of McEver Road and Gaines Ferry Road; thence from said beginning iron pin running south 30 degrees 24 minutes east 871.21 feet to an iron pin; thence running south 69 degrees 11 minutes west 200 feet to an iron pin; thence running north 30 degrees 24 minutes west 871.21 feet to an iron pin located on the eastern right of way of Holiday McEver Road; thence running along said right of way of Holiday McEver road north 59 degrees 17 minutes east 200 feet to the beginning iron pin.

This being the same property described in a Warranty Deed from Roy Scott to Lawrence D. Crenshaw, Harvey R. Crenshaw, and Robert C. Payne dated February 16, 1990, recorded in Deed Book 1441, page 177, Hall County, Georgia Deed Records.

Exhibit “C”

Conditions of Zoning (These conditions apply to the overall development shown on Exhibit “A” and are applicable to the property owned by All Awesome Properties LLC as part of the overall development as identified above.)

1. Site

- A. Layout of project shall generally adhere to the submitted plan as approved on April 16, 2020 and as attached as Exhibit “A”
- B. Maximum density of 102 single family units for the overall development as shown on Exhibit “A”
- C. All homes shall be a minimum of 2,000 heated square feet
- D. Homes shall generally adhere to the plan book submitted to staff electronically on March 13, 2020 and attached hereto
- E. Lot size and setbacks per approved plan
- F. Landscape plan shall be submitted at time of LDP
- G. Street trees shall be planted with root barriers and must be approved by staff
- H. All roadways and alleys shall be public
- I. All roadways will be turned over to the City through an official resolution approved by City Council and not at the time of final plat
- J. A maintenance bond totaling 20% of all public improvements is required at time of final plat
- K. Sewer shall be provided by the City of Flowery Branch
- L. 5’ sidewalk shall be provided on both sides of the roads throughout the development
- M. Detailed entrance plans shall be submitted and approved by the City
- N. Streetlights must be dedicated to the homeowner’s association in perpetuity at the time of final plat.
- O. Buffer along southern boundary must be enhanced to limit disturbance to the existing business located at 6593 McEver Road and identified as tax parcel identification no. 08150 002024. Plan shall create an evergreen barrier coupled with an opaque fence to shield the development. Said plan must be submitted and approved by City staff prior to the issuance of an LDP.
- P. Sewer pump station location and design shall be reviewed and approved by City staff prior to installation. Applicant agrees to negotiate in good faith with the City to upsize the capacity of this station to serve the surrounding areas. Any such agreement will be memorialized in a development agreement in generally the same form as attached hereto to be approved by both parties prior to the issuance of a land disturbance permit. Additionally, the pump station must have a 6’ black-vinyl coated fence and landscape screening which must be approved by the Director of Planning and Community Development.
- Q. The location of the vehicular/pedestrian roadway connection to the adjoining commercial property located at 6495 McEver Road, tax parcel identification number 08150 002002A, shall be finalized prior to the issuance of an LDP. Additionally, plan showing the road width, size, landscaping, sidewalks, bike lanes, etc. must be approved by the City prior to the issuance of an LDP.
- R. 5’ sidewalk shall be installed on McEver Road and shall run the entire length of the development.

2. Home/Lot Design

- A. Driveways of non-alley fed homes shall be a minimum of 23' as measured from the back of sidewalk to the front façade of the garage
- B. Individual lots shall show landscaping at time of permit and shall have a mixture of shrubs and a minimum of two trees
- C. All lots must be sodded prior to issuance of certificate of occupancy
- D. A residential drainage plan (RDP) may be required for any lots that have potential drainage issues as determined by the City
- E. A house location plan (HLP) is required for each home at the time of permitting

3. Major and Minor PUD Changes

- A. Major changes shall be approved by City Council and shall include:
 - 1) Change in unit number of 4 or more
 - 2) Reduction in setback greater than 5 feet (homes must always be 10' apart from one another regardless of setback)
 - 3) Any change deemed major by staff
- B. Minor shall be approved by the Director of Planning and Community Development and shall include:
 - 1) Change in unit number of 3 or less
 - 2) Reduction in setback less than 5 feet
 - 3) Approval of lot width variations not to fall below the approved minimum
 - 4) All other changes deemed non-major by staff

Elevations

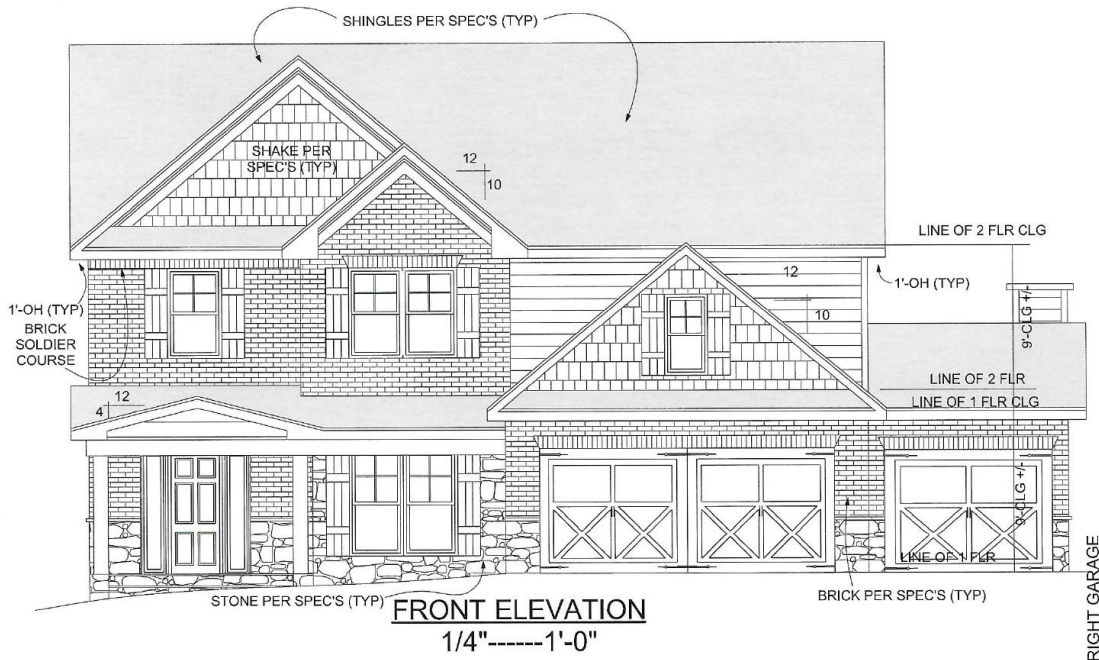


SMITHTOWN



ROCK SPRINGS

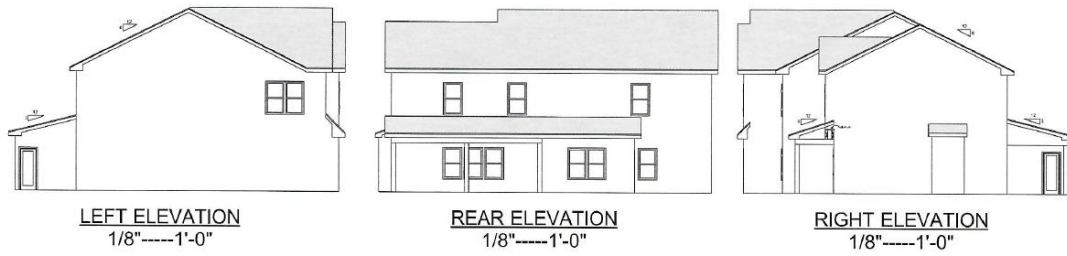




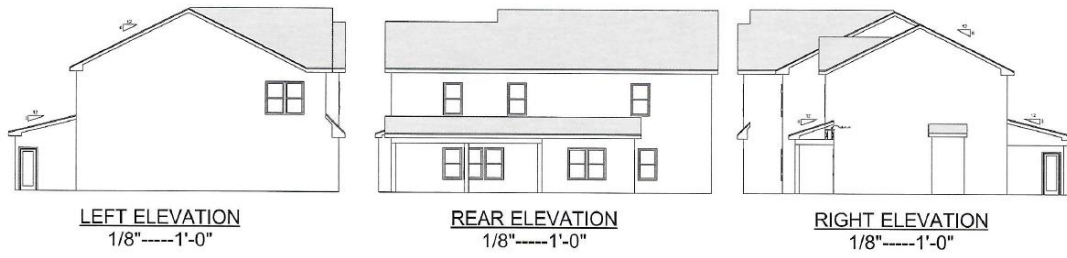
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SHEET:	1



REV.	
DATE	
ALL PLANS HAVE BEEN REVIEWED BY WE PLAN HOMES	
WE PLAN HOMES 11111 1st Ave. S.W. Burien, OR 97149	
THE LANIER ELEVATIONS	
DWG. BY: PWL/SAM	
DATE: 11-17-17	
SHEET:	



REV.	
DATE	
ALL PLANS HAVE BEEN REVIEWED FOR WE PLAN HOMES	
WE PLAN HOMES	
THE LANIER ELEVATIONS	
DWG. BY: PWL/SAM	
DATE: 11-17-17	
SHEET:	

Sample Development Agreement

AGREEMENT BY AND BETWEEN _____ AND THE CITY OF FLOWERY BRANCH, GEORGIA FOR IMPROVEMENT OF THE _____ LIFT STATION

This AGREEMENT is made and entered into this ____ day of _____, 2020, by
and between _____, located at
_____ (“DEVELOPER”) and the City of Flowery
Branch, Georgia, a Georgia municipal corporation, located at 5410 Pine Street, Flowery Branch,
Georgia (“CITY”) for the purpose of improving the CITY’s existing sanitary sewer system by
constructing a new _____ Lift Station with an expanded capacity (“PROJECT”).

WHEREAS, DEVELOPER is the developer of ____ acres of land commonly known as
the _____ Residential Subdivision located on McEver Road within the City
of Flowery Branch, Georgia, consisting of _____ residential units as shown on Exhibit A,
attached hereto and incorporated herein (“DEVELOPMENT”), desires certain commitments from
the CITY, in regard to the PROJECT; and,

WHEREAS, the CITY desires to partner with DEVELOPER in the PROJECT for
construction of the PROJECT to provide sanitary sewer service capacity beyond that required for
said DEVELOPMENT.

NOW THEREFORE, DEVELOPER and CITY agree to the following:

- I. DEVELOPER shall be responsible for the engineering design of the PROJECT
which has been, or will be, accomplished by professional engineers registered in
the State of Georgia and be in compliance with all relevant CITY specifications and
standards. Prior to the beginning of construction, the engineering design of the

PROJECT must be approved in writing by the CITY's engineer. DEVELOPER shall bear the cost of the engineering design of the PROJECT.

- II. DEVELOPER shall be responsible for and shall provide all labor and materials necessary for the construction of the PROJECT, the scope of which is described in Exhibit B attached hereto and incorporated herein.
- III. DEVELOPER shall be responsible to provide resident inspection during construction of the PROJECT and to ensure conformity to the engineering design, compliance with all relevant CITY specifications and standards, and quality of construction. DEVELOPER shall bear the cost of said resident inspection. CITY shall have the right to inspect the PROJECT during construction. DEVELOPER shall not bear the cost of said CITY inspection.
- IV. DEVELOPER shall provide CITY a statement from the PROJECT engineer certifying that the materials and workmanship meet the CITY's specifications and standards. Upon request of CITY, DEVELOPER shall substantiate by material affidavits from suppliers and by applicable test results. DEVELOPER shall provide two copies of "as-builts" drawings of the PROJECT.
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- VI. The PROJECT shall be complete upon certification in writing by the CITY's engineer and city manager.
- VII. DEVELOPER shall be responsible for maintaining the PROJECT for one year after the CITY certifies the PROJECT complete. DEVELOPER shall transfer all

equipment warranties to the CITY within fourteen (14) days before the expiration of the one-year maintenance period.

VIII. Upon completion of the PROJECT, CITY shall reimburse DEVELOPER no more than ____% of the actual construction cost of the PROJECT or \$_____, whichever is less, in accordance with the following process:

A. DEVELOPER shall make a written request to the CITY for reimbursement and provide all supporting invoices and cancelled checks or other proof of payment related to the actual construction cost of the PROJECT.

B. Within 30 days of receipt of DEVELOPER's written request for reimbursement, CITY shall reimburse DEVELOPER in accordance with this Paragraph VI.

IX. Upon reimbursement by CITY, DEVELOPER shall dedicate all rights, title and interest that DEVELOPER may have in the PROJECT and any real property, including but not limited to easements or rights-of-way, necessary for the purpose of owning, operating and/or maintaining the PROJECT by providing CITY a recordable plat(s) showing all utilities within public easements and/or rights of way to be owned and maintained by the CITY. Should DEVELOPER fail to provide such a plat(s), CITY shall not permit connection of the DEVELOPMENT to the CITY'S sewer system nor issue any certificate of occupancy. CITY shall not accept said dedication until such time that all property offered by DEVELOPER for acceptance by the CITY is free and clear of all encumbrances including but not limited to liens and security interests.

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For CITY: Bill Andrew
 City Manager
 City of Flowery Branch
 5410 Pine Street
 Flowery Branch, Georgia 30542

For DEVELOPER:

- XIII. DEVELOPER shall indemnify and hold harmless CITY for any and all claims arising out of any act or omission related to the design and construction of the PROJECT made by DEVELOPER, or any person for whom DEVELOPER could be liable, prior to CITY's acceptance of ownership of the PROJECT.
- XIV. The failure of any party to exercise any right given hereunder or to insist upon strict compliance with any term, condition or covenant specified herein shall not constitute a waiver of such party's right to exercise such right or to demand strict compliance with any such term, condition or covenant under this AGREEMENT.

- XV. This AGREEMENT contains the sole and entire agreement of the parties with respect to the PROJECT contemplated hereunder and no representation, inducement, promise or agreement, parole or written, between the parties and not incorporated herein shall be of any force of effect. Any amendment to this AGREEMENT shall be in writing and executed by the parties.
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- XVII. Time is of the essence with respect to this AGREEMENT.
- XVIII. This AGREEMENT and all amendments hereto shall be governed and construed under the laws of the State of Georgia.
- XIX. If any term, covenant or condition of this AGREEMENT or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, such provision, or the application of such term, covenant or condition to persons or circumstances other than those as to which it is held invalid or unenforceable, shall be deemed severable, and the remainder hereof shall not be affected thereby, and each term, covenant, or condition of this AGREEMENT shall be valid and be enforced to the fullest extent permitted by law.
- XX. This AGREEMENT may be executed in several counterparts, each of which shall constitute an original and all of which together shall constitute one and the same instrument.

IN WITNESS THEREOF, the parties have set their hand and seal.

CITY OF FLOWERY BRANCH, GEORGIA

By: _____

By: James M. Miller, Mayor

ATTEST: _____

ATTEST: _____

By: _____

By: Melissa McCain, City Clerk

EXHIBIT A

EXHIBIT B



FLOWERY BRANCH CITY COUNCIL



EXECUTIVE SUMMARY

SUBJECT: Consider 2nd Reading of Ordinance 585 - Rezone of 0 McEver Road from M1 (Light Industrial) to PUD (Planned Unit Development)

COUNCIL MEETING DATE: April 16, 2020

HISTORY:

This is part of the McEver Road Corridor (please see attached powerpoint). Staff feels the development of this corridor is imperative to the overall success of the City. As plans for the downtown progress, the City must ensure all annexation and rezoning decisions throughout the city are made with the utmost care and thoughtfulness. The McEver Road Corridor is an important part of the City as it is a well-traveled stretch with many undeveloped or underdeveloped parcels. The City has three approved subdivisions (199, 324 and 67 homes) currently under design or construction on McEver Road. Additionally, there is a 129-home subdivision on Jim Crow Road being built that feeds into McEver Road. The large influx of residential feeds the need for local services to be provided. The proposed site, if approved for residential use, would put the burden of services on other currently vacant parcels. In particular, the corner of McEver and Gainesville Street becomes almost definitively a mixed-use parcel or an N-S (Neighborhood Shopping) driven development. Staff is not opposed to the proposed project but encourages Council to look at the area as a whole and understand the need for services in this area.

FACTS AND ISSUES:

This site as zoned (M-1) could add much needed commercial uses on the McEver Road Corridor. Additionally, there are M-1 uses next door (McEver Road Self-Storage) and across the street (SKF). However, the applicant has stated the land lends itself more to a small residential development. There is support for this argument as it will add more residents to the area and would be served by the outparcels on the McEver Self-Storage development and the commercial component that is part of the Park Haven subdivision on Gainesville Street/McEver Road. Staff recommends approval.

OPTIONS:

IF FUNDING IS INVOLVED, ARE FUNDS APPROVED IN THE CURRENT BUDGET:

No

AMOUNT AND SOURCE OF FUNDS:

0

RECOMMENDATION:

Approve as submitted

SAMPLE MOTION:

I make a motion to approve Ordinance #585.

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Melissa McCain

ATTACHMENTS

- [Staff Report for Bowen Stark.pdf](#)
- [Application as submitted.pdf](#)
- [McEver Road Corridor.pptx](#)
- [585 ORDINANCE.pdf](#)



Applicant: MB Regional Enterprises, LLC.

Property Owner: Jim Crow Road Partners, LLC.

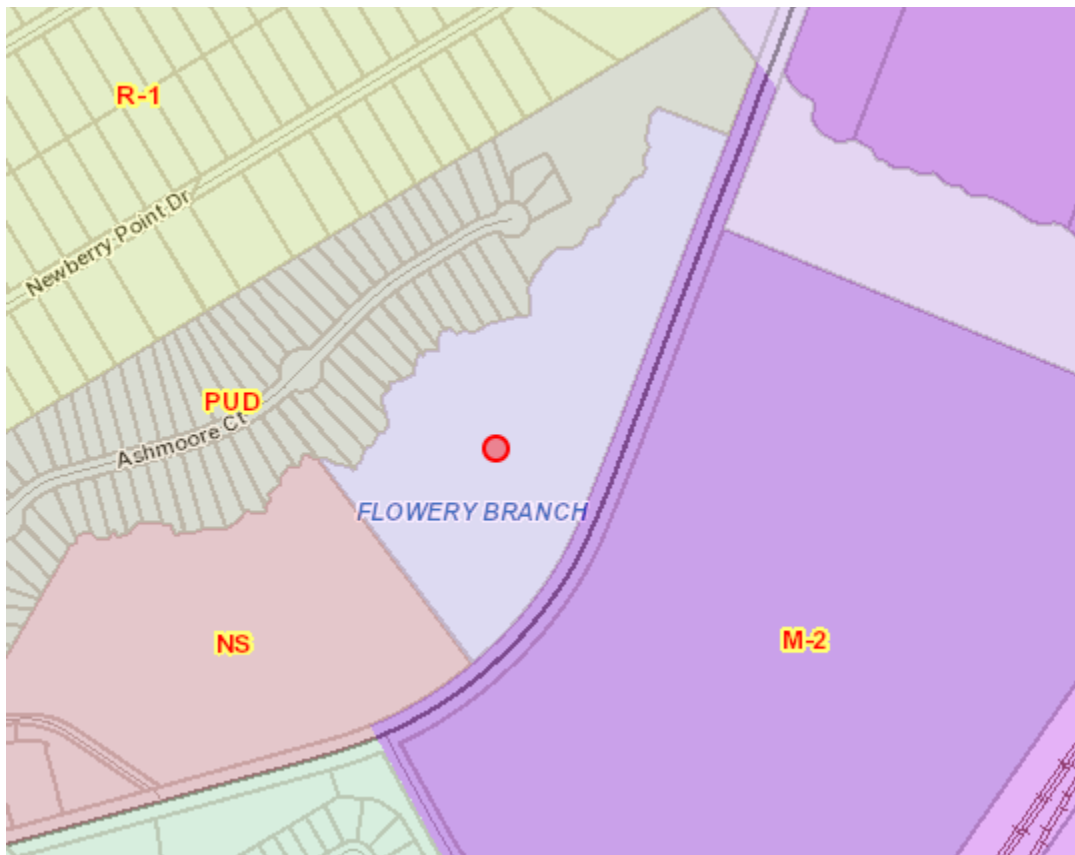
Subject Property: 0 McEver Road; 08099 000011; 17.43+/- acres

Request: Rezone from M1 (Light Industrial) to PUD (Planned Unit Development) proposal is to construct 93 single family townhomes

Current Use: Vacant

Character Area: Mixed Use

A proposed rezoning from M-1 to PUD to develop a 93 single family townhome subdivision on McEver Road next to the recently approved McEver Road self-storage.





Mixed Use



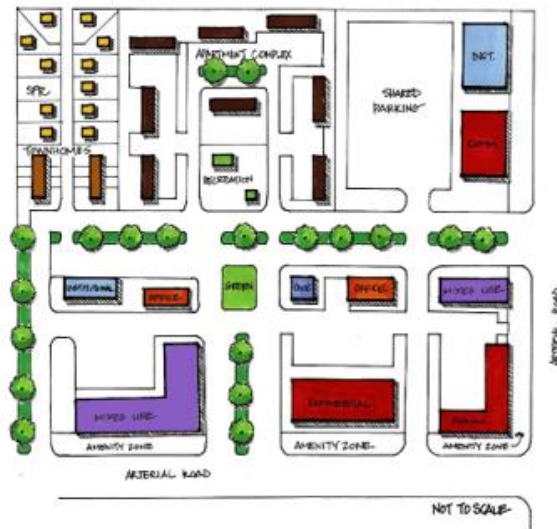
VISION: Areas that will be developed with a combination of different land uses intended to create an environment where compatible land uses can be located in close proximity to each other. Diverse places with unique architecture contributing to the economic base of the city.

USES AND INTENSITIES: Acceptable uses include business/office parks, light industrial, smaller scale retail, neighborhood commercial and residential uses.

MAJOR FEATURES: Connectivity is important between uses and developments. Automobile traffic is frequent but pedestrian accessibility is still a necessity.

REGULATIONS: This character area will be primarily implemented with the planned unit development or commercial zoning districts. Developments will be required to complete design review and comply with all aesthetic requirements.

QUALITY COMMUNITY OBJECTIVES IMPLEMENTED: Appropriate business, residential, and employment options, transition between more intense uses and compatibility between uses.



ILLUSTRATIVE MIXED-USE ACTIVITY CENTER

Jerry Weitz & Associates, Inc.
Planning & Development Consultants



Illustrative Example of Mixed Use with Focus on Commercial/Residential Design



Proposed site plan:



The proposed site design has some alley accessed lots and limits itself to one cul-de-sac allowing for an easy flow through the entire project. Sidewalks are provided throughout the development.

PUD Description and Intent

This zoning district is intended primarily to implement the “Single-family residential” designation of the future land use plan contained within the comprehensive plan of the City of Flowery Branch, in a way that meets objectives that cannot necessarily be accomplished by conventional residential zoning districts. It is also intended to implement the “suburban residential” character area established in the comprehensive plan but may also be used to implement the “traditional neighborhood development” character area.



PUD Zoning Requirements

The character, location, and appropriateness of the proposed mix of land uses and residential dwelling types; Not a mixed-use development as presented. However, with the self-storage and two commercial outparcels that were approved directly next door it could be considered a mixed-use development. The outparcel uses are unknown at this time but the applicant for McEver Self-Storage indicated a desire for office and/or restaurant.

The extent to which the proposed architectural features of buildings within the planned unit development are harmonious; N/A. As currently proposed, it is a single use (townhome) development.

Consistency with the objectives of this Article; Not consistent as submitted unless it is viewed holistically with the surrounding area.

Consistency with the comprehensive plan of the city; Again, an argument can be made that if viewed as part of the larger area it could be considered consistent with the adopted comprehensive plan.

The adequacy of open spaces and play areas and recreation facilities that are provided for the needs of the development occupants; Open space appears adequate but no amenities (playground, pool, etc.) are shown

Consistency with any design guidelines of this Article or otherwise determined to be applicable via character area designation. Consistent with the guidelines of the designated character area.

Proposed Elevations



As proposed the elevations show two car garages with windows and decorative doors. The building materials are varied and have accent materials on each townhome.



Sewer Capacity

The sewer plant expansion is on schedule but there is no guarantee that capacity will be available for this subdivision prior to its completion.

McEver Road Corridor (see corresponding powerpoint)

Staff feels the development of this corridor is imperative to the overall success of the City. As plans for the downtown progress, the City must ensure all annexation and rezoning decisions throughout the city are made with the utmost care and thoughtfulness. The McEver Road Corridor is an important part of the City as it is a well-traveled stretch with many undeveloped or underdeveloped parcels. The City has three approved subdivisions (199, 324 and 67 homes) currently under design or construction on McEver Road. Additionally, there is a 129-home subdivision on Jim Crow Road being built that feeds into McEver Road. The large influx of residential feeds the need for local services to be provided. The proposed site, if approved for residential use, would put the burden of services on other currently vacant parcels. In particular, the corner of McEver and Gainesville Street becomes almost definitively a mixed-use parcel or an N-S (Neighborhood Shopping) driven development. Staff is not opposed to the proposed project but encourages Council to look at the area as a whole and understand the need for services in this area.

Staff recommendation

This site as zoned (M-1) could add much needed commercial uses on the McEver Road Corridor. Additionally, there are M-1 uses next door (McEver Road Self-Storage) and across the street (SKF). However, the applicant has stated the land lends itself more to a small residential development. There is support for this argument as it will add more residents to the area and would be served by the outparcels on the McEver Self-Storage development and the commercial component that is part of the Park Haven subdivision on Gainesville Street/McEver Road.

Staff recommends approval of the request with the following conditions:

1. Applicant shall work with the owner of McEver Self-Storage in a good faith effort to provide access to the two proposed commercial outparcels. Plan shall be submitted and approved by the Director of Planning and Community Development.
2. Applicant shall work with the owner of McEver Self-Storage in a good faith effort to provide a similar landscape plan along McEver Road as approved as part of McEver Self-Storage rezoning case dated August 15, 2019 and modified on February 6, 2020. Plan shall be submitted and approved by the Director of Planning and Community Development.
3. Driveway lengths on non-alley fed lots must be 23' from back of sidewalk.
4. Two car garages are required for each unit.
5. Detailed landscape plan required at time of LDP. Street landscaping and street trees must be shown and approved by City Staff.



6. Homeowners Association is required. Please submit a copy of the covenants for City Staff review and approval.
7. Elevations must be consistent with those submitted as part of this application dated 12/12/2019 and as shown below:



8. Site shall generally adhere to the site plan submitted on 12/12/2019 (or as submitted and approved as part of the adopting ordinance).
9. Major changes as determined by staff shall require review by City Council.
10. Sewer shall be provided by Flowery Branch.
11. Roads and alleyways shall be public and shall be accepted by Flowery Branch City Council through a formal resolution- not at the time of final plat approval.
12. Residential Drainage Plans (RDP's) may be required on some lots as deemed appropriate by City Staff.
13. Street lights shall be dedicated to the HOA in perpetuity at the time of final plat.





Development Planning & Engineering, Inc.

Rezoning Application Jim Crow Road Partners Tract



REZONING APPLICATION

Date: 12/12/19

Address of Request: M³ Ever Road

Tax Map # 08099 000011 Current Zoning: M-1

Is this site located within the boundaries of the historic district? no

Currently a conforming use? M-1-Vacant

Any conditions of zoning, CUP's, etc.? N/A

Applicant Information

Name: MB Regional Enterprises LLC

Address: 3719 Winder Hwy S-100
Flower Branch, GA 30542

E-mail address: billstarkproperties@gmail.com

Phone number: 470-252-5265

Signature: William Barker

Notary: Meredith Pierce





Property owner information (if different than the applicant)

Property owner (please print): Jim Crop Road Partners LLC

Signature of property owner: [Signature]

Notary: Meredith Pierce



Property Information

Tax Map Number: 08099 000011

Current Zoning: M-2 Total Acres: 17.70 17.423

Is this property located within the city-limits of Flowery Branch? Yes

Proposed City of Flowery Branch Zoning: PUD

Current Use: Vacant Land

Please review the Flowery Branch Code of Ordinances, Appendix C, "Zoning Ordinance", Article 34, for complete requirements.

Please provide the following at time of submittal in (one hard copy and digitally):

- Legal description
- Current survey of property



- Site plan shall meet the requirements of the Flowery Branch Code of Ordinances; Appendix C, "Zoning Ordinance", Article 34 sections 34.5
- Development statistics per the Flowery Branch Code of Ordinances; Appendix C, "Zoning Ordinance", Article 34 sections 34.6
- Analysis requirements per the Flowery Branch Code of Ordinances; Appendix C, "Zoning Ordinance", Article 34 sections 34.7
- Detailed description of request
- Conflict of interest disclosure (attached)
- Disclosure of campaign contributions (attached)
- Names and addresses of adjoining property owners
- Reasons for requesting rezoning
- Signed statement authorizing City of Flowery Branch staff and/or City Council to inspect the subject property

Conflict of Interest Disclosure

Identify all members of the City Council of the City of Flowery Branch and Employees of the City of Flowery Branch Community Development Department who

Have a property interest in the real property affected by this request

N/A

Have a financial interest (direct ownership interest) of the total assets or capital stock of a business entity where such ownership interest is more than 10% in any business entity which has a property interest in the real property affected by this request

N/A

Have a member of the family (spouse, mother, father, brother, sister, son or daughter) having a property financial interest as herein defined, in the real property affected by this request

N/A



Disclosure of Campaign Contributions

List below the names of local government officials of the City of Flowery Branch to whom campaign contributions were made, within two (2) years immediately preceding the filing of this application, which campaign contributions total \$250.00 or more or to whom gifts were made having a total value of \$250.00 or more.

Elected Officials Name	Amount of Description of Gift
<u>none</u>	<u>none</u>
<u></u>	<u></u>

CITY STAFF ONLY

Application Received By: _____

Date: _____ Total Fee: _____



REZONING ADDITIONAL INFORMATION REQUIREMENT

Date: 12/13/2019

Address of Request:

McEver Road Parcel number (Parcel number 08099 000011)

Tax Map # (Parcel number 08099 000011) Current Zoning: M1

Please submit an analysis of the proposed project including:

1. Value of improvements upon complete build out. \$24,000,000
2. Property tax valuation based upon existing millage rate (indicate total tax expectation if project is phased). \$230,000
3. Schedule of the total build out (showing a timeline of construction in months/years if project is phased). All one phase/ approximately 2.5 years
4. Anticipated total square footage (heated) to be built in the requested number of units. 148,000
5. Total acreage developed with units. 17.423
6. Total acreage for right of way and roads. +/- 3.44 acres
7. Total acreage of open space/common area (include plan for maintenance of open space/common area). +/- 8.8 acres
8. Acreage required for buffer and watershed protection.
 - Does the buffer comply with the current City ordinance? Yes
 - Do individual property lines for lots extend into the buffer? Yes
 - Does the Developer intend to dedicate any of the site area to the City? If so, for what purpose? Not at this time



9. Does your proposal consider Multi Transportation alternatives? (Please describe in detail) Not at this time
10. Please identify all amenities and total number of acres they incorporate by complete description. Pocket Parks, Benches, Gazebo
11. Number of street lights and separation table as proposed on your site plan. approx 25
12. Will Technology Development be included in this development? Yes, if available
13. List the total linear feet and cubic yards for sidewalks. +/- 5,940 + trail
14. Are appropriate storm water controls provided in your proposal? Are these controls completely and accurately reflected on all drawings and plans?
15. Has a transportation/traffic study been done to predict the impact of anticipated traffic? Has the project been reviewed by all appropriate County and State agencies relating to transportation issues? Not at this time
16. Does the proposal provide for utilization of "reuse" water? Is this depicted on the plans? Do the plans provide for storage of "reuse" water? No
17. What is the total capacity for daily Wastewater Management? 270 GPD/unit, 25,110
18. What is the anticipated maximum daily water consumption? Are low flow fixtures required by the development? approximately 270 GPD
19. Has a slope and grade study been done on this development? Does the study reflect density placement? Preliminary evaluation
20. Please identify what public safety needs are being considered for the project? None at this time
21. Has the Hall County School System been notified of the proposed density for this project? Not at this time
22. Please provide a copy of all private covenants and/or architectural guidelines to be filed regarding this development. Will provide sample covenants



23. Information as required under Ordinance No. 349 for preliminary plat approval if rezoning involves subdivision. Ordinance No. 349 can be found at www.flowerybranchga.org

14. Stormwater management shown conceptually at this time

CITY STAFF ONLY

Received By: _____

Date: _____ Total Fee: _____



Development Planning & Engineering, Inc.

Property Inspection Authorization

I, Bill Stark
owner of parcel 08099 000011, hereby grant the City of Flowery Branch Staff and/or City Council to inspect the above subject property as necessary for the rezoning application process.

Tonya Woods (Development Planning and Engineering, Agent for Bill Stark MB Regional Enterprises, Inc)

Printed name:

A handwritten signature in blue ink, appearing to read "Tonya Woods", is written over a horizontal line.

Signature, date



Development Planning & Engineering, Inc.

Letter of Intent Jim Crow Road Partners Tract



Development Planning & Engineering, Inc.

Letter of Intent

City of Flowery Branch
Community Development
PO Box 757
Flowery Branch, Georgia 30542

Rich Atkinson
Director of Planning and Community Development

RE: McEver Road Tract (Parcel number 08099 000011)

Dear Mr. Atkinson:

Please let this letter serve as our letter of intent to accompany our Rezoning Application for the project located in the 5600 block of McEver Road in the City of Flowery Branch, Hall County, Georgia. The proposed use for the property is a 93-lot single family attached townhome community. We are requesting the subject property be rezoned from the existing M-1 zoning to PUD (Planned Unit Development).

We request to have the following Development Standards for the proposed project. This illustrates Jim Crow Road Partners commitment to building a quality development for the City of Flowery Branch and surrounding neighbors.

Proposed Development Standards

Sidewalks	• Proposed 5-foot sidewalk along McEver to the western property line as shown on submitted site plan • Five feet in Width Internal Streets
Proposed Buffer	• 25 Foot Graded and Landscaped Buffer along western property line with double row of evergreen trees and/or shrubs
Setbacks	• Front: 25-foot landscape setback adjacent to McEver Road along with five-foot high decorative fence

Driveways	• Driveway width minimum 16 feet
House Square Footage	• 1,600 Square Feet Minimum
Architectural Treatments	• Front Facades minimum of 50% brick and/or stone • Remaining balance of facades to be Concrete Siding • Minimum 2-foot brick water table • Architectural Shingles
Garages	• Minimum of a Two Car Garage
Landscaping	• Landscaped Entrance • Front, Side and Rear Yards shall be sodded • All lawn maintenance provided by a Mandatory HOA

We appreciate your consideration of this rezoning request and please do not hesitate to give us a call if you have any questions.

Sincerely,

Tonya Woods
Development Planning and Engineering



Development Planning & Engineering, Inc.

Legal Description Jim Crow Road Partners Tract

LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Land Lots 91 and 99 of the 8th District of Hall County, City of Flowery Branch, Georgia and being more particularly described as follows:

To find THE TRUE POINT OF BEGINNING, begin at a point on the northwesterly right-of-way of McEver Road having a 80' right-of-way, said point being 947.54 feet westerly as measured along said northwesterly right-of-way of McEver Road from the intersection of the Northeasterly right-of-way of Radford Road having a 30' right-of-way, said point being the TRUE POINT OF BEGINNING;

THENCE North 52 degrees 10 minutes 35 seconds West a distance of 731.17 feet leaving said right-of-way of McEver Road to a point located in the centerline of a creek;

THENCE along said creek following the meanderings thereof for the following 69 courses and distances:

THENCE North 42 degrees 01 minutes 09 seconds East a distance of 20.75 feet to a point;

THENCE North 23 degrees 13 minutes 42 seconds West a distance of 16.85 feet to a point;

THENCE North 49 degrees 40 minutes 26 seconds East a distance of 44.23 feet to a point;

THENCE North 07 degrees 37 minutes 24 seconds East a distance of 21.48 feet to a point;

THENCE North 37 degrees 15 minutes 33 seconds East a distance of 40.03 feet to a point;

THENCE South 70 degrees 29 minutes 35 seconds East a distance of 16.51 feet to a point;

THENCE North 68 degrees 34 minutes 33 seconds East a distance of 14.01 feet to a point;

THENCE North 15 degrees 24 minutes 28 seconds East a distance of 28.00 feet to a point;

THENCE North 72 degrees 58 minutes 51 seconds East a distance of 17.48 feet to a point;

THENCE South 43 degrees 05 minutes 01 seconds East a distance of 15.05 feet to a point;

THENCE South 89 degrees 05 minutes 06 seconds East a distance of 34.77 feet to a point;

THENCE South 63 degrees 08 minutes 17 seconds East a distance of 37.64 feet to a point;

THENCE South 72 degrees 22 minutes 40 seconds East a distance of 13.30 feet to a point;

THENCE South 86 degrees 16 minutes 27 seconds East a distance of 22.16 feet to a point;

THENCE South 57 degrees 38 minutes 31 seconds East a distance of 20.93 feet to a point;

THENCE North 23 degrees 19 minutes 46 seconds East a distance of 19.72 feet to a point;

THENCE North 53 degrees 11 minutes 45 seconds East a distance of 10.82 feet to a point;

THENCE North 20 degrees 29 minutes 10 seconds East a distance of 42.56 feet to a point;

THENCE North 74 degrees 40 minutes 04 seconds East a distance of 18.93 feet to a point;

THENCE North 27 degrees 51 minutes 17 seconds East a distance of 39.43 feet to a point;

northwester

THENCE North 17 degrees 48 minutes 02 seconds West a distance of 57.59 feet to a point;

THENCE North 04 degrees 10 minutes 30 seconds West a distance of 24.84 feet to a point;

THENCE North 52 degrees 07 minutes 12 seconds East a distance of 26.58 feet to a

point;
THENCE North 00 degrees 30 minutes 56 seconds West a distance of 20.18 feet to a
point;
THENCE North 77 degrees 44 minutes 50 seconds East a distance of 32.07 feet to a
point;
THENCE North 64 degrees 01 minutes 26 seconds East a distance of 42.83 feet to a
point;
THENCE North 00 degrees 38 minutes 25 seconds West a distance of 13.08 feet to a
point;
THENCE North 15 degrees 18 minutes 42 seconds East a distance of 45.27 feet to a
point;
THENCE South 69 degrees 37 minutes 49 seconds East a distance of 16.08 feet to a
point;
THENCE North 23 degrees 09 minutes 03 seconds East a distance of 18.81 feet to a
point;
THENCE South 75 degrees 45 minutes 10 seconds East a distance of 33.98 feet to a
point;
THENCE North 19 degrees 26 minutes 43 seconds East a distance of 5.04 feet to a point;
THENCE North 02 degrees 14 minutes 41 seconds West a distance of 21.21 feet to a
point;
THENCE North 05 degrees 42 minutes 03 seconds East a distance of 30.80 feet to a
point;
THENCE North 67 degrees 49 minutes 54 seconds East a distance of 32.61 feet to a
point;
THENCE South 49 degrees 55 minutes 16 seconds East a distance of 24.81 feet to a
point;
THENCE North 65 degrees 29 minutes 50 seconds East a distance of 24.96 feet to a
point;
THENCE South 71 degrees 45 minutes 43 seconds East a distance of 24.78 feet to a
point;
THENCE North 58 degrees 07 minutes 04 seconds East a distance of 48.13 feet to a
point;
THENCE North 74 degrees 18 minutes 43 seconds East a distance of 42.41 feet to a
point;
THENCE North 75 degrees 54 minutes 20 seconds East a distance of 29.66 feet to a
point;
THENCE North 81 degrees 55 minutes 28 seconds East a distance of 51.10 feet to a
point;
THENCE North 03 degrees 17 minutes 38 seconds West a distance of 80.16 feet to a
point;
THENCE North 25 degrees 04 minutes 11 seconds East a distance of 41.91 feet to a
point;
THENCE North 49 degrees 53 minutes 56 seconds East a distance of 17.52 feet to a
point;
THENCE North 18 degrees 43 minutes 22 seconds East a distance of 23.18 feet to a
point;
THENCE North 47 degrees 45 minutes 41 seconds East a distance of 60.71 feet to a
point;
THENCE South 82 degrees 28 minutes 05 seconds East a distance of 34.27 feet to a
point;
THENCE North 64 degrees 15 minutes 53 seconds East a distance of 35.15 feet to a
point;
THENCE North 25 degrees 16 minutes 55 seconds East a distance of 45.95 feet to a
point;
THENCE North 74 degrees 52 minutes 54 seconds East a distance of 33.64 feet to a
point;
THENCE North 05 degrees 46 minutes 15 seconds East a distance of 19.12 feet to a
point;
THENCE North 49 degrees 31 minutes 16 seconds East a distance of 20.16 feet to a
point;
THENCE North 17 degrees 25 minutes 30 seconds East a distance of 15.28 feet to a

point;
 THENCE North 44 degrees 09 minutes 12 seconds East a distance of 23.55 feet to a
 point;
 THENCE North 07 degrees 19 minutes 07 seconds East a distance of 16.16 feet to a
 point;
 THENCE North 67 degrees 03 minutes 23 seconds East a distance of 22.02 feet to a
 point;
 THENCE North 37 degrees 47 minutes 19 seconds East a distance of 59.79 feet to a
 point;
 THENCE North 80 degrees 42 minutes 12 seconds East a distance of 20.38 feet to a
 point;
 THENCE North 26 degrees 33 minutes 35 seconds East a distance of 22.17 feet to a
 point;
 THENCE North 05 degrees 18 minutes 43 seconds West a distance of 36.01 feet to a
 point;
 THENCE North 30 degrees 08 minutes 56 seconds East a distance of 27.92 feet to a
 point;
 THENCE North 05 degrees 56 minutes 37 seconds West a distance of 9.79 feet to a point;
 THENCE North 33 degrees 29 minutes 15 seconds West a distance of 16.00 feet to a
 point;
 THENCE North 10 degrees 52 minutes 53 seconds East a distance of 48.85 feet to a
 point;
 THENCE North 13 degrees 16 minutes 07 seconds East a distance of 26.03 feet to a
 point;
 THENCE North 45 degrees 42 minutes 26 seconds East a distance of 25.42 feet to a
 point;
 THENCE South 69 degrees 13 minutes 03 seconds East a distance of 216.44 feet leaving
 said creek to a point on the to a point on the northwesterly right-of-way of McEver Road having a
 80' right-of-way;
 THENCE along said right-of-way of McEver road for the following 4 courses and distances:
 THENCE South 17 degrees 35 minutes 05 seconds West a distance of 217.18 feet to a
 point;
 THENCE South 21 degrees 29 minutes 50 seconds West a distance of 587.64 feet to a
 point;
 THENCE South 21 degrees 29 minutes 50 seconds West a distance of 296.36 feet to a
 point;
 THENCE along a curve to the right for an arc length of 583.47 feet, having a radius of
 1143.74 feet, being subtended by a chord bearing South 36 degrees 06 minutes 42 seconds West,
 for a distance of 577.16 feet to a point;

The above described property contains an area of 17.423 acres more or less.



Summary

Parcel Number08099A000115

Location Address5662 ASHMOORE CT

Legal DescriptionMADISON CREEK S/D
(Note: Not to be used on legal documents)

ClassR3-Residential
(Note: This is for tax purposes only. Not to be used for zoning.)

ZoningNote: Refer to map zoning layer for official zoning.

Tax DistrictFLOWERY BRANCH (District 03)

Millage Rate31.952

Acres4.97

Neighborhood08022 Madison Creek (08022)

Homestead ExemptionNo (50)

Landlot/DistrictN/A

[View Map](#)



Owner

MADISON CREEK HOMEOWNERS ASSOCIATION, IN
PO BOX 908
FLOWERY BRANCH, GA 30542

Land

Type	Description	Calculation Method	Square Footage	Frontage	Depth	Acres	Lots
Residential	08022 Madison Creek	Lot	77,101	0	0	1.77	1
Residential	Acerage Power/Flood	Acres	139,392	0	0	3.2	1

Accessory Information

Description	Year Built	Dimensions/Units	Identical Units	Value
Pavilion	2015	14x14 / 0	1	\$1

Permits

Permit Date	Permit Number	Type	Description
05/13/2015	00059	MISC	PAVILION

Sales

Sale Date	Deed Book / Page	Plat Book / Page	Sale Price	Reason	Grantor	Grantee
5/18/2006	5768 62	835 147A	\$59,501	PURCHASER BLDG, CONTR. OR DEVLPR	JIM CROW ROAD PATRNS, LLC	MADISON CREEK HOMEOWNERS ASSOCIATION, IN

Valuation

	2019	2018	2017
Previous Value	\$2	\$2	\$2
Land Value	\$1	\$1	\$1
+ Improvement Value	\$0	\$0	\$0
+ Accessory Value	\$1	\$1	\$1
= Current Value	\$2	\$2	\$2

Photos



No data available for the following modules: Rural Land, Conservation Use Rural Land, Residential Improvement Information, Commercial Improvement Information, Mobile Homes, Prebill Mobile Homes, Sketches.

Summary

Parcel Number	08099A000170
Location Address	5658 ASHMOORE CT
Legal Description	MADISON CREEK S/D LOT 55 (Note: Not to be used on legal documents)
Class	R3-Residential (Note: This is for tax purposes only. Not to be used for zoning.)
Zoning	Note: Refer to map zoning layer for official zoning.
Tax District	FLOWERY BRANCH (District 03)
Millage Rate	31.952
Acres	0.13
Neighborhood	08022 Madison Creek (08022)
Homestead Exemption	No (50)
Landlot/District	N/A
View Map	



Owner

DENNIS RECH
5658 ASHMOORE CT
FLOWERY BRANCH, GA 30542

Land

Type	Description	Calculation Method	Square Footage	Frontage	Depth	Acres	Lots
Residential	08022 Madison Creek	Lot	5,818	0	0	0.13	1

Residential Improvement Information

Style	1 Family (Single Family)
Heated Square Feet	2172
Interior Walls	Sheetrock
Exterior Walls	Masonry/Siding
Foundation	Slab
Attic Square Feet	0
Basement Square Feet	0
Year Built	2005
Roof Type	Asphalt Shingle
Flooring Type	Carpet/Hardwood
Heating Type	Central Heat/AC
Number Of Rooms	6
Number Of Bedrooms	3
Number Of Full Bathrooms	3
Number Of Half Bathrooms	0
Number Of Plumbing Extras	6
Value	\$201,700
Condition	Average
Fireplaces\Appliances	METAL FP 1

Accessory Information

Description	Year Built	Dimensions/Units	Identical Units	Value
Homesite - Average	2015	0x0 / 1	1	\$5,000

Sales

Sale Date	Deed Book / Page	Plat Book / Page	Sale Price	Reason	Grantor	Grantee
9/20/2018	8153 774	835 147A	\$242,000	VALID IMPROVED PROPERTY	CAFFEY, JOHN M & BONNIE D	RECH DENNIS
3/30/2006	5654 114	835 147A	\$191,900	VALID IMPROVED PROPERTY	MADISON CREEK BUILDERS, INC.	CAFFEY, JOHN M & BONNIE D
11/3/2005	5513 373	835 147A	\$178,000	INVOLVES ADDTL. PARCELS	JIM CROW ROAD PARTNERS LLC	MADISON CREEK BUILDERS, INC.

Valuation

	2019	2018	2017
Previous Value	\$205,600	\$185,100	\$192,500
Land Value	\$25,000	\$25,000	\$25,000
+ Improvement Value	\$201,700	\$175,600	\$155,100
+ Accessory Value	\$5,000	\$5,000	\$5,000
= Current Value	\$231,700	\$205,600	\$185,100

Photos

Summary

Parcel Number	08099A000171
Location Address	5654 ASHMOORE CT
Legal Description	MADISON CREEK S/D LOT 56 (Note: Not to be used on legal documents)
Class	R3-Residential (Note: This is for tax purposes only. Not to be used for zoning.)
Zoning	Note: Refer to map zoning layer for official zoning.
Tax District	FLOWERY BRANCH (District 03)
Millage Rate	31.952
Acres	0.25
Neighborhood	08022 Madison Creek (08022)
Homestead Exemption	Yes (51)
Landlot/District	N/A

[View Map](#)



Owner

MARIA E JARAMILLO
5654 ASHMOORE COURT
FLOWERY BRANCH, GA 30542

Land

Type	Description	Calculation Method	Square Footage	Frontage	Depth	Acres	Lots
Residential	08022 Madison Creek	Lot	11,074	0	0	0.25	1

Residential Improvement Information

Style	1 Family (Single Family)
Heated Square Feet	2172
Interior Walls	Sheetrock
Exterior Walls	Masonry/Siding
Foundation	Slab
Attic Square Feet	0
Basement Square Feet	0
Year Built	2006
Roof Type	Asphalt Shingle
Flooring Type	Carpet/Hardwood
Heating Type	Central Heat/AC
Number Of Rooms	6
Number Of Bedrooms	3
Number Of Full Bathrooms	3
Number Of Half Bathrooms	0
Number Of Plumbing Extras	6
Value	\$203,600
Condition	Average
Fireplaces\Appliances	METAL FP 1

Accessory Information

Description	Year Built	Dimensions/Units	Identical Units	Value
Homesite - Average	2006	1x1 / 1	1	\$5,000

Sales

Sale Date	Deed Book / Page	Plat Book / Page	Sale Price	Reason	Grantor	Grantee
2/15/2006	5612 108	835 147A	\$189,400	VALID IMPROVED PROPERTY	MADISON CREEK BUILDERS, INC.	JARAMILLO, MARIA E
11/3/2005	5513 373	835 147A	\$178,000	INVOLVES ADDTL. PARCELS	JIM CROW ROAD PARTNERS LLC	MADISON CREEK BUILDERS, INC.

Valuation

	2019	2018	2017
Previous Value	\$207,200	\$186,400	\$193,900
Land Value	\$25,000	\$25,000	\$25,000
+ Improvement Value	\$203,600	\$177,200	\$156,400
+ Accessory Value	\$5,000	\$5,000	\$5,000
= Current Value	\$233,600	\$207,200	\$186,400

Photos

Summary

Parcel Number	08099A000172
Location Address	5650 ASHMOORE CT
Legal Description	MADISON CREEK S/D LOT 57 (Note: Not to be used on legal documents)
Class	R3-Residential (Note: This is for tax purposes only. Not to be used for zoning.)
Zoning	Note: Refer to map zoning layer for official zoning.
Tax District	FLOWERY BRANCH (District 03)
Millage Rate	31.952
Acres	0.28
Neighborhood	08022 Madison Creek (08022)
Homestead Exemption	No (S0)
Landlot/District	N/A

[View Map](#)



Owner

DENIS C CLAVETTE
CLAVETTE KAREN L
5650 ASHMOORE CT
FLOWERY BRANCH, GA 30542

Land

Type	Description	Calculation Method	Square Footage	Frontage	Depth	Acres	Lots
Residential	08022 Madison Creek	Lot	12,274	0	0	0.28	1

Residential Improvement Information

Style	1 Family (Single Family)
Heated Square Feet	2087
Interior Walls	Sheetrock
Exterior Walls	Masonry/Siding
Foundation	Slab
Attic Square Feet	0
Basement Square Feet	0
Year Built	2006
Roof Type	Asphalt Shingle
Flooring Type	Carpet/Hardwood
Heating Type	Central Heat/AC
Number Of Rooms	5
Number Of Bedrooms	3
Number Of Full Bathrooms	2
Number Of Half Bathrooms	0
Number Of Plumbing Extras	3
Value	\$201,100
Condition	Average
Fireplaces/Appliances	METAL FP 1

Accessory Information

Description	Year Built	Dimensions/Units	Identical Units	Value
Homesite - Average	2006	1x1 / 1	1	\$5,000

Sales

Sale Date	Deed Book / Page	Plat Book / Page	Sale Price	Reason	Grantor	Grantee
11/10/2014	7445 543	836 151	\$174,000	VALID IMPROVED PROPERTY	DWS VENTURES, LLC	CLAVETTE, DENIS C & KAREN L
1/31/2013	7146 580	844 186	\$0	Sale to be Reviewed	DILL, RANDALL B	DWS VENTURES, LLC
3/18/2011	6819 105	836 147A	\$117,000	REO IMP	GEORGIA HOUSING AUTHORITY	DILL RANDY B
11/2/2010	6780 74		\$135,000	DEED UNDER POWER/FORCLOSURE	SHORT NICHOLAS R	GEORGIA HOUSING AUTHORITY
4/28/2006	5689 96	835 147A	\$192,201	VALID IMPROVED PROPERTY	MADISON CREEK BUILDERS, INC.	SHORT NICHOLAS R
11/3/2005	5513 373	835 147A	\$178,000	INVOLVES ADDTL PARCELS	JIM CROW ROAD PARTNERS LLC	MADISON CREEK BUILDERS, INC.

Valuation

	2019	2018	2017
Previous Value	\$204,500	\$182,400	\$189,700
Land Value	\$25,000	\$25,000	\$25,000
+ Improvement Value	\$201,100	\$174,500	\$152,400
+ Accessory Value	\$5,000	\$5,000	\$5,000
= Current Value	\$231,100	\$204,500	\$182,400

Photos

Summary

Parcel Number	08099A000173
Location Address	5646 ASHMOORE CT
Legal Description	MADISON CREEK S/D LOT 58 (Note: Not to be used on legal documents)
Class	R3-Residential (Note: This is for tax purposes only. Not to be used for zoning.)
Zoning	Note: Refer to map zoning layer for official zoning.
Tax District	FLOWERY BRANCH (District 03)
Millage Rate	31.952
Acres	0.26
Neighborhood	08022 Madison Creek (08022)
Homestead Exemption	No (S0)
Landlot/District	N/A

[View Map](#)



Owner

VERONICA CHAVERS
5646 ASHMOORE COURT
FLOWERY BRANCH, GA 30542

Land

Type	Description	Calculation Method	Square Footage	Frontage	Depth	Acres	Lots
Residential	08022 Madison Creek	Lot	11,405	0	0	0.26	1

Residential Improvement Information

Style	1 Family (Single Family)
Heated Square Feet	1621
Interior Walls	Sheetrock
Exterior Walls	Masonry/Siding
Foundation	Slab
Attic Square Feet	0
Basement Square Feet	0
Year Built	2006
Roof Type	Asphalt Shingle
Flooring Type	Not Itemized
Heating Type	Central Heat/AC
Number Of Rooms	7
Number Of Bedrooms	3
Number Of Full Bathrooms	2
Number Of Half Bathrooms	0
Number Of Plumbing Extras	5
Value	\$175,036
Condition	Average
Fireplaces/Appliances	METAL FP 1
House Address	5646 ASHMOORE

Accessory Information

Description	Year Built	Dimensions/Units	Identical Units	Value
Homesite - Average	2006	1x1 / 1	1	\$4,796

Sales

Sale Date	Deed Book / Page	Plat Book / Page	Sale Price	Reason	Grantor	Grantee
3/29/2019	8243 164	836 151A	\$203,000	VALID IMPROVED PROPERTY	OFFERPAD (SPVBORROWER1), LLC	CHAVERS, VERONICA
7/6/2018	8121 740	836 151A	\$203,800	VALID IMPROVED PROPERTY	GOTTLIEB, SHARI	OFFERPAD (SPVBORROWER1), LLC
7/6/2018	8121 740	836 151A	\$203,800	VALID IMPROVED PROPERTY	GOTTLIEB, SHARI	OFFERPAD (SPVBORROWER1), LLC
2/24/2006	5612 45	835 147A	\$171,900	VALID IMPROVED PROPERTY	MADISON CREEK BUILDERS, INC.	GOTTLIEB, SHARI
11/3/2005	5513 373	835 147A	\$178,000	INVOLVES ADDTL PARCELS	JIM CROW ROAD PARTNERS LLC	MADISON CREEK BUILDERS, INC.

Valuation

	2019	2018	2017
Previous Value	\$180,100	\$161,500	\$174,000
Land Value	\$23,968	\$25,000	\$25,000
+ Improvement Value	\$175,036	\$150,100	\$131,500
+ Accessory Value	\$4,796	\$5,000	\$5,000
= Current Value	\$203,800	\$180,100	\$161,500

Photos

Summary

Parcel Number	08099A000174
Location Address	5642 ASHMOORE CT
Legal Description	MADISON CREEK S/D LOT 59 (Note: Not to be used on legal documents)
Class	R3-Residential (Note: This is for tax purposes only. Not to be used for zoning.)
Zoning	Note: Refer to map zoning layer for official zoning.
Tax District	FLOWERY BRANCH (District 03)
Millage Rate	31.952
Acres	0.25
Neighborhood	08022 Madison Creek (08022)
Homestead Exemption	Yes (S1)
Landlot/District	N/A

[View Map](#)



Owner

CARLOS O MORENO
Moreno Maria C
5642 ASHMOORE COURT
FLOWERY BRANCH, GA 30542

Land

Type	Description	Calculation Method	Square Footage	Frontage	Depth	Acres	Lots
Residential	08022 Madison Creek	Lot	10,933	0	0	0.25	1

Residential Improvement Information

Style	1 Family (Single Family)
Heated Square Feet	2172
Interior Walls	Sheetrock
Exterior Walls	Masonry/Siding
Foundation	Slab
Attic Square Feet	0
Basement Square Feet	0
Year Built	2005
Roof Type	Asphalt Shingle
Flooring Type	Carpet/Hardwood
Heating Type	Central Heat/AC
Number Of Rooms	6
Number Of Bedrooms	3
Number Of Full Bathrooms	3
Number Of Half Bathrooms	0
Number Of Plumbing Extras	9
Value	\$205,400
Condition	Average
Fireplaces\Appliances	METAL FP 1

Accessory Information

Description	Year Built	Dimensions/Units	Identical Units	Value
Homesite - Average	2005	1x1 / 1	1	\$5,000

Sales

Sale Date	Deed Book / Page	Plat Book / Page	Sale Price	Reason	Grantor	Grantee
4/29/2009	6539 655	836 151A	\$0	RELATED IND. OR CORP.	MORENO, CARLOS O	MORENO CARLOS O & Maria C
10/28/2005	5532 538	835 147A	\$186,250	VALID IMPROVED PROPERTY	MADISON CREEK BUILDERS, INC	MORENO, CARLOS O
6/23/2005	5375 111	835 147A	\$222,500		JIM CROW ROAD PARTNERS LLC	MADISON CREEK BUILDERS, INC

Valuation

	2019	2018	2017
Previous Value	\$209,100	\$188,800	\$196,400
Land Value	\$25,000	\$25,000	\$25,000
+ Improvement Value	\$205,400	\$179,100	\$158,800
+ Accessory Value	\$5,000	\$5,000	\$5,000
= Current Value	\$235,400	\$209,100	\$188,800

Photos

Summary

Parcel Number	08099A000175
Location Address	5638 ASHMOORE CT
Legal Description	MADISON CREEK S/D LOT 60 (Note: Not to be used on legal documents)
Class	R3-Residential (Note: This is for tax purposes only. Not to be used for zoning.)
Zoning	Note: Refer to map zoning layer for official zoning.
Tax District	FLOWERY BRANCH (District 03)
Millage Rate	31.952
Acres	0.23
Neighborhood	08022 Madison Creek (08022)
Homestead Exemption	Yes (L3)
Landlot/District	N/A
View Map	



Owner

WILLIAM A PARKER
PARKER DIANNE T
5638 ASHMORE CT
FLOWERY BRANCH, GA 30542

Land

Type	Description	Calculation Method	Square Footage	Frontage	Depth	Acres	Lots
Residential	08022 Madison Creek	Lot	10,201	0	0	0.23	1

Residential Improvement Information

Style	1 Family (Single Family)
Heated Square Feet	1571
Interior Walls	Sheetrock
Exterior Walls	Masonry/Siding
Foundation	Slab
Attic Square Feet	0
Basement Square Feet	0
Year Built	2005
Roof Type	Asphalt Shingle
Flooring Type	Carpet/Hardwood
Heating Type	Central Heat/AC
Number Of Rooms	6
Number Of Bedrooms	3
Number Of Full Bathrooms	2
Number Of Half Bathrooms	0
Number Of Plumbing Extras	5
Value	\$176,900
Condition	Average
Fireplaces\Appliances	METAL FP 1

Accessory Information

Description	Year Built	Dimensions/Units	Identical Units	Value
Homesite - Average	2005	1x1 / 1	1	\$5,000

Sales

Sale Date	Deed Book / Page	Plat Book / Page	Sale Price	Reason	Grantor	Grantee
7/15/2016	7738 365	835 147A	\$180,500	VALID IMPROVED PROPERTY	MARTIN, JR. JOHN E	PARKER, WILLIAM A & DIANNE
9/27/2005	5477 658	835 147A	\$167,125	VALID IMPROVED PROPERTY	MADISON CREEK BUILDERS, INC	MARTIN, JR. JOHN E
6/23/2005	5375 111	835 147A	\$222,500		JIM CROW ROAD PARTNERS LLC	MADISON CREEK BUILDERS, INC

Valuation

	2019	2018	2017
Previous Value	\$175,500	\$156,700	\$168,800
Land Value	\$25,000	\$25,000	\$25,000
+ Improvement Value	\$176,900	\$145,500	\$126,700
+ Accessory Value	\$5,000	\$5,000	\$5,000
= Current Value	\$206,900	\$175,500	\$156,700

Photos

 qPublic.net™ Hall County, GA

Summary

Parcel Number	08099A000176
Location Address	5634 ASHMOORE CT
Legal Description	MADISON CREEK S/D LOT 61 (Note: Not to be used on legal documents)
Class	R3-Residential (Note: This is for tax purposes only. Not to be used for zoning.)
Zoning	Note: Refer to map zoning layer for official zoning.
Tax District	FLOWERY BRANCH (District 03)
Millage Rate	31.952
Acres	0.2
Neighborhood	08022 Madison Creek (08022)
Homestead Exemption	No (S0)
Landlot/District	N/A

[View Map](#)



Owner

LORAIN HILLARD
PO BOX 1027
FLOWERY BRANCH, GA 30542

Land

Type	Description	Calculation Method	Square Footage	Frontage	Depth	Acres	Lots
Residential	08022 Madison Creek	Lot	8,691	0	0	0.2	1

Residential Improvement Information

Style	1 Family (Single Family)
Heated Square Feet	2172
Interior Walls	Sheetrock
Exterior Walls	Masonry/Siding
Foundation	Slab
Attic Square Feet	0
Basement Square Feet	0
Year Built	2005
Roof Type	Asphalt Shingle
Flooring Type	Carpet/Hardwood
Heating Type	Central Heat/AC
Number Of Rooms	6
Number Of Bedrooms	3
Number Of Full Bathrooms	3
Number Of Half Bathrooms	0
Number Of Plumbing Extras	9
Value	\$205,400
Condition	Average
Fireplaces/Appliances	METAL FP 1
House Address	5634 ASHMOORE

Accessory Information

Description	Year Built	Dimensions/Units	Identical Units	Value
Homesite - Average	2005	1x1 / 1	1	\$5,000

Permits

Permit Date	Permit Number	Type	Description
02/19/2008	2008-00007	SINGLE FAMILY	

Sales

Sale Date	Deed Book / Page	Plat Book / Page	Sale Price	Reason	Grantor	Grantee
7/11/2019	8296 707	835 147A	\$249,700	VALID IMPROVED PROPERTY	YECKLEY DARRYL B	HILLARD, LORAIN
9/8/2005	5477 638	835 147A	\$179,883	VALID IMPROVED PROPERTY	MADISON CREEK BUILDERS, INC	YECKLEY DARRYL B
5/26/2005	5353 472	836 151A	\$89,000		JIM CROW ROAD PARTNERS LLC	MADISON CREEK BUILDERS, INC

Valuation

	2019	2018	2017
Previous Value	\$209,100	\$188,800	\$196,400
Land Value	\$25,000	\$25,000	\$25,000
+ Improvement Value	\$205,400	\$179,100	\$158,800
+ Accessory Value	\$5,000	\$5,000	\$5,000
= Current Value	\$235,400	\$209,100	\$188,800

Photos

Summary

Parcel Number	08099A000177
Location Address	5630 ASHMOORE CT
Legal Description	MADISON CREEK S/D LOT 62 (Note: Not to be used on legal documents)
Class	R3-Residential (Note: This is for tax purposes only. Not to be used for zoning.)
Zoning	Note: Refer to map zoning layer for official zoning.
Tax District	FLOWERY BRANCH (District 03)
Millage Rate	31.952
Acres	0.22
Neighborhood	08022 Madison Creek (08022)
Homestead Exemption	Yes (\$1)
Landlot/District	N/A

[View Map](#)



Owner

ARLENEM COSTELLO
COSTELLO, DENNIS G
5630 ASHMOORE COURT
FLOWERY BRANCH, GA 30542

Land

Type	Description	Calculation Method	Square Footage	Frontage	Depth	Acres	Lots
Residential	08022 Madison Creek	Lot	9,714	0	0	0.22	1

Residential Improvement Information

Style	1 Family (Single Family)
Heated Square Feet	1783
Interior Walls	Sheetrock
Exterior Walls	Masonry/Siding
Foundation	Slab
Attic Square Feet	0
Basement Square Feet	0
Year Built	2010
Roof Type	Asphalt Shingle
Flooring Type	Carpet/Hardwood
Heating Type	Central Heat/AC
Number Of Rooms	0
Number Of Bedrooms	0
Number Of Full Bathrooms	2
Number Of Half Bathrooms	0
Number Of Plumbing Extras	3
Value	\$196,700
Condition	Average
Fireplaces\Appliances	METAL FP 1

Accessory Information

Description	Year Built	Dimensions/Units	Identical Units	Value
Homesite - Average	2010	0x0 / 1	1	\$5,000

Sales

Sale Date	Deed Book / Page	Plat Book / Page	Sale Price	Reason	Grantor	Grantee
4/16/2015	7509 383	835 147A	\$185,000	VALID IMPROVED PROPERTY	HYSLOP NATALIE L	COSTELLO, ARLENE M & DENNIS G
4/13/2015	7509 382	835 147A	\$0	DEED OF GIFT/NO SALE PRICE	HYSLOP, ROBERT	HYSLOP, NATALIE L
7/23/2010	6727 75	835 147A	\$157,500	VALID IMPROVED PROPERTY	STARK LAND AND DEVELOPMENT,LLC	HYSLOP NATALIE L & ROBERT
1/15/2010	6676 244	835 147A	\$29,000	VALID VACANT PROPERTY	PATTERSON, SHELBY JEAN	STARK LAND AND DEVELOPMENT,LLC
7/5/2008	6384 603	836 151A	\$0	RELATED IND. OR CORP.	SHELBY JEAN PATTERSON AS EXC EST LARRY C	PATTERSON, SHELBY JEAN
11/4/2005	5513 353	835 147A	\$171,900	VALID IMPROVED PROPERTY	MADISON CREEK BUILDERS, INC	CLEVELAND LARRY
5/26/2005	5353 472	835 147A	\$89,000		JIM CROW ROAD PARTNERS LLC	MADISON CREEK BUILDERS, INC

Valuation

	2019	2018	2017
Previous Value	\$194,400	\$173,000	\$185,000
Land Value	\$25,000	\$25,000	\$25,000
+ Improvement Value	\$196,700	\$164,400	\$143,000
+ Accessory Value	\$5,000	\$5,000	\$5,000
= Current Value	\$226,700	\$194,400	\$173,000

Photos

Summary

Parcel Number	08099A000178
Location Address	5626 ASHMOORE CT
Legal Description	MADISON CREEK S/D LOT 63 (Note: Not to be used on legal documents)
Class	R3-Residential (Note: This is for tax purposes only. Not to be used for zoning.)
Zoning	Note: Refer to map zoning layer for official zoning.
Tax District	FLOWERY BRANCH (District 03)
Millage Rate	31.952
Acres	0.21
Neighborhood	08022 Madison Creek (08022)
Homestead Exemption	No (\$0)
Landlot/District	N/A

[View Map](#)



Owner

ANTHONY WAYNE MOODY
5626 ASHMOORE CT
FLOWERY BRANCH, GA 30542

Land

Type	Description	Calculation Method	Square Footage	Frontage	Depth	Acres	Lots
Residential	08022 Madison Creek	Lot	9,313	0	0	0.21	1

Residential Improvement Information

Style	1 Family (Single Family)
Heated Square Feet	2172
Interior Walls	Sheetrock
Exterior Walls	Masonry/Siding
Foundation	Slab
Attic Square Feet	0
Basement Square Feet	0
Year Built	2009
Roof Type	Asphalt Shingle
Flooring Type	Carpet/Hardwood
Heating Type	Central Heat/AC
Number Of Rooms	0
Number Of Bedrooms	3
Number Of Full Bathrooms	3
Number Of Half Bathrooms	0
Number Of Plumbing Extras	6
Value	\$210,900
Condition	Average
Fireplaces\Appliances	METAL FP 1

Accessory Information

Description	Year Built	Dimensions/Units	Identical Units	Value
Homesite - Average	2009	1x1 / 1	1	\$5,000

Sales

Sale Date	Deed Book / Page	Plat Book / Page	Sale Price	Reason	Grantor	Grantee
6/30/2018	8138 489	835 147A	\$0	DEED OF GIFT/NO SALE PRICE	MOODY ANTHONY WAYNE	MOODY ANTHONY WAYNE
1/31/2018	8039 582	835 147A	\$254,000	VALID IMPROVED PROPERTY	CLARK ANTHONY J & JOYCE L	MOODY ANTHONY WAYNE
9/24/2009	6616 538	836 151A	\$205,000	VALID IMPROVED PROPERTY	HANSEN, THORVOLD	CLARK ANTHONY J & JOYCE L
8/4/2008	6400 15	836 151A	\$32,500	VALID VACANT PROPERTY	PAPE, JUSTIN H. & PIERCE, TARA N.	HANSEN, THORVOLD

Valuation

	2019	2018	2017
Previous Value	\$213,500	\$191,900	\$199,600
Land Value	\$25,000	\$25,000	\$25,000
+ Improvement Value	\$210,900	\$183,500	\$161,900
+ Accessory Value	\$5,000	\$5,000	\$5,000
= Current Value	\$240,900	\$213,500	\$191,900

Photos

Summary

Parcel Number	08099A000179
Location Address	5622 ASHMOORE CT
Legal Description	MADISON CREEK S/D LOT 64 (Note: Not to be used on legal documents)
Class	R3-Residential (Note: This is for tax purposes only. Not to be used for zoning.)
Zoning	Note: Refer to map zoning layer for official zoning.
Tax District	FLOWERY BRANCH (District 03)
Millage Rate	31.952
Acres	0.23
Neighborhood	08022 Madison Creek (08022)
Homestead Exemption	Yes (54)
Landlot/District	N/A

[View Map](#)



Owner

DEBRA F BROWN
5622 ASHMOORE CT
FLOWERY BRANCH, GA 30542

Land

Type	Description	Calculation Method	Square Footage	Frontage	Depth	Acres	Lots
Residential	08022 Madison Creek	Lot	9,991	0	0	0.23	1

Residential Improvement Information

Style	1 Family (Single Family)
Heated Square Feet	2205
Interior Walls	Sheetrock
Exterior Walls	Cement Fiber/Brick/Stone
Foundation	Slab
Attic Square Feet	0
Basement Square Feet	0
Year Built	2005
Roof Type	Architectural (310)
Flooring Type	Carpet/Hardwood
Heating Type	Central Heat/AC
Number Of Rooms	5
Number Of Bedrooms	3
Number Of Full Bathrooms	2
Number Of Half Bathrooms	0
Number Of Plumbing Extras	4
Value	\$200,000
Condition	Average
House Address	5622 ASHMOORE

Accessory Information

Description	Year Built	Dimensions/Units	Identical Units	Value
Homesite - Average	2005	1x1 / 1	1	\$5,000

Sales

Sale Date	Deed Book / Page	Plat Book / Page	Sale Price	Reason	Grantor	Grantee
10/19/2016	7790 41	835 147A	\$188,000	RELATED IND. OR CORP.	BROWN, ROBIN S	BROWN, DEBRA F
3/3/2006	5624 520	835 147A	\$181,900	VALID IMPROVED PROPERTY	MADISON CREEK BUILDERS, INC	BROWN, ROBIN S
5/11/2005	5317 420	835 147A	\$267,000	ADJOINING PROPERTY	JIM CROW ROAD PARTNERS, LLC	MADISON CREEK BUILDERS, INC

Valuation

	2019	2018	2017
Previous Value	\$203,700	\$182,800	\$197,300
Land Value	\$25,000	\$25,000	\$25,000
+ Improvement Value	\$200,000	\$173,700	\$152,800
+ Accessory Value	\$5,000	\$5,000	\$5,000
= Current Value	\$230,000	\$203,700	\$182,800

Photos

Summary

Parcel Number	08099A000180
Location Address	5618 ASHMOORE CT
Legal Description	MADISON CREEK S/D LOT 65 (Note: Not to be used on legal documents)
Class	R3-Residential (Note: This is for tax purposes only. Not to be used for zoning.)
Zoning	Note: Refer to map zoning layer for official zoning.
Tax District	FLOWERY BRANCH (District 03)
Millage Rate	31.952
Acres	0.23
Neighborhood	08022 Madison Creek (08022)
Homestead Exemption	Yes (L3)
Landlot/District	N/A

[View Map](#)



Owner

BIRNA O FAWCETT
5618 ASHMOORE COURT
FLOWERY BRANCH, GA 30542

Land

Type	Description	Calculation Method	Square Footage	Frontage	Depth	Acres	Lots
Residential	08022 Madison Creek	Lot	9,830	0	0	0.23	1

Residential Improvement Information

Style	1 Family (Single Family)
Heated Square Feet	1994
Interior Walls	Sheetrock
Exterior Walls	Masonry/Siding
Foundation	Slab
Attic Square Feet	0
Basement Square Feet	0
Year Built	2005
Roof Type	Asphalt Shingle
Flooring Type	Carpet/Hardwood
Heating Type	Central Heat/AC
Number Of Rooms	5
Number Of Bedrooms	3
Number Of Full Bathrooms	2
Number Of Half Bathrooms	0
Number Of Plumbing Extras	4
Value	\$197,100
Condition	Average
Fireplaces/Appliances	METAL FP 1

Accessory Information

Description	Year Built	Dimensions/Units	Identical Units	Value
Homesite - Average	2005	1x1 / 1	1	\$5,000

Sales

Sale Date	Deed Book / Page	Plat Book / Page	Sale Price	Reason	Grantor	Grantee
10/19/2018			\$0	Death Certificate	FAWCETT, PAUL R & BIRNA O	FAWCETT, BIRNA O
11/22/2005	5532 536	836 151A	\$184,750	VALID IMPROVED PROPERTY	MADISON CREEK BUILDERS, INC	FAWCETT, PAUL R & BIRNA O
5/11/2005	5317 420	835 147A	\$267,000	ADJOINING PROPERTY	JIM CROW ROAD PARTNERS, LLC	MADISON CREEK BUILDERS, INC

Valuation

	2019	2018	2017
Previous Value	\$198,500	\$177,600	\$191,700
Land Value	\$25,000	\$25,000	\$25,000
+ Improvement Value	\$197,100	\$168,500	\$147,600
+ Accessory Value	\$5,000	\$5,000	\$5,000
= Current Value	\$227,100	\$198,500	\$177,600

Photos

Summary

Parcel Number	08099A000181
Location Address	5614 ASHMOORE CT
Legal Description	MADISON CREEK S/D LOT 66 (Note: Not to be used on legal documents)
Class	R3-Residential (Note: This is for tax purposes only. Not to be used for zoning.)
Zoning	Note: Refer to map zoning layer for official zoning.
Tax District	FLOWERY BRANCH (District 03)
Millage Rate	31.952
Acres	0.22
Neighborhood	08022 Madison Creek (08022)
Homestead Exemption	Yes (L3)
Landlot/District	N/A

[View Map](#)



Owner

JUDY L PARKER
5614 ASHMORE COURT
FLOWERY BRANCH, GA 30542

Land

Type	Description	Calculation Method	Square Footage	Frontage	Depth	Acres	Lots
Residential	08022 Madison Creek	Lot	9,393	0	0	0.22	1

Residential Improvement Information

Style	1 Family (Single Family)
Heated Square Feet	1568
Interior Walls	Sheetrock
Exterior Walls	Masonry/Siding
Foundation	Slab
Attic Square Feet	0
Basement Square Feet	0
Year Built	2005
Roof Type	Asphalt Shingle
Flooring Type	Carpet/Hardwood
Heating Type	Central Heat/AC
Number Of Rooms	5
Number Of Bedrooms	3
Number Of Full Bathrooms	2
Number Of Half Bathrooms	0
Number Of Plumbing Extras	5
Value	\$176,200
Condition	Average
Fireplaces\Appliances	METAL FP 1

Accessory Information

Description	Year Built	Dimensions/Units	Identical Units	Value
Homesite - Average	2005	1x1 / 1	1	\$5,000

Sales

Sale Date	Deed Book / Page	Plat Book / Page	Sale Price	Reason	Grantor	Grantee
9/6/2011	6891 41	836 351A	\$119,900	VALID IMPROVED PROPERTY	STALEY SHAWN M	PARKER JUDY L
12/16/2009	6651 301	836 151A	\$0	RELATED IND. OR CORP.	STALEY, SHAWN M. & AMY B.	STALEY SHAWN M
7/22/2008	6391 486	835 147A	\$0	RELATED IND. OR CORP.	RUNGER AMY	STALEY, SHAWN M. & AMY B.
8/5/2005	5404 192	835 147A	\$159,500	VALID IMPROVED PROPERTY	MADISON CREEK BUILDERS, INC	RUNGER AMY
5/11/2005	5317 420	835 147A	\$267,000	ADJOINING PROPERTY	JIM CROW ROAD PARTNERS, LLC	MADISON CREEK BUILDERS, INC

Valuation

	2019	2018	2017
Previous Value	\$174,900	\$156,200	\$162,200
Land Value	\$25,000	\$25,000	\$25,000
+ Improvement Value	\$176,200	\$144,900	\$126,200
+ Accessory Value	\$5,000	\$5,000	\$5,000
= Current Value	\$206,200	\$174,900	\$156,200

Photos

Summary

Parcel Number	08099A000182
Location Address	5610 ASHMOORE CT
Legal Description	MADISON CREEK S/D LOT 67 (Note: Not to be used on legal documents)
Class	R3-Residential (Note: This is for tax purposes only. Not to be used for zoning.)
Zoning	Note: Refer to map zoning layer for official zoning.
Tax District	FLOWERY BRANCH (District 03)
Millage Rate	31.952
Acres	0.26
Neighborhood	08022 Madison Creek (08022)
Homestead Exemption	Yes (51)
Landlot/District	N/A

[View Map](#)



Owner

KELI L MANLEY
MANLEY, JAMES EDWARD
5610 ASHMOORE CT.
FLOWERY BRANCH, GA 30542

Land

Type	Description	Calculation Method	Square Footage	Frontage	Depth	Acres	Lots
Residential	08022 Madison Creek	Lot	11,414	0	0	0.26	1

Residential Improvement Information

Style	1 Family (Single Family)
Heated Square Feet	2172
Interior Walls	Sheetrock
Exterior Walls	Masonry/Siding
Foundation	Slab
Attic Square Feet	0
Basement Square Feet	0
Year Built	2005
Roof Type	Asphalt Shingle
Flooring Type	Carpet/Hardwood
Heating Type	Central Heat/AC
Number Of Rooms	5
Number Of Bedrooms	3
Number Of Full Bathrooms	2
Number Of Half Bathrooms	0
Number Of Plumbing Extras	2
Value	\$196,800
Condition	Average
Fireplaces\Appliances	METAL FP 1

Accessory Information

Description	Year Built	Dimensions/Units	Identical Units	Value
Homesite - Average	2005	1x1 / 1	1	\$5,000

Sales

Sale Date	Deed Book / Page	Plat Book / Page	Sale Price	Reason	Grantor	Grantee
12/8/2010	6869 766	836 151A	\$0	Sale to be Reviewed	MANLEY JAMES E	MANLEY KELI L
5/19/2009	6541 23	835 147A	\$165,000	VALID IMPROVED PROPERTY	LYNCH DAVID R	MANLEY JAMES E
7/29/2005	5404 116	836 151A	\$183,975	VALID IMPROVED PROPERTY	MADISON CREEK BUILDERS, INC	LYNCH DAVID R
5/11/2005	5317 420	835 147A	\$267,000	ADJOINING PROPERTY	JIM CROW ROAD PARTNERS, LLC	MADISON CREEK BUILDERS, INC

Valuation

	2019	2018	2017
Previous Value	\$200,800	\$180,200	\$194,600
Land Value	\$25,000	\$25,000	\$25,000
+ Improvement Value	\$196,800	\$170,800	\$150,200
+ Accessory Value	\$5,000	\$5,000	\$5,000
= Current Value	\$226,800	\$200,800	\$180,200

Photos

Summary

Parcel Number	08099A000183
Location Address	5606 ASHMOORE CT
Legal Description	MADISON CREEK S/D LOT 68 (Note: Not to be used on legal documents)
Class	R3-Residential (Note: This is for tax purposes only. Not to be used for zoning.)
Zoning	Note: Refer to map zoning layer for official zoning.
Tax District	FLOWERY BRANCH (District 03)
Millage Rate	31.952
Acres	0.27
Neighborhood	08022 Madison Creek (08022)
Homestead Exemption	No (50)
Landlot/District	N/A

[View Map](#)



Owner

MARGARET MAHOMET
MAHOMET JOHN
5606 ASHMOORE CT
FLOWERY BRANCH, GA 30542

Land

Type	Description	Calculation Method	Square Footage	Frontage	Depth	Acres	Lots
Residential	08022 Madison Creek	Lot	11,777	0	0	0.27	1

Residential Improvement Information

Style	1 Family (Single Family)
Heated Square Feet	2476
Interior Walls	Sheetrock
Exterior Walls	Masonry/Siding
Foundation	Slab
Attic Square Feet	0
Basement Square Feet	0
Year Built	2005
Roof Type	Asphalt Shingle
Flooring Type	Carpet/Hardwood
Heating Type	Central Heat/AC
Number Of Rooms	5
Number Of Bedrooms	3
Number Of Full Bathrooms	2
Number Of Half Bathrooms	0
Number Of Plumbing Extras	5
Value	\$214,200
Condition	Average
Fireplaces\Appliances	METAL FP 1

Accessory Information

Description	Year Built	Dimensions/Units	Identical Units	Value
Homesite - Average	2005	1x1 / 1	1	\$5,000

Sales

Sale Date	Deed Book / Page	Plat Book / Page	Sale Price	Reason	Grantor	Grantee
11/30/2016	7812 91	835 147A	\$197,400	VALID IMPROVED PROPERTY	ANGLIN RONNIE	MAHOMET, MARGARET & JOHN
11/30/2016	7812 91	835 147A	\$197,400	VALID IMPROVED PROPERTY	ANGLIN RONNIE	MAHOMET, MARGARET & JOHN
4/13/2006	5669 23	835 147A	\$185,700	VALID IMPROVED PROPERTY	MADISON CREEK BUILDERS, INC	ANGLIN RONNIE
1/25/2005	5217 65	735 147A	\$267,000	ADJOINING PROPERTY	JIM CROW ROAD PARTNERS LLC	MADISON CREEK BUILDERS, INC

Valuation

	2019	2018	2017
Previous Value	\$219,200	\$197,400	\$213,400
Land Value	\$25,000	\$25,000	\$24,017
+ Improvement Value	\$214,200	\$189,200	\$168,577
+ Accessory Value	\$5,000	\$5,000	\$4,806
= Current Value	\$244,200	\$219,200	\$197,400

Photos



Summary

Parcel Number	08099A000184
Location Address	5602 ASHMOORE CT
Legal Description	MADISON CREEK S/D LOT 69 (Note: Not to be used on legal documents)
Class	R3-Residential (Note: This is for tax purposes only. Not to be used for zoning.)
Zoning	Note: Refer to map zoning layer for official zoning.
Tax District	FLOWERY BRANCH (District 03)
Millage Rate	31.952
Acres	0.29
Neighborhood	08022 Madison Creek (08022)
Homestead Exemption	Yes (LC)
Landlot/District	N/A

[View Map](#)

Owner

BRENDA D PICKETT
5602 ASHMOORE CT
FLOWERY BRANCH, GA 30542

Land

Type	Description	Calculation Method	Square Footage	Frontage	Depth	Acres	Lots
Residential	08022 Madison Creek	Lot	12,553	0	0	0.29	1

Residential Improvement Information

Style	1 Family (Single Family)
Heated Square Feet	1568
Interior Walls	Sheetrock
Exterior Walls	Masonry/Siding
Foundation	Slab
Attic Square Feet	0
Basement Square Feet	0
Year Built	2005
Roof Type	Asphalt Shingle
Flooring Type	Carpet/Hardwood
Heating Type	Central Heat/AC
Number Of Rooms	5
Number Of Bedrooms	3
Number Of Full Bathrooms	2
Number Of Half Bathrooms	0
Number Of Plumbing Extras	5
Value	\$176,200
Condition	Average
Fireplaces\Appliances	METAL FP 1

Accessory Information

Description	Year Built	Dimensions/Units	Identical Units	Value
Homesite - Average	2005	1x1 / 1	1	\$5,000

Sales

Sale Date	Deed Book / Page	Plat Book / Page	Sale Price	Reason	Grantor	Grantee
7/29/2014	7399 92	836 151A	\$160,000	VALID IMPROVED PROPERTY	DOPP, HAZEL	PICKETT, BRENDA D
7/25/2014	7399 70		\$0	DEED OF GIFT/NO SALE PRICE	DOPP MAURICE & HAZEL	DOPP, HAZEL
8/2/2005	5404 95	835 147A	\$162,900		MADISON CREEK BUILDERS, INC	DOPP MAURICE
1/25/2005	5217 65	835 147A	\$267,000	ADJOINING PROPERTY	JIM CROW ROAD PARTNERS LLC	MADISON CREEK BUILDERS, INC

Valuation

	2019	2018	2017
Previous Value	\$174,900	\$156,200	\$162,200
Land Value	\$25,000	\$25,000	\$25,000
+ Improvement Value	\$176,200	\$144,900	\$126,200
+ Accessory Value	\$5,000	\$5,000	\$5,000
= Current Value	\$206,200	\$174,900	\$156,200

Sketches

Summary

Parcel Number	08099A000185
Location Address	5598 ASHMOORE CT
Legal Description	MADISON CREEK S/D LOT 70 (Note: Not to be used on legal documents)
Class	R3-Residential (Note: This is for tax purposes only. Not to be used for zoning.)
Zoning	Note: Refer to map zoning layer for official zoning.
Tax District	FLOWERY BRANCH (District 03)
Millage Rate	31.952
Acres	0.34
Neighborhood	08022 Madison Creek (08022)
Homestead Exemption	Yes (L3)
Landlot/District	N/A

[View Map](#)



Owner

REUBEN GEGENHEIMER
GEGENHEIMER JOVONNA
5598 ASHMOORE CT
FLOWERY BRANCH, GA 30542

Land

Type	Description	Calculation Method	Square Footage	Frontage	Depth	Acres	Lots
Residential	08022 Madison Creek	Lot	14,830	0	0	0.34	1

Residential Improvement Information

Style	1 Family (Single Family)
Heated Square Feet	1831
Interior Walls	Sheetrock
Exterior Walls	Masonry/Siding
Foundation	Slab
Attic Square Feet	0
Basement Square Feet	0
Year Built	2005
Roof Type	Asphalt Shingle
Flooring Type	Carpet/Hardwood
Heating Type	Central Heat/AC
Number Of Rooms	5
Number Of Bedrooms	3
Number Of Full Bathrooms	2
Number Of Half Bathrooms	0
Number Of Plumbing Extras	5
Value	\$186,000
Condition	Average
Fireplaces\Appliances	METAL FP 1

Accessory Information

Description	Year Built	Dimensions/Units	Identical Units	Value
Homesite - Average	2005	1x1 / 1	1	\$5,000

Sales

Sale Date	Deed Book / Page	Plat Book / Page	Sale Price	Reason	Grantor	Grantee
7/26/2012	7041 361	836 151A	\$143,000	VALID IMPROVED PROPERTY	WILSON, BERTIE M	GEGENHEIMER REUBEN
3/17/2006	5636 285	835 147A	\$183,300	VALID IMPROVED PROPERTY	MADISON CREEK BUILDERS, INC	WILSON, BERTIE M
5/11/2005	5317 420	835 147A	\$267,000	ADJOINING PROPERTY	JIM CROW ROAD PARTNERS, LLC	MADISON CREEK BUILDERS, INC

Valuation

	2019	2018	2017
Previous Value	\$185,600	\$166,600	\$173,100
Land Value	\$25,000	\$25,000	\$25,000
+ Improvement Value	\$186,000	\$155,600	\$136,600
+ Accessory Value	\$5,000	\$5,000	\$5,000
= Current Value	\$216,000	\$185,600	\$166,600

Photos



Summary

Parcel Number	08099 000004
Location Address	MCEVER RD
Legal Description	MCEVER ROAD
	(Note: Not to be used on legal documents)
Class	C4-Commercial
	(Note: This is for tax purposes only. Not to be used for zoning.)
Zoning	HB
	Note: Refer to map zoning layer for official zoning.
Tax District	FLOWERY BRANCH (District 03)
Millage Rate	31.952
Acres	15
Neighborhood	Commercial - General (40000)
Homestead Exemption	No (\$0)
Landlot/District	99 / 8

[View Map](#)

Owner

JANE WOOD R/A BANKS
ET AL
C/O REGIONS BANK TRUST DEPT
P O BOX 937
GAINESVILLE, GA 30503

Land

Type	Description	Calculation Method	Square Footage	Frontage	Depth	Acres	Lots
Commercial	Comm-Flowery Branch-McEver	Square Feet	653,400	0	0	15	1

Sales

Sale Date	Deed Book / Page	Plat Book / Page	Sale Price	Reason	Grantor	Grantee
	1420 299-		\$0			

Valuation

	2019	2018	2017
Previous Value	\$750,000	\$750,000	\$750,000
Land Value	\$1,238,700	\$750,000	\$750,000
+ Improvement Value	\$0	\$0	\$0
+ Accessory Value	\$0	\$0	\$0
= Current Value	\$1,238,700	\$750,000	\$750,000

No data available for the following modules: Rural Land, Conservation Use Rural Land, Residential Improvement Information, Commercial Improvement Information, Mobile Homes, Accessory Information, Prebill Mobile Homes, Permits, Photos, Sketches.

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Last Data Upload: 12/12/2019, 12:59:09 AM

Version 2.3.27





Development Planning & Engineering, Inc.

Elevations Jim Crow Road Partners PUD







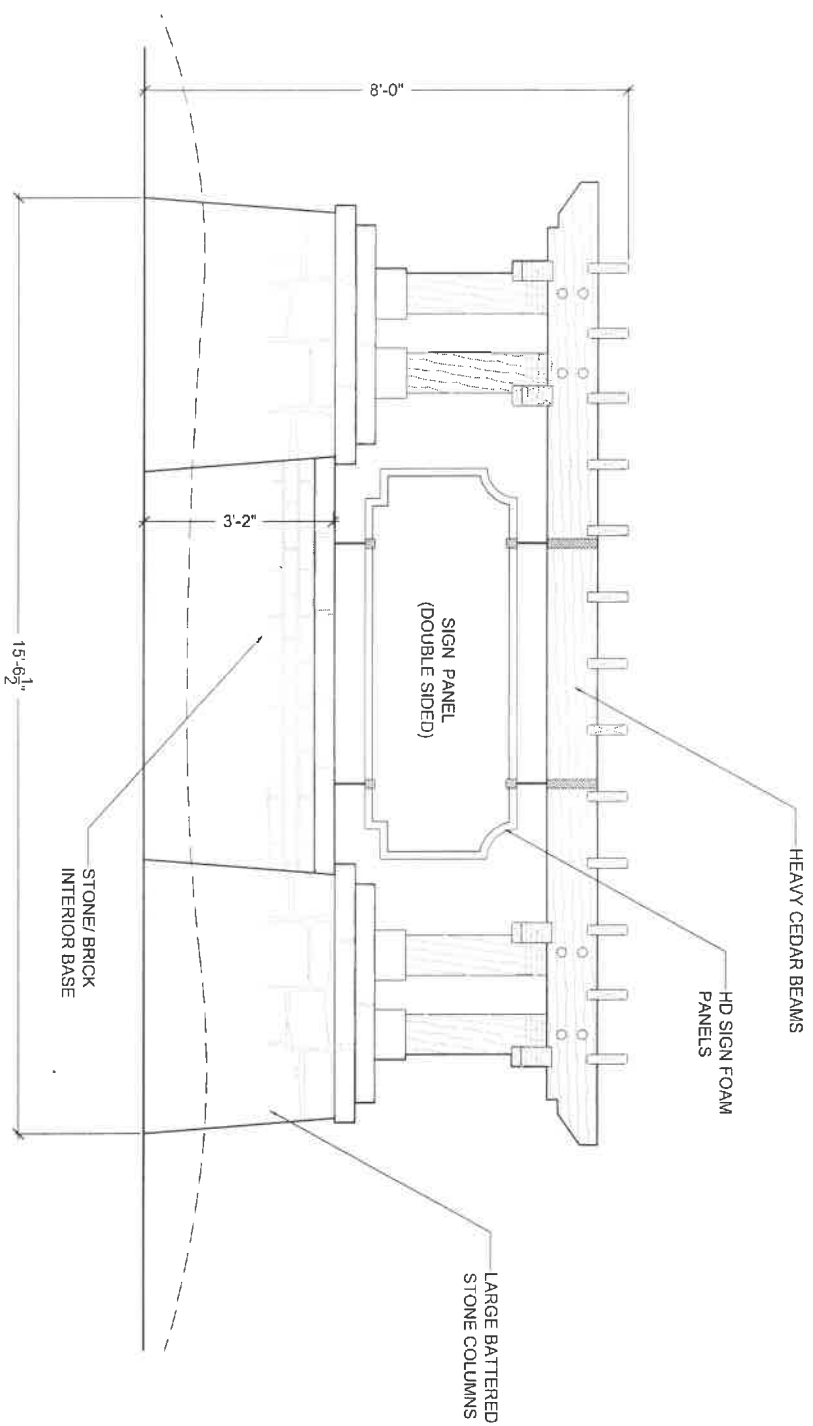
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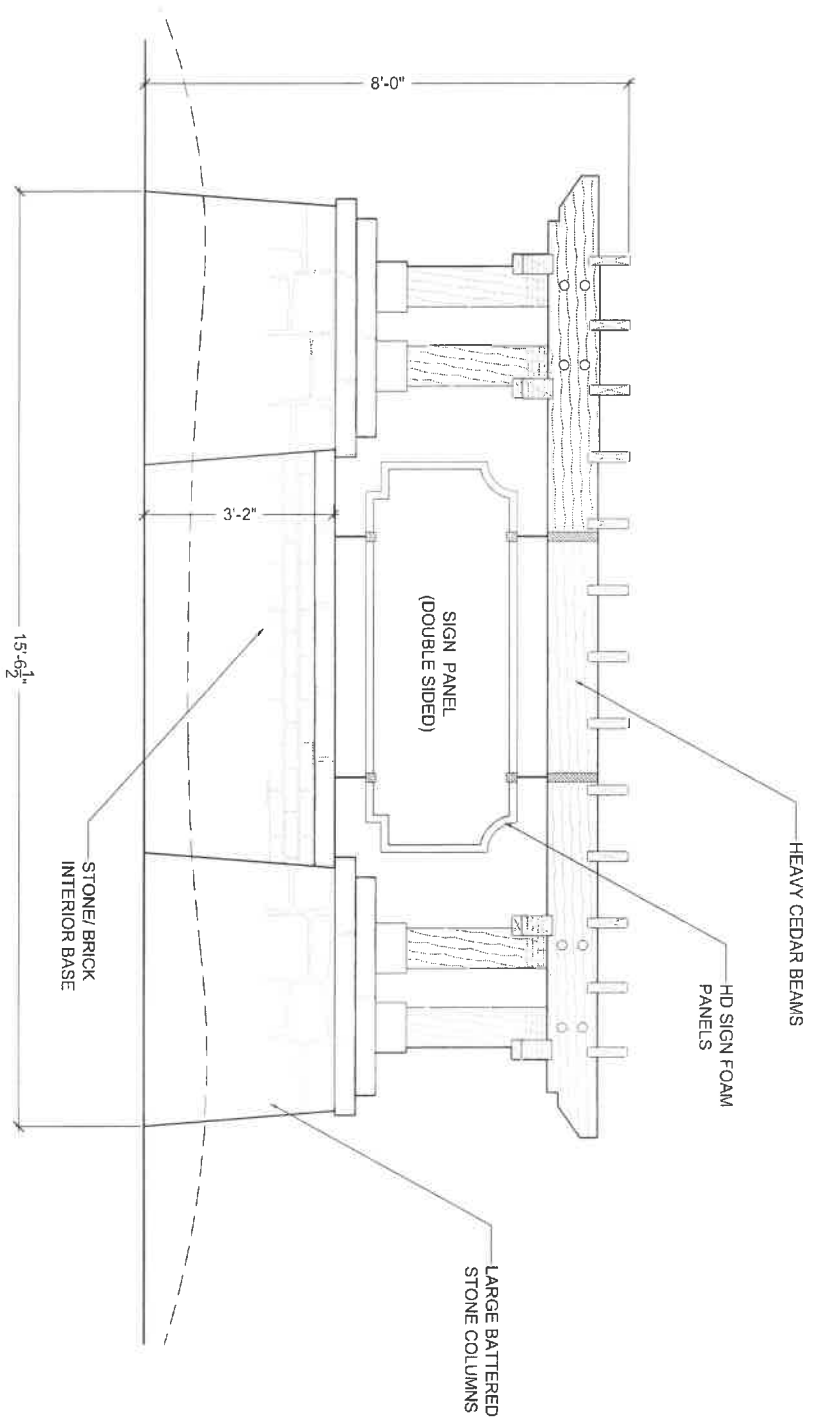


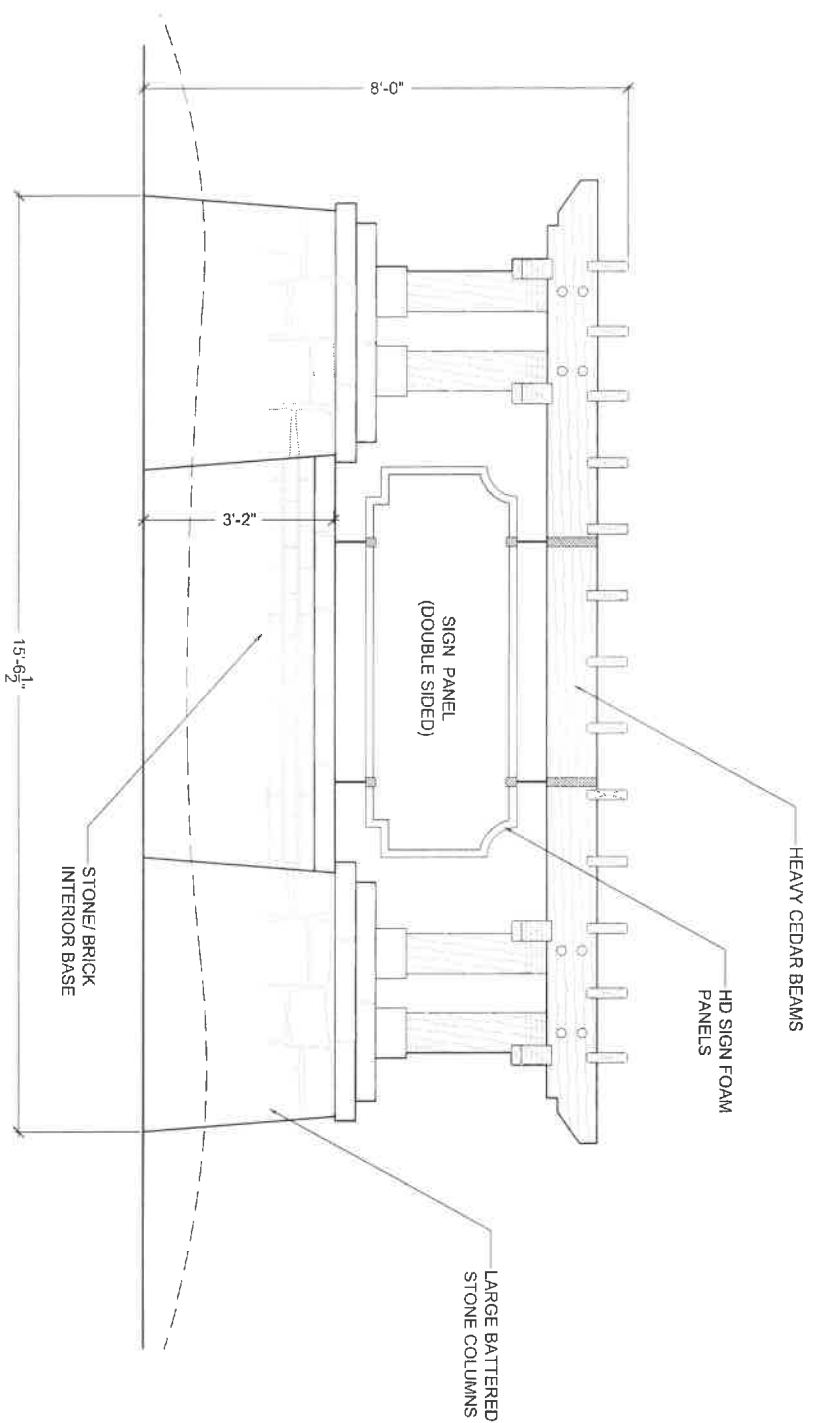


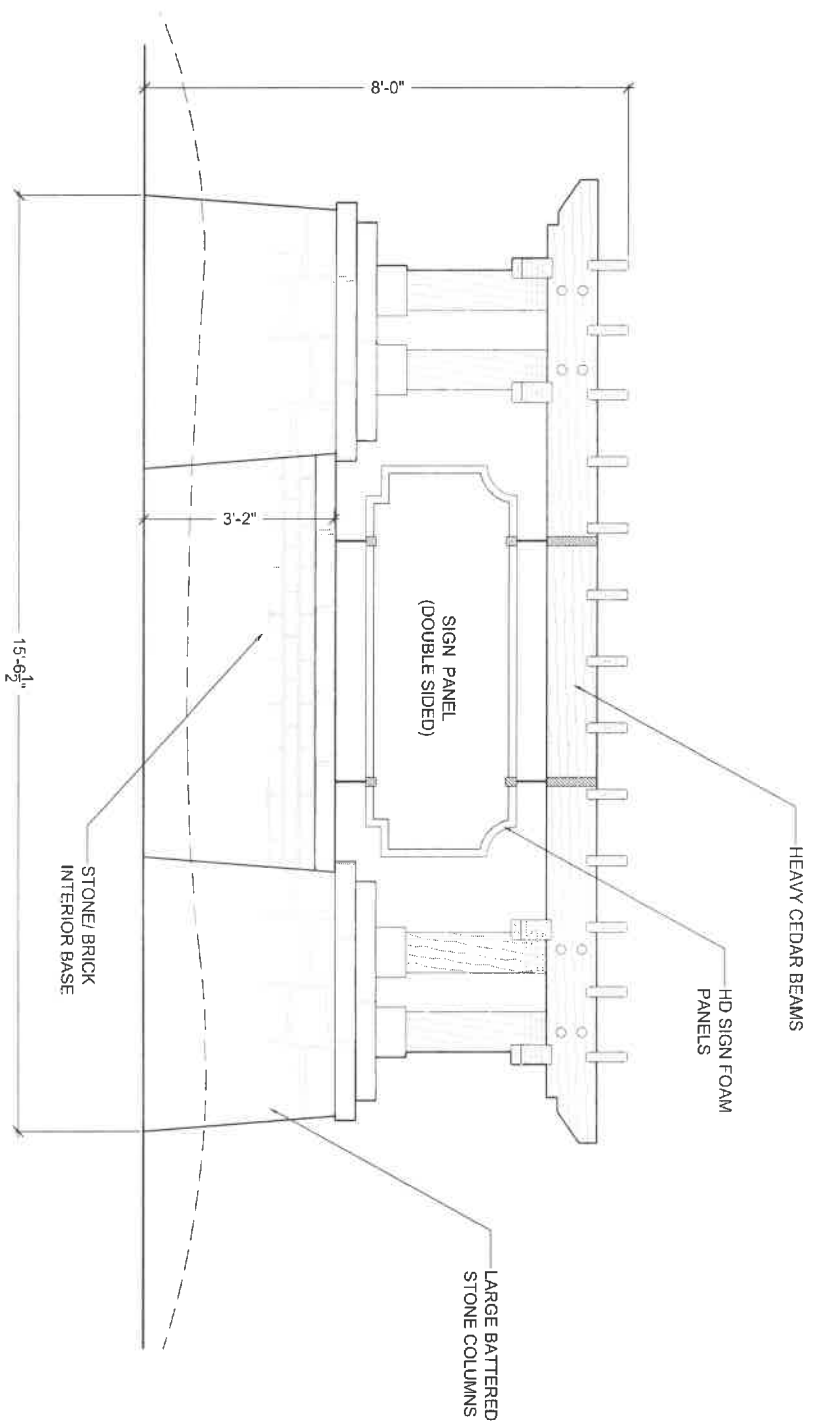
Development Planning & Engineering, Inc.

Monument Sign Details Jim Crow Road Partners PUD











Development Planning & Engineering, Inc.

Color Rendering of Site Plan Jim Crow Road Partners PUD

SITE SUMMARY

GROSS SITE AREA:	1.15.83 ACRES
CURRENT ZONING:	M1
PROPOSED ZONING:	PUD
PROPOSED TOWNHOUSE UNITS:	82
GROSS UNIT DENSITY FOR PROPERTY:	52.9 UNITS/ACRE



A
NOT TO SCALE
PROPOSED ENTRANCE MONUMENT - SITE PERSPECTIVE



PARK BRIDGE SUBDIVISION

FLOWERY BRANCH, GEORGIA

12/11/2019

1.0.4.3

SITE PLAN
CONCEPT

SHEET 1 OF 1

MB REGIONAL ENTERPRISES, LLC
5072 BARNETT INDUSTRIAL WAY, SUITE A
BIRMINGHAM, AL 35218

PREPARED BY:



SITE SUMMARY

GROSSNET ACREAGE:	1.1583 ACRES
CURRENT ZONING:	M1
PROPOSED ZONING:	PUD
PROPOSED TOWNHOUSE UNITS:	83
GROSSNET DENSITY FOR PROPERTY:	535 UNITS/ACRE



A
NOT TO SCALE
PROPOSED ENTRANCE MONUMENT - SITE PERSPECTIVE

PARK BRIDGE SUBDIVISION

FLOWERY BRANCH, GEORGIA

12/11/2019

SITE PLAN
CONCEPT

SHEET 1 OF 1

MR REGIONAL ENTERPRISES, LLC
5972 HERSHIE INDUSTRIAL WAY SUITE A
PERMADORE, GA 30083

PREPARED FOR:



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SITE SUMMARY

GROSSNET ACREAGE	1.1583 ACRES
CURRENT ZONING	M1
PROPOSED ZONING	R4D
PROPOSED TOWNHOUSE UNITS	88
GROSSNET DENSITY FOR PROPERTY	326 UNITS/ACRE



A
NOT TO SCALE
PROPOSED ENTRANCE MONUMENT - SITE PERSPECTIVE

PARK BRIDGE SUBDIVISION

FLOWERY BRANCH, GEORGIA

12/11/2019

19-013

SITE PLAN
CONCEPT

SHEET 1 OF 1

MB REGIONAL ENTERPRISES, LLC
8020 BERTHOLOMISTOWN WAY, SUITE A
BIRMINGHAM, AL 35218
PREPARED FOR:



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SITE SUMMARY

GROSSNET ACREAGE:	4.15 SQ. ACRES
CURRENT ZONING:	M1
PROPOSED ZONING:	R1D
PROPOSED TOWNHOUSE UNITS:	80
GROSSNET DENSITY FOR PROPERTY:	5.55 UNITS/ACRE



A PROPOSED ENTRANCE MONUMENT - SITE PERSPECTIVE
NOT TO SCALE

PARK BRIDGE SUBDIVISION
FLOWERY BRANCH, GEORGIA

12/11/2019

19.043

SITE PLAN
CONCEPT

SHEET 1 OF 1

MB REGIONAL ENTERPRISES, LLC
5073 BURNS INDUSTRIAL WAY, SUITE A
BREVARD, FL 32935
PREPARED FOR



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Development Planning & Engineering, Inc.

Reduced Site Plan Jim Crow Road Partners Tract

PREPARED FOR:
MB REGIONAL
ENTERPRISES, LLC.
5072 BRISTOL IND. WAY
SUITE A
BUFORD, GA. 30518

JIM CROW ROAD
PARTNERS
TRACT

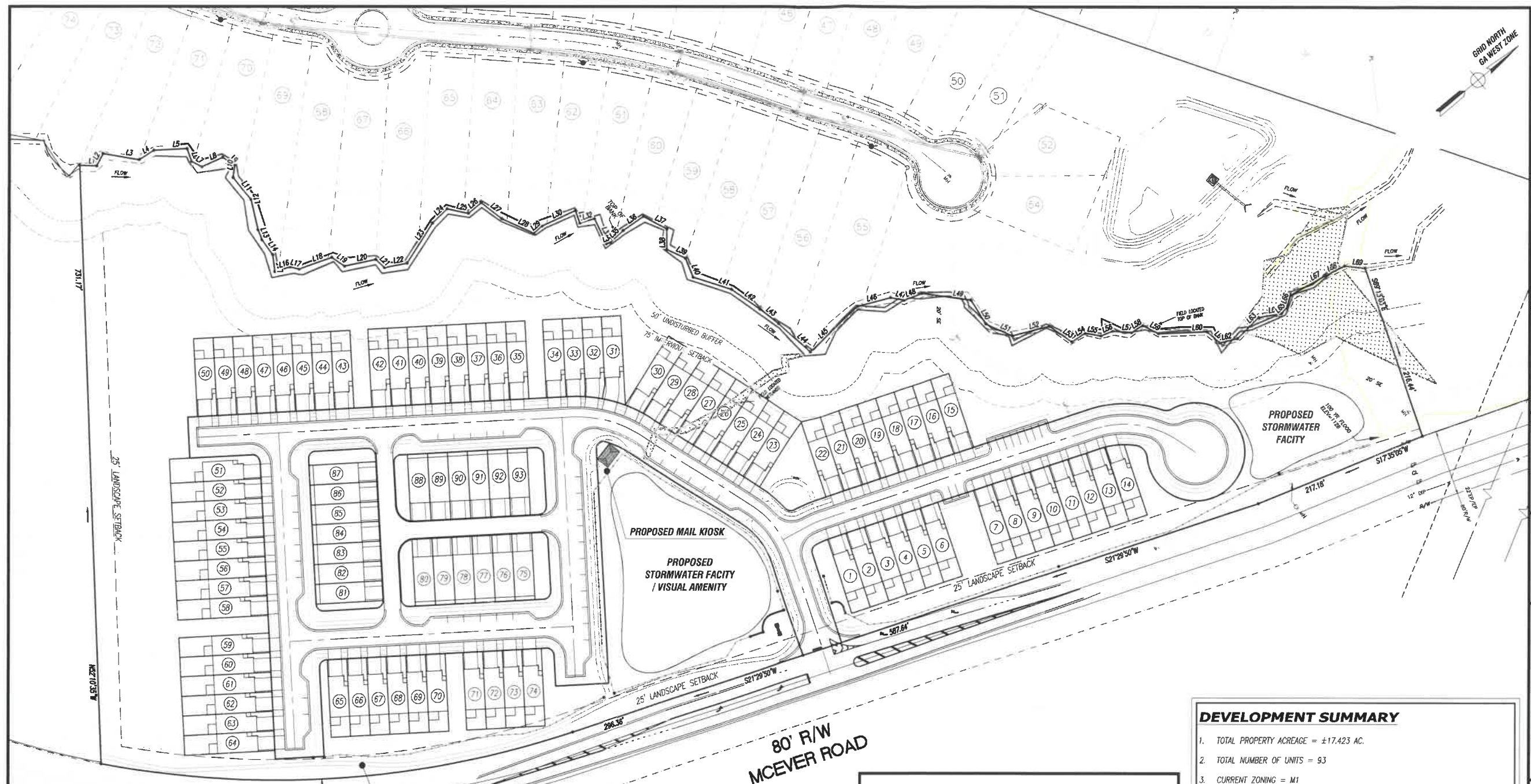
CONCEPTUAL
ZONING
EXHIBIT

JIM CROW RD PARTNERS TRACT

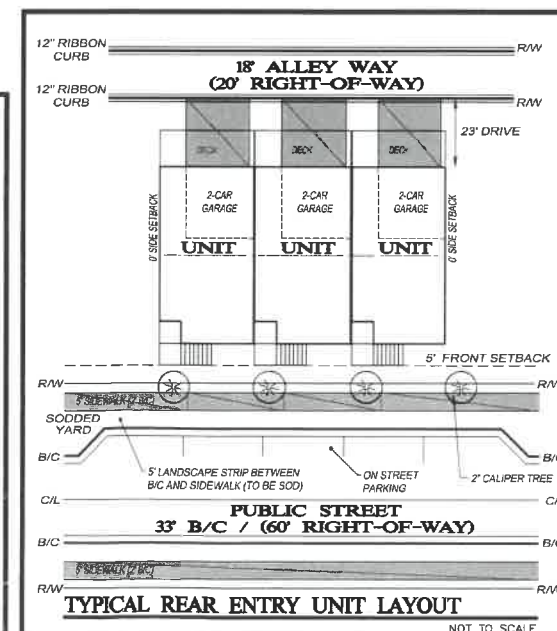
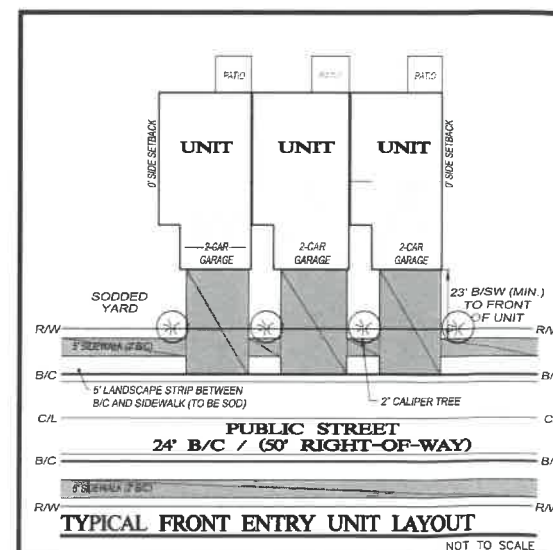
Project Name
19-078
Project Number
McEVER ROAD
Project Address
99
Land Lot No.(s)
8th
District
FLOWERY BRANCH
HALL COUNTY, GA.
County, State

No.	REVISION	DATE
1		
2		
3		
4		
5		
6		
7		
8		
9		

DESIGN	AS SHOWN SCALE
KWB DRAWN	1 of 2
CHECKED	
12/12/19 DATE	SHEET 19-078 PROJECT No.

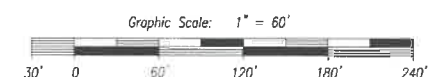


VICINITY MAP - N.T.S.



DEVELOPMENT SUMMARY

1. TOTAL PROPERTY ACREAGE = ±17.423 AC.
2. TOTAL NUMBER OF UNITS = 93
3. CURRENT ZONING = M1
4. PROPOSED REZONING PARCEL : 08099 000011
5. PROPOSED ZONING: PUD PROPOSED USE: SINGLE-FAMILY ATTACHED RESIDENTIAL
6. GROSS/NET DENSITY FOR PROPERTY = 5.34 UNITS/AC.
OPEN SPACE PROVIDED = ±8.8 AC. (OPEN SPACE PROVIDED INCLUDING STORM
WATER MANAGEMENT FACILITY & EASEMENTS)
7. PROPOSED FRONT & REAR ENTRY SETBACKS: (SEE TYPICAL LOT DETAILS)
8. ALL LOTS TO BE SERVED BY SANITARY SEWER.
9. WATER SERVICE PROVIDED BY THE CITY OF FLOWERY BRANCH. SEWER SERVICE
PROVIDED BY THE CITY OF GAINESVILLE.
10. A 50' FOOT UNDISTURBED VEGETATIVE BUFFER ADJACENT TO ALL RUNNING STREAMS
AND CREEKS WILL BE LEFT AND MAINTAINED.
11. A PORTION OF THE SUBJECT PROPERTY IS LOCATED WITHIN A FLOOD HAZARD AREA
AS PER HALL COUNTY F.I.R.M. COMMUNITY PANEL NO. 13139C0283F, DATED APRIL 4,
2019.
12. BOUNDARY INFORMATION FROM DEED RESEARCH.
13. TOPOGRAPHIC AND UTILITY INFORMATION BASED ON HALL COUNTY GIS.
14. SITE PLAN IS CONCEPTUAL IN NATURE AND IS SUBJECT TO CHANGE BASED ON
ACTUAL FIELD CONDITIONS.





5074 BRISTOL INDUSTRIAL WAY
SUITE A
BUFORD, GEORGIA 30518
(770) 271-2868
www.dpengr.com

PREPARED FOR:
**MB REGIONAL
ENTERPRISES, LLC.**
5072 BRISTOL IND. WAY
SUITE A
BUFORD, GA. 30518

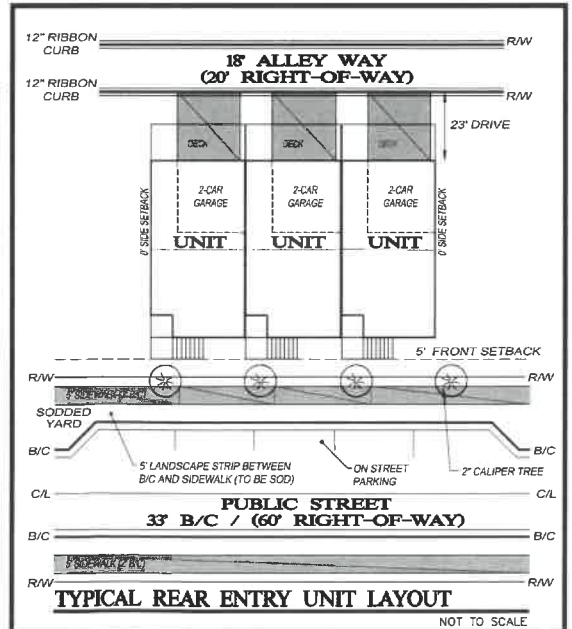
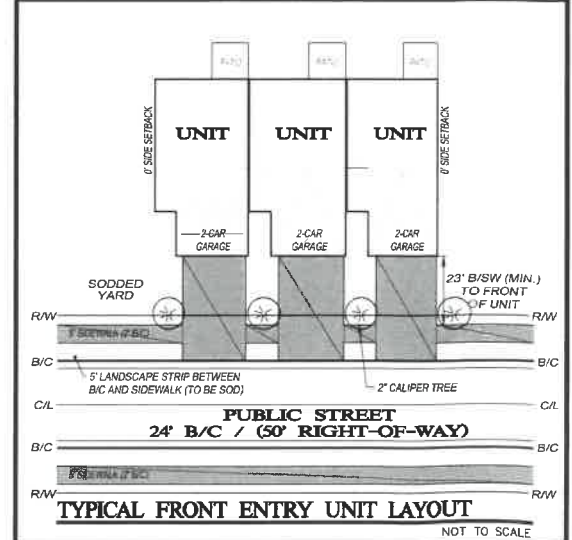
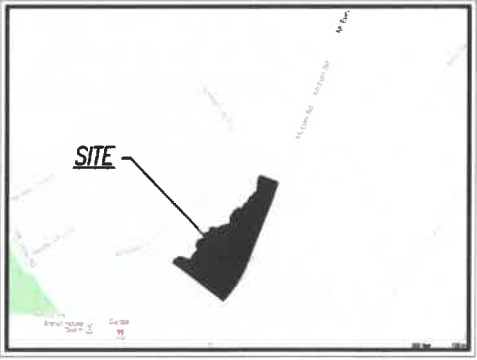
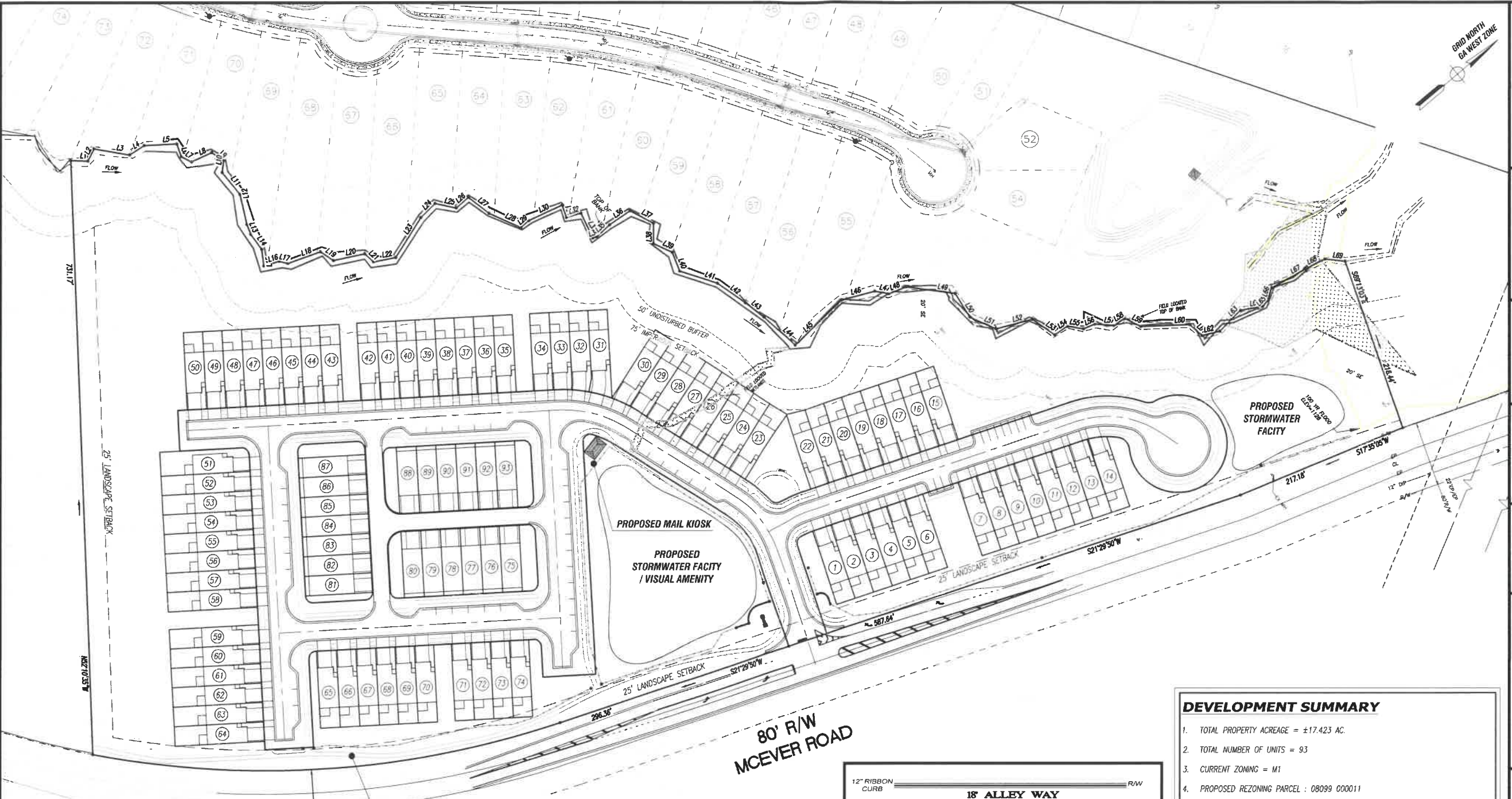
PROJECT NAME:
**JIM CROW ROAD
PARTNERS
TRACT**

TASK:
**CONCEPTUAL
REZONING
EXHIBIT**

PROJECT INFORMATION:
JIM CROW RD PARTNERS TRACT
Project Name
19-078
Project Number
McEVER ROAD
Project Address
99
Land Lot No.(s)
8th
District
FLOWERY BRANCH
HALL COUNTY, GA.
County, State

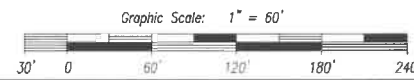
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DESIGN AS SHOWN
KWB DRAWN SCALE
1 of 2
CHECKED SHEET
12/12/19 DATE 19-078 PROJECT No.



DEVELOPMENT SUMMARY

1. TOTAL PROPERTY ACREAGE = ±17.423 AC.
2. TOTAL NUMBER OF UNITS = 93
3. CURRENT ZONING = M1
4. PROPOSED REZONING PARCEL : 08099 000011
5. PROPOSED ZONING: PUD PROPOSED USE: SINGLE-FAMILY ATTACHED RESIDENTIAL
6. GROSS/NET DENSITY FOR PROPERTY = 5.34 UNITS/AC.
OPEN SPACE PROVIDE = ±8.8 AC. (OPEN SPACE PROVIDED INCLUDING STORM
WATER MANAGEMENT FACILITY & EASEMENTS)
7. PROPOSED FRONT & REAR ENTRY SETBACKS: (SEE TYPICAL LOT DETAILS)
8. ALL LOTS TO BE SERVED BY SANITARY SEWER.
9. WATER SERVICE PROVIDED BY THE CITY OF FLOWERY BRANCH. SEWER SERVICE
PROVIDED BY THE CITY OF GAINESVILLE.
10. A 50' FOOT UNDISTURBED VEGETATIVE BUFFER ADJACENT TO ALL RUNNING STREAMS
AND CREEKS WILL BE LEFT AND MAINTAINED.
11. A PORTION OF THE SUBJECT PROPERTY IS LOCATED WITHIN A FLOOD HAZARD AREA
AS PER HALL COUNTY F.I.R.M. COMMUNITY PANEL NO. 13139C0283F, DATED APRIL 4,
2019.
12. BOUNDARY INFORMATION FROM DEED RESEARCH.
13. TOPOGRAPHIC AND UTILITY INFORMATION BASED ON HALL COUNTY GIS.
14. SITE PLAN IS CONCEPTUAL IN NATURE AND IS SUBJECT TO CHANGE BASED ON
ACTUAL FIELD CONDITIONS.





McEver Road Corridor

February 6, 2020



McEver Road Corridor

- Staff feels the development of this corridor is imperative to the overall success of the City.
- As plans for the downtown progress, the City must ensure all annexation and rezoning decisions throughout the city are made with the utmost care and thoughtfulness.
- The McEver Road Corridor is an important part of the City as it is a well-traveled stretch with many undeveloped or underdeveloped parcels.



Currently

- Approximately 3.8 +/- miles of road that run through the City
- City only controls a small portion of this road
- City controls two very important intersections – McEver and Gaines Ferry Road and McEver and Gainesville Street



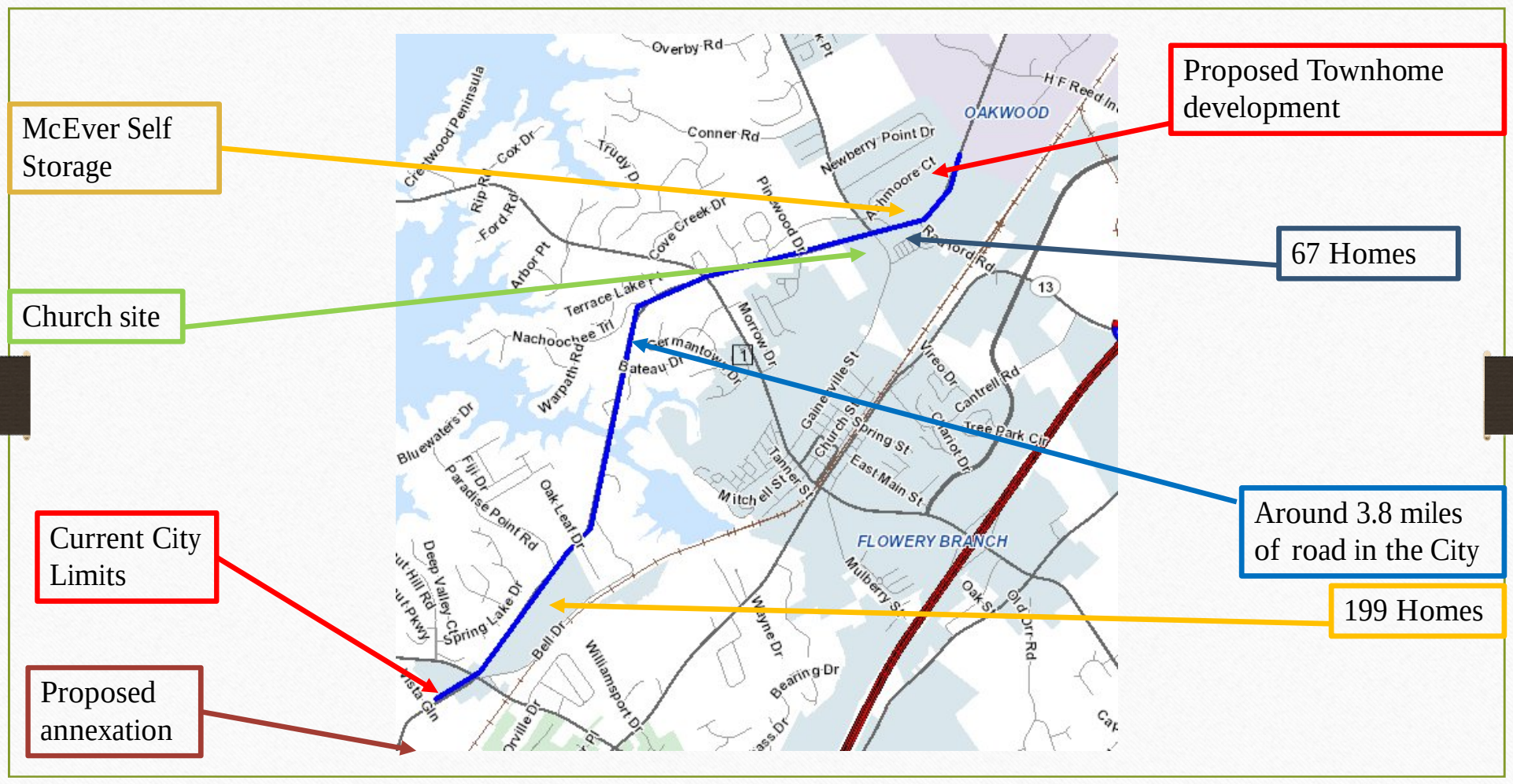
Projects

- City has many proposed, approved, or active projects on or close to this corridor
- Corridor should be looked at holistically
- City needs a mix of residential and commercial



Projects

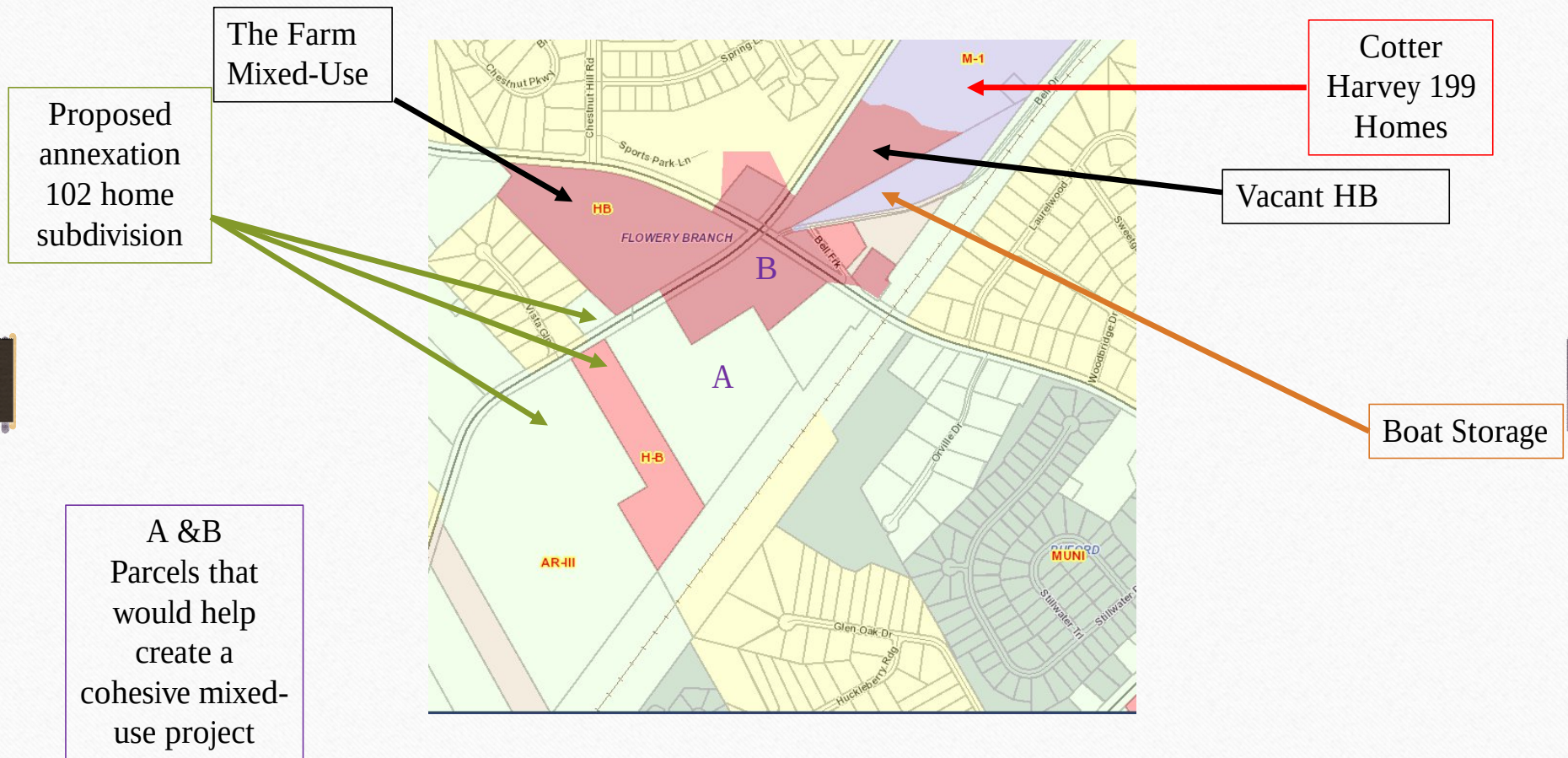
- Two new proposed projects
- Both residential
- Both near corners the City controls
- Staff is in favor of one of the projects





Corner of McEver & Gaines Ferry

- Approved 199 homes; proposed would add an additional 102
- 2 vacant properties zoned HB
- Boat storage yard
- Bell Road – appears to be in the RR right-of-way

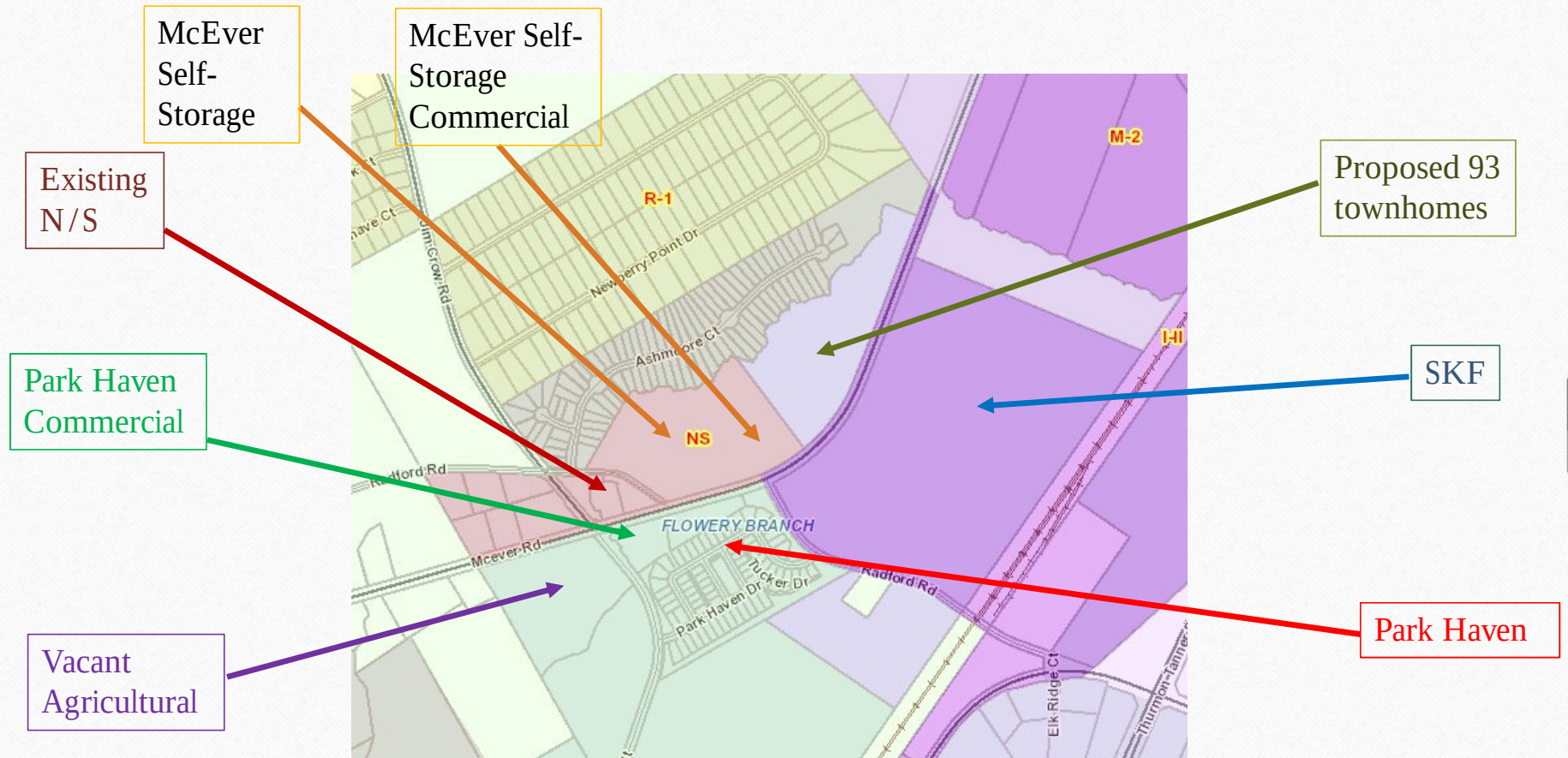


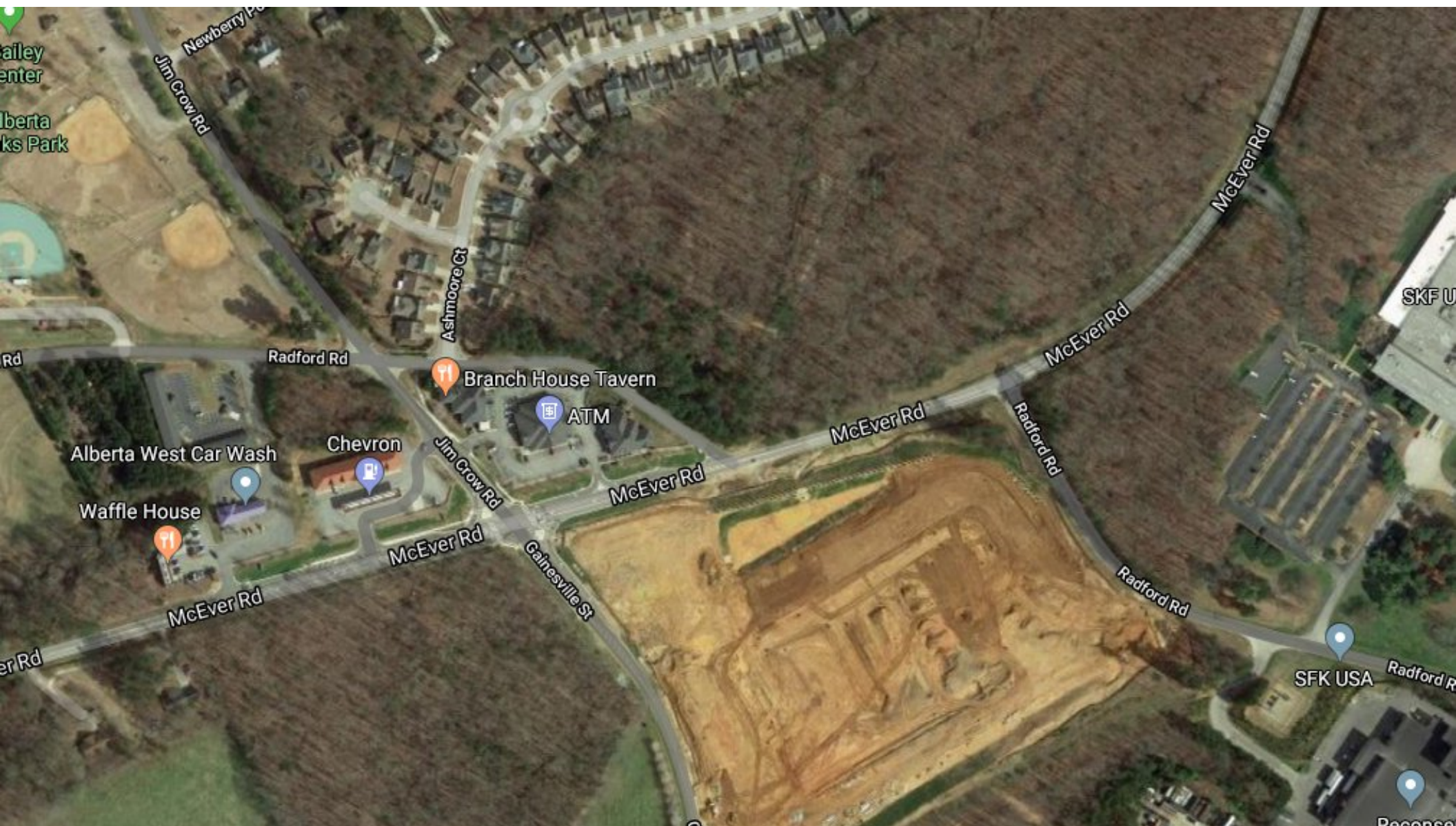




Corner of McEver & Gainesville Street

- Existing retail
- Approved self-storage project
- Approved 67 single family home subdivision with commercial outparcel
- Vacant agricultural land
- Proposed townhome development (93 Units)







Corridor Development

- Developments (if not a true mixed-use) should be cohesive with the surrounding area
- City should strive to ensure the two corners it controls are developed properly
- Comprehensive Plan should help guide the City

Public Hearing Published 01/09/2020
Public Hearing 02/06/2020

First Reading 03/05/2020
Adopted 04/16/2020

ORDINANCE NO. 585

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH, GEORGIA, BY ZONING A TRACT OF REAL PROPERTY TO PLANNED UNIT DEVELOPMENT (PUD). THE PROPERTY IS A 17.43+/- TRACT OF LAND IDENTIFIED AS TAX PARCEL 08099 000011. SAID PROPERTY IS CURRENTLY ZONED LIGHT INDUSTRIAL (M1). SUBJECT PROPERTY IS SHOWN ON ATTACHED EXHIBIT “A”; AND LEGALLY DESCRBED ON ATTACHED EXHIBIT “B”; AND SHALL BE SUBJECT TO ALL CONDITIONS SET FORTH AND SHOWN ON ATTACHED EXHIBIT “C”; PROVIDING FOR FINDINGS, SEVERABILITY, REPEALING CONFLICTING ORDINANCES, AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, MB Regional Enterprises, LLC. owns all that tract or parcel of land totaling 17.43+/- acres identified as Parcel Tax Identification No. 08099 000011; Parcel is shown on Exhibit “A”; and as legally described on Exhibit “B”; and

WHEREAS, specific conditions shall be placed on subject parcel as shown on attached exhibit “C”; and

WHEREAS, the City Council of the City of Flowery Branch has considered the application of MB Regional Enterprises in conjunction with the standards set forth in Article 34 - Section 34.7 of Zoning Ordinance No. 348 of the City of Flowery Branch, Georgia; and

WHEREAS, the City Council held a public hearing at the meeting of February 06, 2020 duly noticed as prescribed by law and published in the Gainesville Times, regarding said application, as shall be set forth in the minutes of said meeting.

NOW THEREFORE, THE COUNCIL OF THE CITY OF FLOWERY BRANCH DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. FINDINGS.

The City Council finds that the proposed rezoning from Flowery Branch M1 (Light Industrial) to Flowery Branch PUD (Planned Unit Development) is consistent with the adopted standards for governing the exercise of the zoning power consistent with O.C.G.A. § 36-66-5 and requirements of the Zoning Ordinance as identified below.

1. The proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.
2. The proposal is not expected to adversely affect the existing use or usability of adjacent or nearby property.

3. The property could be used in accordance with the existing regulations and has a reasonable economic use as currently zoned M1; however, an alternative use is appropriately considered.
4. The development if approved and constructed is not expected to result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
5. The proposal is in conformity with the policy and intent of the comprehensive plan and the character area map and future land use plan map.
6. The proposal is considered appropriate in view of existing use(s) and zoning of the subject property and nearby properties.
7. No determination has been made by staff with regard to the value differential between development under the current zonings as opposed to PUD.
8. A proposed development will not be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations.
9. There are no known adverse effects that would result from the change in zoning district map, or change in use, on the character of a zoning district.
10. Development as proposed is not expected to impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality. Compliance with city subdivision and land development regulations will be required, which include but are not limited to soil erosion and sedimentation, stormwater, and flood damage prevention.

SECTION 2. LEGAL DESCRIPTION AND CONDITIONS.

The rezoning of the subject parcel, as shown on Exhibit “A” and as legally described in Exhibit “B”, from Flowery Branch M1 (Light Industrial) to Flowery Branch PUD (Planned Unit Development). Subject to conditions as set forth in Exhibit “C”. Said Exhibits are incorporated herein by reference as if fully set forth herein.

SECTION 3. AMENDMENT OF THE ZONING MAP.

This Ordinance is enacted as an amendment to the Zoning Map of Flowery Branch, Georgia. Accordingly, the Zoning Administrator is hereby authorized to update the Official Map consistent with Article 3 of the Zoning Ordinance.

SECTION 4. SEVERABILITY.

Should any section or provision of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of this Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

SECTION 5. EFFECTIVE DATE.

The effective date of this Ordinance shall be upon adoption by the City Council of the City of Flowery Branch, Georgia.

SECTION 6. REPEALER.

All ordinances and parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

Adopted this 16th day of April 2020.

James M. Miller, Mayor

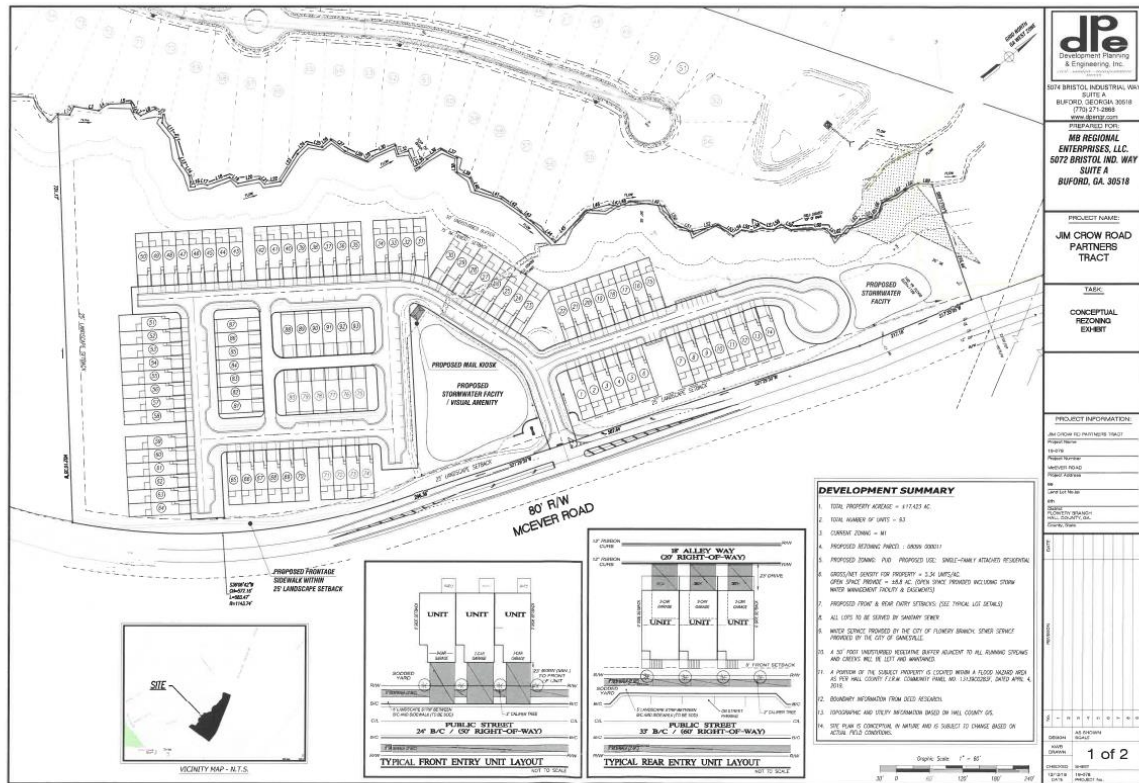
ATTEST

Melissa McCain, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, Jr., City Attorney

Attachment “A” – Site Plan



Attachment “B” – Legal description

LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Land Lots 91 and 99 of the 8th District of Hall County, City of Flowery Branch, Georgia and being more particularly described as follows:

To find THE TRUE POINT OF BEGINNING, begin at a point on the northwesterly right-of-way of McEver Road having a 80' right-of-way, said point being 947.54 feet westerly as measured along said northwesterly right-of-way of McEver Road from the intersection of the Northeasterly right-of-way of Radford Road having a 30' right-of-way, said point being the TRUE POINT OF BEGINNING;

THENCE North 52 degrees 10 minutes 35 seconds West a distance of 731.17 feet leaving said right-of-way of McEver Road to a point located in the centerline of a creek;

THENCE along said creek following the meanderings thereof for the following 69 courses and distances:

THENCE North 42 degrees 01 minutes 09 seconds East a distance of 20.75 feet to a point;

THENCE North 23 degrees 13 minutes 42 seconds West a distance of 16.85 feet to a point;

THENCE North 49 degrees 40 minutes 26 seconds East a distance of 44.23 feet to a point;

THENCE North 07 degrees 37 minutes 24 seconds East a distance of 21.48 feet to a point;

THENCE North 37 degrees 15 minutes 33 seconds East a distance of 40.03 feet to a point;

THENCE South 70 degrees 29 minutes 35 seconds East a distance of 16.51 feet to a point;

THENCE North 68 degrees 34 minutes 33 seconds East a distance of 14.01 feet to a point;

THENCE North 15 degrees 24 minutes 28 seconds East a distance of 28.00 feet to a point;

THENCE North 72 degrees 58 minutes 51 seconds East a distance of 17.48 feet to a point;

THENCE South 43 degrees 05 minutes 01 seconds East a distance of 15.05 feet to a point;

THENCE South 89 degrees 05 minutes 06 seconds East a distance of 34.77 feet to a point;

THENCE South 63 degrees 08 minutes 17 seconds East a distance of 37.64 feet to a point;

THENCE South 72 degrees 22 minutes 40 seconds East a distance of 13.30 feet to a point;

THENCE South 86 degrees 16 minutes 27 seconds East a distance of 22.16 feet to a point;

THENCE South 57 degrees 38 minutes 31 seconds East a distance of 20.93 feet to a point;

THENCE North 23 degrees 19 minutes 46 seconds East a distance of 19.72 feet to a point;

THENCE North 53 degrees 11 minutes 45 seconds East a distance of 10.82 feet to a point;

THENCE North 20 degrees 29 minutes 10 seconds East a distance of 42.56 feet to a point;

THENCE North 74 degrees 40 minutes 04 seconds East a distance of 18.93 feet to a point;

THENCE North 27 degrees 51 minutes 17 seconds East a distance of 39.43 feet to a point;

northwester

THENCE North 17 degrees 48 minutes 02 seconds West a distance of 57.59 feet to a point;

THENCE North 04 degrees 10 minutes 30 seconds West a distance of 24.84 feet to a point;

THENCE North 52 degrees 07 minutes 12 seconds East a distance of 26.58 feet to a

point;
 point; THENCE North 00 degrees 30 minutes 56 seconds West a distance of 20.18 feet to a
 point; THENCE North 77 degrees 44 minutes 50 seconds East a distance of 32.07 feet to a
 point; THENCE North 64 degrees 01 minutes 26 seconds East a distance of 42.83 feet to a
 point; THENCE North 00 degrees 38 minutes 25 seconds West a distance of 13.08 feet to a
 point; THENCE North 15 degrees 18 minutes 42 seconds East a distance of 45.27 feet to a
 point; THENCE South 69 degrees 37 minutes 49 seconds East a distance of 16.08 feet to a
 point; THENCE North 23 degrees 09 minutes 03 seconds East a distance of 18.81 feet to a
 point; THENCE South 75 degrees 45 minutes 10 seconds East a distance of 33.98 feet to a
 point; THENCE North 19 degrees 26 minutes 43 seconds East a distance of 5.04 feet to a point;
 point; THENCE North 02 degrees 14 minutes 41 seconds West a distance of 21.21 feet to a
 point; THENCE North 05 degrees 42 minutes 03 seconds East a distance of 30.80 feet to a
 point; THENCE North 67 degrees 49 minutes 54 seconds East a distance of 32.61 feet to a
 point; THENCE South 49 degrees 55 minutes 16 seconds East a distance of 24.81 feet to a
 point; THENCE North 65 degrees 29 minutes 50 seconds East a distance of 24.96 feet to a
 point; THENCE South 71 degrees 45 minutes 43 seconds East a distance of 24.78 feet to a
 point; THENCE North 58 degrees 07 minutes 04 seconds East a distance of 48.13 feet to a
 point; THENCE North 74 degrees 18 minutes 43 seconds East a distance of 42.41 feet to a
 point; THENCE North 75 degrees 54 minutes 20 seconds East a distance of 29.66 feet to a
 point; THENCE North 81 degrees 55 minutes 28 seconds East a distance of 51.10 feet to a
 point; THENCE North 03 degrees 17 minutes 38 seconds West a distance of 80.16 feet to a
 point; THENCE North 25 degrees 04 minutes 11 seconds East a distance of 41.91 feet to a
 point; THENCE North 49 degrees 53 minutes 56 seconds East a distance of 17.52 feet to a
 point; THENCE North 18 degrees 43 minutes 22 seconds East a distance of 23.18 feet to a
 point; THENCE North 47 degrees 45 minutes 41 seconds East a distance of 60.71 feet to a
 point; THENCE South 82 degrees 28 minutes 05 seconds East a distance of 34.27 feet to a
 point; THENCE North 64 degrees 15 minutes 53 seconds East a distance of 35.15 feet to a
 point; THENCE North 25 degrees 16 minutes 55 seconds East a distance of 45.95 feet to a
 point; THENCE North 74 degrees 52 minutes 54 seconds East a distance of 33.64 feet to a
 point; THENCE North 05 degrees 46 minutes 15 seconds East a distance of 19.12 feet to a
 point; THENCE North 49 degrees 31 minutes 16 seconds East a distance of 20.16 feet to a
 point; THENCE North 17 degrees 25 minutes 30 seconds East a distance of 15.28 feet to a

point;
 THENCE North 44 degrees 09 minutes 12 seconds East a distance of 23.55 feet to a
 point;
 THENCE North 07 degrees 19 minutes 07 seconds East a distance of 16.16 feet to a
 point;
 THENCE North 67 degrees 03 minutes 23 seconds East a distance of 22.02 feet to a
 point;
 THENCE North 37 degrees 47 minutes 19 seconds East a distance of 59.79 feet to a
 point;
 THENCE North 80 degrees 42 minutes 12 seconds East a distance of 20.38 feet to a
 point;
 THENCE North 26 degrees 33 minutes 35 seconds East a distance of 22.17 feet to a
 point;
 THENCE North 05 degrees 18 minutes 43 seconds West a distance of 36.01 feet to a
 point;
 THENCE North 30 degrees 08 minutes 56 seconds East a distance of 27.92 feet to a
 point;
 THENCE North 05 degrees 56 minutes 37 seconds West a distance of 9.79 feet to a point;
 THENCE North 33 degrees 29 minutes 15 seconds West a distance of 16.00 feet to a
 point;
 THENCE North 10 degrees 52 minutes 53 seconds East a distance of 48.85 feet to a
 point;
 THENCE North 13 degrees 16 minutes 07 seconds East a distance of 26.03 feet to a
 point;
 THENCE North 45 degrees 42 minutes 26 seconds East a distance of 25.42 feet to a
 point;
 THENCE South 69 degrees 13 minutes 03 seconds East a distance of 216.44 feet leaving
 said creek to a point on the to a point on the northwesterly right-of-way of McEver Road having a
 80' right-of-way;
 THENCE along said right-of-way of McEver road for the following 4 courses and distances:
 THENCE South 17 degrees 35 minutes 05 seconds West a distance of 217.18 feet to a
 point;
 THENCE South 21 degrees 29 minutes 50 seconds West a distance of 587.64 feet to a
 point;
 THENCE South 21 degrees 29 minutes 50 seconds West a distance of 296.36 feet to a
 point;
 THENCE along a curve to the right for an arc length of 583.47 feet, having a radius of
 1143.74 feet, being subtended by a chord bearing South 36 degrees 06 minutes 42 seconds West,
 for a distance of 577.16 feet to a point;

The above described property contains an area of 17.423 acres more or less.

Attachment "C" – Conditions of Zoning

1. Applicant shall work with the owner of McEver Self-Storage in a good faith effort to provide access to the two proposed commercial outparcels. Plan shall be submitted and approved by the Director of Planning and Community Development.
2. Applicant shall work with the owner of McEver Self-Storage in a good faith effort to provide a similar landscape plan along McEver Road as approved as part of McEver Self-Storage rezoning case dated August 15, 2019 and modified on February 6, 2020. Plan shall be submitted and approved by the Director of Planning and Community Development.
3. Driveway lengths on non-alley fed lots must be 23' from back of sidewalk.
4. Two car garages are required for each unit.
5. Detailed landscape plan required at time of LDP. Street landscaping and street trees must be shown and approved by City Staff.
6. Homeowners Association is required. Please submit a copy of the covenants for City Staff review and approval.

7. Elevations must be consistent with those submitted as part of this application dated 12/12/2019 and as shown below:



8. Site shall generally adhere to the site plan submitted on 12/12/2019 (or as submitted and approved as part of the adopting ordinance).
9. Major changes as determined by staff shall require review by City Council.
10. Sewer shall be provided by Flowery Branch.
11. Roads and alleyways shall be public and shall be accepted by Flowery Branch City Council through a formal resolution- not at the time of final plat approval.
12. Residential Drainage Plans (RDP's) may be required on some lots as deemed appropriate by City Staff.
13. Street lights shall be dedicated to the HOA in perpetuity at the time of final plat.



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider Red Oak Sanitation Contract Renewal

COUNCIL MEETING DATE: April 16, 2020

HISTORY:

Red Oak Sanitation has been servicing the City of Flowery Branch citizens with garbage and recycling services for about 20 years without a rate increase. The last contract signed with Red Oak Sanitation is dated May 7, 2015 and is set to expire on May 7, 2020. City staff reached out to Red Oak Sanitation to notify them the City will be placing these services out for bid this year. Staff explained to Red Oak that the Requests for Proposals (RFP) process is to ensure the City is doing its due diligence in providing the best services to our citizens at the least cost and the City does not have any complaints about the service provided by Red Oak Sanitation.

FACTS AND ISSUES:

Statements below were presented by Red Oak Sanitation at the 4/2/2020 work session:

1. Red Oak has been providing service to the City of Flowery Branch for 20 years without a rate increase. Over the years, we have continued to find solutions and create efficiencies so that we could maintain our monthly rate.
2. Over that same period, our cost to drop off recycling at the recycling center has been a roller coaster, going from actually being paid \$5 per ton to now where we are paying \$57 per ton to drop off.
3. As you can see with the increase letters that we gave you, that the landfill rate for MSW at \$40 per ton is much cheaper for dumping than recycling.
4. With our subscription customers (excluding the City of Flowery Branch customers), we are now billing those that choose to recycle an additional fee as it's an extra service.
5. We would like to extend or renew our contract with the City at a rate of \$12 per month for household trash and for only those that recycle an additional \$4 per month.
6. All customers will be notified of the rate change by letter by 5/1/2020.

OPTIONS:

Approve the new Red Oak Sanitation Agreement as presented

IF FUNDING IS INVOLVED, ARE FUNDS APPROVED IN THE CURRENT BUDGET:

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Approve the new Red Oak Sanitation Agreement as presented

SAMPLE MOTION:

I make a motion to approve for the Mayor to sign the new Red Oak Sanitation agreement which will be effective May 1, 2020.

COLLABORATING DEPARTMENT:

Finance

DEPARTMENT: Administration

Prepared by: Melissa McCain

ATTACHMENTS

- [RED OAK CONTRACT Flowery Branch Ga 2015.pdf](#)
- [Red Oak Sanitation Request 3-10-2020.pdf](#)
- [RED OAK CONTRACT Flowery Branch Ga 2020 FINAL.pdf](#)
- [EXECUTIVE SUMMARY - Red Oak Sanitation Contract.pdf](#)

Residential Waste Removal Agreement

This agreement made and entered into on the 7th day of May, 2015, by and between the City of Flowery Branch, hereinafter referred to as "City", and Red Oak Sanitation, hereinafter referred to as "Contractor".

Section 1: Commencement of Work

The Contractor agrees to provide service to residents of the City under the current sanitation services requirements which are listed below. Service will begin no later than May 7th, 2015.

Section 2: Term of Agreement

The term of the Agreement shall be for a period of one (1) year, beginning May 7, 2015. The Agreement shall automatically renew for one (1) year at the end of the first one (1) year term, the second one (1) year term, the third one (1) year term and fourth (1) year term unless either party provides the other party with written notice at least thirty (30) days prior to the termination of the then-current term.

Section 3: Categories of Service and Acceptable Items

- 3.1) Garbage. The Contractor will provide once-per-week residential waste removal service to residents of the City. Residents will be provided with one 95-gallon waste container, customized with the official City logo, for storage of garbage. Residents will place their garbage container at their curb on collection days. Disposal of all garbage will occur at Hall County Transfer Station, 1 Ruby St., Gainesville, GA, 30501 or any other State licensed facility
- 3.2) Recycling. The Contractor will provide once-per-week recycling removal service to residents of the City. Residents will be provided with one 95 or 65-gallon recycling container for storage of recyclables. Residents will place their recycling containers at their curb on collection days. Recycling materials will be processed at SP Recycling in Lawrenceville, GA and Olde Atlanta Recycling in Cumming, GA, or any other State licensed facility.
- 3.3) Yard Waste. The Contractor will provide once-per-week yard trimmings collection to residents of the City. Residents will contain all grass clippings, leaves, twigs and shrubbery in paper yard waste bags. The Contractor will not collect branches and limbs. The Contractor will remove up to 1.5 cubic yards (7 bags) of yard trimmings, per home, per week. Additional bags of yard trimmings must be scheduled with Contractor's customer service representatives and paid for prior to removal. Residents will place all yard trimmings at their curb on collection days."

- 3.4) **Refuse.** The Contractor will provide once-per-week refuse removal service to residents of the City. Residents will place all refuse at their curb on collection days. For the purposes of this Agreement, refuse is classified as items which are either too big or too heavy to be disposed of in a household garbage bag. Exceptions include construction and demolition debris and other items, as designated by the Contractor, which cannot be efficiently removed. Items containing liquids must be properly tagged before removal.

Section 4: Residential Waste Removal Service

- 4.1) **Duties.** The Contractor shall remove and dispose of garbage, recyclable items, yard waste, and refuse outlined in this Agreement.
- 4.2) **Equipment.** The Contractor will provide residents of the City with one 95-gallon garbage container. Each additional garbage container requested by a resident will incur an additional charge. The official City logo will be printed on the side of each garbage container.
- 4.3) **Amounts allowed for Removal.** The amounts of garbage, recyclable items, yard waste, and bulk items allowed per pickup are as follows: one 95-gallon waste cart full of garbage (unless additional waste carts are requested and paid for); one 95 or 65-gallon recycling container full of recyclable items; 1 cubic yard of yard waste (additional cubic yards must be requested and paid for); one refuse item.
- 4.4) **Location of Pickup.** Removal of garbage, recyclable items, yard waste, and refuse shall occur beside the curb at the end of the driveway of each resident of the City.
- 4.5) **Time Requirements.** All garbage, yard waste, recycling and refuse to be removed must be set out by 7:00 a.m. on the day of pickup.
- 4.6) **Refusal of Removal.** The Contractor may refuse to remove any garbage, recyclable items, yard waste, or refuse not placed in their respective waste cart, recycling container, yard waste bags and rolls, or proper point of pickup, unless a special arrangement is made by calling the office of the Contractor. The Contractor may also refuse to remove construction and demolition debris and other items, as designated by the contractor, which cannot be efficiently removed.

Section 5: Holidays

The Contractor will not provide service on the following holidays: New Year's Day, Memorial Day, the Fourth of July, Labor Day, Thanksgiving Day, and Christmas Day. During a holiday week will occur one day after the normal pickup day.

Section 6: Rates

Residents of the City will pay \$11.⁶⁵ per month, per home. Residents will pay \$6.⁰⁰ per month, per home for each additional garbage container. Residents will pay \$8.⁰⁰ per cubic yard of yard waste, exceeding 1.5 cubic yard (7 bags or rolls) per week.

Section 7: Payment and Billing

- 7.1) Payment. Payment is due by the first day of each service quarter. Payment in full for three months of service is required before service can begin. Additional cubic yards of yard waste must be paid for prior to removal via phone, online, or in-person transaction with Contractor's customer service representatives.
- 7.2) Billing. The Contractor will bill residents of the City individually and on a quarterly basis.

Section 8: Presentations and Warranties of Red Oak Sanitation

- 8.1) Organization, Power and Authority. The Contractor is a corporation duly organized and validly existing under the laws of the State of Georgia, with full corporate power and authority to enter into this Agreement and perform its obligations hereunder.
- 8.2) Due Authorization; Binding Obligation. The execution, delivery and performance of this Agreement and all other agreements contemplated hereby and the consummation of the transactions contemplated hereby has been duly authorized by all necessary corporate action on the part of the Contractor. This Agreement has been duly executed and delivered by the Contractor and is a valued and binding obligation of the Contractor enforceable in accordance with its terms.

Section 9: Insurance

The Contractor shall procure and keep in force and effect throughout the term of the Agreement such liability insurance with at least \$1 million in coverage to protect the City and the Contractor, as their interest may appear, against claims of any and all persons for personal injury, death or property damage occurring during the Contractor's provision of sanitation services. The Contractor shall produce a certificate of insurance upon request by the City.

Section 10: Indemnity

Except for the City negligence and/or intentional misconduct, the Contract shall indemnify and save harmless the City from and against any and all liability, penalties, damages, losses, expenses and judgments by reason of any injury or claim of injury to person or property, of any nature and howsoever caused, arising out of the Contractor's provision of sanitation services.

Section 11: Miscellaneous

11.1) In the event that any provision or portion thereof of this Agreement shall be found to be invalid or unenforceable, then such provision or portion thereof shall be reformed in accordance with the applicable laws. The invalidity or unenforceability of any provision or portion of the Agreement shall not affect the validity or enforceability of any other provision or portion of the Agreement.

11.2) All provisions of this Agreement shall be strictly complied with and conformed to by the Contractor, and no modifications or amendments to this Agreement shall be made except upon the written consent of the parties. No modification or amendment shall be construed to release either party from any obligation of the Agreement except as specifically provided for in such modification or amendment.

11.3) This Agreement shall be interpreted under the laws of the State of Georgia.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year above first written.

CITY OF FLOWERY BRANCH

Signed: _____


Mayor Mike Miller

Date: _____

5/7/15

Attest: _____

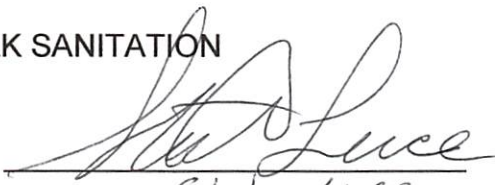

City Clerk Melissa McCain

Date: _____

5/7/15

RED OAK SANITATION

Signed: _____


Steve Luce

Date: _____

4/27/15

Title: _____

Pres.

Contractor Affidavit under O.C.G.A. § 13-10-91(b) (1)

By executing this affidavit, the undersigned contractor verifies its compliance with O.C.G.A. § 13-10-91, stating affirmatively that the individual, firm or corporation which is engaged in the physical performance of services on behalf of The City of Flowery Branch has registered with, is authorized to use and uses the federal work authorization program commonly known as E-Verify, or any subsequent replacement program, in accordance with the applicable provisions and deadlines established in O.C.G.A. § 13-10-91. Furthermore, the undersigned contractor will continue to use the federal work authorization program throughout the contract period and the undersigned contractor will contract for the physical performance of services in satisfaction of such contract only with subcontractors who present an affidavit to the contractor with the information required by O.C.G.A. § 13-10-91(b). Contractor hereby attests that its federal work authorization user identification number and date of authorization are as follows:

58269048 / 522590
Federal Work Authorization User Identification Number/E-Verify #

5/19/12
Date of Authorization

Red Oak Sanitation, Inc
Name of Contractor

City of Flowery Branch
Name of Project

Name of Public Employer

I hereby declare under penalty of perjury that the foregoing is true and correct.

Executed on April 27, 2015 in Gaines (city), GA (state).

[Signature]
Signature of Authorized Officer or Agent

Stub Luce Pres
Printed Name and Title of Authorized Officer or Agent

SUBSCRIBED AND SWORN BEFORE ME
ON THIS THE 27th DAY OF April, 2015.

Kimber Alexander
NOTARY PUBLIC

My Commission Expires: April 23, 2016

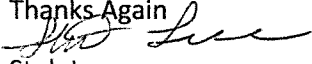


Good Afternoon Bill,

We would like to thank you and Alisha for meeting with us last week. To follow up here are some of the points we would like to discuss with the Mayor and or council.

1. Red Oak has been providing service to the city of Flowery Branch for 20 years without a rate increase. Over the years we have continued to find solutions and create efficiency's so that we could maintain our monthly rate.
2. Over that same period of time our cost to drop off recycling at the recycling center has been a roller coaster, going from actually being paid \$ 5 per ton (of which we donated to American Cancer society) to now where we are paying \$ 57 per ton to drop off.
3. As you can see with the increase letter's that we gave you that the landfill rate for msw at \$ 40 per ton is much cheaper for dumping than recycling.
4. With our subscription customers (excluding the city of Flowery Branch customers) we are now billing those that choose to recycle an additional fee as it's an additional sevice.
5. We would like to extend or renew our contract with the city at a rate of \$ 12 per month for household trash and for only those that recycle an additional \$ 4 per month.

Thanks Again


Stub Luce

**RESIDENTIAL WASTE SERVICES AGREEMENT BY AND BETWEEN
THE CITY OF FLOWERY BRANCH, GEORGIA AND RED OAK SANITATION, INC.**

THIS AGREEMENT (this “Agreement”), is made and entered into effective the 1st day of May 2020, by and between the City of Flowery Branch, Georgia, a Georgia municipal corporation, (hereinafter referred to as “City”) and Red Oak Sanitation, Inc., a Georgia corporation, (hereinafter referred to as “Contractor”).

SECTION 1: COMMENCEMENT OF WORK

The Contractor agrees to provide service to residents of the City under the current sanitation services requirements, which are listed below. Service will begin no later than May 1, 2020.

SECTION 2: TERM OF AGREEMENT

The term of the Agreement shall be for a period of one (1) year, beginning May 1, 2020. The Agreement shall automatically renew for one (1) year at the end of the first one (1) year term, the second one (1) year term, the third one (1) year term and fourth one (1) year term unless either party provides the other party with written notice at least thirty (30) days before the termination of the then-current term.

**SECTION 3: CATEGORIES OF RESIDENTIAL WASTE REMOVAL
SERVICE AND ACCEPTABLE ITEMS**

Garbage. The Contractor will provide a once-per-week residential waste removal service to residents of the City. Residents will be provided with one 95-gallon waste cart for storage of garbage. Residents will place their garbage containers at their curb on collection days by 7:00 AM.

Amounts allowed for removal: The amounts of garbage, recyclable items, yard waste, and bulk items allowed per pickup are as follows: one 95-gallon waste cart full of garbage (unless additional waste carts are requested and paid for); one 95 or 65-gallon recycling container full of recyclable items; 1 cubic yard of yard trimmings (extra cubic yards must be requested and paid for); and one bulk item. Disposal of all garbage will occur at Hall County Transfer Station, 1 Ruby Street, Gainesville, GA, 30501 or any other State-licensed facility.

Recycling. The Contractor will provide a once-per-week recycling removal service to residents of the City. Residents will be provided with one 95 or 65-gallon recycling container for storage of recyclables. Residents will place their recycling containers at their curb on collection days by 7:00 AM. Recycling materials will be processed at SP Recycling in Lawrenceville, GA, or any other State-licensed facility.

Yard Trimmings. The Contractor will provide once-per-week yard trimmings collection to residents of the City. Residents will contain all grass clippings, leaves, twigs, and shrubbery in paper yard waste bags. The Contractor will not collect branches and limbs. The Contractor will remove up to 1 cubic yards (7 bags or rolls) of yard trimmings, per home, per week. Additional bags of yard trimmings must be scheduled with the Contractor's customer service

representatives and paid for prior to removal. Residents will place all yard trimmings at their curb on collection days by 7:00 AM.

Bulk Item. The Contractor will provide a once-per-week bulk removal service to residents of the City. Residents will place all bulk at their curb. For the purposes of this Agreement, bulk is classified as items that are either too big or too heavy to be disposed of in a household garbage bag. All bulk items must be scheduled with the Contractor prior to pickup. Bulk item pickups may not be scheduled on a regular service garbage day. Exceptions include construction and demolition debris and other items, as designated by the Contractor, which cannot be efficiently removed. Items containing liquids must be appropriately tagged before removal.

Refusal of Removal. The Contractor may refuse to remove any garbage, recyclable items, yard trimmings, or bulk item not placed in their respective waste cart, recycling container, yard waste bags, and rolls, or proper point of pickup, unless a special arrangement is made by calling the office of the Contractor. The Contractor may also refuse to remove construction and demolition debris and other items, as designated by the Contractor, which cannot be efficiently removed.

SECTION 4: HOLIDAYS

The Contractor will not provide service on the following holidays: New Year's Day, Memorial Day, the Fourth of July, Labor Day, Thanksgiving Day, and Christmas Day. Service during a holiday week will occur one day after the regular pickup day.

SECTION 5: RATES

Residents of the City will pay \$12.00 per month per home. Residents will pay \$6.00 per month per household for each additional garbage container. Residents will pay \$8.00 per cubic yard of yard waste, exceeding 1 cubic yards (7 bags or rolls) per week. If the customer elects to utilize recycling services, there will be an additional charge of \$4.00 per month for recycling services.

SECTION 6: PAYMENT AND BILLING

Payment. Payment is due by the first day of each service quarter or month based on method of billing. Payment in full for three months of service is required before service can begin. Additional cubic yards of yard waste must be paid for before removal via phone, online, or in- person transaction with Contractor's customer service representatives.

Billing. The Contractor will bill residents of the City individually and directly.

SECTION 7: REPRESENTATIONS AND WARRANTIES OF RED OAK SANITATION

Organization, Power, and Authority. The Contractor is a corporation duly organized and validly existing under the laws of the State of Georgia, with full corporate power and authority to enter into this Agreement and perform its obligations hereunder.

Due Authorization; Binding Obligation. The execution, delivery, and performance of this Agreement and all other agreements contemplated hereby and the consummation of the transactions contemplated hereby have been duly authorized by all necessary corporate action on the part of the Contractor. This Agreement has been duly executed and delivered by the Contractor and is a valued and binding obligation of the Contractor enforceable in accordance with its terms.

SECTION 8: INSURANCE

The Contractor shall procure and keep in force and effect throughout the term of the Agreement such liability insurance with at least \$1 million in coverage to protect the City and the Contractor, as their interest may appear, against claims of any and all persons for personal injury, death or property damage occurring during the Contractor's provision of sanitation services. The Contractor shall produce a certificate of insurance upon request by the City.

SECTION 9: INDEMNITY

Except for the City's negligence and/or intentional misconduct, the Contractor shall indemnify and save harmless the City from and against any and all liability, penalties, damages, losses, expenses and judgments by reason of any injury or claim of injury to person or property, of any nature and howsoever caused, arising out of the Contractor's provision of sanitation services.

SECTION 10: MISCELLANEOUS

In the event that any provision or portion thereof of this Agreement shall be found to be invalid or unenforceable, then such provision or portion thereof shall be reformed in accordance with the applicable laws. The invalidity or unenforceability of any provision or portion of the Agreement shall not affect the validity or enforceability of any other provision or portion of the Agreement.

All provisions of this Agreement shall be strictly complied with and conformed to by the Contractor, and no modifications or amendments to this Agreement shall be made except upon the written consent of the parties. No modification or amendment shall be construed to release either party from any obligation of the Agreement except as specifically provided for in such modification or amendment.

This Agreement shall be interpreted under the laws of the State of Georgia.

This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

IN WITNESS WHEREOF, City and Contractor have carefully read and reviewed this Amendment and each term and provision contained herein, and by the execution of this Amendment shows their informed and voluntary consent thereto. The parties hereby agree that, at the time this Amendment is executed, the terms of this Amendment are commercially reasonable and effectuate the intent and purpose of City and Contractor with respect to the sanitation services provided to the citizens of the City of Flowery Branch.

This day _____ of April, 2020.

CITY: THE CITY OF FLOWERY BANCH , GA

By: James M. Miller, Mayor

ATTEST:

Melissa McCain, City Clerk

APPROVED AS TO FORM:

E. Ronald Bennett, Jr., City Attorney

Signatures Continued on Next Page

CONTRACTOR: RED OAK SANITATION, INC.

By: Lynn Luce, CEO

By: Marlon Luce, CFO

Sworn to and subscribed before me
this ____ day of April, 2020.

NOTARY PUBLIC

My commission expires: _____

FLOWERY BRANCH CITY COUNCIL
EXECUTIVE SUMMARY

SUBJECT: Red Oak Sanitation – Renewal of Agreement

DATE: April 1, 2020

(X) RECOMMENDATION
() POLICY DISCUSSION
() STATUS REPORT
() OTHER

BUDGET INFORMATION:
ANNUAL-
CAPITAL-

COMMISSION ACTION REQUESTED ON: April 16, 2020

PURPOSE: Approve the new Red Oak Sanitation Agreement as presented

HISTORY:

Red Oak Sanitation has been servicing the City of Flowery Branch citizens with garbage and recycling services for about 20 years without a rate increase. The last contract signed with Red Oak Sanitation is dated May 7, 2015, and is set to expire on May 7, 2020. City staff reached out to Red Oak Sanitation to notify them the City will be placing these services out for bid this year. Staff explained to Red Oak that the Requests for Proposals (RFP) process is to ensure the City is doing its due diligence in providing the best services to our citizens at the least cost, and the City does not have any complaints about the service provided by Red Oak Sanitation.

FACTS AND ISSUES:

Statements below were presented by Red Oak Sanitation at the 4/2/2020 work session:

1. Red Oak has been providing service to the City of Flowery Branch for 20 years without a rate increase. Over the years, we have continued to find solutions and create efficiencies so that we could maintain our monthly rate.
 2. Over that same period, our cost to drop off recycling at the recycling center has been a roller coaster, going from actually being paid \$5 per ton to now where we are paying \$57 per ton to drop off.
 3. As you can see with the increase letters that we gave you, that the landfill rate for MSW at \$40 per ton is much cheaper for dumping than recycling.
-
-

-
-
4. With our subscription customers (excluding the City of Flowery Branch customers), we are now billing those that choose to recycle an additional fee as it's an extra service.
 5. We would like to extend or renew our contract with the City at a rate of \$12 per month for household trash and for only those that recycle an additional \$4 per month.
 6. All customers will be notified of the rate change by letter by 5/1/2020.
-
-

OPTIONS: Approve the new Red Oak Sanitation Agreement as presented

RECOMMENDED SAMPLE MOTION:

I make a motion to approve for the Mayor to sign the new Red Oak Sanitation agreement, which will be effective May 1, 2020.

DEPARTMENT: Administration and Finance

Prepared by: Alisha Gamble



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider Resolution 20-011 - 3rd Quarter Amendment to the Budget for FY2020 as Previously Adopted on June 27, 2019

COUNCIL MEETING DATE: April 16, 2020

HISTORY:

A budget is balanced when the sum of estimated revenues and appropriated fund balances is equal to expenditure/expense appropriations for each applicable fund. Revenue estimates and governmental needs change throughout the year which requires approval from Council for said budget amendments.

FACTS AND ISSUES:

- See attachment A and B for 3rd quarter details.

OPTIONS:

Approve Resolution 20-011 for 3rd Quarter Amendment to the Budget for FY2020 as Previously Adopted on June 27, 2019.

IF FUNDING IS INVOLVED, ARE FUNDS APPROVED IN THE CURRENT BUDGET:

No

AMOUNT AND SOURCE OF FUNDS:

Excess collections in revenue in FY2020 for General Fund and Water/Wastewater Fund

RECOMMENDATION:

Approve Resolution 20-011 for 3rd Quarter Amendment to the Budget for FY2020 as Previously Adopted on June 27, 2019.

SAMPLE MOTION:

I make a motion for the City Council to authorize approval of Resolution 20-011, 3rd Quarter Amendment to the Budget for FY2020 as Previously Adopted on June 27, 2019 as presented in Attachment A and B.

COLLABORATING DEPARTMENT:

DEPARTMENT: Finance

Prepared by: Melissa McCain

ATTACHMENTS

- [Resolution 20-011 Executive Summary.pdf](#)
- [Resolution 20-011.pdf](#)
- [Attachment A - Resolution 20-011 Budget Amendment Form.pdf](#)
- [Attachment B - BA Descriptions and Detailed Report.pdf](#)

FLOWERY BRANCH CITY COUNCIL
EXECUTIVE SUMMARY

SUBJECT: Resolution 20-011: 3rd Quarter Amendment to the Budget for FY2020 as Previously Adopted on June 27, 2019

DATE: 4/2/2020

(X)RECOMMENDATION

() POLICY DISCUSSION

BUDGET INFORMATION:

() STATUS REPORT

ANNUAL-

() OTHER

CAPITAL-

COMMISSION ACTION REQUESTED ON: 4/16/2020

PURPOSE: To approve Resolution 20-011, 3rd Quarter Amendment to the Budget for FY2020 as Previously Adopted on June 27, 2019

HISTORY: A budget is balanced when the sum of estimated revenues and appropriated fund balances is equal to expenditure/expense appropriations for each applicable fund. Revenue estimates and governmental needs change throughout the year which requires approval from Council for said budget amendments.

FACTS AND ISSUES:

- See attachment A and B for 3rd quarter details.
-
-

RECOMMENDED SAMPLE MOTION: I make a motion for the City Council to authorize approval of Resolution 20-011, 3rd Quarter Amendment to the Budget for FY2020 as Previously Adopted on June 27, 2019 as presented in Attachment A and B.

DEPARTMENT: Finance

Prepared by: Alisha Gamble

RESOLUTION NO.: 20-011

**TO AMEND THE BUDGET FOR FISCAL YEAR 2020 AS PREVIOUSLY ADOPTED ON
JUNE 27, 2019.**

WHEREAS, the City Council approved a budget for fiscal year 2020 for the City of Flowery Branch on June 27, 2019 by Resolution 19-008; and

WHEREAS, the budget is a dynamic rather than static revenue and spending plan which requires adjustment from time to time as circumstances change; and

WHEREAS, these adjustments maintain a balanced budget for all funds.

NOW, THEREFORE, BE IT RESOLVED THAT the governing body for the City of Flowery Branch hereby adopts the adjustments to the budget listed on “Attachment A” and “Attachment B”, attached hereto and made a part of the Resolution.

RESOLVED this 16th day of April 2020.

James M. Miller, Mayor

ATTEST:

Melissa McCain, City Clerk

APPROVED AS TO FORM:

E. Ronald Bennett, Jr., City Attorney

505

3/31/2020

Justification: RESOLUTION 20-011: BUDGET AMENDMENT TO FY2020 APPROVED BUDGET FROM JUNE 27, 2019.

Date:

Budget Adjust. #:

Income Statement

For Fiscal: FY 2020 Period Ending: 03/31/2020

		Original Total Budget	Current Total Budget	MTD Activity	YTD Activity	Budget Remaining
Fund: 505 - WATER / SEWER FUND						
Revenue						
Department: 0000 - Undesignated						
505-0000-344210	Water Charges	617,792.00	617,792.00	54,614.87	520,366.59	97,425.41
505-0000-344211	Misc. Water & Sewer Charges	0.00	0.00	0.00	-33.60	33.60
505-0000-344212	Water Charges - Portable Meters	0.00	0.00	0.00	3,709.25	-3,709.25
505-0000-344220	Meter Set Fees	0.00	20,165.00	19,015.00	62,000.00	-41,835.00
505-0000-344232	Admin. Fees	16,000.00	19,585.00	7,766.00	38,752.24	-19,167.24
505-0000-344253	Sewer Charges - Billed By Gainesville	0.00	0.00	0.00	36,431.46	-36,431.46
505-0000-344254	Sewer Charges	1,155,314.00	1,155,314.00	69,235.54	783,535.02	371,778.98
505-0000-346901	Account Service Charge W&S	50,000.00	50,000.00	0.00	0.00	50,000.00
505-0000-346905	Sewer & Water Inspection Fees	5,000.00	5,000.00	0.00	400.00	4,600.00
505-0000-349300	Bank Fees / Bad Check Fees	225.00	225.00	60.00	325.00	-100.00
505-0000-361000	Interest Revenues - Operating	3,750.00	3,750.00	0.00	1,073.05	2,676.95
505-0000-380000	Penalties / Reconnect Fees	60,000.00	60,000.00	1,132.07	48,583.27	11,416.73
505-0000-380100	W&S Miscellaneous Revenue	3,000.00	3,000.00	1,303.50	3,600.65	-600.65
505-0000-380500	S / F.O.G. & Pre-Treatment Permits	7,850.00	7,850.00	150.00	3,060.00	4,790.00
505-0000-389000	WI Rebates from Gainesville 5%	30,000.00	30,000.00	0.00	13,981.47	16,018.53
505-0000-389200	Reserves	331,193.00	331,193.00	0.00	0.00	331,193.00
Department: 0000 - Undesignated Total:		2,280,124.00	2,303,874.00	153,276.98	1,515,784.40	788,089.60
Revenue Total:		2,280,124.00	2,303,874.00	153,276.98	1,515,784.40	788,089.60

Expense

Department: 0000 - Undesignated						
505-0000-574000	Bad Debts for Uncollectible	0.00	0.00	0.00	8,977.50	-8,977.50
505-0000-579000	Contingency	110,500.00	110,500.00	0.00	0.00	110,500.00
505-0000-581100	Bonds - Principal Payments	266,000.00	266,000.00	266,000.00	266,000.00	0.00
505-0000-581300	GEFA - Principal Payments	69,219.00	69,219.00	5,704.69	51,103.53	18,115.47
505-0000-582100	Bonds - Interest Payments	85,608.00	85,608.00	0.00	23,776.20	61,831.80
505-0000-582101	Amort. of Bond Refunding Premium	5,800.00	5,800.00	0.00	0.00	5,800.00
505-0000-582300	GEFA - Interest Payments	16,814.00	16,814.00	1,464.71	13,421.07	3,392.93
505-0000-611308	Transfer Out 308 - WS Capital Projects Fun	0.00	9,770.00	0.00	9,770.00	0.00
Department: 0000 - Undesignated Total:		553,941.00	563,711.00	273,169.40	373,048.30	190,662.70

Department: 1500 - General Administration

505-1500-511100	W/S Admin / Salaries	99,837.00	99,837.00	4,207.84	71,050.38	28,786.62
505-1500-511300	W/S Admin / Overtime	6,598.00	6,598.00	256.80	2,912.56	3,685.44
505-1500-512100	W/S Admin / Health Insurance	20,147.00	20,147.00	1,038.17	16,676.47	3,470.53
505-1500-512200	W/S Admin / FICA & Medicare	8,085.00	8,085.00	340.42	5,530.97	2,554.03
505-1500-512220	Admi - Long Term Disability	703.00	703.00	30.48	489.01	213.99
505-1500-512400	W/S Admin / Retirement	9,493.00	9,493.00	696.98	6,273.35	3,219.65
505-1500-512600	W/S Admin / GA SUI	149.00	149.00	4.55	98.70	50.30
505-1500-521204	Admin - Professional Services	10,000.00	11,300.00	0.00	11,270.00	30.00
505-1500-521240	W/S Admin / Legal Fees	12,000.00	10,080.00	1,620.00	6,150.00	3,930.00
505-1500-521300	W/S Admin / Website & Software Mainten	13,500.00	13,500.00	1,389.15	12,444.99	1,055.01
505-1500-521310	W/S Admin / IT Services	16,810.00	16,810.00	2,243.94	10,709.69	6,100.31
505-1500-523210	W/S Admin - Call Notifications Expense	0.00	150.00	0.00	148.20	1.80
505-1500-523250	W&S Admin Shipping & Postage	13,000.00	13,000.00	0.00	8,225.81	4,774.19
505-1500-523310	W/S Admin - Advertising	0.00	1,000.00	0.00	864.00	136.00
505-1500-523400	W&S Printing	3,000.00	3,000.00	0.00	1,421.40	1,578.60
505-1500-523600	S/W - Merchant Sys. Fee & Admin Fee	531.00	31.00	0.00	0.00	31.00
505-1500-531110	W/S Office Supplies	1,500.00	2,200.00	0.00	2,165.78	34.22
505-1500-531600	W&S Admin - Small Equipment	6,000.00	4,800.00	1,395.48	3,734.97	1,065.03
Department: 1500 - General Administration Total:		221,353.00	220,883.00	13,223.81	160,166.28	60,716.72

Department: 4300 - Wastewater

505-4300-511100	S/ Salaries	200,532.00	200,532.00	12,759.28	136,881.33	63,650.67
505-4300-511300	S/ Overtime	5,125.00	5,125.00	98.44	2,400.00	2,725.00
505-4300-512100	S/ Health Insurance	51,899.00	51,899.00	2,947.24	35,521.46	16,377.54
505-4300-512200	S/ FICA & Medicare	15,580.00	15,580.00	967.01	11,372.76	4,207.24
505-4300-512220	S/ - Long Term Disability	945.00	945.00	65.30	809.19	135.81

375

Income Statement

For Fiscal: FY 2020 Period Ending: 03/31/2020

	Original Total Budget	Current Total Budget	MTD Activity	YTD Activity	Budget Remaining
505-4300-512400 S/ Retirement					
505-4300-512600 S/ GA SU1	11,346.00	11,346.00	833.03	7,496.84	3,849.16
505-4300-521204 S / Engineering Fees	300.00	300.00	5.46	87.54	212.46
505-4300-521310 S/ Sewage Testing	25,000.00	20,115.00	4,412.79	17,969.12	2,145.88
505-4300-521315 S/ EPD Compliance & Fines	2,500.00	2,500.00	0.00	0.00	2,500.00
505-4300-522110 S/ Sludge Disposal	1,000.00	1,000.00	0.00	0.00	1,000.00
505-4300-522200 S/ Repairs & Maintenance	25,000.00	25,000.00	1,420.00	12,977.91	12,022.09
505-4300-522205 S/ Vehicle Repairs & Maintenance	75,000.00	74,675.00	3,818.27	48,087.21	26,587.79
505-4300-523200 S/ Communications	2,500.00	2,500.00	0.00	1,551.45	948.55
505-4300-523221 S/ Cell Phones	2,500.00	2,825.00	317.13	2,821.87	3.13
505-4300-523250 S / Shipping & Postage	2,100.00	2,100.00	180.58	1,386.53	713.47
505-4300-523500 S/ Travel Expenses	200.00	200.00	0.00	51.02	148.98
505-4300-523600 S/ Dues & Fees	500.00	500.00	0.00	177.37	322.63
505-4300-523700 S/ Education & Training	1,900.00	1,900.00	0.00	1,825.41	74.59
505-4300-531100 S/ Supplies & Materials	2,000.00	2,000.00	115.00	1,097.50	902.50
505-4300-531110 S/ Office Supplies	19,000.00	18,640.00	1,523.77	15,577.44	3,062.56
505-4300-531120 S/ Chemicals	1,500.00	1,800.00	134.32	1,708.07	91.93
505-4300-531230 S/ Electricity	160,000.00	160,000.00	14,721.44	84,546.84	75,453.16
505-4300-531270 S/ Gasoline & Diesel	150,000.00	150,000.00	12,685.40	91,519.77	58,480.23
505-4300-531600 S/ Small Equip. & Lab Equip.	9,600.00	9,600.00	435.89	3,431.09	6,168.91
505-4300-531790 S/ Uniforms	10,000.00	10,000.00	1,288.37	1,575.16	8,424.84
505-4300-542000 S / Capital - Machinery & Equipment	4,000.00	4,060.00	375.50	4,053.68	6.32
Department: 4300 - Wastewater Total:	38,000.00	38,000.00	0.00	12,973.20	25,026.80
505-4334-522200 L/S Repairs & Maint.	818,027.00	813,142.00	59,104.22	497,899.76	315,242.24
505-4334-523200 L/S Communications	45,000.00	45,000.00	0.00	10,632.32	34,367.68
505-4334-531210 L/S Water	3,300.00	3,300.00	0.00	2,355.00	945.00
505-4334-531230 L/S Electricity	3,500.00	3,500.00	282.18	2,612.87	887.13
505-4334-531240 L/S Propane Gas	32,500.00	32,500.00	3,537.29	23,802.36	8,697.64
Department: 4334 - Sewer Lift Stations Total:	3,500.00	3,500.00	1,013.61	1,566.46	1,933.54
505-4400-511100 W/ Salaries	87,800.00	87,800.00	4,833.08	40,969.01	46,830.99
505-4400-511300 W/ Overtime	267,636.00	267,636.00	18,166.19	155,500.27	112,135.73
505-4400-512100 W/ Health Insurance	7,113.00	7,113.00	100.84	2,048.15	5,064.85
505-4400-512200 W/ FICA & Medicare	64,311.00	64,311.00	5,047.52	46,062.56	18,248.44
505-4400-512220 W/ - Long Term Disability	20,770.00	20,770.00	1,387.55	13,395.87	7,374.13
505-4400-512400 W/ Retirement	1,099.00	1,199.00	117.25	1,125.00	74.00
505-4400-512600 W / GA SU1	15,982.00	15,982.00	1,173.41	10,561.14	5,420.86
505-4400-521204 W / Engineering Fees	375.00	375.00	19.99	114.60	260.40
505-4400-521300 W/ Water Testing & Storm Wtr Monit	20,000.00	11,055.00	4,412.80	10,077.83	977.17
505-4400-521313 W/ WaterShed Protection Plan	8,830.00	8,830.00	0.00	5,975.00	2,855.00
505-4400-521315 W/ EPD Compliance - Audits & Repts	15,000.00	15,000.00	0.00	0.00	15,000.00
505-4400-522200 W/ Repairs & Maintenance	8,000.00	8,000.00	0.00	0.00	8,000.00
505-4400-522205 W / Vehicle Repairs & Maintenance	15,000.00	15,000.00	0.00	1,380.15	13,619.85
505-4400-523200 W/ Communications	5,000.00	5,000.00	0.00	1,355.35	3,644.65
505-4400-523221 W/ Cell Phones	500.00	500.00	41.35	358.52	141.48
505-4400-523250 W / Shipping & Postage	2,100.00	2,100.00	137.14	1,101.74	998.26
505-4400-523400 W / Printing & Binding	9,600.00	9,600.00	31.24	249.02	9,350.98
505-4400-523500 W/ Travel Expenses	15,312.00	15,212.00	0.00	839.00	14,373.00
505-4400-523600 W/ Dues & Fees	250.00	2,310.00	0.00	2,297.98	12.02
505-4400-523700 W/ Education & Training	1,900.00	1,900.00	0.00	1,782.43	117.57
505-4400-531100 W/ Supplies & Materials	1,000.00	1,000.00	116.00	849.98	150.02
505-4400-531110 W / Meter Purchases	15,000.00	17,000.00	2,776.65	11,064.89	5,935.11
505-4400-531270 W/ Gasoline & Diesel	0.00	23,750.00	20,602.40	44,343.40	-20,593.40
505-4400-531600 W/ Small Equipment	12,000.00	12,000.00	604.65	8,352.36	3,647.64
505-4400-531790 W/ Uniforms	3,000.00	3,000.00	0.00	975.00	2,025.00
Department: 4400 - Water Total:	5,725.00	5,725.00	297.75	2,507.11	3,217.89
	515,503.00	534,368.00	55,032.73	322,317.35	212,050.65

**ATTACHMENT B
QUARTERLY BUDGET ADJUSTMENT RESOLUTION
ADJUSTMENT DESCRIPTIONS**

GENERAL FUND

GENERAL FUND

Notable adjustments, which did not affect the total budget, are as follows:

- An adjustment to correct transfer accounts to 9000 account classification to match the DCA Chart of Accounts requirement for a total of \$252,260.
- An adjustment for Hotel Motel transfer in to actual amount collected for a total amount of \$68,340.

SPECIAL REVENUE FUNDS

TAX ALLOCATION DISTRICT FUND

The Tax Allocation District fund recognized a total increase of \$5,606,390 during the third quarter of FY2020. The adjustment associated with this increase are as follows:

- Revenue Bond Series 2020 for a total of \$5,606,390

HOTEL MOTEL TAX FUND

The Hotel Motel Tax fund did not recognize a total increase during the third quarter of fiscal year 2020.

Another notable adjustment, which did not affect the total budget, but represent an adjustment between the 60%/40% allocation is as follows:

- An adjustment to correct 60%/40% allocation of budget moving \$16,152 between the revenue and expense accounts.

CAPITAL PROJECT FUNDS

WATER/WASTEWATER CAPITAL PROJECTS FUND

The Water and Wastewater Capital Project fund recognized a total increase of \$450,500 during the third quarter of FY2020. The adjustments associated with this increase are as follows:

- Approved Infratec Task Order – Wastewater Expansion Plant Design/Permits (\$415,500)
- Approved Infratec Task Order – Wastewater Plant Site Demolition (35,000).

**ATTACHMENT B
QUARTERLY BUDGET ADJUSTMENT RESOLUTION
ADJUSTMENT DESCRIPTIONS**

SPLOST VII CAPITAL PROJECTS FUND

The SPLOST Capital Project fund recognized a total increase of \$50,000 during the third quarter of FY2020. The adjustments associated with this increase are as follows:

- Public Works Booster Pump Station (approval during Council Retreat) for a total of \$50,000.

LOCAL RESOURCES CAPITAL PROJECTS FUND

The Local Resources Capital Projects fund recognized a total increase of \$4,376 during the third quarter of FY2020. The adjustment associated with this increase are as follows:

- Adjustment to LMIG Revenue actual amount collected generated an increase of \$4,376 to the Paving/Repairs Maintenance – Roads.

ENTERPRISE FUNDS

WATER AND WASTEWATER OPERATING FUND

No adjustments during the second quarter of fiscal year 2020. Minor adjustments between department accounts as needed.



City of Flowery Branch

Budget Adjustment Report

Adjustment Detail

For Date Range: 01/01/2020 - 03/31/2020

Account Number	Account Name	Packet Number	Post Date	Original Budget	Budget Adjustments Amount	Current Budget
Adjustment Number	Adjustment Description					
Budget Code: Revised Budget - Revised Budget Fiscal: FY 2020						
Fund: 100 - GENERAL FUND						
Department: 0000 - Undesignated						
100-0000-314100	Hotel/Motel Tax			-68,340.00	68,340.00	0.00
BA0000178	3/31/2020 additional budget adjustments	GLPKT04034	03/31/2020		68,340.00	
100-0000-351300	PD - Asset Forfeiture Account			-1,000.00	-4,010.00	-5,010.00
BA0000175	3/31/2020 Quarterly Department Budget A	GLPKT03879	03/31/2020		-4,010.00	
100-0000-391275	Transfer In - Hotel/Motel Rev			0.00	-68,340.00	-68,340.00
BA0000178	3/31/2020 additional budget adjustments	GLPKT04034	03/31/2020		68,340.00	
BA0000179	Correct BA0000178 - Bkws Entry for HM	GLPKT04035	03/31/2020		-136,680.00	
100-0000-611270	Transfer Out 270 - TAD Fund			64,000.00	-64,000.00	0.00
BA0000168	Correct TF Accts to 9000 Designation per CO	GLPKT03787	03/04/2020		-64,000.00	
100-0000-611350	Transfer out 350 - Local Resources Fund			0.00	-188,260.00	-188,260.00
BA0000168	Correct TF Accts to 9000 Designation per CO	GLPKT03787	03/04/2020		-188,260.00	
Department 0000 Total:				-5,340.00	-256,270.00	-261,610.00
Department: 1110 - Council						
100-1110-511101	Council / Meeting Per Diem			15,000.00	-8,200.00	6,800.00
BA0000163	Challenge Coin Purchase For Flowery Branc	GLPKT03355	01/24/2020		-3,300.00	
BA0000170	New Tablets for Council	GLPKT03811	03/09/2020		-4,900.00	
100-1110-531100	Council / Supplies & Material (EDC)			2,200.00	8,200.00	10,400.00
BA0000163	Challenge Coin Purchase For Flowery Branc	GLPKT03355	01/24/2020		3,300.00	
BA0000170	New Tablets for Council	GLPKT03811	03/09/2020		4,900.00	
Department 1110 Total:				17,200.00	0.00	17,200.00
Department: 1500 - General Administration						
100-1500-521204	Admin / Prof. Svs / Eng / Appraisals			8,000.00	1,000.00	9,000.00
BA0000175	3/31/2020 Quarterly Department Budget A	GLPKT03879	03/31/2020		1,000.00	
100-1500-521240	Admin / Legal Fees			50,000.00	-6,571.00	43,429.00
BA0000175	3/31/2020 Quarterly Department Budget A	GLPKT03879	03/31/2020		-6,571.00	
100-1500-521245	Admin / Annual Audit Fees			26,400.00	9,951.00	36,351.00
BA0000175	3/31/2020 Quarterly Department Budget A	GLPKT03879	03/31/2020		9,951.00	
100-1500-521300	Admin / Website & Software Maintenance			13,500.00	1,390.00	14,890.00
BA0000175	3/31/2020 Quarterly Department Budget A	GLPKT03879	03/31/2020		1,390.00	
100-1500-523200	Admin / Communications			500.00	100.00	600.00
BA0000175	3/31/2020 Quarterly Department Budget A	GLPKT03879	03/31/2020		100.00	
100-1500-523500	Admin / Travel Expenses			6,000.00	-2,000.00	4,000.00
BA0000175	3/31/2020 Quarterly Department Budget A	GLPKT03879	03/31/2020		-2,000.00	
100-1500-523501	Admin / Intern Travel Expense			0.00	1,130.00	1,130.00
BA0000175	3/31/2020 Quarterly Department Budget A	GLPKT03879	03/31/2020		1,130.00	
100-1500-523603	Admin / Muni Code			10,000.00	-3,000.00	7,000.00
BA0000175	3/31/2020 Quarterly Department Budget A	GLPKT03879	03/31/2020		-3,000.00	
100-1500-523700	Admin / Education & Training			6,000.00	-1,000.00	5,000.00
BA0000175	3/31/2020 Quarterly Department Budget A	GLPKT03879	03/31/2020		-1,000.00	
100-1500-531100	Admin / Supplies & Materials			4,000.00	-1,000.00	3,000.00
BA0000175	3/31/2020 Quarterly Department Budget A	GLPKT03879	03/31/2020		-1,000.00	
Department 1500 Total:				124,400.00	0.00	124,400.00

Budget Adjustment Report

For Date Range: 01/01/2020 - 03/31/2020

Account Number	Account Name	Packet Number	Post Date	Original Budget	Budget Adjustments Amount	Current Budget
Adjustment Number	Adjustment Description					
Department: 1565 - Gen Govt Bldg and Plant						
100-1565-531100	City Hall & Bldg's/ Supplies & Materials			2,500.00	1,130.00	3,630.00
BA0000175	3/31/2020 Quarterly Department Budget A	GLPKT03879	03/31/2020		1,130.00	
100-1565-531700	City Hall & Bldg's - Other Expenses			20,000.00	-1,130.00	18,870.00
BA0000175	3/31/2020 Quarterly Department Budget A	GLPKT03879	03/31/2020		-1,130.00	
Department 1565 Total:				22,500.00	0.00	22,500.00
Department: 3210 - Police Administration						
100-3210-521230	PD / Covert & Seizure Equipment			0.00	4,010.00	4,010.00
BA0000175	3/31/2020 Quarterly Department Budget A	GLPKT03879	03/31/2020		4,010.00	
100-3210-521292	PD / Technology Fund Expense			0.00	-2,500.00	-2,500.00
BA0000162	PD Ed & Training Adjustment	GLPKT03354	01/24/2020		-2,500.00	
100-3210-523501	PD / Intern Travel Expense			0.00	52.00	52.00
BA0000175	3/31/2020 Quarterly Department Budget A	GLPKT03879	03/31/2020		52.00	
100-3210-523700	PD / Education & Training			6,000.00	2,944.00	8,944.00
BA0000162	PD Ed & Training Adjustment	GLPKT03354	01/24/2020		2,500.00	
BA0000175	3/31/2020 Quarterly Department Budget A	GLPKT03879	03/31/2020		444.00	
100-3210-531100	PD/ Supplies & Materials			8,500.00	-496.00	8,004.00
BA0000175	3/31/2020 Quarterly Department Budget A	GLPKT03879	03/31/2020		-52.00	
BA0000175	3/31/2020 Quarterly Department Budget A	GLPKT03879	03/31/2020		-444.00	
Department 3210 Total:				14,500.00	4,010.00	18,510.00
Department: 3223 - Patrol						
100-3223-511100	Patrol/ Salaries			693,504.00	-5,000.00	688,504.00
BA0000175	3/31/2020 Quarterly Department Budget A	GLPKT03879	03/31/2020		-5,000.00	
100-3223-511300	Patrol/ Overtime			16,914.00	5,000.00	21,914.00
BA0000175	3/31/2020 Quarterly Department Budget A	GLPKT03879	03/31/2020		5,000.00	
Department 3223 Total:				710,418.00	0.00	710,418.00
Department: 4210 - Highways & Street Adm						
100-4210-521204	PWs / Prof. Services			10,000.00	6,000.00	16,000.00
BA0000175	3/31/2020 Quarterly Department Budget A	GLPKT03879	03/31/2020		6,000.00	
100-4210-522205	PWs / Vehicle Repairs & Maint.			8,000.00	900.00	8,900.00
BA0000175	3/31/2020 Quarterly Department Budget A	GLPKT03879	03/31/2020		900.00	
100-4210-522260	PWs / Stormwater Management			30,000.00	-6,900.00	23,100.00
BA0000175	3/31/2020 Quarterly Department Budget A	GLPKT03879	03/31/2020		-6,900.00	
100-4210-531600	PWs / Small Equipment			25,000.00	-1,500.00	23,500.00
BA0000160	Public Works Request - Truck Purchase	GLPKT03282	01/16/2020		-1,500.00	
100-4210-542200	PWs / Vehicles			45,000.00	1,500.00	46,500.00
BA0000160	Public Works Request - Truck Purchase	GLPKT03282	01/16/2020		1,500.00	
Department 4210 Total:				118,000.00	0.00	118,000.00
Department: 7400 - Planning & Community Dev.						
100-7400-521201	PCD / Professional Sys & Projects			110,000.00	-5,460.00	104,540.00
BA0000175	3/31/2020 Quarterly Department Budget A	GLPKT03879	03/31/2020		-5,460.00	
100-7400-521202	PCD / MS4 Reporting			25,000.00	-5,000.00	20,000.00
BA0000171	Intern Budget Adjustment	GLPKT03855	03/12/2020		-5,000.00	
100-7400-521203	PCD / Contracted Services (Intern)			0.00	5,000.00	5,000.00
BA0000171	Intern Budget Adjustment	GLPKT03855	03/12/2020		5,000.00	
100-7400-521208	PCD / Traffic Calming			10,000.00	-5,000.00	5,000.00
BA0000175	3/31/2020 Quarterly Department Budget A	GLPKT03879	03/31/2020		-5,000.00	
100-7400-521240	PCD/ Legal Fees			25,000.00	4,000.00	29,000.00
BA0000175	3/31/2020 Quarterly Department Budget A	GLPKT03879	03/31/2020		4,000.00	
100-7400-521247	PCD / Plan Review Expenses			10,000.00	4,500.00	14,500.00
BA0000175	3/31/2020 Quarterly Department Budget A	GLPKT03879	03/31/2020		4,500.00	
100-7400-522205	PCD / Vehicle Repairs & Maint			2,000.00	360.00	2,360.00

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Budget Adjustment Report

For Date Range: 01/01/2020 - 03/31/2020

Account Number	Account Name	Packet Number	Post Date	Original Budget	Budget Adjustments Amount	Current Budget
Adjustment Number	Adjustment Description					
BA0000175	3/31/2020 Quarterly Department Budget A	GLPKT03879	03/31/2020		360.00	
100-7400-523400	PCD/ Printing & Binding			150.00	1,000.00	1,150.00
BA0000175	3/31/2020 Quarterly Department Budget A	GLPKT03879	03/31/2020		1,000.00	
100-7400-531400	PCD/ Books & Periodicals			150.00	200.00	350.00
BA0000175	3/31/2020 Quarterly Department Budget A	GLPKT03879	03/31/2020		200.00	
100-7400-531600	PCD / Small Equipment			7,000.00	400.00	7,400.00
BA0000175	3/31/2020 Quarterly Department Budget A	GLPKT03879	03/31/2020		400.00	
Department 7400 Total:				189,300.00	0.00	189,300.00
Department: 9000 - Non-Departmental						
100-9000-611270	Transfer Out 270 - TAD Fund			0.00	64,000.00	64,000.00
BA0000168	Correct TF Accts to 9000 Designation per CO	GLPKT03787	03/04/2020		64,000.00	
100-9000-611350	Trans Out 350 - Local Resources Fund			986,795.00	188,260.00	1,175,055.00
BA0000168	Correct TF Accts to 9000 Designation per CO	GLPKT03787	03/04/2020		188,260.00	
Department 9000 Total:				986,795.00	252,260.00	1,239,055.00
Fund 100 Total:				2,177,773.00	0.00	2,177,773.00

Budget Adjustment Report

For Date Range: 01/01/2020 - 03/31/2020

Account Number	Account Name	Packet Number	Post Date	Original Budget	Budget Adjustments Amount	Current Budget
Adjustment Number	Adjustment Description					
Fund: 270 - TAX ALLOCATION DISTRICT F						
Department: 0000 - Undesignated						
270-0000-311100	TAD - Revenue - Hall Co Portion			-60,000.00	-37,229.00	-97,229.00
BA0000175	3/31/2020 Quarterly Department Budget A	GLPKT03879	03/31/2020		-37,229.00	
270-0000-311150	TAD - Revenue - City's Portion			-60,000.00	60,000.00	0.00
BA0000175	3/31/2020 Quarterly Department Budget A	GLPKT03879	03/31/2020		60,000.00	
270-0000-391100	Transfer in 100 - General Fund			0.00	-62,251.00	-62,251.00
BA0000175	3/31/2020 Quarterly Department Budget A	GLPKT03879	03/31/2020		-62,251.00	
270-0000-393000	Debt Issued - Series 2020 Bond			0.00	-4,995,000.00	-4,995,000.00
BA0000174	TAD Debt Closing Budget Adjustment 3-10-2	GLPKT03996	03/10/2020		-4,995,000.00	
270-0000-393400	Premiums on Bonds Issued			0.00	-511,910.00	-511,910.00
BA0000174	TAD Debt Closing Budget Adjustment 3-10-2	GLPKT03996	03/10/2020		-511,910.00	
270-0000-521208	TAD - Expense - Hall County Portion			60,000.00	37,229.00	97,229.00
BA0000175	3/31/2020 Quarterly Department Budget A	GLPKT03879	03/31/2020		37,229.00	
270-0000-521209	TAD - Expense - City's Portion			60,000.00	2,251.00	62,251.00
BA0000175	3/31/2020 Quarterly Department Budget A	GLPKT03879	03/31/2020		2,251.00	
270-0000-541200	Pine Street Park			0.00	883,164.00	883,164.00
BA0000174	TAD Debt Closing Budget Adjustment 3-10-2	GLPKT03996	03/10/2020		883,164.00	
270-0000-541210	Liberty Park			0.00	883,164.00	883,164.00
BA0000174	TAD Debt Closing Budget Adjustment 3-10-2	GLPKT03996	03/10/2020		883,164.00	
270-0000-541220	Farmers Market Park			0.00	883,164.00	883,164.00
BA0000174	TAD Debt Closing Budget Adjustment 3-10-2	GLPKT03996	03/10/2020		883,164.00	
270-0000-541400	Old Town Streetscapes			0.00	883,164.00	883,164.00
BA0000174	TAD Debt Closing Budget Adjustment 3-10-2	GLPKT03996	03/10/2020		883,164.00	
270-0000-541410	Old Town Paving			0.00	883,164.00	883,164.00
BA0000174	TAD Debt Closing Budget Adjustment 3-10-2	GLPKT03996	03/10/2020		883,164.00	
270-0000-541420	Old Town Bike-Pedestrian Path			0.00	883,164.00	883,164.00
BA0000174	TAD Debt Closing Budget Adjustment 3-10-2	GLPKT03996	03/10/2020		883,164.00	
270-0000-584000	Issuance Costs			0.00	84,090.00	84,090.00
BA0000174	TAD Debt Closing Budget Adjustment 3-10-2	GLPKT03996	03/10/2020		84,090.00	
270-0000-611100	Transfer Out 100 -General Fund			0.00	47,530.00	47,530.00
BA0000174	TAD Debt Closing Budget Adjustment 3-10-2	GLPKT03996	03/10/2020		47,530.00	
270-0000-611350	Transfer out to 350- Local Resources Fund			0.00	76,306.00	76,306.00
BA0000174	TAD Debt Closing Budget Adjustment 3-10-2	GLPKT03996	03/10/2020		76,306.00	
Department 0000 Total:				0.00	0.00	0.00
Fund 270 Total:				0.00	0.00	0.00

Budget Adjustment Report

For Date Range: 01/01/2020 - 03/31/2020

Account Number	Account Name	Packet Number	Post Date	Original Budget	Budget Adjustments Amount	Current Budget
Adjustment Number	Adjustment Description					
Fund: 275 - TOURISM / HOTEL - MOTEL F						
Department: 0000 - Undesignated						
275-0000-314100	CVB Hotel Tax Rev - City's Portion			0.00	-16,152.00	-16,152.00
BA0000178	3/31/2020 additional budget adjustments	GLPKT04034	03/31/2020		-16,152.00	
275-0000-391275	CVB Hotel Tax Rev - CVB's Portion			-46,920.00	16,152.00	-30,768.00
BA0000178	3/31/2020 additional budget adjustments	GLPKT04034	03/31/2020		16,152.00	
Department 0000 Total:				-46,920.00	0.00	-46,920.00
Department: 7540 - 7540						
275-7540-572000	Convention Visitors Bureau			46,920.00	-16,152.00	30,768.00
BA0000178	3/31/2020 additional budget adjustments	GLPKT04034	03/31/2020		-16,152.00	
275-7540-611100	Trans Out 100 - General Fund			0.00	16,152.00	16,152.00
BA0000178	3/31/2020 additional budget adjustments	GLPKT04034	03/31/2020		16,152.00	
Department 7540 Total:				46,920.00	0.00	46,920.00
Fund 275 Total:				0.00	0.00	0.00

Budget Adjustment Report

For Date Range: 01/01/2020 - 03/31/2020

Account Number	Account Name	Packet Number	Post Date	Original Budget	Budget Adjustments Amount	Current Budget
Adjustment Number	Adjustment Description					
Fund: 308 - WATER/ SEWER CAPITAL PROJECTS FUND						
Department: 0000 - Undesignated						
308-0000-399900	Budgeted Retained Earnings			0.00	-450,500.00	-450,500.00
BA0000169	Fund 308 - Project 50180 & 50190	GLPKT03808	03/09/2020		-450,500.00	
308-0000-541300	Wastewater Expansion Plant Design/Permits			0.00	415,500.00	415,500.00
BA0000169	Fund 308 - Project 50180 & 50190	GLPKT03808	03/09/2020		415,500.00	
308-0000-541500	Wastewater Plant Site Demolition			0.00	35,000.00	35,000.00
BA0000169	Fund 308 - Project 50180 & 50190	GLPKT03808	03/09/2020		35,000.00	
Department 0000 Total:				0.00	0.00	0.00
Fund 308 Total:				0.00	0.00	0.00

Budget Adjustment Report

For Date Range: 01/01/2020 - 03/31/2020

Account Number	Account Name	Packet Number	Post Date	Original Budget	Budget Adjustments Amount	Current Budget
Adjustment Number	Adjustment Description					
Fund: 320 - SPLOST FUND						
Department: 0000 - Undesignated						
320-0000-399900	Budgeted Fund Balance			0.00	-50,000.00	-50,000.00
BA0000173	Public Works Booster Pump Station #30170	GLPKT03903	03/19/2020		-50,000.00	
320-0000-541400	Public Works Booster Pump Station			0.00	50,000.00	50,000.00
BA0000173	Public Works Booster Pump Station #30170	GLPKT03903	03/19/2020		50,000.00	
Department 0000 Total:				0.00	0.00	0.00
Fund 320 Total:				0.00	0.00	0.00

Budget Adjustment Report

For Date Range: 01/01/2020 - 03/31/2020

Account Number	Account Name	Packet Number	Post Date	Original Budget	Budget Adjustments Amount	Current Budget
Fund: 350 - LOCAL RESOURCES FUND						
Department: 0000 - Undesignated						
350-0000-334100	LMIG Revenue			-80,000.00	-4,376.00	-84,376.00
BA0000175	3/31/2020 Quarterly Department Budget A	GLPKT03879	03/31/2020		-4,376.00	
350-0000-522200	Paving/Repairs & Maintenance - Roads			486,235.00	4,376.00	490,611.00
BA0000175	3/31/2020 Quarterly Department Budget A	GLPKT03879	03/31/2020		4,376.00	
Department 0000 Total:				406,235.00	0.00	406,235.00
Fund 350 Total:				406,235.00	0.00	406,235.00

Budget Adjustment Report

For Date Range: 01/01/2020 - 03/31/2020

Account Number	Account Name	Packet Number	Post Date	Original Budget	Budget Adjustments Amount	Current Budget
Adjustment Number	Adjustment Description					
Fund: 505 - WATER / SEWER FUND						
Department: 1500 - General Administration						
505-1500-521204	Admin - Professional Services			10,000.00	1,300.00	11,300.00
BA0000175	3/31/2020 Quarterly Department Budget A	GLPKT03879	03/31/2020		1,300.00	
505-1500-521240	W/S Admin / Legal Fees			12,000.00	-1,450.00	10,550.00
BA0000175	3/31/2020 Quarterly Department Budget A	GLPKT03879	03/31/2020		-1,920.00	
BA0000180	Correct BA0000175 - over \$470	GLPKT04039	03/31/2020		470.00	
505-1500-523210	W/S Admin - Call Notifications Expense			0.00	150.00	150.00
BA0000175	3/31/2020 Quarterly Department Budget A	GLPKT03879	03/31/2020		150.00	
505-1500-523600	S/W - Merchant Sys. Fee & Admin Fee			531.00	-500.00	31.00
BA0000176	WS Admin Office Supplies March 2020 Adju	GLPKT04017	03/31/2020		-500.00	
505-1500-531110	W/S Office Supplies			1,500.00	500.00	2,000.00
BA0000176	WS Admin Office Supplies March 2020 Adju	GLPKT04017	03/31/2020		500.00	
Department 1500 Total:				24,031.00	0.00	24,031.00
Department: 4300 - Wastewater						
505-4300-522200	S/ Repairs & Maintenance			75,000.00	-325.00	74,675.00
BA0000175	3/31/2020 Quarterly Department Budget A	GLPKT03879	03/31/2020		-325.00	
505-4300-523200	S/ Communications			2,500.00	325.00	2,825.00
BA0000175	3/31/2020 Quarterly Department Budget A	GLPKT03879	03/31/2020		325.00	
505-4300-531100	S/ Supplies & Materials			19,000.00	-360.00	18,640.00
BA0000176	WS Admin Office Supplies March 2020 Adju	GLPKT04017	03/31/2020		-360.00	
505-4300-531110	S/ Office Supplies			1,500.00	300.00	1,800.00
BA0000176	WS Admin Office Supplies March 2020 Adju	GLPKT04017	03/31/2020		300.00	
505-4300-531790	S/ Uniforms			4,000.00	60.00	4,060.00
BA0000176	WS Admin Office Supplies March 2020 Adju	GLPKT04017	03/31/2020		60.00	
Department 4300 Total:				102,000.00	0.00	102,000.00
Department: 4400 - Water						
505-4400-512220	W/ - Long Term Disability			1,099.00	100.00	1,199.00
BA0000175	3/31/2020 Quarterly Department Budget A	GLPKT03879	03/31/2020		100.00	
505-4400-523400	W / Printing & Binding			15,312.00	-100.00	15,212.00
BA0000175	3/31/2020 Quarterly Department Budget A	GLPKT03879	03/31/2020		-100.00	
Department 4400 Total:				16,411.00	0.00	16,411.00
Department: 4420 - Water Supply						
505-4420-522200	Well Buildings - Repairs/Maint			1,000.00	100.00	1,100.00
BA0000175	3/31/2020 Quarterly Department Budget A	GLPKT03879	03/31/2020		100.00	
505-4420-523900	Wells & Water Tanks R&M/Inspections			29,000.00	-100.00	28,900.00
BA0000175	3/31/2020 Quarterly Department Budget A	GLPKT03879	03/31/2020		-100.00	
Department 4420 Total:				30,000.00	0.00	30,000.00
Fund 505 Total:				172,442.00	0.00	172,442.00
Budget Code Revised Budget Total:				2,756,450.00	0.00	2,756,450.00

Description

Fund Summary

Description	Fund	Original Budget	Budget Adjustments	Current Budget
Budget Code: Revised Budget - Revised Budget Fiscal: FY 2020				
	100	2,177,773.00	0.00	2,177,773.00
	270	0.00	0.00	0.00
	275	0.00	0.00	0.00
	308	0.00	0.00	0.00
	320	0.00	0.00	0.00
	350	406,235.00	0.00	406,235.00
	505	172,442.00	0.00	172,442.00
Budget Code Revised Budget Total:		2,756,450.00	0.00	2,756,450.00



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: First and Second Read of An Ordinance Deeming Violations of the Governor's April 2, 2020 Executive Order a Public Nuisance Violation in the City Code So the City of Flowery Branch May Impose Penalties

COUNCIL MEETING DATE: April 16, 2020

HISTORY:

Without this Ordinance, the City would have to relay any violations of the Governor's April 2, 2020 Order (and its extensions) to the County Solicitor and thus not allow for the involvement of the Municipal Court process, rather than going through the Hall County Court System. If we take no action, Sheriff's Deputies are able to close businesses for violations but we cannot. Our Police Department is allowed to issue a misdemeanor charge but it would go the County Court.

With the passage of this Ordinance, we would be able to treat a violation as a Public Nuisance Violation and thus we could route the violator through the Municipal Court and not have to involve the County. Incidentally, there is some debate as to whether the County would book violators at the County Jail for a misdemeanor due to their concerns about COVID-19. So, by citing as a Public Nuisance, we would avoid that issue.

FACTS AND ISSUES:

OPTIONS:

There are basically three options:

- 1) Take no action.
- 2) Amend this Ordinance in some way.
- 3) Pass this Ordinance as Presented.

IF FUNDING IS INVOLVED, ARE FUNDS APPROVED IN THE CURRENT BUDGET:

No

AMOUNT AND SOURCE OF FUNDS:

No funding is involved.

RECOMMENDATION:

Approval

SAMPLE MOTION:

I motion to approve Ordinance __ Deeming Violations of the Governor's April 2, 2020 Executive Order a Public Nuisance Violation in the City Code So the City of Flowery Branch May Impose Penalties

COLLABORATING DEPARTMENT:

DEPARTMENT: Administration

Prepared by: Melissa McCain

ATTACHMENTS

- [Ordinance __ COVID 19 Enforcement of Governor's Exec Order.docx](#)
- [Governor Kemp's Executive Order.pdf](#)
- [Kemp Shelter in Place Exec Order Summary.docx](#)

**AN EMERGENCY ORDINANCE AMENDING ARTICLE I – IN GENERAL OF
CHAPTER 35 - OFFENSES AND MISCELLANEOUS PROVISIONS OF THE
FLOWERY BRANCH CODE OF ORDINANCES BY ADDING SECTION 35-6
DEEMING VIOLATIONS OF THE GOVERNOR’S EXECUTIVE ORDER DATED
APRIL 2, 2010 A PUBLIC NUISANCE AND IMPOSING PENALTIES; REPEALING
CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING
FOR AN EFFECTIVE DATE; AND FOR ALL OTHER LAWFUL PURPOSES.**

WHEREAS, the World Health Organization has declared coronavirus disease 2019 (COVID-19) a world health emergency and a pandemic; and

WHEREAS, the President of the United States declared a National Health Emergency on March 13, 2020; and

WHEREAS, the Governor of the State of Georgia declared a State of Emergency in Georgia on March 14, 2020; and

WHEREAS, the Mayor and Council of the City of Flowery Branch, Georgia declared a State of Emergency in Flowery Branch on March 24, 2020; and

WHEREAS, to ensure a safe and healthy Georgia, the Governor of the State of Georgia issued an Executive Order on April 2, 2020, requiring citizens of the State of Georgia to shelter in place to impede the spread of COVID-19; and

WHEREAS, the Mayor and Council of the City of Flowery Branch is authorized adopt an ordinance to meet a public emergency affecting life, health, property or public peace not in conflict with said shelter in place Executive Order; and

WHEREAS, to prevent or minimize harm to the citizens of Flowery Branch resulting from the public health emergency caused by the COVID-19 pandemic the Mayor and Council wish to ensure the enforcement of said shelter in place Executive Order.

NOW THEREFORE, the Council of the City of Flowery Branch hereby ordains as follows:

SECTION 1. Article I – In General of Chapter 35 – Offenses and Miscellaneous Provisions of the Flowery Branch Code of Ordinances by adding Section 35-6 - Violations of State Executive Orders as follows:

“Sec. 35-6. – Public Nuisance. Violations of the Executive Order issued by the Governor of the State of Georgia dated April 2, 2020, as may be amended or extended, within the City of Flowery Branch, Georgia shall be deemed to disturb or endanger the peace or decency and /or be deemed a public nuisance and shall be

prosecuted as such in the municipal court of the city. Any person who shall do anything prohibited by this section as the same exists or as it may hereafter be amended, or who shall fail to do anything required by this section as the same exists or as it may hereafter be amended, shall be subject to the penalties allowed by Section 1-12 and as assessed in the discretion of the judge of the municipal court of the city.”

SECTION 2. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION 3. If any section, subsection, provision, or clause of any part of this Ordinance shall be declared invalid or unconstitutional, or, if the provisions of any part of this Ordinance as applied to a particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not held to be invalid or unconstitutional. It is hereby declared as the intent of the Mayor and City Council that this Ordinance would have been adopted in its current form without the invalid or unconstitutional provision contained herein.

SECTION 4. This Ordinance shall become effective immediately upon adoption and shall stand automatically repealed upon expiration of the Executive Order issued by the Governor of the State of Georgia on April 2, 2020, as may be amended or extended.

SO ORDAINED this 16th day of April, 2020.

James M. Miller, Mayor

Attest:

Melissa McCain, City Clerk

Approved as to form:

E. Ronald Bennett, Jr., City Attorney



THE STATE OF GEORGIA

EXECUTIVE ORDER

BY THE GOVERNOR:

EXECUTIVE ORDER TO ENSURE A SAFE & HEALTHY GEORGIA

- WHEREAS:** On March 14, 2020, due to the impact of COVID-19 on the State of Georgia, I issued Executive Order No. 03.14.20.01, declaring a Public Health State of Emergency in Georgia; and
- WHEREAS:** The Georgia General Assembly concurred with Executive Order 03.14.20.01 by joint resolution on March 16, 2020; and
- WHEREAS:** The number of COVID-19 cases in Georgia continues to rise; and
- WHEREAS:** The Georgia Department of Public Health has determined that COVID-19 is spreading throughout communities, requiring the implementation of certain restrictions to limit the spread; and
- WHEREAS:** The Centers for Disease Control and Prevention has determined that older adults, people of any age who have serious underlying medical conditions, and certain other people groups may be at higher risk for more serious complications from COVID-19; and
- WHEREAS:** Code Section 38-3-51(c)(4) vests the Governor with the power to perform and exercise such other functions, powers, and duties as may be deemed necessary to promote and secure the safety and protection of the civilian population; and
- WHEREAS:** Code Section 38-3-51(d)(1) vests the Governor with the power to suspend any regulatory statute prescribing the procedures for conduct of state business, or the orders, rules, or regulations of any state agency if strict compliance with any statute, order, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency or disaster; and
- WHEREAS:** Code Sections 31-2A-4 and 31-12-4 vests the Department of Public Health with the power to segregate and isolate certain individuals with certain communicable diseases or conditions when said

individuals' exposure to the general population is likely to endanger the health of others; and

WHEREAS: In consultation with the Governor's Coronavirus Task Force and health and emergency preparedness officials, I have determined that the following temporary actions are necessary and appropriate to protect the health, safety, and welfare of Georgia's residents and visitors.

NOW, THEREFORE, PURSUANT TO AFOREMENTIONED GEORGIA LAW AND THE AUTHORITY VESTED IN ME AS GOVERNOR OF THE STATE OF GEORGIA, IT IS HEREBY

ORDERED: All residents and visitors of the State of Georgia shall practice social distancing and sanitation in accordance with this Order and guidelines published by the Centers for Disease Control and Prevention.

IT IS FURTHER

ORDERED: No business, establishment, corporation, non-profit corporation, organization, or county or municipal government shall allow more than ten (10) persons to be gathered at a single location if such gathering requires persons to stand or to be seated within six (6) feet of any other person. This provision shall not apply to cohabitating persons outside of their homes, family units or roommates residing together in private homes, or entities defined as "Critical Infrastructure" by this Order.

IT IS FURTHER

ORDERED: That as used in this Order, the term "single location" shall be interpreted to mean a space where all persons gathered cannot maintain at least six (6) feet of distance between themselves and any other person. The term "single location" shall not include private residences.

IT IS FURTHER

ORDERED: That all residents and visitors of the State of Georgia are required to shelter in place within their homes or places of residence, meaning remaining in their place of residence and taking every possible precaution to limit social interaction to prevent the spread or infection of COVID-19 to themselves or any other person, unless they are:

1. Conducting or participating in Essential Services;

2. Performing Necessary Travel;
3. Are engaged in the performance of, or travel to and from, the performance of Minimum Basic Operations for a business, establishment, corporation, non-profit corporation, or organization not classified as Critical Infrastructure; or
4. Are part of the workforce for Critical Infrastructure and are actively engaged in the performance of, or travel to and from, their respective employment.

IT IS FURTHER

ORDERED: That Essential Services permitted pursuant to the provisions of this Order are limited to the following:

1. Obtaining necessary supplies and services for family or household members, such as food and supplies for household consumption and use, medical supplies or medication, supplies and equipment needed to work from home, and products needed to maintain safety, sanitation, and essential maintenance of the home or residence. Preference should be given to online ordering, home delivery, and curbside pick-up services wherever possible as opposed to in-store shopping.
2. Engaging in activities essential for the health and safety of family or household members, such as seeking medical, behavioral health, or emergency services.
3. Engaging in outdoor exercise activities so long as a minimum distance of six (6) feet is maintained during such activities between all persons who are not occupants of the same household or residence.

IT IS FURTHER

ORDERED: That Necessary Travel permitted under this Order is limited to such travel as is required to conduct or participate in Essential Services, Minimum Basic Operations, or Critical Infrastructure as defined by this Order.

IT IS FURTHER

ORDERED: That Minimum Basic Operations are limited to:

1. The minimum necessary activities to maintain the value of a business, establishment, corporation, non-profit corporation, or organization, provide services, manage inventory, ensure security, process payroll and employee benefits, or for related functions. Such minimum necessary activities include remaining open to the public subject to the restrictions of this Order.

2. The minimum necessary activities to facilitate employees or volunteers being able to work remotely from their residences or members or patrons being able to participate remotely from their residences.
3. Instances where employees are working outdoors without regular contact with other persons, such as delivery services, contractors, landscape businesses, and agricultural industry services.

IT IS FURTHER

ORDERED:

That all businesses, establishments, corporations, non-profit corporations, or organizations that are not Critical Infrastructure shall only engage in Minimum Basic Operations as defined in this Order during the effective dates of this Order. Such entities shall also implement measures which mitigate the exposure and spread of COVID-19 among its workforce. Such measures shall include the following:

1. Screening and evaluating workers who exhibit signs of illness, such as a fever over 100.4 degrees Fahrenheit, cough, or shortness of breath;
2. Requiring workers who exhibit signs of illness to not report to work or to seek medical attention;
3. Enhancing sanitation of the workplace as appropriate;
4. Requiring hand washing or sanitation by workers at appropriate places within the business location;
5. Providing personal protective equipment as available and appropriate to the function and location of the worker within the business location;
6. Prohibiting gatherings of workers during working hours;
7. Permitting workers to take breaks and meals outside, in their office or personal workspace, or in such other areas where proper social distancing is attainable;
8. Implementing teleworking for all possible workers;
9. Implementing staggered shifts for all possible workers;
10. Holding all meetings and conferences virtually, wherever possible;
11. Delivering intangible services remotely wherever possible;
12. Discouraging workers from using other workers' phones, desks, offices, or other work tools and equipment;
13. Prohibiting handshaking and other unnecessary person-to-person contact in the workplace;
14. Placing notices that encourage hand hygiene at the entrance to the workplace and in other workplace areas where they are likely to be seen;
15. Suspending the use of Personal Identification Number ("PIN") pads, PIN entry devices, electronic signature capture,

- and any other credit card receipt signature requirements to the extent such suspension is permitted by agreements with credit card companies and credit agencies;
16. Enforcing social distancing of non-cohabitating persons while present on such entity's leased or owned property;
 17. For retailers and service providers, providing for alternative points of sale outside of buildings, including curbside pick-up or delivery of products and/or services if an alternative point of sale is permitted under Georgia law;
 18. Increasing physical space between workers and customers;
 19. Providing disinfectant and sanitation products for workers to clean their workspace, equipment, and tools;
 20. Increasing physical space between workers' worksites to at least six (6) feet.

IT IS FURTHER

ORDERED:

The term "Critical Infrastructure" shall refer to businesses, establishments, corporations, non-profit corporations, and organizations as defined by the U.S. Department of Homeland Security as "essential critical infrastructure workforce," in guidance dated March 19, 2020, and revised on March 28, 2020, and those suppliers which provide essential goods and services to the critical infrastructure workforce as well as entities that provide legal services, home hospice, and non-profit corporations or non-profit organizations that offer food distribution or other health or mental health services. The operation of Critical Infrastructure shall not be impeded by county, municipal, or local ordinance.

Critical Infrastructure that continues in-person operation during the effective dates of this Order shall implement measures which mitigate the exposure and spread of COVID-19 among its workforce. Such measures may include, but shall not be limited to:

1. Screening and evaluating workers who exhibit signs of illness, such as a fever over 100.4 degrees Fahrenheit, cough, or shortness of breath;
2. Requiring workers who exhibit signs of illness to not report to work or to seek medical attention;
3. Enhancing sanitation of the workplace as appropriate;
4. Requiring hand washing or sanitation by workers at appropriate places within the business location;
5. Providing personal protective equipment as available and appropriate to the function and location of the worker within the business location;
6. Prohibiting gatherings of workers during working hours;

7. Permitting workers to take breaks and lunch outside, in their office or personal workspace, or in such other areas where proper social distancing is attainable;
8. Implementing teleworking for all possible workers;
9. Implementing staggered shifts for all possible workers;
10. Holding all meetings and conferences virtually, wherever possible;
11. Delivering intangible services remotely wherever possible;
12. Discouraging workers from using other workers' phones, desks, offices, or other work tools and equipment;
13. Providing disinfectant and sanitation products for workers to clean their workspace, equipment, and tools;
14. Prohibiting handshaking and other unnecessary person-to-person contact in the workplace; and
15. Placing notices that encourage hand hygiene at the entrance to the workplace and in other workplace areas where they are likely to be seen; and
16. Suspending the use of Personal Identification Number ("PIN") pads, PIN entry devices, electronic signature capture, and any other credit card receipt signature requirements to the extent such suspension is permitted by agreements with credit card companies and credit agencies.

IT IS FURTHER

ORDERED: That the Georgia Department of Economic Development is authorized to issue guidance to any business, corporation, organization, or industry trade group regarding its status as Critical Infrastructure. This guidance shall not require a finding of fact but shall be in writing and shall be considered a final agency action for the purpose of proceedings under Code Section 50-13-19.

IT IS FURTHER

ORDERED: All restaurants and private social clubs shall cease providing dine-in services. Takeout, curbside pick-up, and delivery are permitted in accordance with the provisions of this Order.

This provision shall not limit the operation of dine-in services in hospitals, healthcare facilities, nursing homes, or other long-term care facilities; however, to the extent possible, such facilities should offer in-room dining.

IT IS FURTHER

ORDERED: That all gyms, fitness centers, bowling alleys, theaters, live performance venues, operators of amusement rides as defined by

Code Section 25-15-51, body art studios permitted pursuant to Code Section 31-40-2, businesses registered pursuant to Code Sections 43-10-11 and 43-10-18, estheticians as defined by Code Section 43-10-1(8), hair designers as defined by Code Section 43-10-1(9), persons licensed to practice massage therapy pursuant to Code Section 43-24A-8, and businesses which possess a license to operate as or otherwise meet the definition of “bar” as defined by Code Section 3-1-2(2.1), shall cease in-person operations and shall close to the public while this Order is in effect.

IT IS FURTHER

ORDERED: That persons required to shelter in place under any provision of this Order shall not receive visitors, except as follows:

1. Visitors providing medical, behavioral health, or emergency services or medical supplies or medication, including home hospice;
2. Visitors providing support for the person to conduct activities of daily living or instrumental activities of daily living;
3. Visitors providing necessary supplies and services, such as food and supplies for household consumption and use, supplies and equipment needed to work from home, and products needed to maintain safety, sanitation, and essential maintenance of the home or residence; or
4. Visitors received during end-of-life circumstances.

To the extent practicable under the circumstances, visitors shall maintain a minimum distance of six (6) feet between themselves and all other occupants of the person’s home or residence. Any visitors visiting for the sole purpose of delivering medication, supplies, or other tangible goods shall, to the extent practicable, deliver such items in a manner that does not require in-person contact or require the deliverer to enter the person’s home or residence.

IT IS FURTHER

ORDERED: That the provisions of this Order related to visitors listed in the immediately preceding paragraph shall be strictly enforced against nursing homes or other long-term care facilities, including inpatient hospice, assisted living communities, personal care homes, intermediate care homes, community living arrangements, and community integration homes.

IT IS FURTHER

ORDERED: That an exception to any shelter-in-place requirement set forth hereunder applies in the event of an emergency. In such cases,

persons are encouraged to leave their homes or residences and shelter in place in accordance with the rules included in this Order at a safe alternate location. Persons experiencing homelessness are urged to obtain shelter and to contact governmental and other entities for assistance.

IT IS FURTHER

ORDERED: That the Department of Public Health, the Department of Public Safety, or any other state department or state officer deputized by the Governor or the Georgia Emergency Management and Homeland Security Agency are, after providing reasonable notice, authorized to mandate the closure of any business, establishment, corporation, non-profit corporation, or organization not in compliance with this Order for a period not to extend beyond the term of this Order.

IT IS FURTHER

ORDERED: That the Adjutant General of the Georgia National Guard and the Commissioner of the Department of Public Safety shall provide resources as requested to assist in the enforcement of this Order.

IT IS FURTHER

ORDERED: That pursuant to Code Section 38-3-51, the powers of counties and cities conveyed in Titles 36 and 38, including those specific powers enumerated in Code Sections 36-5-22.1 and 36-35-3 are hereby suspended to the extent of suspending enforcement of any local ordinance or order adopted or issued since March 1, 2020, with the stated purpose or effect of responding to a public health state of emergency, ordering residents to shelter-in-place, ordering a quarantine, or combatting the spread of coronavirus or COVID-19 that in any way conflicts, varies, or differs from the terms of this Order. Enforcement of all such ordinances and orders is hereby suspended and no county or municipality shall adopt any similar ordinance or order while this Order is in effect, except for such ordinances or orders as are designed to enforce compliance with this Order.

IT IS FURTHER

ORDERED: That if one or more of the provisions contained in this Order shall conflict with the provisions of any previous Executive Order or Agency Administrative Order, the provisions of this Order shall control. Further, in the event of any conflict, the provisions of any quarantine or isolation Order issued to a specific person by the Department of Public Health shall control.

IT IS FURTHER

ORDERED: That nothing in this Order shall be construed to suspend or limit the sale, dispensing, or transportation of firearms or ammunition, or any component thereof.

IT IS FURTHER

ORDERED: That pursuant to Code Section 38-3-7, any person who violates this Order shall be guilty of a misdemeanor. Officials enforcing this Order should take reasonable steps to provide notice prior to issuing a citation or making an arrest.

IT IS FURTHER

ORDERED: This Order rescinds and replaces Executive Order 03.23.20.01.

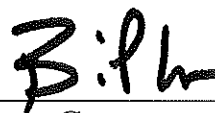
IT IS FURTHER

ORDERED: That if one or more of the provisions contained in this Order shall be held to be invalid, in violation of the Georgia Constitution, in violation of Georgia law, or unenforceable in any respect, such invalidity, violation, or unenforceability shall not affect any other provisions of this Order, but, in such case, this Order shall be construed as if such invalid, illegal, or unenforceable provision had never been contained within the Order.

IT IS FURTHER

ORDERED: All provisions of the Order shall become effective for a period beginning at 6:00 P.M. on Friday, April 3, 2020, and expiring at 11:59 P.M. on Monday, April 13, 2020.

This 2nd day of April 2020, at 3:12 P.M.



GOVERNOR

MEMO

TO: Flowery Branch Mayor and City Council

FROM: E. Ronald Bennett, Jr., City Attorney

DATE: April 2, 2020

RE: Governor Kemp's Shelter in Place Executive Order Dated April 2, 2020 Summary

1. Must follow the CDC Guidelines for social distancing and sanitation.
2. No gathering of more than 10 people so long as persons can remain 6' apart.
3. The 10-person gathering limit does not apply to a family units or roommates in a private residence.
4. Shelter in place at home except for:
 - a. Conducting or participating in Essential Services
 - (1) Buying family supplies and services such as:
 - (a) Food
 - (b) Medicine/medical supplies
 - (c) Work from home equipment/supplies
 - (d) Safety, sanitation and essential home maintenance
 - (2) Seeking health care
 - (3) Exercising outdoors while 6' apart
 - b. Performing Necessary Travel – travel required to conduct or participate in:
 - (1) Essential Services
 - (2) Minimum Basic Operations
 - (3) Work from Home
 - (4) Outdoor work without regular contact with other persons
 - c. Engaging in performance of Minimum Basic Operations
 - (1) NOT on the Critical Infrastructure list
 - (2) Must implement COVID-19 mitigation measures
 - d. Work for Critical Infrastructure as defined by U.S. Department of Homeland Security
 - (1) General categories of Critical Infrastructure
 - (a) Communications
 - (b) Chemical
 - (c) Critical Manufacturing
 - (d) Commercial Facilities
 - (e) Dams
 - (f) Defense Industrial Base
 - (g) Emergency Services
 - (h) Energy
 - (i) Financial
 - (j) Food & Agriculture
 - (k) Government Facilities

- (l) Healthcare & Public Health
- (m) Information Technology
- (n) Nuclear Reactors, Materials & Waste
- (o) Transportation Systems
- (p) Water
- (2) Must implement COVID-19 mitigation measures
- 5. Georgia Department of Economic Development to give guidance
- 6. Restaurants closed to in person dining/takeout, curbside pickup and delivery allowed
- 7. Cafeterias in hospitals, nursing homes, long term care facilities, etc. can continue to have in person dining
- 8. Gyms/fitness centers, bowling alleys, theaters, live performance venues, amusement ride operators, body art studios, beauty salons/barbers, estheticians, hair designers, massage and bars must close to in person operations.
- 9. No visitors at your residence except:
 - a. To provide health care service
 - b. To support resident with daily living activities
 - c. To provide household food and supplies
 - d. To provide work from home equipment and supplies
 - e. To provide safety, sanitation and essential home maintenance
- 10. No visitors shall be strictly enforced for nursing homes, long term care facilities, assisted living, personal care homes, etc.
- 11. Can leave your home in the case of an emergency
- 12. No suspension or limitation of the sale/transportation of firearms or ammunition
- 13. State can close business that do not comply
- 14. Violations can be punished as misdemeanor:
 - a. 1 year in jail
 - b. \$1000 fine
- 15. Order is enforced by:
 - a. Georgia State Patrol
 - b. County Sheriff/Police Department
 - c. City Police Department
- 16. Warnings are encouraged over citations
- 17. Counties and cities cannot adopt ordinance similar to this Order
- 18. Order is in effect from 6:00 pm 4/3/20 to 11:59 pm on 4/13/20



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Resolution 20-012 - Declare State of Emergency Continuation

COUNCIL MEETING DATE: April 16, 2020

HISTORY:

Originally Approved on March 19, 2020 with and expiration of April 16, 2020.

FACTS AND ISSUES:

OPTIONS:

IF FUNDING IS INVOLVED, ARE FUNDS APPROVED IN THE CURRENT BUDGET:

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Approve

SAMPLE MOTION:

I make a motion to approve Resolution 20-012 and the continued state of emergency procedures as found in the resolution.

COLLABORATING DEPARTMENT:

DEPARTMENT: Administration

Prepared by: Melissa McCain

ATTACHMENTS

- [20-012 -Cont State of Emergency COVID.pdf](#)

RESOLUTION 20-012

DECLARATION OF LOCAL STATE OF EMERGENCY

WHEREAS, the outbreak of Coronavirus Disease 2019 (COVID-19) within the State of Georgia and the rapidly evolving threat to health and safety posed by that outbreak has created an emergency condition involving public safety and the preservation of public services; and

WHEREAS, the City has noted the increase in confirmed cases of COVID-19 within the State of Georgia and the Centers for Disease Control's (CDC) conclusion regarding the likelihood of more cases; and

WHEREAS, the City notes further the January 31, 2020 declaration of the Secretary of Health and Human Services of a public health emergency in the United States and the World Health Organization's March 11, 2020 declaration of COVID-19 as a pandemic; and

WHEREAS, as of the date of this Resolution, there have been over 100 confirmed cases of COVID-19 in the State of Georgia, including one death; and

WHEREAS, COVID-19 poses a serious risk of severe illness or even death for many people including but not limited to the public at large, the citizens of the City of Flowery Branch and all City personnel as well as the elected and appointed officials of the City of Flowery Branch; and

WHEREAS, Populations identified by the CDC who are particularly vulnerable include many members of the public; and

WHEREAS, in February of this year, the Centers for Disease Control and Prevention issued "Interim Guidance" recommending that all employers consider how best to decrease the spread of COVID-19, including the review of guidance from state and local health officials; and

WHEREAS, significant actions taken to date in response to the threat include the cancellation of essentially all events involving large gatherings of people, the closing of public and private schools, colleges and universities, and the conversion of business and government operations to telework platforms; and

WHEREAS, the President of the United States has declared a national emergency; and

WHEREAS, the Governor of Georgia declared a public health emergency on March 14, 2020; and

WHEREAS, the Mayor and Council of the City of Flowery Branch, Georgia (the "City") is the duly elected governing authority for the City; and

WHEREAS, based upon the President's Declaration of National Emergency, the Governor's Public Health State of Emergency Declaration of Local Emergency, and in recognition of the number of identified and projected cases of COVID-19 in the State of Georgia, the preventative measures being implemented throughout the State of Georgia, and the severity of risk posed to the public, and given the above public health recommendations from public health authorities, the Mayor and Council of the City of Flowery Branch believe that it is in the best interests of the welfare of the City of Flowery Branch and its residents to declare a local state of emergency in order to invoke the power for the Mayor and Council to consider a resolution to hold all Public Meetings by Teleconference due to emergency circumstances as permitted by OCGA 50-14-1 (g) of the Georgia Open Meetings Act;

IT IS HEREBY DECLARED that a local state of emergency exists due to the COVID-19 pandemic;

IT IS FURTHER DECLARED that the local state of emergency is a circumstance involving public and the preservation of property and public services sufficient for the Mayor and Council to consider a resolution to hold all Public Meetings by Teleconference due to emergency circumstances as permitted by OCGA 50-14-1 (g) of the Georgia Open Meetings Act for so long as the local state of emergency exists; and

IT IS FURTHER DECLARED that this declaration of a local state of emergency shall continue until 11:59 P.M., Thursday, May 21, 2020 unless this declaration is renewed by the Mayor and/or Council of the City of Flowery Branch or until such time as the Mayor and/or Council of the City of Flowery Branch find that the emergency conditions no longer exist.

PASSED AND ADOPTED by the City Council of the City of Flowery Branch Georgia this 16th day of April 2020.

James Miller - Mayor

ATTEST:

Vickie Short, Interim City Clerk

APPROVED AS TO FORM:

E. Ronald Bennett, Jr., City Attorney