



**City of Flowery Branch
City Council Meeting
Thursday, May 05, 2022, 6:00 PM
City of Flowery Branch City Hall
5410 West Pine Street, Flowery Branch, GA 30542**



CALL WORK SESSION TO ORDER:

PLEDGE OF ALLEGIANCE:

PROCLAMATION: Fifty-Third Annual Professional Municipal Clerks Week

UNFINISHED BUSINESS - WORK SESSION:

- Consideration of Ordinance 660 - A request from Lights Ferry Partners, LLC and Diego Fracasso to Rezone 5908 Lights Ferry Road, a 1.92+/- acre of land also known as Tax Parcel Identification Number 08112 027019 from Residential, Detached Single-Family, Low-Density District (R-1) to Traditional Neighborhood Development District (TND)

[Lights Ferry Rezoning Ordinance 660.pdf](#)

[Lights Ferry Staff Report with attachments.pdf](#)

[Stormwater Pond Information.pdf](#)

- Consideration of Resolution 22-008: To Amend the Current ARPA Resolution to Indicate Revenue Replacement Selection

[Executive Summary - Resolution 22-008 Consideration of a Resolution to Amend the Current ARPA Resolution.pdf](#)

[Resolution 22-008 ARPA Revenue Replacement 5-5-2022.pdf](#)

DEPARTMENT REPORTS: - a. City Manager Report

b. City Clerk Report - Update from Lanier CVB

c. Finance Director Report

d. Planning Department Report

e. Police Report

f. Attorney Report

g. Council Report

ADJOURNMENT WORK SESSION:

VOTING SESSION AGENDA

CALL VOTING SESSION TO ORDER:

PUBLIC COMMENTS: - Please limit to two minutes

CONSENT AGENDA:

- Consider April 21, 2022 City Council Meeting Minutes

[April 21, 2022 City Council Meeting Minutes.pdf](#)

- Consideration of Financial Policies Updates
[Purchasing Policy.pdf](#)
[General Fund Reserves Policy.pdf](#)

NEW BUSINESS - VOTING SESSION:

- Consideration of Ordinance 662 - A rezoning request submitted by Mr. Chris Herrington.
[Staff Report Herrington.pdf](#)
[Herrington Rezoning Ordinance 662.pdf](#)
- Consideration of Resolution 22-006 - Amending the previously adopted fee schedule by establishing a fee for a microbrewery license.
[Executive Summary Resolution 22-006.pdf](#)
[Resolution 22-006 Microbrewery Fee.pdf](#)
- Consideration of Resolution 22-008: To Amend the Current ARPA Resolution to Indicate Revenue Replacement Selection

[Executive Summary - Resolution 22-008 Consideration of a Resolution to Amend the Current ARPA Resolution.pdf](#)
[Resolution 22-008 ARPA Revenue Replacement 5-5-2022.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: Consideration of Ordinance 660 - A request from Lights Ferry Partners, LLC and Diego Fracasso to Rezone 5908 Lights Ferry Road, a 1.92+/- acre of land also known as Tax Parcel Identification Number 08112 027019 from Residential, Detached Single-Family, Low-Density District (R-1) to Traditional Neighborhood Development District (TND)

COUNCIL MEETING DATE: May 5, 2022

HISTORY:

This request received approval at the first reading on April 21, 2022. There are still outstanding issues to discuss including the detention/retention pond, fencing, street lighting, and the current inclusion of a "flag" lot.

FACTS AND ISSUES:

A request from Lights Ferry Partners, LLC and Diego Fracasso to rezone 5908 Lights Ferry Road a 1.92+/- acre of land also known as tax parcel identification number 08112 027019 from Residential, Detached Single-Family, Low-Density District (R-1) to Traditional Neighborhood Development District (TND) with the intent to subdivide, develop, and construct seven (7) detached single family homes.

This request is in compliance with the Flowery Branch Comprehensive Plan. The request, if approved, shall meet the requirements set forth in the Flowery Branch Zoning Ordinance including, but not limited to, Articles 7 and 12. Article 7 is the "Traditional Neighborhood Development District" and Article 12 is the newly updated "Requirements for Specific Residential Principal Buildings and Uses".

Staff recommends approval.

Proposed Schedule

March 3, 2022 – Public Hearing

April 21, 2022 – First Read and Vote

May 5, 2022 - Work Session (if requested)

May 19, 2022 – Second Read and Final Vote

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

0

RECOMMENDATION:

SAMPLE MOTION:

No motion - discussion only.

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Shelia Cooper

ATTACHMENTS

- [Lights Ferry Rezoning Ordinance 660.pdf](#)
- [Lights Ferry Staff Report with attachments.pdf](#)
- [Stormwater Pond Information.pdf](#)

ORDINANCE 660

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH, GEORGIA, BY REZONING A 1.92 +/- ACRE PARCEL OF REAL PROPERTY OWNED BY LIGHTS FERRY PARTNERS, LLC. IDENTIFIED AS 5908 LIGHTS FERRY ROAD, TAX PARCEL NO. 08112 027019, AS SHOWN ON EXHIBIT “A”, AND AS DESCRIBED ON EXHIBIT “B”, FROM RESIDENTIAL, DETACHED SINGLE-FAMILY, LOW DENSITY (R-1) TO TRADITIONAL NEIGHBORHOOD DEVELOPMENT DISTRICT (TND) SUBJECT TO THE CONDITIONS SET FORTH ON EXHIBIT “C”; PROVIDING FOR SEVERABILITY; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE; AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, Lights Ferry Partners, LLC. owns the 1.92 +/- acre parcel of land known as 5908 Lights Ferry Road, identified as Parcel Tax Identification No. 08112 027019, as shown on Exhibit “A” and as described on Exhibit “B”; and

WHEREAS, Lights Ferry Partners, LLC. submitted to the City of Flowery Branch, Georgia, a written and signed application and affidavit showing consent to being rezoned; and

WHEREAS, a survey and complete 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 March 3, 2022, 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 from Residential, Detached Single-Family, Low Density (R-1) to Traditional Neighborhood Development District (TND) 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; however, an alternative use is appropriately considered.

Public Hearing Published 02/02/22
Public Hearing 03/03/22

First Reading 04/21/22
Adopted 05/19/22

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 generally 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 zoning as opposed to TND (Traditional Neighborhood Development District).
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. REZONING.

The .1.92 +/- acre parcel of land known as 5908 Lights Ferry Road, identified as Parcel Tax Identification No.08112 027019 as shown on Exhibit “A”, and legally described in Exhibit “B”, is hereby rezoned from Residential, Detached Single-Family, Low Density (R-1) to Traditional Neighborhood Development District (TND) subject to the conditions set forth on Exhibit “C”. Said Exhibits are incorporated by reference.

ss

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.

Public Hearing Published 02/02/22
Public Hearing 03/03/22

First Reading 04/21/22
Adopted 05/19/22

SECTION 5. EFFECTIVE DATE.

The effective date of this Ordinance shall be May 19th, 2022.

SECTION 6. REPEALER.

All ordinances and parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

Approved this 19th day of May 2022.

Edward R. Asbridge, Mayor

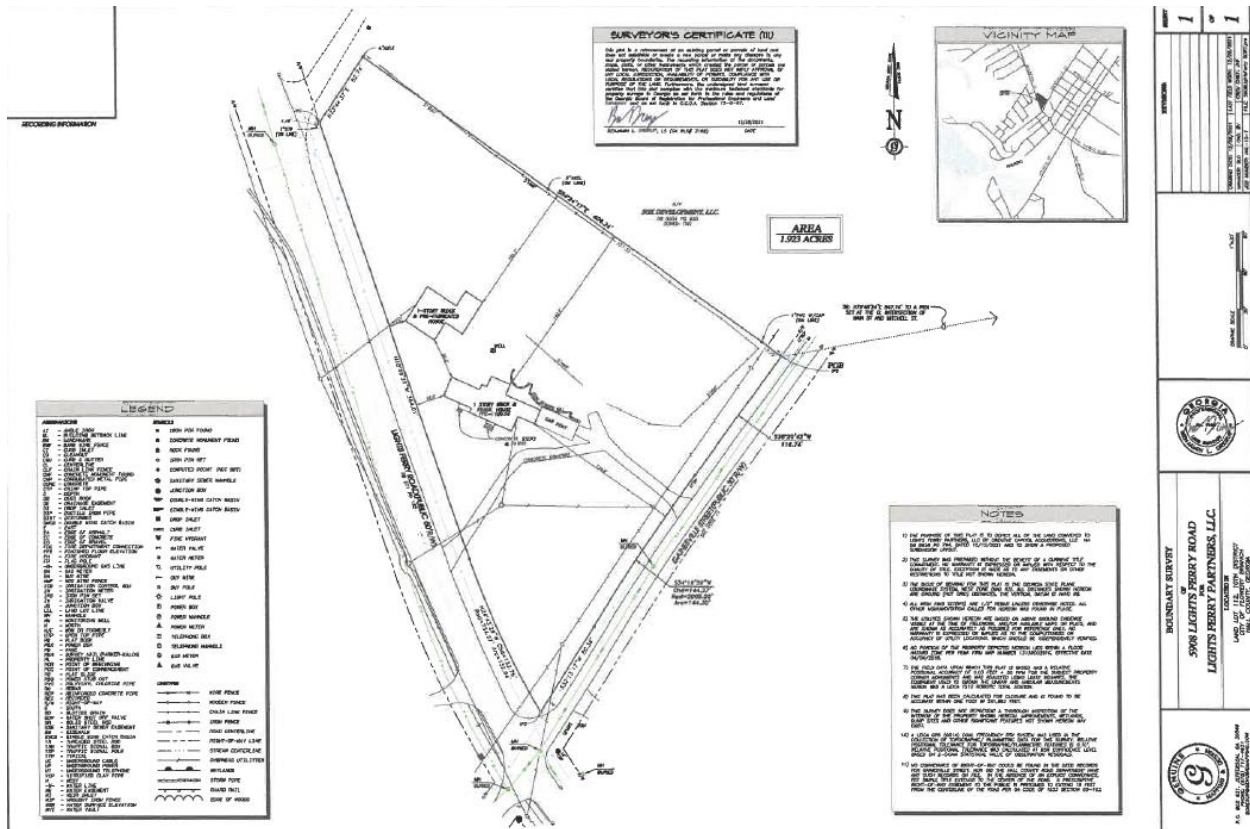
ATTEST:

Shelia R. Cooper, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, City Attorney

Exhibit “A”



Public Hearing Published 02/02/22
Public Hearing 03/03/22

First Reading 04/21/22
Adopted 05/19/22

Exhibit "B"

5908 Lights Ferry Rd Legal Description

Description of Property

TRACT ONE

All that tract or parcel of land lying and being in the Town of Flowery Branch, Hall County, Georgia, being part of the land described in a deed recorded in Deed Book 284, Page 15, Hall County, Georgia Deed Records, adjoining the present homeplace of Clarence J. Fenn, and more particularly described as follows:

Beginning at the northeast corner of the Clarence J. Fenn homeplace on the Old Gainesville-Buford Road, and running thence 123 feet northward along said road to an iron pin corner; thence westward parallel with the Fenn line 400 feet, more or less, to an iron pin corner fixed by the parties hereto at a point 35 feet east of the rear line of the F.C. Orr property, as described in the deed recorded in Book 284, Page 515, thence southward parallel with Orr's said rear line 123 feet to the C.J. Fenn line at a point just across part of the pavement of the new road running along there; thence eastward 400 feet, more or less, to the beginning corner. The last mentioned new road cuts across the southwest corner of the lot herein conveyed, and of course this corner as cut off in the new road is not included in this deed.

TOGETHER WITH TRACT TWO

All that tract and parcel of land situate, lying and being in Hall County, Georgia, and being more particularly described as follows:

A part of Lot 112, being in Land Lot District No. 8, City of Flowery Branch, Hall County, Georgia, and being in the 1270th District G.M., Hall County, Georgia, containing one and one-tenth (1.1) acres, more or less, and being more particularly described as follows:

Beginning on the north side of Broad Street and west side of Old Gainesville Road; thence running northeast 264 feet to corner of what was formerly A.M. Orr line; thence west along A. M. Orr line 360 feet to the new highway; thence along the New Highway 450 feet to the Old Gainesville Road and the beginning corner. Said property is in a V-shape.

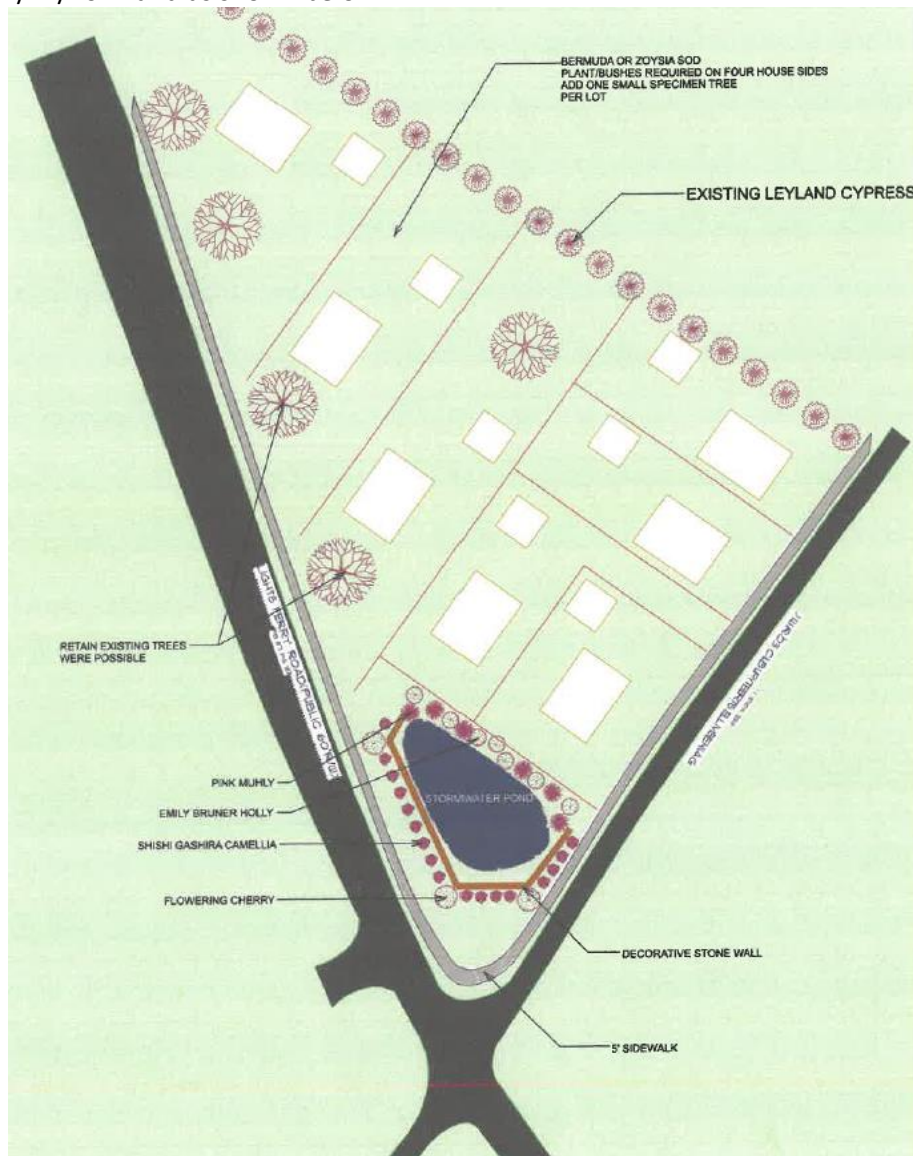
These two tracts being the same property conveyed in a Warranty Deed from Roy E. Clark and Janice Lee Clark Bryans to Allen J. Bryans dated August 24, 1996, recorded in Deed Book 2700, Page 278, Hall County, Georgia Deed Records, being improved property known as **5908 Lights Ferry Road** according to the present system of numbering properties by the Hall County, Georgia Tax Assessor's office. Said property is conveyed together with and subject to all easements, covenants, and restrictions of record, if any.

Exhibit "C"

Approve the request as submitted with the knowledge that it must meet the intent and requirements of the Flowery Branch zoning ordinance, development regulations, and all pertinent local laws, ordinances and regulations.

Additionally, the following conditions shall apply:

1. The site shall significantly adhere to the plan submitted as part of the rezoning application dated 1/11/2022 and as shown below:



Public Hearing Published 02/02/22
Public Hearing 03/03/22

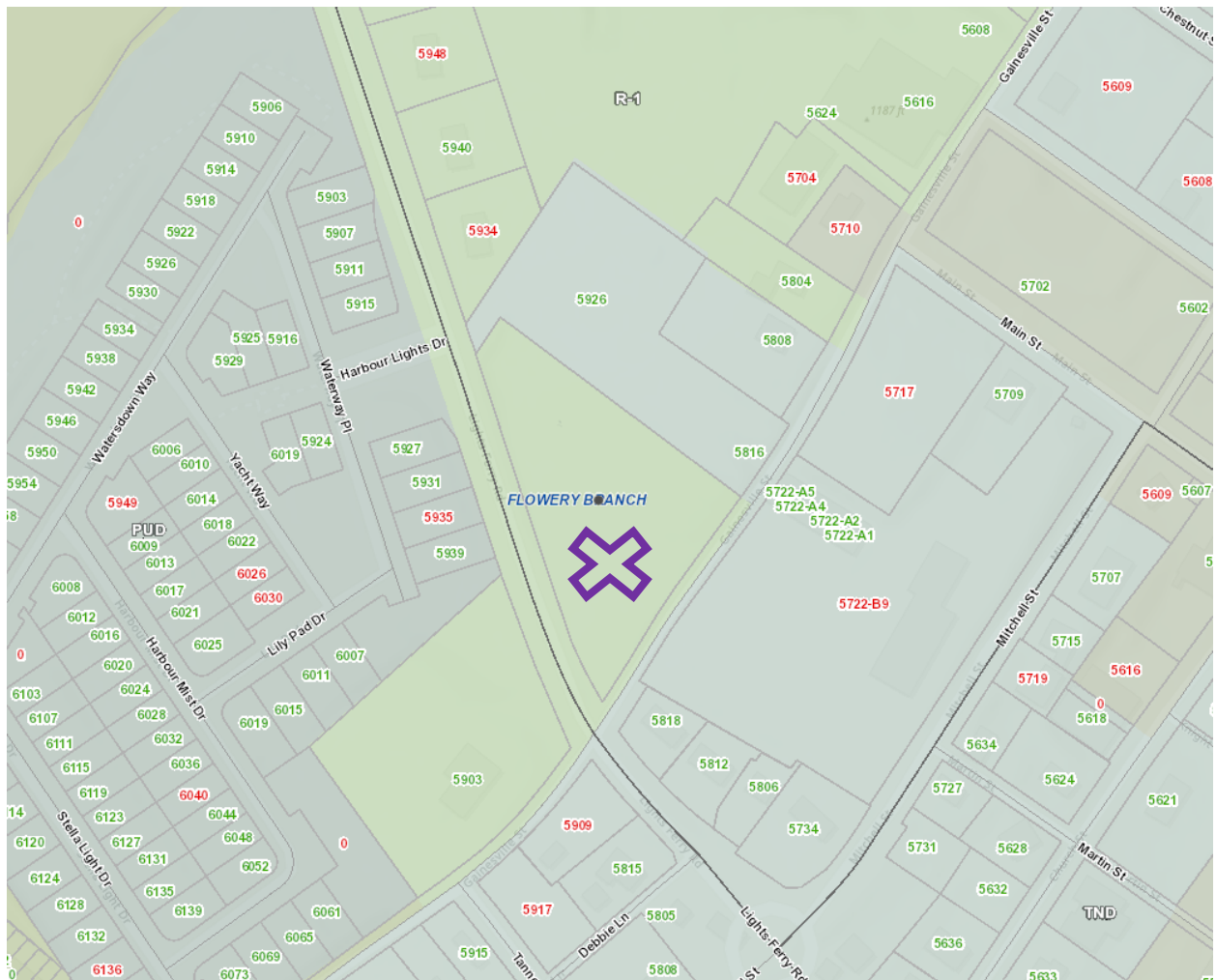
First Reading 04/21/22
Adopted 05/19/22

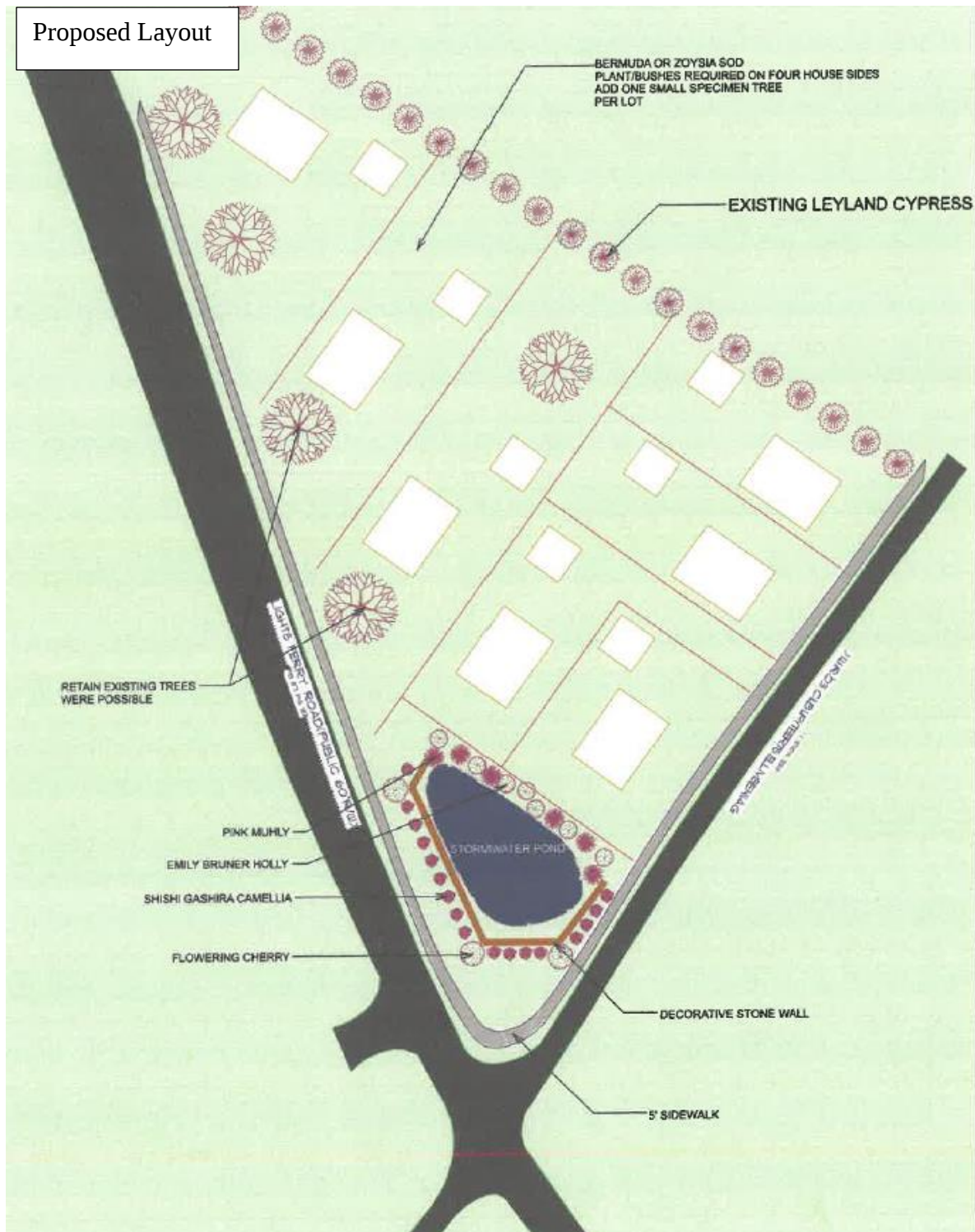
2. Rendering of detention pond including depiction of decorative wall and all landscaping shall be submitted and approved the City of Flowery Branch prior to the issuance of a land disturbance plan.
3. Elevations shall be submitted and approved by the City of Flowery Branch prior to the issuance of a land disturbance permit. Said elevations shall meet all requirements of the City of Flowery Branch zoning ordinance.
4. A homeowner's association shall be created for the project and said organization shall be responsible for the maintenance and upkeep of any on site detention facilities.

Staff Report
Lights Ferry Partners, LLC. Rezoning Request
Ordinance 660

Request

A request from Lights Ferry Partners, LLC. and Diego Fracasso to rezone 5908 Lights Ferry Road, a 1.92+/- acre of land also known as tax parcel identification number 08112 027019 from Residential, Detached Single-Family, Low-Density District (R-1) to Traditional Neighborhood Development District (TND) with the intent to subdivide, develop, and construct seven (7) detached single family homes.





Applicant did not supply elevations prior to the public hearing scheduled for March 3, 2022. Applicant must meet the architectural and design requirements set forth in Article 7, "Traditional Neighborhood Development District" (see attached Exhibit "A"), and of Article 12, "Requirements for Specific Residential Principal Buildings and Uses" (see attached Exhibit "B"), of the Flowery Branch zoning

ordinance. Additionally, the applicant has supplied examples of proposed housing styles (shown below and as part of attached Exhibit "C").





Proposed Schedule

March 3, 2022 – Public Hearing
April 7, 2022 – Work Session (if requested)
April 21, 2022 – First Read and Vote
May 5, 2022 - Work Session (if requested)
May 19, 2022 – Second Read and Final Vote

Comprehensive Plan



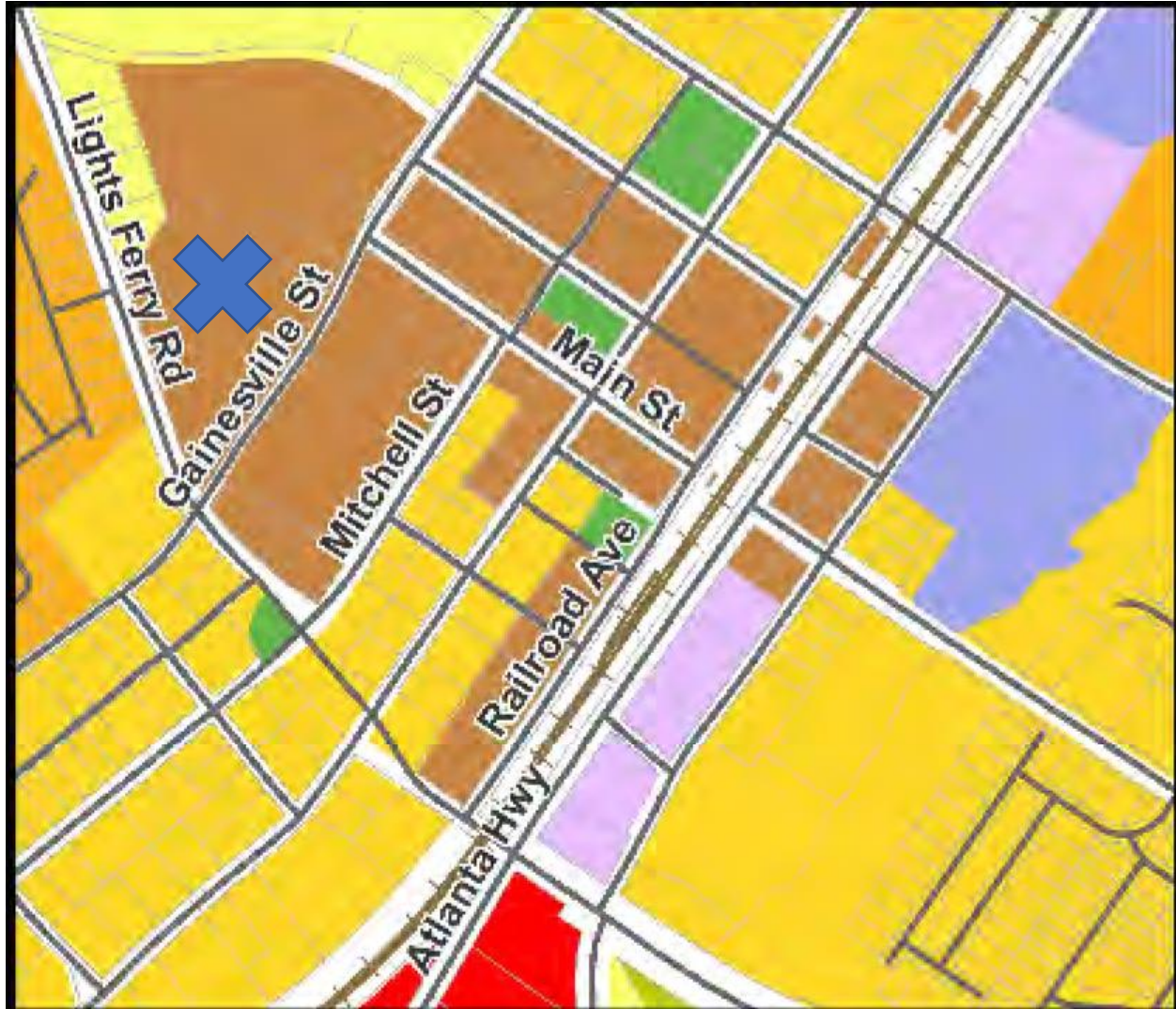
Purpose of the Comprehensive Plan

The *Flowery Branch Comprehensive Plan* is the City's policy guide for growth and development, as expressed by a vision statement, Future Development Map, character area policies, and supporting implementation strategies. The plan is most commonly used in the review and decision-making process by staff and City Council for rezoning requests, when proposals are evaluated for consistency with the Future Development Map and supporting text in this document.

The Comprehensive Plan also outlines the overall strategy for achieving the City's vision for future development by identifying a 5-year Community Work Program (CWP) with a prioritized 'to-do' list. The CWP should be consulted by staff and City Council on an annual basis when developing annual department-level work programs and the City budget.

In addition, this plan serves the purpose of meeting the intent and requirements of the Georgia Department of Community Affairs' (DCA) "Standards and Procedures for Local Comprehensive Planning," as amended on October 1, 2018. Preparation of a comprehensive plan in accordance with these standards is an essential requirement for maintaining status as a Qualified Local Government (QLG). QLG status allows Georgia cities and counties to be eligible for financial incentives from DCA, the Department of Natural Resources (DNR), the Georgia Environmental Finance Authority (GEFA), and the OneGeorgia Authority. This plan update allows the City of Flowery Branch to retain its QLG status.

Old Town Character Area



Old Town

Old Town encompasses the historic central business district and includes a significant portion of the Old Town Redevelopment Plan (2014) boundary and the Flowery Branch Historic District.

Vision

Protect and enhance downtown, making it a vibrant, pedestrian-friendly focal point of the City that integrates new development in a historic framework with a mix of uses, increased density at a comfortable scale, and open spaces and high quality buildings that enhance the public realm.

Design Principles

- Small blocks; lots on narrow streets
- Pocket parks or greenspace as a part of mixed-use developments
- Architectural style and building materials that complement the historic fabric of the area (design review is required)
- Typically greater lot coverages, building heights, and building intensities and little or no front and side building setbacks when compared with other character areas
- Redevelopment must be consistent with principles and recommendations of the Old Town Redevelopment Plan

Land Uses

"Main Street"-style commercial and vertical mixed use with retail and restaurants. Residential uses include upper floor dwelling units in mixed use buildings, single-family dwellings, and limited townhome development.

Zoning

- CBD, Central Business District
- TND, Traditional Neighborhood Development



Implementation Strategies

Update the 2014 Old Town Redevelopment Plan to identify additional development/redevelopment opportunities (and their acceptable use types and densities) to facilitate administration of the CBD zoning district.

Illustrative Photos

The Crest mixed-use buildings on Main Street will be constructed of traditional brick



Historic brick commercial buildings opposite The Crest



Brick used as a residential accent material, consistent with existing dwellings in the area



The proposed rezoning and project meet the intent of the Comprehensive Plan.

Analysis

Flower Branch Zoning Ordinance Article 37 Rezoning and Conditional Use Applications

Sec. 34.7. - Analysis Requirements.

Applications to amend the official zoning map and applications for conditional uses shall provide a written analysis comparing the proposed action with the criteria in this Section. A zoning map amendment or conditional use application may be justified only if it bears a reasonable relationship to the public health, safety, morality, or general welfare, and after consideration of the analysis requirements which may in individual cases be considered criteria relevant to Zoning Administrator in making recommendations and by the Governing Body in the decision-making process.

Staff Response:

- (a) Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property. **Yes, a residential use is appropriate for this site and the surrounding area. It will help serve the downtown commercial/retail area.**
- (b) Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property. **The development will not adversely affect the area.**
- (c) Whether the property to be affected by the proposal can be used in accordance with the existing regulations and has a reasonable economic use as currently zoned. **Yes, current zoning of R-1 is economically feasible.**
- (d) Whether the proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. **It is staff's opinion that the use will not create any unnecessary burdens.**
- (e) Whether the proposal is in conformity with the policy and intent of the comprehensive plan including but not limited to the character area map and future land use plan map. **Yes.**
- (f) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposal. **Not to staff's knowledge, no.**
- (g) Existing use(s) and zoning of the subject property and nearby properties. **Currently vacant, the proposed use will fit in with the surrounding residential uses.**
- (h) Existing value of the property under the existing zoning district classification, the extent to which the property value of the subject property is diminished by the existing zoning district, and the value of the property under the proposed zoning district; if such information is provided by the applicant or can be discerned. This consideration may include the length of time the property has been vacant or unused as currently zoned and efforts taken by the property owner(s) to use the property or sell the property under the existing zoning district classification. **Staff does not have a specific number regarding property value but please review applicant's response as part of attached "Exhibit C".**

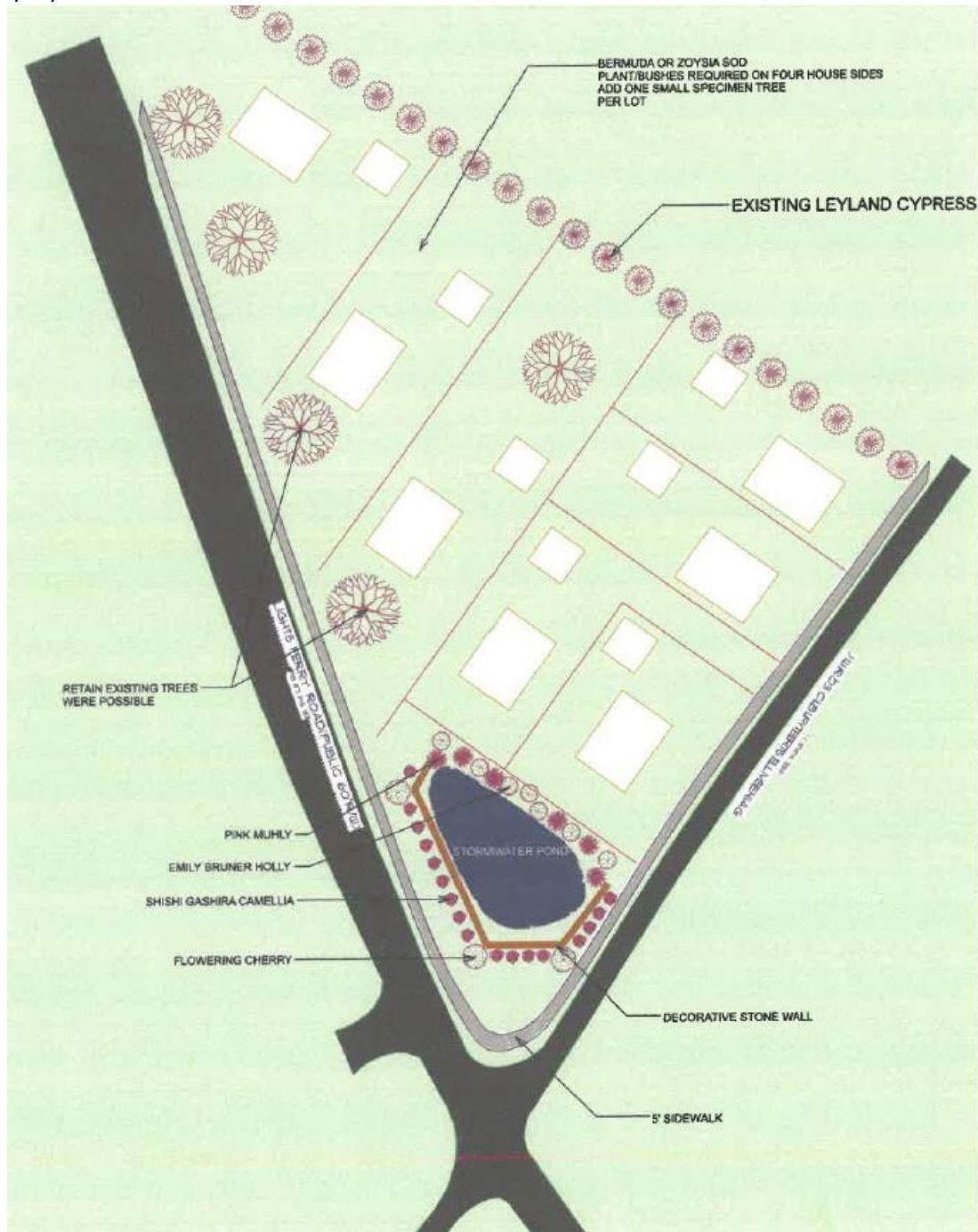
- (i) Whether a proposed zoning map amendment or conditional use approval will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations. **Staff does not feel that the proposed will be a deterrent but rather an enhancement to the surrounding area and a positive impact for downtown.**
- (j) The possible creation of an isolated zoning district unrelated to adjacent and nearby districts. **N/A**
- (k) Possible effects of the change in zoning district map, or change in use, on the character of a zoning district. **The proposed use will enhance the character of the existing district and surrounding area in staff's opinion.**
- (l) The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality. **The development, if approved, will need to go through all the required development reviews to ensure all applicable codes and requirements are met.**
- (m) The relation that the proposed map amendment or conditional use bears to the purpose of the overall zoning scheme and the purposes of this Zoning Ordinance. **The proposed development will enhance the surrounding area and meet the intent of the Zoning Ordinance. The overall layout of the project is not consistent with TND standards however, the homes themselves will be in compliance.**

Recommendation

Approve the request as submitted with the knowledge that it must meet the intent and requirements of the Flowery Branch zoning ordinance, development regulations, and all pertinent local laws, ordinances, and regulations.

Additionally, the following conditions shall apply:

1. The site shall significantly adhere to the plan submitted as part of the rezoning application dated 1/11/2022 and as shown below:



2. Rendering of detention pond including depiction of decorative wall and all landscaping shall be submitted and approved the City of Flowery Branch prior to the issuance of a land disturbance plan.
3. Elevations shall be submitted and approved by the City of Flowery Branch prior to the issuance of a land disturbance permit. Said elevations shall meet all requirements of the City of Flowery Branch zoning ordinance.
4. A homeowner's association shall be created for the project and said organization shall be responsible for the maintenance and upkeep of any on site detention facilities.

Exhibit "A"

ARTICLE 7

TND, TRADITIONAL NEIGHBORHOOD DEVELOPMENT DISTRICT

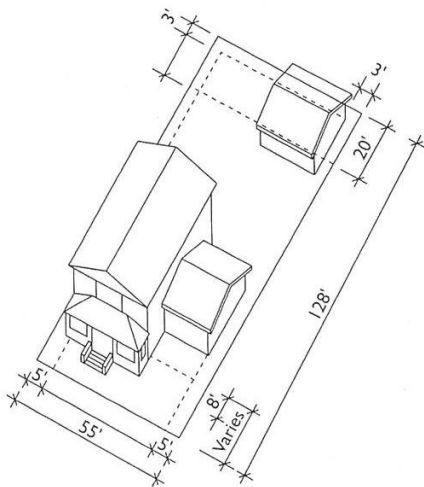
- Sec. 7.1. Purpose and Description.
- Sec. 7.2. Character.
- Sec. 7.3. Permitted and Conditional Uses.
- Sec. 7.4. Dimensional Requirements.
- Sec. 7.5. Additional Development Requirements.

Sec. 7.1. Purpose and Description.

This zoning district is intended to provide for neighborhoods that are designed according to the principles of "new urbanism" with a grid or modified-grid street network, pedestrian scale and orientation, shallow front yards, relatively narrow local streets planted with shade trees and provided with wide sidewalks, and with automobile garages located to the rear or side of residential lots. TND districts are further distinguished from conventional suburban subdivision developments in their provision of public greens or common areas, when new neighborhoods are created.

Sec. 7.2. Character.

Development within this district consists mostly of residential neighborhoods in a rectangular or square block, lot, and street pattern.



Source: Kindell, Peter J., "Building Types," p. 189 in *Planning and Urban Design Standards*. Hoboken, NJ: John Wiley & Sons, 2006)



Source: Hill, John, W. Design Characteristics of Maryland's Traditional Communities, Figure 4, p. 5.1-2 in *Time Saver Standards for Urban Design* (New York: McGraw-Hill, 2003)

Consistent: Dwelling contains front porch and is located close to street. Minimal side yard setbacks. Garage is detached and located at rear of lot.

Consistent: TND Street View – the original settlement pattern sets the character and establishes building themes that should be continued, including location of buildings close to the street and porches on the front of dwellings.



Source: Nashville, Tennessee, Metro Planning Department. 31st Avenue/Long Boulevard Urban Design Overlay. Adopted 3/16/04. Attachment to Ordinance No. BL 2004-151.

Sec. 7.3. Permitted and Conditional Uses.

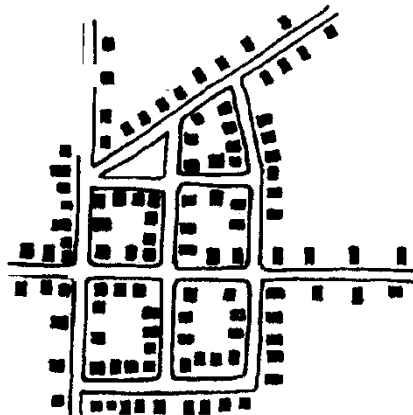
Permitted and conditional uses shall be as provided in Table 7.1, “Permitted and Special Uses in Traditional Neighborhood Development Districts.”

Sec. 7.4. Dimensional Requirements.

Dimensional requirements shall be as provided in Table 7.2, “Dimensional Requirements in Traditional Neighborhood Development Districts.”

Sec. 7.5. Additional Development Requirements.

- (a) Maximum Block Width and Block Length. When a new subdivision is created within this district, the lots shall be designed in a grid-like pattern of blocks and interconnecting streets, where no new block created shall have a length or width exceeding 800 feet in length without an alley or intervening (mid-block) pedestrian footpaths.



Source: Arendt, Randall. 1999. *Crossroads, Hamlet, Village, Town: Design Characteristics of Traditional Neighborhoods, Old and New*. PAS Report No. 487/488, Figure 90, p. 58. Chicago: American Planning Association.

- (b) Front Porches. Any new, detached dwelling shall have a front porch no less than sixteen feet in width as measured along the street frontage and no less than six feet in depth.
- (c) On-site Parking. A two-car garage or carport located in the rear or side yard is required.

Table 7.1
Permitted and Conditional Uses in
Traditional Neighborhood Development Districts
(P = Permitted Use C = Conditional Use X = Prohibited)

Use	TND
Accessory apartment, attached	C
Accessory apartment, detached, above a garage in rear yard	P
Accessory building, structure, or use	P
Church, temple, synagogue, or place of worship, including specified accessory uses (see Sect. 14.3) (Ord. 348-11)	X
Adaptive reuse of a detached single-family dwelling for a club or lodge, nonprofit, sponsored by a civic or similar organization	C
Club or lodge, nonprofit, sponsored by a civic or similar organization, other than adaptive reuse of a detached single-family dwelling (Ord. 348-11)	C
Community recreation	P
Conservation areas and passive recreational facilities	P
Dwelling, single-family detached, fee-simple	P
Dwellings, single-family detached, condominium	P
Dwelling, townhouse (single-family attached, fee-simple)	P
Dwelling, two-family (duplex)	X
Dwelling, multi-family (apartment, attached residential condominium)	X
Dwelling, located within a building containing a nonresidential principal use	C
Garden, non-commercial, accessory to single-family detached dwelling	P
Greenhouse, non-commercial, accessory to single-family detached dwelling	P
Guest house (accessory building/use)	P
Home occupation, including family day care home	P
Institutional residential living and care facility, serving no more than 17 persons	X
Live/work unit	C
Mixed use development, within a detached single-family dwelling (adaptive reuse)	C
Office, within a detached single-family dwelling (adaptive reuse)	P
Office, other than adaptive reuse of a detached single-family dwelling	C
Personal service establishment, within a detached single-family dwelling only (adaptive reuse)	C
Retail trade establishment, enclosed within a detached single-family dwelling only (adaptive reuse)	C
Public or semi-public use	P
School, private, elementary, middle, or high	C
School, public	P
School, special	C
Temporary use	P
Zero lot line housing	P

Table 7.2
Dimensional Requirements for Traditional Neighborhood Development Districts

Requirement (measurement unit)	TND
Maximum height (feet)	30
Maximum height (number of stories)	3
Maximum density (units per acre)	6.5
Minimum lot size for detached single-family dwelling (square feet)	6,700
Minimum lot size for other uses (square feet)	5,000
Minimum lot width (feet)	40
Minimum lot depth (feet)	80
Minimum heated floor area per dwelling unit (square feet)	1,200
Minimum front yard setback from lot line (feet)	0
Minimum side setback, interior lot line or corner lot, all principal buildings (feet)	5
Minimum rear setback, all principal buildings (feet)	25
Rear setback for an accessory building when abutting an alley	None
Minimum landscape strip required along rights-of-way for any nonresidential use if permitted (width in feet)	15
Maximum coverage of impervious surface (percent of lot)	35
Minimum landscaped open space, all principal uses except detached, single-family residential lots and townhomes (percent)	20

Exhibit “B”

ARTICLE 12. - REQUIREMENTS FOR SPECIFIC RESIDENTIAL PRINCIPAL BUILDINGS AND USES

Sec. 12.1. - Commercial Recreation Facility.

Within a residential subdivision or multiple-family residential development, community recreation facilities as defined by this Zoning Ordinance must be platted when a part of a subdivision or part of the site plan approval for a multiple-family residential development. Community recreation facilities shall be subject to the following requirements:

- (a) *Exterior lighting.* If lighted, exterior lighting shall require a lighting plan to be submitted and approved prior to installation. See Article 23 of this Zoning Ordinance.
- (b) *Swimming Pools and Tennis Courts.* Swimming pools and tennis courts shall be setback a minimum of twenty-five (25) feet from all property lines of the tract of land devoted to community recreation, with a minimum ten (10) foot wide landscape strip along all property lines of said tract. See Article 19 of this Zoning Ordinance for landscape strip specifications.
- (c) *Buildings.* Buildings (excluding accessory structures) shall be setback a minimum of twenty-five (25) feet from the property line of the tract. If outdoor patios or decks are provided, they shall be located no closer than twenty-five (25) feet from the property line of the tract and a minimum ten (10) foot wide landscape strip shall be provided between said outdoor patio or deck and the property line or boundary of said tract. See Article 19 of this Zoning Ordinance for landscape strip specifications.
- (d) *Parking.* Parking shall be provided per the requirements of Article 21 of this Zoning Ordinance.



Sec. 12.2. - Model Home.

A dwelling unit may be constructed and used as a model home or temporary office for the sale of lots under the following conditions:

- (a) *Time of Construction.* The model home is typically constructed before approval of a final plat, and hence the model home is the principal use of the entire unsubdivided parcel until the final plat is approved.
- (b) *Location on a Lot.* The model home shall be placed on a lot designated on the approved preliminary plat and shall be placed in a manner that meets the applicable zoning district dimensional requirements so that it complies at the time it is erected and when it is sold and/or converted for single-family residential use.
- (c) *Sales.* Sales shall be limited to the lots and buildings within the subdivision where the model home is located.
- (d) *Certain Buildings Prohibited.* A manufactured home or portable building shall not be used as a model home or temporary sales office.
- (e) *Duration and Discontinuance.* The use of the model home for a sales office shall be discontinued within 30 days after Certificates of Occupancy have been issued on 90 percent of the lots in the subdivision.
- (f) *Parking and Accessibility.* The model home shall comply with off-street parking and applicable accessibility standards.

Sec. 12.3. - Multi-family Development.

- (a) *Condominiums.* If a condominium form of ownership is proposed, the development shall meet all current applicable state laws including the Georgia Condominium Act (O.C.G.A. § 44-3-70 et seq.). Proposed bylaws and the articles of incorporation for the condominium association shall be submitted with the application for development approval.
- (b) *Laundry facilities.* On-site accessory laundry facilities are permitted accessory uses for developments with 25 or more units.
- (c) *Setbacks.* Buildings within multi-family developments shall be subject to the setbacks for the entire lot as established in applicable zoning district dimensional requirements. There shall be no requirements for setbacks from private driveways within the multi-family development, except as may be determined by the Zoning Administrator to be essential to meet building or accessibility codes, to meet sight accessibility requirements for motorists and pedestrians, or other essential public safety considerations during the site plan review process.
- (d) *Site Plan Approval.* Site plan approval by the Zoning Administrator shall be required. The Zoning Administrator may place conditions of development approval on any multiple-family site plan approval, which such conditions are specifically related to compliance with a requirement of this Zoning Ordinance or other applicable regulation. Furthermore, reasonable conditions may be placed on the development through site plan approval by the Zoning Administrator in order to (1) ensure compliance with design and development standards specified in this Zoning Ordinance for said use or (2) ensure consistency with development guidelines or policies of the comprehensive plan.
- (e) *Design Standards.* See Section 10.7 of this Zoning Ordinance.



Sec. 12.4. - Relocated Residence.

A relocation permit is required to relocate a residential structure, whether it is to be moved out of or into the city limits. The relocation permit is not a building permit for the placement of the structure at a new location. The applicant shall include the following with the application for the relocation permit:

- (a) *Picture.* A photograph of the structure at its present location.
- (b) *Existing Location.* The current location (address and tax parcel number) where the structure is now located.
- (c) *Proposed Location in City.* If the structure is to be relocated inside the city limits, the proposed location (address and tax parcel number) of the structure. To ensure compliance with the applicable zoning district dimensional requirements, when the relocated residential structure is proposed to be located within the city limits, the Zoning Administrator shall require submission of the proposed location (address and tax parcel number) and a copy of the recorded plat of the lot on which the structure will be placed (if none exists the applicant shall be required to comply with subdivision requirements of the city's Subdivision and Land Development Ordinance).
- (d) *Floor Area.* The total heated floor area of the existing structure and, if to be located within the city, the renovated structure.
- (e) *Building Permit.* A building permit shall be required.
- (f) *Exterior Improvements.* All exterior improvements to the structure once relocated shall be completed within six months of relocation.
- (g) *Historic Preservation.* If located or proposed to be located within a historic district as recognized in this Zoning Ordinance or other historic preservation ordinance of the city, there must be a copy of the approved Certificate of Appropriateness from the Historic Preservation Commission prior to relocating the residential structure.
- (h) *Inspection.* The Zoning Administrator shall inspect or arrange for the inspection of the structure for compliance with the minimum standards of the zoning district proposed for location and other applicable regulations and codes.

Sec. 12.5. - Subdivision Entrance Monuments.

No subdivision entrance monument shall be permitted to be erected unless it meets the following requirements:

- (a) *Design.* The subdivision entrance monument and the landscape surrounding the monument shall be designed by a registered landscape architect.
- (b) *Design Review.* Design plan review and approval is required. See Article 40 of this zoning ordinance.

Sec. 12.6. - Townhouses.

In zoning districts where permitted, fee-simple townhouses shall meet the following requirements:

- (a) *Lot Frontage and Lot Width.* Each platted lot shall have a minimum of twenty (20) feet of frontage on a public street or private road that meets public street standards, and each lot shall have a minimum lot width of twenty (20) feet.
- (b) *Lot Size.* The minimum size of a lot for each fee-simple townhouse lot (i.e., the extent of land owned by the owner of the unit) shall be 2,000 square feet in lot area.



- (c) *Front Building Setbacks.* There shall be a minimum twenty (20) foot front setback from any perimeter boundary of the fee-simple townhouse subdivision and a 30-foot front setback from any public or private street exterior to or within the subdivision.
- (d) *Side Setbacks and Zero Lot Line.* Zero lot line between units within the same building shall be permitted, subject to applicable fire and building codes.
- (e) *Rear Setbacks.* There shall be a minimum twenty (20) foot rear setback from townhouse lot boundaries for all buildings and structures, except when the rear property line abuts an alley, in which case no setback shall be required.
- (f) *Building Separation.* There shall be a minimum building separation of twenty (20) feet between townhouse buildings.
- (g) *Building Unit Offsets.* To avoid a monotonous appearance, for any given building, no more than six (6) units may have common walls. Any building containing more than three (3) units with common walls must have the front façade, rear façade, and the roof of each attached unit distinct from the other through separation, staggering, or offsets in design. A minimum of two (2) exterior colors shall be used on buildings containing up to four (4) units, and a minimum of three (3) exterior colors shall be used on buildings containing five (5) or six (6) units; however, when all exteriors are unpainted brick, they shall not be required to vary in color. See also Sec. 12.6.(k)1.
- (h) *Rear Access.* Townhouse developments shall be designed to provide proper access to all dwelling units for firefighting purposes, as may be determined by applicable codes. Rear access, if required for firefighting purposes or by Subsection (n) below, shall be accomplished by alleys.
- (i) *Parking.* Two enclosed parking spaces minimum per unit shall be provided.
- (j) *Subdivision Plat Approval.* Each townhouse development or phase thereof shall require preliminary and final subdivision plat approval in accordance the City of Flowery Branch Subdivision and Land Development Ordinance.
- (k) *Wall Finishes.*

1. Exterior wall finish materials (excluding foundations, trim, windows and doors) shall be limited to: real brick (full-depth or thin brick), unpainted natural stone, unpainted cast stone, true three-coat cement stucco, natural wood or cementitious siding including lap siding and board and batten; and wood or cementitious shakes and shingles. A horizontal accent strip (i.e., band board or belly board / band) shall be used when there is a change in material. Each dwelling unit is limited to two of the allowed wall finishes listed in this subsection and one paint color. Adjoining or adjacent units shall not be the same exterior color.

The following are illustrative examples of wall finishes that **DO NOT** meet the requirements of this section:





b. False windows may count toward the transparency requirement where they are similar in size, shape, and materials to other windows on that building and consist of trim with closed shutters that have the appearance of a shuttered window or windows. A single louvered panel with trim may also count toward this requirement. False windows shall not be allowed to count toward this requirement unless shutters adjacent to a true window or windows are also provided on another exterior wall.

- (l) *Foundation Walls.* Exposed foundation walls must be faced in real brick or real stone to the level of the first finished floor when there is a basement or at least 24 inches above grade for the entire perimeter wall when the building has a slab on grade. Faux brick or stone foundation panels are prohibited.

The following are illustrative examples of foundation walls that **DO NOT** meet the requirements of this section:



Foundation wall missing / insufficient height on the side



Foundation wall is only located on the front façade

- (m) *Roof Materials.* Pitched roofs shall be finished in either architectural shingles or standing seam metal roofs.

- (n) *Garage Placement and Materials.*

1. Where townhouse developments abut public streets, lots fronting onto these streets shall address garage placement as follows: the front façade of the townhouse shall face the public street, and garages shall be rear loaded.

2. Where front-loaded garages are allowed, garage doors shall be carriage-style (both the door style/paneling as well as the hardware) and may either:

a. Recess at least one foot behind the front wall plane of the dwelling unit and the front entrance. When the garage door is recessed less than one foot, there shall be required a garage eyebrow treatment (trellis, pergola, roof, or a second-story architectural feature) that extends at least one foot beyond the garage face.

b. Project beyond the front wall plane and the front entrance upon providing a garage eyebrow treatment (trellis, pergola, roof, or second-story architectural feature) that extends at least one foot beyond the garage face, as well as decorative lighting that is mounted above or to the sides of the garage door.



3, All front-loaded garages shall be finished in real brick or real stone. The finish shall cover the entire façade of a projecting garage. When garage doors are recessed in accordance with Sec.(n) 2.a. above, the façade of the ground floor shall be finished in the required material(s).

4. Single-story detached garages that meet the requirements of subsections (k), (l) and (m) above and are placed to the rear of the building(s) are allowed in lieu of attached garages.

The following are illustrative examples of garage treatments that **DO NOT** meet the requirements of this section:



Brick or stone is only partially used or is not used at all as the required exterior finish, and carriage-style garage doors are not used. In addition, required elements over the projecting garages (left and middle examples) are missing.

(o) *Private Open Space.* Private, usable open space, such as balconies, patios, decks, etc. shall be provided contiguous to each dwelling unit. The area of such open space for each dwelling unit shall not be less than 10% of the floor area of the unit served.

1. Each dwelling unit with a rear-loaded garage shall provide a usable covered porch that runs the entire width of the front façade. The porch shall be at least 6 feet deep (not including steps, if applicable).

2. Rear patios, decks and porches shall be covered with a roof, pergola, or projecting architectural feature that is designed with materials to match the façade and/or trim of the building.

(p) *Residential Driveway Length.* Townhouses are required to have a minimum driveway length of twenty-three (23) feet as measured from the back of sidewalk or back of curb, as applicable.

(p) *Design Review.* See Article 40.

Sec. 12.7. – Single-Family Detached Dwellings.

Detached single-family dwellings shall meet the following requirements.

(a) *Wall Finishes.*

1. See Sec. 12.6.(k)1.

2. Facades facing a side yard shall meet the following requirements:

a. Each applicable façade shall have: a minimum of 5% transparency (defined as the minimum percentage of windows and doors that must cover a ground or upper story façade) of the total wall area; and, a maximum of 20 feet of blank wall area (defined as the portion of the exterior façade of a building that does not include windows or doors;



pilasters or other articulation greater than 12 inches in depth; or a substantial change in material) in either a vertical or horizontal direction.

- b. False windows may count toward the transparency requirement where they are similar in size, shape, and materials to other windows on that building and consist of trim with closed shutters that have the appearance of a shuttered window or windows. A single louvered panel with trim may also count toward this requirement. False windows shall not be allowed to count toward this requirement unless shutters adjacent to a true window or windows are also provided on another exterior wall.
 - c. Walls that are fully finished in brick shall be exempt from the transparency requirement in Subsection a. above.
3. Facades facing a rear yard shall meet the following requirements:
- a. Sec. 12.7.(a) 2. shall apply to rear facades that are visible from a public street.
 - b. Rear patios, decks and porches shall be covered with a roof, pergola, or projecting architectural feature that is designed with materials to match the façade and/or trim of the building.
- (b) *Entrance Features.*
- 1. The primary entrance to a residence must be emphasized through the use of an unenclosed roofed porch, veranda or terrace that is a minimum of: six (6) feet deep (not including the steps); and 40% of the width of the front façade or 11 feet, whichever is greater.
 - 2. A stoop or gable may be used in lieu of a porch, veranda or terrace when the front façade finish is brick. A stoop shall not be more than six (6) feet deep (not including the steps) and cannot be fully enclosed.
 - 3. Entry steps shall have enclosed risers.
 - 4. Columns shall be a minimum width of eight (8) inches and shall be wood or durable material that resembles wood from top to bottom or atop stone or masonry bases.
- (c) *Foundation and Roof materials.* See Sections 12.6 (l) and (m).
- (d) *Garage Placement and Materials.*
- 1. Where detached single-family developments abut public streets, lots fronting onto these streets shall address garage placement as follows: the front façade of the dwelling shall face the public street, and garages shall be rear loaded. This requirement shall not apply when homes are oriented such that the side yards front the public street.
 - 2. For single-family detached dwellings with attached front-loaded garages, garage doors shall not project more than eight (8) feet from the front wall plane and front entrance. Any projecting garage shall not prevent the requirement of Sec. 12.7.(b)1 being met.
 - 3. Projecting front-loaded garages shall have a garage eyebrow treatment (trellis, pergola, roof, or second-story architectural feature) that extends at least one foot beyond the garage face, as well as decorative lighting above or to the sides of the garage. The gable (if applicable) above the garage door shall not be blank and shall include window(s) and decorative lighting. Additional gable treatments options include a gable vent and a change in material.
 - 4. All front-loaded garages shall be finished in real brick or real stone. The finish shall cover the façade of the projecting garage wall but is not required to be used on the gable (if applicable)



above the required garage eyebrow treatment. When a garage does not project, the façade of the ground floor garage shall be finished in the required material(s).

5. Garage doors shall be carriage-style (both the door style/paneling and hardware).

The following are illustrative examples of garage treatments that **DO NOT** meet the requirements of this section:



Missing elements: full required extent of brick or stone finish, “eyebrow” treatment above the garage, and gable features (left and middle photos); brick or stone finish, carriage style door and front porch (photo at right). A carriage-style garage door is also not used in the photo at left.

(e) Residential Driveway Length. See Sec. 20.11.(c).

(f) Design Review. See Article 40.



REZONING APPLICATION

Date: 01-11-2022

Address of Request:
5908 Lights Ferry Road

Tax Map # 08112 027019 **Current Zoning:** R1

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

Currently a conforming use? Yes

Any conditions of zoning, CUP's, etc.? No

Applicant Information

Name: Diego Fracasso

Address: 1525 Broadmoore Blvd Buford, Ga 30518

E-mail address: Diegoff@icloud.com

Phone number: 678-358-1900

Signature: [Signature]

Notary: [Signature]

01/11/2022



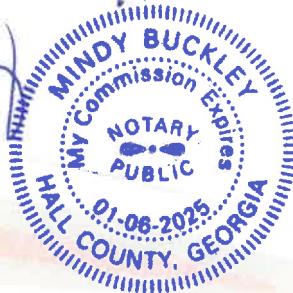


Property owner information (if different than the applicant)

Property owner (please print): Lights Ferry Partners, LLC

Signature of property owner: [Signature] CEO

Notary: [Signature]



Property Information

Tax Map Number: 08112 027019

Current Zoning: R1 Total Acres: 1.92

Is this property located within the city-limits of Flowery Branch? Yes

Proposed City of Flowery Branch Zoning: TND

Current Use: Residential - Vacant

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

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

None

CITY STAFF ONLY

Application Received By: _____

Date: 1-26-2022 Total Fee: _____



5908 Lights Ferry Rd Legal Description

Description of Property

TRACT ONE

All that tract or parcel of land lying and being in the Town of Flowery Branch, Hall County, Georgia, being part of the land described in a deed recorded in Deed Book 284, Page 15, Hall County, Georgia Deed Records, adjoining the present homeplace of Clarence J. Fenn, and more particularly described as follows:

Beginning at the northeast corner of the Clarence J. Fenn homeplace on the Old Gainesville-Buford Road, and running thence 123 feet northward along said road to an iron pin corner; thence westward parallel with the Fenn line 400 feet, more or less, to an iron pin corner fixed by the parties hereto at a point 35 feet east of the rear line of the F.C. Orr property, as described in the deed recorded in Book 284, Page 515, thence southward parallel with Orr's said rear line 123 feet to the C.J. Fenn line at a point just across part of the pavement of the new road running along there; thence eastward 400 feet, more or less, to the beginning corner. The last mentioned new road cuts across the southwest corner of the lot herein conveyed, and of course this corner as cut off in the new road is not included in this deed.

TOGETHER WITH TRACT TWO

All that tract and parcel of land situate, lying and being in Hall County, Georgia, and being more particularly described as follows:

A part of Lot 112, being in Land Lot District No. 8, City of Flowery Branch, Hall County, Georgia, and being in the 1270th District G.M., Hall County, Georgia, containing one and one-tenth (1.1) acres, more or less, and being more particularly described as follows:

Beginning on the north side of Broad Street and west side of Old Gainesville Road; thence running northeast 264 feet to corner of what was formerly A.M. Orr line; thence west along A. M. Orr line 360 feet to the new highway; thence along the New Highway 450 feet to the Old Gainesville Road and the beginning corner. Said property is in a V-shape.

These two tracts being the same property conveyed in a Warranty Deed from Roy E. Clark and Janice Lee Clark Bryans to Allen J. Bryans dated August 24, 1996, recorded in Deed Book 2700, Page 278, Hall County, Georgia Deed Records, being improved property known as **5908 Lights Ferry Road** according to the present system of numbering properties by the Hall County, Georgia Tax Assessor's office. Said property is conveyed together with and subject to all easements, covenants, and restrictions of record, if any.

83754 Description



BOUNDARY SURVEY
OF
5908 LIGHTS FERRY ROAD
FOR
LIGHTS FERRY PARTNERS, L.L.C.



ISSUANCE DATE: 18/06/2021	LAST FIELD WORK: 12/06/2021
MUNICIPALITY: BLD	COUNTY: BLV
ADJUTANT GENERAL: M-10-1	FULL SURVEILLANCE: 00797

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to
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SURVEYOR'S CERTIFICATE (IU)

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AREA
1.923 ACRES

VICINITY MAP

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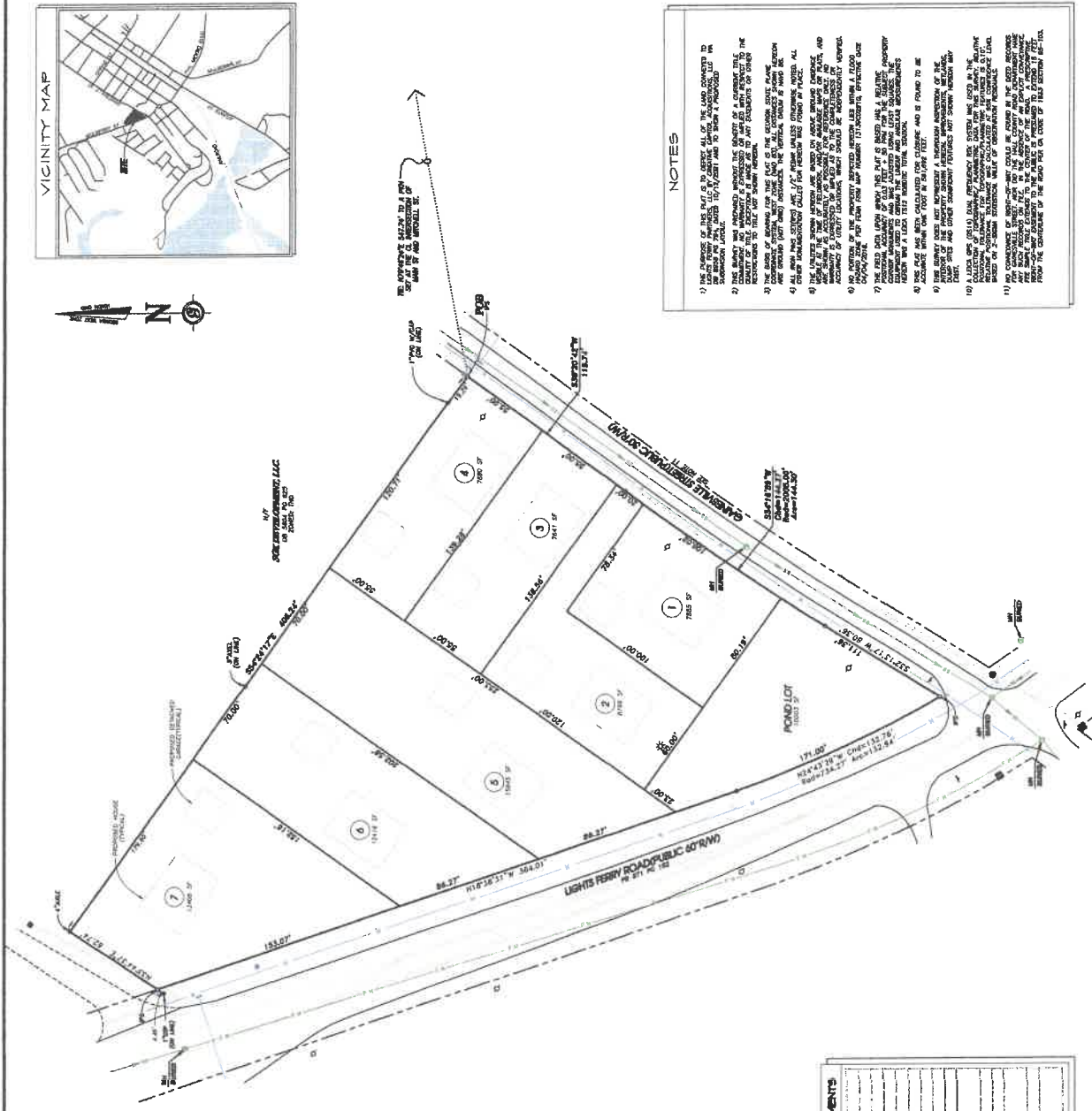
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RECORDING INFORMATION

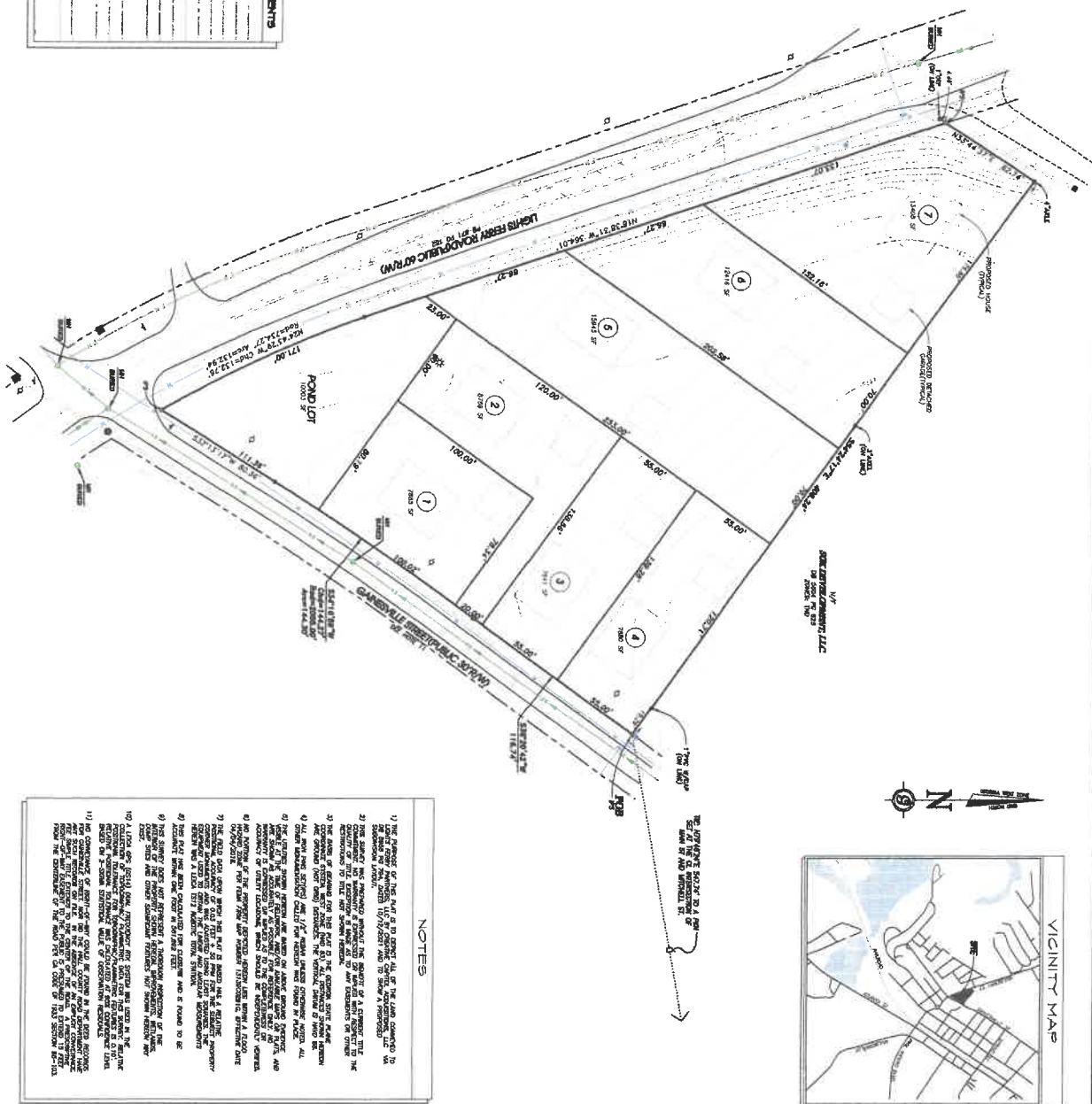
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NOTES

[illegible]

TRADITIONAL NEIGHBORHOOD REQUIREMENTS	
Maximum height (feet)	30
Maximum height (number of stories)	5
Maximum density (units per acre)	6.5
Minimum lot size for detached single-family dwelling (square feet)	6,000
Minimum lot size for attached single-family dwelling (square feet)	4,000
Minimum lot size for other uses (square feet)	40
Minimum lot width (feet)	60
Minimum lot depth (feet)	80
Minimum heated floor area per dwelling unit (square feet)	1,200
Minimum front setback from lot line (feet)	5
Minimum side setback, interior lot line or corner lot, all principal buildings	5
Minimum rear setback, all principal buildings (feet)	25
Minimum rear setback for accessory building when abutting an alley	10 feet
Minimum landscape strip required along right-of-ways for any	15
Minimum landscape strip required along right-of-ways for any	15
Minimum coverage of impervious surface (percent of lot)	45
Minimum landscaped open space, all principal uses except detached, single-20	
Family residential lots and townhomes (percent)	

[illegible][illegible]

DRIVING:		1 OF 1
DRIVING DATE: 11/22/2001	LAST FIELD WORK: 11/26/2001	1 OF 1
MANAGER: BLO CAN IV	CREW CHIEF: JH	
200 MARKER: 111-10-1	FILED: 11/26/2001 10:00 AM	

Applications to amend the official zoning map and applications for conditional uses shall provide a written analysis comparing the proposed action with the criteria in this Section. A zoning map amendment or conditional use application may be justified only if it bears a reasonable relationship to the public health, safety, morality, or general welfare, and after consideration of the analysis requirements which may in individual cases be considered criteria relevant to Zoning Administrator in making recommendations and by the Governing Body in the decision-making process.

-

- (h) Existing value of the property under the existing zoning district classification, the extent to which the property value of the subject property is diminished by the existing zoning district, and the value of the property under the proposed zoning district; if such information is provided by the applicant or can be discerned. This consideration may include the length of time the property has been vacant or unused as currently zoned and efforts taken by the property owner(s) to use the property or sell the property under the existing zoning district classification.
 - a. The value cannot be discerned. However, the structures have been vacant for a number of years.
- (i) Whether a proposed zoning map amendment or conditional use approval will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations.
 - a. The proposed zoning map amendment will not be a deterrent to the value or improvement of development to the adjacent properties. The property would conform and create consistency with the surrounding properties and coincide with other similar developments in the downtown area.
- (j) The possible creation of an isolated zoning district unrelated to adjacent and nearby districts.
 - a. The property is currently surrounded by the proposed zoning of TND.
- (k) Possible effects of the change in zoning district map, or change in use, on the character of a zoning district.
 - a. The proposed zoning will reinforce the character of the zoning district and character area
- (l) The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality.
 - a. The proposed development will not have a negative impact on the environment.
- (m) The relation that the proposed map amendment or conditional use bears to the purpose of the overall zoning scheme and the purposes of this Zoning Ordinance.
 - a. The overall zoning scheme and Zoning Ordinance protects the value and use of property and those that of surrounding property. It also can provide a guide for the future land use and the vision the City has for a particular area. This proposal will protect and appreciate the value of nearby property while following the vision that the city has for this particular district.

([Ord. No. 348-18, § 1 \(Exh. A\), 9-6-2018](#))

12/28/2021

5908 Lights Ferry Rd

Detailed description of request:

We are requesting a zoning map amendment for our property from R1 to TND. Our goal is to build a similar single family product as what is currently being built in the surrounding area. Our request will create seven new single family lots on 1.92 acres of land. Each lot will have one single family residence with a detached garage. The approximate square footage of each house will be 3,000 square feet.

The reason for requesting this zoning is for the continuation of the redevelopment already occurring in the downtown area. The current use and zoning district does not conform to the City's future land use and character map.

Adjoining Property Owners:

North:

SGK Development LLC
PO Box 846
Carnesville, Ga 30521

Other sides of property are City ROW

Authorization to Inspect Property

Lights Ferry Partners, LLC hereby authorizes the City of Flowery Branch staff and/or City Council to inspect the property located at 5908 Lights Ferry Rd in Flowery Branch, Ga for the purpose of a requested zoning map amendment.


Member

5908 Lights Ferry Rd

Proposed Finish and Housing Style Examples

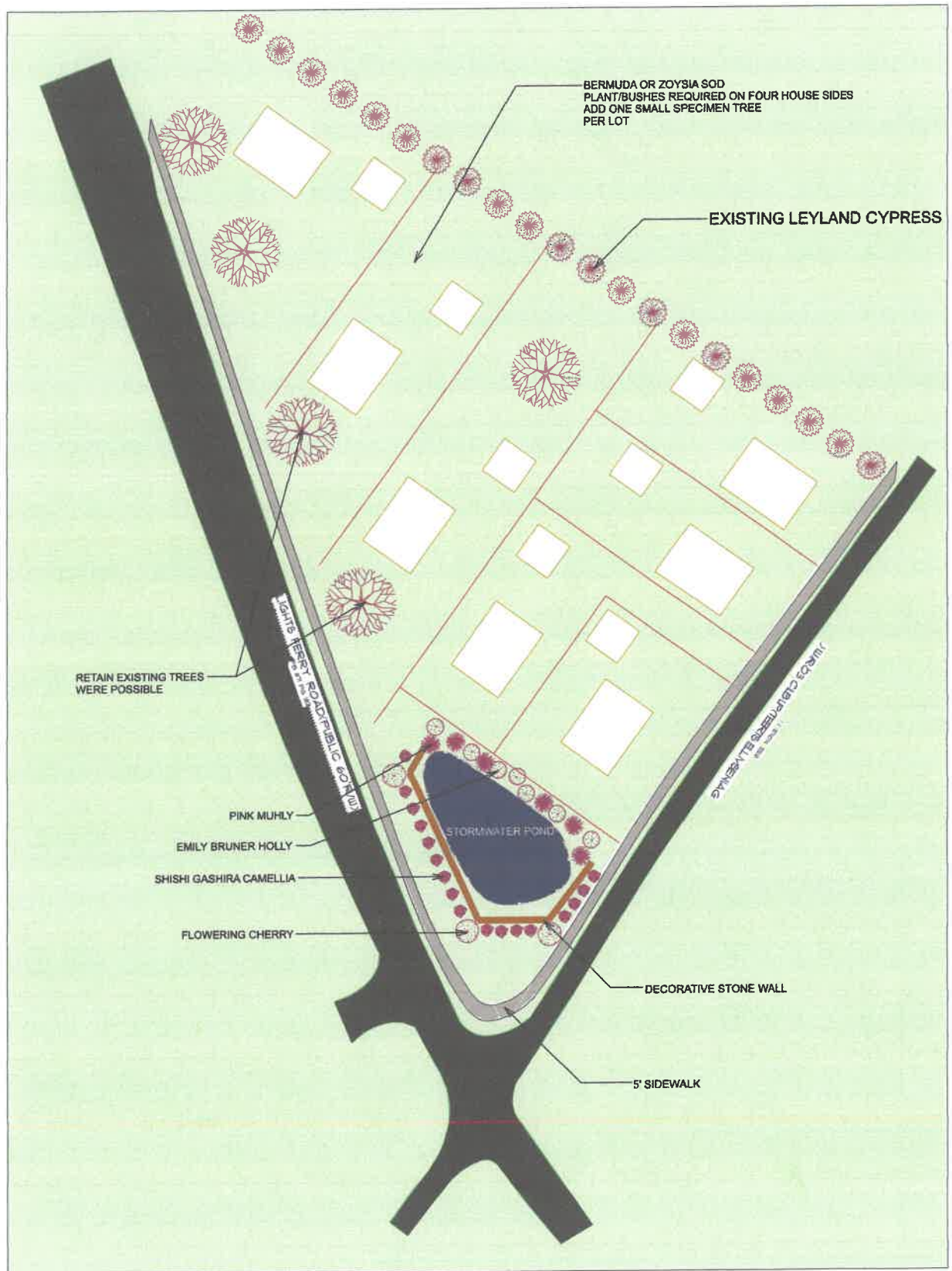
Exterior Features:

- Brick or Stone Water Table and Accents
- Wooden Timber or Decorative Columns
- 5" Reveal on any lap siding
- Large Porches with Metal Roofs
- Detached Garages
- Predominately Gabled Roofs
- Greater than 8/12 Roof Pitches
- Exterior Fireplaces
- Cohesive fencing around yards





5908 LIGHTS FERRY LANDSCAPE PROPOSAL FOR ZONING MAP AMENDEMENT
 ASSUMES REQUIREMENT FOR STORMWATER POND AND OTHER ROW
 REQUIREMENTS





REZONING ADDITIONAL INFORMATION REQUIREMENT

Date: 01-11-2022

Address of Request:

5908 Lights Ferry Road

Tax Map # 08112 027019 **Current Zoning:** R1

Please submit an analysis of the proposed project including:

SEE PAGE 4 AND 5 FOR ANALYSIS

1. Value of improvements upon complete build out.
2. Property tax valuation based upon existing millage rate (indicate total tax expectation if project is phased).
3. Schedule of the total build out (showing a timeline of construction in months/years if project is phased).
4. Anticipated total square footage (heated) to be built in the requested number of units.
5. Total acreage developed with units.
6. Total acreage for right of way and roads.
7. Total acreage of open space/common area (include plan for maintenance of open space/common area).
8. Acreage required for buffer and watershed protection.
 - Does the buffer comply with the current City ordinance?
 - Do individual property lines for lots extend into the buffer?
 - Does the Developer intend to dedicate any of the site area to the City? If so, for what purpose?



9. Does your proposal consider Multi Transportation alternatives? (Please describe in detail)
10. Please identify all amenities and total number of acres they incorporate by complete description.
11. Number of street lights and separation table as proposed on your site plan.
12. Will Technology Development be included in this development?
13. List the total linear feet and cubic yards for sidewalks.
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?
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?
17. What is the total capacity for daily Wastewater Management?
18. What is the anticipated maximum daily water consumption? Are low flow fixtures required by the development?
19. Has a slope and grade study been done on this development? Does the study reflect density placement?
20. Please identify what public safety needs are being considered for the project?
21. Has the Hall County School System been notified of the proposed density for this project?
22. Please provide a copy of all private covenants and/or architectural guidelines to be filed regarding this development.



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

CITY STAFF ONLY

Permit Issued By: _____

Date: _____ Total Fee: _____

REZONING ADDITIONAL INFORMATION REQUIREMENT

**5908 Lights Ferry Rd
Flowery Branch, Ga 30542**

- 1. Value of improvements upon complete build out**
 - a. There will be 7 single family detached houses each valued at approximately \$650,000.
Total value of all improvements is estimated at \$4,550,000.**
- 2. Property tax valuation based upon existing millage rate**
 - a. Existing millage rate for the City is 3.264**
 - b. Existing millage rate for the County is 27.24**
 - c. Calculated at 40% of value, City property taxes would be estimated at \$5,940.48**
 - d. Calculated at 40% of value, County property taxes would be estimated at \$49,576.80**
- 3. Schedule of the total build out**

	MONTH 1	MONTH 2	MONTH 3	MONTH 4	MONTH 5	MONTH 6	MONTH 7	MONTH 8	MONTH 9	MONTH 10	MONTH 11	MONTH 12	MONTH 13	MONTH 14	MONTH 15	MONTH 16
EROSION CONTROL AND STABILIZATION																
DEMOLITION																
GRADING																
STORMWATER INFRASTRUCTURE																
SEWER INFRASTRUCTURE																
POWER INFRASTRUCTURE																
ROW IMPROVEMENTS																
HOUSE CONSTRUCTION																

- 4. Anticipated total heated square footage to be built in the requested number of units**
 - a. Average housing unit will have 3000 heated square feet**
 - b. Total square footage of all units will be approximately 21,000 square feet**
- 5. Total acreage developed with units**
 - a. 1.923 Acres**
- 6. Total acreage for right of way and roads**
 - a. 0**
- 7. Total acreage of open space/common area**
 - a. 0**
- 8. Acreage required for buffer and watershed protection**
 - a. Does the buffer comply with current City ordinance?**
 - i. There are no proposed buffers**
 - b. Does the Developer intend to dedicate any of the site area to the City? If so, for what purpose?**
 - i. There is an area that is proposed as a "Pond Lot". This lot has been set aside to potentially handle the water quantity and quality requirements set forth in the City Development Code and may ultimately serve the surrounding community. This parcel could be managed by covenants placed on the new lots or dedicated and then managed by the City. We would like clarification on this.**
- 9. Does your proposal consider Multi Transportation alternatives?**
 - a. No**

10. Please identify all amenities and total number of acres they incorporate by complete description.
 - a. No amenities
11. Number of street lights and separation table as proposed on your site plan
 - a. We have no plans for street lights
12. Will Technology Development be included in the development?
 - a. No
13. List the total linear feet and cubic yards for sidewalks
 - a. Approximately 840 linear feet of sidewalks
14. Are appropriate storm water controls provided in your proposal? Are these controls completely and accurately reflected on all drawings and plans?
 - a. A portion of the Development has been set aside for storm water controls. A full hydrology report and engineered drawings will be needed to determine all appropriate controls.
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?
 - a. No, we do not believe this projects meets the threshold to warrant a traffic study
16. Does the proposal provide for utilization of "reuse" water?
 - a. No
17. What is the total capacity for daily Wastewater Management?
 - a. Unknown
18. What is the anticipated maximum daily water consumption? Are low flow fixtures required by the development?
 - a. Unknown
 - b. All water fixtures will comply with Federal, State and Local ordinances
19. Has a slope and grade study been done on this development? Does the study reflect density placement?
 - a. No
20. Please identify what public safety needs are being considered for the project?
 - a. None
21. Has the Hall County School System been notified of the proposed density for this project?
 - a. No
22. Please provide a copy of all private covenants and/or architectural guidelines to be filed regarding this development
 - a. Private covenants will only be filed if necessary. Architectural guidelines will be follow all City Ordinances

Dry Detention Pond Flow Graphic



From Nashville.Gov



Dry Detention Pond Properly Maintained





See the Conceptual Site Plan for the proposed Lights Ferry Development. The detention pond shown is rough sized and graded for the appropriate drainage basin for the site. The pond is 5.0' from the top of the dam (1147.5') to the bottom of pond (1142.5') with a 3 to 1 slope. It will need to have an outlet control structure installed but will be designed as a dry pond. The pond will need to be grassed and landscaped and may or may not need a fence depending on city regulations.



From: [Rich Edinger](#)
Sent: Monday, March 21, 2022 2:42 PM
To: [Richard Atkinson](#)
Subject: RE: 5908 Lights Ferry Rd.

Rich,

Be aware, they may have to do runoff reduction, which might not then require an extended detention pond.

Rich



Richard J. Edinger, Jr., P.E., CFM | Vice President
Direct: 678.318.1062 | Mobile: 770.337.2515
ARCHITECTURE. ENGINEERING. PLANNING.
CPLteam.com



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consideration of Resolution 22-008: To Amend the Current ARPA Resolution to Indicate Revenue Replacement Selection

COUNCIL MEETING DATE: May 5, 2022

HISTORY:

On January 6th, 2022 the United States Treasury released the ARPA Final Rule, establishing some administrative guidelines while reaffirming others. One particular action item that is required by Treasury involves the Revenue Replacement category for government service expenditures: this requires the selection of either a standard allowance of up to \$10 million or a continued calculation of actual revenue loss.

The finance director drafted an amendment resolution to the current ARPA resolution (Resolution 21-010, approved 7/15/2021) that would indicate the selected option and appease the prevailing Federal guidelines approved April 1, 2022. This selection was reported on the April 30th obligation and expenditure report to ease the reporting requirements and reporting obligations of the City. The report has been submitted and the City cannot interchange in between the options. The amended section is stated as follows:

“Section 5. Indication of Revenue Replacement Selection. To ensure compliance with the Final Rule, City Council hereby selects the standard allowance of up to Ten Million 00/100 Dollars (\$10,000,000.00) that may be expended on government services during the period of performance.”

FACTS AND ISSUES:

- This resolution will replace all prior resolutions.
- Projects already approved with Resolution 22-003, 22-004 and 22-007 will remain in the ARPA fund as previously presented and approved.
- All remaining ARPA funds will be assigned for projects by Council as deemed necessary and reported in Fund 230 – American Rescue Plan Act of 2021.
- This change is to help with ease of reporting requirements.

OPTIONS:

Approve Resolution 22-008 to match April 30, 2022 reporting.

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

Yes

AMOUNT AND SOURCE OF FUNDS:

ARPA Grant Funds

RECOMMENDATION:

Approve Resolution 22-008 as presented.

SAMPLE MOTION:

I make a motion for the City Council to approve Resolution 22-008 to amend the current ARPA resolution to indicate revenue replacement selection, back-dated effective to April 1, 2022, the date of the Federal Guidelines approval.

COLLABORATING DEPARTMENT:

Administration

DEPARTMENT: Finance

Prepared by: Shelia Cooper

ATTACHMENTS

- [Executive Summary - Resolution 22-008 Consideration of a Resolution to Amend the Current ARPA Resolution.pdf](#)
- [Resolution 22-008 ARPA Revenue Replacement 5-5-2022.pdf](#)

FLOWERY BRANCH CITY COUNCIL
EXECUTIVE SUMMARY

SUBJECT: Consideration of Resolution 22-008: To Amend the Current ARPA Resolution to Indicate Revenue Replacement Selection

DATE: 4/28/2022

BUDGET INFORMATION:
ANNUAL-
CAPITAL-

☒ **RECOMMENDATION**
☐ **POLICY DISCUSSION**
☐ **STATUS REPORT**
☐ **OTHER**

COUNCIL ACTION REQUESTED ON: May 5, 2022

PURPOSE: Flowery Branch City Council consideration of a resolution to amend the current ARPA resolution to indicate revenue replacement selection

HISTORY:

On January 6th, 2022 the United States Treasury released the ARPA Final Rule, establishing some administrative guidelines while reaffirming others. One particular action item that is required by Treasury involves the Revenue Replacement category for government service expenditures: this requires the selection of either a standard allowance of up to \$10 million or a continued calculation of actual revenue loss.

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FACTS AND ISSUES:

- This resolution will replace all prior resolutions.
 - Projects already approved with Resolution 22-003, 22-004 and 22-007 will remain in the ARPA fund as previously presented and approved.
 - All remaining ARPA funds will be assigned for projects by Council as deemed necessary and reported in Fund 230 – American Rescue Plan Act of 2021.
-

-
-
- This change is to help with ease of reporting requirements.
-
-

OPTIONS: Approve Resolution 22-008 to match April 30, 2022 reporting.

RECOMMENDED SAMPLE MOTION:

I make a motion for the City Council to approve Resolution 22-008 to amend the current ARPA resolution to indicate revenue replacement selection, back-dated effective to April 1, 2022, the date of the Federal Guidelines approval.

DEPARTMENT: Administration and Finance

Prepared by: Alisha Gamble

RESOLUTION NO. 22-008
AN AMENDMENT OF THE RESOLUTION TO STATE THE
ADMINISTRATIVE RESPONSIBILITIES AND ACCEPTANCE OF THE
FIRST TRANCHE OF THE CITY OF FLOWERY BRANCH, GEORGIA,
ALLOTMENT OF LOCAL FISCAL RECOVERY FUNDS THROUGH THE
AMERICAN RESCUE PLAN ACT; AND FOR OTHER PURPOSES.

WHEREAS, on July 12, 2021, the State of Georgia, as subaward from the United States Department of Treasury (hereinafter “US Treasury”), deposited the City of Flowery Branch’s first tranche of funds, which is One Million, Five Hundred Fifty-Four Thousand, Four Hundred Twenty-Nine and 00/100 Dollars (\$1,554,429.00); and,

WHEREAS, on July 15th, 2021, the Flowery Branch City Council adopted a resolution providing for the primary responsibilities of the elected officials and administrative staff and acceptance of the first tranche of local fiscal recovery funds through the American Rescue Plan Act and for other purposes; and,

WHEREAS, the existing resolution was adopted under the consideration of the US Treasury guidance known as the ARPA Interim Final Rule. On January 6th, 2022, the US Treasury released updated guidance known as the ARPA Final Rule; and,

WHEREAS, the ARPA Final Rule contains modifications to the guiding principles that require City Council action for expenditures on government services under the revenue replacement category; and,

WHEREAS, the US Treasury, under the ARPA Final Rule has established an opportunity for selection of a standard allowance of up to Ten Million 00/100 Dollars (\$10,000,000.00) that maybe spent on government services during the period of performance as an alternative to the revenue replacement calculation; and,

WHEREAS, that as a subrecipient, the City of Flowery Branch is required by the US Treasury to either select the standard allowance of up to Ten Million 00/100 Dollars (\$10,000,000.00) or the alternative revenue replacement calculation; and,

WHEREAS, this amendment to the existing resolution serves as a decision by the City Council to hereby select the standard allowance of Ten Million 00/100 Dollars (\$10,000,000.00) in accordance with Federal Law and guidance, for the current critical needs and priorities for which there is consensus as set forth below.

NOW, THEREFORE, BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF FLOWERY BRANCH, GEORGIA:

Section 1. Council Responsibilities. Subject to the provisions of the Charter of the City of Flowery Branch and Section 6 below, the City Council shall maintain these authorities:
A. ARPA Budget Approval, i.e. the allocation of ARPA Funds into specified eligible buckets per Treasury guidelines.

- B. ARPA Budget Amendments, i.e., change in dedications as originally set forth
- C. Approval of ARPA contracts, i.e., approval of program providers or vendors
- D. To approve use of the current Procurement Policy as the guideline for expending ARPA Funds.

Section 2. City Manager; Or Designee Responsibilities. Subject to the provisions of the Charter of the City of Flowery Branch and Section 6 below, City Management shall maintain these authorities:

- A. Prepare and present Budgets and Budget Amendments for consideration
- B. Prepare solicitations for program providers and vendors and present such to Council for approval
- C. Develop operating processes, administer, and oversee programs, and provide reports for programs and operations
- D. To utilize the current Purchasing Policy as the guideline for expending ARPA Funds.

Section 3. Mayor Responsibilities. Subject to the provisions of the Charter of the City of Flowery Branch and Section 6 below, the mayor shall maintain these authorities:

- A. To sign, for and on behalf of the city, all contracts, ordinances, instruments, and other documents authorized by the city council, and which are required to be in writing, unless otherwise directed or authorized by the city council.
- B. To sign documentation as necessary for annual reporting and receipt of funds.

Section 4. Acceptance of ARPA Funds. For purposes of the obligation and expenditure of ARPA funds it is the intent of the City Council that funds from the first tranche of the American Rescue Plan Act be accepted and placed into “Fund 230 – American Rescue Plan Act of 2021” and prioritized and expended in a manner consistent with the requirements set by this resolution.

Section 5. Indication of Revenue Replacement Selection. To ensure compliance with the Final Rule, City Council hereby selects the standard allowance of up to Ten Million 00/100 Dollars (\$10,000,000.00) that may be expended on government services during the period of Performance.

Section 6. Compliance with the American Rescue Plan Act. The city will ensure compliance with prevailing Federal guidance at the time funds are committed for expenditure.

Section 7. Nothing in this resolution shall be construed as taking the place of any action otherwise required by the City Council to authorize the City Manager to enter requisite contracts associated with expenditures outlined above.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the City of Flowery Branch approve the selection of the standard allowance of up to Ten Million 00/100 Dollars (\$10,000,000.00) as the alternative revenue replacement calculation effective April 1, 2022.

SO RESOLVED this 5th day of May 2022.

Attest:

Edward R. Asbridge, Mayor

Shelia R. Cooper, City Clerk

Approved as to form:

E. Ronald Bennett, Jr., City Attorney



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider April 21, 2022 City Council Meeting Minutes

COUNCIL MEETING DATE: May 5, 2022

HISTORY:

FACTS AND ISSUES:

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

SAMPLE MOTION:

Consent Agenda Item

COLLABORATING DEPARTMENT:

DEPARTMENT: Administration

Prepared by: Shelia Cooper

ATTACHMENTS

- [April 21, 2022 City Council Meeting Minutes.pdf](#)



**City of Flowery Branch
City Council Meeting Minutes
Thursday, April 21, 2022, 6:00 P.M.
City of Flowery Branch City Hall
5410 W. Pine Street, Flowery Branch, GA 30542**



CALL WORK SESSION TO ORDER:

Mayor Edward Asbridge called the council meeting to order at 6:00 p.m.

Present: Mayor Asbridge and Council Members Oliver McClellan, William McDaniel, Joseph Mezzanotte, and Chris Mundy. Also present were City Manager Tonya Parrish, City Clerk Shelia Cooper, Finance Director Alisha Gamble, Planning Director Rich Atkinson, Police Chief Chris Hulsey, Public Works Director Bill Whidden and City Attorney Ron Bennett.

Absent: Council Member Joe Anglin

PLEDGE OF ALLEGIANCE:

Mayor Asbridge led the pledge of allegiance.

PUBLIC HEARING:

Consideration of Ordinance 662 - A rezoning request submitted by Mr. Chris Herrington.

City Planner Atkinson presented a rezoning request submitted by Mr. Chris Herrington to rezone 5321 Gainesville Street, a .36+/- acre of land also known as tax parcel identification number 08112 013005 from residential, detached single-family, low-density district (R-1) to residential, detached single-family, moderate-density district (R-2) with the intent to combine this parcel with 5315 Gainesville Street (applicants' primary residence) to construct an attached structure (garage/office).



There were no questions from Mayor or Council.

Schedule:

First Vote - May 5, 2022

Second Vote - May 19, 2022

PUBLIC COMMENTS:

In Favor: None

Against: None

Mayor Asbridge closed this public hearing at 6:05 p.m.

Public Hearing for the Rezoning application submitted by NNP-Looper Lake, LLC. to rezone tax parcel 15047 000885 from Planned Unit Development (PUD) to Planned Unit Development (PUD) with modified conditions.

City Planner Atkinson presented a public hearing for the rezoning application submitted by NNP-Looper Lake, LLC to rezone tax parcel 15047 000885 from Planned Unit Development (PUD) to Planned Unit Development (PUD) with modified conditions. Currently, the entire parcel (12 +/- acres) is zoned PUD and is designated as for sale commercial/retail property. Applicant is requesting 8 +/- acres be removed from the commercial/retail development classification allowing for the construction of approximately 65 townhomes.





Council Member Joseph Mezzanotte asked if all the townhomes will fit on the land and within where the black silt fence is and Mr. Whittaker stated all the townhomes are within the property boundaries and will fit where the black silt fence is located.

Council Member Joseph Mezzanotte inquired about right turn lanes in and out of the townhomes and Mr. Whittaker stated that would be determined during the final design phase.

Council Member Joseph Mezzanotte asked if there is enough land for expanding lanes on Capitola and Mr. Whittaker stated he would have his engineer make a model layout of the turning lanes.

Council Member Joseph Mezzanotte asked about the alleys and if they would be City owned streets or private owned streets. Mr. Whittaker stated that Alley 1 will be a City owned street and Alley 2 will be a private owned street.

Council Member Joseph Mezzanotte asked if the driveways are long enough to park cars outside of the garage and Mr. Whittaker stated yes.

Council Member Joseph Mezzanotte asked if there will be a detention pond on the property and Mr. Whittaker stated there will be a detention pond and it will be substantial in size.

Council Member Joseph Mezzanotte asked if the land going down Spout Springs will be sodded grass or natural grass and Mr. Whittaker stated there would be sodded grass on all frontage from edge of property to edge of property on Spout Springs and Capitola Roads.

Council Member Joseph Mezzanotte asked for the timeline on this project if there is an approval from Council and Mr. Whittaker replied seven to ten months.

Council Member Joseph Mezzanotte asked if the sidewalk that runs along Spout Springs will be a legal golf cart path into the development and Mr. Whittaker stated this is a County Road.

Mayor Asbridge inquired if the detention pond will be seen from the road and Mr. Whittaker stated there is already a pond in place, but it will depend on the engineering component as to how it is positioned. Mayor Asbridge advised buffering to hide the pond if it will be seen from the road.

Council Member Oliver McClellan recused himself from this discussion and any further discussions or votes for tax parcel 15047 000885.

Council Member Chris Mundy inquired about a 23 feet requirement for driveway lengths. City Planner Atkinson advised that rule does not apply to rear entry garages. Mr. Whittaker stated all the townhomes are rear entry except Lots 11 through 22.

PUBLIC COMMENTS:

In Favor: None

Against:

Frank Debold, 6843 Bent Twig Way, Flowery Branch, GA 30542
Aubrey Duke, 7016 Treehouse Way, Flowery Branch, GA 30542
Bob Hayes, 6905 Hopscotch Court, Flowery Branch, GA 30542
Chris Fetterman, 7859 Benchmark Drive, Flowery Branch, GA 30542
Leana Tunila, 7263 Red Maple, Flowery Branch, GA 30542

Schedule:

First Vote - May 19, 2022

Second Vote – June 16, 2022

Work Sessions if needed – May 5th or June 2nd

Mayor Asbridge closed this public hearing at 6:35 p.m.

NEW BUSINESS -WORK SESSION:

Consideration of Lease for 5318 Railroad Avenue to Chattahoochee Child Psychology Services, LLC

City Attorney Bennett presented a lease agreement for 5318 Railroad Avenue from Chattahoochee Child Psychology Services, LLC. The owner of the psychology business will occupy the space on May 1, 2022, and the lease will run for one year with an automatic renewal on the second year. The base rent for the first year is \$1,800.00 per month and a 3% escalation for the second year for a monthly rent of \$1,854.00.

DEPARTMENT REPORTS:

City Manager:

Mr. Rich Edinger provided an update on the Mitchell Street Project. He stated the Georgia Power poles have been installed and the utilities are being moved from the old poles to the new poles. The contractor has not performed any work since March 2021. Mr. Edinger received a letter about one week ago from the contractor asking for additional time to complete the work. Mr. Edinger stated that his response was no.

Council Member Chris Mundy inquired about the contractor not being on site and Mr. Edinger stated that the contractor could be doing work on site such as installing storm drains and curb and gutter. The block for the wall was ordered on February 1, 2022, but we do not know if the block has been delivered to the contractor. Council Member Mundy asked if there was a timeline and Mr. Edinger stated there is no way to estimate a timeline. The contract ran out on April 7, 2022, and they are accruing liquidated damages of \$100.00 per day. Mr. Edinger believes this is why the contractor asked for a time extension.

Mayor Asbridge asked for the name of the contractor and Mr. Edinger stated the company is Summit Construction & Development, LLC. Mayor Asbridge asked if we should call the company and ask if they are going to complete the work. Mr. Edinger stated that they have a performance bond, and the bond company will be on the hook if the contractor does not perform the work.

City Clerk Report:

City Clerk Cooper invited all the citizens to the Boy Scout Troup 228 Spring Festival on Saturday, April 23 from 10:00 a.m. until 4:00 p.m.

ADJOURNMENT WORK SESSION:

Mayor Asbridge closed the work session at 6:48 p.m.

VOTING SESSION AGENDA

CALL VOTING SESSION TO ORDER:

Mayor Asbridge called the voting session to order at 6:48 p.m.

PUBLIC COMMENTS:

Charles Mull, 5918 Mitchell Street, Flowery Branch, GA 30542

Mr. Mull is concerned about the storm pipes stacked up and he stated it is impeding visibility from the lake to Mitchell Street.

CONSENT AGENDA:

- Consider Mayor Asbridge March 2022 Pier Diem Pay
- Consider April 7, 2022 Council Meeting Minutes

There was a motion made to approve the Consent Agenda.

MOTION: Chris Mundy

SECOND: Oliver McClellan

AYES: Oliver McClellan, William McDaniel, Joseph Mezzanotte, Chris Mundy

NAYS: None

Motion carried

UNFINISHED BUSINESS - VOTING SESSION:

Consideration of Second Reading of Ordinance 663: Amendment to the Alcoholic Beverage Ordinance to License and Regulate Microbreweries.

City Attorney Bennett read the caption to Ordinance 663.

There was a motion made to approve Ordinance 663.

MOTION: Chris Mundy

SECOND: William McDaniel

AYES: Oliver McClellan, William McDaniel, Joseph Mezzanotte, Chris Mundy

NAYS: None

Motion carried

NEW BUSINESS - VOTING SESSION:

Consideration of First Reading of Amending Alcoholic Beverage License Ordinance 504A to Ordinance 504B

Mr. Bennett read the caption to Ordinance 504B.

There was a motion made to approve the first reading of Alcoholic Beverage License Ordinance 504B.

MOTION: William McDaniel

SECOND: Oliver McClellan

AYES: Oliver McClellan, William McDaniel, Joseph Mezzanotte, Chris Mundy

NAYS: None

Motion carried

Consideration of Ordinance 660 - A request from Lights Ferry Partners, LLC. and Diego Fracasso to Rezone 5908 Lights Ferry Road, a 1.92+/- acre of land also known as Tax Parcel Identification Number 08112 027019 from Residential, Detached Single-Family, Low-Density District (R-1) to Traditional Neighborhood Development District (TND).

Mr. Bennett read the caption to Ordinance 660.

There was a motion made to approve the first reading of Ordinance 660.

MOTION: Chris Mundy

SECOND: William McDaniel

AYES: Oliver McClellan, William McDaniel, Joseph Mezzanotte, Chris Mundy

NAYS: None

Motion carried

Council Member Chris Mundy asked about the detention pond and wanted to advise possibly putting the detention pond underground. The developer has plans for the detention pond and passed out plans for the detention pond.

Consideration of Lease for 5318 Railroad Avenue to Chattahoochee Child Psychology Services, LLC

There was a motion made to approve a two-year lease for 5318 Railroad Avenue to Chattahoochee Child Psychology Services, LLC.

MOTION: Oliver McClellan

SECOND: William McDaniel

AYES: Oliver McClellan, William McDaniel, Joseph Mezzanotte, Chris Mundy

NAYS: None

Motion carried

EXECUTIVE SESSION:

There was a motion made to enter executive session at 6:59 p.m. for matters related to the acquisition and/or disposition of real estate and for matters related to certain personnel issues.

MOTION: Chris Mundy

SECOND: Oliver McClellan

AYES: Oliver McClellan, William McDaniel, Joseph Mezzanotte, Chris Mundy

NAYS: None

Motion carried

There was a motion made to exit executive session and reconvene open session at 7:35 p.m.

MOTION: Chris Mundy

SECOND: Oliver McClellan

AYES: Oliver McClellan, William McDaniel, Joseph Mezzanotte, Chris Mundy

NAYS: None

Motion carried

ADJOURNMENT:

There was a motion made to adjourn at 7:38 p.m.

MOTION: Chris Mundy

SECOND: Oliver McClellan

AYES: Oliver McClellan, William McDaniel, Joseph Mezzanotte, Chris Mundy

NAYS: None

Motion carried

Ed Asbridge, Mayor

Date

Shelia Cooper, City Clerk



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consideration of Financial Policies Updates

COUNCIL MEETING DATE: May 5, 2022

HISTORY:

In the Spring of 2020, the finance department created formal financial policies based on best practices recommended by the Government Finance Officers Association. These policies were set on an annual review cycle to ensure they continue to comply with best practices and fit the financial environment of the City.

FACTS AND ISSUES:

This years review has two policies with minor changes.

1. Purchasing Policy with two attachments.
2. General Funds Reserves Policy.

OPTIONS:

Approve as presented or recommend changes.

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

No

AMOUNT AND SOURCE OF FUNDS:

N/A

RECOMMENDATION:

Approve changes as presented.

SAMPLE MOTION:

Consent Agenda Item

COLLABORATING DEPARTMENT:

Administration

DEPARTMENT: Finance

Prepared by: Shelia Cooper

ATTACHMENTS

- [Purchasing Policy.pdf](#)
- [General Fund Reserves Policy.pdf](#)

PURCHASING POLICY MANUAL

City of Flowery Branch, Georgia



Date Created: November 21, 2018

~~Last Revised~~ Revision Dates: March 11, 2019, March 14, 2022

~~Next Annual Review By: Revision date by: July 1, 2021~~ March 31, 2023

Purchasing Manual

City of Flowery Branch, Georgia

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I. Introduction

Procurement and maintenance of effective purchasing systems are important functions of the City Purchasing Office. To obtain the greatest value for every dollar spent, it is necessary to follow a set of procedures when purchases are made. In all matters involving purchasing the highest ethical standards should be maintained.

The *City of Flowery Branch Purchasing Manual* references recommended best practices, forms and templates which can be found in the City of Flowery Branch Purchasing Guidelines.

II. Authority for Delegation of Purchase Authority

The City Manager has the authority to delegate authorization to purchase or sell goods or services to City departments.

III. Policies and Procedures are Minimum Standards

The policies and procedures in the *City of Flowery Branch's Purchasing Manual* are the minimum requirements that City departments should meet and are to be consistently applied regardless of the source of funds. A department may adopt additional policies and procedures in greater detail, or use additional or alternative supporting documentation, if the department meets the required minimum standards. The Finance Director must be made aware of any additional policies or procedures prior to implementation within a department.

IV. Compliance

Department heads are responsible for ensuring their department complies with the *City of Flowery Branch's Purchasing Manual*, as well as all the purchasing guidelines promulgated by the City under the supervision of the Purchasing Manager. Each department head shall also designate a person or persons responsible for management of purchasing within the department. The designated person(s) must see the Budget Manager to complete the signature log prior to making any purchases on behalf of the City of Flowery Branch.

V. Definitions

Acquiring office means the department, division, board, authority or other unit of City government under whose authority, or on whose behalf, or for whose use a commodity, service, or real property is requested or acquired or a contract or agreement relating thereto is obtained.

Acquisition means a transaction in which the City purchases, orders, contracts for, or

otherwise agrees to obtain for value any commodity, service, real property or combination thereof.

Active vendor status means a vendor has completed and returned all necessary documents and met requirements according to the City's vendor program policy and procedures.

Bid means submission of information from an offeror that describes the offeror's commodities or services, and any other information necessary to respond to the specifications and other requirements set forth in a request for bids.

Bid bond means a bond with good and sufficient surety or sureties for the faithful acceptance of the contract payable to, in favor of, and for the protection of the City.

Bidder means one who submits the information from an offeror in response to a request for bids.

Bid opening means the public opening of the sealed bid envelopes that were submitted by bidders for inspection by the City at the close of the request for bids.

Change order means a written order signed and issued, after execution of a contract agreement, by the City to the contractor authorizing an addition, deletion, or revision in the work, or an adjustment in the contract price or contract time.

City means City of Flowery Branch, Georgia.

Commodity means a discrete and distinct item of tangible personal property, including, without limitation, any such item that is intended to become an integrated part of another item of tangible personal property or of any improvement to real property, but not including after incorporation into another item of personal property or real property in a manner which ends to separate character as personally under the law.

Consultant means a person who has expertise because of education or experience which uniquely qualifies him or her to provide specialized services or advice.

Contract means any agreement, purchase order, lease, or other document which creates or intended to create binding reciprocal obligations including, without limitation, any document evidencing a bid or proposal award that has been accepted by the offeror.

Contractor means any person who is party to a contract, except the City.

Day(s) means calendar day(s) unless otherwise stated.

Emergency purchase is the purchase of supplies and/or services in a crisis situation where immediate action is required to protect life, property, or significant financial loss or environmental impacts.

Local vendor means a bidder or offeror which operates and maintains a brick-and-mortar business, i.e., a physical business address, within the City limits of the City of Flowery Branch, has a current business license, has paid in full all real and personal taxes owed the City, is considered a vendor in good standing with the City and can obtain an active vendor status.

Ordinance refers to the laws, statutes, and/or regulations that are passed by the City of Flowery Branch's Mayor and Council members.

Offeror means any person who has submitted a bid or proposal to the City or otherwise offered to form a contract with the City.

Payment bond means a bond with good and sufficient surety or sureties payable to the City for work to be done and intended for the use and protection of all subcontractors and all persons supplying labor, materials, machinery, and equipment in the prosecution of the work provided for in the contract.

Performance bond means a bond with good and sufficient surety or sureties for the faithful performance of the contract and to indemnify the City for any damages occasioned by a failure to perform the same within the prescribed time.

Person means any individual or legal entity.

Professional service means a service consisting in material part of advice, evaluation, planning, design, or other effort involving the exercise of judgment, discretion, and knowledge, including, without limitation, a service provided by a person whose profession is licensed or regulated by the state or federal government. This includes, but is not limited to, such services as legal, medical, engineering, surveying, and architecture.

Proposal means submission of information from an offeror (including a consultant) which states how that offeror intends to fulfill the specifications and other requirements described in a request for proposals.

Purchasing Manager, the employee designated by the City to review purchase requests and bids, make purchasing recommendations, and ensure that employees of the City comply with rules, regulations, and laws relating to purchasing.

Request for proposal (RFP) is a document that announces a project and provides a description while soliciting bids from qualified contractors that would like to have the opportunity to be awarded the project contract.

Responsible bidder or offeror means a person who has the capability in all respects to perform fully the contract requirements, and the experience, reliability, capacity, facilities, equipment and credit which will assure good faith performance.

Responsive bidder or offeror means a person who has submitted a bid or proposal

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that conforms in all material respects to the requirements set forth in the invitation.

Sealed bid means the offer submitted in response to a request for proposal in a sealed envelope to only be opened at the designated date and time known as the bid opening.

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Services means the furnishing of labor, time or effort by a contractor which is not intended to accomplish the delivery of a specified tangible product other than reports that are merely incidental to the required performance, including, without limitation, a professional or consulting service.

Signature log is a list of all employees with the City of Flowery Branch that includes two signatures for each employee, their printed name and initials. This will be used to compare signatures during invoice verification and audits.

Specification means, in connection with a request for bids or request for proposals, a list of the characteristics of the commodities or services that will meet the City's requirements.

VI. Principles of Purchasing

The City of Flowery Branch's purchasing requirements and strategies are based on the following four fundamental principles:

A. Ethical Behavior and Conduct

Purchases made on behalf of the City shall comply with the City's Code of Ethics which can be found in Part II, Chapter 2, Article III of the City's Ordinances. The objectives of ethical behavior and conduct are to ensure that in its procurement activities, the City will:

- Behave with impartiality, fairness, independence, openness, integrity and professionalism in its dealings with suppliers;
- Advance the interests of the City in all transactions with suppliers;
- Ensure that its purchasing personnel attain the highest level of credibility with suppliers.

B. Open and Effective Competition

The objectives of open and effective competition are:

- To instill confidence in the City and the public about the integrity and cost effectiveness of public sector procurement;
- To maximize the most economically beneficial outcome for the City;
- To ensure that all suppliers wishing to conduct business with the City are given a

- reasonable opportunity to do so; and
- To ensure that bid documents and contracts reflect the requirements and desired outcome of the City and that all participants are subject to equivalent terms, conditions and requirements.

C. Enhancing the Goals of the City

The objectives of enhancing the socio-economic goals of the City, based on the considerable procurement power of the City is:

- To support a diverse supplier pool, including small, minority, and women-owned firms, and encourage their participation in City business.

D. Value for Money

The objectives of obtaining value for money are:

- To achieve the best possible return on City funds spent on goods and services; and
- To recognize that this may not necessarily amount to purchasing at the lowest price.

VII. Procurement Thresholds

A. Up To \$1,000.00

A Department may acquire goods and services with a value of \$1,000.00 or less. The \$1,000.00 limit is calculated per acquisition. Acquisitions may not be split to circumvent these procedures.

B. \$1,001.00 but less than \$5,000.00

A Department may conduct an acquisition more than \$1,001.00 but less than \$5,000.00 after solicitation of a minimum of 3 quotes or unless otherwise stated in *Purchases Exempt from Competition*.

C. At \$5,001.00 and above

A Department may conduct an acquisition more than \$5,001.00 through the solicitation of a Bid or Request for Proposal or unless otherwise stated in *Purchases Exempt from Competition*.

Purchase Amount	Responsible Party	Procurement Method	Minimum Quotes	Approval Authority
\$0.01 – \$99.99	Department Director/Designee	P-Card or Check Request	0	Department Director
\$100.00 \$0.01 - \$1,000.00	Department Director/Designee	P-Card or Check Request	0	Department Director
\$1,001.00 - \$5,000.00	Department Director/Designee	Purchase Order	3 Written	Department Director Finance Director

\$5,001.00 - \$25,000.00	Department Director/Designee	Sealed bid/Proposal/Qualifications Purchase Order Required	N/A	Department Director Finance Director City Manager
\$25,001.00 and over	Department Director/Designee	Sealed bid/Proposal/Qualifications Purchase Order Required	N/A	Department Director Finance Director City Manager City Council

VIII. **Purchases Exempt from Competition**

These acquisitions are clearly and legitimately limited to a single source of supply or involve special facilities, services, or market conditions and are designated as exempt from competitive bid requirements. Purchases exempt from competition do not nullify the need for a Purchase Order.

Utilities - Fees, charges, and assessments for public utilities such as garbage, gas, sewer, cable TV, power, water, lights, fire protection, and recycle services.

Postage, Postal Service, FedEx and UPS – Fees and charges associated with postage, envelopes/boxes and mailing of items through the United States Postal Service, FedEx, or UPS.

Conferences and Seminars – Formal educational events through various organizations that the City may be members of. Conferences and/or seminars serve to advance the knowledge of current employees in their field/department.

Registration/tuition for conferences, seminars and professional development – Fees and charges associated with registering for educational training events for employees.

Lodging services

* City employees must review the City Travel policy for more detailed requirements regarding accommodations for conferences, seminars and professional development training.

Miscellaneous Fees

- All government and court-imposed fees;
- Fees for obtaining records

Legal/Promotional Advertisements and Awards - Legal or promotional advertisements cost via public media to include but not limited to newspapers, video, radio, billboards or journals.

Costs for use of Patented Graphic Design - Costs for use of patented graphic designer

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artwork and reproduction rights associated with that patent.

Training Services – Fees and charges associated with training events for employees for further professional development. This may be an offsite event or bringing a professional onsite to train employees at the City.

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Basic Health Screening/Diagnostic Costs – Expenses incurred for providing health screenings and diagnostic services for employees. This may include items such as checking blood pressure, BMI, weight, or diagnostic services post-accident.

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Interagency Contracting Expenses - Expenses incurred via contract with another public agency to ensure continuation of grant funding where such services or materials must be purchased from a specific source or manufacturer. For example, a federal agency requires the purchase and use of a specific brand of equipment for performing specific services under that contract and the use of other brands would cause loss of funding and/or termination of the contract by the federal agency.

Real Property - Real property, real estate brokerage and appraising, abstract of titles for real property, title insurance for real property and other related costs of acquisition of real property. (This also includes the leasing or rental of real property upon approval of City Council.)

Items for Resale - Items for resale that require a manufacture to enhance their marketability.

Art Work - Works of art for public places.

Professional Services - Professional or technical services provided by a consultant to accomplish a specific study, project, task, or other work statement. Professional services under \$20,000 are exempt upon approval of the Department Director. Professional services over \$20,000 are exempt upon approval of the City Manager.

Venues for recreational or educational purposes – Expenses related to reserving a venue to conduct meetings offsite. The venue may be for recreational purposes such as a lunch meeting or team-building exercises or for educational and training purposes.

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Licensed Computer Software Support/Maintenance – Fees and charges required to maintain computer software and provide user support.

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Purchases made Associated with Warranty Work - Services required by proprietary ownership and original equipment manufacturers such as maintenance contract.

Security System Monitoring – Charges associated with the monitoring of the City's security system.

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Renewal/Extension of Contracts - Ongoing services or agreements may be renewed or extended if the department head determines that it is in the best interest of the City, so long as the renewal of the contract does not extend the contract period beyond three years from the initial contract approval. This decision should be based on satisfactory service, reasonable prices and the desire to avoid the interruption of City business; and/or based on good business sense if pursuant to the terms and conditions of the contract. All renewals/extensions of contracts must comply with O.C.G.A. § 36-60-13. See also purchasing guidelines.

Cooperative Purchasing - Departments may only participate in cooperative purchasing with prior review and approval of the Finance Department.

Sole Source Acquisition - Based upon a written determination that a particular supply, service, or construction item may be obtained from only one (1) source and no similar supply, service, or construction item available from a different source will adequately meet an acquiring office's requirements and specifications, the purchase may be approved as "sole source," pursuant to O.C.G.A. § 36-91-2(17).

Used Equipment, Furniture, Vehicles or Materials - A department may purchase used or refurbished equipment, furniture, vehicles or materials from the private sector without competition if the same or similar articles are not available from more than one source. The articles must meet the following conditions:

- Fair market value is being paid and,
- Competitive pricing is not feasible.

Emergency Purchases - Emergency purchases may be made when there exists an emergency constituting a threat to public health, safety or welfare or to the soundness and integrity of public property or the delivery of essential services and where the adverse effects of such emergency may worsen materially with the passage of time. Acquisitions shall be made using such competitive procedures as circumstances reasonably permit. Emergencies shall be documented by the acquiring department and submitted to the purchasing office and shall be subject to the approval at the highest level designated in this policy for the purchase amount. **Lethargy does not justify an emergency purchase.** [Please refer to the City of Flowery Branch Ordinance Part II, Chapter 25, Section 25-4 for additional information.](#)

Vehicle Repair – when it is not practical to obtain multiple quotes or when obtaining multiple quotes may cause excess expense (e.g. Vehicle is inoperable and must be towed).

Brand or Product Conformity - brand or product conformity may be exempt from competition when a long-term cost savings can be demonstrated and documented.

Bank Services – banking services are exempt from competition; however, an analysis on

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the cost of services shall be rendered periodically to ensure they are still competitive.

IX. Public Works Construction and Public Road Contracts

Public works construction and public road contracts shall comply with the provisions of State Law as noted below:

- Public works construction contracts are governed by [O.C.G.A § 36-9-20](#), etseq.
- Public road contracts are governed by [O.C.G.A § 32-4-110](#), etseq.

X. Methods of Acquisition

There are a variety of methods available to departments to acquire goods and services. This part discusses the various methods of acquisition, when to use, and the requirements. This section is not intended to supersede any state or federal requirements. Acquisition rules, regulations, and laws associated with the use of state and federal funds must be followed closely. The Purchasing Guidelines are available to employees to review each method in more detail and templates are provided that may be used for each procurement method.

When you are required to conduct a competitive procurement process you must use one of the following methods:

- Request for Quote
- Request for Qualifications
- Competitive Sealed Bidding and Proposals

A. Request for Quote

Purchases between \$1,001 and \$5,000 are to be competitively solicited and documented.

1. Process Requirements

- A minimum of three quotations shall be sought and vendors shall be notified using a standard Request for Quote form. If fewer than three sources are solicited, the reasons are to be explained in writing and included in the purchase file.
- The quote in response may be written, faxed or emailed.
- Quotations must be received within 30 days of each other;
- Oral interpretations of contract terms and conditions by the purchaser shall not be binding.
- Existing quotes, less than 90 days old, may be reused. (price must be verified with vendor)
- Awarded to the lowest responsive and responsible quote.

B. Request for Qualifications

A procurement process based solely on prior experience and specific qualifications. Price will be determined during negotiations process.

C. Competitive Sealed Bidding and Proposals

The City purchasing ordinance requires a formal competitive process for purchases of more than \$5,001.00.

1. Forms Required:

- Bid Log (to obtain Bid/RFP number from Purchasing)
- Permission to Solicit Bid/RFP
- Bid/RFP Document
- Contract Document (if applicable)
- Terms and Conditions (if applicable)
- Potential Bidder List

2. Statutory Requirements:

- All bids shall be in writing and received by the stated due date. Late bids will not be considered and must be returned.
- Public Notice shall be provided using the specified legal organ for a minimum of one day a week for two consecutive weeks, unless otherwise required by the law regarding public works construction contracts or public road contracts.
- Bids/RFP must be recorded and publicly opened.
- The requirements may be changed or amended, provided the change is issued prior to the opening date and time specified.

3. At a Minimum the Bid/RFP Should Contain:

- The purchase description
- Specifications covering the item or items needed
- Terms and conditions
- Criteria for evaluating the solicitation
- Whether the "lowest responsive bid" will be computed by (1) line item; (2) groups of items, (3) the entire bid; or (4) if it otherwise allows the purchaser the discretion to make that determination independently
- Price sheets for the vendors to submit prices

4. Award of a Bid

In the competitive bid method of selecting a contractor, the essential elements for award are:

- The responsiveness of the bidder
- The lowest priced bid that meets the evaluation criteria set forth in the solicitation

5. Award of Proposal

In the competitive proposal method of selecting a vendor, some of the essential elements for consideration are:

- Price
- Experience
- Response/Service/Delivery/Installation Time
- Warranty
- Reference responses
- Stock Level
- Financial Stability
- Staff level
- Product/Sample Quality

XI. Withdrawal of Bids/RFPs

Bids may be withdrawn at any time prior to the bid opening. After bids have been publicly opened, withdrawal of a bid shall be based upon the following:

- Notice in writing.
- Within two business days of the bid opening.
- If the price was substantially lower than the other bids due solely to a mistake therein, provided the bid was submitted in good faith, and the mistake was a clerical mistake as opposed to a judgment mistake.
- If a bid is withdrawn under the authority of this provision, the lowest remaining responsive bid shall be deemed to be the low bid.
- If a RFP is withdrawn under the authority of this provision, the remaining proposer with the highest number of points shall be deemed to be the most responsive proposer.

XII. Tie Bid/RFP/Quote

In the event that bidders are tied for the lowest price and the other terms and conditions of the bids are substantially the same, the bid shall be awarded to a bidder using the following priorities: bidder with its principal place of business in the City; bidder with fixed

location in the City; bidder with its principal place of business in Hall County; bidder with a fixed location in Hall County; bidder with its principal place of business in the state; bidder with a fixed location in the state. If the above criteria do not break the tie, the bid shall be awarded to the winner of a coin toss conducted by the purchasing staff in a location open to the public where bidders and at least one (1) witness may be present.

XIII. Local Vendor Preference

- A. Responsive and Responsible Bidder(s):** a bid award may be made to the lowest responsive bidder meeting all specifications and whose bid is responsive to the invitation to bid. This is the bidder who submits the lowest price, whose bid meets the specifications, who agrees to the contract terms and conditions with the City, and who is clearly capable of performing the resulting contract. All bid awards are subject to local vendor preference as stated in Section 2-4-29.
- B. Responsive and Responsible Proposal:** an award may be made to the responsible offeror whose proposal is determined to be the most advantageous to the City and provides the best overall value to the City. This is the offeror whose proposal most adequately meets the evaluation criteria set out in the request for proposal, who can reach mutually agreeable contract terms and conditions with the City and who is clearly capable of performing the resulting contract. All proposal awards are subject to local vendor preference as stated in Section 2-4-29.

1. Local Vendor Preference Rules

- a. **Opportunity to Match.** For purchases, bids, proposals or contracts over \$20,000 and less than \$150,000 the local vendor may be given an opportunity to match the lowest price proposal, if the quotation or bid of the local vendor is within 3% of the lowest price proposal by a non-local vendor. In the event a local vendor matches the lowest price proposal, including all other terms, quality, service and conditions, then the local vendor shall be awarded the contract. The Purchasing Manager must be consulted when applying the local vendor preference.
- b. **Multiple Local Vendors.** In the event the price proposal of more than one local vendor is within 3% of the lowest overall price proposal of a non-local vendor, the local vendor with the lowest proposal will be given the first opportunity to match the lowest overall price proposal. If this local vendor declines to match the price proposal, then the local vendor with the next lowest bid within 3% will be given the opportunity to match the lowest proposal. This process will continue with all local vendors having proposals within 3% of the lowest overall bid by a non-local vendor.
- c. **Policy to be Stated.** This policy shall be so stated in all applicable solicitations.

- d. **Exemptions.** This provision does not apply to public works construction projects or road projects pursuant to the laws of the State of Georgia or other situations to be found in conflict with federal or state laws or granting agency contracts.

XIV. Construction Projects

Public works construction projects, as defined in O.C.G.A. § 36-91-1, et seq., shall generally follow the provisions set forth in this policy and may have additional bonding requirements.

Bonding Requirements: Bid, performance and payment bonds shall be required for all contracts where the cost is fifty thousand dollars (\$50,000.00) or greater. The City may, at its discretion, require bid, performance, and payment bonds for any contract where cost is less than the previously stated thresholds. In lieu of the bid bond described above, an offeror may submit with the bid or proposal a cashier's check, certified check, or irrevocable letter of credit payable to the City in an amount not less than 5% of the purchase price specified in the bid or proposal provided that the form of such letter of credit and the lending institution have been approved by the City in advance. This section shall apply to projects not otherwise governed by State Law.

XV. Collusive or Anti-Competitive Practices

No bidder shall engage in collusive or anti-competitive practices in responding to a solicitation for bids or proposals.

XVI. Contracts

This section uses the term 'contract' to mean any agreement, other than a City issued Purchase Order, that creates an obligation, right, or liability for the City of Flowery Branch. An agreement may be a binding contract even though one party provides something of value to the other party at no charge. This policy applies to the initial contract and to every amendment, renewal or extension of such a contract. For multi-year contracts please refer to O.C.G.A § 36-60-13.

A. Title VI of the Civil Rights Act of 1964:

The City of Flowery Branch will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 USC 2000d—42 USC 2000d—4 (hereinafter referred to as the Act), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the Regulations), and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of race, color, sex, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives

federal financial assistance from the Department of Transportation, including the Federal Highway Administration, and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement.

B. A Contract is Required For:

- The design or construction of City infrastructure.
- When there are liability issues involved (for the City).
- When the depreciable life of the asset is greater than 20 years.
- When the agreement creates an obligation upon the City for a period of 5 years or more.
- When the cost for professional services will exceed \$20,000.
- Whenever deemed necessary by the Finance Director, Department Director, City Attorney, or City Manager.

C. Administrative Review and Procedures

The employee initiating the contract is responsible for reading the contract entirely and determining:

- That the contract language is clear and consistent.
- That they can ensure compliance with the obligations the agreement places on the Contractor and the City.
- If insurance requirements are met in accordance with the Insurance Matrix.
- If legal reviews are required for legal form including, but not limited to, appropriate designation of parties, legal consideration (i.e., mutual obligations), jurisdiction, term and liability.
- That the necessary financial resources are available by obtaining a purchase order.
- That the contract has secured the necessary approvals and signatures.
- That the Contract Processing Form is completed and submitted to the City Clerk.

D. Authority to Sign and Execute Contracts

As established by Sections 2.4(c) and 8.1 of the City Charter, the Mayor has the authority to sign contracts, deeds, licenses, fiscal expenditures, and other public documents on behalf of the City after approval of the governing body, either by approval of the specific contract or as authorized as part of the budget process. The City Manager is responsible for implementation of all contracts as approved and directed by the City Council.

E. Delegation

The City Manager has delegated implementation authority at defined levels, as set forth herein, Finance Director and Department Directors.

F. Authority

- 1. Finance Director and Department Directors** have the authority to implement contracts up to \$5,000 after approval of the Mayor/City Council and as delegated by the City Manager, so long as such contracts have been specifically approved by the governing body or authorized as part of the budget process:
 - Annual operational and/or maintenance contracts
 - Professional Service Agreements
 - Grant Agreements for the purchase of products, with no requirements that the City match any funds provided, unless otherwise required by the Grant Agreement
 - Lease and Rental Agreements for use of space for professional meetings
 - Utility agreements
 - Notice to Proceed/Engagement Letters
 - Sponsorship agreements for City events or tournaments
- 2. Assistant City Manager or Finance Director** have the authority to implement contracts referenced in the preceding section, up to \$25,000, after approval of City Attorney and, if applicable, Risk Management, so long as such contracts have been specifically approved by the governing body or authorized as part of the budget process.
- 3. All contracts require a resolution of the governing body** before implementation by the City Manager.

XVII. Change Orders

It is the policy of the City to limit change orders. However, the City recognizes that at times circumstances may dictate that changes be made to the scope of a project or procurement.

All contract change orders shall be accompanied with a description and justification and will be reviewed by the City Attorney and forwarded to the City Manager for review and execution by the governing body if it exceeds original budget. All change orders must be approved by the City Manager.

XVIII. Ethical Behavior and Conduct

The ethics law is designed to protect City employees from conflicts of interest or from engaging in activities where their interests or loyalties could be divided or may be questioned. Employees should familiarize themselves and adhere to the Code of Ethics contained in the City of Flowery Branch Code of Ordinances.

XIX. Segmenting or Splitting

Splitting is impermissible. The Purchasing Office may conduct a quarterly review of department accounts to determine if invoice splitting or segmenting exists.

XX. Protests

Departments are responsible for responding to protests related to any procurement they conduct, and any associated legal costs incurred. The Purchasing Office is available for guidance. If the Purchasing Office conducts the procurement for you, we will manage the protest response effort for your department. The City Manager or Finance Director shall be made aware of any protests or conversations of protests immediately.

XXI. Ineligible Vendor list

All vendors must receive approval before being entered into our system and allowed to conduct business with the City. Please refer to the following list for reasons to request a vendor be added to the ineligible vendor list:

- Any vendor who submits a bid or proposal in bad faith;
- Any vendor who willfully or repeatedly breaches a contract with the City;
- Any vendor who refuses to accept a bid award or proposal award;
- Any vendor who has established a pattern or practice of unethical or immoral business practices;
- Any vendor who owes delinquent fees, judgments, taxes, or other amounts to the City, provided however, that upon the payment of such delinquency, the person shall be removed from the ineligible vendor list;
- Any vendor who is owned, controlled or managed, in whole or in part, by any other person described in subsection (1) through (5) above.

Any such vendor shall not be eligible to provide any commodities or services to the City during the period such vendor remains on the ineligible vendor list. The vendor shall be placed on the ineligible vendors list for a reasonable period, not to exceed three (3) years.

If a vendor is placed on the ineligible vendor list, a written memo of the determination, citing the rules listed above and the number of times violated, and length of time the vendor will be on the ineligible vendor list, will be submitted to the vendor in question.

The Code of Ordinances
City of Flowery Branch

Part II, Chapter 2

ARTICLE III. - CODE OF ETHICS

Sec. 2-44. - Intent.

- (a) It is essential to the proper administration and operation of the city that:
- (1) The members of its governing authority be, and give the appearance of being, independent and impartial;
 - (2) Public office not be used for private gain; and
 - (3) There be public confidence in the integrity of the governing authority.
- (b) The governing authority finds that the public interest requires that it protect against such conflicts of interest by establishing appropriate ethical standards with respect to the conduct of the members of the governing authority in situations where a conflict may exist.

(Ord. No. 318, § 1, 1-27-2005)

Sec. 2-45. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Complaint means a written sworn statement filed with the mayor or mayor pro tem containing specific allegations of misconduct by a member; provided, however, such allegations must be filed within six months of discovery of the alleged misconduct.

Governing authority or *member of the governing authority* means the mayor or any councilmember and any member appointed to any board or commission of the city.

Interest means any direct pecuniary benefit which is not a remote interest held by or accruing to a member of the governing authority as a result of a contract or transaction that is or may be the subject of an official act or action by or with the city. A member of the governing authority shall be deemed to have an interest in transactions involving:

- (1) Any person in the member's immediate family;
- (2) Any person with whom a contractual relationship exists whereby the member may receive any payment or other benefits unless the member is receiving a benefit for goods or services in the normal course of business for which the member has paid a commercially reasonable rate;
- (3) Any business in which the member is a director, officer, employee, agent, or shareholder, except as otherwise provided in this article; or
- (4) Any person of whom the member is a creditor, whether secured or unsecured.

(Ord. No. 318, § 2, 1-27-2005)

Sec. 2-46. - Prohibitions.

- (a) No member of the governing authority shall:
- (1) By conduct give reasonable basis for the impression that any person can improperly influence him or unduly enjoy his favor in the performance of official acts;

- (2) Directly or indirectly request, exact, receive, or agree to receive a gift, loan, favor, promise, or thing of value for himself or another person if it could reasonably be considered to influence the member in the discharge of official duties;
 - (3) Disclose or otherwise use confidential information acquired by virtue of his official position for his or another person's private gain;
 - (4) Use his official position to attempt to secure privileges that are not available to the general public;
 - (5) Engage in, accept employment with, or render services for any private business or professional activity when such employment or rendering of services is adverse to and incompatible with the proper discharge of official duties;
 - (6) Engage in any activity or transaction that is prohibited by law now existing or hereafter enacted which is applicable to him by virtue of being a member of the governing authority;
 - (7) Use his position to request or require an employee to:
 - a. Do clerical work on behalf of the member's family, business, social, church or fraternal interest when such work is not furthering a city interest;
 - b. Perform any work outside the employee's normal course of municipal employment;
 - c. Purchase goods or services to be used for personal, business, or political purposes; and
 - d. Work for the member personally without paying the employee just compensation;
 - (8) Use government property of any kind for other than officially approved activities, nor shall he direct employees to use such property for any purposes other than those officially approved;
 - (9) Use his position in any way to coerce, or give the appearance of coercing, another person to provide any financial benefit to himself or persons having an interest.
- (b) The prohibition in subsection (a)(2) of this section shall not apply in the case of:
- (1) An occasional nonpecuniary gift of insignificant value;
 - (2) An award publicly presented in recognition of public service;
 - (3) A commercially reasonable loan or other financial transaction made in the ordinary course of business by an institution or individual authorized by the laws of the state to engage in the making of such a loan or financial transaction;
 - (4) Campaign contributions made and reported in accordance with state law.
- (c) The prohibition in subsection (a)(5) of this section shall not apply to a member of the governing authority who is a licensed professional and appears on behalf of any applicant in such professional capacity so long as disclosures required by section 2-47 are made to the board or commission chairperson 30 days prior to any action being taken, and the member is associated with the project at the time the initial application is filed.

(Ord. No. 318, § 3, 1-27-2005)

Sec. 2-47. - Disclosure of conflicts of interest.

An appointed member of the governing authority who has an interest that he has reason to believe may be affected by his official acts or actions or by the official acts or actions of the governing authority shall disclose the precise nature of such interest by written or verbal statement 30 days prior to the governing authority's taking official action on a matter affecting such interest and abstain from discussion and voting. An elected member of the governing authority shall disclose the nature of any interest he has at the time such matter is presented to the city council for discussion. Such written or verbal statements shall be recorded into the minutes of the meeting and thus become part of the public record. Following

any disclosure made pursuant to this section, the member shall refrain from all ex parte communications with other members regarding the application in which he has an interest.

(Ord. No. 318, § 4, 1-27-2005)

Sec. 2-48. - Disqualification.

A member of the governing authority shall disqualify himself from participating in any official act or action of the city which results in a pecuniary benefit to the member or a business or activity in which he has an interest when such benefit is not available to the public at large.

(Ord. No. 318, § 5, 1-27-2005)

Sec. 2-49. - Prohibited contracts.

The city shall not enter into any contract involving services or property with a member of the governing authority or with a business in which a member of the governing authority has an interest. This section shall not apply in the case of:

- (1) The designation of a bank or trust company as a depository for city funds;
- (2) The borrowing of funds from any bank or lending institution which offers the lowest available rate of interest in the community for such loan;
- (3) Contracts entered into in accordance with O.C.G.A. § 16-10-6;
- (4) Contracts entered into under circumstances that constitute an emergency situation, provided that the mayor prepares a written record explaining the emergency;
- (5) Contracts entered into with a member of the governing authority or with a business in which a member of the governing authority has an interest, provided that such contract is the result of a competitive bid, disclosure of the nature of such member's interest is made prior to the time any bid is submitted, and a waiver of the prohibition contemplated by this section is issued by the city administrator following disclosure.

(Ord. No. 318, § 6, 1-27-2005)

Sec. 2-50. - Restrictions on contracts with former members of the governing authority.

The city shall not enter into any contract with any person or business represented by such person who has been, within the preceding 12-month period, a member of the governing authority, unless the contract is awarded by a competitive bid or a committee selection process.

(Ord. No. 318, § 7, 1-27-2005)

Sec. 2-51. - Complaints.

Any person having a complaint against any member of the governing authority for an alleged ethics violation shall file in writing a verified complaint setting forth the particular facts and circumstances which constitute the alleged violation against the governing authority. The complaint shall be filed with the mayor or, in the event the complaint regards the mayor, shall be filed with the mayor pro tem. Upon receipt of a complaint, the mayor or, in the event the complaint regards the mayor, the mayor pro tem shall appoint three members of the city council who, along with the city attorney, shall constitute an investigating committee to determine whether the complaint sets forth significant facts and circumstances so as to warrant a hearing before the board of ethics. In the event the complaint does not set forth

sufficient facts to constitute an alleged violation and is found unjustified, frivolous or patently unfounded, it shall be dismissed and the complainant notified immediately. In the event the complaint is found to state sufficient facts to warrant a hearing before the board of ethics, the board shall be appointed as provided in section 2-52.

(Ord. No. 318, § 8, 1-27-2005)

Sec. 2-52. - Board of ethics.

(a) The composition of the board of ethics shall be as follows:

- (1) The board of ethics of the city shall be composed of five residents of the city to be appointed as provided in subsections (a)(2) and (a)(3) of this section. Each member of the board of ethics shall have been a resident of the city for at least one year immediately preceding the date of taking office and shall remain a resident of the city while serving as a member of the board of ethics. No person shall serve as a member of the board of ethics if the person has, or has had within the preceding one-year period, any interest in any contract, transaction, or official action of the city.
- (2) Each member of the city council shall designate two qualified citizens to provide a pool of 12 individuals who have consented to serve as members of such board of ethics and who will be available for a period of two years, to be called upon to serve in the event a board of ethics is appointed.
- (3) The city manager shall maintain a listing of these 12 qualified citizens. Should the investigating committee determine a complaint warrants a hearing before the board of ethics, the city council, at the first public meeting after such determination, shall draw names randomly from the listing of qualified citizens until the specified five members of the board of ethics have been appointed. Such board will elect one of its members to serve as chairperson.
- (4) The members of the board of ethics shall serve without compensation. The governing authority shall provide meeting space for the board of ethics. Subject to budgetary procedures and requirements of the city, the city shall provide the board of ethics with such supplies and equipment as may be reasonably necessary for it to perform its duties and responsibilities.

(b) The constituted board of ethics shall have the following duties and powers:

- (1) To establish procedures, rules and regulations governing its internal organization and conduct of its affairs;
- (2) To hold a hearing within 60 days after the receipt of complaint; failure to hold a hearing within the specified time shall result in dismissal of the complaint as to the transaction and shall prevent refiling if a complaint arises in the same incident for at least a period of six months;
- (3) To prescribe forms, approved by the city attorney, for the disclosure required in this article and to make available to the public information disclosed as provided in this section;
- (4) To receive and hear complaints of violations of the standards required by this article;
- (5) To make such investigation and response to a complaint as it deems necessary to determine whether any person has violated any provisions of this article;
- (6) To hold such hearings and make such inquiries as deemed necessary to investigate and rule upon complaints;
- (7) To report its findings to the governing authority for such action as the governing authority deems appropriate.

(Ord. No. 318, § 9, 1-27-2005)

Sec. 2-53. - Service of complaint; hearings and disposition of complaints.

The board of ethics as appointed as set forth in section 2-52 shall cause the complaint to be served on the member of the governing authority charged as soon as practicable. Service may be by personal service or by certified mail, return receipt requested. A hearing shall be held within 60 days after the filing of the complaint. The board of ethics shall conduct the hearing in accordance with the procedures and regulations it establishes, but, in all circumstances, the hearing shall include the taking of testimony and the cross examination of witnesses. The decision of the board of ethics shall be rendered to the city council within five days after completion of the hearing.

(Ord. No. 318, § 10, 1-27-2005)

Sec. 2-54. - Penalty; member rights.

- (a) Any member of the governing authority who knowingly violates any provision of the code of ethics provided in this article shall be subject to public reprimand or censure by the governing authority.
- (b) At any hearing held by the board of ethics, the member of the governing authority who is the subject of inquiry shall have the right to written notice of the allegations at least ten business days before a hearing, to be represented by counsel, to hear and examine the evidence and witnesses and to present evidence and witnesses in opposition or in extenuation.

(Ord. No. 318, § 11, 1-27-2005)

Sec. 2-55. - Appeals.

- (a) Any member of the governing authority or the complainant adversely affected by these findings of the board of ethics may obtain judicial review of such decision as provided in subsection (b) of this section.
- (b) An action for judicial review may be commenced by filing an application for a writ of certiorari in the superior court of the county within 30 days after the decision of the board of ethics. The filing of such application shall act as supersedes.

(Ord. No. 318, § 12, 1-27-2005)

The Code of Ordinances
City of Flowery Branch

Part II, Chapter 25

Sec. 25-4. - Authority to waive procedures and fee structures.

- (a) *City business.* Upon declaration of an emergency or disaster by the governor or mayor, the affairs and business of the city may be conducted at places other than the regular or usual location, within or outside of the city, when it is not prudent, expedient or possible to conduct business at the regular location. When such meetings occur outside of the city, all actions taken by the city council shall be as valid and binding as if performed within the city. Such meetings may be called by the presiding officer or any two members of the governing body without regard to or compliance with time-consuming procedures and formalities otherwise required by law.
- (b) *Public works contracts.* Upon declaration of an emergency or disaster by the governor or mayor, the city may contract for public works without letting such contract out to the lowest, responsible bidder and without advertising and posting notification of such contract for four weeks; provided, however, that the emergency must be of such nature that immediate action is required and that the action is necessary for the protection of the public health, safety and welfare. Any public works contract entered into pursuant to this subsection shall be entered on the minutes of the city as soon as practical and the nature of the emergency described therein in accordance with O.C.G.A. § 36-91-22(e). Any e-verify affidavit or other state required affidavit shall be obtained from any contractor if otherwise required by law.
- (c) *Purchasing.* Upon declaration of an emergency or disaster by the governor or mayor, the purchasing ordinances, regulations or policies may be suspended. City officials shall continue to seek to obtain the best prices during the state of local emergency.
- (d) *Code enforcement.* Upon declaration of a state of emergency or disaster by the governor or the mayor, the city council may temporarily suspend the enforcement of the ordinances of the city, or any portion thereof, where the emergency is of such nature that immediate action outside the code is required, such suspension is consistent with the protection of the public health, safety and welfare, and such suspension is not inconsistent with any federal or state statutes or regulations.
- (e) *Fees.* Upon declaration of a state of emergency or disaster by the governor or the mayor, the city may temporarily reduce or suspend any permit fees, application fees or other rate structures as necessary to encourage the rebuilding of the areas impacted by the disaster or emergency. The term "fees" include fees or rates charged by the city for building permits, land disturbance permits, zoning applications, special land use permits, temporary land use permits and other fees relating to the reconstruction, repair and cleanup of areas impacted by the disaster or emergency. The term "fees" does not include fees collected by the city on behalf of the state or federal government or fees charged by the city pursuant to a state or federal statute or regulation.
- (f) *Temporary dwellings.* Upon the declaration of a state of emergency or disaster by the governor or the mayor, the city or its designees may issue temporary mobile home, trailer, recreational vehicle or other temporary dwelling structures or parks in any zoning district, even though not otherwise permitted by development code, while the primary dwelling is being repaired. The temporary permit shall not exceed six months in duration. Upon expiration of the temporary permit and/or extension, the temporary dwelling must be removed.

([Ord. No. 473, § I, 1-17-2013](#).)



City of Flowery Branch

General Fund Reserves 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 General Fund Reserves policy on behalf of the Finance Department and City Administration.

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

Section 2: Purpose

General Fund Reserves exist to support the City during unexpected revenue shortage or unplanned, necessary expenditures. This policy is intended to specify targets for the inflows and outflows of the General Fund Reserves, including the quantity of resources to be held in reserves and conditions under which reserves may be used.

Section 3: Applicability and Scope

This policy shall apply to the General Fund.

Section 4: Definitions and Acronyms

General Fund

- Refers to the city's main operating fund that accounts for resource inflows and outflows for governmental activities along with all other activities that are not accounted for in some other fund

General Fund Reserves

- Refers to the portion of the General Fund that is intended to provide stability in the event of unplanned occurrences

General Fund Expenditures

- Refers to the annual outflow of resources from the General Fund

Section 5: Policy

Reserve Levels

- The City shall maintain a General Fund Reserves balance of 4.5 months of the General Fund Expenditures.

Cash Balance

- Although the exact amount of 4.5 months' worth of General Fund Expenditures is bound to fluctuate as expenditures themselves do, the cash balance of General Fund Reserves shall remain approximately \$1,965,913, or whatever 4.5 months' worth happens to amount to from the subsequent years' budget.

Funding the Reserve

- The City's annual budget surplus funds, and unencumbered sources of funds contribute to the General Fund Reserve.

Conditions for the Use of Reserves

- Any expenditure requested by the City out of the fiscal annual budget cycle is subject to the approval of City Council. General Fund Reserves are to be used to sustain the City in situations of revenue shortages or unplanned expenditures. It is under the discretion of City Council to determine whether the state of the City warrants the use of General Fund Reserves.

Authority over Reserves

- The Finance Department for the City of Flowery Branch upholds the responsibility to maintain the General Fund Reserves at the level determined by City Council.

Assigning Fund Balance

- City Council retains the authority to assign and amend the General Fund Reserves balance, while the City Finance Department is responsible for administering the fund balance to the General Fund Reserves.

Replenishment of Reserves

- General Fund Reserves are to be replenished annually with unencumbered funds available during the annual budget process.

Excess of Reserves

- If General Fund Reserves should exceed 4.5 months of General Fund Expenditures, they are to be reviewed by both the City Finance Department along with City Council as part of their annual review. The excess reserves will be transferred to the Local Resources Capital Projects Fund.

Periodic Review of the Targets

- The targets, as mentioned above for the General Fund Reserves, 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: January 13, 2020
 - Revision Dates: February 11, 2020, March 3, 2022
 - Next Annual Review by: March 31, 2023



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consideration of Ordinance 662 - A rezoning request submitted by Mr. Chris Herrington.

COUNCIL MEETING DATE: May 5, 2022

HISTORY:

FACTS AND ISSUES:

A request from Chris Herrington to rezone 5321 Gainesville Street, a .36+/- acre of land also known as Tax Parcel Identification Number 08112 013005 from Residential, Detached Single-Family, Low-Density District (R-1) to Residential, Detached Single-Family, Moderate-Density District (R-2) with the intent to combine this parcel with 5321 Gainesville Street (applicants' primary residence) to construct an attached structure (garage/office).

A garage/office cannot be the primary structure on a property zoned R-1 so in order to complete the project the applicant must combine the two lots. Combining the two lots without rezoning the garage/office lot would create a confusing split zoned parcel. Combining the lots, both zoned R-2, and connecting the garage/office with the home creates a conforming use on a legal lot.

Condensed schedule:

April 21, 2022 – Public Hearing

May 5, 2022 – First Read and Initial Vote

May 19, 2022 – Second Read and Final Vote

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

Approve the First Reading of Ordinance 662.

SAMPLE MOTION:

I make a motion to approve the First Reading of Ordinance 662.

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

Prepared by: Shelia Cooper

ATTACHMENTS

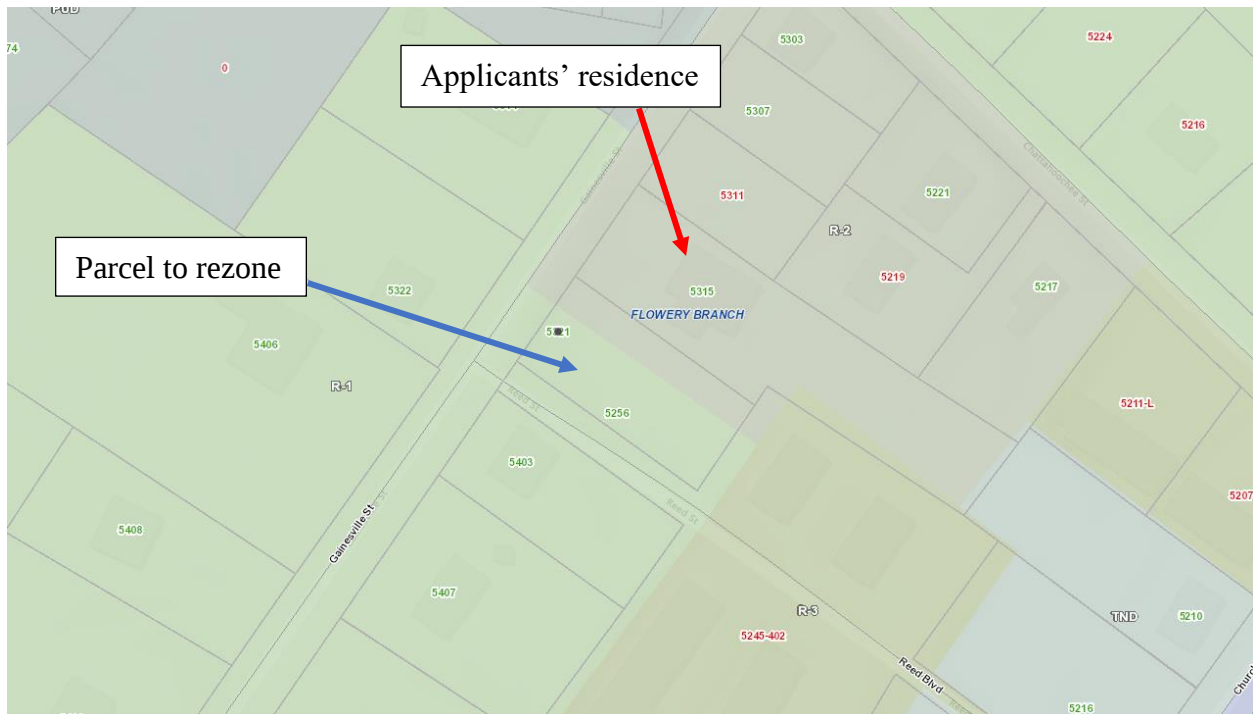
- [Staff Report Herrington.pdf](#)
- [Herrington Rezoning Ordinance 662.pdf](#)



**Staff Report
Herrington Rezoning Request
Ordinance 662**

Request

A request from Chris Herrington to rezone 5321 Gainesville Street, a .36+/- acre of land also known as tax parcel identification number 08112 013005 from Residential, Detached Single-Family, Low-Density District (R-1) to Residential, Detached Single-Family, Moderate-Density District (R-2) with the intent to combine this parcel with 5321 Gainesville Street (applicants' primary residence) to construct an attached structure (garage/office).





Proposed Schedule

April 21, 2022 – Public Hearing
May 5, 2022 – First Read and Initial Vote
May 19, 2022 – Second Read and Final Vote

Analysis

Flowery Branch Zoning Ordinance Article 37 Rezoning and Conditional Use Applications

Sec. 34.7. - Analysis Requirements.

Applications to amend the official zoning map and applications for conditional uses shall provide a written analysis comparing the proposed action with the criteria in this Section. A zoning map amendment or conditional use application may be justified only if it bears a reasonable relationship to the public health, safety, morality, or general welfare, and after consideration of the analysis requirements which may in individual cases be considered criteria relevant to Zoning Administrator in making recommendations and by the Governing Body in the decision-making process.



Staff Response:

- (a) Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property. **Yes, a personal garage and office are appropriate.**
- (b) Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property. **The development will not adversely affect the area.**
- (c) Whether the property to be affected by the proposal can be used in accordance with the existing regulations and has a reasonable economic use as currently zoned. **Yes, current zoning of R-1 is economically feasible.**
- (d) Whether the proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. **It is staff's opinion that the use will not create any unnecessary burdens.**
- (e) Whether the proposal is in conformity with the policy and intent of the comprehensive plan including but not limited to the character area map and future land use plan map. **Yes.**
- (f) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposal. **Not to staff's knowledge, no.**
- (g) Existing use(s) and zoning of the subject property and nearby properties. **Currently vacant, the proposed use will fit in with the surrounding residential uses.**
- (h) Existing value of the property under the existing zoning district classification, the extent to which the property value of the subject property is diminished by the existing zoning district, and the value of the property under the proposed zoning district; if such information is provided by the applicant or can be discerned. This consideration may include the length of time the property has been vacant or unused as currently zoned and efforts taken by the property owner(s) to use the property or sell the property under the existing zoning district classification. **Staff does not have a specific number regarding property value.**
- (i) Whether a proposed zoning map amendment or conditional use approval will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations. **Staff does not feel that the proposed will be a deterrent.**
- (j) The possible creation of an isolated zoning district unrelated to adjacent and nearby districts. **N/A**
- (k) Possible effects of the change in zoning district map, or change in use, on the character of a zoning district. **The proposed use will have no impact.**
- (l) The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality. **Little, to no, impact is expected.**



- (m) The relation that the proposed map amendment or conditional use bears to the purpose of the overall zoning scheme and the purposes of this Zoning Ordinance. Does not impact the surrounding area.

Recommendation

Approve the request as submitted with the knowledge that it must meet the intent and requirements of the Flowery Branch zoning ordinance, development regulations, and all pertinent local laws, ordinances, and regulations.



ORDINANCE 662

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF FLOWERY BRANCH, GEORGIA, BY REZONING A .36 +/- ACRE PARCEL OF REAL PROPERTY OWNED BY CHRIS HERRINGTON. IDENTIFIED AS 5321 GAINESVILLE STREET, TAX PARCEL NO. 08112 013005, AS SHOWN ON EXHIBIT “A”, AND AS DESCRIBED ON EXHIBIT “B”, FROM RESIDENTIAL, DETACHED SINGLE-FAMILY, LOW DENSITY (R-1) TO RESIDENTIAL, DETACHED SINGLE FAMILY, MODERATE-DENSITY DISTRICT (R-2) SUBJECT TO THE CONDITIONS SET FORTH ON EXHIBIT “C”; PROVIDING FOR SEVERABILITY; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE; AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, Chris Herrington owns the .36+/- acre parcel of land known as 5321 Gainesville Street, identified as Parcel Tax Identification No. 08112 013005, as shown on Exhibit “A” and as described on Exhibit “B”; and

WHEREAS, Chris Herrington submitted to the City of Flowery Branch, Georgia, a written and signed application and affidavit showing consent to being rezoned; and

WHEREAS, a survey and complete 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 April 21, 2022, 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 from Residential, Detached Single-Family, Low Density (R-1) to Residential, Detached Single-Family, Moderate Density (R-2) 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; 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 generally 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 zoning as opposed to Residential, Detached Single-Family, Moderate Density (R-2)
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. REZONING.

The .36+/- acre parcel of land known as 5321 Gainesville Street, identified as Parcel Tax Identification No. 08112 013005, as shown on Exhibit “A”, and legally described in Exhibit “B”, is hereby rezoned from Residential, Detached Single-Family, Low Density (R-1) to Residential, Detached Single-Family, Moderate Density (R-2) subject to the conditions set forth on Exhibit “C”. Said Exhibits are incorporated by reference.

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.

Public Hearing Published 03/16/22
Public Hearing 04/21/22

First Reading 05/05/22
Adopted 05/19/22

SECTION 5. EFFECTIVE DATE.

The effective date of this Ordinance shall be May 19th, 2022.

SECTION 6. REPEALER.

All ordinances and parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

Approved this 19th day of May 2022.

Edward R. Asbridge, Mayor

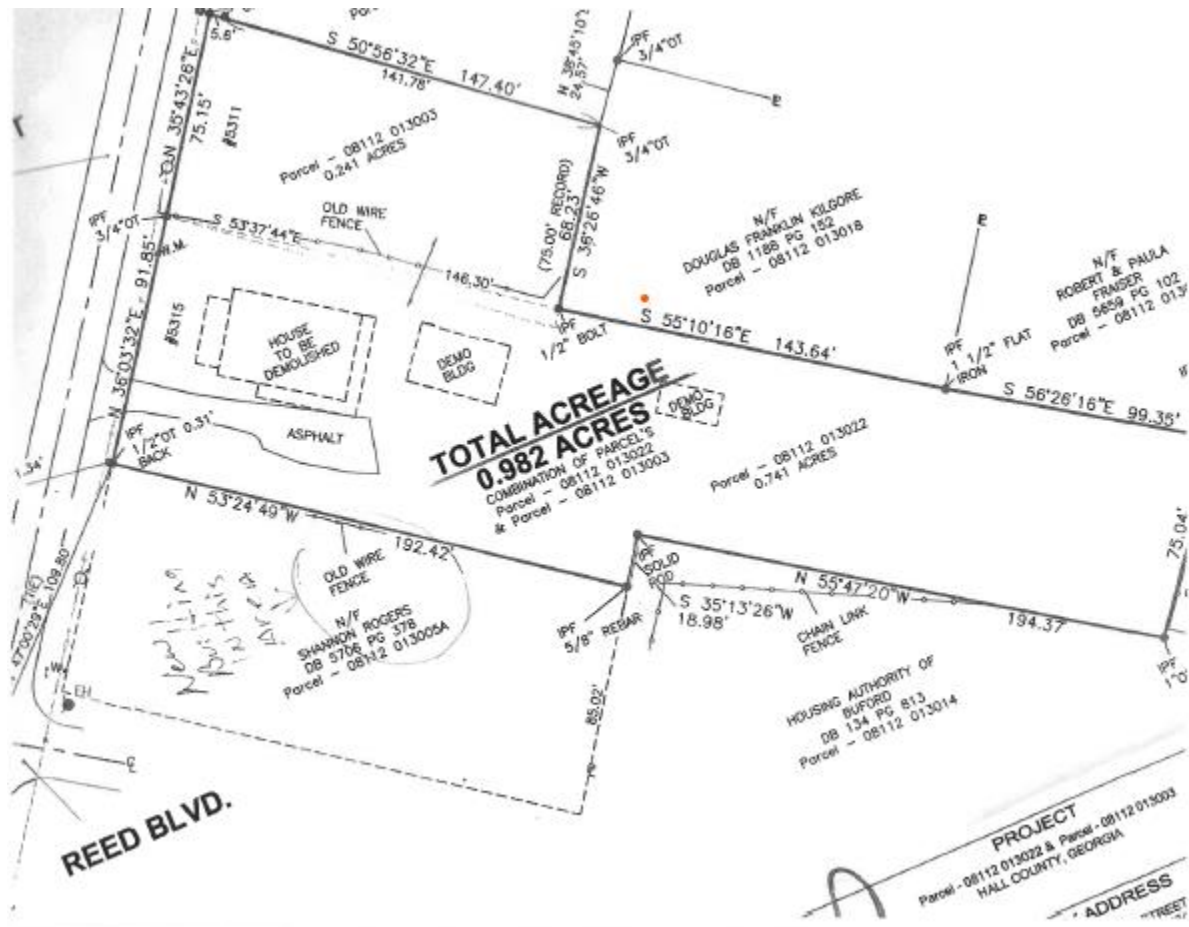
ATTEST:

Shelia R. Cooper, City Clerk

APPROVED AS TO FORM

E. Ronald Bennett, City Attorney

Exhibit "A"



Public Hearing Published 03/16/22
Public Hearing 04/21/22

First Reading 05/05/22
Adopted 05/19/22

Exhibit “B”

All that tract or parcel of land in the town of Flowery Branch, Hall County, Georgia and being shown on plat of survey for Carl N. Clark by Don William and Associated Land Surveyors dated September 17, 2002 and being more particularly described as follows: Commence at the intersection of the easterly right of way Reed Boulevard (formerly known as Lee Street) and the Southeasterly right of way of Gainesville Street, run thence North $34^{\circ}11'14''$ East a distance of 86.12 feet to iron pin set; run thence South $54^{\circ}56'55''$ East a distance of 205.99 feet to iron pin set; run thence South $34^{\circ}44'45''$ West a distance of 85.0 feet to an iron pin set; run thence North $55^{\circ}16'06''$ West a distance of 199.12 feet to an iron pit set and the True Point of Beginning.

Exhibit “C”

Approve the request as submitted with the knowledge that it must meet the intent and requirements of the Flowery Branch zoning ordinance, development regulations, and all pertinent local laws, ordinances, and regulations.



FLOWERY BRANCH CITY COUNCIL



EXECUTIVE SUMMARY

SUBJECT: Consideration of Resolution 22-006 - Amending the previously adopted fee schedule by establishing a fee for a microbrewery license.

COUNCIL MEETING DATE: May 5, 2022

HISTORY:

The City previously adopted Microbrewery Ordinance 663. The microbrewery fee will need to be added to the License Fee. The License Fee is \$2,750.00.

FACTS AND ISSUES:

OPTIONS:

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

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

SAMPLE MOTION:

I make a motion to approve Resolution 22-006 that establishes a microbrewery license fee in the amount of \$2,750.00.

COLLABORATING DEPARTMENT:

DEPARTMENT: Administration

Prepared by: Shelia Cooper

ATTACHMENTS

- [Executive Summary Resolution 22-006.pdf](#)
- [Resolution 22-006 Microbrewery Fee.pdf](#)

**FLOWERY BRANCH CITY COUNCIL
EXECUTIVE SUMMARY**

SUBJECT: Consider Resolution 22-006

DATE: May 5, 2022

BUDGET INFORMATION:

ANNUAL-
CAPITAL-

☒ **RECOMMENDATION**
☐ **POLICY DISCUSSION**
☐ **STATUS REPORT**
☐ **OTHER**

COUNCIL ACTION REQUESTED ON:

PURPOSE: Consideration of Resolution 22-006 - Amending the previously adopted fee schedule by establishing a fee for a microbrewery license.

HISTORY: The City previously adopted Microbrewery Ordinance 663. The microbrewery fee will need to be added to the License Fee. The License Fee is \$2,750.00. The fee is based on other Cities in our surrounding area.

FACTS AND ISSUES:

OPTIONS: Approve or Deny

RECOMMENDED SAMPLE MOTION: I make a motion to approve Resolution 22-006 establishing a microbrewery license fee in the amount of \$2,750.

DEPARTMENT: Administration

Prepared by: Shelia Cooper

RESOLUTION NO. 22-006

A RESOLUTION OF THE CITY OF FLOWERY BRANCH CITY COUNCIL AMENDING THE PREVIOUSLY ADOPTED FEE SCHEDULE BY ESTABLISHING A FEE FOR A MICROBREWERY LICENSE.

WHEREAS, the City of Flowery Branch is authorized by Art. IX, §II, ¶ III of the Constitution of the State of Georgia, O.C.G.A. § 36-31-7 and Section 1.4 of the Charter of the City of Flowery Branch to license and regulate alcoholic beverages within its corporate limits; and

WHEREAS, the City of Flowery Branch allows microbreweries in certain zoning districts with the issuance of a license; and

WHEREAS, the City of Flowery Branch desires to recover the costs associated with the issuance of this license; and

NOW THEREFORE BE IT RESOLVED that the governing authority of the City of Flowery Branch, Georgia, hereby amends the fee schedule by adding a fee for the issuance of a license to operate a microbrewery within the city limits of Flowery Branch, Georgia, in the amount of \$2,750.00. All resolutions or parts of resolutions in conflict with this resolution are repealed to the extent of the conflict. This resolution shall become effective on the date approved by the city council.

SO RESOLVED, this 5th day of May 2022.

Edward R. Asbridge, Mayor

Attest:

Shelia R. Cooper, City Clerk

Approved as to form:

E. Ronald Bennett, Jr., City Attorney

RESOLUTION NO. 22-006

A RESOLUTION OF THE CITY OF FLOWERY BRANCH CITY COUNCIL AMENDING THE PREVIOUSLY ADOPTED FEE SCHEDULE BY ESTABLISHING A FEE FOR A MICROBREWERY LICENSE.

WHEREAS, the City of Flowery Branch is authorized by Art. IX, §II, ¶ III of the Constitution of the State of Georgia, O.C.G.A. § 36-31-7 and Section 1.4 of the Charter of the City of Flowery Branch to license and regulate alcoholic beverages within its corporate limits; and

WHEREAS, the City of Flowery Branch allows microbreweries in certain zoning districts with the issuance of a license; and

WHEREAS, the City of Flowery Branch desires to recover the costs associated with the issuance of this license; and

NOW THEREFORE BE IT RESOLVED that the governing authority of the City of Flowery Branch, Georgia, hereby amends the fee schedule by adding a fee for the issuance of a license to operate a microbrewery within the city limits of Flowery Branch, Georgia, in the amount of \$2,750.00. All resolutions or parts of resolutions in conflict with this resolution are repealed to the extent of the conflict. This resolution shall become effective on the date approved by the city council.

SO RESOLVED, this 5th day of May 2022.

Edward R. Asbridge, Mayor

Attest:

Shelia R. Cooper, City Clerk

Approved as to form:

E. Ronald Bennett, Jr., City Attorney



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consideration of Resolution 22-008: To Amend the Current ARPA Resolution to Indicate Revenue Replacement Selection

COUNCIL MEETING DATE: May 5, 2022

HISTORY:

On January 6th, 2022 the United States Treasury released the ARPA Final Rule, establishing some administrative guidelines while reaffirming others. One particular action item that is required by Treasury involves the Revenue Replacement category for government service expenditures: this requires the selection of either a standard allowance of up to \$10 million or a continued calculation of actual revenue loss.

The finance director drafted an amendment resolution to the current ARPA resolution (Resolution 21-010, approved 7/15/2021) that would indicate the selected option and appease the prevailing Federal guidelines approved April 1, 2022. This selection was reported on the April 30th obligation and expenditure report to ease the reporting requirements and reporting obligations of the City. The report has been submitted and the City cannot interchange in between the options. The amended section is stated as follows:

“Section 5. Indication of Revenue Replacement Selection. To ensure compliance with the Final Rule, City Council hereby selects the standard allowance of up to Ten Million 00/100 Dollars (\$10,000,000.00) that may be expended on government services during the period of performance.”

FACTS AND ISSUES:

- This resolution will replace all prior resolutions.
- Projects already approved with Resolution 22-003, 22-004 and 22-007 will remain in the ARPA fund as previously presented and approved.
- All remaining ARPA funds will be assigned for projects by Council as deemed necessary and reported in Fund 230 – American Rescue Plan Act of 2021.
- This change is to help with ease of reporting requirements.

OPTIONS:

Approve Resolution 22-008 to match April 30, 2022 reporting.

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

Yes

AMOUNT AND SOURCE OF FUNDS:

ARPA Grant Funds

RECOMMENDATION:

Approve Resolution 22-008 as presented.

SAMPLE MOTION:

I make a motion for the City Council to approve Resolution 22-008 to amend the current ARPA resolution to indicate revenue replacement selection, back-dated effective to April 1, 2022, the date of the Federal Guidelines approval.

COLLABORATING DEPARTMENT:

Administration

DEPARTMENT: Finance

Prepared by: Shelia Cooper

ATTACHMENTS

- [Executive Summary - Resolution 22-008 Consideration of a Resolution to Amend the Current ARPA Resolution.pdf](#)
- [Resolution 22-008 ARPA Revenue Replacement 5-5-2022.pdf](#)

FLOWERY BRANCH CITY COUNCIL
EXECUTIVE SUMMARY

SUBJECT: Consideration of Resolution 22-008: To Amend the Current ARPA Resolution to Indicate Revenue Replacement Selection

DATE: 4/28/2022

BUDGET INFORMATION:
ANNUAL-
CAPITAL-

☒ **RECOMMENDATION**
☐ **POLICY DISCUSSION**
☐ **STATUS REPORT**
☐ **OTHER**

COUNCIL ACTION REQUESTED ON: May 5, 2022

PURPOSE: Flowery Branch City Council consideration of a resolution to amend the current ARPA resolution to indicate revenue replacement selection

HISTORY:

On January 6th, 2022 the United States Treasury released the ARPA Final Rule, establishing some administrative guidelines while reaffirming others. One particular action item that is required by Treasury involves the Revenue Replacement category for government service expenditures: this requires the selection of either a standard allowance of up to \$10 million or a continued calculation of actual revenue loss.

The finance director drafted an amendment resolution to the current ARPA resolution (Resolution 21-010, approved 7/15/2021) that would indicate the selected option and appease the prevailing Federal guidelines approved April 1, 2022. This selection was reported on the April 30th obligation and expenditure report to ease the reporting requirements and reporting obligations of the City. The report has been submitted and the City cannot interchange in between the options. The amended section is stated as follows:

“Section 5. Indication of Revenue Replacement Selection. To ensure compliance with the Final Rule, City Council hereby selects the standard allowance of up to Ten Million 00/100 Dollars (\$10,000,000.00) that may be expended on government services during the period of performance.”

FACTS AND ISSUES:

- This resolution will replace all prior resolutions.
 - Projects already approved with Resolution 22-003, 22-004 and 22-007 will remain in the ARPA fund as previously presented and approved.
 - All remaining ARPA funds will be assigned for projects by Council as deemed necessary and reported in Fund 230 – American Rescue Plan Act of 2021.
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- This change is to help with ease of reporting requirements.
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OPTIONS: Approve Resolution 22-008 to match April 30, 2022 reporting.

RECOMMENDED SAMPLE MOTION:

I make a motion for the City Council to approve Resolution 22-008 to amend the current ARPA resolution to indicate revenue replacement selection, back-dated effective to April 1, 2022, the date of the Federal Guidelines approval.

DEPARTMENT: Administration and Finance

Prepared by: Alisha Gamble

RESOLUTION NO. 22-008
AN AMENDMENT OF THE RESOLUTION TO STATE THE
ADMINISTRATIVE RESPONSIBILITIES AND ACCEPTANCE OF THE
FIRST TRANCHE OF THE CITY OF FLOWERY BRANCH, GEORGIA,
ALLOTMENT OF LOCAL FISCAL RECOVERY FUNDS THROUGH THE
AMERICAN RESCUE PLAN ACT; AND FOR OTHER PURPOSES.

WHEREAS, on July 12, 2021, the State of Georgia, as subaward from the United States Department of Treasury (hereinafter “US Treasury”), deposited the City of Flowery Branch’s first tranche of funds, which is One Million, Five Hundred Fifty-Four Thousand, Four Hundred Twenty-Nine and 00/100 Dollars (\$1,554,429.00); and,

WHEREAS, on July 15th, 2021, the Flowery Branch City Council adopted a resolution providing for the primary responsibilities of the elected officials and administrative staff and acceptance of the first tranche of local fiscal recovery funds through the American Rescue Plan Act and for other purposes; and,

WHEREAS, the existing resolution was adopted under the consideration of the US Treasury guidance known as the ARPA Interim Final Rule. On January 6th, 2022, the US Treasury released updated guidance known as the ARPA Final Rule; and,

WHEREAS, the ARPA Final Rule contains modifications to the guiding principles that require City Council action for expenditures on government services under the revenue replacement category; and,

WHEREAS, the US Treasury, under the ARPA Final Rule has established an opportunity for selection of a standard allowance of up to Ten Million 00/100 Dollars (\$10,000,000.00) that maybe spent on government services during the period of performance as an alternative to the revenue replacement calculation; and,

WHEREAS, that as a subrecipient, the City of Flowery Branch is required by the US Treasury to either select the standard allowance of up to Ten Million 00/100 Dollars (\$10,000,000.00) or the alternative revenue replacement calculation; and,

WHEREAS, this amendment to the existing resolution serves as a decision by the City Council to hereby select the standard allowance of Ten Million 00/100 Dollars (\$10,000,000.00) in accordance with Federal Law and guidance, for the current critical needs and priorities for which there is consensus as set forth below.

NOW, THEREFORE, BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF FLOWERY BRANCH, GEORGIA:

Section 1. Council Responsibilities. Subject to the provisions of the Charter of the City of Flowery Branch and Section 6 below, the City Council shall maintain these authorities:
A. ARPA Budget Approval, i.e. the allocation of ARPA Funds into specified eligible buckets per Treasury guidelines.

- B. ARPA Budget Amendments, i.e., change in dedications as originally set forth
- C. Approval of ARPA contracts, i.e., approval of program providers or vendors
- D. To approve use of the current Procurement Policy as the guideline for expending ARPA Funds.

Section 2. City Manager; Or Designee Responsibilities. Subject to the provisions of the Charter of the City of Flowery Branch and Section 6 below, City Management shall maintain these authorities:

- A. Prepare and present Budgets and Budget Amendments for consideration
- B. Prepare solicitations for program providers and vendors and present such to Council for approval
- C. Develop operating processes, administer, and oversee programs, and provide reports for programs and operations
- D. To utilize the current Purchasing Policy as the guideline for expending ARPA Funds.

Section 3. Mayor Responsibilities. Subject to the provisions of the Charter of the City of Flowery Branch and Section 6 below, the mayor shall maintain these authorities:

- A. To sign, for and on behalf of the city, all contracts, ordinances, instruments, and other documents authorized by the city council, and which are required to be in writing, unless otherwise directed or authorized by the city council.
- B. To sign documentation as necessary for annual reporting and receipt of funds.

Section 4. Acceptance of ARPA Funds. For purposes of the obligation and expenditure of ARPA funds it is the intent of the City Council that funds from the first tranche of the American Rescue Plan Act be accepted and placed into “Fund 230 – American Rescue Plan Act of 2021” and prioritized and expended in a manner consistent with the requirements set by this resolution.

Section 5. Indication of Revenue Replacement Selection. To ensure compliance with the Final Rule, City Council hereby selects the standard allowance of up to Ten Million 00/100 Dollars (\$10,000,000.00) that may be expended on government services during the period of Performance.

Section 6. Compliance with the American Rescue Plan Act. The city will ensure compliance with prevailing Federal guidance at the time funds are committed for expenditure.

Section 7. Nothing in this resolution shall be construed as taking the place of any action otherwise required by the City Council to authorize the City Manager to enter requisite contracts associated with expenditures outlined above.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the City of Flowery Branch approve the selection of the standard allowance of up to Ten Million 00/100 Dollars (\$10,000,000.00) as the alternative revenue replacement calculation effective April 1, 2022.

SO RESOLVED this 5th day of May 2022.

Attest:

Edward R. Asbridge, Mayor

Shelia R. Cooper, City Clerk

Approved as to form:

E. Ronald Bennett, Jr., City Attorney