



**City of Flowery Branch
City Council Meeting
Thursday, June 1, 2023, 6:00 PM
City of Flowery Branch City Hall
5410 Pine Street, Flowery Branch, GA 30542**



CALL WORK SESSION TO ORDER:

Mayor Asbridge called the council meeting to order at 6:02 p.m.

Present: Mayor Asbridge and Council Members Joe Anglin, Oliver McClellan, William McDaniel, and Joseph Mezzanotte.

Also present were City Manager Tonya Parrish, City Clerk Shelia Cooper, Police Chief Chris Hulsey, and City Attorney Karen Thomas.

Absent: Council Member Chris Mundy

Also absent were Finance Director Matt Hamby, Planning and Community Development Director Rich Atkinson, Public Works & Utilities Director Bill Whidden and Community Relations Director Renee Carden.

PLEDGE OF ALLEGIANCE:

Mayor Asbridge led the Pledge of Allegiance.

ADOPTION OF AGENDA:

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

MOTION: Joe Anglin

SECOND: William McDaniel

AYES: Joe Anglin, Oliver McClellan, William McDaniel, Joseph Mezzanotte

NAYS: None

Motion carried

NEW BUSINESS -WORK SESSION:

Consider Folksong Apartments Estoppel Certificate

Attorney Thomas presented an estoppel certificate in connection with the sale of the Folksong apartment complex development. Folksong intends to sell its apartment complex development and is requesting the City agree that to date, Folksong is in compliance with the Sewer Agreement by approving and signing the attached Estoppel Certificate. An estoppel certificate such as this is common in real estate transactions. Its purpose is for a third party (City) to

confirm to the buyer that the seller's representations (Folksong) are true. The Estoppel Certificate asks the City to agree to the following:

- a. The Developer is not in default under the Agreement.
- b. The obligations under Sections I, II, III, IV, V, VI, VII, VIII, X, XI, XII, XIII, XIV of the Agreement have been satisfied.
- c. The City did not exercise its right to require additional connections pursuant to Section XI of the Agreement;
- d. As of the date hereof, the Developer is in compliance with its obligations under Section IX of the Agreement;
- e. The City issued the certification of completeness of the Connection Project and connection of the Development on July 14, 2022, and the Connection Project is deemed complete in accordance with the Agreement;
- f. Construction of the Development has been completed and approved by the City and the City has issued a final certificate of occupancy for the Development. The City Manager and/or City Water and Sewer Engineer, have confirmed the stated events have occurred. Given that Folksong is in compliance with the provisions of the Sewer Agreement, staff recommends the city council approve the Estoppel Certificate.

Council held a discussion on this request.

Consider Awarding a Contract with Archer Western Construction for Construction Manager at Risk Services for the Construction of the Flowery Branch Wastewater Treatment Plant Expansion.

City Manager Parrish presented a contract proposal with Archer Western Construction for Construction Manager at Risk Services for the construction of the Flowery Branch Wastewater Treatment Plant expansion. Archer Western will work with City staff and the engineering design firm, ESG Engineering, Inc., to help deliver the needed wastewater treatment plant expansion. During the ongoing design phase Archer Western will provide constructability review of the design, detailed cost estimates at each phase of the design, and provide procurement guidance and support to mitigate the long lead equipment purchases. Once the preconstruction (design) period reaches the 60-80% design level Archer Western will provide a guaranteed maximum price (GMP) to complete the construction work for the expansion. That proposal and contract amount will be brought back for approval to amend this overall Construction Manager At Risk contract with the guaranteed maximum price (GMP). The construction to expand the wastewater treatment plant will include new screening, grit removal, biological treatment basins, membranes, disinfection equipment, site work, electrical work, solids dewatering improvements, and other miscellaneous components to increase overall facility capacity.

Council held a discussion with City Manager Parrish regarding the proposal for awarding this contract.

DEPARTMENT REPORTS:

Police Department Report:

Mayor Asbridge reported two letters of recommendations for Officer Cook and Officer Gonzalez who helped a female citizen in need by providing resources and donations. Another Officer was recognized for giving CPR that potentially saved this citizens life for acting so swiftly. Police Chief Hulsey reported that Sergeant Compton received the Kiwanis Club John W. Jacob's Sr. Memorial Award of Excellence. It was also reported that Sergeant Compton has served our community in multiple ways and his leadership is invaluable.

Council Report:

Council Member Anglin advised he was studying the millage rates in our state and noticed how low our millage rate is compared to other cities.

ADJOURNMENT WORK SESSION:

Mayor Asbridge adjourned the work session at 6:18 p.m.

VOTING SESSION AGENDA

CALL VOTING SESSION TO ORDER:

Mayor Asbridge called the voting session to order at 6:18 p.m.

PUBLIC COMMENTS:

Mark Weber, 6114 Stella Light Drive, Flowery Branch, GA 30542

Mr. Weber spoke about the millage rate and that he is not against the millage rate staying the same as last year. He spoke about code enforcement and would like to see improvements with some of the housing in the City.

CONSENT AGENDA:

- Consider May 18, 2023 City Council Meeting Minutes
- Consider May 2023 Per Diem for Mayor Asbridge

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

MOTION: Oliver McClellan

SECOND: William McDaniel

AYES: Joe Anglin, Oliver McClellan, William McDaniel, Joseph Mezzanotte

NAYS: None

Motion carried

UNFINISHED BUSINESS - VOTING SESSION:

Consider the Second Reading of Ordinance 693, a variance request submitted by Stanton E. Porter allowing fuel pumps to be located in front of the primary structure at 4603 Atlanta Highway.

There was a motion made to Table the Second Reading of Ordinance 693 until the June 15, 2023, City Council Meeting.

MOTION: Joe Anglin
SECOND: William McDaniel
AYES: Joe Anglin, Oliver McClellan, William McDaniel, Joseph Mezzanotte
NAYS: None
Motion carried

Consider the Second Reading of Ordinance 694, a Text Amendment Implementing Zoning Ordinance Changes.

City Attorney Thomas read the caption to Ordinance 694.

There was a motion made to approve the Second Reading of Ordinance 694.

MOTION: Oliver McClellan
SECOND: Joseph Mezzanotte
AYES: Joe Anglin, Oliver McClellan, William McDaniel, Joseph Mezzanotte
NAYS: None
Motion carried

NEW BUSINESS - VOTING SESSION:

Consider Folksong Apartments Estoppel Certificate.

There was a motion made to approve the Estoppel Certificate regarding the Folksong Apartment Complex as presented.

MOTION: Oliver McClellan
SECOND: William McDaniel
AYES: Joe Anglin, Oliver McClellan, William McDaniel, Joseph Mezzanotte
NAYS: None
Motion carried

Consider Awarding a Contract with Archer Western Construction for Construction Manager at Risk Services for the Construction of the Flowery Branch Wastewater Treatment Plant Expansion (WWTP).

There was a motion made to approve the attached CMAR contract with Archer Western Construction for an initial amount for preconstruction services not to exceed \$352,720 with funding to be supported with the previously acquired GEFA Loan.

MOTION: Joe Anglin
SECOND: Oliver McClellan
AYES: Joe Anglin, Oliver McClellan, William McDaniel, Joseph Mezzanotte
NAYS: None
Motion carried

Council held a discussion regarding the additional costs of the Wastewater Treatment Plant.

EXECUTIVE SESSION:

There was a motion made to enter executive session for matters related to the acquisition/disposition of real estate and for matters related to pending or potential litigation at 6:34 p.m.

MOTION: Joe Anglin
SECOND: Oliver McClellan
AYES: Joe Anglin, Oliver McClellan, William McDaniel, Joseph Mezzanotte
NAYS: None
Motion carried

There was a motion made to exit executive session at 7:28 p.m.

MOTION: Oliver McClellan
SECOND: Joe Anglin
AYES: Joe Anglin, Oliver McClellan, William McDaniel, Joseph Mezzanotte
NAYS: None
Motion carried

ADJOURNMENT:

There was a motion made to adjourn the meeting at 7:28 p.m.

MOTION: Oliver McClellan
SECOND: William McDaniel
AYES: Joe Anglin, Oliver McClellan, William McDaniel, Joseph Mezzanotte
NAYS: None
Motion carried