



**City of Flowery Branch
City Council Meeting
Thursday, January 15, 2026, 6:00 PM
5410 Pine Street
Flowery Branch, GA 30542**



Call Work Session to Order:

Pledge of Allegiance:

Adoption of Agenda:

Awards & Recognitions:

Public Hearing:

Unfinished Business - Work Session:

New Business - Work Session:

- a. Consider Resolution 26-002 - FY2025 Closure of Local Resources Fund Capital Projects.
- b. Consider Resolution 26-003 - FY2025 Closure of Water and Wastewater Fund Capital Projects.
- c. Consider Amendment to Dewatered Sludge and Waste Removal Contract with Waste Eliminator, LLC

Department Reports:

- a. City Manager Report
- b. City Clerk Report
- c. Department of Fun Report
- d. Finance Department Report
- e. Human Resources Report
- f. Planning Department Report
- g. Police Department Report
- h. Public Utilities Report
- i. Public Works Report
- j. Attorney Report
- k. Council Report

Adjournment Work Session:

Voting Session Agenda

Call Voting Session to Order:

Public Comments:

Please limit to two minutes

Consent Agenda:

- a. Consider January 7, 2026 City Council Meeting Minutes

Unfinished Business - Voting Session:

- a. Consider Second Reading of Ordinance 773 to Augment Section 11.10 — Swimming Pools to Achieve Statewide Uniformity, Enhance Public Safety, and Eliminate Conflicts with Mandatory State Codes

New Business - Voting Session:

- a. Consider Resolution 26-002 - FY2025 Closure of Local Resources Fund Capital Projects.
- b. Consider Resolution 26-003 - FY2025 Closure of Water and Wastewater Fund Capital Projects.
- c. Consider Amendment to Dewatered Sludge and Waste Removal Contract with Waste Eliminator, LLC

Executive Session:

As needed for discussion of personnel, litigation, or property.

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: FY2025 Closure of Local Resources Fund Capital Projects

DATE: January 15, 2026

RECOMMENDATION
 POLICY DISCUSSION
 STATUS REPORT
 OTHER

BUDGET INFORMATION:
ANNUAL-
CAPITAL-

COUNCIL ACTION REQUESTED ON: January 15, 2026

PURPOSE:

FY2025 Closure of Local Resources Fund Capital Projects

HISTORY:

Funds were appropriated in previous fiscal years, through the annual budget and various council resolutions for Local Resources Fund Capital Projects.

FACTS AND ISSUES:

As capital projects are completed, from time to time, funds remain unspent. In some cases, the funds remaining are classified as restricted assets and must be returned to its associated Fund. In this case, there are no funds remaining that are classified as restricted, but there are funds remaining to use for future allocation. The remaining funds will remain in the Local Resources Fund to be allocated to future projects.

OPTIONS:

N/A

RECOMMENDED SAMPLE MOTION:

I make a motion to approve the closed projects, leaving \$28,679.80 in the Local Resources Fund to be allocated to future projects.

DEPARTMENT: Administration

Prepared by: Matthew Hamby

RESOLUTION NO. 26-002

FY2025 CLOSURE OF LOCAL RESOURCES FUND CAPITAL PROJECTS

WHEREAS, amounts were appropriated in previous fiscal years, through the annual budget and various Council resolutions, for Local Resources Fund Capital Projects; and

WHEREAS, the financial audit for fiscal year ended June 30, 2025, is complete; and

WHEREAS, the capital projects listed on Attachment A are complete and ready to close, leaving the amount of \$28,679.80 available in closed project balances; and

WHEREAS, other project related needs remain throughout the City.

NOW, THEREFORE BE IT RESOLVED the governing body for the City of Flowery Branch, hereby recognized the closure of the listed projects in Attachment A and recaptures \$28,679.80 as funds available for future appropriations by the governing body,

SO RESOLVED this 15th day of January, 2026.

Oliver McClellan, Mayor

ATTEST:

Shelia R. Cooper, City Clerk

APPROVED AS TO FORM:

Ted Baggett, City Attorney

Attachment A General Government Capital Projects

Closed Projects Status Report

Summary of Closed Project Balances FY24	
<u>Project Description</u>	<u>Excess Funds</u>
Website & Branding Upgrades	\$ 201.00
Tourism Golf Cart	\$ 8,627.52
Track Loader	\$ 19,851.28
Total Closed Project Balances	\$ 28,679.80
Closed Project Balances to be Returned to Other Funds:	
Total Returned Amount	\$ -
Total Amount Available for Reappropriation	\$ 28,679.80

**FLOWERY BRANCH CITY COUNCIL
EXECUTIVE SUMMARY**

SUBJECT: FY2025 Closure of Water and Wastewater Fund Capital Projects

DATE: January 15, 2026

RECOMMENDATION
 POLICY DISCUSSION
 STATUS REPORT
 OTHER

BUDGET INFORMATION:

ANNUAL-
CAPITAL-

COUNCIL ACTION REQUESTED ON: January 15, 2026

PURPOSE:

FY2025 Closure of Water and Wastewater Fund Capital Projects

HISTORY:

Funds were appropriated in previous fiscal years, through the annual budget and various council resolutions for Water and Wastewater Fund Capital Projects.

FACTS AND ISSUES:

As capital projects are completed, from time to time, funds remain unspent. In some cases, the funds remaining are classified as restricted assets and must be returned to its associated Fund. In this case, there are no funds remaining that are classified as restricted, but there are funds remaining to use for future allocation. The remaining funds will remain in the Water and Wastewater Capital Fund to be allocated to future projects.

OPTIONS:

N/A

RECOMMENDED SAMPLE MOTION:

I make a motion to approve the closed projects, leaving \$180,661.25 in the Water and Wastewater Capital Fund to be allocated to future projects.

DEPARTMENT: Administration

Prepared by: Matthew Hamby

RESOLUTION NO. 26-003

FY2025 CLOSURE OF WATER AND WASTEWATER FUND CAPITAL PROJECTS

WHEREAS, amounts were appropriated in previous fiscal years, through the annual budget and various Council resolutions, for Water and Wastewater Fund Capital Projects; and

WHEREAS, the financial audit for fiscal year ended June 30, 2025, is complete; and

WHEREAS, the capital projects listed on Attachment A are complete and ready to close, leaving the amount of \$183,408.33 available in closed project balances; and

WHEREAS, \$2,747.08 of the remaining balance are associated with the GEFA Lead Service Line Project and were not used, leaving a total of \$180,661.25 in reclaimed funds; and

WHEREAS, other project related needs remain throughout the City.

NOW, THEREFORE BE IT RESOLVED the governing body for the City of Flowery Branch, hereby recognizes the closure of the listed projects in Attachment A and recaptures \$180,661.25 as funds available for future appropriations by the governing body,

SO RESOLVED this 15th day of January, 2026.

Oliver McClellan, Mayor

ATTEST:

Shelia R. Cooper, City Clerk

APPROVED AS TO FORM:

Ted Baggett, City Attorney

Attachment A

Water & Wastewater Capital Projects

Closed Projects Status Report

Summary of Closed Project Balances FY24	
<u>Project Description</u>	<u>Excess Funds</u>
Tank Connectivity Project	\$ 155,152.35
Modify Well House for Wells No. 1 and No. 3	\$ (17,670.84)
Gainesville Sewer Line	\$ 21,126.23
Replacement Generator	\$ 37,822.51
Blower Rental	\$ (33,289.27)
4 Door Crew Truck (2)	\$ 17,520.27
Lead Service Line Project	\$ 2,747.08
Total Closed Project Balances	\$ 183,408.33
Closed Project Balances to be Returned to Other Funds:	
Lead Service Line Project	\$ 2,747.08
Total Returned Amount	\$ 2,747.08
Total Amount Available for Reappropriation	\$ 180,661.25

FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY

SUBJECT: CONSIDER AMENDING DEWATERED SLUDGE AND WASTE REMOVAL CONTRACT WITH WASTE ELIMINATOR, LLC

DATE: January 6, 2026

RECOMMENDATION

POLICY DISCUSSION

BUDGET INFORMATION:

STATUS REPORT

ANNUAL- \$37,500.00

OTHER

CAPITAL-

COUNCIL ACTION REQUESTED ON: JANUARY 15, 2026

PURPOSE: The Purpose of this agenda item is to amend the existing contract with Waste Eliminator, LLC to include the hauling of five (5) 4-yard front-load containers.

HISTORY: The City of Flowery Branch entered into a contract with Waste Eliminator, LLC, on August 7, 2025, after the City sought bids for hauling services.

The contract between the City and Waste Eliminator, LLC, includes the hauling of 20-yard dumpsters for Dewatered Sludge, and Waste (Screenings and Grit).

FACTS AND ISSUES: Every Wastewater Treatment Plant has a headworks. The headworks is the primary treatment process and is usually the first step in the treatment of wastewater. It involves the removal of any debris like rags and grit from the water before entering the biological treatment process.

If rags, grit or other debris make it pass the headworks station, the biological treatment process can be interrupted by clogged pumps, damaged equipment, abrasion, limited filtration, limited disinfection etc.

The new headworks consist of an advanced course screen, fine screens, and grit removal needed before the wastewater goes through the biological treatment process, then to membrane filtration.

No "flushable wipes" or any other debris will be able to enter the facility beyond the headworks station and interrupt the biological treatment process or filtration. The headworks station acts as a filter for debris and grit so that water can be the only thing that passes through.

The New Head Works at the Wastewater Treatment Plant is estimated to be operational by February 2026 and will require smaller (4-yard) dumpsters. A total of five dumpsters will be needed, which we estimate will be hauled three times per week.

At a cost of \$125.00 per haul, this results in an estimated weekly cost of \$1,875.00. Since the final hauling frequency is currently unknown, an estimated total increase of \$37,500.00 for this budget year has been included to conservatively account for this expense.

OPTIONS: 1) Amend the contract with Waste Eliminator, LLC to include the hauling of five (5) 4-yard front-load containers from the City's Wastewater Treatment Plant.

2) Do not amend the contract with Waste Eliminator, LLC.

RECOMMENDED SAMPLE MOTION: I make a motion to amend the Dewatered Sludge and Waste Removal contract with Waste Eliminator, LLC to include the hauling of five (5) 4-yard front-load containers.

DEPARTMENT: Finance

Prepared by: Nancy Rodriguez

**AMENDMENT NO. 1 TO DEWATERED SLUDGE AND WASTE REMOVAL
CONTRACT WITH WASTE ELIMINATOR, LLC**

Effective _____, the Contract between the City of Flowery Branch and Waste Eliminator, LLC, dated August 7, 2025, is hereby amended as follows:

In addition to the hauling services included in the original agreement and subject to the same terms and conditions of the original agreement, the following additional hauling services are hereby included at the following rates:

Hauling and Disposal of Five (5) 4-yard front-load containers with 7-inch casters.

- Approximately 60 loads per month (15 per week). (Liners must be supplied by the vendor)

Location:	4-yard Dumpster Haul:	Fuel Surcharge:	Total per Haul:
Richland Creek Landfill: 5691 S Richland Creek Rd, Buford Georgia	\$125.00	0.00%	\$125.00

All other conditions and terms not changed by this Amendment or prior Amendments remain in full force.

CITY OF FLOWERY BRANCH:

CONTRACTOR: WASTE ELIMINATOR, LLC

By: _____

By: _____

Title: _____

Title: _____

Name: _____

Name: _____

Date: _____

Date: _____

Attest:

Shelia Cooper, City Clerk

(Seal)

Approved as to form:

Ted Baggett, City Attorney



**City of Flowery Branch
City Council Meeting
Wednesday, January 7, 2026, 6:00 PM
5410 Pine Street
Flowery Branch, GA 30542**



Call To Order Organizational Meeting:

City Clerk Cooper called the organizational meeting to order at 6:00 p.m.

Presentation of Colors:

Boy Scout Troop 228 conducted the Posting of the Colors.

Pledge of Allegiance:

Boy Scout Troop 228 led the Pledge of Allegiance.

Administer Oaths:

Judge John Breakfield administered the Oath of Office to Council Members William McDaniel, Charles Vanderbilt, Pete Lena and to Mayor Oliver McClellan.



Pictured left to right: Council Member Pete Lena, Post 5, Council Member Charles Vanderbilt, Post 4, Council Member Joseph Mezzanotte, Post 2, Mayor Oliver McClellan, Council Member William McDaniel, Post 3, Council Member Chris Mundy, Post 1, Judge John Breakfield.

- a. Administer Oath to Council Member William McDaniel

- b. Administer Oath to Council Member Charles Vanderbilt
- c. Administer Oath to Council Member Pete Lena
- d. Administer Oath to Mayor Oliver McClellan

Election of Mayor Pro-Tem:

There was a motion made to nominate Council Member Chris Mundy as the Mayor Pro-Tem.

Mayor McClellan called for any other candidates, and none were called.

Motion: Joseph Mezzanotte
 Second: William McDaniel
 Ayes: Chris Mundy, Joseph Mezzanotte, William McDaniel, Charles Vanderbilt, Pete Lena
 Nays: None
 Result: passed

Call Work Session to Order:

Mayor McClellan called the work session to order at 6:20 p.m.

Present: Mayor McClellan and Council Members Chris Mundy, Joseph Mezzanotte, William McDaniel, Charles Vanderbilt, and Pete Lena.

Also present were City Manager Tonya Parrish, City Clerk Shelia Cooper, Planning and Community Development Director Chris McCrary, Public Works Director Bill Whidden, Public Utilities Director Peter Woerner, Deputy Chief John Powell, Fun Director Renee Carden and City Attorney Ted Baggett.

Adoption of Agenda:

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

Motion: Chris Mundy
 Second: William McDaniel
 Ayes: Chris Mundy, Joseph Mezzanotte, William McDaniel, Charles Vanderbilt, Pete Lena
 Nays: None
 Result: passed

Awards & Recognitions: There were no awards or recognitions.

Public Hearing:

- a. **Consider First Reading of Ordinance 773 to Augment Section 11.10 — Swimming Pools to Achieve Statewide Uniformity, Enhance Public Safety, and Eliminate Conflicts with Mandatory State Codes**

City Clerk Cooper read the caption for Ordinance 773.

Director McCrary presented Ordinance 773 to augment Section 11.10; swimming pools to achieve statewide uniformity, enhance public safety, and eliminate conflicts with mandatory states codes. Ordinance 733 proposes more robust requirements for site plans and construction BMPs for residential swimming pools. The current requirements for location, setbacks, and fencing remain in place and are supported by the additions to the site plan and construction requirements.

Council held a discussion with Director McCrary.

There being none for or against Ordinance 773, Mayor McClellan closed the public hearing at 6:24 p.m.

Unfinished Business - Work Session:

- a. **Consider Resolution 25-014 to Accept Public Right-of-Way at Pod Z - Sterling on the Lake**

Director McCrary presented Resolution 25-014 to accept public right-of-way at Pod Z in Sterling on the Lake. Streets to be dedicated are Winding Canyon Road, Conifer Court, Running Deer Court and Cherokee Rose Way with a total of 7.240 acres of right-of-way. Staff recommend tabling this item until February 5, 2026 City Council Meeting.

City Clerk Cooper read the caption for Resolution 25-014.

- b. **Consider Resolution 25-015 to Accept Public Right-of-Way at Pod Knutson - Sterling on the Lake**

City Clerk Cooper read the caption for Resolution 25-015.

Director McCrary presented Resolution 25-015 to accept public right-of-way at Pod Knutson in Sterling on the Lake. Streets to be dedicated are Scarlet Oak Way, Moondancer Court, Star Gaze Court, Bluegill Road, Woodtrail Run, Lake Overlook Lane, and Blackbird Court, totaling 9.307 acres of right-of-way. Staff recommend approving Resolution 25-015.

New Business - Work Session:

- a. **Consider Resolution 26-001 to Accept Public Right-of-Way at Sydney Square Subdivision**

City Clerk Cooper read the caption for Resolution 26-001.

Director McCrary presented Resolution 26-001 to accept public right-of-way at Sidney

Square Subdivision. Streets to be dedicated are Melbourne Lane, Canberra Drive, and Sidney Square Drive, totaling 1.960 acres of right-of-way.

b. **Consider a Consulting Agreement with Jimmy Dean for Wastewater Consulting Services**

Director Woerner presented consideration of a consulting agreement with Jimmy Dean for wastewater consulting services. The wastewater treatment plant is now under construction with an anticipated completion date of August 2026. Jimmy Dean's advice continues to be sought and is of great value to the City of Flowery Branch during construction. Staff has recommended that Jimmy Dean's schedule is adjusted to eight hours per month, as needed, usually by telephone. The agreement will not exceed six hundred and thirty dollars per calendar month.

Council held a discussion with Director Woerner.

Department Reports:

City Clerk Report

City Clerk Cooper provided an update on the Clerk's Office. The software update was successfully transitioned from Granicus to CivicPlus for agenda and minutes management. Open records requests continue to increase on a yearly basis. In August 2025, the clerk's office successfully completed a purge of fifty-eight boxes designated for destruction, and she reported the next purge will be in July 2026. Although the November 2025 election was canceled as each position had a single qualified candidate, substantial planning and administrative efforts were undertaken. City Clerk Cooper will be completing the final Master Clerk class in February 2026; aiming to earn Master certification by September 2026.

Department of Fun Report

Director Carden noted 2026 events.

Planning Department Report

Director McCrary briefly presented a year in review for 2025.

Attorney Report

Attorney Baggett reported that on December 19, 2025, Hall County Superior Court ruled in the city's favor in the Edge City Properties versus the City of Flowery Branch, agreeing with Council and Director McCrary that the City's HB Zoning Classification does not permit the construction of eighty-eight town homes.

Council Report

Council Member Mundy encouraged residents to take the Comprehensive Plan survey. He reported he heard great feedback on the Noon Years Eve event.

Council Member Mezzanotte welcomed the newly elected council members and those returning to council.

Council Member McDaniel welcomed the newly elected council members and our new mayor.

Council Member Vanderbilt stated it is an honor to have this responsibility to serve on

council.

Council Member Lena stated he is looking forward to serving the community.

Adjournment Work Session:

Mayor McClellan adjourned the work session at 6:45 p.m.

Voting Session Agenda

Call Voting Session to Order:

Mayor McClellan called the voting session to order at 6:45 p.m.

Public Comments: There were no public comments.

Consent Agenda:

- a. **Consider December 2025 Per Diem for Council Member Joseph Mezzanotte**
- b. **Consider December 2025 Per Diem for Council Member Oliver McClellan**
- c. **Consider December 18, 2025 City Council Meeting Minutes**

There was a motion made to approve the consent agenda.

Motion: Chris Mundy
Second: William McDaniel
Ayes: Chris Mundy, Joseph Mezzanotte, William McDaniel, Charles Vanderbilt, Pete Lena
Nays: None
Result: passed

Unfinished Business - Voting Session:

- a. **Consider Resolution 25-014 to Accept Public Right-of-Way at Pod Z - Sterling on the Lake**

City Clerk Cooper read the caption for Resolution 25-014.

There was a motion made to table Resolution 25-014 to February 5, 2026 City Council Meeting.

Motion: Chris Mundy
Second: Joseph Mezzanotte
Ayes: Chris Mundy, Joseph Mezzanotte, William McDaniel, Charles Vanderbilt, Pete Lena
Nays: None
Result: table

b. **Consider Resolution 25-015 to Accept Public Right-of-Way at Pod Knutson - Sterling on the Lake**

City Clerk Cooper read the caption for Resolution 25-015.

There was a motion made to approve Resolution 25-015.

Motion: Joseph Mezzanotte
Second: William McDaniel
Ayes: Chris Mundy, Joseph Mezzanotte, William McDaniel, Charles Vanderbilt,
Pete Lena
Nays: None
Result: passed

New Business - Voting Session:

a. **Consider First Reading of Ordinance 773 to Augment Section 11.10 - Swimming Pools to Achieve Statewide Uniformity, Enhance Public Safety, and Eliminate Conflicts with Mandatory State Codes.**

City Clerk Cooper read the caption for Ordinance 773.

There was a motion made to approve the first reading of Ordinance 773.

Motion: Chris Mundy
Second: William McDaniel
Ayes: Chris Mundy, Joseph Mezzanotte, William McDaniel, Charles Vanderbilt,
Pete Lena
Nays: None
Result: passed

b. **Consider Resolution 26-001 to Accept Public Right of Way at Sydney Square Subdivision**

City Clerk Cooper read the caption for Resolution 26-001,

There was a motion made to approve Resolution 26-001.

Motion: William McDaniel
Second: Joseph Mezzanotte
Ayes: Chris Mundy, Joseph Mezzanotte, William McDaniel, Charles Vanderbilt,
Pete Lena
Nays: None
Result: passed

c. **Consider a Consulting Agreement with Jimmy Dean for Wastewater Consulting Services**

There was a motion made to approve a consulting agreement with Jimmy Dean for Wastewater Consulting Services as presented.

Motion: Joseph Mezzanotte
Second: William McDaniel
Ayes: Chris Mundy, Joseph Mezzanotte, William McDaniel, Charles Vanderbilt, Pete Lena
Nays: None
Result: passed

Executive Session:

There was a motion made to enter executive session for matters related to the acquisition/disposition of real estate, for matters related to certain personnel issues, and for matters related to the pending or potential litigation at 6:49 p.m.

Motion: Chris Mundy
Second: William McDaniel
Ayes: Chris Mundy, Joseph Mezzanotte, William McDaniel, Charles Vanderbilt, Pete Lena
Nays: None
Result: passed

There was a motion made to exit the executive session at 7:56 p.m.

Motion: William McDaniel
Second: Chris Mundy
Ayes: Chris Mundy, Joseph Mezzanotte, William McDaniel, Charles Vanderbilt, Pete Lena
Nays: None
Result: passed

There was a motion made to approve the Second Amendment to the Lease Agreement with Norfolk Southern Railway as of January 7, 2026.

Motion: Chris Mundy
Second: William McDaniel
Ayes: William McDaniel, Pete Lena, Joseph Mezzanotte, Chris Mundy, Charles Vanderbilt
Nays: None
Result: Passed

Adjournment:

There was a motion made to adjourn the meeting at 7:58 p.m.

Motion: Chris Mundy
Second: William McDaniel
Ayes: Chris Mundy, Joseph Mezzanotte, William McDaniel, Charles Vanderbilt, Pete
Lena
Nays: None
Result: passed

Oliver McClellan
Mayor

Date

Shelia Cooper
City Clerk

ORDINANCE NO. 773

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF FLOWERY BRANCH, GEORGIA, TO AMEND SECTION 11.10 – SWIMMING POOLS IN ARTICLE 11- BUILDINGS, STUCTURES, AND USES ACCESSORY TO SINGLE-FAMILY RESIDENTIAL DWELLINGS, OF APPENDIX C – ZONING ORDINANCE; TO PROVIDE FOR SEVERABILITY, TO REPEAL CONFLICTING ORDINANCES, TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, the Zoning Ordinance of the City of Flowery Branch, Georgia, authorizes the amendment of the text of the City of Flowery Branch Zoning Ordinance by the City Council; and

WHEREAS, the Zoning Administrator is authorized, pursuant to Section 33.2 of the Zoning Ordinance, to initiate an amendment to the Zoning Ordinance for consideration by the City Council; and

WHEREAS, it is in the public interest to update existing codes; and

WHEREAS, the City has complied with the Zoning Procedures Law and the requirements of Article 33 of the Zoning Ordinance with regard to text amendments, including the holding of an advertised public hearing; and

WHEREAS, the City of Flowery Branch deems necessary to amend the Zoning Ordinance by augmenting the existing swimming pool and spa regulations with a requirement that all pools and spas comply with the current edition of the International Swimming Pool and Spa Code (ISPSA) together with the Georgia State Amendments thereto, as adopted by the Georgia Department of Community Affairs, in order to achieve statewide uniformity, enhance public safety, and eliminate conflicts with mandatory state codes; and

WHEREAS, the City Council finds that in the interests of the public, the enactment of this ordinance by reasonable means, as allowed under state law, and not unduly oppressive, is necessary to protect the health, safety, morals, and general welfare of the citizens of the city.

NOW THEREFORE, THE COUNCIL OF THE CITY OF FLOWERY BRANCH HEREBY ORDAINS AS FOLLOWS:

SECTION 1.

Section 11.10 of Article 11 of Appendix C is hereby amended to read as follows:

“Sec. 11.10 – Swimming Pool.

This Section shall apply only to said use when it is an accessory to a detached, single-family dwelling.

1. Construction shall comply with the latest adopted edition of the International Swimming Pool and Spa Code (ISPSC) with Georgia Amendments and the International Residential Code (IRC) except as noted below.
 - a. *Location.* Swimming pools shall be located in the rear or side yards.
 - b. *Setbacks.* All swimming pools shall be located at least ten (10) feet from all property lines.
 - c. *Fencing.* Swimming pools must be enclosed by a fence or wall at least five (5) feet in height and maintained in good condition with a gate.
2. The Building Permit Card must be posted in a location visible from the street throughout the duration of construction.
3. Pools are not to be filled until all code compliant barriers have been constructed and required alarms are operational.
4. The Swimming Pool Location Plan must contain the following information:
 - a. Clearly label the subdivision name, lot number, and street address.
 - b. Property lines with bearings and distances.
 - c. Location of proposed and/or existing home and driveway.
 - d. All easements, setbacks, and buffers.
 - e. All existing and proposed utilities.
 - f. The exact location of the proposed pool, including pool deck and equipment.
 - g. Location and information on barriers around the pool, including fences, structures, etc.
 - h. Include pool dimensions and the distances to all property lines, existing structures (house, driveway, septic system), and easements.
 - i. No structures of any type shall be installed or constructed within any buffer or easement.
 - j. Show any existing or proposed retaining walls. Walls over 4' in retained wall height as defined by the IBC require a separate permit and must be designed by an engineer licensed in the state of Georgia.
 - k. North arrow and scale.

- l. Flood plain note and Flood Insurance Rate Map (F.I.R.M) panel number and effective date.

Note should be in the following form:

"This site [is/is not] located within a zone [A, AE, shaded zone X] as defined by F.I.R.M Community Panel Number(s) _____ for Flowery Branch/Hall County, Georgia.

If property is in a flood zone as determined by FEMA, a Certificate of Elevation will be required."

- m. Include the following notes:

- i. The access gate must be self-closing and self-latching.
- ii. The gate must open outward away from the pool and/or spa.
- iii. The latch release mechanism must be located at least 54 inches above the bottom of the gate unless it is on the pool side of the gate, then it must be at least 3" below the top of the gate and the gate barrier.
- iv. Retaining walls over 4' of retained wall height require a separate building permit.
- v. Openings in the pool barrier shall not allow passage of a 4-inch diameter sphere.
- vi. For all cases where a building footprint penetrates through a Pool Fence perimeter, all doors and operable windows with a sill height lower than 48" on the building(s) which have direct access to the Pool area must be equipped with an alarm which produces an audible warning when the door or its screen or window is opened.
- vii. Flowery Branch reserves the right to require additional information as necessary to determine compliance with local, state, and federal permitting regulations.

SECTION 2.

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 12/17/2025
Public Hearing 01/07/2026

First Reading 01/07/2026
Second Reading 01/15/2026

SECTION 3.

The effective date of this Ordinance shall be upon approval by the City Council of the City of Flowery Branch, Georgia.

SECTION 4.

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

Approved this ____ day of _____ 2026.

Oliver McClellan, Mayor

ATTEST:

Shelia R. Cooper, City Clerk

APPROVED AS TO FORM:

Ted Baggett, City Attorney



Memorandum

To: City of Flowery Branch, City Manager, and City Council

From: Chris McCrary, Planning and Community Development Director

Date: January 7th, 2026

Subject: Ordinance 773 – Text Amendment to Sec. 11.10 – Swimming Pool

Applicant: Planning and Community Development

Owner: N/A

Code Section: Article 11 – Buildings, Structures, and Uses Accessory to Single-Family Residential Dwellings, Sec. 11.10. – Swimming Pool

EXECUTIVE SUMMARY

Pursuant to Article 33 – Text Amendments of the Code of Ordinances for the City of Flowery Branch, City Council may amend regulations, Articles, or Sections of the Zoning Ordinance when appropriate factors or circumstances arise. Ordinance 773 proposes several additions to the requirements for the construction of swimming pools in residential zoning districts in the interest of promoting public safety and protecting property.



Current Code Section:

Sec. 11.10. - Swimming Pool.

This Section shall apply only to said use when it is accessory to a detached, single-family dwelling.

(a) *Location.* Swimming pools accessory to detached, single-family dwellings shall be located in rear or side yards.

(b) *Setbacks.* All swimming pools shall be located at least ten (10) feet from all property lines.

(c) *Fencing.* Swimming pools must be enclosed by a fence or wall at least five (5) feet in height (or as otherwise specified in any applicable swimming pool code or building code) and maintained in good condition with a gate.

Proposed Code Section:

Additions to requirements highlighted below.

Sec. 11.10. Swimming Pool.

This Section shall apply only to said use when it is an accessory to a detached, single-family dwelling.

1. Construction shall comply with the latest adopted edition of the International Swimming Pool and Spa Code (ISPSC) with Georgia Amendments and the International Residential Code (IRC) except as noted below.
 - a. *Location.* Swimming pools shall be located in the rear or side yards.
 - b. *Setbacks.* All swimming pools shall be located at least ten (10) feet from all property lines.
 - c. *Fencing.* Swimming pools must be enclosed by a fence or wall at least five (5) feet in height and maintained in good condition with a gate.
2. The Building Permit Card must be posted in a location visible from the street throughout the duration of construction.
3. Pools are not to be filled until all code compliant barriers have been constructed and required alarms are operational.
4. The Swimming Pool Location Plan must contain the following information:



- a. Clearly label the subdivision name, lot number, and street address.
- b. Property lines with bearings and distances.
- c. Location of proposed and/or existing home and driveway.
- d. All easements, setbacks, and buffers.
- e. All existing and proposed utilities.
- f. The exact location of the proposed pool, including pool deck and equipment.
- g. Location and information on barriers around the pool, including fences, structures, etc.
- h. Include pool dimensions and the distances to all property lines, existing structures (house, driveway, septic system), and easements.
- i. No structures of any type shall be installed or constructed within any buffer or easement.
- j. Show any existing or proposed retaining walls. Walls over 4' in retained wall height as defined by the IBC require a separate permit and must be designed by an engineer licensed in the state of Georgia.
- k. North arrow and scale.
- l. Flood plain note and Flood Insurance Rate Map (F.I.R.M) panel number and effective date.

Note should be in the following form:

"This site [is/is not] located within a zone [A, AE, shaded zone X] as defined by F.I.R.M Community Panel Number(s) _____ for Flowery Branch/Hall County, Georgia. "

If property is located in a flood zone as determined by FEMA, a Certificate of Elevation will be required.

- m. Include the following notes:
 - i. The access gate must be self-closing and self-latching.
 - ii. The gate must open outward away from the pool and/or spa.
 - iii. The latch release mechanism must be located at least 54 inches above the bottom of the gate unless it is on the pool side of the gate, then it must be at least 3" below the top of the gate and the gate barrier.
 - iv. Retaining walls over 4' of retained wall height require a separate building permit.
 - v. Fence gaps will not exceed 4 inches.



- vi. For all cases where a building footprint penetrates through a Pool Fence perimeter, all doors and operable windows with a sill height lower than 48” on the building(s) which have direct access to the Pool area must be equipped with an alarm which produces an audible warning when the door or its screen or window is opened.
- vii. Flowery Branch reserves the right to require additional information as necessary to determine compliance with local, state, and federal permitting regulations.

Recommendation:

Staff recommends **APPROVAL** of the proposed Ordinance 773 for the text amendment to Article 11, Sec. 11.10 – Swimming Pool.

**FLOWERY BRANCH CITY COUNCIL
EXECUTIVE SUMMARY**

SUBJECT: FY2025 Closure of Local Resources Fund Capital Projects

DATE: January 15, 2026

RECOMMENDATION
 POLICY DISCUSSION
 STATUS REPORT
 OTHER

BUDGET INFORMATION:
ANNUAL-
CAPITAL-

COUNCIL ACTION REQUESTED ON: January 15, 2026

PURPOSE:

FY2025 Closure of Local Resources Fund Capital Projects

HISTORY:

Funds were appropriated in previous fiscal years, through the annual budget and various council resolutions for Local Resources Fund Capital Projects.

FACTS AND ISSUES:

As capital projects are completed, from time to time, funds remain unspent. In some cases, the funds remaining are classified as restricted assets and must be returned to its associated Fund. In this case, there are no funds remaining that are classified as restricted, but there are funds remaining to use for future allocation. The remaining funds will remain in the Local Resources Fund to be allocated to future projects.

OPTIONS:

N/A

RECOMMENDED SAMPLE MOTION:

I make a motion to approve the closed projects, leaving \$28,679.80 in the Local Resources Fund to be allocated to future projects.

DEPARTMENT: Administration

Prepared by: Matthew Hamby

RESOLUTION NO. 26-002

FY2025 CLOSURE OF LOCAL RESOURCES FUND CAPITAL PROJECTS

WHEREAS, amounts were appropriated in previous fiscal years, through the annual budget and various Council resolutions, for Local Resources Fund Capital Projects; and

WHEREAS, the financial audit for fiscal year ended June 30, 2025, is complete; and

WHEREAS, the capital projects listed on Attachment A are complete and ready to close, leaving the amount of \$28,679.80 available in closed project balances; and

WHEREAS, other project related needs remain throughout the City.

NOW, THEREFORE BE IT RESOLVED the governing body for the City of Flowery Branch, hereby recognized the closure of the listed projects in Attachment A and recaptures \$28,679.80 as funds available for future appropriations by the governing body,

SO RESOLVED this 15th day of January, 2026.

Oliver McClellan, Mayor

ATTEST:

Shelia R. Cooper, City Clerk

APPROVED AS TO FORM:

Ted Baggett, City Attorney

Attachment A General Government Capital Projects

Closed Projects Status Report

Summary of Closed Project Balances FY24	
<u>Project Description</u>	<u>Excess Funds</u>
Website & Branding Upgrades	\$ 201.00
Tourism Golf Cart	\$ 8,627.52
Track Loader	\$ 19,851.28
Total Closed Project Balances	\$ 28,679.80
Closed Project Balances to be Returned to Other Funds:	
Total Returned Amount	\$ -
Total Amount Available for Reappropriation	\$ 28,679.80

**FLOWERY BRANCH CITY COUNCIL
EXECUTIVE SUMMARY**

SUBJECT: FY2025 Closure of Water and Wastewater Fund Capital Projects

DATE: January 15, 2026

RECOMMENDATION
 POLICY DISCUSSION
 STATUS REPORT
 OTHER

BUDGET INFORMATION:

ANNUAL-
CAPITAL-

COUNCIL ACTION REQUESTED ON: January 15, 2026

PURPOSE:

FY2025 Closure of Water and Wastewater Fund Capital Projects

HISTORY:

Funds were appropriated in previous fiscal years, through the annual budget and various council resolutions for Water and Wastewater Fund Capital Projects.

FACTS AND ISSUES:

As capital projects are completed, from time to time, funds remain unspent. In some cases, the funds remaining are classified as restricted assets and must be returned to its associated Fund. In this case, there are no funds remaining that are classified as restricted, but there are funds remaining to use for future allocation. The remaining funds will remain in the Water and Wastewater Capital Fund to be allocated to future projects.

OPTIONS:

N/A

RECOMMENDED SAMPLE MOTION:

I make a motion to approve the closed projects, leaving \$180,661.25 in the Water and Wastewater Capital Fund to be allocated to future projects.

DEPARTMENT: Administration

Prepared by: Matthew Hamby

RESOLUTION NO. 26-003

FY2025 CLOSURE OF WATER AND WASTEWATER FUND CAPITAL PROJECTS

WHEREAS, amounts were appropriated in previous fiscal years, through the annual budget and various Council resolutions, for Water and Wastewater Fund Capital Projects; and

WHEREAS, the financial audit for fiscal year ended June 30, 2025, is complete; and

WHEREAS, the capital projects listed on Attachment A are complete and ready to close, leaving the amount of \$183,408.33 available in closed project balances; and

WHEREAS, \$2,747.08 of the remaining balance are associated with the GEFA Lead Service Line Project and were not used, leaving a total of \$180,661.25 in reclaimed funds; and

WHEREAS, other project related needs remain throughout the City.

NOW, THEREFORE BE IT RESOLVED the governing body for the City of Flowery Branch, hereby recognizes the closure of the listed projects in Attachment A and recaptures \$180,661.25 as funds available for future appropriations by the governing body,

SO RESOLVED this 15th day of January, 2026.

Oliver McClellan, Mayor

ATTEST:

Shelia R. Cooper, City Clerk

APPROVED AS TO FORM:

Ted Baggett, City Attorney

Attachment A

Water & Wastewater Capital Projects

Closed Projects Status Report

Summary of Closed Project Balances FY24	
<u>Project Description</u>	<u>Excess Funds</u>
Tank Connectivity Project	\$ 155,152.35
Modify Well House for Wells No. 1 and No. 3	\$ (17,670.84)
Gainesville Sewer Line	\$ 21,126.23
Replacement Generator	\$ 37,822.51
Blower Rental	\$ (33,289.27)
4 Door Crew Truck (2)	\$ 17,520.27
Lead Service Line Project	\$ 2,747.08
Total Closed Project Balances	\$ 183,408.33
Closed Project Balances to be Returned to Other Funds:	
Lead Service Line Project	\$ 2,747.08
Total Returned Amount	\$ 2,747.08
Total Amount Available for Reappropriation	\$ 180,661.25

FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY

SUBJECT: CONSIDER AMENDING DEWATERED SLUDGE AND WASTE REMOVAL CONTRACT WITH WASTE ELIMINATOR, LLC

DATE: January 6, 2026

RECOMMENDATION

POLICY DISCUSSION

BUDGET INFORMATION:

STATUS REPORT

ANNUAL- \$37,500.00

OTHER

CAPITAL-

COUNCIL ACTION REQUESTED ON: JANUARY 15, 2026

PURPOSE: The Purpose of this agenda item is to amend the existing contract with Waste Eliminator, LLC to include the hauling of five (5) 4-yard front-load containers.

HISTORY: The City of Flowery Branch entered into a contract with Waste Eliminator, LLC, on August 7, 2025, after the City sought bids for hauling services.

The contract between the City and Waste Eliminator, LLC, includes the hauling of 20-yard dumpsters for Dewatered Sludge, and Waste (Screenings and Grit).

FACTS AND ISSUES: Every Wastewater Treatment Plant has a headworks. The headworks is the primary treatment process and is usually the first step in the treatment of wastewater. It involves the removal of any debris like rags and grit from the water before entering the biological treatment process.

If rags, grit or other debris make it pass the headworks station, the biological treatment process can be interrupted by clogged pumps, damaged equipment, abrasion, limited filtration, limited disinfection etc.

The new headworks consist of an advanced course screen, fine screens, and grit removal needed before the wastewater goes through the biological treatment process, then to membrane filtration.

No "flushable wipes" or any other debris will be able to enter the facility beyond the headworks station and interrupt the biological treatment process or filtration. The headworks station acts as a filter for debris and grit so that water can be the only thing that passes through.

The New Head Works at the Wastewater Treatment Plant is estimated to be operational by February 2026 and will require smaller (4-yard) dumpsters. A total of five dumpsters will be needed, which we estimate will be hauled three times per week.

At a cost of \$125.00 per haul, this results in an estimated weekly cost of \$1,875.00. Since the final hauling frequency is currently unknown, an estimated total increase of \$37,500.00 for this budget year has been included to conservatively account for this expense.

OPTIONS: 1) Amend the contract with Waste Eliminator, LLC to include the hauling of five (5) 4-yard front-load containers from the City's Wastewater Treatment Plant.

2) Do not amend the contract with Waste Eliminator, LLC.

RECOMMENDED SAMPLE MOTION: I make a motion to amend the Dewatered Sludge and Waste Removal contract with Waste Eliminator, LLC to include the hauling of five (5) 4-yard front-load containers.

DEPARTMENT: Finance

Prepared by: Nancy Rodriguez

**AMENDMENT NO. 1 TO DEWATERED SLUDGE AND WASTE REMOVAL
CONTRACT WITH WASTE ELIMINATOR, LLC**

Effective _____, the Contract between the City of Flowery Branch and Waste Eliminator, LLC, dated August 7, 2025, is hereby amended as follows:

In addition to the hauling services included in the original agreement and subject to the same terms and conditions of the original agreement, the following additional hauling services are hereby included at the following rates:

Hauling and Disposal of Five (5) 4-yard front-load containers with 7-inch casters.

- Approximately 60 loads per month (15 per week). (Liners must be supplied by the vendor)

Location:	4-yard Dumpster Haul:	Fuel Surcharge:	Total per Haul:
Richland Creek Landfill: 5691 S Richland Creek Rd, Buford Georgia	\$125.00	0.00%	\$125.00

All other conditions and terms not changed by this Amendment or prior Amendments remain in full force.

CITY OF FLOWERY BRANCH:

CONTRACTOR: WASTE ELIMINATOR, LLC

By: _____

By: _____

Title: _____

Title: _____

Name: _____

Name: _____

Date: _____

Date: _____

Attest:

Shelia Cooper, City Clerk

(Seal)

Approved as to form:

Ted Baggett, City Attorney