



**City of Flowery Branch
City Council Meeting Minutes
Thursday, August 5, 2021, 6:00 PM
City of Flowery Branch City Hall
5410 W. Pine Street, Flowery Branch, GA 30542**



CALL PUBLIC HEARING TO ORDER:

Mayor Pro-Tem Anglin called the meeting to order at 6:02 pm.

Present: Mayor Pro-Tem Joe Anglin and Council Members Ed Asbridge, Amy Farah, Leslie Jarchow and Chris Mundy.

Absent: Mayor Mike Miller

Also present were Vickie Short, Interim City Manager, Shelia Cooper, Assistant City Clerk, Ron Bennett, City Attorney, Alisha Gamble, Finance Director, Rich Atkinson, City Planner, Bill Whidden, Public Works Director and Chris Hulsey, Interim Police Chief.

PLEDGE OF ALLEGIANCE:

Mayor Pro-Tem Anglin led the Pledge of Allegiance.

PUBLIC HEARING:

Consider a request, submitted by Mr. Calvin Tanner, to operate an auto repair shop out of a residentially zoned property. The property is known as 5505 Gainesville Street.

Mr. Atkinson presented the information on the request submitted by Mr. Tanner to operate an auto/RV repair shop out of a residentially zoned property, the property is known as 5505 Gainesville Street. Mr. Tanner applied for a CUP to operate an auto/RV repair shop in a residentially zoned area in 2019. Mr. Tanner needed time to locate a permanent legal location. Mr. Tanner was helping care for his elderly father and was granted a CUP and an extension of said CUP. The CUP expired on July 1, 2021. Mr. Tanner attempted to renew his occupational tax in June 2021, and he has applied for a new CUP.

Staff recommends denial of the request by Mr. Tanner. Mr. Tanner was granted the original CUP and an extension and has had ample time to relocate his business to a legally zoned property.

Mr. Asbridge stated this is against the City's comprehensive plan and we do not put businesses like auto repair shops in the middle of town. He would like a condition added on this request that

this would be the last CUP that Mr. Tanner would be granted. Mr. Atkinson stated that an expiration condition could be applied to this CUP order.

Mrs. Farah wanted to know if there had been any noise violations or complaints from the neighbors. Mr. Atkinson stated that there has been no complaints or code enforcement violations.

Mr. Anglin stated that the property is kept tidy and neat.

PUBLIC COMMENTS:

Opposed: None

In favor of:

Calvin Tanner – 5505 Gainesville Street, Flowery Branch, GA 30542

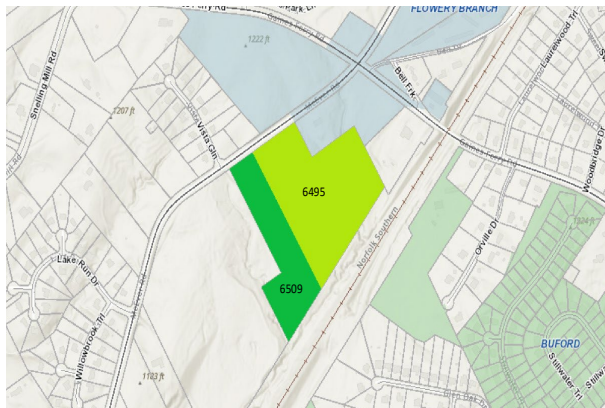
John Watson – 5509 Gainesville Street, Flowery Branch, GA 30542

Mayor Pro-Tem closed this Public Hearing at 6:17 pm.

Mayor Pro-Tem opened the next Public Hearing at 6:17 pm.

Consider annexation requests submitted by Fall Leaf, LLC.

Mr. Atkinson presented the annexation and rezoning request submitted by Fall Leaf, LLC. regarding properties at 6495 McEver Road and 6509 McEver Road. The request to annex into the city of Flowery Branch and rezone two parcels of land totaling 25+/- acres from Hall County HB and A-III to Flowery Branch R-3. This request is to construct a townhome 167-unit subdivision.

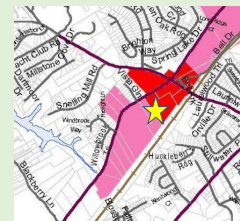


Comprehensive Plan

"Mixed Use" & "Neighborhood Commercial"

- Adding a townhome component to the area that includes commercially zoned parcels and current commercial projects meet the intent of the comprehensive plan

Current Character Area



History on the request:

- April 1, 2021; Public Hearing without citizen objection
- April 7, 2021; Hall County Objects to the annexation
- April 8; City Staff, applicant, and Hall County try to resolve issues to ensure project can go forward

- Reduction in units from 173 to 128, one proposed entrance instead of two, details to be included in the second read
- June 10, 2021; First Read
- June 17, 2021; Tentative second read of proposed project
- June 14, 2021; Applicant formally withdrawals request

Current request:

- August 5, 2021; Public Hearing & First Read
- August 19, 2021; Second Read/Final Vote

Staff recommends approval of request as submitted and conditioned.

Mr. Asbridge questioned the layout of the proposed project. He inquired about the two entrances of the project and the length of the driveways. Mr. Atkinson stated there would be two entrances for this project. Mr. Atkinson stated that the driveways would be 23 feet in length.

Mrs. Farah inquired about the amenities for parking and if this property would be protected by an HOA with covenants with a condition on rental property in the subdivision. She would like to see comparable builds that the developer has built.

Mr. Anglin questioned the density and the renderings. He would like to have better renderings to clarify the project.

Mr. Mundy has questions regarding the front and rear entries to the homes. The applicant's representative stated there would be 96 front and 71 rear entry townhomes on the plan.

The applicant is open to suggestions on project amenities.

Mr. Mundy asked about the entrances of the townhomes and a possible berm and landscaping.

Mr. Anglin questioned the landscaping package in the front and the strip in front of the road frontage. He stated the importance of the strip in front of the road frontage and not just the entrances of the townhomes.

PUBLIC COMMENTS:

Opposed:

Jan McCord, 4719 Martins Crossing West Drive, Flowery Branch, GA 30542

Robert Brant, 5946 Park Bay Court, Flowery Branch, GA 30542

Brian Wearne, 6517 Vista Glen, Flowery Branch, GA 30542

Ray Stanjevich, 5627 Church Street, Flowery Branch, GA 30542

Eilish Egan, 4921 Holland View Drive, Flowery Branch, GA 30542

In favor of:

Neal Hendee, Point Property Group, 3280 Pointe Parkway, Suite 2300, Norcross, GA 30093

Mayor Pro-Tem closed this Public Hearing at 6:56 pm.

Mayor Pro-Tem opened the next Public Hearing at 6:56 pm.

Consider a request submitted by Mr. Kevin Hobgood to rezone 5205 Railroad Avenue from M1 (Light Industrial) to CBD (Central Business District).

Mr. Atkinson presented the request by Mr. Kevin Hobgood to rezone 5205 Railroad Avenue from M1 (Light Industrial) to CBD (Central Business District).



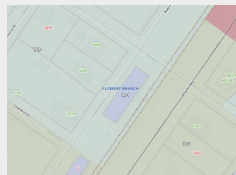
Mrs. Jarchow questioned the proposed restaurant being so close to the railroad tracks.

Applicant - Kevin Hobgood

Old Cabinet Shop



Currently Zoned M1



Schedule

August 5 – Public Hearing
September 2 – Work Session (if requested)
September 16 – First Vote
October 7 - Work Session (if requested)
October 21 – Second Vote



PUBLIC COMMENTS:

Opposed: None

In favor of:

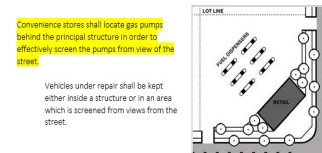
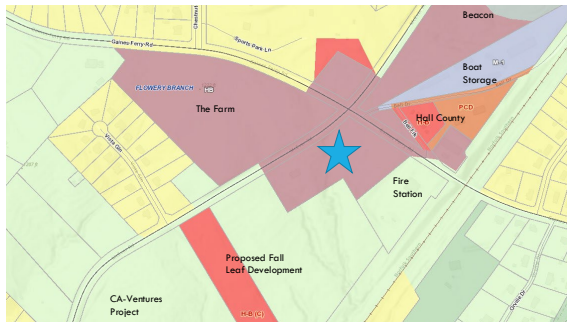
Kevin Hobgood, 7233 Shoreview Drive, Flowery Branch, GA 30542
Kelly McLincha, 5628 Church Street, Flowery Branch, GA 30542

Mayor Pro-Tem closed this Public Hearing at 7:03 pm.

Mayor Pro-Tem opened the next Public Hearing at 7:03 pm.

A variance request submitted by Blessing Trader, Inc. to allow fuel pumps to be located in front of the proposed principal structure located at 6477 McEver Road.

Mr. Atkinson presented the variance request submitted by Blessing Trader to allow fuel pumps to be in front of the proposed principal structure located at 6477 McEver Road.



Schedule:

August 5 – Public Hearing
September 2 – Work Session (if requested)
September 16 – First Vote
October 7 - Work Session (if requested)
October 21 – Second Vote

Mr. Asbridge asked why the pumps are in the front and not in the back. Tyler Lasser, a representative of the applicant, stated that the pumps would interfere with the detention ponds located in the back of the property. He also stated that there would be additional landscape screening in the landscape strip. They plan to add more than the required trees and shrubs which will provide sufficient screening. There will be high quality products used on the building such as brick, stone, and stucco. The columns would match the building.

Mr. Asbridge asked if there would be a vehicle repair shop. Mr. Lasser replied that there will not be a vehicle repair shop.

Mr. Anglin asked how many retail spots and if it could be a restaurant.

Mr. Lasser stated they have updated renderings, updated signage, and updated landscaping that they will send to the City Planning Department.

Mr. Mundy inquired about a possible turning lane and/or a possible roundabout to help the flow of traffic. Mr. Atkinson stated that Hall County engineers would look at a possible round about.

PUBLIC COMMENTS:

Opposed:

Susan Barge, 6593 McEver Road, Flowery Branch, GA 30542
Austin Smith, 6529 Vista Glen, Flowery Branch, GA 30542

In favor of:

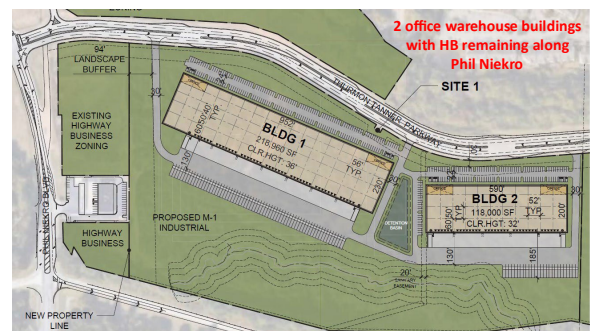
Tyler Lasser, 299 S. Main Street, Alpharetta, GA 30009

Mayor Pro-Tem closed this Public Hearing at 7:19 pm.

Mayor Pro-Tem opened the next Public Hearing at 7:19 pm.

Consider a request submitted by Hines Acquisitions, LLC. to rezone a portion of 0 Thurmon Tanner Parkway (FKA The "Forbes" Property) from Highway Business (HB) to Light Industrial (M1).

Mr. Atkinson presented a request submitted by Hines Acquisitions, LLC to rezone a portion of 0 Thurmon Tanner Parkway from Highway Business (HB) to Light Industrial (M1).



Schedule:

August 5 – Public Hearing
September 2 – Work Session (if requested)
September 16 – First Vote
October 7 - Work Session (if requested)
October 21 – Second Vote

Mr. Mundy asked if the two developments would be connected, and if the entrance to Tree Park would line up with the Hines entrance. Mr. Atkinson stated that the plans are going through the approval process at this time.

Mr. Anglin stated that there is a substantial number of trees used as a buffer between the remaining Highway Business and M1.

Ryan Wood, a representative from the applicant, stated that the alignment will be in line with Tree Park entrance. They are looking at decelerate lanes to help the flow of traffic. They are also having a traffic analysis done.

PUBLIC COMMENTS:

Opposed:

Tammi Duckworth, 5422 Long Branch Way, Flowery Branch, GA 30542
Leon Darghosian, 5432 Falling Branch Way, Flowery Branch, GA 30542
Jean Ann Crites, 5536 Garens Way, Flowery Branch, GA 30542
John Rafferty, 5413 Falling Branch Court, Flowery Branch, GA 30542
Louise Hatfield, 5409 Falling Branch Court, Flowery Branch, GA 30542

In favor of:

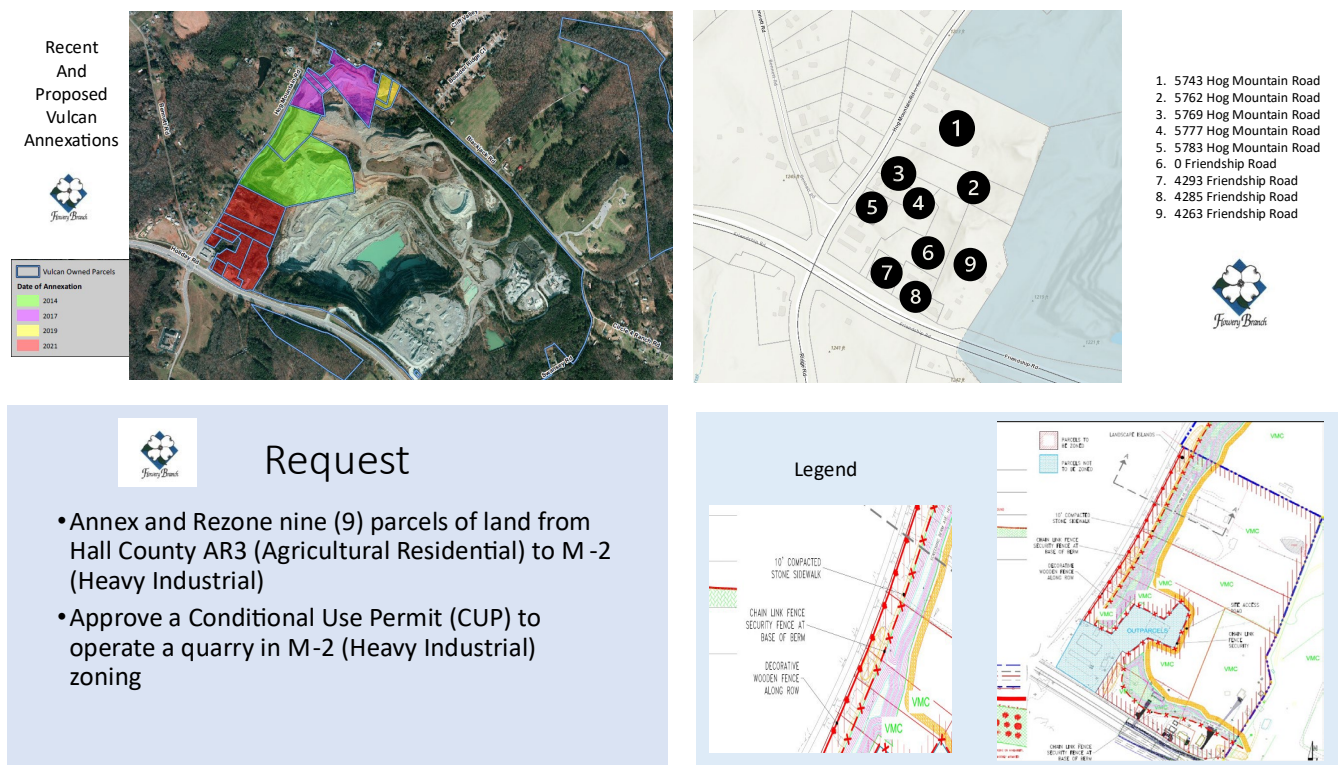
Daren Wayne, 5731 Wayne Crest Drive, Flowery Branch, GA 30542

Mayor Pro-Tem closed this Public Hearing at 7:56 pm.

Mayor Pro-Tem opened the next Public Hearing at 7:56 pm.

Consider a request from Vulcan Lands, Inc. for the annexation and rezoning of nine (9) parcels of land from Hall County AR III to Flowery Branch M-2 with a conditional use permit to operate a quarry.

Mr. Atkinson presented a request from Vulcan Lands, Inc. for the annexation and rezoning of nine (9) parcels of land from Hall County AR III to Flowery Branch M-2 with a conditional use permit to operate a quarry.



Schedule:

August 5 – Public Hearing

September 2 – Work Session (if requested)

September 16 – First Vote

October 7 - Work Session (if requested)

October 21 – Second Vote

Mr. Asbridge stated that Vulcan is moving very close to the gas station. Mr. Asbridge stated that he has had complaints from citizens that live nearby and they can feel the blasts of the quarry. Mr. Atkinson stated that Vulcan sends a sound study yearly to the City for review. Vulcan is very responsive to any complaints or concerns. Vulcan holds neighborhood meetings and meetings to discuss blasting.

PUBLIC COMMENTS:

Opposed:

Suzanne Bunn, 5744 Hog Mountain Road, Flowery Branch, GA 30542

In favor of:

Carol Landrum, 3232 Preservation Circle, Lilburn, GA 30047

Steve Collier, Vulcan Plant Manager

Mayor Pro-Tem closed this Public Hearing at 8:27 pm.

UNFINISHED BUSINESS - WORK SESSION:

Consider 2nd Reading of Ordinance #646 Salary Increase for Mayor and Council

Mr. Bennett read the caption of Ordinance #646 Salary Increase for Mayor and Council.

Mr. Anglin spoke briefly about the importance of increasing the salary for Mayor and Council. He stated there has not been an increase since 1995.

NEW BUSINESS -WORK SESSION:

Consider a request, submitted by Mr. Calvin Tanner, to operate an auto repair shop out of a residentially zoned property. The property is known as 5505 Gainesville Street.

No additional comments.

Consider annexation requests submitted by Fall Leaf, LLC.

No additional comments.

Consider a request submitted by Mr. Kevin Hobgood to rezone 5205 Railroad Avenue from M1 (Light Industrial) to CBD (Central Business District).

No additional comments.

A variance request submitted by Blessing Trader, Inc. to allow fuel pumps to be located in front of the proposed principal structure located at 6477 McEver Road.

No additional comments.

Consider a request submitted by Hines Acquisitions, LLC. to rezone a portion of 0 Thurmon Tanner Parkway (FKA The "Forbes" Property) from Highway Business (HB) to Light Industrial (M1).

No additional comments.

Consider a request from Vulcan Lands, Inc. for the annexation and rezoning of nine (9) parcels of land from Hall County AR III to Flowery Branch M-2 with a conditional use permit to operate a quarry.

No additional comments.

Consider Resolution 21-011: Award of contract for FY2021 Road Paving Program to Sunbelt Asphalt

Mrs. Gamble presented Resolution 21-011: award of contract for FY2021 Road Paving Program to Sunbelt Asphalt.

Resolution 21-011: Award of Contract– Sunbelt Asphalt

- January 21, 2021 – Council approved the application for Fiscal Year 2021 Local Maintenance Improvement Grant Program (LMIG)
- \$76,142 LMIG Award
- \$1,137,815 in Local Match (\$885,713 LRF and \$252,102 SPLOST VII)
- Total funding available = \$1,213,957
- Bid Opening July 1, 2021 – result in 5 responses:
 - Stewart Brothers \$1,667,797.24
 - Garrett Paving Co. \$1,575,224.44
 - Blount Construction \$1,318,292.87
 - Allied Paving \$1,246,888.75
 - Sunbelt Asphalt \$1,036,090.15 (lowest bidder)



Resolution 21-011: Award of Contract– Sunbelt Asphalt

- Results in savings of \$177,866.85
 - Total funding \$1,213,957
 - Less: Sunbelt Contract (\$1,036,090.15)
 - Savings \$177,866.85
- A detailed paving list is attached in your agenda packet
- All bids were reviewed by Clark Patterson Lee (CPL), and they approved proceeding with the lowest bidder, Sunbelt Asphalt.



Request:

To approve for the Mayor to sign Resolution 21-011, authorizing the award of the FY2021 paving contract to Sunbelt Asphalt for \$1,036,090.15, and authorize for the Mayor, City Manager, and Attorney to sign all necessary documents.

Mr. Anglin informed that there is a five-year plan to repave sixty percent of the roads in the city limits of Flowery Branch. Mrs. Gamble explained that the cost of materials had increased and there may need to reevaluate the plan. Roads with the highest priority will be paved first.

Mr. Mundy wanted to know how many miles this paving would cover. Mrs. Gamble stated she did not have that information at this time.

Consider Resolution 21-012: finding Charter Communications LLC in violation of the State Law for failure to recognize the correct service area

Mrs. Gamble suggested tabling this resolution at this time.

Request authorization to apply for the Fiscal Year 2022 Local Maintenance Improvement Grant (LMIG) Program

Mrs. Gamble requested authorization to apply for the Fiscal Year 2022 Local Maintenance Improvement Program (LMIG).

Request to Apply for FY2022 Local Maintenance Improvement Grant Program (LMIG)

- \$83,905.29 LMIG Estimated Award
- 30% match = \$25,171.59 (from Local Resources Fund or SPLOST VIII funding)
- Applications due by February 1, 2022 along with expenditures report for FY2021 paving program and invoices.
- Bid in February 2022, request to award bid late March to early May 2022 and work underway before the end of fiscal year June 30, 2022.
- Detailed paving list is attached to the agenda packet.
- Request: Authorize the Mayor to apply for and accept the FY2022 LMIG funds for the road paving program.
- Questions?



No additional comments.

Request to research and apply for potential grant opportunities with the assistance of the Georgia Mountains Regional Commission

Request to research and apply for potential grant opportunities with assistance from the Georgia Mountains Regional Commission (GMRC):

- The Georgia Mountains Regional Commission (GMRC) is a public sector, non-profit planning and development agency that serves a 12-county region in the Georgia Mountains and includes the following Counties: Banks, Dawson, Franklin, Habersham, Hall, Hart, Lumpkin, Rabun, Stephens, Towns, Union, and White.
- The City of Flowery Branch pays quarterly dues to the Georgia Mountains Regional Commission. (\$2,601.56 quarterly = \$10,406.24 annually)
- The GMRC provides technical assistance to our member governments in the areas of Economic Development, GIS, Human Resources, Planning, Revolving Loan Fund administration, and Workforce Development.
- Staff reached out to GMRC to see if there are potential grant opportunities to help our community and offset some of the increase in costs related to all the projects in progress. Some of these opportunities may require a match. The list of opportunities are:
 - Recreational Trails Program (RTP)
 - Land and Water Conservation Fund (LWCF)
 - Georgia State Fiscal Recovery Fund <https://opb.georgia.gov/state-fiscal-recovery-fund>
 - Economic Development Administration through the American Rescue Plan Program <https://www.eda.gov/ARPA>

The GMRC will assist with research, application, and administration of the grants. If awarded, the grants will come before Council for final approval and acceptance.

Mr. Anglin stated his appreciation of Mrs. Gamble researching ways to fund and save the City money.

DEPARTMENT REPORTS:

Council Member Ed Asbridge complimented our finance department on having reserve funds. He also stated he has decided to resign his council seat and will be running for the Mayor's seat.

Mayor Pro-Tem Anglin stated that Mr. Asbridge is an amazing man and has been very involved in the City. He gives his time to charity and to his church and has been a corporate leader. He supports Mr. Asbridge in running for Mayor and Mr. Anglin stated that he would be running again for his Post Four seat.

ADJOURNMENT WORK SESSION:

Mayor Pro-Tem Anglin adjourned the work session at 8:44 pm.

VOTING SESSION AGENDA

CALL VOTING SESSION TO ORDER:

Mayor Pro-Tem Anglin called the voting session to order at 8:44 pm.

PUBLIC COMMENTS:

Bryan Martin, 5930 Mitchell Street, Flowery Branch, GA 30542

Mr. Martin has concerns with communication with the City regarding their property on Mitchell Street.

Donna Chalmers, 5926 Mitchell Street, Flowery Branch, GA 30542

Mrs. Chalmers would like the City to repair what needs repairing on Mitchell Street in a timely manner. She has concerns with safety on Mitchell Street and being able to walk with the traffic and construction and the lack of sidewalks.

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

Mrs. Mull has safety concerns regarding no sidewalk on Mitchell. She also would like the City to repair what needs repairing on Mitchell Street.

Scott Chalmers, 5926 Mitchell Street, Flowery Branch, GA 30542

Mr. Chalmers has concerns with communication with the City regarding his property.

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

Mr. Mull has concerns with communication with the City.

Steven Spence, 5928 Mitchell Street, Flowery Branch, GA 30542

Mr. Spence has concerns with communication with the City and would like to know when the repairs to his street will be repaired.

Ricky Van Marte, 5922 Mitchell Street, Flowery Branch, GA 30542

Mr. Marte would like better access to Mitchell Street and would like repairs to the street. He would like to have the sidewalk and retaining wall.

CONSENT AGENDA:

Consider July 15, 2021, Meeting Minutes

There was a motion made to approve Consent Agenda:

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

UNFINISHED BUSINESS - VOTING SESSION:

Consider 2nd Reading of Ordinance #646 Salary Increase for Mayor and Council

Mr. Bennett read the caption.

There was a motion made to approve Ordinance #646 Salary Increase for Mayor and Council.

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

NEW BUSINESS - VOTING SESSION:

Consider a request, submitted by Mr. Calvin Tanner, to operate an auto repair shop out of a residentially zoned property. The property is known as 5505 Gainesville Street.

There was a motion made to approve a request submitted by Mr. Calvin Tanner, to operate an auto repair shop out of a residentially zoned property. The property is known as 5505 Gainesville Street.

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

Mrs. Farah would an amendment to have a SUNSET date that will expire in one year. Mrs. Farah would like to add the prior conditions that were on the previous CUP added to this amendment.

Consider annexation requests submitted by Fall Leaf, LLC.

Mr. Bennett read the caption.

There was a motion to deny the annexation request submitted by Fall Leaf, LLC.

MOTION: Leslie Jarchow
SECOND: Amy Farah
AYES: Amy Farah, Leslie Jarchow
NAYS: Ed Asbridge, Chris Mundy, Mayor Pro-Tem
Motion Failed

Mr. Asbridge stated that there is a lot of information that is still needed by the applicant. He stated that there has been so much growth in the City and there has been a lot of negative feedback about this growth. Mr. Asbridge stated that drawings and more information is still needed to vote on this project.

Mr. Anglin stated there is more work that needs to be done for approval. He advised there are 90 days to work through any issues. Mr. Bennett clarified that the first read must be approved to keep this an active project. Mr. Anglin stated that there are issues that need to be worked out.

Mrs. Jarchow stated that Council has previously asked for more information from the applicant and did not receive the information. Mrs. Farah agreed with Mrs. Jarchow about asking for more information from the applicant and the information was not supplied.

Mr. Anglin asked the applicant when they could get more information back to Council and the applicant replied that they could get the information requested back on September 2, 2021.

There was a motion to postpone the first reading submitted by Fall Leaf, LLC of Ordinance 647, 648, 649, and 650 to the Council Meeting of September 2, 2021.

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

Consider Resolution 21-011: Award of contract for FY2021 Road Paving Program to Sunbelt Asphalt

Mr. Bennett read the caption.

There was a motion made to approve Resolution 21-011 for awarding the contract for FY2021 Road Paving Program to Sunbelt Asphalt.

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

Consider Resolution 21-012: finding Charter Communications LLC in violation of the State Law for failure to recognize the correct service area

Mr. Bennett read the caption.

There was a motion made to table Resolution 21-012 for finding Charter Communications, LLC in violation of the State Law for failure to recognize the correct service area in hopes of further negotiations.

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

Request authorization to apply for the Fiscal Year 2022 Local Maintenance Improvement Grant (LMIG) Program

There was a motion made to request authorization to apply for the Fiscal Year 2022 Local Maintenance Improvement Grant Program (LMIG).

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

Request to research and apply for potential grant opportunities with the assistance of the Georgia Mountains Regional Commission

There was a motion made to request to research and apply for potential grant opportunities with the assistance of the Georgia Mountains Regional Commission.

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

EXECUTIVE SESSION:

There was a motion made to enter into executive session at 9:34 pm for matters related to pending or potential litigation.

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

ADJOURNMENT:

There was a motion made to adjourn at 10:08 pm.

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

Mayor – Mike Miller

Date

Assistant City Clerk – Shelia Cooper