



**City of Flowery Branch
City Council Meeting
Thursday, August 6, 2020, 6:00 pm
City of Flowery Branch City Hall
5410 Pine Street, Flowery Branch, GA 30542**



CALL PUBLIC HEARING TO ORDER:

Mayor Miller called the Public Hearing to order at 6:02 pm.

PRESENT: Mayor Mike Miller and Council Members, Joe Anglin, Ed Asbridge, Chris Mundy, Leslie Jarchow, Amy Farah

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

PLEDGE OF ALLEGIANCE:

Mayor Miller led the Pledge of Allegiance.

PUBLIC HEARING:

Ordinance 20-597 a request by the Goddard School to annex into the City.

Ordinance 20-598 an annexation request for 6001 Spout Springs Road submitted by Capstone Acquisitions

Ordinance 20-599 - An annexation request for 6005 Spout Springs Rd. submitted by Capstone Acquisitions, LLC.

Ordinance 20-600 an annexation request for 6011 Spout Springs Road submitted by Capstone Acquisitions, LLC

Ordinance 20-601 an annexation request for 6065 Spout Springs Rd. submitted by Capstone Acquisitions, LLC

Ordinance 20-602 an annexation request for 6035 Spout Springs Rd. submitted by Capstone Acquisitions, LLC.

Ordinance 20-603 a rezoning request submitted by the Goddard School

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Ordinance 20-606 a rezoning request for 6011 Spout Springs Rd. submitted by Capstone Acquisitions, LLC

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Planner Atkinson presented the requests for annexation and rezoning. Due to the complexity of the project, he highlighted the schedule for the public hearings, work sessions and two voting sessions, as outlined below.

- August 6 – Public Hearing & Work Session
- September 3 – Work Session (if needed)
- September 17 – First Vote
- October 1 – Work Session (if needed)
- October 15– Second Vote

Mr. Atkinson reviewed the 2019 Annexation Request that was denied on May 2, 2019. The original request allowed for 520 apartments with two phases.

Mr. Atkinson presented detailed maps of both the current and the proposed alignment of the subject properties. This revision includes senior housing. A (Conditional Use Permit) CUP per City of Flowery Branch Resolution 16-002 allowed for a Senior multi-family development. This CUP did not set limitations on size or number of units. It will allow access to Hog Mountain Road and will be connected to The Exchange at Flowery Branch.

Mr. Atkinson additionally presented each parcel in the applicant's request. The City intends to provide both water and sewer to this project if approved. The traffic study from 2019 is still considered valid.

Staff Recommendations & Recap:

- No vote at this meeting
- Work session (if requested by applicant or Council) will be held on September 3, 2020
- First vote will be held on September 17, 2020
- Staff recommendation is to approve with conditions

Mr. Asbridge questioned the non-binding references as well as elevations. Mr. Atkinson explained that non-binding refers to the site plan for the senior housing and specific elevations will be presented at a later date.

Mr. Anglin asked about the connectivity between the senior apartments as well as the two outparcels at Spout Springs Road. Mr. Atkinson referred this question to the applicant. He further asked about the parcel connectivity with Hog Mountain Road. Mr. Anglin asked if the traffic study included the I-985 bridge expansion which has now been delayed.

Mayor Miller asked about buildout plans and phases. He also asked about what type of senior living. Mr. Atkinson referred to the applicant on these matters.

Carla Walker Attorney and Chris Riley represented the applicant Capstone Acquisitions. They fielded several questions. In addition, Ms. Walker gave a brief overview of the parcels in the application. She pointed out if approved this will help with the City's future Bike Path plans. Capstone Acquisitions will be responsible for the road availability with Hog Mountain Road.

Mayor Miller asked about the number of proposed units. The original was 520 units. The apartments are now revised to 304 units. The senior facility will have 140 units. Current Hall

County zoning allows for 400 units. He asked about the timeline of the buildout. There will be 12 months between multi-family and age restricted construction. The outparcel development will be open to discussion.

Mr. Asbridge asked about the outparcels. There are plans for two outparcels on Hog Mountain and two on Spout Springs.

Mr. Anglin asked about the parcels on Hog Mountain. Mr. Anglin questioned the shared road between multi-family and senior housing and the Hog Mountain access.

Ms. Farah asked about the access between multi-family and senior housing. The applicant responded the road will be accessible for all residents.

Mr. Anglin asked about the median break along with the Smiles Forever Orthodontist office. The office was granted a median break from Georgia Department of Transportation. He asked if the development would be able to access to the median break. Mr. Riley assured the Council it is their desire to be able to turn right and stay in Hall County to shop. Residents will need to take the access road to be able to turn left on Spout Springs.

Mayor Miller wanted to clarify that the 2016 CUP legislation allows the opportunity to senior housing.

For: There were no comments in favor of the proposed development.

Against: There were no comments against the proposed development.

Mayor Miller closed the public hearing for Capstone and Goddard School at 6:35 pm.

Mayor Miller opened the public hearing for Mr. Shawn Gleason for 4153 Falcon Pwky at 6:35 pm.

Ordinance 609 a rezoning request by Mr. Shawn Gleason for 4153 Falcon Pkwy from Agricultural (A) to Highway Business (HB)

Mr. Atkinson presented the timeline of this rezoning request as outlined below:

August 6, 2020 Work Session and Public Hearing (No Vote)

September 3, 2020 Work session (if needed)

September 17, 2020 First Vote

October 1, 2020 Work Session (if needed)

October 15, 2020 Second Vote

Mr. Atkinson explained the details of the proposed project. Mr. Atkinson highlighted two main points of interest. He explained that this is unusual in that the applicant does not have definitive plans for the property and it is mainly about access to the adjoining development.

Points of interest for discussion:

- Building materials
- Connectivity to the other Oakwood retail

- Pad “blank area” – ensure this is developed to FB standards
- Approve with conditions

Mayor Miller asked about the exact location of the request. Mr. Atkinson confirmed the actual location.

Mr. Anglin asked about the connectivity of the project. Mr. Atkinson verified that it would provide access to Falcon Parkway and Martin Road.

Mr. Mundy asked about the access to development. It would be right turn only.

Mayor Miller asked about topography issues. Mr. Atkinson mentioned that this was more of a place holder.

Ms. Farah verified that this connectivity is the focus of the request.

Mr. Asbridge asked about the timeline of the vote (October 15) and whether additional information would be provided.

Ms. Jarchow asked what the completion date of the Oakwood project.

Mr. Gleason (applicant) answered several questions regarding the parcel.

Mr. Andrew wanted to clarify with Mr. Gleason that the parcel is currently within Flowery Branch’s Sewer district. He pointed out that a discussion needs to be held regarding sewer coverage.

For: There were no comments in favor of the request.

Against: There were no comments against the request.

Mayor Miller closed the public hearing at 7:01 pm.

Ordinance 239-K & 240-K submitted by NNP-Looper Lake, LLC to rezone 85 +/- acres of land in Sterling on the Lake known as the Honeycutt Tract from PUD to modified PUD - changing the conditions of zoning to allow a gate and private roads.

Mr. Atkinson pointed out this request timeline will be the following:

August 6, 2020 Work Session and Public Hearing (No Vote)

September 3, 2020 Work session (if needed)

September 17, 2020 First Vote

October 1, 2020 Work Session (if needed)

October 15, 2020 Second Vote

Mr. Atkinson highlighted the key points of the request.

- Change the SOTL conditions
- Gate an 85 +/- acre area known as the Honeycutt Tract
- Private 214 home subdivision
- Roads would be private
- Overall number of homes would not change – 2,000
- Style of home would be consistent with existing
- Basically, create a private subdivision within SOTL

Staff Concerns

- Possible negative impacts on Sterling on the Lake subdivision
- Possible negative impacts on the City of Flowery Branch as a whole
- SOTL has many pods with various housing types, designs, and sizes
- Although geographically large SOTL has a lot of inter-connectivity and maintains a sense of community throughout
- Creating a private, gated, 214 home “sub” subdivision may alter the overall community feel of Sterling on the Lake
- SOTL is geographically far removed from Old Town Flowery Branch
- With its own set of events, pools, parks and open space it exists on an island – an almost fully independent jurisdiction separate from the rest of the City
- Creating another separate, private subdivision within this already distant one will not help bring SOTL into the fabric of Flowery Branch proper
- Staff recommends approval of the request as submitted and conditioned per Ordinance 239K & 240K

Mr. Kedrick Scott with Rochester & Associates, Inc. and Chris Whitaker with Newland Communities represented the applicant.

Mayor Miller asked about the age requirements. Mr. Miller expressed concern about the fact that this has been advertised without City approval. Mr. Atkinson stated that the developer has only gotten approval on the model homes.

Ms. Farah asked about the FAQ list that was released. Mr. Whitaker stated he was not aware and would check into it.

Mr. Anglin stated that there have been lots of questions from residents on this gated portion of the community.

Mayor, Council and Staff expressed deep concern with the sub “HOA” responsibilities for maintaining the roads and sidewalks. Very lengthy discussion regarding the future of these funds and if a failure of funds for payment and the City’s responsibility along with main HOA’s responsibilities.

For: No comments in support of the request.

Against:

Bob Hayes at 6905 Hopscotch Court spoke against the approval based on the relationship between the sub HOA and the main HOA as well potential failure of the sub HOA.

Martin Frank at 6604 Trailside Drive spoke against the approval with a concern of the Sub HOA.

Mayor Miller closed the public hearing was closed at 7:57 pm.

PUBLIC COMMENTS: There were no public comments.

UNFINISHED BUSINESS - WORK SESSION:

Second Read of Ordinance 447-B: The City of Flowery Branch Speed Zone Ordinance

Mr. Andrew gave a brief update on this Ordinance. The City is still awaiting an update from GDOT on the error on Highway 347/Friendship Road. Mr. Andrew suggested it be tabled until the September 3 Council Meeting.

NEW BUSINESS -WORK SESSION:

Consider - Resolution 20-020: Water Sewer Rate Changes effective August 20, 2020 (September billing)

Ms. Gamble introduced Bobby Sills, Nelsnick Enterprises, to complete a follow up presentation addressing the Council's questions from the prior meeting. Mr. Sills shared his changes in the rates. He shared the June 2020 data. This increase in service volume for residential customers has been due to COVID-19 with citizens being at home. There was a decrease in commercial usage as well. This is outlined below:

Water				Wastewater			
Inside City							
Residential							
Volume	FY20	Volume	FY21	Volume	FY20	Volume	FY21
Account Servicing Fee	1.75	Account Servicing Fee	2.00	Account Servicing Fee	1.75	Account Servicing Fee	2.00
0-1000	7.11	Base Charge	7.00	Base Charge	5.51	Base Charge	7.00
1001-2500	17.79	0-2500	5.60	All	8.30	All	8.93
2501-4500	32.01	2501-4500	7.00				
4501 - 7500	8.89	4501 and above	11.20				
7501 and above	10.67						
Multifamily							
Volume	FY20	Range * Units	FY21	Volume	FY20	Volume	FY21
Account Servicing Fee	1.75	Account Servicing Fee	2.00	Account Servicing Fee	1.75	Account Servicing Fee	2.00
0-3355	23.86	Base Charge	7.00	0-3355	29.22	Base Charge	7.00
		0-2500	5.60	3356 and above	5.63	All	7.25
3356-7500	8.89	2501-4500	7.00				
7501 and above	10.67	4501 and above	11.20				
Non-Residential							
Volume	FY20	Volume	FY21	Volume	FY20	Volume	FY21
Account Servicing Fee	1.75	Account Servicing Fee	2.00	Account Servicing Fee	1.75	Account Servicing Fee	2.00
0-7000	32.01	Base Charge	14.00	0-7000	39.27	Base Charge	14.00
		0-4500	4.95	7001 and above	5.63	All	6.10
7000-60,000	5.72	4501-60,000	6.19				
60,001 and above	6.88	60,001 and above	7.43				

Mr. Sills fielded several questions from Council regarding the proposed rate changes.

Mr. Anglin expressed concerns about connection fees in relation to helping fund the Sewer Expansion Project. He would like a comparative analysis among jurisdictions for the next Council meeting.

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There were no additional comments on the above ordinances.

Consider Resolution 20-021: Grant Agreement for CARES funding by Accepting the Terms and Conditions for the Coronavirus Relief Fund (CRF)

Ms. Gamble reviewed the current status of the funding as outlined below:

- The City of Flowery Branch received notification of award of funding from the Georgia CARES Act.
- The advanced funding is based on the City's population.
- Total funding = \$435,794.49
- 30% of funding received in advance = \$130,738.35
- Deposited on July 30, 2020

- Must be spent for COVID-19 emergency expenses not planned within the budget as of March 27, 2020.
- Advanced funding must be spent by September 1st or remaining will be returned to the State.
- Remaining 70% is on a reimbursable basis \$305,056.14
- The first 30% tier must be spent before eligibility for the 70%.

Staff Request:

- To approve for the Mayor to sign Resolution 20-021, authorizing the Terms and Conditions for the CARES Act, Coronavirus Relief Fund.
- Work Session and Voting Session
- Advanced 30% deposit of \$130,738.35
- Time constraint for reporting, September 1, 2020

Consider Resolution 20-022: Re-appropriation of Fiscal Year 2021 funds for Mitchell Street Stormwater Infrastructure Improvements and award contract to Summit Construction and Development, LLC.

Ms. Gamble presented the information on this re-appropriation request.

- Original presentation for \$73,075 – for 7 lots
 - The original plan was for a 5' sidewalk
 - No sanitary sewer relocation
 - No water service lines
 - Less storm water pipe and catch basins
- New cost estimate \$361,693.21 + 10% contingency \$36,169 = total \$397,862.21
- Recommended funding from the Local Resources Fund Balance
 - Contract \$361,693.21
 - 10% Contingency \$36,169
 - Total \$397,862.21

Mr. Asbridge and Mr. Anglin questioned why the City is not expecting the new developer of the other lots be held responsible for the same. Mr. Andrew explained that the other owner of the additional lots is a developer that understands and complies with stormwater standards. The original owner was a builder and not a developer.

DEPARTMENT REPORTS:

Attorney Report: Mr. Bennett gave a brief overview regarding the recent legislation on Alcohol Delivery Legislation. Our current code prohibits this legislation. The City would have to revise the current code to accommodate.

Council Report: Mr. Asbridge commended the Police Department on helping a citizen replacing his stolen Moped. Mr. Anglin shared that a well-known citizen, Mr. John Lee passed away by recently by an accident.

ADJOURNMENT WORK SESSION: Mayor Miller adjourned the work session at 9:05pm.

VOTING SESSION AGENDA

CALL VOTING SESSION TO ORDER: Mayor Miller adjourned the work session at 9:05 pm.

PUBLIC COMMENTS: There were no public comments

CONSENT AGENDA:

1. Consider June 4, 2020 Meeting Minutes
2. Consider June 18, 2020 9:00 am Special Called Meeting Minutes
3. Consider June 18, 2020 Meeting Minutes
4. Consider June 25, 2020 Special Called Meeting Minutes
5. Consider Mayor Mike Miller Per Diem

There was a motion made to approve the consent agenda.

MOTION: Chris Mundy

SECOND: Amy Farah

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

NAYS: None

Motion carried

NEW BUSINESS - VOTING SESSION:

Consider Resolution 20-021: Grant Agreement for CARES funding by Accepting the Terms and Conditions for the Coronavirus Relief Fund (CRF)

Mr. Bennett read the caption of Resolution 20-021.

There was a motion made to approve Resolution 20-021 Grant Agreement for CARES funding.

MOTION: Ed Asbridge

SECOND: Leslie Jarchow

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

NAYS: None

Motion carried

EXECUTIVE SESSION:

There was a motion made to enter executive session for the acquisition of real estate and pending /potential litigation.

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

There was a motion made to reconvene open session.

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

ADJOURNMENT:

There was a motion made to adjourn.

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