



**City of Flowery Branch
City Council Meeting Minutes
Thursday, September 16, 2021, 6:00 pm
City of Flowery Branch City Hall
5410 W. Pine Street, Flowery Branch, GA 30542**



CALL WORK SESSION TO ORDER:

Mayor Miller called the work session to order at 6:05 pm.

Present: Mayor Mike Miller and Council Members Joe Anglin, Amy Farah, Leslie Jarchow and Chris Mundy.

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

PLEDGE OF ALLEGIANCE:

Mayor Miller led the Pledge of Allegiance.

UNFINISHED BUSINESS - WORK SESSION:

Consider a request submitted by Fall Leaf Residential, LLC. to annex and rezone 6495 and 6509 McEver Road with the intent to develop and construct a townhome community.

Ms. Short presented a request submitted by Fall Leaf Residential, LLC to annex and rezone 6495 and 6509 McEver Road with the intent to develop and construct a townhome community. The applicant has requested to annex and rezone from HB (Highway Business) and ARIII (Agricultural Residential) to R-3 (Residential Multi-Family) to construct a 152-townhome development. Public hearing was held on August 5, 2021, with a first read on September 2, 2021, and a scheduled second read on September 16, 2021.

Mr. Anglin stated that there has been a lot of work that has gone into this project. He asked to add an additional condition that the entire parcel of road frontage along McEver Road be planted with a turfed landscape strip of Bermuda or Zoysia grass that will extend to new plantings, new ground cover and/or to the undisturbed existing tree line. The applicant stated that they had no problem with the additional condition.

Mr. Mundy questioned the left-hand turn lane status and inquired about the rental condition that was added at the last meeting. The applicant stated that they plan to create a dedicated left and the other will be a right in, right out and the applicant stated the conditions had been met.

Second Reading of a rezoning request from JPC Design and Construction, LLC. to rezone a 2.08 +/- acre tract of land identified as 5512 McEver Road, tax parcel number 08099 000009, from NS (Neighborhood Shopping) to HB (Highway Business).

Ms. Short presented the second reading of a rezoning request from JPC Design and Construction, LLC to rezone 5512 McEver Road from Neighborhood Shopping (NS) to Highway Business (HB). The intent is to construct a fast-food restaurant with a drive thru. The zoning ordinance allows this type of establishment in HB but not in NS.

Concept Plan

The pumps will remain as will the primary structure.

The end unit will be demolished, and the restaurant built.

The remaining suites will be renovated inside and out.

Landscaping will be enhanced, and new signage will be installed

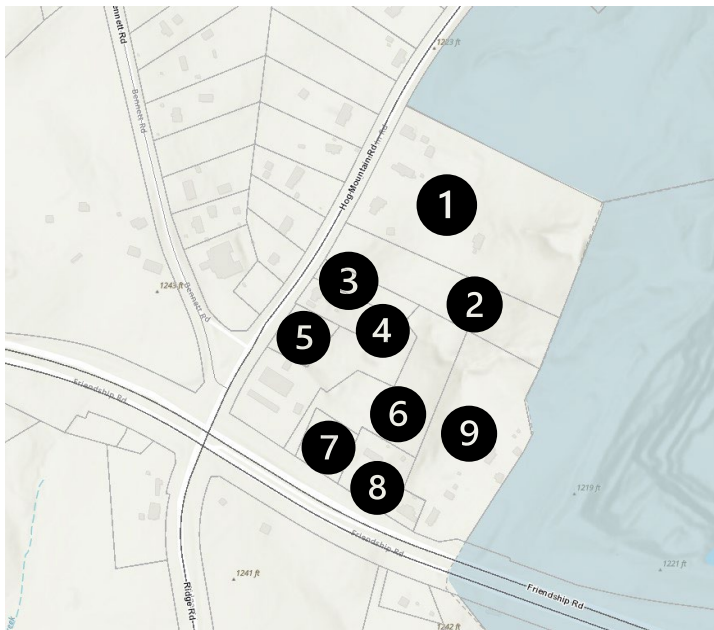


Mr. Anglin stated he noticed parking in the rear of the building and asked if there would be an entrance in the back. The applicant stated there are currently two entrances.

Mrs. Farah asked if the fuel island canopy would be updated and refreshed. The applicant stated that the fuel island would be refurbished and refreshed.

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.

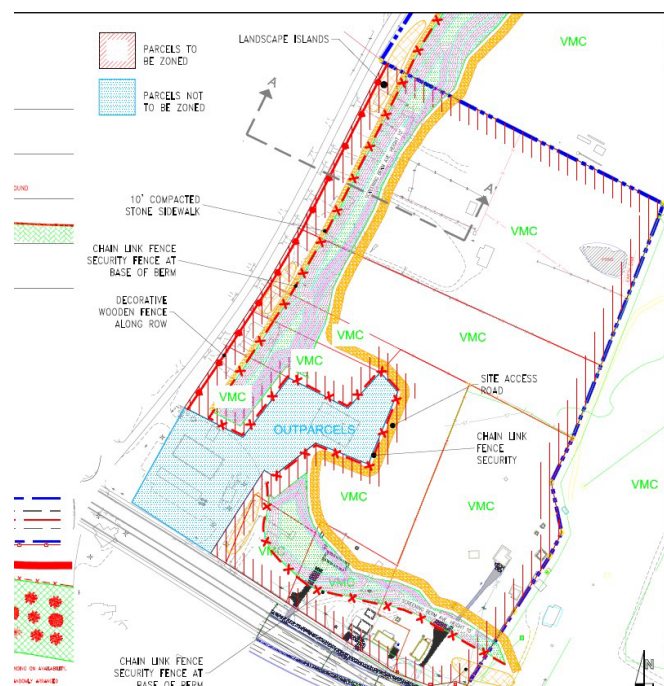
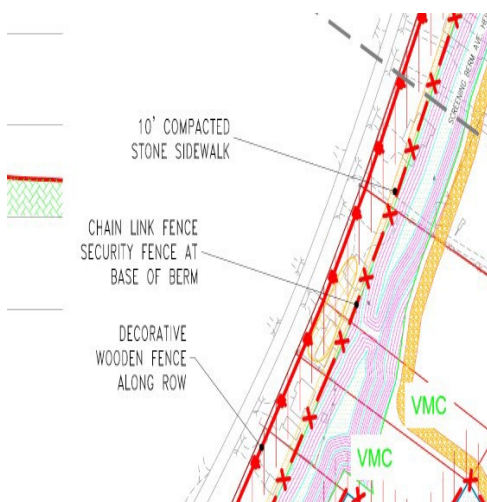
Ms. Short presented a request from Vulcan Lands, Inc. for the annexation and rezoning of nine parcels of land from Hall County ARIII to Flowery Branch M-2 with a conditional use permit to operate a quarry.



1. 5743 Hog Mountain Road
2. 5762 Hog Mountain Road
3. 5769 Hog Mountain Road
4. 5777 Hog Mountain Road
5. 5783 Hog Mountain Road
6. 0 Friendship Road
7. 4293 Friendship Road
8. 4285 Friendship Road
9. 4263 Friendship Road



Legend



There was a public hearing on August 5, 2021. First vote on September 16. October 7 will be a work session, if requested. A second vote is scheduled on October 21, 2021. Staff recommends approval. The conditional use permit sets the conditions.

Mr. Anglin questioned the 10 ft berm and if the quarry would rise about the 10 ft height. The applicant replied to it will not rise about this height.

There was a question regarding the parcels against Friendship Road and the buffer. The applicant answered that the 10 ft berm would buffer and that trees will be planted within 5-foot sections of each other.

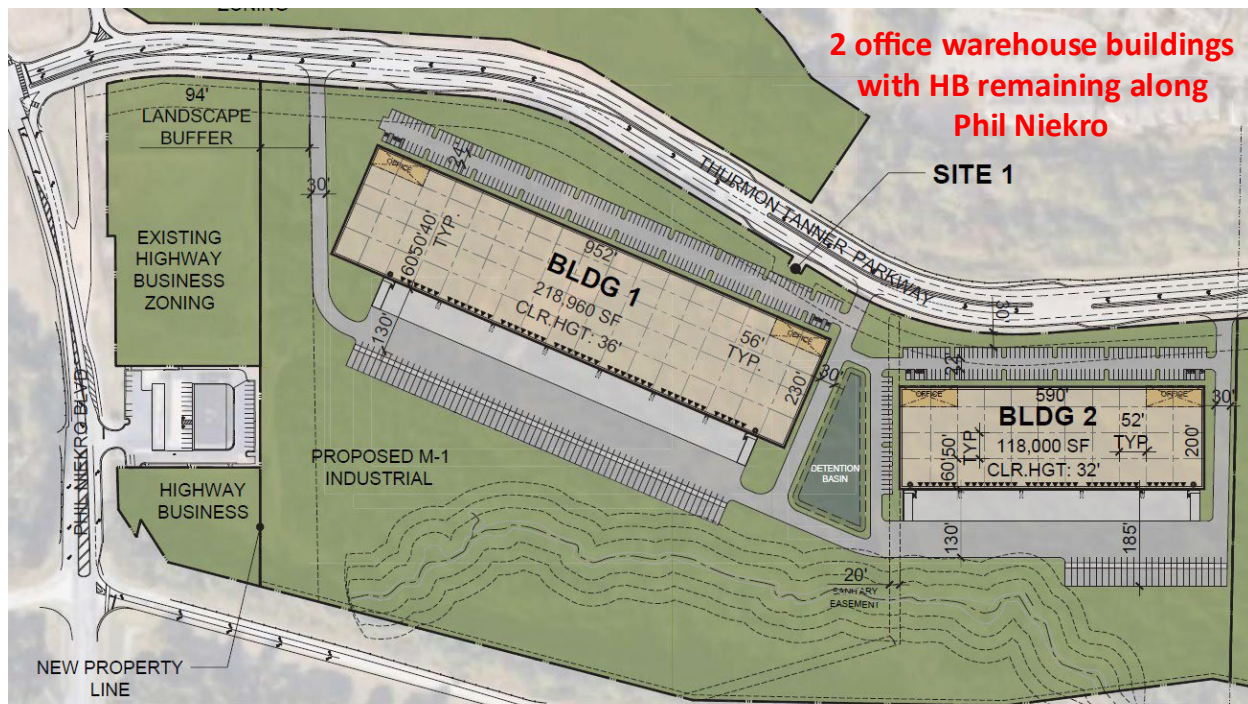
Mr. Anglin asked for a visual of the plantings before voting. He stressed the importance of seeing the renderings.

Mr. Anglin asked if they have discussed the erosion concerns. The applicant stated yes.

There was a question regarding a trail continuing across the property. The applicant stated that the trail will go through the property and will turn on Blackjack Road.

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).

Ms. Short 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).



Staff believes under the current economic and market conditions that commercial retail is not realistic for the entirety of the site. Adding the proposed industrial use while leaving commercial retail along Phil Niekro Boulevard utilizes the site for what it was intended and provides uses

that serve Thurmon Tanner Parkway, downtown Flowery Branch, and the Phil Niekro Boulevard corridor. Staff recommends approval of the proposed rezoning subject to any conditions the Mayor and City Council feel appropriate.

There was a public hearing on August 5, 2021. First vote on September 16, 2021. October 7 will be a work session, if requested. Second vote is scheduled on October 21, 2021.

Mr. Anglin questioned if there would be a buffer at the two buildings on Thurmon Tanner Parkway. The applicant stated there is a 94 ft buffer. The applicant continued to explain that this is an early draft of the plan and there will be changes to the drawings. The applicant stated they will have a full landscape package in the future drawings.

Mrs. Jarchow asked if building one would be built first and the applicant stated that both buildings would be built at the same time with an expected time frame of twelve to twenty-four months with a general contractor onsite for nine to ten months.

Mayor Miller questioned if there were businesses or tenants lined up for the facility and the applicant replied that they had interested parties but no tenants at this time.

Mrs. Jarchow questioned how cars or trucks would get into the facility. The applicant stated that they can utilize either exit twelve or exit fourteen.

Mayor Miller asked about a truck traffic count. The applicant stated that they had a traffic engineer and that they project 300-600 trucks each day. The applicant stated that the truck count is over a period of twenty four hours with a focus on off-peak hours. Furthermore, the parking for the trucks will be at the rear of the property.

Mr. Mundy questioned the turn lanes from Thurmon Tanner onto Phil Niekro and the turn lane onto I-985. The applicant stated that was a very good question and that they will evaluate this with their engineers.

Mayor Miller questioned the turn lane from Phil Niekro onto Thurmon Tanner would like CPL to do a traffic study with a report on turning lanes.

Mrs. Farah would like to have signs that would direct trucks to use a specific route.

There was a question regarding landscaping across the front of the property and the applicant stated that it was still early in the process but that it would be code compliant.

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

Ms. Short presented a request submitted by Mr. Kevin Hobgood to rezone 5205 Railroad Avenue from M1 (Light Industrial) to CBD (Central Business District). There was a public hearing on

August 5 and a first vote on September 16. A work session on October 7, if requested and a second vote on October 21, 2021.



Mrs. Jarchow questioned if there would be enough parking for this space and the applicant stated that there would be ample parking considering the on-site parking and the additional parking being added near and around the area.

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.

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



Mr. Mundy questioned the right turn lanes off McEver Road and the applicant responded that this is in the concept plan and the engineers will be looking into this question. The applicant is only requesting that the pumps be in the front of the station.

Mrs. Jarchow asked why they wanted to put the fuel pumps in front of the station. The applicant stated that when they first applied, there was no rule regarding this, but the city amended the rule. The applicant stated they are improving the landscape package, adding more trees and shrubs.

Mr. Anglin asked if the gas station at Hamilton Mill was owned, built, and managed by the same owners as this proposed station. The applicant stated that was correct and that this station will have the same look as the Hamilton mill gas station

Mayor Miller asked what the space titled retail would be, and the applicant stated it would most likely be a fast-food restaurant. Mr. Anglin asked if they could place conditions on what would be approved to go in the retail space.

Mr. Mundy would like to have Mr. Atkinson and CPL look into the turn lanes for safety and traffic flow concerns.

NEW BUSINESS -WORK SESSION:

Consider Acceptance of Franchise Fees Settlement Agreement with Charter Communications

Mrs. Gamble introduced Mr. Tim McGraw of Local Government Services, who presented a settlement agreement with Charter Communications. The audit period of April 2017 through March 2020 was performed by Local Government Services, LLC. This was a standard audit with no special circumstances. The audit commenced on June 29, 2020, and tentatively closed on August 4, 2021 (pending receipt of settlement check). The primary reason for unusual length of audit was recent merger of Charter with Time-Warner causing delays in Charter delivering financial data.

No findings in the summation of Gross Revenue and calculation of the 5% Franchise Fee. The errors noted in Charter's recognition of the franchise area, for example, not including all homes within City Limits as being a part of the City. There were 1662 homes missed and 206 homes included in error.

\$60,063 was recovered and there is a settlement agreement in process and there will be a follow-up to ensure check is received. This is \$20,000 (approximate) per year in increased franchise fee remittances. Mr. McGraw suggest performing the same audit in 2022 to ensure corrections have been made properly.

There were no questions.

Resolution 21-017 – Consider an FY2022 budget adjustment request for the 9/20/2021 Tax Allocation District Loan Payment.

Mrs. Gamble presented Resolution 21-017 to consider a FY2022 budget adjustment request for the 9/20/2021 Tax Allocation District Loan Payment. The reason is the timing of FY2022 Tax Allocation Increment Payment falls in the first quarter of 2022. The loan payments are due 10/1

and 4/1 annually. Plus, staff anticipated general fund contributions in the beginning of the loan term until the property tax values increase the annual increments as the new developments within the TAD are complete.

A balanced budget is required by Georgia Law on Local Government Budgets (36-81-3) and Government Finance Officers Association (GFOA) Best Practices. During the Spring of 2021, the City worked with Hall County Tax Assessor's office to evaluate current developments within the Tax Allocation District to ensure the County has a copy of all project plans and completion percentages of all projects as of January 1, 2021. We anticipate some additional revenues this tax year because of this review with the County.

Resolution 21-017: Attachment A

City of Flowery Branch Request For Budget Adjustment				
ATTACHMENT A				
Fund/Department:	100/270	Effective Date:	9/16/2021	
Account Number	Account Name	Current Budget	Debit (Credit)	Revised Budget
				-
100-0000-399900	Budgeted Fund Balance		(4,700)	(4,700)
100-9000-611270	Transfer Out 270 - TAD Fund		4,700	4,700
				-
270-0000-391100	Transfer in 100 - General Fund		(4,700)	(4,700)
270-0000-399900	Budgeted Fund Balance		4,700	4,700
				-
**PLUS this journal entry to record the transfer of cash:				
270-0000-111110	Tax Allocation District Fund Cash		4,700	
999-0000-111110	Pool Cash		(4,700)	
				-

There were no questions.

Consider Intergovernmental Agreement with Hall County for I-985 Interchange Mowing

Mrs. Gamble presented an Intergovernmental Agreement with Hall County for I-985 Interchange Mowing. A revised agreement is needed to include Exit 14 maintenance. Prior agreements only included Exit 12. Historical Costs: FY2020 = \$10,000 and FY2021 = \$10,000. These services are needed due to limited public works staff to perform these duties. FY2022 costs for Exit 12 and Exit 14 will be \$11,818.03 per the allocation worksheet from Hall County dated 9/9/2021. Funding is available in the approved FY2022 Public Works budget for Roads Repairs and Maintenance. Hall County agrees to provide Flowery Branch a copy of expenditures associated with the maintenance of the exits to include salaries, benefits, operational costs, and equipment costs. The term of this Agreement shall be one (1) year from the date of execution. Unless otherwise terminated, this Agreement shall automatically renew annually, not to exceed ten annual renewal periods.

Mr. Anglin asked if this is cutting on the interior of I-985 and Mrs. Gamble responded that was correct.

Consider Second Amendment to the lease agreement by and between the City of Flowery Branch, Georgia and Hillwood Realty, LLC.

Mr. Bennett presented the lease agreement by and between the City of Flowery Branch, Georgia and Hillwood Realty, LLC.

There were no questions.

Consider 2nd Amendment of lease agreement between City of Flowery Branch, Georgia and LendUS, LLC d/b/a American Eagle Mortgage, LLC.

Mr. Bennett presented the lease agreement between the City of Flowery Branch, Georgia and LendUS, LLC d/b/a/ American Eagle Mortgage, LLC.

There were no questions.

ADJOURNMENT WORK SESSION:

Mayor Miller adjourned the work session at 7:18 pm.

VOTING SESSION AGENDA

CALL VOTING SESSION TO ORDER:

Mayor Miller called the voting session to order at 7:18 pm.

PUBLIC COMMENTS:

Judith McConnell, 5731 Mitchell Street, Flowery Branch, GA 30542

Ms. McConnell has speed limit concerns at the round-about and on Main Street. She would like another speed limit sign and a way to enforce the speed limit. She also has issues with not having handicapped parking for Council Meetings due to the blocked road on Church Street for the Farmer's Market.

Against rezoning 3 parcels of land on Church Street:

Kelly McLincha, 5628 Church Street, Flowery Branch, GA 30542

Meg McLincha, 5628 Church Street, Flowery Branch, GA 30542

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

Against rezoning 0 Thurmon Tanner Parkway:

John “Jack” Rafferty, 5413 Falling Branch Court, Flowery Branch, GA 30542

Louise Hatfield, 5409 Falling Branch Court, Flowery Branch, GA 30542

Zach Greves, 6538 Vista View Court, Flowery Branch, GA 30542

Caleb Hiddleston, 5617 Elmwood Lane, Flowery Branch, GA 30542

Alberta Perez, 5531 Garens Way, Flowery Branch, GA 30542

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

Robert Bedwell, 6074 Trumpet Flower Avenue, Flowery Branch, GA 30542

Marie Cash-Garrison, 5647 Parkview Lane, Flowery Branch, GA 30542

“David” Chenguang Wu, 5465 Trillium Way, Flowery Branch, GA 30542

Janet Upchurch, 5644 Nags Head Circle, Gainesville, GA 30504

Jannell Jones, 5572 Garens Way, Flowery Branch, GA 30542

Against 5205 Railroad Avenue:

Bryan Puckette, 5011 Atlanta Highway, Flowery Branch, GA 30542

CONSENT AGENDA:

Consider September 2, 2021 Meeting Minutes

There was a motion made to approve consent agenda.

MOTION: Leslie Jarchow

SECOND: Amy Farah

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

NAYS: None

Motion carried

UNFINISHED BUSINESS - VOTING SESSION:

Consider a request submitted by Fall Leaf Residential, LLC. to annex 6495 McEver Road with the intent to develop and construct a townhome community.

Mr. Bennett read the caption for Ordinance 647.

There was a motion made to approve Ordinance 647 to annex 6495 McEver Road with the intent to develop and construct a townhome community.

MOTION: Joe Anglin

SECOND: Chris Mundy

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

NAYS: None

Motion carried

Consider a request submitted by Fall Leaf Residential, LLC. to rezone 6495 McEver Road with the intent to develop and construct a townhome community.

Mr. Bennett read the caption for Ordinance 648.

There was a motion made to approve Ordinance 648 to rezone 6495 McEver Road with the intent to develop and construct a townhome community. Mr. Anglin placed a condition to Ordinance 648 that the entire parcel of road frontage along McEver Road be planted with a turfed landscape strip of Bermuda or Zoysia grass that will extend to new plantings, new ground cover and/or to the undisturbed existing tree line.

MOTION: Chris Mundy

SECOND: Joe Anglin

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

NAYS: None

Motion carried

Consider a request submitted by Fall Leaf Residential, LLC. to annex 6509 McEver Road with the intent to develop and construct a townhome community.

Mr. Bennett read the caption for Ordinance 649.

There was a motion made to approve Ordinance 649 to annex 6509 McEver Road with the intent to develop and construct a townhome community.

MOTION: Amy Farah

SECOND: Chris Mundy

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

NAYS: None

Motion carried

Consider a request submitted by Fall Leaf Residential, LLC. to rezone 6509 McEver Road with the intent to develop and construct a townhome community.

Mr. Bennett read the caption for Ordinance 650.

There was a motion made to approve Ordinance 650 to rezone 6509 McEver Road with the intent to develop and construct a townhome community. Mr. Anglin placed a condition to Ordinance 650 that the entire parcel of road frontage along McEver Road be planted with a turfed landscape strip of Bermuda or Zoysia grass that will extend to new plantings, new ground cover and/or to the undisturbed existing tree line.

MOTION: Joe Anglin

SECOND: Amy Farah

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

NAYS: None

Motion carried

Second Reading of a rezoning request from JPC Design and Construction, LLC. to rezone a 2.08 +/- acre tract of land identified as 5512 McEver Road, tax parcel number 08099 000009, from NS (Neighborhood Shopping) to HB (Highway Business).

Mr. Bennett read the caption for Ordinance 645.

There was a motion made to approve Ordinance 645.

MOTION: Leslie Jarchow

SECOND: Chris Mundy

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

NAYS: None

Motion carried

Consider a request from Vulcan Lands, Inc. for the annexation 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. Bennett read the caption for Ordinance 654 to annex nine parcels of land from Hall County ARIII to Flowery Branch M-2 with a conditional use permit to operate a quarry.

There was a motion made to approve the first reading of Ordinance 654.

MOTION: Joe Anglin

SECOND: Chris Mundy

AYES: Joe Anglin, Amy Farah, Chris Mundy

NAYS: Leslie Jarchow

Motion carried

Consider a request from Vulcan Lands, Inc. for the 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. Bennett read the caption for Ordinance 655 to rezone nine parcels of land from Hall County ARIII to Flowery Branch M-2 with a conditional use permit to operate a quarry.

There was a motion made to approve the first reading of Ordinance 655.

MOTION: Chris Mundy

SECOND: Joe Anglin

AYES: Joe Anglin, Amy Farah, Chris Mundy

NAYS: Leslie Jarchow

Motion carried

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 (MI).

Mr. Bennett read the caption for Ordinance 652 to rezone a portion of 0 Thurmon Tanner Parkway from Highway Business to Light Industrial.

There was a motion made to approve the first reading of Ordinance 652.

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

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

Mr. Bennett read the caption for Ordinance 651.

There was a motion made to approve the first read of Ordinance 651.

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

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. Bennett read the caption to Ordinance 653.

There was a motion made to approve the first read of Ordinance 653.

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

NEW BUSINESS - VOTING SESSION:

Resolution 21-017 – Consider an FY2022 budget adjustment request for the 9/20/2021 Tax Allocation District Loan Payment.

Mr. Bennett read the caption to Resolution 21-017.

There was a motion made to approve Resolution 21-017.

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

Consider Intergovernmental Agreement with Hall County for I-985 Interchange Mowing

There was a motion made to approve the Intergovernmental Agreement with Hall County for I-985 Interchange Mowing.

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

Consider Second Amendment to the lease agreement by and between the City of Flowery Branch, Georgia and Hillwood Realty, LLC.

There was a motion made to approve Second Amendment to the lease agreement by and between the City of Flowery Branch, Georgia and Hillwood Realty, LLC.

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

Consider 2nd Amendment of lease agreement between City of Flowery Branch, Georgia and LendUS, LLC d/b/a American Eagle Mortgage, LLC.

There was a motion made to approve Second Amendment of lease agreement by and between the City of Flowery Branch, Georgia and LendUS, LLC d/b/a American Eagle Mortgage, LLC.

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

Consider Acceptance of Franchise Fees Settlement Agreement with Charter Communications

There was a motion made to approve Acceptance of Franchise Fees Settlement Agreement with Charter Communications.

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

EXECUTIVE SESSION:

There was a motion made to enter executive session at 8:41 pm.

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

EXECUTIVE SESSION:

There was a motion made to reconvene open session at 9:15 pm.

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

ADJOURNMENT:

There was a motion made to adjourn at 9:15 pm.

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