



**City of Flowery Branch
City Council Meeting
Thursday, December 5, 2024, 6:00 PM
City of Flowery Branch City Hall
5410 Pine Street, Flowery Branch, GA 30542**



CALL WORK SESSION TO ORDER:

Mayor Asbridge called the meeting to order at 6:00 p.m.

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

Also present were City Manager Tonya Parrish, City Clerk Shelia Cooper, Fun Director Renee Carden, Finance Director Matt Hamby, Planning and Community Development Director Chris McCrary, Public Works & Utilities Director Bill Whidden, Human Resources Director Krystle Hightower, Police Chief Chris Hulsey and City Attorney Ted Baggett.

Absent: None

PLEDGE OF ALLEGIANCE:

Mayor Asbridge led the Pledge of Allegiance.

ADOPTION OF AGENDA:

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

MOTION: Chris Mundy

SECOND: Joe Anglin

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

NAYS: None

Motion carried

AWARDS & RECOGNITIONS:

The City of Flowery Branch recognized and honored Cherokee Bluff High School Competition Cheerleading Team along with Coaches Rebekah Cooper and Amanda Bellew for winning the school's first State Championship on November 16, 2024, at the Macon Coliseum. Mayor Asbridge and Council Members Joe Anglin, Oliver McClellan, William McDaniel, Joseph Mezzanotte, and Chris Mundy presented a Proclamation to the team and coaches.



PUBLIC HEARING:

Public Hearing and Second Reading of Ordinance 724 to Consider a Variance Request at 4627 Atlanta Highway.

Director McCrary presented the second reading of Ordinance 724 to consider a variance request at 4627 Atlanta Highway. The applicant is seeking to develop four office/warehouse buildings totaling 41,450 sq. ft., including associated parking and utilities, on a property limited in depth due to a state water creek adjacent to Atlanta Highway. To accommodate the necessary depth for warehousing and tractor trailer truck movement, the applicant is requesting encroachments into the city's 75-foot impervious setback and 50-foot undisturbed stream buffer, which are necessary to meet industry standards for the proposed buildings.

Staff recommends the approval of the proposed variance application for the encroachment into the required impervious setback and the city's undisturbed stream buffer per Code Section 26.7 with the following conditions:

1. The Land Disturbance Permit shall be substantially similar to the plan provided with the variance application, including the limits of the encroachment into the impervious setback and the city's stream buffer.
2. The area of preservation shall be substantially similar to the area in size and location shown on the site plan provided with the variance application.
3. In the areas where disturbance occurs within the 50' undisturbed buffer, the applicant shall provide a replanting plan using a native mixture of species of trees and shrubs. The plan shall be sealed by a Georgia registered landscape architect. The final plan shall be approved by the community development director.

4. Prior to the issuance of the Certificate of Occupancy, the owner shall provide the city an as-built survey of the development including the encroachment areas and preservation area.
 - a) The area of encroachment into the impervious setback shall not exceed 1,045 SF.
 - b) The area of encroachment into the 50-foot undisturbed stream buffer shall not exceed 3,715 SF.
 - c) The area of undisturbed preservation shall be no less than 7,323 SF.

Council held a discussion with Director McCrary.

There being no one to speak in favor or against the request, Mayor Asbridge closed the public hearing at 6:22 p.m.

Public Hearing and First Reading of Ordinance 727 to Consider a Conditional Use Permit at 5540 Atlanta Highway for the operation of a micro-distillery.

Director McCrary presented the first reading of Ordinance 727 to consider a conditional use permit at 5540 Atlanta Highway for the operation of a micro-distillery. The applicant is seeking the approval of a Conditional Use Permit for the operation of a micro-distillery within the existing building located at 5540 Atlanta Highway. The building is ~38,000 square feet and the applicant intends to occupy ~12,000 square feet of the building for the use of a micro-distillery. The applicant proposes an area within the distillery for operational observation, sample tasting, and retail sales within a space of ~1,250 square feet.

Staff recommend approval of the proposed Conditional Use Permit (CUP) for the operation of a micro-distillery located within the existing building at 5540 Atlanta Highway with the following conditions:

1. The Conditional Use Permit is issued to Remedy Distillery, LLC and should the occupant vacate the building, the Conditional Use Permit expires.
2. Adequate parking spaces shall be provided to support the current uses and the proposed micro-distillery. The applicant shall provide a breakdown of uses existing and proposed to calculate the minimal parking demands. If needed for confirmation, the applicant shall provide the director of planning and community development with a current survey of the property showing all stripped parking spaces.
3. Entrance to the distillery shall meet all accessibility requirements per ADA standards.
4. The approval of the Conditional Use Permit does not provide approval of variances to federal, state, or local codes and regulations.
5. The applicant must ensure that proper fire lanes, emergency access routes, and safety measures are in place in accordance with local fire codes and regulations.

There being no one to speak in favor or against the request, Mayor Asbridge closed the public hearing at 6:27 p.m.

UNFINISHED BUSINESS - WORK SESSION:

Wastewater Reclamation Facility Update

Mr. Pavel Mayfield presented a construction progress update on the wastewater reclamation facility. There have been zero safety incidents since the project began to date and there have been no quality incidents from the project beginning to date. The project design is 100% complete. The project permits are 95% complete and the structural excavation is complete. The yard piping, concrete and site electrical are ongoing. Mechanical has not been started but there have been zero interruptions to plant operations.



Progress Photos





Progress Photos



Project Site



8/15/24



11/22/24



Progress Photos



Bioreactor Basin



11/22/24



Progress Photos



Headworks Facility



11/22/24



Progress Photos



Concrete Paving at Dewatering Building



11/22/24



Progress Photos



Work Inside EQ Tank Aeration Equipment



11/22/24



11/22/24



Progress Photos





Progress Photos



Progress Photos





Project Financials



Billings

Project Financials	Total Budget	Previous Invoices	November 2024 PayApp	To Date Total	To Date % Complete	Balance to complete
Early Work Package	\$ 2,656,430.00	\$ 950,633.55	\$ 215,807.60	\$ 1,166,441.15	43.9%	\$ 1,489,988.85
Main Construction Phase	\$ 43,311,101.00	\$ 2,523,885.25	\$ 1,187,813.15	\$ 3,711,698.40	8.6%	\$ 39,599,402.60

Allowances & Contingencies Use

Early Work Package						
Description	Original Budget	Approved to Date	Remaining Amount	Pending	Remaining Amount (Including Pending)	% Remaining
Owner Allowances	\$199,190.00	\$0.00	\$199,190.00	\$37,557.00	\$161,633.00	81.15%
Owner Contingency	\$99,711.00	\$6,406.13	\$93,304.87	\$45,000.00	\$48,304.87	48.44%
CMAR Contingency	\$99,711.00	\$44,099.57	\$55,611.43	\$0.00	\$55,611.43	55.77%

Main Construction Phase						
Description	Original Budget	Approved to Date	Remaining Amount	Pending	Remaining Amount (Including Pending)	% Remaining
Owner Contingency	\$900,000.00	\$0.00	\$900,000.00	\$0.00	\$900,000.00	100.00%
CMAR Contingency	\$1,600,000.00	\$0.00	\$1,600,000.00	\$0.00	\$1,600,000.00	100.00%

NEW BUSINESS -WORK SESSION:

Consider Master Services Agreement with ESG Engineering, Inc.

City Manager Parrish presented a consideration for a new Master Services Agreement with ESG Engineering, Inc. The city entered into a Master Agreement with ESG Engineering in 2022 that governs the terms and conditions of subsequent projects and tasks. It identifies the rate schedule for hourly projects, the legal terms and conditions, and provides a certificate of insurance that protects the city. The Master Agreement does not trigger any fiscal liability, it merely establishes the terms and conditions for subsequent projects. Because municipalities cannot enter into multiyear service agreements, an update to the 2022 agreement is needed. In accordance with O.C.G.A. Section 36-60-13, the agreement provides for automatic annual renewals to these terms unless either party gives advance written notice of non-renewal. The agreement also allows either party to terminate the agreement with 30 days' notice.

Council held a discussion with City Manager Parrish.

Consider Construction Manager Contract with ESG Engineering, Inc.

City Manager Parrish presented a consideration for a Construction Manager Contract with ESG Engineering, Inc. The construction manager/inspection role was discussed as a future task in the original ESG Engineering, Inc. design task order with a scope and fee to be determined once the construction schedule was defined and field work was ready to begin. The level of construction oversight has been optimized to only the amount required to complete proper construction

inspection and engineering review of submittals, requests for information (RFI), and other design related support as part of the CMAR construction phase. The scope of support will provide a single highly qualified construction manager who will not only handle all construction documentation activities, but also site inspection and quality assurance for the duration of the project. The construction manager's role will be to serve as an interface between the existing facility's operational staff and the construction team to ensure the construction activities do not hinder the operations staff from continuing to produce high quality effluent during the duration of the project. Any required field coordination will be managed by the onsite construction manager. In addition to the onsite services, the design engineers will provide design support to help respond to engineering questions as well as review equipment product submittals to ensure compliance with the specifications. Included in the office engineering effort is all support related to the land disturbance, building permit, and DOT permitting processes. It is anticipated that the construction of the Flowery Branch WRF will take approximately two years to complete. To be in compliance with Georgia Environmental Finance Authority (GEFA) and EPD, staff requests approval of this contract.

Council held a discussion with Chris Carr, Senior Vice President, ESG Engineering, Inc.

Consider Resolution 24-010 to authorize the City to Participate in an Amicus Brief Supporting the Reversal of the Chang v. City of Milton Decision

City Attorney Ted Baggett presented a consideration of Resolution 24-010 to authorize the city to participate in an amicus brief supporting the reversal of the Chang v. the City of Milton decision. A jury in the State Court of Fulton County rendered a verdict of \$35,000,000 against the City of Milton, Georgia in a case stemming from an automobile accident in 2016. The city appealed that ruling to the Georgia Court of Appeals which affirmed the trial court verdict. The city now seeks to have the Georgia Supreme Court exercise its discretion to review the decision of the Court of Appeals and to overturn the ruling based on the doctrine of sovereign immunity.

The facts of the case were essentially that a driver died after their car left the roadway by virtue of colliding with a masonry planter in the city's right-of-way that had been in place for decades without incident. The Court determined that merely having the planter in the right-of-way constituted a failure of the city to perform a ministerial duty sufficient to hold the city responsible. Amicus briefs ("friend of the Court") are often filed by parties other than those directly involved in litigation at the appellate level in order to advise the court of the significance of the issues and their potential impact on others similarly situated. The City of Milton has encouraged multiple cities to agree to be a part of an amicus brief aimed at stressing the implications of the decision of the trial court and Court of Appeals in the Chang case. The brief is being authored by one of the attorneys working for the City of Milton and will be circulated for review to the city attorneys for the participating cities.

Council held a discussion with City Attorney Baggett.

Consider Resolution 24-011: To Become a Member of the Georgia Interlocal Risk Management Agency (GIRMA) and Participate in One or More of GIRMA's Funds.

Human Resources Director Krystle Hightower presented Resolution 24-011 to become a member of the Georgia Interlocal Risk Management Agency (GIRMA) and participate in one or more of GIRMA's funds.

House Bill 451, The Ashley Wilson Act, becomes effective January 1, 2025. This Act requires all public entities in Georgia to offer a supplemental benefit program for eligible first responders diagnosed with post-traumatic stress disorder (PTSD) resulting from exposure to line of duty traumatic events. It creates two once-per-lifetime financial safety nets to assist with uninsured costs associated with PTSD treatment and recovery. A first responder may access the benefits quickly and confidentially without worrying over stigma or job loss. The Act does not impact employer health plans, which are required to provide coverage for PTSD and other mental health conditions. However, health plans do not cover all costs associated with treatment and recovery such as deductibles, co-pays, and out-of-network treatment costs.

A public entity pays the costs of the program on behalf of its first responders. The Act defines public entity as a department, agency, board, bureau, commission, authority, or instrumentality of the State of Georgia, any local government or authority, including a county, municipality, or consolidated government in this state, or any other political division in this state. Such term includes a school district, independent school district, or other local school system in this state.

DEPARTMENT REPORTS:

Department of Fun Report:

Director Carden noted upcoming events.

Police Department Report:

Police Chief Hulsey updated Council on the Police Department. He shared an awesome new police recruitment video that can be viewed on the City of Flowery Branch website. The Flowery Branch Police Department is a 24-hour full service law enforcement agency committed to protecting and serving the residents and visitors of Flowery Branch. There is a focus on community-oriented policing, the department strives to foster relationships with community members, ensuring a safe and secure environment for all. The Flowery Branch Police Department Mission Statement is "We vow to protect and serve the City of Flowery Branch through dedication, professionalism, and community-oriented policing by using active cooperation as well as effective, proven standards of excellence with a positive, progressive attitude". Chief Hulsey stated he wanted to brag about some items that came in after the video was produced such as the new drone that the police department has recently acquired, a rifle shield which is used to protect officers, and a ballistic vest that officers wear for protection from high powered shells. He also thanked Mayor Asbridge and Council for their support of the police department.

Council Report:

Council Member Mezzanotte thanked Police Chief Hulsey and the entire police department for all they do daily.

Council Member McClellan wanted to give a “shout out” to the new website and encouraged residents to give it a look.

Mayor Asbridge reported that our police department is very active in our community, and it is amazing how they interact with the citizens.

ADJOURNMENT WORK SESSION:

Mayor Asbridge adjourned the work session at 7:11 p.m.

VOTING SESSION AGENDA

CALL VOTING SESSION TO ORDER:

Mayor Asbridge called the voting session to order at 7:11 p.m.

PUBLIC COMMENTS: There were no public comments.

CONSENT AGENDA:

- Consider 2025 City Council Meeting Dates
- Consider November 2024 Per Diem for Mayor Asbridge
- Consider November 21, 2024 City Council Meeting Minutes

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

MOTION: Chris Mundy

SECOND: William McDaniel

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

NAYS: None

Motion carried

UNFINISHED BUSINESS - VOTING SESSION:

Second Reading of Ordinance 724 to Consider a Variance Request at 4627 Atlanta Highway

City Clerk Cooper read the caption for Ordinance 724.

There was a motion made to Table Ordinance 724 Second Reading until December 19, 2024, City Council Meeting.

MOTION: Joseph Mezzanotte

SECOND: Oliver McClellan

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

NAYS: None

Motion carried

NEW BUSINESS - VOTING SESSION:

Consider Master Services Agreement with ESG Engineering, Inc.

There was a motion made to approve the Master Services Agreement with ESG Engineering, Inc. as presented.

MOTION: Oliver McClellan

SECOND: William McDaniel

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

NAYS: None

Motion carried

Consider Construction Manager Contract with ESG Engineering, Inc.

There was a motion made to approve the Construction Manager Contract with ESG Engineering, Inc. in an amount not to exceed \$988,650.00.

MOTION: Joe Anglin

SECOND: Chris Mundy

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

NAYS: None

Motion carried

Consider Resolution 24-010 to authorize the City to Participate in an Amicus Brief Supporting the Reversal of the Chang v. City of Milton Decision

There was a motion made to approve Resolution 24-010 authorizing the City to be named as an amicus party, along with other cities, in a brief to the Georgia Supreme Court, seeking to overturn the Chang decision.

MOTION: Chris Mundy

SECOND: Joe Anglin

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

NAYS: None

Motion carried

Consider Resolution 24-011: To Become a Member of the Georgia Interlocal Risk Management Agency (GIRMA) and Participate in One or More of GIRMA's Funds.

There was a motion made to approve Resolution 24-011 to become a member of the Georgia Interlocal Risk Management Agency (GIRMA) and participate in one or more of GIRMA's Funds and to authorize the Mayor and staff to execute necessary documents to accept the policy quote and initiate coverage.

MOTION: Oliver McClellan

SECOND: Joseph Mezzanotte

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

NAYS: None

Motion carried

First Reading of Ordinance 727 to Consider a Conditional Use Permit at 5540 Atlanta Highway for the Operation of a Micro-Distillery.

City Clerk Cooper read the caption for Ordinance 727.

There was a motion made to approve Ordinance 727.

MOTION: Joe Anglin

SECOND: William McDaniel

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

NAYS: None

Motion carried

EXECUTIVE SESSION:

There was a motion made to enter an executive session for matters related to the acquisition/disposition of real estate, for matters related to certain personnel issues, and for matters related to pending or potential litigation at 7:17 p.m.

MOTION: Joe Anglin

SECOND: Chris Mundy

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

NAYS: None

Motion carried

There was a motion made to exit the executive session at 7:54 p.m.

MOTION: Joe Anglin

SECOND: Oliver McClellan

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

NAYS: None

Motion carried

ADJOURNMENT:

There was a motion made to adjourn the meeting at 7:54 p.m.

MOTION: Oliver McClellan

SECOND: Joe Anglin

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

NAYS: None

Motion carried

Edward R. Asbridge, Mayor

Date

Shelia Cooper, City Clerk