City of Flowery Branch
Special Called Council Meeting
March 24, 2020
City of Flowery Branch City Hall
5410 Pine Street, Flowery Branch GA, 30542

TELECONFERENCE MEETING

CONNECTION TO MEETING:

Due to COVID-19 this meeting was held utilizing GOTOMeeting.

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DECLARATION OF LOCAL STATE OF EMERGENCY

Resolution 20-009 - Declare State of Emergency

Attorney Bennett reviewed the resolution that declares the following:

IT IS HEREBY DECLARED that a local state of emergency exists due to the COVID-19 pandemic;

IT IS FURTHER DECLARED that the local state of emergency is a circumstance involving public and the preservation of property and public services sufficient for the Mayor and Council to consider a resolution to hold all Public Meetings by Teleconference due to emergency circumstances as permitted by OCGA 50-14-1 (g) of the Georgia Open Meetings Act for so long as the local state of emergency exists; and

IT IS FURTHER DECLARED that this declaration of a local state of emergency shall continue until 11:59 P.M., Thursday, April 16, 2020 unless this declaration is renewed by the Mayor and/or Council of the City of Flowery Branch or until such time as the Mayor and/or Council of the City of Flowery Branch find that the emergency conditions no longer exist.

CALL WORK SESSION TO ORDER:

PRESENT BY TELECONFERENCE: Mayor James Miller and Councilmembers Chris Mundy, Ed Asbridge, Leslie Jarchow, Amy Farah, and Joe Anglin

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

PUBLIC HEARING:

There was no public hearing.

UNFINISHED BUSINESS - WORK SESSION:

There was no unfinished business.

NEW BUSINESS -WORK SESSION:

Consider the First Reading of an Ordinance 586 Relating to Efforts to Limit the Spread of the COVID -19

Attorney Bennett advised that this ordinance would be considered for a first reading and a second reading at this meeting because of the urgency to stop the spread of this Coronavirus.

In summary this ordinance requires:

1. Restaurants are closed to in-house dining.
2. Restaurants with a valid license may sell beer and wine as take out or delivery.
3. Occupation Tax deadline extended to Sept. 30
4. No penalties or interest will be applied to late utility payments.
5. No suspension of utility service.

These measures will be effective through the life of the Emergency Declaration.

Mayor Miller advised that the City understands that this is very difficult for the businesses in the City and advised that the City is united with the neighboring comminutes in closing restaurants to in-house dining but in an effort assist with the takeout and delivery options the City is relaxing the regulations on alcoholic beverage carry out and will allow businesses with an alcoholic beverage consumption on the premises license to deliver sealed beer or wine with meals.

Mayor Miller also advised that the business license fees are extended from a due date of June 30 to September 30, 2020.

Finally, Mayor Miller stated that there is a financial burden put on many of the residents so this ordinance would initiate a temporary extension to the payment of water/sewer bills without penalties or cut-offs.

Councilman Asbridge inquired on how the businesses will get this notice and how will it be enforced.

Attorney Bennett advised that this ordinance would be advertised on the website, through the paper, the Facebook page, Instagram and Twitter and an email blast to the water/sewer customers.

City Manager Andrew advised that he has been in contact with the Chief of Police and that if there was a business in violation of this ordinance, they would be given a warning initially and second offences could be cited.

Attorney Bennett advised that the penalty for violating this ordinance is up to 365 days in jail, up to a $1,000 fine and the possible revocation/suspension of alcohol licenses.

Consider Formal Financial Policies: Operating Budget Policy, One-time Revenues Policy, Expenditures Policy, Capital Policy, and Long-Term Forecasting and Planning Policy

Finance Director Gamble reviewed the newly proposed policies noting that the City is already following policies 1-3 and are working toward procedures for policies 4 and 5.

1. Operating Budget Policy
    a. Purpose: to guide a comprehensive plan to deliver efficient and effective services to residents and stakeholders of the City.
2. One-time Revenues Policy
    a. Purpose: to guide the City of Flowery Branch to spend within its means and stay financially healthy by specifying uses for one-time revenues.
3. Expenditures Policy
    a. Purpose: to guide an efficient and effective expenditure system that guarantees the spending of public resources to match generated revenues to the greatest extent possible.
4. Capital Policy
    a. Purpose: to provide guidelines to complete a comprehensive process that allocates limited resources into capital investment and management decisions.
5. Long-Term Forecasting and Planning Policy
    a. Purpose: to give the City the best chance of a thriving community now and for future generations.

Discussion - Request from Red Oak Sanitation – Renewal of Contract

Manager Andrew reviewed the Red Oak Contract and noted that Red Oak Sanitation has been servicing the City with garbage and recycling services for about 20 years without a rate increase.

Continuing, Manager Andrew advised that the last contract signed with Red Oak Sanitation is dated May 7, 2015 and is set to expire on May 7, 2020. City staff reached out to Red Oak Sanitation to notify them the City will be placing these services out for bid this year.

Red Oak sent a message to the council that read as follows:

Red Oak has been providing service to the city of Flowery Branch for 20 years without a rate increase. Over the years we have continued to find solutions and create efficiency's so that we could maintain our monthly rate.

Over that same period of time our cost to drop off recycling at the recycling center has been a roller coaster, going from actually being paid $ 5/ton (of which we donated to American Cancer society) to now where we are paying $57/ton to drop off. The landfill rate for Municipal Solid Waste (MSW) at $40/ton is much cheaper for dumping than recycling.

With our subscription customers (excluding the city of Flowery Branch customers), we are now billing those that choose to recycle an additional fee as it's an additional service. We would like to extend or renew our contract with the city at a rate of $12/month for household trash and for only those that recycle an additional $4/month.

Manager Andrew reviewed the current and proposed rates as follows:

Current rates: $11.65/month for garbage. Residents will pay $6/month, per home for each additional garbage container. Residents will pay $8/cubic yard of yard waste, exceeding 1.5 cubic yards (7 bags or rolls)/week.

Proposed Rates: Red Oak would like to extend or renew our contract with the City at a rate of $12/month for household trash and for only those that recycle an additional $4/month. This would mean an increase of $0.35/month for garbage and $4/month for recycling, if the customer chooses to continue recycling.

The City has a good history with their service and it is not likely a new service will be cheaper and even if it is, it may not be what is promised. Further Red Oak has single axle trucks for our smaller roads.

Councilmember Anglin stated that residents have three choices, get garbage and recycling services, get garbage service only or choose to not get any service and take their refuse and recycling to one of the trash compactor sites.

Manager Andrew advised that was correct.

Consider preliminary plat for a project known as "The Farm" located at Gaines Ferry and McEver Road.

Planner Atkinson reviewed the preliminary plat and the layout of the development and advised that the Ace Hardware was going to be built first.

Councilman Anglin expressed concerns with the impact of this development at the intersection of Gaines Ferry Road and McEver Road and suggested that staff discuss the use of impact fees for upgrading this intersection.

Manager Andrew advised that the City collects impact fees for Hall County but that those funds don't necessarily get spent within the City limits.

Consider Resolution 20-006 - A Resolution to Formally Accept Roadways in the Sterling on the Lake Subdivision.

Planner Atkinson advised that there is a section of Boathouse Way in POD U that has been inspected by Building Inspector Donald Bowers and Public Works Director Johnny Thomas and is ready for the City to accept ownership.

Consider Resolution 20-007 - A Resolution to Formally Accept Roadways in the Sterling on the Lake Subdivision.

Planner Atkinson advised that there is a section of Trailside Drive in POD Y that has been inspected by Building Inspector Donald Bowers and Public Works Director Johnny Thomas and is ready for the City to accept ownership.

Consider Resolution 20-008 - A Resolution to Formally Accept Roadways in the Sterling on the Lake Subdivision.

Planner Atkinson advised that there is a section of Trailside Drive and Bonfire Drive in POD Y that has been inspected by Building Inspector Donald Bowers and Public Works Director Johnny Thomas and is ready for the City to accept ownership.

Consider February 20, 2020 Meeting Minutes

There were no changes to the minutes as presented.

Consider March 5, 2020 Meeting Minutes

There were no changes to the minutes as presented.

DEPARTMENT REPORTS:

City Manager Report

Manager Andrew reviewed the following:

1. Staff is moving ahead with demo at the wastewater plant and demolition of old drying beds to make room for the expansion.

2. The cost for water pumps on Gainesville St., including a high capacity pump is approximately $50,000 and will be covered through the $184,000 in excess SPLOST VII. If the initial pump is sufficient for fire services, the cost could be as low as $35,000.

3. Given the crisis, we are studying changes to current and future budgets and meeting with other municipalities to discuss finances during this pandemic.

ADJOURNMENT WORK SESSION:

Mayor Miller adjourned the work session at 7:10 pm.

VOTING SESSION MINUTES

CALL VOTING SESSION TO ORDER:

Mayor Miller called the voting session to order at 7:10 pm.

PUBLIC COMMENTS:

Harvey Glass- Manager J. Christopher's Restaurant, Flowery Branch, Ga.

Manager Glass inquired on health dept. regulations

Mayor Miller advised that health inspections are held by Hall County and the City will check into the process for reopening when the circumstances allow and email that to Mr. Glass.

Mayor Miller further advised that the council does not want businesses to close but inhouse dining is restricted for the safety of the community.

Susan Barge – 6593 McEver Road, Flowery Branch, Ga.

Ms. Barge expressed concerns with the annexation plan that was presented this evening including the distances between the pump station and the property line and the back of the houses to her driveway.

CONSENT AGENDA:

- February 20, 2020 Meeting Minutes
- March 5, 2020 Meeting Minutes

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

MOTION: Chris Mundy
SECOND: Amy Farah
AYES: Chris Mundy, Leslie Jarchow, Amy Farah, Joe Anglin
Councilman Asbridge was unable to answer the roll call vote due to technical difficulties but advised when he made connection that he was in favor of approval.
NAYS: None
Motion carried

UNFINISHED BUSINESS - VOTING SESSION:

Consider the 2nd Reading of Ordinance 575A. Request to Amend Approved Conditions of Zoning. (Applicant Gee Harvey).

Attorney Bennett read the caption to Ordinance 575A and noted that the only change, at the applicant's request, was to remove the condition requiring the applicant to use City of Flowery Branch water and allow the developer to use City of Gainesville water.

There was a motion made to approve the second reading of ordinance 575a.

MOTION: Joe Anglin
SECOND: Chris Mundy
AYES: Chris Mundy, Leslie Jarchow, Amy Farah, Joe Anglin
Councilman Asbridge was unable to answer the roll call vote due to technical difficulties but advised when he made connection that he was in favor of approval.
NAYS: None
Motion carried

<u>2nd Reading of Ordinance 576A Request to Amend Approved Conditions of Zoning. (Applicant Gee Harvey)</u>

Attorney Bennett read the caption to Ordinance 576A and noted that the only change, at the applicant's request, was to remove the condition requiring the applicant to use City of Flowery Branch water and allow the developer to use City of Gainesville water.

There was a motion made to approve the second reading of ordinance 576a.

MOTION: Amy Farah
SECOND: Joe Anglin
AYES: Chris Mundy, Leslie Jarchow, Amy Farah, Joe Anglin
Councilman Asbridge was unable to answer the roll call vote due to technical difficulties but advised when he made connection that he was in favor of approval.
NAYS: None
Motion carried

Councilman Anglin noted that the City does not currently have a water line located close enough to service this development and for the developer to run a water line would be financially burdensome to the developer.

<u>1st Reading of Ordinance 585 - Rezone of 0 McEver Road from M1 (Light Industrial) to PUD (Planned Unit Development)</u>

Attorney Bennett read the caption to Ordinance 585.

There was a motion made to approve the first reading of ordinance 585 for the rezoning of 0 McEver Road.

MOTION: Joe Anglin
SECOND: Chris Mundy

Discussion:

Councilman Anglin inquired if the slope on the back of the property between the development and Madison Creek would be left undisturbed and if it is disturbed, he felt it would need some screening.

Planner Atkinson advised that he would speak to Mr. Stark and felt he would do what it takes to fence and or screen to the councils satisfaction.

Mayor Miller asked what the required set back was.

Planner Atkinson advised the set back is 75 feet from center of the creek to either side of the creek.

AYES: Chris Mundy, Leslie Jarchow, Amy Farah, Joe Anglin
Councilman Asbridge was unable to answer the roll call vote due to technical difficulties but advised when he made connection that he was in favor of approval.
NAYS: None
Motion carried

Consider Elevations Submitted for Approval by Mr. Gee Harvey for the Bell Road subdivision.

Planner Atkinson advised that Mr. Gee Harvey has agreed to all models having a brick water table even though the renderings don't indicate it.

There was a motion made to approve the elevations submitted by Mr. Harvey for the Bell Road Subdivision.

MOTION: Amy Farah
SECOND: Leslie Jarchow

Discussion:

Councilman Anglin inquired on the brick water table and that there would be no three-tab shingles or lessor product and he garage doors would have carriage door hardware.

Mr. Harvey advised that he agreed to all three.

There was a motion made to amend the motion to include all models to have a brick water table in the front of the homes, carriage door hardware and no three-tab shingles or lessor shingles.

MOTION: Joe Anglin
SECOND: Chris Mundy
AYES: Chris Mundy, Leslie Jarchow, Amy Farah, Joe Anglin
Councilman Asbridge was unable to answer the roll call vote due to technical difficulties but advised when he made connection that he was in favor of approval.
NAYS: None
Motion carried

Original motion with amendment vote
AYES: Chris Mundy, Leslie Jarchow, Amy Farah, Joe Anglin
Councilman Asbridge was unable to answer the roll call vote due to technical difficulties but advised when he made connection that he was in favor of approval.
NAYS: None
Motion carried

NEW BUSINESS - VOTING SESSION:

Attorney Bennett noted that the first item that was discussed at the beginning of the meeting was required to be voted on if the council would approve adding it to the voting session.

Mayor Miller advised it could be considered at this time.

Attorney Bennett reviewed the resolution and advised it would run for 30 days until April 23, 2020.

There was a motion made to approve Resolution 20-009 issuing a State of Emergency in the City of Flowery Branch due to the COVID pandemic.

MOTION: Chris Mundy
SECOND: Leslie Jarchow
AYES: Chris Mundy, Leslie Jarchow, Amy Farah, Joe Anglin
Councilman Asbridge was unable to answer the roll call vote due to technical difficulties but advised when he made connection that he was in favor of approval.
NAYS: None
Motion carried

First Reading of an Ordinance Relating to Efforts to Limit the Spread of the COVID -19

Attorney Bennett advised that because this is an emergency ordinance the council is allowed to have both readings and approve the ordinance in the same meeting.

Attorney Bennett read the caption.

There was a motion made to approve the first reading of Ordinance 586 in an attempt to limit the spread of the Coronavirus.

MOTION: Joe Anglin
SECOND: Leslie Jarchow
AYES: Chris Mundy, Leslie Jarchow, Amy Farah, Joe Anglin
Councilman Asbridge was unable to answer the roll call vote due to technical difficulties but advised when he made connection that he was in favor of approval.
NAYS: None
Motion carried

Mayor Miller noted that this would allow restaurants with consumption licenses to sell packaged beer or wine with meals ordered for takeout or deliver.

<u>Second Reading of an Ordinance Relating to Efforts to Limit the Spread of the COVID -19</u>

There was a motion made to approve ordinance 586 in an attempt to limit the spread of the Coronavirus.

MOTION: Chris Mundy
SECOND: Amy Farah
AYES: Chris Mundy, Leslie Jarchow, Amy Farah, Joe Anglin
Councilman Asbridge was unable to answer the roll call vote due to technical difficulties but advised when he made connection that he was in favor of approval.
NAYS: None
Motion carried

<u>Consider Preliminary Plat for a Project Known as "The Farm" located at Gaines Ferry and McEver Road.</u>

There was a motion made to approve the preliminary plat for the project known as "The Farm: located at Gaines Ferry and McEver Road.

MOTION: Amy Farah
SECOND: Chris Mundy

Discussion:

Mr. Asbridge advised that he was in favor of this development and after studying the traffic study he does not feel traffic will be an issue.
AYES: Chris Mundy, Ed Asbridge, Leslie Jarchow, Amy Farah, Joe Anglin
NAYS: None
Motion carried

<u>Consider the appointment of three individuals to the Historic Preservation Committee as alternates.</u>

Planner Atkinson summarized the need for alternate members for the HPC.

There was a motion made to approve the appointment of Bob Hayes, Rick Lamb, and Ed Goss.

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

<u>Consider Annexation of three (3) parcels of land totaling 44.36 +/- acres of land for 102 single family detached subdivision.</u>

Attorney Bennett read the caption to Ordinance 587.

There was a motion made to approve Ordinance 587 and the annexation of 6490 McEver Road.

MOTION: Joe Anglin
SECOND: Ed Asbridge

Discussion:

Councilman Anglin advised that this property is already in front of a small subdivision and will be adjoining the property called "The Farm"

Councilman Angling advised that a pump station has to go in specific locations, and it has to be lower then the homes and it appears this may be the lowest spot and there is not a choice in its location.

Manager Andrew advised that the pump station would be under ground and there would be a generator that would be above ground but the distance from the residential use is quite significant.

Councilman Anglin inquired on screening.

Manager Andrew advised that it could have a vinyl fencing and landscaping but must remain accessible.

Councilman Asbridge advised there is no commercial proposed and inquired on why.

Planner Atkinson advised that the two parcels next to this would be incorporated to include a transition from residential homes to townhomes to commercial, but the adjoining property owner has not come to an agreement on price for a sale.

Manager Andrew stated that the City could consider a development agreement to pay into a larger pump station on this property to allow for future growth of the two properties to the north.

Councilman Anglin inquired on sidewalks and the developer noted that there would be sidewalks on both dies of the road.

Councilwoman Farah inquired if there could be an additional buffer between the property and the neighboring property owner's business.

Planner Atkinson advised that it could be considered at time of rezoning

Mr. Fricks, the developer, advised the lots are 147-foot lots so they would not be backing up to the neighboring property.

Mr. Fricks advised they could install additional buffers.

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

Attorney Bennett read the caption to Ordinance 588.

There was a motion made to approve the first reading of Ordinance 588 and the annexation of 6509 McEver Road.

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

Attorney Bennett read the caption to Ordinance 589.

There was a motion made to approve ordinance 589 and the annexation of 6533 McEver Road.

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

Councilman Anglin requested that staff discuss with the developer about having the homes that backup to McEver Road have some form of contour to them so as not to have flat backs facing McEver Road.

Resolution 20-006 - A Resolution to Formally Accept Roadways in the Sterling on the Lake Subdivision.

Attorney Bennett read the caption to Resolution 20-006.

There was a motion made to approve Resolution 20-006 as presented.

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

Resolution 20-007 - A Resolution to Formally Accept Roadways in the Sterling on the Lake Subdivision.

Attorney Bennett read the caption to Resolution 20-007.

There was a motion made to approve Resolution 20-007 as presented.
MOTION: Ed Asbridge
SECOND: Joe Anglin
AYES: Chris Mundy, Ed Asbridge, Leslie Jarchow, Amy Farah, Joe Anglin
NAYS: None
Motion carried

<u>Resolution 20-008 - A Resolution to Formally Accept Roadways in the Sterling on the Lake Subdivision</u>.

Attorney Bennett read the caption to Resolution 20-008.

There was a motion made to approve resolution 20-008 as presented.

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

<u>EXECUTIVE SESSION:</u>

There was a motion made to enter executive session at 8:59 for personnel and pending/potential litigation.

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

There was a motion made to reconvene open session at 10:02.

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

<u>ADJOURNMENT:</u>

There was a motion made to adjourn at 10:03 pm.

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