



**City of Flowery Branch
City Council Meeting
Thursday, January 2, 2025, 6:00 PM
City of Flowery Branch City Hall
5410 Pine Street, Flowery Branch, GA 30542**



CALL WORK SESSION TO ORDER:

PLEDGE OF ALLEGIANCE:

ADOPTION OF AGENDA:

AWARDS & RECOGNITIONS:

NEW BUSINESS -WORK SESSION:

- Discussion of Text Amendments to Article 6, Article 9, Legacy Zoning Categories and Public Hearing Advertisement Time Frame.
[Executive Summary Article 6 and Article 9 updated.pdf](#)
[Article 6 UPDATED 12-5-2024.pdf](#)
[Article 9 Table 9.1 UPDATED 12-5-2024.pdf](#)
[Draft Legacy Zoning Addition.pdf](#)
[Public Hearing Advertisement and Signs.pdf](#)
- Consider a Consulting Agreement with Jimmy Dean for Wastewater Consulting Services
[ES - Jimmy Dean 2025 contract.pdf](#)
[Consulting Agreement - J Dean 01 02 25.pdf](#)
- Consider the First Reading of Ordinance 728 for Publishing of 2025 General Election Qualifying Fees
[Executive Summary Ordinance 728 - 2025 Call for Election.pdf](#)
[Ordinance 728 - 2025 Call for Election.pdf](#)

DEPARTMENT REPORTS:

- a. City Manager Report
- b. City Clerk Report
- c. Department of Fun Report
- d. Finance Department Report
- e. Human Resources Report
- f. Planning Department Report
- g. Police Department Report
- h. Public Works & Utilities Report
- i. Attorney Report
- j. Council Report

ADJOURNMENT WORK SESSION:

VOTING SESSION AGENDA

CALL VOTING SESSION TO ORDER:

PUBLIC COMMENTS:

Please limit to two minutes

CONSENT AGENDA:

- Consider December 19, 2024 City Council Meeting Minutes
[Unofficial December 19, 2024 City Council Meeting Minutes.pdf](#)
- Consider December 2024 Per Diem for Mayor Asbridge
[December 2024 Mayor Asbridge Per Diem.pdf](#)

NEW BUSINESS - VOTING SESSION:

- Consider a Consulting Agreement with Jimmy Dean for Wastewater Consulting Services
[ES - Jimmy Dean 2025 contract.pdf](#)
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- Consider the First Reading of Ordinance 728 for Publishing of 2025 General Election Qualifying Fees
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EXECUTIVE SESSION:**ADJOURNMENT:**

If you have a disability or impairment and need special assistance please contact the City Clerk prior to the meeting at 770-967-6371 - Meeting agenda is subject to change



FLOWERY BRANCH CITY COUNCIL



EXECUTIVE SUMMARY

SUBJECT: Discussion of Text Amendments to Article 6, Article 9, Legacy Zoning Categories and Public Hearing Advertisement Time Frame.

COUNCIL MEETING DATE: January 2, 2025

HISTORY:

less than 15 days for advertisement of public hearings. Multiple sections of the City of Flowery Branch Code require 30 days. Staff is revising the appropriate sections to align with State law with no less the 15 days for advertisement and sign placement.

Legacy Zoning: Legacy Zoning Categories are classifications used in land use planning to address areas that were zoned under previous zoning ordinances but no longer align with current zoning practices or standards.

FACTS AND ISSUES:

Article 6 proposes to add a zoning category for Townhomes and Multifamily uses.

Public Hearing Advertisement and Sign: State law requires no less than 15 days for advertisement of public hearings. Multiple sections of the City of Flowery Branch Code require 30 days. Staff is revising the appropriate sections to align with State law with no less the 15 days for advertisement and sign placement.

Legacy Zoning: Legacy Zoning Categories are classifications used in land use planning to address areas that were zoned under previous zoning ordinances but no longer align with current zoning practices or standards.

OPTIONS:

IF FUNDING IS INVOLVED, ARE FUNDS APPROVED IN THE CURRENT BUDGET:

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

No action is needed as this is a discussion item only.

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Planning

ATTACHMENTS

- [Executive Summary Article 6 and Article 9 updated.pdf](#)
- [Article 6 UPDATED 12-5-2024.pdf](#)
- [Article 9 Table 9.1 UPDATED 12-5-2024.pdf](#)
- [Draft Legacy Zoning Addition.pdf](#)
- [Public Hearing Advertisement and Signs.pdf](#)



Memorandum

To: City of Flowery Branch, City Manager, and City Council

From: Chris McCrary, Community Development and Planning Director

Date: January 2nd, 2025

Subject: Executive Summary Text Amendment to Article 6 and Article 9

Summary:

Article 6

- Staff is proposing a text amendment to Article 6 to establish a new zoning district for single-family townhomes. This amendment outlines specific district dimensions for townhomes, with a maximum density of six units per acre. Existing Code Section 12.6 – Townhouses, mandates high architectural standards and varied building fenestrations to create visually distinct townhome developments. The code encourages the use of rear-load alleys and garages by permitting a zero-front setback for such designs. Incorporating a mix of front- and rear-loaded townhomes fosters architectural diversity and enhances the overall aesthetic of the development. Additionally, Code Section 10.22 – Open Space, requires single-family townhome developments to include various amenities through designated open and civic spaces.
- Staff is proposing a text amendment to Article 6 to establish a new zoning district for residential multi-unit housing. This amendment outlines specific district dimensions for multi-family units, with a maximum density of twelve units per acre. Existing Code Articles 10, 12 and 40 –mandate high architectural standards and varied building fenestrations to create visually distinct residential multi-unit developments. Additionally, Code Section 10.22 – Open Space, requires residential multi-unit developments to include various amenities through designated open and civic spaces.

Article 9

- Staff is proposing a text amendment to Article 9, Table 9.1 to make minor use changes. Large civic areas such as private clubs, churches, temples, synagogues, or places of worship are similar in holding a large congregation in a single room or building. Staff recommends these uses obtain a Conditional Use Permit. Often these uses occupy an existing building not intended to have the large gathering areas, such as a conversion from a warehouse to a large gathering area. A Conditional Use Permit would allow staff to confirm that minimum



- HVAC codes for air circulation are provided, proper exits are installed, sufficient parking is provided, and the site has safe ingress / egress.
- Table 9.2 – Permitted and Conditional Uses in Nonresidential Zoning Districts currently includes residential uses as a permitted use in several nonresidential zoning districts. However, the City’s zoning code already provides a specific category for mixed-use developments, making the inclusion of residential uses in the nonresidential table redundant. With the exception of the Central Business District (CBD), residential uses should not be permitted by right in nonresidential zoning categories. Instead, such developments should require a rezoning to the Mixed-Use category for consistency and proper alignment with the zoning framework.
 - Mixed-Use Building or Development is proposed to be removed from table 9.2. The City has adopted a Mixed-Use zoning category therefore the use in the table is redundant.
 - Table 9.2 currently includes Public Schools as a permitted use; however, it is proposed to remove this category from the table, as public schools are already exempt from zoning requirements. Private schools, listed as a use by right in the HB zoning district, require careful evaluation on a case-by-case basis. Specifically, consideration must be given to stacking and vehicular drop-off and pick-up areas to ensure traffic congestion and safety issues are not created by vehicles spilling into public streets. To address these concerns, each private school should be required to submit a traffic impact analysis that evaluates traffic patterns and the impact on road systems during peak demand times. To ensure these items are considered on a site-by-site basis, staff recommends private schools in HB zoning require a Conditional Use Permit.

ARTICLE 6
AGRICULTURAL AND CONVENTIONAL
RESIDENTIAL ZONING DISTRICTS

ARTICLE 6. - AGRICULTURAL AND CONVENTIONAL RESIDENTIAL ZONING DISTRICTS

Sec. 6.1. - A, Agricultural District.

- (a) *Purpose and Description.* The Agricultural District is established to maintain those areas within the City of Flowery Branch that are not intended to convert to urban or suburban development in the short term.
- (b) *Permitted and Conditional Uses.* Permitted and conditional uses shall be as provided in Table 6.1, "Permitted and Conditional Uses in Agricultural and Conventional Residential Zoning Districts."
- (c) *Dimensional Requirements.* Dimensional requirements shall be as provided in Table 6.2, "Dimensional Requirements in Agricultural and Conventional Residential Zoning Districts."
- (d) *Design Requirements.* See Articles 10, 12 and 40 of this Zoning Ordinance.

Sec. 6.2. – R-1, Residential, Detached Single Family, Low-Density District.

- (a) *Purpose and Description.* This zoning district is established to accommodate single-family residences at low suburban densities and to protect the future development of land in accordance with the comprehensive plan. This district consists predominantly of detached single-family dwellings (site built or modular) and is "" intended to implement the "suburban residential" character area established in the comprehensive plan. The regulations that apply to the R-1 district are designed to encourage the formation and continuance of a stable, healthy, and attractive living environment for its residents.
- (b) *Permitted and Conditional Uses.* Permitted and conditional uses shall be as provided in Table 6.1, "Permitted and Conditional Uses in Agricultural and Conventional Residential Zoning Districts."
- (c) *Dimensional Requirements.* Dimensional requirements shall be as provided in Table 6.2, "Dimensional Requirements in Agricultural and Conventional Residential Zoning Districts."
- (d) *Design Requirements.* See Articles 10, 12 and 40 of this Zoning Ordinance.

Sec. 6.3. - R-2, Residential, Detached Single Family

- (a) *Purpose and Description.* This zoning district is established to accommodate single-family residences at moderate suburban densities and to protect the future development of land in accordance with the comprehensive plan. This district consists of detached single-family dwellings (site built or modular) and is intended to implement the "suburban residential" character area established in the comprehensive plan. The regulations that apply to the R-2

district are designed to encourage the formation and continuance of a stable, healthy, and attractive living environment for its residents.

- (b) *Permitted and Conditional Uses.* Permitted and conditional uses shall be as provided in Table 6.1, "Permitted and Conditional Uses in Agricultural and Conventional Residential Zoning Districts."
- (c) *Dimensional Requirements.* Dimensional requirements shall be as provided in Table 6.2, "Dimensional Requirements in Agricultural and Conventional Residential Zoning Districts."
- (d) *Design Requirements.* See Articles 10, 12 and 40 of this Zoning Ordinance.

Sec. 6.4. - MHP, Manufactured Home Park District.

- (a) *Purpose and Description.* This zoning district is intended exclusively for the placement of manufactured homes in manufactured home parks and for the development of land in accordance with the comprehensive plan. This district is also intended to implement the "urban density community" character area established in the comprehensive plan, as it pertains to existing manufactured home park use. The regulations that apply to the MHP district are designed to encourage the formation and continuance of a stable, healthy, and attractive living environment for its residents.
- (c) *Permitted and Conditional Uses.* Permitted and conditional uses shall be as provided in Table 6.1, "Permitted and Conditional Uses in Agricultural and Conventional Residential Zoning Districts."
- (d) *Dimensional Requirements.* Dimensional requirements shall be as provided in Table 6.2, "Dimensional Requirements in Agricultural and Conventional Residential Zoning Districts." Dimensional requirements such as specifications for manufactured home spaces shall be as designated on an approved site plan.
- (e) *Limitations on Rezoning.* There shall be no rezoning to the MHP zoning district, unless it is contiguous to an existing MHP zoning district, or unless it is designated MHP at the time of annexation into the city limits.
- (f) *Design Requirements.* See Articles 10 and 40 of this Zoning Ordinance.

Sec. 6.5. – SF-TH, Single Family Attached Townhome District.

- (a) *Purpose and Description.* This zoning district is intended exclusively for the development and construction of single family attached townhomes in accordance with the comprehensive plan. This district is also intended to implement the "urban density community" character area established in the comprehensive plan. The regulations that apply to the SF-TH district are designed to encourage the formation and continuance of a stable, healthy, and attractive living environment for its residents.
- (b) *Permitted and Conditional Uses.* Permitted and conditional uses shall be as provided in Table 6.1, "Permitted and Conditional Uses in Agricultural and Conventional Residential Zoning Districts."

- (c) *Dimensional Requirements.* Dimensional requirements shall be as provided in Table 6.2, "Dimensional Requirements in Agricultural and Conventional Residential Zoning Districts."
- (d) (f) *Design Requirements.* See Articles 10, 12, and 40 of this Zoning Ordinance.

Sec. 6.6. RMU Residential Multi-Unit

- (a) *Purpose and Description.* This zoning district is intended to implement the "multi-unit-family residential" designation of the future land use plan contained within the comprehensive plan of the City of Flowery Branch. It is also intending to implement the "urban density communities" character area established in the comprehensive plan.
- (b) *Permitted and Conditional Uses.* Permitted and conditional uses shall be as provided in Table 6.1, "Permitted and Conditional Uses in Agricultural and Conventional Residential Zoning Districts."
- (c) *Dimensional Requirements.* Dimensional requirements shall be as provided in Table 6.2, "Dimensional Requirements in Agricultural and Conventional Residential Zoning Districts."
- (d) *Design Requirements.* See Articles 10, 12 and 40 of this Zoning Ordinance.
- (e) *Parking Requirements.* See Articles 21.

Table 6.1
Permitted and Conditional Uses in
Agricultural and Conventional Residential Zoning Districts
(P = Permitted Use C = Conditional Use X = Prohibited)

Use	A	R-1	R-2	MHP	SF-TH	RMU
Accessory apartment, attached	X	X	C	X	X	C
Accessory apartment, detached	X	C	C	X	X	C
Accessory building, structure, or use	P	P	P	P	X	P
Agriculture, production of field crops, fruits, nuts, and vegetables	P	P	X	X	X	X
Agriculture, raising of poultry or livestock	P	C	X	X	X	X
Cemetery	P	C	C	X	X	X
Church, temple, synagogue, or place of worship, including specified accessory uses (see Sec. 14.3) (Ord. 348-11)	C	C	C	X	X	X
Club or lodge, nonprofit, sponsored by a civic or similar organization	C	C	C	X	X	C
Community recreation	P	P	P	P	P	P
Conservation areas and passive recreational facilities	P	P	P	P	P	P
Conservation subdivision	C	C	P	P	X	X
Construction field office (temporary use)	X	X	P	P	P	P
Dwelling, single-family detached, fee-simple	P	P	P	X	X	X
Dwellings, single-family detached, condominium	X	X	X	X	X	X
Dwelling, townhouse (single-family attached, fee-simple)	X	X	X	X	P	X
Dwelling, two-family (duplex); three-family (tri-plex)	X	X	X	X	X	X
Dwelling, multi-family (apartment, attached residential condominium)	X	X	X	X	X	C
Garden, non-commercial, accessory to single-family detached dwelling	P	P	P	X	X	X
Golf course	P	P	P	X	P	C

Use	A	R-1	R-2	MHP	SF-TH	RMU
Guest house (accessory building/use)	P	P	P	X	X	X
Home occupation (Office Use Only)	P	P	P	P	P	P
Horse stables, non-commercial, as accessory to single-family residential use	P	C	X	X	X	X
Leasing or sales office for a subdivision or residential development (accessory or principal use)	P	P	P	P	P	P
Manufactured home, Class A	C	X	X	P	X	X
Model home for single-family subdivision or townhomes (temporary)	P	P	P	X	P	X
Public or semi-public use	P	P	P	X	P	P
School, private, elementary, middle, or high (Ord. 348-11)	C	C	x	X	X	X
School, public	P	x	x	X	X	X
School, special	C	x	x	X	X	X
Temporary use	P	P	P	X	P	P

Table 6.2
Dimensional Requirements for Agricultural and
Conventional Residential Zoning Districts

Requirement (measurement unit)	A	R-1	R-2	MHP	SF-TH	RMU
Maximum height (feet)	75	35	35	35	35	75
Maximum height (number of stories)	3	3	3	1	3	5
Maximum density (units per acre)	0.333	2.18	4	4	6	12
Minimum lot size for detached single-family dwelling (square feet) (1)	130,680	20,000	15,000	10,000	N/A	N/A
Minimum lot size for two-family dwelling (square feet) (1)	N/A	N/A	N/A	N/A	N/A	N/A

Minimum lot size for other uses (square feet) (1)	130,680	43,560	15,000	10,000	10,000	10, 000
Minimum lot width (feet)	200	90	75	50	26	N/A
Minimum heated floor area per dwelling unit (square feet)	2,500	2,200	2,000	1,000	1,500	1,000
Minimum front yard setback from lot line, all principal buildings (feet)	80	35	25	25	25 (0 if townhomes are alley accessed with rear entry garages)	25
Minimum side setback, interior lot line, all principal buildings (feet)	25	25	15	20	5 (min. 10 between buildings)	20 (min. 10 between buildings)
Minimum side setback, corner lot, all principal buildings (feet)	60	35	25	20	5	20
Minimum rear setback, all principal buildings (feet)	35	25	20	20	20	20
Minimum setback, all principal or accessory buildings and structures abutting residential	Side and rear setbacks shall apply	50	50	100	50	50
Minimum width of natural buffer abutting residential	None			40	35	50
Minimum landscape strip required along right-of-ways for any nonresidential use if permitted (width in feet)	15	15	10	10	20	20
Minimum landscape strip required along	N/A	N/A	N/A	N/A	N/A	20

right-of-ways for any apartment or condominium (multi-family residential) use (width in feet)						
Minimum landscape strip required along side property lines for any nonresidential use if permitted (width in feet)	5	5	5	5	10	15
Maximum coverage of principal and accessory buildings (percent of lot)	25	25	35	50	N/A	40
Minimum landscaped open space, all principal uses except detached, single-family residential lots (percent)	20	20	15	15	25	30

(1) Where on on-site sewage system is not available, minimum lot size requirements of the Hall County Environmental Health Department shall be required and may exceed these minimums.

Table 9.1
Permitted and Conditional Uses in Nonresidential Zoning Districts
(P = Permitted Use C = Conditional Use X = Prohibited)

Use	O-P	INST	NS	HB	CBD	M-1	M-2
Accessory building, structure, or use	P	P	P	P	P	P	P
Adaptive reuse of a detached single-family dwelling for a personal service establishment or enclosed retail establishment	C	C	P	P	P	X	X
Adult business (see Adult Entertainment of Code of Ordinances No. 360)	X	X	X	X	X	P	P
Agricultural processing	X	X	X	X	X	X	C
Aircraft landing area	X	X	X	X	X	X	C
Animal hospital or veterinary clinic	P	P	P	P	X	X	X
Animal rendering, slaughtering, and recycling plant	X	X	X	X	X	X	X
Animal shelter	X	P	X	C	X	P	P
Apparel manufacturing	X	X	X	X	X	P	P
Art gallery	P	P	P	P	P	X	X
Asphalt plant	X	X	X	X	X	X	C
Auction house or auction yard (excluding livestock)	X	X	X	X	X	P	P
Auction house or auction yard (including livestock)	X	X	X	X	X	X	P
Automated teller machines (accessory use)	P	P	P	P	X	P	P
Automobile sales and service establishment	X	X	X	P	X	X	X
Automobile sales without service	X	X	X	P	X	X	X
Automobile service establishment without sales	X	X	X	P	X	P	P
Bank or financial institution	P	P	P	P	P	X	X
Batching plant	X	X	X	X	X	X	C
Bed and breakfast inn	P	P	P	P	P	X	X
Big box commercial building	X	X	X	C	X	C	C
Borrow site	X	C	X	C	X	X	P
Botanical garden	P	P	P	C	X	X	X
Bottling or canning plant	X	X	X	X	X	C	P
Brew pub	X	C	P	P	P	P	P
Brewery or distillery	X	X	X	X	X	P	P
Broadcasting studio	P	P	P	P	X	P	P
Building material sales	X	X	X	C	X	P	P
Building sales establishment	X	X	X	C	X	P	P
Bulk storage	X	X	X	X	X	X	P
Business service establishment, not exceeding 2,500 square feet of gross floor area	C	C	P	P	P	P	P
Business service establishment, more than 2,500 square feet of gross floor area	X	X	X	P	P	P	P
Camp or campground	X	C	X	C	X	X	X
Car wash	X	X	X	C	X	P	P
Caretaker's residence	X	X	X	C	C	P	P

Use	O-P	INST	NS	HB	CBD	M-1	M-2
Carnival	X	X	X	C	X	X	P
Cemetery or mausoleum	X	P	X	C	X	P	P
Church, temple, synagogue, or place of worship, including specified accessory uses (see Section 14.3) (Ord. 348-11)	P-C	P	C	P-C	X	C	C
Clinic	P	P	P	P	X	X	X
Club or lodge, nonprofit, sponsored by a civic or similar organization	P-C	P	C	P-C	X	C	C
Club, private (Ord. 348-11)	X	C	X	C	X	X	X
Cold storage plant or frozen food locker	X	X	X	X	X	P	P
Co-generation facility	X	X	X	X	X	C	C
College or university (Ord. 348-11)	C	P	X	C	X	C	C
Commercial recreational facility, indoor (Ord. 348-11)	X	X	C	P	X	C	C
Commercial recreational facility, outdoor	X	X	X	C	C	C	C
Communication tower and antenna	P	P	X	P	X	P	P
Community recreation area	P	P	P	P	P	P	P
Composting facility	X	X	X	X	X	X	P
Conservation areas and passive recreational facilities	P	P	P	P	P	P	P
Construction field office and/or yard (temporary use)	X	P	X	P	X	P	P
Continuing care retirement community	C	P	X	P	C	X	X
Contractor's establishment	X	X	X	P	X	P	P
Convenience store, with or without gasoline pumps	X	X	X	C	X	X	X
Cottage industry	P	P	P	P	P	P	P
Crematorium in conjunction with a funeral home or mortuary (Ord. 348-13)	X	C	X	C	X	P	P
Crematorium not in conjunction with a funeral home or mortuary (Ord. 348-13)	X	X	X	X	X	X	P
Crisis center	C	P	X	P	X	P	P
Custom order shop	X	X	P	P	P	P	P
Day care center serving no more than 17 persons	P	P	P	P	X	C	C
Day care center serving 18 persons or more	X	P	C	P	X	C	C
Distribution center, including truck terminals	X	X	X	C	X	P	P
Dry cleaning plant	X	X	X	C	X	P	P
Dwelling, single-family detached, fee-simple	P-X	P-X	X	X	P-C	X	X
Dwelling, single-family detached, condominium	P-X	P-X	X	X	P-C	X	X
Dwelling, townhome (single-family attached fee-simple)	X	X	X	X	P-C	X	X
Dwelling, multi-family	X	X	X	X	P-C	X	X
Dwelling, two-family (duplex)	C-X	C-X	X	X	X	X	X
Dwelling, located within a building containing a nonresidential principal use	X	X	X	X	X	X	X
Explosives storage	X	X	X	X	X	X	C
Exterminating and pest control business or disinfecting service	X	X	C	P	X	P	P

Use	O-P	INST	NS	HB	CBD	M-1	M-2
Extraction and removal of sand, gravel, top soil, clay, dirt, precious metals, gems, and minerals	X	X	X	X	X	X	C
Fairgrounds	X	P	X	X	C	P	P
Finance, insurance, and real estate establishment, 2,500 square feet or less of gross floor area per establishment	P	P	P	P	P	P	P
Finance, insurance, and real estate establishment, more than 2,500 square feet of gross floor area per establishment	P	P	P	P	P	X	X
Food processing plant	X	X	X	X	X	X	P
Fuel oil distributor	X	X	X	X	X	P	P
Funeral home or mortuary	X	X	X	C	X	P	P
Gas tank sales	X	X	X	C	X	X	P
Greenhouse (commercial)	X	X	X	P	X	P	P
Group home	C	P	X	P	X	X	X
Growler	X	X	X	P	P	X	X
Gym or exercise facility, not open 24 hours a day	P	P	P	P	P	P	P
Gym or exercise facility open 24 hours a day	P	P	X	P	P	P	P
Hazardous waste receiving, handling, and/or disposal facility, or volatile organic liquid handling and storage	X	X	X	X	X	X	C
Health spa	X	X	X	P	P	P	P
Hospital	C	P	X	P	C	C	C
Incinerator	X	X	X	X	X	X	C
Institutional residential living and care facility, serving no more than 17 persons	P	P	P	P	X	X	X
Institutional residential living and care facility, serving 18 persons or more	C	P	X	P	X	X	X
Junk/salvage yard	X	X	X	X	X	X	C
Kennel	X	X	X	P	X	P	P
Laboratory	P	P	C	P	X	P	P
Landfill (sanitary, construction/demolition, inert waste)	X	X	X	X	X	X	C
Landscaping company	X	X	X	P	X	P	P
Live/work unit	C	X	C	C	P	P	P
Lodging service (hotel, motel, motor hotel, inn)	X	C	X	P	P	X	X
Logging yard	X	X	X	X	X	X	P
Lumber yard	X	X	X	C	X	P	P
Machine shop	X	X	X	P	X	P	P
Manufactured home, "Class A"	X	X	X	X	X	X	X
Manufactured home other than "Class A"	X	X	X	X	X	X	X
Manufactured home park	X	X	X	X	X	X	X
Manufacturing, ceramics	X	X	X	X	X	C	P
Manufacturing, cosmetics or toiletries	X	X	X	X	X	P	P
Manufacturing, coating of cans, coils, fabrics, vinyl, metal furniture, appliance surfaces, wire, paper, and flat wood paneling	X	X	X	X	X	C	C

Use	O-P	INST	NS	HB	CBD	M-1	M-2
Manufacturing, electronics, camera, or photographic or communication equipment	X	X	X	X	X	P	P
Manufacturing, instrument assembly	X	X	X	X	X	P	P
Manufacturing, metal products	X	X	X	X	X	C	P
Manufacturing, pharmaceuticals and medical supplies	X	X	X	X	X	P	P
Manufacturing, textiles	X	X	X	X	X	P	P
Manufacturing, wood products	X	X	X	X	X	P	P
Manufacturing, processing, and assembling, within buildings, not otherwise specified	X	X	X	X	X	C	C
Marina	X	C	X	P	X	X	X
Materials recovery facility	X	X	X	X	X	X	C
Micro-brewery	X	X	X	X(1)	C	X	X
Micro-distillery	X	X	X	X(1)	C	X	X
Mixed use building or development	C	X	P	P	P	C	X
Museum	P	P	P	P	P	P	P
Office	P	P	P	P	P	P	P
Office-warehouse	X	X	X	C	X	P	P
Open air business	X	X	X	P	C	C	C
Open storage yard (principal use)	X	X	X	C	X	P	P
Package store	X	X	X	P	X	X	X
Parking deck or structures, on-site or off-site	C	C	X	P	C	C	C
Parking lot, off-site	P	P	P	P	C	P	P
Personal service establishment	C	C	P	P	P	P	P
Petroleum bulk storage site	X	X	X	X	X	X	P
Power plant, private	X	X	X	X	X	X	C
Public or semi-public use	P	P	P	P	P	P	P
Rail yard	X	C	X	X	X	X	P
Railroad freight terminal	X	C	X	X	X	X	P
Recreational vehicle park	X	X	X	C	X	X	X
Recovered materials processing facility	X	X	X	X	X	X	C
Recycling center	X	X	X	X	X	C	C
Restaurant, excluding drive-ins or drive through facilities and fast-food restaurants as defined	X	C	P	P	P	P	P
Restaurant, including drive-ins or drive through facilities and fast-food restaurants as defined	X	X	X	P	X	C	C
Retail trade establishment, enclosed	X	X	P	P	P	P	P
Retreat center	P	P	X	P	X	X	X
Riding academy or equestrian center	X	X	X	P	X	C	C
Rooming or boarding house	C	X	X	C	X	X	X
Sawmill	X	X	X	C	X	X	P
School for the arts (Ord. 348-10; Ord. 348-11)	P	P	C	P	C	C	C
School, private, elementary, middle, or high (Ord. 348-11)	P	P	C	P-C	X	C	C
School, public	P	P	X	X	X	X	X
School, professional (Ord. 348-11)	P	P	C	P	X	C	C
School, special (Ord. 348-11)	P	P	X	X	X	C	C
School, trade (Ord. 348-11)	C	C	X	X	X	C	C

Use	O-P	INST	NS	HB	CBD	M-1	M-2
Self-service storage facility (mini-warehouse)	X	X	X	C	X	P	P
Service and fuel-filling station	X	X	X	P	X	P	P
Showroom	X	X	X	X	X	P	P
Slaughterhouse	X	X	X	X	X	X	C
Solid waste handling and/or transfer facility	X	X	X	X	X	X	C
Special event facility (Ord. 348-11)	C	P	C	P	X	X	X
Taxi cab and limousine service	X	X	X	X	X	X	X
Temporary use approved by the Zoning Administrator	P	P	P	P	P	P	P
Therapeutic camp	X	C	X	X	X	X	X
Tow service	X	X	X	P	X	C	P
Truck stop or truck terminal	X	X	X	C	X	X	P
Utility company	P	P	X	P	X	P	P
Utility company substation	P	P	P	P	P	P	P
Vehicle emission testing facility	X	X	X	P	X	P	P
Warehouse or storage building	X	X	X	C	X	P	P
Water plant or wastewater treatment facility	X	X	X	X	X	X	X
Wholesale trade establishment	X	X	X	C	C	P	P
Wireless telecommunications equipment	X	C	X	C	X	C	C
Wireless telecommunications facility	X	C	X	C	X	C	C
Wrecked motor vehicle compound	X	X	X	C	X	X	P
Yoga Studio	P	P	P	P	P	P	P

Note 1. Building Height and Number of Stories. The maximum height of any building, including those on lots subsequently zoned CBD after the effective date of this zoning ordinance amendment, shall be three stories and 45 feet, except as follows:

The maximum building height shall be four stories and 60 feet for the following city blocks: The city block bounded by Railroad Avenue, Pine Street Extension, Church Street, and Chestnut Street; the city block bounded by Railroad Avenue, Main Street, Church Street, and Pine Street Extension; and the city block bounded by Railroad Avenue, Bailey Drive, Church Street, and Main Street. The building height may project 6 feet above the maximum for purposes of screening roof mounted equipment, safety railings and/or other service equipment.

X(1): HB zoned properties located within the downtown overlay district may operate micro-breweries or micro-distilleries subject to the granting of a Conditional Use Permit.

Draft: Legacy Zoning Section Summary

Legacy Zoning Categories are classifications used in land use planning to address areas that were zoned under previous zoning ordinances but no longer align with current zoning practices or standards. These categories serve several purposes and reflect specific intents:

Purpose of Legacy Zoning Categories

1. **Preservation of Existing Uses:**
 - They allow pre-existing developments or land uses that do not conform to current zoning regulations to continue operating without requiring immediate changes.
 2. **Transition Management:**
 - Legacy zoning serves as a bridge, helping jurisdictions transition from older zoning codes to updated frameworks without disrupting established neighborhoods or businesses.
 3. **Legal and Practical Recognition:**
 - These categories prevent the creation of unnecessary legal nonconformities by formally recognizing older zoning designations until a formal rezoning process can be completed.
 4. **Gradual Redevelopment:**
 - They enable gradual redevelopment over time, allowing property owners to adapt to new zoning standards without immediate financial or operational burdens.
-

Intent of Legacy Zoning Categories

1. **Flexibility for Property Owners:**
 - Provide property owners with flexibility to maintain or improve their properties within the context of the older zoning regulations.
2. **Historical Integrity:**
 - Protect the character of older neighborhoods or districts that might have unique historical or cultural significance not reflected in modern zoning.
3. **Minimization of Conflict:**
 - Reduce conflicts between property owners and the local government by providing a clear pathway to eventual compliance with updated zoning codes.
4. **Support for Comprehensive Planning:**
 - Align legacy zones with long-term comprehensive plans, ensuring future development or redevelopment aligns with community goals and vision.

- **Article 6, Sec. 6.5 – Legacy Zoning Categories**

Legacy Zoning Categories are classifications used in land use planning to address areas that were zoned under previous zoning ordinances but no longer align with current zoning practices or standards. These categories serve several purposes and reflect specific intents.

- a) R-3, Residential Multi-Family District

- 1. The purpose of the Legacy Residential Multi-Family District is to recognize multi-family Zones established for which a category is shown on the official Zoning Map but is no longer an active district after June 1st, 2023. The purpose of the Residential Multi-Family District was intended to provide for higher density residential development and related uses and to protect the future development of land in accordance with the comprehensive plan. This district consists predominantly of multi-family residences (apartment complexes and townhouses), two-family residences, and detached single-family dwellings (site built or modular) and is intended to implement the "urban density community" character area established in the comprehensive plan. The regulations that apply to the R-3 district are designed to encourage the formation and continuance of a stable, healthy, and attractive living environment for its residents.

- b) PUD, Planned Unit Development District.

- 1. The purpose of the Legacy Planned Unit Development District is to recognize Planned Unit Development Zones established for which a category is shown on the official Zoning Map but is no longer an active district after June 1st, 2023. The purpose of the Planned Unit Development District was intended to implement certain residential and mixed-use developments in a way that meets objectives that cannot necessarily be accomplished by conventional residential zoning districts. It is specifically intended to primarily implement the "suburban residential" character area established in the comprehensive plan but may also be used to implement the "urban density community", "mixed use - neighborhood", and "activity center" character areas.

Article 33 – Text Amendments

Sec. 33.5. - Notice of Public Hearing.

At least ~~thirty (30)~~ **fifteen (15)** but not more than forty-five (45) days prior to the date of the public hearing before the City Council, the city shall cause to be published within a newspaper of general circulation within the City a notice of the public hearing before Mayor and City Council. The notice shall state the time, place, and purpose of the public hearing.

Article 34 – Rezoning and Conditional Use Applications

- **Sec. 34.12. - Notice of Public Hearing.**

- a) At least ~~thirty (30)~~ **fifteen (15)** but not more than forty-five (45) days prior to the date of the public hearing before City Council, the city shall cause to be published within a newspaper of general circulation within the City a notice of the public hearing before Mayor and City Council, on each application that is the subject of this Article. The notice shall state the time, place, and purpose of the public hearing.
- b) If the zoning decision of a local government is for the rezoning of property and the rezoning is initiated by a party other than the local government, then the notice shall include the location of the property, the present zoning classification, and the proposed zoning classification of the property.
- c) Each public notice sign pertaining to a conditional use shall state the existing or proposed zoning classification and the proposed use of the property. Each public notice sign pertaining to a concurrent variance shall state the proposed zoning classification and the type of variance applied for.

- **Sec. 34.13. - Public Notice Sign.**

- a) For all applications involving an amendment to the official zoning map, application for conditional use, or application for a concurrent variance, the Zoning Administrator shall cause to have posted in a conspicuous location on said property one (1) or more sign(s).
- b) The public notice sign shall be erected not less than ~~thirty (30)~~ **fifteen (15)** calendar days prior to the public hearing before the City Council pertaining to said application. Each public notice sign shall state the time, place, and purpose of the public hearing and the location of the property.
- c) Each public notice sign pertaining to an amendment to the official zoning map shall state the present zoning classification and the proposed zoning classification of the property.
- d) Each public notice sign pertaining to a conditional use shall state the existing or proposed zoning classification and the proposed use of the property.

Article 37 - Variances

- **Sec. 37.10. - Notice of Public Hearing.**

- a) At least ~~thirty (30)~~ **fifteen (15)** but not more than forty-five (45) days prior to the date of the public hearing before the City Council, the city shall cause to be published within a newspaper of general circulation within the City a notice of the public hearing before Mayor and City Council, on the variance application. The notice shall state the time, place, and purpose of the public hearing.
- b) Each public notice sign pertaining to a concurrent variance shall state the proposed zoning classification and the section or sections of the Zoning Ordinance proposed to be varied.

- **Sec. 37.11. - Public Notice Sign.**

- a) For all variance applications the Zoning Administrator shall cause to have posted in a conspicuous location on said property one (1) or more sign(s).
- b) The public notice sign shall be erected not less than ~~thirty (30)~~ **fifteen (15)** calendar days prior to the public hearing before the City Council pertaining to said application. Each public notice sign shall state the time, place, and purpose of the public hearing before the City Council, and the location of the property.
- c) Each public notice sign pertaining to an amendment to the official zoning map shall state the section or sections of the zoning ordinance proposed to be varied.

Article 38 – Administrative Variances

Sec. 38.8. - Procedures.

Administrative variance applications shall be considered and processed in accordance with the requirements of this Section.

- a) Director of Planning and Community Development shall review all completed applications, as described under [Section 38.6](#).
- b) At least ~~thirty (30)~~ **fifteen (15)** but not more than forty-five (45) days prior to the date the Director of Planning and Community Development considers an administrative variance for approval, the City shall cause to be published within a newspaper of general circulation within the city a notice stating the time, place, and purpose. Notice shall also be provided by first class mail to the owner of the property that is subject to the proposed administrative variance. This notification letter shall include the same

information as the published notice and shall be mailed using the USPS Certificate of Mailing at least thirty (30) days prior to consideration by the Director.

- c) The Director of Planning and Community Development Director shall render a final decision on any application for administrative variance on or before ten (10) days following the published date of consideration for approval.
- d) The applicant shall be informed in writing of the Director's decision and the findings of fact supporting the decision, which shall be sent by regular mail within five (5) working days of the date of the decision. Failure to receive the written decision within five (5) working days shall not constitute a procedural error on the part of the City, nor affect the decision of the Director in any manner.



FLOWERY BRANCH CITY COUNCIL



EXECUTIVE SUMMARY

SUBJECT: Consider a Consulting Agreement with Jimmy Dean for Wastewater Consulting Services

COUNCIL MEETING DATE: January 2, 2025

HISTORY:

The City of Flowery Branch benefitted from the employment of Jimmy Dean for over 24 years as its Water/Wastewater Director. On January 5, 2023, the city entered into a contract for consulting services with Jimmy Dean for water/wastewater services for one year with an anticipated amount not to exceed \$72,000 of which \$59,512.59 was spent. In 2024, the same contract was signed for another year with an amount not to exceed \$72,000 of which \$34,293.75 had been spent as of the date of this executive summary.

FACTS AND ISSUES:

Jimmy Dean served as a consultant during 2023 and 2024 and has provided valuable information in the daily operations as well as the design of the city's new wastewater treatment plant. He has agreed to continue working an average of two days per month (compared to two days per week previously) as he is providing institutional knowledge during construction of the new plant.

The wastewater treatment plant is now under construction with an anticipated completion date of August 2026. Jimmy Dean's advice continues to be sought and is of much value to the City of Flowery Branch during construction. Staff has recommended that Jimmy Dean's schedule is adjusted to the first two Thursdays out of the month for four hours each day, and as needed by telephone.

The attached consulting agreement is for calendar year 2025.

OPTIONS:

- 1) Approve the consulting agreement.
- 2) Do not approve the consulting agreement.

IF FUNDING IS INVOLVED, ARE FUNDS APPROVED IN THE CURRENT BUDGET:

Yes

AMOUNT AND SOURCE OF FUNDS:

Water Wastewater Fund

RECOMMENDATION:

Approve the third consulting agreement with Jimmy Dean for wastewater consulting services for calendar year 2025.

SAMPLE MOTION:

I make a motion to approve the consulting agreement with Jimmy Dean for calendar year 2025.

COLLABORATING DEPARTMENT:

DEPARTMENT: Water/Wastewater

Prepared by: Shelia Cooper

ATTACHMENTS

- [ES - Jimmy Dean 2025 contract.pdf](#)
- [Consulting Agreement - J Dean 01 02 25.pdf](#)



FLOWERY BRANCH CITY COUNCIL EXECUTIVE SUMMARY

SUBJECT: Consulting Agreement with Jimmy Dean for Wastewater Consulting Services

DATE: December 20, 2024

☒ **RECOMMENDATION**
☐ **POLICY DISCUSSION**
☐ **STATUS REPORT**
☐ **OTHER**

BUDGET INFORMATION:

ANNUAL- Up to \$15,120
CAPITAL-

COUNCIL ACTION REQUESTED ON: January 2, 2025

PURPOSE: To approve another consulting agreement with Jimmy Dean for wastewater consulting services for calendar year 2024.

HISTORY: The City of Flowery Branch benefitted from the employment of Jimmy Dean for over 24 years as its Water/Wastewater Director. On January 5, 2023, the city entered into a contract for consulting services with Jimmy Dean for water/wastewater services for one year with an anticipated amount not to exceed \$72,000 of which \$59,512.59 was spent. In 2024, the same contract was signed for another year with an amount not to exceed \$72,000 of which \$34,293.75 had been spent as of the date of this executive summary.

FACTS AND ISSUES: Jimmy Dean served as a consultant during 2023 and 2024 and has provided valuable information in the daily operations as well as the design of the city's new wastewater treatment plant. He has agreed to continue working an average of two days per month (compared to two days per week previously) as he is providing institutional knowledge during construction of the new plant.

The wastewater treatment plant is now under construction with an anticipated completion date of August 2026. Jimmy Dean's advice continues to be sought and is of much value to the City of Flowery Branch during construction. Staff has recommended that Jimmy Dean's schedule is adjusted to the first two Thursdays out of the month for four hours each day, and as needed by telephone.

The attached consulting agreement is for calendar year 2025.

OPTIONS:

- 1) Approve the consulting agreement.
 - 2) Do not approve the consulting agreement.
-
-

RECOMMENDED SAMPLE MOTION:

I make a motion to approve the consulting agreement with Jimmy Dean for calendar year 2025.

DEPARTMENT: Public Utilities

Prepared by: Peter Woerner

**CONSULTING AGREEMENT BY AND BETWEEN
THE CITY OF FLOWERY BRANCH AND JIMMY DEAN**

This Consulting Agreement ("Agreement") is entered into as of January 2, 2025, and is effective as of January 2, 2025 ("Effective Date"), by and between the City of Flowery Branch, a Georgia municipal corporation ("City"), and Jimmy Dean, a resident of the state of Georgia whose permanent address is 255 Night Hawk View, Demorest, Georgia, 30535 ("Consultant").

WHEREAS, City provides public water and sewer utility services including but not limited to the construction, operation and maintenance of a water system and a sewer system within and without the jurisdiction of the City;

WHEREAS, Consultant retired from City on January 2, 2023;

WHEREAS, Consultant is a former employee of City and has knowledge of the public water and sewer utility services provided by City; and,

WHEREAS, City desires to obtain, and Consultant desires to provide, consulting services in accordance with the terms of this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants herein contained, and for other good and valuable consideration, the receipt and sufficiency of which are herein contained, City and Consultant agree as follows:

1. Consulting Services. During the term of this Agreement, Consultant agrees to provide advice and assistance on matters about which Consultant has knowledge and familiarity ("Consulting Services") to City making himself available as reasonably requested by City. Where such Consulting Services must be provided in person, City will accommodate Consultant's availability to every extent possible. Any time expended on travel associated with the provision of Consulting Services shall be considered as Consulting Services.
2. Authority and Relationship. Except as otherwise consented to or directed by City in writing, Consultant does not have the authority to act on behalf of the City to (a) accept or reject any inquiry; (b) respond to a request/complaint from any person; or, (c) enter into any agreement or contract. City and Consultant agree that Consultant is an independent contractor of City and that no employer-employee relationship shall exist between City and Consultant.
3. Compliance with Laws. In rendering the Consulting Services under this Agreement, City and Consultant agree that they will comply with any and all applicable laws, regulations, decrees or other local, state or federal directives having the force of law.

4. Fees. Consulting Services shall be billed at an hourly rate of \$78.75 not to exceed \$1,260 per calendar month. Such amounts will be payable within thirty (30) days of the receipt of Consultant's invoice. Time spent on Consulting Services shall be tracked and billed in increments of not less than .25 of an hour. Consultant shall be responsible for all personal income taxes and similar obligations with respect to any and all payments hereunder, including without limitation, all federal and state income tax, social security tax and any withholding or similar obligations of Consultant. City shall provide Consultant with a phone to be used only for providing the services set forth in this Agreement.
5. Term. This Agreement shall automatically terminate one (1) year after the Effective date with no further documents to be executed by the parties. This Agreement may only be extended by an amendment to this Agreement set forth in writing signed by both the City and Consultant.
6. Payments Due Upon Cancellation. City and Consultant shall have the right to cancel this Agreement for any reason upon thirty (30) days written notice. If the Agreement is cancelled by either party, Consultant is not entitled to any additional payments other than fees earned up and through the date of cancellation.
7. Notices. All formal notices, request, consents and other communications hereunder shall be in writing and shall be emailed to the other party at the email address provided below with a copy forwarded by first class mail or overnight courier, fully prepaid and addressed as follows:

To the City at:

Tonya Parrish, City Manager
City of Flowery Branch
5410 West Pine Street
Flowery Branch, Georgia 30542
770-967-6731
tonya@flowerybranchga.org

To the Consultant at:

Jimmy Dean
Jimmy Dean Consulting Services
255 Night Hawk View
Post Office Box 1514
Demorest, Georgia 30535
678-776-1074

8. Miscellaneous. This Agreement sets forth the understanding between the parties and supersedes all other agreements and understandings, whether written or oral, of the parties with respect to the Consulting Services. Without the prior written consent of City, this Agreement shall not be transferred or assigned by Consultant. This Agreement shall bind and inure to the benefit of the permitted successors and assignees of the parties. The terms and provisions of this Agreement may not be modified or amended except in writing executed by City and Consultant. This Agreement shall be construed under, governed by and enforced pursuant to the laws of the State of Georgia.

CITY OF FLOWERY BRANCH:

CONSULTANT:

By: Edward R. Asbridge, Mayor

Date: _____

By: Jimmy Dean

Date: _____

ATTEST:

Shelia Cooper, City Clerk



FLOWERY BRANCH CITY COUNCIL



EXECUTIVE SUMMARY

SUBJECT: Consider the First Reading of Ordinance 728 for Publishing of 2025 General Election Qualifying Fees

COUNCIL MEETING DATE: January 2, 2025

HISTORY:

O.C.G.A. 21-2-131 (2010)

21-2-131. Fixing and publishing of qualification fees; manner of payment; distribution of fees paid

(a) Qualification fees for party and public offices shall be fixed and published as follows:

(1)(A) The governing authority of any county or municipality, not later than February 1 of any year in which a general primary, nonpartisan election, or general election is to be held, and at least 35 days prior to the special primary or election in the case of a special primary or special election, shall fix and publish a qualifying fee for each county or municipal office to be filled in the upcoming primary or election. Except as otherwise provided in subparagraph (B) of this paragraph, such fee shall be 3 percent of the total gross salary of the office paid in the preceding calendar year including all supplements authorized by law if a salaried office.

FACTS AND ISSUES:

O.C.G.A. 21-2-131 (a)(1)(A) requires fixing and publishing of the qualifying fees prior to February 1 of an election year.

Seats up for election and qualifying fee for each:

â€¢ Mayor - \$270.00 qualifying fee

â€¢ Post #3 - \$216.00 qualifying fee

â€¢ Post #4 - \$216.00 qualifying fee

â€¢ Post #5 - \$216.00 qualifying fee

The qualifying dates will begin on the 3rd Monday in August per O.C.G.A. 21-2-132 (3)(A). The qualifying dates will be Monday, August 18, 2025, at 8:30 am through Wednesday August 20, 2025, at 4:30 pm.

The registration deadline for the November 2025 election will be October 6, 2025.

The election date is November 4, 2025.

OPTIONS:

Approval

IF FUNDING IS INVOLVED, ARE FUNDS APPROVED IN THE CURRENT BUDGET:

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

SAMPLE MOTION:

I make a motion to approve the First Reading of Ordinance 728 for Publishing of 2025 General Election Qualifying Fees.

COLLABORATING DEPARTMENT:

DEPARTMENT: Administration

Prepared by: Shelia Cooper

ATTACHMENTS

- [Executive Summary Ordinance 728 - 2025 Call for Election.pdf](#)
- [Ordinance 728 - 2025 Call for Election.pdf](#)

FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY

SUBJECT: First Reading of Ordinance 728 for Publishing of 2025 General Election Qualifying Fees

DATE: January 2, 2025

(X) RECOMMENDATION

() POLICY DISCUSSION

BUDGET INFORMATION:

() STATUS REPORT

ANNUAL-

() OTHER

CAPITAL-

COUNCIL ACTION REQUESTED ON: January 2, 2025

First Reading of Ordinance 728-To provide for the 2025 municipal election for the City of Flowery Branch for the following posts, Mayor, Post 3, Post 4, and Post 5, to set qualifying dates and to set the fee for said qualifying.

HISTORY: O.C.G.A. 21-2-131 (2010)

21-2-131. Fixing and publishing of qualification fees; manner of payment; distribution of fees paid

(a) Qualification fees for party and public offices shall be fixed and published as follows:

(1)(A) The governing authority of any county or municipality, not later than February 1 of any year in which a general primary, nonpartisan election, or general election is to be held, and at least 35 days prior to the special primary or election in the case of a special primary or special election, shall fix and publish a qualifying fee for each county or municipal office to be filled in the upcoming primary or election. Except as otherwise provided in subparagraph (B) of this paragraph, such fee shall be 3 percent of the total gross salary of the office paid in the preceding calendar year including all supplements authorized by law if a salaried office.

O.C.G.A. 21-2-131 (a)(1)(A) requires fixing and publishing of the qualifying fees prior to February 1 of an election year.

Seats up for election and qualifying fee for each:

- Mayor - \$270.00 qualifying fee
- Post #3 - \$216.00 qualifying fee
- Post #4 - \$216.00 qualifying fee
- Post #5 - \$216.00 qualifying fee

The qualifying dates will begin on the 3rd Monday in August per O.C.G.A. 21-2-132 (3)(A). The qualifying dates will be Monday, August 18, 2025, at 8:30 am through Wednesday August 20, 2025, at 4:30 pm.

The registration deadline for the November 2025 election will be October 6, 2025.

The election date will be November 4, 2025.

OPTIONS: Approval

RECOMMENDED SAMPLE MOTION:

I make a motion to approve the First Reading of Ordinance 728 for Publishing of 2025 General Election Qualifying Fees.

DEPARTMENT: Administration

Prepared by: Shelia Cooper

First Reading: January 2, 2025
Second Reading: January 16, 2025

ORDINANCE NO. 728

AN ORDINANCE TO PROVIDE FOR THE GENERAL ELECTION FOR THE CITY OF FLOWERY BRANCH, GEORGIA FOR 2025; ESTABLISH AND SET THE DATE AND TIME OF THE GENERAL ELECTION FOR THE CITY OF FLOWERY BRANCH, GEORGIA FOR 2025 FOR MAYOR AND COUNCIL MEMBERS POST 3, POST 4, AND POST 5; PROVIDE A QUALIFYING PERIOD FOR SAID POSITIONS; PROVIDE FOR THE QUALIFYING FEES FOR SAID POSITIONS; PROVIDE FOR A QUALIFYING PROCEDURE; APPOINT ELECTION OFFICIALS; PROVIDE FOR THE OPENING AND CLOSING OF REGISTRATION FOR SAID GENERAL ELECTION; REPEAL CONFLICTING ORDINANCES; PROVIDE FOR SEVERABILITY AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, the City Council of the City of Flowery Branch, Georgia is authorized by Article IX, Section II, Paragraph II of the Constitution of the State of Georgia of 1983, and pursuant to O.C.G.A. Section 21-2-1 et seq., to enact ordinances for the holding of elections and special elections of public officials of the municipality; and

WHEREAS, the terms for the positions of Mayor and Council Members Post 3, Post 4, and Post 5, shall expire on December 31, 2025; and

WHEREAS, the City of Flowery Branch, Georgia desires to conduct a general election to fill these positions, openly and fairly for all duly qualified and registered electors of the City of Flowery Branch, Georgia;

NOW THEREFORE THE CITY COUNCIL OF THE CITY OF FLOWERY BRANCH HEREBY ORDAINS,

Section 1. General Election.

The City of Flowery Branch, Georgia will conduct a general election on Tuesday, November 4, 2025, from 7:00 a.m. to 7:00 p.m. with the place of said election being in the City Hall located at 5410 Pine Street, Flowery Branch, Georgia for the positions as indicated in Section 2 of this Ordinance.

Section 2. Positions Open for Election and Terms Thereof.

The general election to be held on the date established by Section 1 of this Ordinance is for filling the following positions:

- a) The position of Mayor which will be elected at large for a four-year term beginning on January 1, 2026 and ending December 31, 2029.
- b) The position of Council Member Post 3 which will be elected at large for a four-year term beginning on January 1, 2026 and ending December 31, 2029

- c) The position of Council Member Post 4 which will be elected at large for a four-year term beginning on January 1, 2026 and ending December 31, 2029.
- d) The position of Council Member Post 5 which will be elected at large for a four-year term beginning on January 1, 2026 and ending December 31, 2029.

Section 3. Qualifying Period.

The qualifying period for the election set by Section 1 of this Ordinance to qualify for the positions described in Section 2 of this Ordinance shall be open on Monday August 18, 2025, and will continue day-to-day through Wednesday August 20, 2025. The hours of qualifying each day shall be during the regular business hours of the City of Flowery Branch, Georgia except Monday August 18, 2025 qualifying will begin at 8:30 a.m. as per O.C.G.A. Section 21-2-132. The place of qualifying shall be the office of the City Clerk of the City of Flowery Branch, Georgia, being the office of the Election Superintendent, and being located at City Hall, 5410 Pine Street, Flowery Branch, Georgia.

Section 4. Qualifying Fee.

(a) The qualifying fee for Mayor, which is open for election as provided by Section 2 of the Ordinance, shall be \$270.00. The qualifying fee for each Council Member position, which are open for election as provided by Section 2 of the Ordinance, shall be \$216.00. Such fee shall be paid to the Election Superintendent at the time a candidate files the candidate's notice of candidacy.

(b) A pauper's affidavit may be filed in lieu of paying the qualifying fee otherwise required by Section 4(a) of this Ordinance. A candidate filing a pauper's affidavit instead of paying a qualifying fee shall under oath affirm the candidate's poverty and the candidate's resulting inability to pay the qualifying fee otherwise required. The form of the affidavit shall be as prescribed by the Georgia Secretary of State and shall include a financial statement which lists the total income, assets, liabilities and other relevant financial information of the candidate.

The affidavit shall contain an oath that such candidate has neither the assets nor the income to pay the qualifying fee otherwise required. The following warning shall be printed on the affidavit form as prepared by the Georgia Secretary of State, to wit: "WARNING: Any person knowingly making any false statement on this affidavit commits the offense of false swearing and shall be guilty of a felony."

The Election Superintendent shall place on the ballot the name of any candidate who subscribes and swears to an oath that such candidate has neither the assets nor the income to pay the qualifying fee otherwise required, provided that such candidate provides a qualifying petition, meeting with the requirements of O.C.G.A. Section 21-2-132(h), signed by the number of voters equal to 1 percent of the total number of registered voters eligible to vote in the last election for the filling of the office the candidate is seeking and the signers of such petition shall be registered and eligible to vote in the election at which such candidate seeks to be elected.

Section 5. Qualifying Affidavit and Financial Disclosure Statement.

- (a) Each candidate qualifying for the positions described in Section 2 of this Ordinance shall accompany the candidate's notice with an affidavit stating:

- (1) The candidate's full name and the name as the candidate desires it to be

listed on the ballot. The surname of the candidate shall be the surname of the candidate as it appears on the candidate's voter registration card unless the candidate provides proof that his or her surname as it appears on the candidate's registration card is incorrect in which event the correct name shall be listed. After such name is submitted to the Secretary of State or the election superintendent, the form of such name shall not be changed during the election for which such notice of candidacy is submitted;

- (2) The candidate's residence, with street and number, if any, and the candidate's post office address;
- (3) The candidate's profession, business or occupation, if any;
- (4) The name of the candidate's precinct;
- (5) That the candidate is an elector of the municipality of the candidate's residence and is eligible to vote in the election in which the candidate is running for office;
- (6) The name of the office that the candidate is seeking;
- (7) That the candidate is eligible to hold such office;
- (8) That the candidate has never been convicted and sentenced in any court of competent jurisdiction for fraudulent violation of primary or election laws, malfeasance in office, or felony involving moral turpitude or conviction of domestic violence under the laws of this state or any other state or of the United States, or that the candidate's civil rights have been restored and that at least ten years have elapsed from the date of the completion of the sentence without a subsequent conviction of another felony involving moral turpitude;
- (9) That the candidate will not knowingly violate any provisions of Chapter 2 of Title 21 of the O.C.G.A. or any rules and regulations adopted under said Chapter; and
- (10) Any other information as may be determined by the Secretary of State to be necessary to comply with federal and state law and such other information as may be prescribed by the Election Superintendent of the City of Flowery Branch.

(b) Each person qualifying as a candidate will file a personal financial disclosure statement prescribed by the laws of the State of Georgia in the form as prescribed therein, no later than the fifteenth (15th) day following the qualifying with the Election Superintendent of the City of Flowery Branch, Georgia.

Section 6. Write-In Candidates.

(a) In this general election, no person elected on a write-in vote shall be eligible to hold office unless notice of the person's intention of candidacy was given no later than seven (7) days after the closing of qualifying for the city's general election by the person to be a write-in candidate or by some other person or group of persons qualified to vote in the election, to the Election

Superintendent and by publication in the official newspaper of the City of Flowery Branch, Georgia, said publication currently being “The Times.” In the event that such intention of candidacy is filed and published by a person or group of persons other than the candidate, such person or group of persons shall also file a written, notarized authorization by the candidate for such filing and publication.

(b) In addition to the requirements contained in Section 6(a) of this Ordinance, the person or persons giving notice of intention of candidacy for a write-in candidate shall also file with the Election Superintendent, a copy of the notice as published with an affidavit stating that the notice has been published, with the name of the newspaper and the date of publication, not later than the fifth (5th) day after the deadline for filing and publishing of such notice. The affidavit may be made by the person giving notice or intention of candidacy or by the publisher of the newspaper in which the notice was published or by an employee of the newspaper designated by the publisher.

Section 7. Election Appointments. The following persons are hereby appointed to act as election officials for the November 4, 2025. General Election:

Election Superintendent	Shelia Cooper
Chief Registrar	To be announced
Absentee Ballot Clerks	Hall County Elections
Poll Manager	Hall County Elections
Poll Worker	Hall County Elections
Poll Worker	Hall County Elections

(a) The office of the City Clerk of the City of Flowery Branch, Georgia is hereby declared to be the office of the Election Superintendent for candidates qualifying for the offices open for election as provided by Section 3 of this Ordinance.

Section 8. Last Day for Voter Registration.

The last day that an elector/voter may register to vote in the 2025 General Election shall be Monday, October 6, 2025, by 5:00 p.m. at the Hall County Board of Elections and Registration located at 2875 Browns Bridge Road, Gainesville, Georgia, unless said date is a Georgia legal holiday, and then the last day for voter/elector registration shall be the next day by 5:00 p.m.

Section 9. Repealer.

All Ordinances and parts of Ordinances in conflict herewith are hereby repealed to the extent of conflict.

Section 10. Severability.

Should any section or provision of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of this Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

SO ORDAINED this 16th day of January 2025.

Edward R. Asbridge, Mayor

ATTEST:

Shelia R. Cooper, City Clerk

APPROVED AS TO FORM:

Ted C. Baggett, City Attorney



FLOWERY BRANCH CITY COUNCIL



EXECUTIVE SUMMARY

SUBJECT: Consider December 19, 2024 City Council Meeting Minutes

COUNCIL MEETING DATE: January 2, 2025

HISTORY:

FACTS AND ISSUES:

OPTIONS:

IF FUNDING IS INVOLVED, ARE FUNDS APPROVED IN THE CURRENT BUDGET:
No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Administration

Prepared by: Shelia Cooper

ATTACHMENTS

- [Unofficial December 19, 2024 City Council Meeting Minutes.pdf](#)



**City of Flowery Branch
City Council Meeting
Thursday, December 19, 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 McClellan, William McDaniel, Joseph Mezzanotte, and Chris Mundy.

Also present were City Manager Tonya Parrish, City Clerk Shelia Cooper, Finance Director Matthew Hamby, Planning and Community Development Director Chris McCrary, Public Works & Utilities Director Bill Whidden, Human Resources Director Krystle Hightower, Deputy Police Chief Todd Templeton, 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: William McDaniel

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

NAYS: None

Motion carried

AWARDS & RECOGNITIONS: There were no awards or recognitions.

PUBLIC HEARING: There were no public hearings.

UNFINISHED BUSINESS - WORK SESSION:

Consider the Second Reading of Ordinance 724 for 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 recommend 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.

Christian Stark, 5316 Railroad Avenue, Flowery Branch, Georgia spoke with Council regarding the variance request.

Richard Breedlove, Senior Engineer at Dovetail Civil Design, 3651 Mars Hill Road, Watkinsville, Georgia held a discussion with Council regarding traffic concerns.

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

Director McCrary presented the second 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 striped 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.

NEW BUSINESS -WORK SESSION:

Consider an Amendment to the Development Agreement with Flowery Branch Partners, LLC. for the Repair of Infrastructure at Summit Lake Subdivision.

City Manager Parrish presented a consideration for an amendment to the Development Agreement with Flowery Branch Partners LLC for the repair of infrastructure at Summit Lake Subdivision. A development agreement was signed on April 16, 2021, between the City of Flowery Branch and Flowery Branch Partners. The subdivision was built and several years later the developer asked for the roads of the subdivision to be dedicated to the city, as it was always planned for the roads to be public roads. On March 10, 2023, the developer formally requested that the roads be dedicated to the City of Flowery Branch. At that point, staff began inspecting roads, curbs and infrastructure to ensure that all were up to city standards to be accepted. However, after the curbs and roads were corrected, there was an issue in correcting apparent failures in the stormwater infrastructure. Staff has worked extensively with the builder, developer, and president of the Summit Lake Homeowners Association since March 2023. Flowery Branch Partners has demonstrated they wish for a cooperative partnership with the City of Flowery Branch and has signed the Development Agreement agreeing to participate in the

funding of the stormwater structure repair in the amount of \$25,000 to be withheld from their TAD payment in 2025.

Council held a discussion with City Manager Parrish.

Consider Resolution 24-012 to Accept Roads and Stormwater Infrastructure in Summit Lake Subdivision.

City Manager Parrish presented Resolution 24-012 to accept roads and stormwater infrastructure in Summit Lake Subdivision.

DEPARTMENT REPORTS:

City Clerk Report:

City Clerk Cooper read a thank you from Meals on Wheels that read the following: We want to express our deepest gratitude to all the wonderful locations that welcomed our Secret Santa donation boxes for socks and blankets. Your generosity and support have made an incredible difference this holiday season.

Planning Department Report:

Director McCrary advised the planning department is scheduled to be audited by the EPD in March.

ADJOURNMENT WORK SESSION:

Mayor Asbridge adjourned the work session at 6:30 p.m.

VOTING SESSION AGENDA

CALL VOTING SESSION TO ORDER:

Mayor Asbridge called the voting session to order at 6:30 p.m.

PUBLIC COMMENTS:

Elizabeth Marshall, 6300 Gaines Ferry Road, Flowery Branch, Georgia.

Ms. Marshall is opposed to the variance request at 4627 Atlanta Highway, Flowery Branch, Georgia. She expressed her concerns about covering too much land with cement.

Bill Moats, 5780 Screech Owl Drive, Flowery Branch, Georgia.

Mr. Moats wanted to express his thanks to Council, City Manager Parrish, Director Whidden and the Police Department for getting the roads accepted into the City.

Mark Weber, 6114 Stell Light Drive, Flowery Branch, Georgia.

Mr. Weber wanted to express his thanks to City Manager Parrish and Director McCrary for their quick actions when he had a concern come up in the city.

CONSENT AGENDA:

- Consider December 5, 2024 City Council Meeting Minutes

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

MOTION: Oliver McClellan

SECOND: Chris Mundy

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

NAYS: None

Motion carried

UNFINISHED BUSINESS - VOTING SESSION:

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

City Clerk Cooper read the caption for Ordinance 724 for a variance request at 4627 Atlanta Highway. Ordinance 724 is an ordinance granting a variance from the requirements set forth in the City of Flowery Branch zoning ordinance Article 26, Section 26.7, Stream Buffer Protection: Buffer and Setback Requirements, 4627 Atlanta Highway, owned by West Avenue Partners Group, LLC; as shown on exhibit "A", described on exhibit "B", and subject to the conditions as set forth in exhibit "C"; providing for severability; repealing conflicting ordinances; providing for an effective date; and for all other lawful purposes.

There was a motion made to Table the second reading of Ordinance 724 until January 16, 2025 City Council Meeting to give the applicant more time to look at issues surrounding traffic.

MOTION: Joe Anglin

SECOND: Joseph Mezzanotte

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

NAYS: None

Motion carried

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

City Clerk Cooper read the caption for Ordinance 727 for a Conditional Use Permit at 5540 Atlanta Highway for the Operation of a Micro-Distillery. Ordinance 727 is an ordinance approving a Conditional Use Permit (CUP) to operate a Micro-Distillery on a parcel of real property owned by JW Bailey Family Partnership, LLC. identified as 5540 Atlanta Highway, totaling 2.69+/- acres and as shown on attached exhibit "A", and as conditioned on attached exhibit "B"; providing for severability, repealing conflicting ordinances, providing for an effective date and for all other lawful purposes.

There was a motion made to approve Ordinance 727 with the specified conditions.

MOTION: Oliver McClellan

SECOND: William McDaniel

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

NAYS: None

Motion carried

NEW BUSINESS - VOTING SESSION:

Consider a First Amendment to the Lease Agreement for 5509 Main Street with Nicholas St. Clair.

There was a motion made to approve the first amendment to the lease agreement with Nicholas St. Clair for 5509 Main Street, Flowery Branch, Georgia 30542.

MOTION: Chris Mundy

SECOND: Oliver McClellan

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

NAYS: None

Motion carried

Consider an Amendment to the Development Agreement with Flowery Branch Partners, LLC. for the Repair of Infrastructure at Summit Lake Subdivision.

There was a motion made to approve the amendment to the development agreement with FB Partners, LLC.

MOTION: Oliver McClellan
SECOND: Joseph Mezzanotte
AYES: Joe Anglin, Oliver McClellan, William McDaniel, Joseph Mezzanotte, Chris Mundy
NAYS: None
Motion carried

Consider Resolution # 24-012 to Accept Roads and Stormwater Infrastructure in Summit Lake Subdivision.

City Clerk Cooper read the caption for Resolution 24-012 to accept roads and stormwater infrastructure in Summit Lake Subdivision. Resolution 24-012 is a resolution of the City of Flowery Branch City Council accepting the dedication of roadways and stormwater structures therein located within the Summit Lake Development, from Flowery Branch Partners, LLC, for public purposes. The roadways and stormwater structures therein are identified as being 2.1907 miles; said roadways and stormwater structures therein are identified in exhibit "A".

There was a motion made to approve Resolution 24-012.

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 6:40 p.m.

MOTION: Chris Mundy
SECOND: Joe Anglin
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 7:11 p.m.

MOTION: Joe Anglin

SECOND: William McDaniel

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 7:11 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



FLOWERY BRANCH CITY COUNCIL



EXECUTIVE SUMMARY

SUBJECT: Consider December 2024 Per Diem for Mayor Asbridge

COUNCIL MEETING DATE: January 2, 2025

HISTORY:

FACTS AND ISSUES:

OPTIONS:

IF FUNDING IS INVOLVED, ARE FUNDS APPROVED IN THE CURRENT BUDGET:

Yes

AMOUNT AND SOURCE OF FUNDS:

\$150 GL 100-1110-511101

RECOMMENDATION:

SAMPLE MOTION:

COLLABORATING DEPARTMENT:

DEPARTMENT: Administration

Prepared by: Shelia Cooper

ATTACHMENTS

- [December 2024 Mayor Asbridge Per Diem.pdf](#)



City of Flowery Branch
Mayor & Council Attendance Sheet Per Diem Pay

Name: Mayor Edward R. Asbridge Month/Year: December 2024

Meeting Date	Description of Meeting
December 12, 2024	Chamber Eggs & Issues
December 12, 2024	Farewell to Hall County Chairman Higgins
December 26, 2024	Chanukah Celebration Menorah Lighting

My signature certifies that I am eligible to be paid for 3 meeting dates, a maximum of 5 per month, in accordance with the Per Diem Pay as described in Ordinance 477 and at a rate of \$50.00 per meeting.

Total of \$150.00

Signature



FLOWERY BRANCH CITY COUNCIL



EXECUTIVE SUMMARY

SUBJECT: Consider a Consulting Agreement with Jimmy Dean for Wastewater Consulting Services

COUNCIL MEETING DATE: January 2, 2025

HISTORY:

The City of Flowerly Branch benefitted from the employment of Jimmy Dean for over 24 years as its Water/Wastewater Director. On January 5, 2023, the city entered into a contract for consulting services with Jimmy Dean for water/wastewater services for one year with an anticipated amount not to exceed \$72,000 of which \$59,512.59 was spent. In 2024, the same contract was signed for another year with an amount not to exceed \$72,000 of which \$34,293.75 had been spent as of the date of this executive summary.

FACTS AND ISSUES:

Jimmy Dean served as a consultant during 2023 and 2024 and has provided valuable information in the daily operations as well as the design of the city's new wastewater treatment plant. He has agreed to continue working an average of two days per month (compared to two days per week previously) as he is providing institutional knowledge during construction of the new plant.

The wastewater treatment plant is now under construction with an anticipated completion date of August 2026. Jimmy Dean's advice continues to be sought and is of much value to the City of Flowerly Branch during construction. Staff has recommended that Jimmy Dean's schedule is adjusted to the first two Thursdays out of the month for four hours each day, and as needed by telephone.

The attached consulting agreement is for calendar year 2025.

OPTIONS:

- 1) Approve the consulting agreement.
- 2) Do not approve the consulting agreement.

IF FUNDING IS INVOLVED, ARE FUNDS APPROVED IN THE CURRENT BUDGET:

Yes

AMOUNT AND SOURCE OF FUNDS:

Water Wastewater Fund

RECOMMENDATION:

Approve the third consulting agreement with Jimmy Dean for wastewater consulting services for calendar year 2025.

SAMPLE MOTION:

I make a motion to approve the consulting agreement with Jimmy Dean for calendar year 2025.

COLLABORATING DEPARTMENT:

DEPARTMENT: Water/Wastewater

Prepared by: Shelia Cooper

ATTACHMENTS

- [ES - Jimmy Dean 2025 contract.pdf](#)
- [Consulting Agreement - J Dean 01 02 25.pdf](#)



FLOWERY BRANCH CITY COUNCIL EXECUTIVE SUMMARY

SUBJECT: Consulting Agreement with Jimmy Dean for Wastewater Consulting Services

DATE: December 20, 2024

☒ **RECOMMENDATION**
☐ **POLICY DISCUSSION**
☐ **STATUS REPORT**
☐ **OTHER**

BUDGET INFORMATION:

ANNUAL- Up to \$15,120
CAPITAL-

COUNCIL ACTION REQUESTED ON: January 2, 2025

PURPOSE: To approve another consulting agreement with Jimmy Dean for wastewater consulting services for calendar year 2024.

HISTORY: The City of Flowery Branch benefitted from the employment of Jimmy Dean for over 24 years as its Water/Wastewater Director. On January 5, 2023, the city entered into a contract for consulting services with Jimmy Dean for water/wastewater services for one year with an anticipated amount not to exceed \$72,000 of which \$59,512.59 was spent. In 2024, the same contract was signed for another year with an amount not to exceed \$72,000 of which \$34,293.75 had been spent as of the date of this executive summary.

FACTS AND ISSUES: Jimmy Dean served as a consultant during 2023 and 2024 and has provided valuable information in the daily operations as well as the design of the city's new wastewater treatment plant. He has agreed to continue working an average of two days per month (compared to two days per week previously) as he is providing institutional knowledge during construction of the new plant.

The wastewater treatment plant is now under construction with an anticipated completion date of August 2026. Jimmy Dean's advice continues to be sought and is of much value to the City of Flowery Branch during construction. Staff has recommended that Jimmy Dean's schedule is adjusted to the first two Thursdays out of the month for four hours each day, and as needed by telephone.

The attached consulting agreement is for calendar year 2025.

OPTIONS:

- 1) Approve the consulting agreement.
 - 2) Do not approve the consulting agreement.
-
-

RECOMMENDED SAMPLE MOTION:

I make a motion to approve the consulting agreement with Jimmy Dean for calendar year 2025.

DEPARTMENT: Public Utilities

Prepared by: Peter Woerner

**CONSULTING AGREEMENT BY AND BETWEEN
THE CITY OF FLOWERY BRANCH AND JIMMY DEAN**

This Consulting Agreement ("Agreement") is entered into as of January 2, 2025, and is effective as of January 2, 2025 ("Effective Date"), by and between the City of Flowery Branch, a Georgia municipal corporation ("City"), and Jimmy Dean, a resident of the state of Georgia whose permanent address is 255 Night Hawk View, Demorest, Georgia, 30535 ("Consultant").

WHEREAS, City provides public water and sewer utility services including but not limited to the construction, operation and maintenance of a water system and a sewer system within and without the jurisdiction of the City;

WHEREAS, Consultant retired from City on January 2, 2023;

WHEREAS, Consultant is a former employee of City and has knowledge of the public water and sewer utility services provided by City; and,

WHEREAS, City desires to obtain, and Consultant desires to provide, consulting services in accordance with the terms of this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants herein contained, and for other good and valuable consideration, the receipt and sufficiency of which are herein contained, City and Consultant agree as follows:

1. Consulting Services. During the term of this Agreement, Consultant agrees to provide advice and assistance on matters about which Consultant has knowledge and familiarity ("Consulting Services") to City making himself available as reasonably requested by City. Where such Consulting Services must be provided in person, City will accommodate Consultant's availability to every extent possible. Any time expended on travel associated with the provision of Consulting Services shall be considered as Consulting Services.
2. Authority and Relationship. Except as otherwise consented to or directed by City in writing, Consultant does not have the authority to act on behalf of the City to (a) accept or reject any inquiry; (b) respond to a request/complaint from any person; or, (c) enter into any agreement or contract. City and Consultant agree that Consultant is an independent contractor of City and that no employer-employee relationship shall exist between City and Consultant.
3. Compliance with Laws. In rendering the Consulting Services under this Agreement, City and Consultant agree that they will comply with any and all applicable laws, regulations, decrees or other local, state or federal directives having the force of law.

4. Fees. Consulting Services shall be billed at an hourly rate of \$78.75 not to exceed \$1,260 per calendar month. Such amounts will be payable within thirty (30) days of the receipt of Consultant's invoice. Time spent on Consulting Services shall be tracked and billed in increments of not less than .25 of an hour. Consultant shall be responsible for all personal income taxes and similar obligations with respect to any and all payments hereunder, including without limitation, all federal and state income tax, social security tax and any withholding or similar obligations of Consultant. City shall provide Consultant with a phone to be used only for providing the services set forth in this Agreement.
5. Term. This Agreement shall automatically terminate one (1) year after the Effective date with no further documents to be executed by the parties. This Agreement may only be extended by an amendment to this Agreement set forth in writing signed by both the City and Consultant.
6. Payments Due Upon Cancellation. City and Consultant shall have the right to cancel this Agreement for any reason upon thirty (30) days written notice. If the Agreement is cancelled by either party, Consultant is not entitled to any additional payments other than fees earned up and through the date of cancellation.
7. Notices. All formal notices, request, consents and other communications hereunder shall be in writing and shall be emailed to the other party at the email address provided below with a copy forwarded by first class mail or overnight courier, fully prepaid and addressed as follows:

To the City at:

Tonya Parrish, City Manager
City of Flowery Branch
5410 West Pine Street
Flowery Branch, Georgia 30542
770-967-6731
tonya@flowerybranchga.org

To the Consultant at:

Jimmy Dean
Jimmy Dean Consulting Services
255 Night Hawk View
Post Office Box 1514
Demorest, Georgia 30535
678-776-1074

8. Miscellaneous. This Agreement sets forth the understanding between the parties and supersedes all other agreements and understandings, whether written or oral, of the parties with respect to the Consulting Services. Without the prior written consent of City, this Agreement shall not be transferred or assigned by Consultant. This Agreement shall bind and inure to the benefit of the permitted successors and assignees of the parties. The terms and provisions of this Agreement may not be modified or amended except in writing executed by City and Consultant. This Agreement shall be construed under, governed by and enforced pursuant to the laws of the State of Georgia.

CITY OF FLOWERY BRANCH:

CONSULTANT:

By: Edward R. Asbridge, Mayor

Date: _____

By: Jimmy Dean

Date: _____

ATTEST:

Shelia Cooper, City Clerk



FLOWERY BRANCH CITY COUNCIL



EXECUTIVE SUMMARY

SUBJECT: Consider the First Reading of Ordinance 728 for Publishing of 2025 General Election Qualifying Fees

COUNCIL MEETING DATE: January 2, 2025

HISTORY:

O.C.G.A. 21-2-131 (2010)

21-2-131. Fixing and publishing of qualification fees; manner of payment; distribution of fees paid

(a) Qualification fees for party and public offices shall be fixed and published as follows:

(1)(A) The governing authority of any county or municipality, not later than February 1 of any year in which a general primary, nonpartisan election, or general election is to be held, and at least 35 days prior to the special primary or election in the case of a special primary or special election, shall fix and publish a qualifying fee for each county or municipal office to be filled in the upcoming primary or election. Except as otherwise provided in subparagraph (B) of this paragraph, such fee shall be 3 percent of the total gross salary of the office paid in the preceding calendar year including all supplements authorized by law if a salaried office.

FACTS AND ISSUES:

O.C.G.A. 21-2-131 (a)(1)(A) requires fixing and publishing of the qualifying fees prior to February 1 of an election year.

Seats up for election and qualifying fee for each:

â€¢ Mayor - \$270.00 qualifying fee

â€¢ Post #3 - \$216.00 qualifying fee

â€¢ Post #4 - \$216.00 qualifying fee

â€¢ Post #5 - \$216.00 qualifying fee

The qualifying dates will begin on the 3rd Monday in August per O.C.G.A. 21-2-132 (3)(A). The qualifying dates will be Monday, August 18, 2025, at 8:30 am through Wednesday August 20, 2025, at 4:30 pm.

The registration deadline for the November 2025 election will be October 6, 2025.

The election date is November 4, 2025.

OPTIONS:

Approval

IF FUNDING IS INVOLVED, ARE FUNDS APPROVED IN THE CURRENT BUDGET:

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

SAMPLE MOTION:

I make a motion to approve the First Reading of Ordinance 728 for Publishing of 2025 General Election Qualifying Fees.

COLLABORATING DEPARTMENT:

DEPARTMENT: Administration

Prepared by: Shelia Cooper

ATTACHMENTS

- [Executive Summary Ordinance 728 - 2025 Call for Election.pdf](#)
- [Ordinance 728 - 2025 Call for Election.pdf](#)

FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY

SUBJECT: First Reading of Ordinance 728 for Publishing of 2025 General Election Qualifying Fees

DATE: January 2, 2025

(X) RECOMMENDATION

() POLICY DISCUSSION

BUDGET INFORMATION:

() STATUS REPORT

ANNUAL-

() OTHER

CAPITAL-

COUNCIL ACTION REQUESTED ON: January 2, 2025

First Reading of Ordinance 728-To provide for the 2025 municipal election for the City of Flowery Branch for the following posts, Mayor, Post 3, Post 4, and Post 5, to set qualifying dates and to set the fee for said qualifying.

HISTORY: O.C.G.A. 21-2-131 (2010)

21-2-131. Fixing and publishing of qualification fees; manner of payment; distribution of fees paid

(a) Qualification fees for party and public offices shall be fixed and published as follows:

(1)(A) The governing authority of any county or municipality, not later than February 1 of any year in which a general primary, nonpartisan election, or general election is to be held, and at least 35 days prior to the special primary or election in the case of a special primary or special election, shall fix and publish a qualifying fee for each county or municipal office to be filled in the upcoming primary or election. Except as otherwise provided in subparagraph (B) of this paragraph, such fee shall be 3 percent of the total gross salary of the office paid in the preceding calendar year including all supplements authorized by law if a salaried office.

O.C.G.A. 21-2-131 (a)(1)(A) requires fixing and publishing of the qualifying fees prior to February 1 of an election year.

Seats up for election and qualifying fee for each:

- Mayor - \$270.00 qualifying fee
- Post #3 - \$216.00 qualifying fee
- Post #4 - \$216.00 qualifying fee
- Post #5 - \$216.00 qualifying fee

The qualifying dates will begin on the 3rd Monday in August per O.C.G.A. 21-2-132 (3)(A). The qualifying dates will be Monday, August 18, 2025, at 8:30 am through Wednesday August 20, 2025, at 4:30 pm.

The registration deadline for the November 2025 election will be October 6, 2025.

The election date will be November 4, 2025.

OPTIONS: Approval

RECOMMENDED SAMPLE MOTION:

I make a motion to approve the First Reading of Ordinance 728 for Publishing of 2025 General Election Qualifying Fees.

DEPARTMENT: Administration

Prepared by: Shelia Cooper

First Reading: January 2, 2025
Second Reading: January 16, 2025

ORDINANCE NO. 728

AN ORDINANCE TO PROVIDE FOR THE GENERAL ELECTION FOR THE CITY OF FLOWERY BRANCH, GEORGIA FOR 2025; ESTABLISH AND SET THE DATE AND TIME OF THE GENERAL ELECTION FOR THE CITY OF FLOWERY BRANCH, GEORGIA FOR 2025 FOR MAYOR AND COUNCIL MEMBERS POST 3, POST 4, AND POST 5; PROVIDE A QUALIFYING PERIOD FOR SAID POSITIONS; PROVIDE FOR THE QUALIFYING FEES FOR SAID POSITIONS; PROVIDE FOR A QUALIFYING PROCEDURE; APPOINT ELECTION OFFICIALS; PROVIDE FOR THE OPENING AND CLOSING OF REGISTRATION FOR SAID GENERAL ELECTION; REPEAL CONFLICTING ORDINANCES; PROVIDE FOR SEVERABILITY AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, the City Council of the City of Flowery Branch, Georgia is authorized by Article IX, Section II, Paragraph II of the Constitution of the State of Georgia of 1983, and pursuant to O.C.G.A. Section 21-2-1 et seq., to enact ordinances for the holding of elections and special elections of public officials of the municipality; and

WHEREAS, the terms for the positions of Mayor and Council Members Post 3, Post 4, and Post 5, shall expire on December 31, 2025; and

WHEREAS, the City of Flowery Branch, Georgia desires to conduct a general election to fill these positions, openly and fairly for all duly qualified and registered electors of the City of Flowery Branch, Georgia;

NOW THEREFORE THE CITY COUNCIL OF THE CITY OF FLOWERY BRANCH HEREBY ORDAINS,

Section 1. General Election.

The City of Flowery Branch, Georgia will conduct a general election on Tuesday, November 4, 2025, from 7:00 a.m. to 7:00 p.m. with the place of said election being in the City Hall located at 5410 Pine Street, Flowery Branch, Georgia for the positions as indicated in Section 2 of this Ordinance.

Section 2. Positions Open for Election and Terms Thereof.

The general election to be held on the date established by Section 1 of this Ordinance is for filling the following positions:

- a) The position of Mayor which will be elected at large for a four-year term beginning on January 1, 2026 and ending December 31, 2029.
- b) The position of Council Member Post 3 which will be elected at large for a four-year term beginning on January 1, 2026 and ending December 31, 2029

- c) The position of Council Member Post 4 which will be elected at large for a four-year term beginning on January 1, 2026 and ending December 31, 2029.
- d) The position of Council Member Post 5 which will be elected at large for a four-year term beginning on January 1, 2026 and ending December 31, 2029.

Section 3. Qualifying Period.

The qualifying period for the election set by Section 1 of this Ordinance to qualify for the positions described in Section 2 of this Ordinance shall be open on Monday August 18, 2025, and will continue day-to-day through Wednesday August 20, 2025. The hours of qualifying each day shall be during the regular business hours of the City of Flowery Branch, Georgia except Monday August 18, 2025 qualifying will begin at 8:30 a.m. as per O.C.G.A. Section 21-2-132. The place of qualifying shall be the office of the City Clerk of the City of Flowery Branch, Georgia, being the office of the Election Superintendent, and being located at City Hall, 5410 Pine Street, Flowery Branch, Georgia.

Section 4. Qualifying Fee.

(a) The qualifying fee for Mayor, which is open for election as provided by Section 2 of the Ordinance, shall be \$270.00. The qualifying fee for each Council Member position, which are open for election as provided by Section 2 of the Ordinance, shall be \$216.00. Such fee shall be paid to the Election Superintendent at the time a candidate files the candidate's notice of candidacy.

(b) A pauper's affidavit may be filed in lieu of paying the qualifying fee otherwise required by Section 4(a) of this Ordinance. A candidate filing a pauper's affidavit instead of paying a qualifying fee shall under oath affirm the candidate's poverty and the candidate's resulting inability to pay the qualifying fee otherwise required. The form of the affidavit shall be as prescribed by the Georgia Secretary of State and shall include a financial statement which lists the total income, assets, liabilities and other relevant financial information of the candidate.

The affidavit shall contain an oath that such candidate has neither the assets nor the income to pay the qualifying fee otherwise required. The following warning shall be printed on the affidavit form as prepared by the Georgia Secretary of State, to wit: "WARNING: Any person knowingly making any false statement on this affidavit commits the offense of false swearing and shall be guilty of a felony."

The Election Superintendent shall place on the ballot the name of any candidate who subscribes and swears to an oath that such candidate has neither the assets nor the income to pay the qualifying fee otherwise required, provided that such candidate provides a qualifying petition, meeting with the requirements of O.C.G.A. Section 21-2-132(h), signed by the number of voters equal to 1 percent of the total number of registered voters eligible to vote in the last election for the filling of the office the candidate is seeking and the signers of such petition shall be registered and eligible to vote in the election at which such candidate seeks to be elected.

Section 5. Qualifying Affidavit and Financial Disclosure Statement.

- (a) Each candidate qualifying for the positions described in Section 2 of this Ordinance shall accompany the candidate's notice with an affidavit stating:

- (1) The candidate's full name and the name as the candidate desires it to be

listed on the ballot. The surname of the candidate shall be the surname of the candidate as it appears on the candidate's voter registration card unless the candidate provides proof that his or her surname as it appears on the candidate's registration card is incorrect in which event the correct name shall be listed. After such name is submitted to the Secretary of State or the election superintendent, the form of such name shall not be changed during the election for which such notice of candidacy is submitted;

- (2) The candidate's residence, with street and number, if any, and the candidate's post office address;
- (3) The candidate's profession, business or occupation, if any;
- (4) The name of the candidate's precinct;
- (5) That the candidate is an elector of the municipality of the candidate's residence and is eligible to vote in the election in which the candidate is running for office;
- (6) The name of the office that the candidate is seeking;
- (7) That the candidate is eligible to hold such office;
- (8) That the candidate has never been convicted and sentenced in any court of competent jurisdiction for fraudulent violation of primary or election laws, malfeasance in office, or felony involving moral turpitude or conviction of domestic violence under the laws of this state or any other state or of the United States, or that the candidate's civil rights have been restored and that at least ten years have elapsed from the date of the completion of the sentence without a subsequent conviction of another felony involving moral turpitude;
- (9) That the candidate will not knowingly violate any provisions of Chapter 2 of Title 21 of the O.C.G.A. or any rules and regulations adopted under said Chapter; and
- (10) Any other information as may be determined by the Secretary of State to be necessary to comply with federal and state law and such other information as may be prescribed by the Election Superintendent of the City of Flowery Branch.

(b) Each person qualifying as a candidate will file a personal financial disclosure statement prescribed by the laws of the State of Georgia in the form as prescribed therein, no later than the fifteenth (15th) day following the qualifying with the Election Superintendent of the City of Flowery Branch, Georgia.

Section 6. Write-In Candidates.

(a) In this general election, no person elected on a write-in vote shall be eligible to hold office unless notice of the person's intention of candidacy was given no later than seven (7) days after the closing of qualifying for the city's general election by the person to be a write-in candidate or by some other person or group of persons qualified to vote in the election, to the Election

Superintendent and by publication in the official newspaper of the City of Flowery Branch, Georgia, said publication currently being “The Times.” In the event that such intention of candidacy is filed and published by a person or group of persons other than the candidate, such person or group of persons shall also file a written, notarized authorization by the candidate for such filing and publication.

(b) In addition to the requirements contained in Section 6(a) of this Ordinance, the person or persons giving notice of intention of candidacy for a write-in candidate shall also file with the Election Superintendent, a copy of the notice as published with an affidavit stating that the notice has been published, with the name of the newspaper and the date of publication, not later than the fifth (5th) day after the deadline for filing and publishing of such notice. The affidavit may be made by the person giving notice or intention of candidacy or by the publisher of the newspaper in which the notice was published or by an employee of the newspaper designated by the publisher.

Section 7. Election Appointments. The following persons are hereby appointed to act as election officials for the November 4, 2025. General Election:

Election Superintendent	Shelia Cooper
Chief Registrar	To be announced
Absentee Ballot Clerks	Hall County Elections
Poll Manager	Hall County Elections
Poll Worker	Hall County Elections
Poll Worker	Hall County Elections

(a) The office of the City Clerk of the City of Flowery Branch, Georgia is hereby declared to be the office of the Election Superintendent for candidates qualifying for the offices open for election as provided by Section 3 of this Ordinance.

Section 8. Last Day for Voter Registration.

The last day that an elector/voter may register to vote in the 2025 General Election shall be Monday, October 6, 2025, by 5:00 p.m. at the Hall County Board of Elections and Registration located at 2875 Browns Bridge Road, Gainesville, Georgia, unless said date is a Georgia legal holiday, and then the last day for voter/elector registration shall be the next day by 5:00 p.m.

Section 9. Repealer.

All Ordinances and parts of Ordinances in conflict herewith are hereby repealed to the extent of conflict.

Section 10. Severability.

Should any section or provision of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of this Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

SO ORDAINED this 16th day of January 2025.

Edward R. Asbridge, Mayor

ATTEST:

Shelia R. Cooper, City Clerk

APPROVED AS TO FORM:

Ted C. Baggett, City Attorney