



**CITY OF FLOWERY BRANCH
SPECIAL CALLED WORK/VOTING SESSION
April 18th, 2007,
9:30 a.m.**



OPEN MEETING: Mayor Hirling opened the meeting at 9:32 a.m.

IN ATTENDANCE: Mayor Hirling, Council Members Jim Herold, Pat Zalewski, Mary Jones, and Allen Bryans. Also in attendance were City Manager Bill Andrew, City Clerk Melissa McCain, City Planner James Riker and City Attorney Ron Bennett.

ABSENT: - Councilwoman Jan Smith. Councilwoman Mary Jones left at 11:10 am during Executive Session.

INVOCATION: - Reverend Joshua Carr – First Methodist Church of Flowery Branch gave the invocation.

INTRODUCTIONS:

City Clerk McCain introduced the following two new employees:

- Shane Wilbanks – Public Works
- Maria Arevalo – City Hall

CONSENT AGENDA:

[March 31, 2007 Voting Session Meeting Minutes](#)

There was a motion made to approve the March 31, 2007 Voting Session Meeting Minutes as presented.

MOTION: Jim Herold
SECOND: Pat Zalewski
AYES: Jim Herold, Allen Bryans Mary Jones and Pat Zalewski.
NAYES: None
ABSENT: Jan Smith
Motion carried

UNFINISHED BUSINESS:

[2nd Reading Ordinance 356 – Adoption of Georgia State Minimum Standard Building Code](#)

Planner Riker reviewed Ordinance 356

Attorney Bennett read Ordinance 356

There was a motion made to approve Ordinance 356 as read

MOTION: Jim Herold
SECOND: Pat Zalewski
AYES: Jim Herold, Allen Bryans Mary Jones and Pat Zalewski.
NAYES: None
ABSENT: Jan Smith
Motion carried

[2nd Reading Ordinance 357 – Creation of Administrative Procedures for Implementation of the Standard Building Code](#)

Planner Riker reviewed Ordinance 357

Attorney Bennett read Ordinance 357

There was a motion made to approve Ordinance 357 as read

MOTION: Allen Bryans
SECOND: Mary Jones
AYES: Jim Herold, Allen Bryans Mary Jones and Pat Zalewski.
NAYES: None
ABSENT: Jan Smith
Motion carried

[2nd Reading Ordinance No. 358 – Adoption of ordinance requiring reviews and approvals and identifying “Agents of Review”](#)

Planner Riker reviewed Ordinance 358

Attorney Bennett read Ordinance 358

There was a motion made to approve Ordinance 358 as read

MOTION: Pat Zalewski
SECOND: Jim Herold
AYES: Jim Herold, Allen Bryans Mary Jones and Pat Zalewski.
NAYES: None
ABSENT: Jan Smith
Motion carried

[2nd Reading Ordinance No. 359 – Adoption of ordinance establishing fees and rates for all planning and development related purposes](#)

Planner Riker reviewed Ordinance 359

Attorney Bennett read Ordinance 359

There was a motion made to approve Ordinance 359 as read

MOTION: Mary Jones
SECOND: Pat Zalewski
AYES: Jim Herold, Allen Bryans Mary Jones and Pat Zalewski.
NAYES: None
ABSENT: Jan Smith
Motion carried

NEW BUSINESS:

[Resolution 07-003 – Designation of Building Official/Code Enforcement Officer](#)

Planner Riker reviewed Resolution 07-003

Attorney Bennett read Resolution 07-003

There was a motion made to approve Resolution 07-003

MOTION: Jim Herold
SECOND: Pat Zalewski
AYES: Jim Herold, Allen Bryans Mary Jones and Pat Zalewski.
NAYES: None
ABSENT: Jan Smith
Motion carried

[Resolution 07-004 – Designation of City Engineer & Authorized Agents of Review](#)

Planner Riker reviewed Resolution 07-004

Attorney Bennett read Resolution 07-004

There was a motion made to approve Resolution 07-004

MOTION: Pat Zalewski
SECOND: Jim Herold
AYES: Jim Herold, Allen Bryans Mary Jones and Pat Zalewski.
NAYES: None
ABSENT: Jan Smith
Motion carried

[Resolution 07-005 – New Fee Schedule - Planning](#)

Planner Riker reviewed Resolution 07-005

Attorney Bennett read Resolution 07-005

There was a motion made to approve Resolution 07-005

MOTION: Jim Herold
SECOND: Allen Bryans
AYES: Jim Herold, Allen Bryans Mary Jones and Pat Zalewski.
NAYES: None
ABSENT: Jan Smith
Motion carried

CITY MANAGER REPORT:

[Discussion – Date for Referendum – Tax Allocation District](#)

City Manager Andrew presented the Council with a break down of the time line and steps involved with creating the Tax Allocation District.

Manager Andrew advised that the Governor has not yet begun signing the approved Bills and due to a timing issue the tax allocation referendum will not be ready by the June 19th, 2007 Special Elections Date. The date has been set for September 18, 2007.

The Flowery Branch Development Authority will be working to keep the community informed of the referendum.

[Discussion – Date for Retreat – Planning & development Authority](#)

City Manager Andrew advised that the Flowery Branch Development Authority has requested a retreat with the City Council to discuss future assignments.

There was a consensus of the Council to hold a ½ day retreat beginning at 8:00 am and finishing at 12:00 pm on May 30, 2007.

City Manager Andrew advised that the option to buy agreement with the First Baptist Church of Flowery Branch expires on June 29th and that the City will be executing that document in the near future.

The EPD is currently reviewing the well head protection documents and although not officially approved the EPD has indicated that there are no apparent issues with the well application and water tests.

CLERK REPORT:

[Approval of contract Allied Waste Service – Sludge and refuse landfill.](#)

Clerk McCain and Attorney Bennett reviewed the contract received from Allied waste for landfill fees and charges.

Clerk McCain advised the Council that the City does not have many choices for sludge removal as there are only two (2) facilities that currently take the waste.

Attorney Bennett advised that there were a few changes he would like to see to the document but that they are not substantial.

Attorney Bennett reviewed his suggestions.

There was a motion made to direct the City Clerk to work with Allied Waste to incorporate the changes suggested by the Attorney and to authorize the Mayor to execute the document once negotiations are complete.

MOTION: Mary Jones
SECOND: Pat Zalewski
AYES: Jim Herold, Allen Bryans Mary Jones and Pat Zalewski.
NAYES: None
ABSENT: Jan Smith
Motion carried

[Discussion – Ordinance 170C – Amendment to the Alcohol Beverage Sale for Consumption by the Drink](#)

Clerk McCain advised the Council that currently there are three (3) applications for Beer/Wine/Alcohol pending. The issue the licensees are having is the banks will not approve the loans for the purchase of the businesses until such time a valid liquor license is supplied providing evidence of income from the sales of alcoholic beverages. Ordinance 170 requires that upon application the applicant will submit proof of ownership or current lease.

Clerk McCain reviewed Ordinance 170c which would add the language “A copy of a contract demonstrating the applicant has exclusive control over the premises from which the alcoholic beverages will be served. If for any reason any of the above-referenced contracts expire or are terminated said alcoholic beverage license(s) becomes null and void immediately.

Clerk McCain advised that she had spoken to Councilwoman Smith and that Councilwoman Smith was opposed to the Amendment and felt that the City could issue a certified letter to the lending agencies indicating that the application seems to be in order pending the proof of ownership or of a lease agreement.

Attorney Bennett read Ordinance 170C

There was a motion made to approve the first reading of Ordinance 170C.

MOTION: Allen Bryans
SECOND: Pat Zalewski
AYES: Jim Herold, Allen Bryans Mary Jones and Pat Zalewski.
NAYES: None
ABSENT: Jan Smith
Motion carried

ATTORNEY REPORT:

No report.

PLANNING, ZONING REPORT:

[Update- Planning Department Activity](#)

- TE Grant – Planner Riker advised that the City is waiting for the final sign off for funds from the Department of Transportation and once signed the project will go for bid. It will be approximately 45 day from the date of the signing for the project to begin.
- Reminder - Halvorsen ground breaking April 25, 2007.
- Public Hearing on May 10th will include the following items for consideration;
 1. Zoning Code Amendment
 2. Annexation/rezoning request - Halvorsen
 3. Variance application
- Discussion – Nuisance/Abatement Ordinance

Planner Riker presented the Council with a rough draft of the document. Planner Riker advised that Hammond Law and the City Attorney are currently reviewing the documents.

COUNCIL REPORT:

Councilman Bryans inquired on the truck route going through town.

After some discussion Planner Riker advised that the route would be evaluated and posted prior to the TE Grant. Further the reposting of the truck route would include discussion with the Department of Transportation and Hall County due to the signs being posted in their right-of-ways.

Councilman Herold suggested that staff review the thought of the old narrow streets in the downtown area being marked as one-way streets.

Councilman Herold also suggested that at least once every six months the City of Flowery Branch city limits signs be washed down by the prisoners as they get dirty and unreadable.

EXECUTIVE SESSION

There was a motion made to enter Executive Session at 10:41am for pending litigation.

MOTION: Jim Herold
SECOND: Allen Bryans
AYES: Jim Herold, Allen Bryans Mary Jones and Pat Zalewski.
NAYES: None
ABSENT: Jan Smith
Motion carried

****NOTE****Councilwoman Mary Jones left the meeting for a prior commitment at 11:10 am.

There was a motion made to exit Executive Session at 11:43 am.

MOTION: Jim Herold
SECOND: Pat Zalewski
AYES: Jim Herold, Allen Bryans and Pat Zalewski.
NAYES: None
ABSENT: Jan Smith, Mary Jones
Motion carried

ADJOURNMENT:

There was a motion made to adjourn the meeting at 11:44 am.

MOTION: Jim Herold
SECOND: Allen Bryans
AYES: Jim Herold, Allen Bryans and Pat Zalewski.
NAYES: None
ABSENT: Jan Smith, Mary Jones
Motion carried