



**CITY OF FLOWERY BRANCH**  
**Council Meeting Minutes**  
**Work Session**  
**Thursday March 4, 2010**



**CALL TO ORDER:**

Mayor Hirling called the meeting to order at 6:03 p.m.

**IN ATTENDANCE:**

Mayor Diane Hirling and Council Members Craig Lutz, Chris Fetterman, Kris Yardley, Mike Miller and Tara Richards. Also in attendance were City Manager Bill Andrew, Deputy City Clerk Lou Camiscioni and City Attorney Ron Bennett.

**NOT IN ATTENDANCE:**

City Planner James Riker

**PUBLIC COMMENTS:**

There were no Public Comments given.

**PRESENTATIONS:**

Chief Lanich approached the Council and recognized Corporal Eric Cook as Supervisor of the Year and Officer David Jackels as Officer of the Year. Plaques were given to each officer recognizing these accomplishments.

Mayor Hirling presented Wm. Lewis Duncan, Water Distribution Crew Leader, with a Certificate of Honor recognizing him of his quick response and actions taken during a medical emergency of a fellow employee who had fallen ill.

**UNFINISHED:**

Discussion regarding Ordinance 431 Municode adoption. City Attorney Bennett indicated that there were no other changes to the ordinance.

**NEW BUSINESS:**

[Discussion on February 18, 2010 Meeting Minutes.](#)

No changes were received and no further discussion was required.

**NOTE:**

City Attorney Bennett made it known that Resolutions 10-003 and 10-004 were incorrectly identified. Resolution 10-003 should be labeled Occupational License Fees and Resolution 10-004 should be labeled as False Alarm Penalties.

[Discussion – Resolution 10-001 Dedication of Lake Crossing Drive; City Manager Bill Andrew](#)

City Manager Andrew reiterated that the roads in Sterling on the Lake are or will be considered public roads once they meet all City requirements; Lake Crossing Drive was noted as a road that is now considered a public road within the City since it has met all of the requirements set forth by the City.

Councilmember Lutz asked City Manager Andrew was it his understanding that Lake Crossing Drive had not been a public road up until now. It was stated that Lake Crossing Drive was always considered a public Road and that the intent of the ordinance was to bring the road, into the City.

[Discussion – Resolution 10-002 Sanitary and Health Fee Schedule](#)

[Discussion – Resolution 10-003 Occupational License Fees](#)

[Discussion – Resolution 10-004 False Alarm Penalties](#)

[City Attorney Ron Bennett](#)

City Attorney Bennett asked Council that he wished to include in this discussion the other two resolutions as well; 10-003 Occupational License Fees and 10-004 False Alarm Penalties

City Attorney Bennett stated that some of the older ordinances had fees and charges in the body of the ordinance. Changes to fees or charges would require two reads of the ordinance to change any fee or charge. With some of the ordinances as we updated them, we created the fees in the ordinance but set the amounts by resolution. When we completed the Municode codification there were several ordinances that still had the fees and charges embedded in the ordinances. So what these three resolutions do is setup all of the fees and charges codified in Municode as resolutions as they do not change the amounts; they do not change anything but it just basically excerpts the sections out of the ordinances for the charges and put them in resolutions. Other violations in the ordinances are not being changed or effected by these resolutions; only the fees and/or charges. Gaming fees will remain in the Ordinances.

Councilmember Fetterman asked if there were any more Ordinances that needed to be reviewed for the creation of resolutions such as these three.

City Attorney Bennett stated not at this time.

## **DEPARTMENT REPORTS**

### **City Manager Report**

I did have one item to bring up. We need the Council to authorize two checks to be signed by the Mayor. Three years ago the City purchased a van for the prisoners from government surplus for about for \$900.00. It has been working pretty well until two weeks ago when it would not go up any hills, Gainesville, Spring, and East Main Streets. Also the van caused the wiring in the trailer it towed to be burn out. We had been talking for a few weeks about replacing the vehicle either in next years budget or later in this year's budget to replace the vehicle. Mr. Thomas had already been looking at some ways to eliminate this problem and we would be buying a new Ford Ranger to replace the F-150 Super Cab that Donald Bowers had been using which had been given to him by Public Works initially. That truck was given back to Public Works and that is what the prisoners are using now.

Most of the tools can be put in the back of the F-150 so no trailer would be needed. This all worked out fine. We had had sort of a deal with Greene Ford for a truck we had sent out for bids on and they had given us the best price. Then the price went up three or four hundred dollars and we said we weren't paying that and they backed down three hundred dollars. The truck was \$14,696.80 and what we did was take \$10,000.00 from Public Works Small Equipment, \$2,000.00 from Vehicle Repairs and the balance \$2,696.80 from Water.

I had thought we were just creating a purchase order but we actually ended up taking possession of the vehicle. I didn't want the Mayor to sign the checks without proper authorization.

Mayor asked City Attorney Bennett because of the budget item would we need to vote on it or would it be an amendment to the budget?

City Attorney Bennett stated the transfer of money would be a budget amendment but the authority for you to make the purchase sign off as well as approve, ratify what City Manager Andrew did because it exceeded the Purchasing Policy. All you need to vote on now is it is OK to have bought the truck and the Mayor can sign the necessary documents.

City Manager Andrew remarked that the budget can be amended at year end with all other changes required by the audit.

Mayor Hirling canvassed the Council for approval to put the purchase of the vehicle and Council to authorize her to sign the necessary documents and checks for the purchase, on the Consent Agenda. Hearing no discussion from Council it was so agreed.

City Manager Andrew updated the Council on the status of the budget. The process is going well; all departments except for Water and Sewer have been review and expenses seem to be going down. Health Insurance with BC/BS will increase by 13%. We are looking at other providers.

#### City Clerk Report

Nothing

#### Attorney Report

City Attorney Bennett review with Council questions that were raised during the Retreat that was held on February 27, 2010 and passed out a handout to Council Members. Items mentioned were changes to the Charter through the General Assembly for Term Limits. Partisan Elections also would also require a change to the Charter, by the General Assembly as well.

Authorities, Committees term limits. The three identified we have right now are the Development Authority, Historic Preservation Commission and the Ethics Board, TAD Committee.

By State Statute the Development Authority are all four year terms.

The Historic Preservation Commission the statute says that local government body can set the term for folks on the Historic Preservation Commission; the longest you can make a term is three years. You can make one year, six months or two years; as long as it does not exceed three years.

The Ethics Board, inclusive in the Ethics Resolution is that the elected officials can designate two people from the Ethics Board (inaudible verbalizing).

The requirements for terms in the TAD Committee are explained in the TAD procedure.

A model Solid Waste Management Ordinance was handed out to Council Ordinance 400 is a starting point.

Councilmember Lutz asked if Ordinance 400 was setup as a non-exclusive franchise. City Attorney Bennett replied that he believes it was setup up as an exclusive franchise.

Councilmember Lutz then asked if it would still allow Council to establish rates. City Attorney Bennett replied yes, by resolution.

Ethics Ordinance Samples were handed out as well by City Attorney Bennett. The City's ordinance was based on one for the City of Roswell.

Councilwoman Richards asked the City Attorney how many other municipalities have partisan elections. City Attorney Bennett stated that the City of Macon is the only city that has partisan elections.

City Manager Andrew reminded Council that a meeting has been scheduled to discuss the Solid Waste Ordinance on March 18, 2010.

Councilmember Fetterman remarked asked if we would have to get with Red Oak to see what their rates were going to be; were we putting this out for bids this year.

Councilmember Lutz stated it would be nice if we have some ideas on costs for a non-exclusive franchise with Red Oak, relationship between Red Oak and the Customer and the exclusive franchise between the City and Red Oak; what the pricing model would be. If we could get out of the billing business in this, I think it helps us.

Councilmember Fetterman stated the City has to give Red Oak 90 days notice. City Attorney Bennett remarked that this is the third year of the contract with Red Oak. It does not have an automatic renewal. It expires October 30, 2010.

Councilmember Fetterman asked if we needed to know something before we do the budget or wouldn't it matter. Also if we need to do a RFP now?

Councilmember Lutz stated that we also need to look at what the deal would be with Solid Waste, leaf and lawn stuff.

Councilmember Yardley remarked that the RFP should refer to managing of the billing, recycling, providing bins, leaf, limb and lawn service; separate pricing as well as ala-carte pricing.

Mayor Hirling posed the question, would be unethical to talk with Red Oak now, let them know what the City is thinking and ask them to give us a price now before we put out the RFP.

## Council Report

Councilmember Lutz congratulated Officer Jackels.

Councilmember Fetterman asked for an update on the Spring Street project. City Manager Andrew stated it could be completed as early as next week. Johnny Thomas and I feel in terms of everything that needs to be done, sidewalk, handrails and all that it probably will be the week after. It is drivable, culvert is all in. We will be putting a light on the bridge as well.

Councilmember Richards informed Council that she had been nominated for Leadership Hall.

### **ADJOURNMENT WORK SESSION:**

Mayor Hirling adjourned the Work Session at 6:40 pm.



**CITY OF FLOWERY BRANCH**  
**Council Meeting Minutes**  
**Voting Session**  
**Wednesday March 4, 2010**  
**Immediately following Work Session**



**OPEN VOTING SESSION:**

Mayor Hirling opened the Voting Session at 6:45 pm.

**CONSENT AGENDA:**

- Meeting Minutes February 18, 2010
- Purchase of City Manager to purchase a new vehicle and authority for Mayor to sign necessary documents

There was a motion made to approve the Consent Agenda as presented.

MOTION: Mike Miller

SECOND: Tara Richards

AYES: Craig Lutz, Chris Fetterman, Kris Yardley, Mike Miller and Tara Richards

NAYES: None

Motion carried

**UNFINISHED BUSINESS:**

**Discussion – Ordinance 431 Municode adoption**

Attorney Bennett read Ordinance 431.

There was a motion made to approve the first reading of Ordinance 426.

MOTION: Craig Lutz

SECOND: Mike Miller

AYES: Craig Lutz, Chris Fetterman, Kris Yardley, Mike Miller and Tara Richards

NAYES: None

Motion carried

[Resolution 10-001 Dedication of Lake Crossing Drive](#)

Attorney Bennett read Resolution 10-001.

There was a motion made to approve Resolution 10-001.

MOTION: Chris Fetterman  
SECOND: Tara Richards  
AYES: Craig Lutz, Chris Fetterman, Kris Yardley, Mike Miller and Tara Richards  
NAYES: None  
Motion carried

[Resolution 10-002 Sanitary and Health Fee Schedule](#)

Attorney Bennett read Resolution 10-002

There was a motion made to approve Resolution 10-002.

MOTION: Mike Miller  
SECOND: Tara Richards  
AYES: Craig Lutz, Chris Fetterman, Kris Yardley, Mike Miller and Tara Richards  
NAYES: None  
Motion carried

[Resolution 10-003 Occupational License Fees](#)

Attorney Bennett read Resolution 10-003.

There was a motion made to approve Resolution 10-003.

MOTION: Mike Miller  
SECOND: Tara Richards  
AYES: Craig Lutz, Chris Fetterman, Kris Yardley, Mike Miller, and Tara Richards  
NAYES: None  
Motion carried

[Resolution 10-004 False Alarm Penalties](#)

Attorney Bennett read Resolution 10-004.

There was a motion made to approve Resolution 10-004.

MOTION: Kris Yardley  
SECOND: Mike Miller  
AYES: Craig Lutz, Chris Fetterman, Kris Yardley, Mike Miller and Tara Richards  
NAYES: None  
Motion carried

**EXECUTIVE SESSION:**

- Personnel
- Pending/Potential Litigation

There was a motion made to close the voting session and enter into Executive Session at 6:55 pm.

MOTION: Chris Fetterman  
SECOND: Craig Lutz  
AYES: Craig Lutz, Chris Fetterman, Kris Yardley, Mike Miller and Tara Richards  
NAYES: None  
Motion carried

There was a motion made to exit the Executive Session and re-enter into Voting Session at 7:30 pm.

MOTION: Craig Lutz  
SECOND: Kris Yardley  
AYES: Craig Lutz, Chris Fetterman, Kris Yardley, Mike Miller and Tara Richards  
NAYES: None  
Motion carried

**ADJOURNMENT:**

There was a motion made to adjourn the Voting Session at 7:31 pm.

MOTION: Chris Fetterman  
SECOND: Kris Yardley  
AYES: Craig Lutz, Chris Fetterman, Kris Yardley, Mike Miller and Tara Richards  
NAYES: None  
Motion carried