



CITY OF FLOWERY BRANCH
Council Meeting – Work Session
Meeting Minutes
February 6, 2008, 9:30 am



CALL WORK SESSION TO ORDER:

Mayor Hirling called the meeting to order at 9:30 am

IN ATTENDANCE:

Mayor Diane Hirling and Council Members Allen Bryans, Pat Zalewski, Mary Jones, Craig Lutz and Chris Fetterman. Also in attendance were City Manager Bill Andrew, City Clerk Melissa McCain, City Planner James Riker, and City Attorney Ron Bennett.

PUBLIC COMMENTS:

There were no public comments.

NEW BUSINESS:

Discussion Minutes of January 23, 2008

There were no comments or corrections.

It was noted that this item would be placed on the February 6, 2008 Consent Agenda for further consideration.

Discussion – Refund Permit Fees - Discovery Point

Planner Riker informed the Council that Discovery Point Day Care had applied for a building permit in 2006. Plans reviewed and paid for by the developer. It was discovered there were environmental concerns regarding the property permitted on Radford and the developer has indicated that the project would be abandon.

Further Planner Riker noted that staff has not conducted any inspections of the property and that a refund in the amount of \$14,207.20 is requested.

Attorney Bennett advised that because the developer has not benefitted from the development, staff has not spent any money or expended resources toward the development of the property and all plan review fees have been paid by the developer it is his recommendation to refund the monies.

It was noted that this item would be placed on the February 6, 2008 Voting Session Unfinished Business Agenda for further consideration.

Audit Presentation

The Council was presented with a copy of the completed audit review by Walker and Associates.

Mr. Dan Walker, Owner of Walker and Associates, reviewed the audit and answered Council questions.

No further action needed on this item.

Discussion - Wage and Salary Survey

City Manager Andrew advised that a new Personnel Policy was anticipated to be implemented within the next month and that a portion of that policy refers to a wage classification plan.

This new study would include Wage and Salary Classifications, Job Descriptions and would ensure that the job equals the pay.

The original estimate was \$4,500 but after discussions with Carl McCoy the Carl Vinson Institute has lowered the amount to \$3,500.

Further Manager Andrew advised that the 2004 study contained flawed information in that the studies incorporated cities that were not comparable to the growth and services the city offers.

Councilman Fetterman inquired if the Tax Allocation District would affect the Study.

Manager Andrew advised that the Tax Allocation District may raise the skill level of the jobs available in the future but that would all be considered in the study and compared to similar cities.

It was noted that this item would be placed on the February 6, 2008 Voting Session Unfinished Business Agenda for further consideration

Discussion – AT&T Contract

Clerk McCain advised the Council that the City needed to enter into a contract with AT&T for new service at the 5512/5514 new Planning Department location. The additional cost above and beyond current cost is \$127.00.

Clerk McCain continued by stating that this fee will include the use of a T1 line, internet service, two (2) routers, network connection, seven (7) voice lines and one (1) fax line.

Further, Clerk McCain advised that AT&T has waived the \$1,249 installation fee.

It was noted that this item would be placed on the February 6, 2008 Voting Session Unfinished Business Agenda for further consideration.

Discussion - Resolution 08-002 – Records Retention Policy

Clerk McCain advised that the current Resolution the City has adopted as a retention schedule did not address the retention of the audio tapes recorded from the City Council Meetings.

The proposed resolution would not only adopt a schedule for the retention of council meetings audio tapes but also would accept the retention schedule as set fourth by the Georgia Secretary of States Office Division of Archives.

Clerk McCain further advised that audio tapes are not required to be taken of the council meetings but that the clerk uses them as a back up until such time the official recording of the meetings (minutes) are approved.

It was noted that this item would be placed on the February 6, 2008 Voting Session Unfinished Business Agenda for further consideration.

Discussion Resolution 303D Prescribing Regular Meeting Times and Places

Clerk McCain advised that the resolution presented would incorporate the new meeting style that the council had approved at the January 23rd, 2008 council meeting.

Both the meeting on the first Wednesday of the month and the third Wednesday of the month would include a Work Session as well as a Voting Session with Public Comments allowed at every Work Session.

It was noted that this item would be placed on the February 6, 2008 Voting Session Unfinished Business Agenda for a first reading and further consideration.

DEPARTMENT REPORTS:

City Manager Report

Manager Andrew reviewed his schedule for the month.

City Planner

Planner Riker gave a summary of the status of on going projects.

- TE Grant
- Stonebridge Village
- City sign at Stonebridge Village
- Urban Redevelopment Plan
- Historic Preservation Ordinance and Historic Sign Ordinance

City Clerk

- Retreat update

Clerk McCain advised that the retreat, with Council approval would be held at Emerald Pointe, Lake Lanier Islands March 28-29.
A copy of the contract was presented to the Council for review.

It was noted that this item would be placed on the February 6, 2008 Consent Agenda for further consideration.

- Spirit of Joy car Show/Country Boil

Clerk McCain advised that Rev. Dodson was requesting to hold the Spirit of Joy Car Show and Country Boil on June 7, 2008.

There was a consensus to authorize the Spirit of Joy Church to hold the annual Car Show/Country Boil in downtown Flowery Branch on June 7, 2008.

- Savannah GMA Conference/Training

Clerk McCain advised that the applications for training have come in regarding the annual Georgia Municipal Training held in Savannah Georgia.

Clerk McCain requested that all council interested in attending to fill out the application and return to the Clerk for processing.

Mayor Hirling adjourned the Work Session and opened the Voting Session at 10:27 a.m.

VOTING SESSION

CONSENT AGENDA:

- Approval of January 23, 2008 Special Called Meeting Minutes
- Authorize the City to enter into an agreement with the Carl Vinson Institute of Government for a Wage and Salary Survey and to authorize the Mayor to execute said document.
- Authorize the City to enter into a contract with Emerald Pointe Resorts, Lake Lanier Island Management and authorize the Mayor to execute said document.

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

MOTION: Craig Lutz
SECOND: Pat Zalewski
AYES: Craig Lutz, Pat Zalewski, Allen Bryans, Mary Jones and Chris Fetterman.
NAYES: None
Motion carried

UNFINISHED BUSINESS:

Approval to Refund Permit Fees to Discovery Point

There was a motion made to approve a refund to Discovery Point Day Care Centers in the amount of \$14,207.20.

MOTION: Allen Bryans
SECOND: Mary Jones
AYES: Allen Bryans, Mary Jones, Craig Lutz, Pat Zalewski, and Chris Fetterman.
NAYES: None
Motion carried

Approval Resolution 08-002 – Records Retention Policy

Attorney Bennett read Resolution 08-002.

There was a motion made to approve Resolution 08-002 as presented.

MOTION: Pat Zalewski
SECOND: Allen Bryans
AYES: Pat Zalewski, Allen Bryans, Mary Jones, Chris Fetterman and Craig Lutz.
NAYES: None
Motion carried

Approval Ordinance 303D Prescribing Regular Meeting Times and Places

Attorney Bennett read Ordinance 303D.

There was a motion made to approve Ordinance 303D as presented.

MOTION: Pat Zalewski
SECOND: Allen Bryans

Discussion: Requested for the record by Councilman Fetterman

Councilman Lutz advised that he felt it was the will of the people that the council meetings be held at night giving the public an opportunity to attend the meetings and be involved with the City.

Mayor Hirling inquired if there were any further comments or discussion.

Councilman Fetterman read a statement – see attached Exhibit A

Mayor Hirling called for the vote.

AYES: Pat Zalewski, Allen Bryans and Mary Jones

NAYES: Craig Lutz and Chris Fetterman

Motion carried

Approval AT&T Contract

There was a motion made to authorize the City to enter into a contract with AT&T and ratify the Mayor's signature executing said document.

MOTION: Pat Zalewski

SECOND: Mary Jones

AYES: Pat Zalewski, Allen Bryans, Mary Jones and Chris Fetterman

NAYES: None

ABSTAIN: Craig Lutz

Motion carried

City Manager Andrew advised that there the Flowery Branch Development Authority was going to have a vacancy due to Doward Douwsma moving out of state and that three other positions were up for reappointment.

It was noted that Council should turn in any recommendations and have applications turned into the clerk for processing.

EXECUTIVE SESSION:

There was a motion made to enter Executive Session at 10:43 a.m. for

- Pending/Potential Litigation
- Acquisition of Real Estate

MOTION: Craig Lutz

SECOND: Mary Jones

AYES: Pat Zalewski, Allen Bryans, Mary Jones, Chris Fetterman and Craig Lutz.

NAYES: None

Motion carried

RECONVENE OPEN SESSION:

There was a motion made to adjourn Executive Session and reconvene Open Session at 11:07 a.m.

MOTION: Pat Zalewski

SECOND: Craig Lutz

AYES: Pat Zalewski, Allen Bryans, Mary Jones, Chris Fetterman and Craig Lutz.

NAYES: None

Motion carried

Purchase of 5509 and 5511 Main Street

There was a motion made to authorize the purchase of 5509 and 5511 Main Street and to authorize the Mayor to execute said documents.

MOTION: Allen Bryans
SECOND: Mary Jones

Discussion: For the record requested by Councilman Fetterman and Councilman Lutz.

Statement made by Councilman Craig Lutz, see attached Exhibit B
Statement made by Councilman Fetterman, see attached Exhibit C

There were no other comments or discussion.

AYES: Pat Zalewski, Allen Bryans, Mary Jones
NAYES: Craig Lutz and Chris Fetterman
Motion carried

ADJOURNMENT:

There was a motion to adjourn the February 6, 2008 Council Meeting at 11:17 a.m.

MOTION: Pat Zalewski
SECOND: Allen Bryans
AYES: Pat Zalewski, Allen Bryans, Mary Jones, Chris Fetterman and Craig Lutz.
NAYES: None
Motion carried

Mayor Diane Hirling

Date

City Clerk Melissa McCain

EXHIBIT A

Although we agreed last meeting to change meeting procedure, and I thank the other members of the council, I would like to restate my opinion on this matter.

Remember, not all of our citizens are retired, work for themselves, or have the ability to work from home. I am personally fortunate enough that my employer supports me in this endeavor, to serve the citizens of Flowery Branch, and allows me the flexibility to adjust my work schedule.

I believe that all of our city council meetings should be held at night so the working citizens of Flowery Branch can attend without burdening themselves by taking time off of work. It appears many of our surrounding municipalities such as Oakwood, Buford, Braselton, Lula, Duluth, Winder, and Lawrenceville are in touch with their citizens because all their meetings are in the evenings.

So until any ordinance that relates to prescribing the regular meeting times and places of the city council has evening times – I will continue to vote no.

EXHIBIT B

What is the role of Government?

The fundamental question we need to ask ourselves here is what is the role of our city government? When I think back to my days at Macon Junior College and U.S. Government class, I seem to remember Professor Kimbro talking about John Locke and David Hume and something called a Social Contract.

The fundamental point here is that government is created by the people to provide needs that cannot be done by individuals. It can be argued that this land deal could enable development and it could make the city's property more valuable, and as I consider this proposition I come to the realization that the individual or developer could do this and government is not needed in this business transaction.

With a few exceptions like the Louisiana Purchase and Steward's folly, I do not believe that government should be in the real estate speculation business. Yes, this is land speculation. The City recently moved out of one of the properties that we are now considering as a land acquisition. We do not have a tenant for the space or a developer waiting to purchase this block. This purchase is speculative in nature, which by definition involves risk.

It should not be the role of our government to make money. In fact, we have responsibility to care for the revenue that we collect in taxes. When I first heard the idea about the acquisition of the two buildings next to City Hall, I will admit, the businessman in me saw the idea as intriguing. Then I asked what else could the \$300k be used for? I look at the roads in parts of our community, I look at the deteriorating water pipes here in the historic district, I see the need to be prepared for emergencies, and I see the need to wisely spend our money. Then I look back to one of the reasons I ran for office, to keep taxes low by containing spending. I believe in what P. J. O'Rourke says, "Giving money and power to government is like giving whiskey and car keys to teenage boys."

I urge this council to reconsider this proposition. If it is a New City Hall and police station you want, let's find a developer that is willing to take on the risk by acquiring the targeted property as well as our buildings. There is no sound reason for the taxpayer to carry this burden and I feel like it goes beyond the power of our social contract.

We should also consider that this action goes beyond the limits of our City Charter. When I look at the charter, I see where it explicitly provides power to sell city property in section 6.13, but I do not see the power to purchase property for the purpose of lease revenue or development outside of public improvements. I have not heard an argument that this is a going to be "public grounds". The fact that we have moved our Planning offices out of one of the buildings reinforces the idea that this will not be for the general public use.

Milton Friedman the American Nobel Laureate in economics once said, "The government solution to a problem is usually as bad as the problem." If the problem is how to get more space to meet the public needs of our growing city, then I urge you to not drive a solution without first looking to the private sector for better solutions.

EXHIBIT C

For the purpose of this I will refer to 5509 Main Street to mean 5509 and 5511 Main Street and 5512 Main Street to mean 5512 and 5514 Main Street.

I must say, when I was first informed about the possible purchase of 5509 Main Street, I was blown away.

Many of you may not know that we were leasing this space up until the council approved a new lease agreement for 5512 Main Street. Now, after moving many of our offices from 5509 to 5512 Main Street, we are buying the building for \$300,000.

Where does this make any sense?

Well, the timetable of events and waste of Flowery Branch taxpayer dollars, that I am about to tell you, are both interesting.

Let's start with the timetable.

During the November 21, 2007 council meeting, the lease agreement of 5509 Main Street, where a number of Flowery Branch's personnel are housed, was on the agenda and after some discussion; this was postponed until December 5, 2007. (Per the adopted November 21, 2007 minutes)

During the December 5, 2007 council meeting, there was nothing on the agenda about the postponed discussion of the 5509 Main Street lease agreement. What was on the agenda was a lease agreement for 5512 Main Street. There was no discussion and this lease agreement was postponed until the December 18, 2007 council meeting.

During the December 18, 2007 council meeting, the 5512 Main Street lease agreement was on the agenda and, at that time I was a citizen, I prepared comments that I wanted to state, for the record, to the city council about the 5512 Main Street lease, and not seeing any public comments on the December 18, 2007 agenda, I asked the Mayor for time to speak. At first, she was gracious enough to say yes, after other members of the council opposed this, and I heard someone say that allowing this would set precedence, meaning that this is not the norm and would have to be allowed in the future – I was then informed I could not speak. This action made me look into past Voting Session Minutes. I found one, October 3, 2007, and there were public comments during that Voting Session. Well anyways, per the adopted minutes, the vote on the 5512 Main Street lease agreement was 4-1 – motion carried.

Now for the waste of Flowery Branch taxpayer dollars.

The lease of 5509 Main Street was \$1,000 per month. The new lease for 5512 Main Street is \$2,200 per month – a 120% increase. This is a 3-year lease. Over the course of a year that is \$14,400 increase that the taxpayers are burdened with, and over 3-years, it is over \$43,000.

Now it is my understanding that with the purchase of 5509 Main Street, we will now be landlords to the karate studio with an income of \$900 a month. Still, with a \$2,200 expense for the lease of 5512 Main Street less the income from the 5509 Main Street rent, we are still paying \$15,600 per year to lease 5512 Main Street or \$3,600 more per year had we stayed in 5509 Main

Street and not purchased the building. If we stayed in 5509 Main Street, and purchased the building, we would now have a \$10,800 increase in revenue.

I hope this was not a campaign quid pro quo for the one of the owners of Hortman and Dobbs Developers, LLC, which is the company who owns 5512 Main Street, who recently ran for a seat on this city council and was publicly supported by 4 of the 5 previous council members.

Questions:

Have we moved into 5512 Main Street yet? No. And if so are we paying 2 leases? Yes.

What are the plans for 5509 Main Street to not use taxpayer dollars to pay for a vacant building?
I do not know.

If we do not find a tenant by January 1, 2009, I assume we can end our lease with Hortman and Dobbs Developers, LLC and move our offices back our building and add \$26,400 dollars back to our general fund for other important city items?

****NOTE** – *Please see April 2, 2008 Meeting minutes for further comments regarding the above***