



**CITY OF FLOWERY BRANCH**  
**Council Meeting – Work Session**  
**Meeting Minutes**  
**April 2nd, 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.

**PLEDGE OF ALLEGIANCE:**

Mayor Hirling led the Pledge of Allegiance.

**PUBLIC COMMENTS:**

There were no public comments.

**NEW BUSINESS:**

***Discussion – Brinker Georgia Inc, DBA Chili's Grill & Bar Alcoholic Beverage License***

Clerk McCain advised that Chili's has submitted their application and all is in order for review by the Council. The Registered Agent has been finger printed and a background check completed. The applicant has no prior record. Further Clerk McCain advised that all the taxes have been paid on the property and that the payment of the license fee has been paid as well as the business license application and fees.

There was a consensus to the Alcohol, Beer and Wine License application for Chili's Grill and Bar on the Voting Session Agenda under Unfinished Business for further consideration.

***Discussion – DHRC Enterprises Exxon Food Mart Beer and Wine License***

Clerk McCain advised that the applicant is in the process of purchasing the business and will be leasing the property at 5775 Phil Niekro Blvd. A license was issued at that address previously and has been revoked because of the sale of the business to the new applicant. Licenses are non-transferable

The application has been completed and submitted for your review. The Registered Agent has been finger printed and a background check completed. The applicant has a clear background. All Taxes have been paid on the property; Payment of the license fee was paid upon application and the Business License has been paid for the current year.

There was a consensus to the Beer and Wine License application for Exxon Food Mart on the Voting Session Agenda under Unfinished Business for further consideration.

#### *City Park Lease Agreement – Army Corps of Engineers*

Clerk McCain advised the that Council that the five (5) year lease agreement with the Army Corp of Engineers for the City Park property expired February 29, 2008. After discussing the lease with the local ranger Mike Lapina and the Alabama Real Estate Division representative Eric Sternberg, the new supplemental lease agreement will be effective for a ten (10) year term. Further, Clerk McCain advised that in 2006 the Army Corps of engineers began charging all leasers an administrative fee for research and to assist in covering the costs associated with preparing a lease. The fee to the City is \$2,500 for the ten (10) year lease

There was a consensus to place the City Park Lease on Consent Agenda for further consideration.

#### *Discussion – March 19, 2008 Council Meeting Minutes*

Clerk McCain advised that there were no corrections made to the minutes and that they were ready for council's consideration.

There was a consensus to place the March 19, 2008 Council Meeting minutes on the Consent Agenda for further consideration.

#### *Resolution 08-003 – Solicitation Fee*

Attorney Bennett reviewed the Resolution and advised that the only updated section was that of a renewal fee.

Attorney Bennett advised that the renewal entails the same process as a new application and should be charged at the same rate as a new application.

There was a consensus to place Resolution 08-003 on the Voting Session Consent Agenda for further consideration.

### **UNFINISHED BUSINESS:**

#### *Discussion Minutes - February 6, 2008.*

Clerk McCain advised that there were no corrections to the minutes as presented.

There was a consensus to place the February 6, 2008 Meeting Minutes on the Voting Session Agenda under Unfinished Business for further consideration.

### *Discussion – Watershed Protection Plan Letter*

Planner Riker summarized by stating that as part of the City's recent audit, GaEPD has asked for a letter acknowledging our intention to implement the approved Watershed Protection Plan (WPP). As part of the City's acknowledgement, GaEPD has asked the City to submit a monitoring plan by April 2008 and be prepared to start implementation of the plan by June 2008.

Planner Riker noted that the fees involved are unknown at this time as staff may be qualified to conduct a portion of the testing. It was also noted that a license biologist is also required to do a portion of the testing.

There were some discussions regarding the boundaries and the City's ability to reclaim some of the costs for monitoring in areas that the City has little or no jurisdiction in.

There was a consensus to place the approval of the Watershed Protection Plan letter on the Voting Session Consent Agenda for further consideration.

### **DEPARTMENT REPORTS:**

#### *City Manager Report*

Manager Andrew review upcoming scheduled meetings.

#### *Planning Report*

- Sign Ordinance Research Information

Planner Riker summarized by stating that following the Council imposed moratorium, staff conducted research on how local and non-local jurisdictions are regulating LED highway signs (billboards). Planner Riker provided the Council with a memorandum from Consultant Jerry Weitz summarizing requirements from thirteen local jurisdictions, two articles from advisory groups, and a technical memorandum from the Federal Highway Administration (FHWA) relating to LED signs.

Further Planner Riker stated that given the depth and variation of this information, staff is not prepared to present the Council with any recommendation.

After some discussion Councilman Lutz advised he was concerned about the safety of the drivers on the road and felt these signs were very distracting and suggested the signs be prohibited or at the least regulated.

Councilwoman Jones expressed concerns with the possibility of lawsuits if prohibited as the City has been involved with a prior billboard construction lawsuit which the disposition was not in favor of Flowery Branch. Further Councilwoman Jones felt that regulating the signs would be in the best interest of the City.

Attorney Bennett advised that there is little information or surveys indicating that these signs have an effect on the amount of traffic accidents surrounding them and that the sign companies have numerous resources that are available to conduct such studies. Lower risk option would be to regulate the signs as opposed to prohibit them.

There was some discussion regarding regulating light intensity, number of sign changes and the timing of the sign changing.

It was noted that there are two (2) sites that fall within the highway sign guidelines for new construction of a billboard. A total of three (3) more highway signs could possibly be constructed in Flowery Branch.

Staff was directed to research regulating LED signs and report back to the Council.

### *Council Report*

It was noted that there would not be a quorum for the scheduled April 16, 2008 Council Meeting. It was decided to reschedule the April 16, 2008 for April 23, 2008 at 9:30 am and to hold a Special Called Meeting on April 4, 2008 4:45 pm to review a beer license scheduled for the April 16, 2008 meeting.

Councilwoman Jones advised the Council that April 26, 2008 from 9:00 am – 10:00 am would be the Spring Clean up for the City of Flowery Branch. Interested volunteers should meet at the depot at 9:00 am for supplies.

### **ADJOURNMENT WORK SESSION:**

The Mayor moved into the Voting Session at 10:36 a.m.



**CITY OF FLOWERY BRANCH**  
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**Meeting Minutes**  
**April 2, 2008**



**VOTING SESSION 10:36 A.M.**

**CONSENT AGENDA:**

Consider Approval-City Park Lease Agreement – Army Corps of Engineers

Consider Approval – March 19, 2008 Council Meeting Minutes

Discussion – Watershed Protection Plan Letter

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

MOTION: Mary Jones

SECOND: Pat Zalewski

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

NAYES: none

Motion carried

**UNFINISHED BUSINESS:**

*Consider Approval - Brinker Georgia Inc, DBA Chili's Grill & Bar Alcoholic Beverage License*

There was a motion to approve the Alcohol, Beer and Wine license for Brinker Georgia Inc, DBA Chili's Grill & Bar as presented.

MOTION: Allen Bryans

SECOND: Craig Lutz

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

NAYES: none

Motion carried

*Consider Approval – DHRC Enterprises DBA Exxon Food Mart Beer and Wine License*

There was a motion to approve the Beer and Wine license for DHRC Enterprises DBA Exxon Food Mart as presented.

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

*Consider Approval - Resolution 08-003 – Solicitation Fee*

Attorney Bennett read Resolution 08-003.

There was a motion to Resolution 08-003 as presented.

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

*Consider Approval - February 6, 2008 Council Meeting Minutes*

There was a motion to approve the February 6, 2008 meeting minutes as presented.

MOTION: Craig Lutz  
SECOND: Chris Fetterman

DISCUSSION:

Councilman Fetterman made the following statement:

After having an opportunity to hear the history and background with the lease, I would like to clarify by saying that I do not believe the lease was a political favor. While I still do not believe this lease is in the communities' best interest, I believe the Council was working towards the best interest of the City.

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

**ADJOURNMENT:**

There was a motion to adjourn into the April 2, 2008 meeting at 11:42 am.

MOTION: Mary Jones

SECOND: Chris Fetterman

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

NAYES: None

Meeting adjourned