



**CITY OF FLOWERY BRANCH**  
**Council Meeting**  
**Work Session**  
**Meeting Minutes**  
**June 4, 2008, 9:30 a.m.**



**OPEN WORK SESSION:**

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, Assistant City Clerk Lou Camiscioni and City Attorney Ron Bennett.

**PLEDGE:**

Mayor Hirling led the Pledge of Allegiance.

**PUBLIC COMMENTS:**

***Jan Smith – 5595 Newberry Point Drive, Flowery Branch, Ga. 30542. 770-965-3010***

Ms. Smith approached the Council with three (3) concerns:

1. Meeting Times
2. Nuisance Ordinance
3. Police Coverage

Ms. Smith summarized by stating that she would like to see the meeting times changed to evening hours. Ms. Smith submitted to the Mayor 62 signatures supporting the Council changing the meeting times to the first and third Tuesday of every month as well as changing the time of the meetings to 6:30 p.m. Ms. Smith reminded the Council that prior to January 2006 the meetings were held during the evening hours.

**\*\*NOTE** - After review the signatures as presented by Ms. Smith, it appears 29 are City residents and 33 are not living within the City of Flowery Branch\*\* Signatures attached to these minutes.

Ms. Smith advised that on May 22<sup>nd</sup> a meeting was held with 23-25 Newberry Point Subdivision attendees regarding a certain dwelling and its failure to abide by the Nuisance Ordinance. Ms. Smith advised that the residents of Newberry Point left the meeting not feeling as if anything was accomplished or was going to be done by the City and that she found this unacceptable.

Further, Ms. Smith advised that she felt the State Code may be too harsh for the City to use in its entirety but that sections could be adopted that would address the issues that the Newberry Point Subdivision is suffering from in regards to a certain dwelling.

Ms. Smith reviewed various State Codes including but not limited to 41-2-7, 41-1-1, 41-2-5, and 41-2-9.

Ms Smith expressed concerns that Staff was getting well paid and not doing the research that the public is doing to address the issues at Newberry Point. Ms. Smith advised that residents are gathering information from many of the local cities as well as information being sent from Ohio.

Further Ms. Smith suggested that staff and Council review the Nuisance Ordinance and revise it to address issues similar to those at Newberry Point.

Finally, Ms. Smith requested more police presence in the Newberry Point subdivision to both stop the speeders as well as cite those people that are parking on the sidewalks.

*Ed Lezaj – 5612 Newberry Point, Flowery Branch, Ga. 30542,*

Mr. Lezaj approached the Council and expressed concerns regarding a proposed Administration Fee that will be added to the bill of garbage customers. Mr., Lezaj went on to say that in the previous year the City issued new cans to all residents and claimed that this would be done at no charge to the citizens and it seems that now the city will be adding the fee to compensate for these cans.

Continuing Mr. Lezaj said that the addition of the Administrative Fee is a way to collect tax revenue without an actual tax increase. Mr. Lezaj cautioned the Council on the use of hidden taxes.

Mr. Lezaj suggested that the City consider allowing the customers to prepay their bills and avoid being charged the administrative fee each month.

In closing Mr. Lezaj commended the Council on only charging customers for the services they use.

**UNFINISHED BUSINESS:**

*Discussion – Ordinance 348-7-Amendment to Zoning Code – Article 24 “Signs”*

Planner Riker advised that there was a moratorium in place that expires on this date. The second reading of the ordinance will put regulations in place with the expiration of the moratorium.

Councilman Lutz requested that some changes be made prior to the second reading of the ordinance.

Councilman Lutz continued by stating that after conducting some research and reviewing studies and information regarding these types of signs there is evidence that these signs can be an unsafe

distraction to motorists but if regulated the signs could be less distracting and our community and streets that much safer.

Councilman Lutz requested the following regulations be incorporated in the ordinance:

**Duration of Message** - Each multiple message shall remain fixed for at least the amount of time that would result in one (1) message per mile at the highest speed limit posted within the 5000 feet approaching the sign for the road from which the sign is to be viewed.

**Transition Time** - When a message is changed, it shall be accomplished in less than one-tenth (1/10<sup>th</sup>) of a second and shall not use fading, swiping or other animated transition methods.

**Illumination and Brightness** - No such sign shall be illuminated at an intensity of greater than twelve (12) foot-candles or illumination, measured from the nearest point of any highway or public road. See Sec. 23.3 of this zoning ordinance for definitions related to measuring illumination. All such signs shall be equipped with a dimmer control and a photo cell which shall constantly monitor ambient light conditions and adjust sign brightness accordingly.

**Sequencing of Messages Prohibited** - Using two or more successive screens to convey a message that will not fit on one (1) screen shall be prohibited.

There was a consensus to include the above mentioned language in the proposed ordinance for the second reading.

#### [Discussion - Ordinance 375– Historic Preservation Program](#)

Planner Riker reviewed Ordinance 375 as well as Resolution 08-009.

This first ordinance creates the frame work for the Historic Commission, the next will create the Historic District boundaries and the third will relate to signs in the Historic District.

Planner Riker reviewed a few changes that the State requested regarding Ordinance 375.

Planner Riker reviewed Resolution 08-009.

Councilman Lutz suggested that the Historic Preservation Commission Members have staggering terms to avoid a full new commission at any one time.

Councilman Fetterman suggested adding two Historic Commission members for three (3) year terms in the following year and begin the staggering of the terms with these seats.

There was a consensus of the Council to add two seats to the Historic Commission in 2009 for three (3) year terms.

There was a consensus to place Ordinance 375 on the Voting Session Agenda for further consideration.

*Discussion – Resolution 08-008 – Fiscal Year 2008/2009 Budget*

City Manager Andrew reviewed the budget.

Manager Andrew advised that the rule of thumb for funds in reserve is a three month operating supply which works out to be \$695,000.00

The reserve fund currently has a balance of \$1,149,000.00

The City will use \$294,000.00 of this reserve account to make the general fund whole leaving sufficient funds (\$855,000.00) in the reserve account to cover any emergencies.

Other important note is that the General Fund is not paying into the Water/Sewer fund.

Water and Sewer operating costs are being covered by Water and Sewer revenue.

Councilman Fetterman inquired if the additional dollar proposed affected the entire community or just those customers using the service.

City Manager Andrew advised that the dollar will also cover the cost of bill generation as well as moving yard waste to the landfill.

Councilman Fetterman suggested that the Water/Sewer/Garbage customers' administrative fees of \$3.50 be split and the garbage administrative fee be broke out and transferred to the solid waste fund. The current budget does not reflect this transfer.

Manager Andrew advised that he has the ability to move funds between accounts and the Council also has the ability to amend the budget if necessary. Suggest revisiting these accounts in six months.

Councilman Fetterman suggested postponing the vote on the budget until the numbers for the solid waste fund can be documented.

Councilman Bryans suggested that the Council move forward with the vote on the proposed budget.

Councilman Lutz inquired if a water/sewer rate resolution would be presented to the Council at the following meeting.

Manager Andrew advised the next meeting will include Water/Sewer rate discussions and a resolution.

Councilman Lutz inquired if the budget is approved today would this commit the Council to a new rate structure.

Manager Andrew advised that it would.

Councilman Fetterman expressed concerns with approving a budget that the figures were not accurate.

There was a consensus to place this item on the Voting Session Agenda for further consideration.

### **NEW BUSINESS:**

#### *Discussion - May 21, 2008 Council Meeting Minutes*

Clerk McCain reviewed a few changes to the minutes. There were no other questions or comments.

There was a consensus to place this item on the Voting Session Consent Agenda for further consideration.

#### *Discussion – 08-006 – Capitalization Schedule*

Clerk McCain advised that according to our audit from the prior year the City was required to have a capitalization schedule and an inventorying method to track such capitol items. This Resolution sets the Capitalization schedule and the process for inventorying items.

There was a consensus to place this item on the Voting Session Agenda for further consideration.

#### *Discussion – 08-009 Appointment of Historic Preservation Commission Members*

Planner Riker advised that this item was discussed during the discussion of Ordinance 375.

There was a consensus to place this item on the Voting Session Agenda for further consideration.

#### *Discussion – Beer/Wine License Target Stores.*

Clerk McCain advised that an application had been submitted and that all was in order for consideration by the Council.

There was a consensus to place this item on the Voting Session Agenda for further consideration.

### **DEPARTMENT REPORTS:**

#### **City Manager**

No report

#### **Planning Report**

Planner Riker advised that June 12<sup>th</sup>, 2008 there will be a public hearing regarding the Historic Preservation Ordinance and an annexation across from the Rite Aid as well as a Public Hearing on July 10, 2008, pertaining to the Historic Preservation Ordinance and boundaries.

Planner Riker advised that it is anticipated that a first reading of the Historic Preservation Ordinance will take place on July 16, 2008 and the second reading on August 6<sup>th</sup>.

**Council Report**

Councilman Lutz requested a summary and copy of the meeting minutes that occurred between the Newberry Point residents and staff on May 22. Planner Riker to forward said information to the Council.

Councilman Fetterman reiterated that he would like to see the meetings moved to evening times. Councilman Fetterman advised that he would be forwarding emails from the community requesting night meetings to the clerk.

**ADJOURNMENT WORK SESSION:**

The Mayor moved into the Voting Session at 10:35 am.



**CITY OF FLOWERY BRANCH**  
**Council Meeting**  
**Voting Session**  
**Meeting Minutes**  
**June 4, 2008**



**OPEN VOTING SESSION:**

The Mayor opened the Voting Session at 10:35 a.m.

**CONSENT AGENDA:**

- [May 21, 2008 Council Meeting Minutes](#)

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

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

**UNFINISHED BUSINESS:**

[2<sup>nd</sup> Reading Ordinance 348-7 – Amendment to Zoning Code - Article 24 “Signs”](#)

Attorney Bennett read Ordinance 348-7

There was a motion made to approve the second reading of Ordinance 348-7 as amended.

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

[2<sup>nd</sup> Reading Ordinance 375– Historic Preservation Program](#)

Attorney Bennett read Ordinance 375

There was a motion made to approve the second reading of Ordinance 375.

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

[Approval - Resolution 08-006 – Capitalization schedule](#)

Attorney Bennett read resolution 08-006.

There was a motion made to approve Resolution 08-006 as presented.

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

[Approval - Resolution 08-008 – Fiscal Year 2008/2009 Budget](#)

Attorney Bennett read Resolution 08-008

There was a motion made to approve resolution 08-008 as presented.

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

[Approval – Resolution 08-009 – Appointment of Historic Preservation Members](#)

Attorney Bennett read resolution 08-009.

There was a motion made to approve Resolution 08-009 as presented.

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

[Approval - Beer/Wine License Target Stores](#)

There was a motion made to approve the beer and wine license for Target as presented.

MOTION: Allen Bryans

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

**ADJOURNMENT:**

There was a motion made to adjourn the meeting at 10:45 a.m.

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

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Mayor Diane Hirling

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Date

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Melissa McCain – City Clerk