



**CITY OF FLOWERY BRANCH**  
**Council Meeting Minutes**  
**Work Session**  
**Wednesday July 2, 2008**  
**9:30 A.M.**



**OPEN WORK SESSION:**

Mayor Hirling called the meeting to order at 9:33 a.m.

**IN ATTENDANCE:**

Mayor Diane Hirling and Council Members Allen Bryans, Pat Zalewski, Mary Jones, Craig Lutz and Chris Fetterman. Also in attendance were 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:**

**James Herold – 5615 Church Street, Flowery Branch, Ga. 30542**

Mr. Herold approached the Council and complimented the city staff for all their hard work and dedication in moving the City forward.

Mr. Herold further expressed concerns with charging the residents of Flowery Branch the \$1.00 garbage service fee and felt that the City could pursue those that are not paying for garbage service yet are receiving it and that these funds should cover any insufficiencies the City is facing due to non-payments.

**UNFINISHED BUSINESS:**

***Discussion – 2nd Reading Ordinance 377 – Annexation 5963 Spout Springs Rd***

Planner Riker reviewed Ordinance 377 and the request for the annexation of 5963 Spout Springs Road, Flowery Branch. This location is proposed to be a future Walgreens Store.

There was a consensus to place Ordinance 377 on the Voting Session Agenda for further consideration.

***Discussion – 2nd Reading Ordinance 378 – Rezoning 5963 Spout Springs Rd.***

Planner Riker reviewed Ordinance 378 and the rezoning request for the retail development at 5963 Spout Spring Road. This location is proposed to be the future Walgreens Store.

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

### *Discussion – 2<sup>nd</sup> Reading Ordinance 53-E – Fee Schedule Refuse Removal*

Clerk McCain reviewed Ordinance 53-E and she advised that this ordinance simply allows the City to set a fee schedule by resolution.

There was a consensus to place Ordinance 53-E on the Voting Session Agenda for further consideration.

### *NEW BUSINESS:*

### *Discussion - Resolution 08-011- Fee Schedule Refuse Removal*

Clerk McCain reviewed the resolution and advised that this fee not only incorporates the processing of the bill but also to assist in the cost to provide the yard waste removal.

Councilman Lutz advised that the yard waste pick up should be included in the \$11.00 fee and the \$1.00 service fee will incorporate the processing and mailing of the bills etc.

Councilman Lutz further requested that the Resolution be amended under section “c” to charge \$1.00 for those that choose to get a monthly bill. If a consumer would like to pay for a couple months at a time the service fee should only be charged for those months billed.

Mayor Hirling advised that a bill would be sent whether there was a credit or debit balance.

Councilman Lutz advised that the City would need to look into changing the billing method bills were paid in advance to avoid sending a consumer a bill when the bill has a credit balance.

Clerk McCain advised that the program does not currently allow for this and the process would need to be researched and the program reviewed. It was noted if a programming change was required the City would need to pay for these additional costs.

Clerk McCain advised that she could look into the cost of re-writing the program.

There was a consensus to place Resolution 08-011 on the Voting Session Agenda for further consideration.

### *Discussion - June 12 Public Hearing Meeting Minutes*

Clerk McCain advised that there was one change regarding the wording of the discussion between the City and Mr. Palenske regarding the demolition of his home and that the copy presented was the corrected version.

There was a consensus to place the June 12, 2008 Public Hearing minutes on the Consent Agenda for further consideration.

### *Discussion - June 18, 2008 Council Meeting Minutes*

There were no changes to the minutes as presented.

There was a consensus to place the June 18, 2008 Council Meeting Minutes on the Consent Agenda for further consideration.

### *Discussion – Sign Encroachment - 5510 Main Street*

Planner Riker advised that Attorney Procter at 5510 Main Street is requesting to place a sign over the City right-of-way. Because the sign is over the right-of-way an encroachment permit is required.

Further it was noted that the approval of this encroachment permit will not approve the sign itself, only the ability to place a sign over the right-of-way.

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

### **DEPARTMENT REPORTS:**

#### *Planning & Zoning*

Planner Riker reminded the Council that the next Public Hearing is scheduled for 6:00 pm at the Depot on July 10, regarding Historic District Boundaries and Comprehensive Plan and Zoning Code Amendments.

Planner Riker advised that the first reading will be held on July 16, 2008.

Councilman Lutz advised that he was going to be out of town on the 16<sup>th</sup> and would like to reschedule the vote so that he had the opportunity to vote on the Historic District Boundaries.

There was not a consensus to change the voting date but it was noted that Councilman Lutz would have an opportunity to vote at the second reading of the Ordinance to be held August 6, 2008.

#### *City Manager Report*

Absent

#### *Clerk Report*

Clerk McCain advised the Council that Stacy Hall, representing Boy Scout Troop 228, has requested permission to hold the Flowery Branch Fall Festival on October 4, 2008.

There was a consensus of the City Council to approve the Fall Festival proposed dates of October 4, 2008.

Further Clerk McCain advised that she is attempting to contact Maria Cartwright with the Georgia State Ethics Commission for a training session regarding Campaign Contribution reports and reporting.

## **Council Report**

Councilman Lutz advised that he would like to see the City Staff move forward with an action plan to address the issues of residents receiving garbage services without paying for the service.

Clerk McCain advised that staff is working with the attorney to put in place the proper ordinances to affect an action plan.

Councilman Bryans requested that Johnny Thomas repair and clean off the street area at Spring Street and Church Street, and at Major Gourmet Fish House. All areas have excessive gravel in the roadway.

Further, Councilman Bryans advised that at the top of hill at Main Street the area located around the new value has been washed out and needs new dirt or concrete.

Councilman Lutz commended the Police Department on the news report which addressed the Police Department using bicycles as a way to conserve gas and get more in touch with the community.

## **ADJOURNMENT WORK SESSION:**

Mayor Hirling adjourned the work session at 10:04 a.m.

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**CITY OF FLOWERY BRANCH**  
**Council Meeting Minutes**  
**Voting Session**  
**Wednesday July 2, 2008**  
**Immediately following Work Session**



**OPEN VOTING SESSION:**

Mayor Hirling opened the Voting Session at 10:04 a.m.

**CONSENT AGENDA:**

**[June 12, 2008 Public Hearing Meeting Minutes](#)**

**[June 18 Public Hearing Meeting Minutes](#)**

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

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

**UNFINISHED BUSINESS:**

**[2nd Reading Ordinance 377 – Annexation 5963 Spout Springs Rd.](#)**

Attorney Bennett read Ordinance 377.

There was a motion made to approve Ordinance 377 as presented.

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

**[2<sup>nd</sup> Reading Ordinance 378 – Rezoning 5963 Spout Springs Rd.](#)**

Attorney Bennett read Ordinance 378.

There was a motion made to approve Ordinance 378 as presented.

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

**Reading Ordinance 53-E – Fee Schedule Refuse Removal**

Attorney Bennett read Ordinance 53-E

There was a motion made to approve Ordinance 53-E.

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

**Resolution 08-011- Fee Schedule Refuse Removal**

Attorney Bennett read Resolution 08-011

Councilman Lutz made a motion to postpone the vote on this resolution until such time as staff can research the rate schedule to determine if the fees verses the service rate are balanced correctly.

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

There was a motion to approve Resolution 08-011

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

**Sign Encroachment 5510 Main Street – Attorney Proctor**

There was a motion to approve the sign encroachment over the public right of way for Attorney Proctor at 5510 Main Street.

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

**EXECUTIVE SESSION:**

There was a motion made to exit open session and enter executive session at 10:11 a.m.

MOTION: Pat Zalewski  
SECOND: Chris Fetterman  
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 reconvene open session and exit the executive session at 11:02 a.m.

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

**ADJOURNMENT:**

There was a motion made to adjourn the July 2, 2008 Council Meeting at 11:03 a.m.

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