



CITY OF FLOWERY BRANCH
Council Meeting Agenda
Work Session
Wednesday September 3, 2008
9:30 A.M.



OPEN WORK SESSION:

PLEDGE OF ALLEGIANCE:

PUBLIC COMMENTS:

No Public Comments

UNFINISHED BUSINESS:

Discussion - Ordinance 379 – Hotel/Motel Tax

City Manager Andrew advised that this is the second reading regarding the 5% tax levied on hotel/motels. 3% can be used in the general fund and would typically be used to improve the areas near the entity that is providing the funds. For instance currently the first hotel would be Hampton Inn. The 3% received could go toward payment of improving the intersection a Spout Springs and Holland Dam Road. The 2% is required to be submitted to the Lake Lanier Convention and Visitors bureau.

There was a consensus to place this item on the September 3, 2008 Voting Session Agenda for further consideration.

Discussion - Ordinance 380 – Municipal Court Penalties

Manager Andrew advised that this is also a second reading of Ordinance 380 and that the fines are being increased as the Chief had looked into the fines and discovered that all jurisdictions are charging up to \$1000 and that our fines have not been reviewed in many years.

Councilman Lutz inquired if the fee scheduled would be brought before the Council in a resolution format and if a comparison of other jurisdiction would be included.

Manager Andrew advised that there would be documentation comparing other jurisdiction fees and the fee schedule would be before the Council is resolution form for approval.

There was a consensus to place this item on the September 3, 2008 Voting Session Agenda for further consideration.

Discussion – Resolution 08-014 - Redevelopment Project - Country Craft Furniture Manufacturing

Planner Riker made a brief summary and advised that the applicant is requesting City Council approval of a redevelopment project located on several properties totaling 3.22± acres. The subject properties are bounded by Chestnut Street to the north, Railroad Avenue to the east, the rear of several buildings on Main Street to the south and Church Street and Mitchell Street on the west.

Further Planner Riker stated that the multi block mixed use project will include the construction of six main buildings. The development will also provide for an extension of Pine Street (from Church Street to Railroad Avenue) and the construction of a .44± acre park site.

There was a consensus to place this item on the September 3, 2008 Voting Session Agenda for further consideration.

Discussion – Resolution 08-015 - Variance application - Wall Sign - the Hampton Inn- 4660 Holland Dam Road

Planner Riker advised that the applicant has filed a variance application requesting approval to install an 80 square foot wall sign along the northern building elevation (facing) Spout Springs Road instead of the elevation fronting Holland Dam Road. The applicant has stated that existing trees located within the Georgia Department of Transportation right-of-way obstruct the visibility of the building and wall sign areas from I-985.

Further Planner Riker advised that the building location and surrounding landscaping create difficulty in viewing the sign from the I-985 frontage. Thus, placement of the sign along the Spout Springs Road frontage will assist in the sign visibility.

Councilman Lutz advised that he is considering this application because the lighting will have no impact on any residential units.

There was a consensus to place this item on the September 3, 2008 Voting Session Agenda for further consideration.

NEW BUSINESS:

Discussion - Shogun Beer/Wine/Alcohol License

Clerk McCain stated that Mr. Son applied for his license a beer/wine/alcohol license for Shogun Japanese Steak House on 07-22-08. Said business is located at the Stonebridge Shopping Center. The proposed opening date is the 15th of September.

Further Clerk McCain advised that Mr. Son was requested to attend the meeting but had made prior arrangements to be out of town prior to this meeting. The Applicant did not want to wait to have this item discussed as the business is proposed to be open prior to the next meeting date. Attorney Kaye was present representing the applicant.

Mr. Son has filed all the necessary paper work as well as made the proper postings in the newspaper.

On page 3 of the application Mr. Son indicated that he had not been convicted of driving under the Influence. When Staff received the background check from GCIC the report indicated that Mr. Son was convicted of a DUI on 02-19-04. When staff contacted the applicant to be present at the meeting and questioned the background the applicant felt any violation over five (5) years was not required to be reported and did not realize the application was requesting the conviction date and not the arrest date. The arrest date was beyond the five year inquiry.

After speaking to the City Attorney and the applicants attorney it was suggested that Council allow the applicant to submit an affidavit indicating the discrepancy and the misunderstanding. Said affidavit will be submitted with the application.

Councilman Lutz suggested that this item be postponed until September 11, 2008 when the Council can call a Special Called Meeting and consider the license application once the applicant has submitted the affidavit.

There was a consensus to place this item on the September 3, 2008 Voting Session Agenda for further consideration

Discussion – August 20, 2008 Council Meeting minutes

Clerk McCain advised that there were no changes.

There was a consensus to place this item on the September 3, 2008 Voting Session Agenda for further consideration

Discussion August 28, 2008 Public Hearing Meeting Minutes--PULLED

This item was removed from the agenda until the next scheduled Council Meeting.

Discussion Ordinance 381 – 2008 Millage Rate

Councilman Fetterman requested that the Council and Staff consider rolling back the millage rate. It appears last year the City collected nearly 100 thousand more than budgeted and this year it appears the City will be collecting 90 thousand more. I know services go up but with the increase in fines and some of the other millage rates are lower than the City. Councilman Fetterman cited Gainesville and Oakwood rates.

Further Councilman Fetterman suggested rolling back to the amount that was budgeted, \$540,000.

Manager Andrew advised that the budget was estimated conservative as the City was unaware of how the economy was going to affect the City; it was unknown when funding would be received from the Stonebridge Village and it was also unknown what was happening with the State Legislator.

Councilman Fetterman suggested then rolling back an amount of approximately thirty thousand dollars.

Clerk McCain further advised that the Council needed to consider the fact that the State has decided not to issue a credit to the Cities for homestead exemptions which equal approximately \$21,000.

Councilman Lutz advised that he supported the natural rollback of .002 but that concerning a tax cut the Council needed to recall the City made its budget this year by changing the fiscal policy regarding the amount of reserve cash the City has on hand.

Councilman Bryans advised that he felt the Millage rate should remain 2.837 due to the fact that the Police Department has more area to cover as well as the City has many roads that will be in need of repair.

Councilman Fetterman advised that the growth only will increase the tax base. This should cover any amount that is rolled back.

There was a consensus to place this item on the September 3, 2008 Voting Session Agenda for further consideration

Intergovernmental Agreement – Tax Allocation District

Manager Andrew advised that this agreement will allow the City to use the Hall County tax increment for areas within the Tax Allocation District.

Hall County will be hearing this issue on Monday and voted on the following Thursday.

Councilman Lutz inquired that if the City does the pay as you go, after the three year point if we had not paid anything yet out of these funds could the County request those monies back?

Manager Andrew advised at the time of the three year review the County has the right to hold future payments if they feel the City was spending the funds on projects the County did not feel were appropriate.

Manager Andrew further advised that the County would be on the committee that decided what projects needed to be completed with these funds so the likely hood any monies would be held back from the City is very small.

DEPARTMENT REPORTS

A. Planning & Zoning

Planner Riker advised that at the next meeting proposals for the improvements to Spout Springs Road and Holland Dam road will be presented as well as the widening of the u-turn at the intersection of Spout Springs Road and the Stonebridge Shopping Center entrance.

B. City Manager Report

Manager Andrew advised that there was an amendment to the City's agreement with the Home Development Authority regarding their reporting requirements.

Councilman Lutz suggested that the Council have time to review the document and that it be voted on after the Executive Session.

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

C. [Council Report](#)

No reports

ADJOURNMENT WORK SESSION:

Mayor Hirling Adjourned the Work Session at 10:15 am

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CITY OF FLOWERY BRANCH
Council Meeting Agenda
Voting Session
Wednesday September 3, 2008
Immediately following Work Session



OPEN VOTING SESSION:

Mayor Hirling opened the Voting Session at 10:15 am.

CONSENT AGENDA:

[August 20, 2008 Council Meeting Minutes](#)

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

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

UNFINISHED BUSINESS:

[Consider - 2nd Reading - Ordinance 379 – Hotel/Motel Tax](#)

Attorney Bennett read Ordinance 379.

There was a motion made to approve Ordinance 379 as read.

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

Consider - 2nd Reading - Ordinance 380 – Municipal Court Penalties

Attorney Bennett read Ordinance 380

There was a motion made to approve Ordinance 380 as read.

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

Discussion – Resolution 08-014 - Redevelopment Project - Country Craft Furniture Manufacturing

Attorney Bennett read Resolution 08-014

There was a motion made to approve Resolution 08-014 with the last section of condition # 63 removed.

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

Consider – Resolution 08-015 - Variance application - Wall Sign - the Hampton Inn- 4660 Holland Dam Road

Attorney Bennett read Resolution 08-015

There was a motion made to approve resolution 08-015 as read.

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

Consider - Shogun Beer/Wine/Alcohol License

Councilman Lutz made a motion to postpone this item until the Special Called Meeting to be held September 11, 2008 at 6:00 pm.

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

Consider - 1st Reading Ordinance 381 – 2008 Millage Rate

Attorney Bennett read Ordinance 381.

There was a motion made to approve Ordinance 381.

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

Intergovernmental Agreement – Tax Allocation District

There was a motion made to authorize the Mayor to execute and sign the intergovernmental Agreement between the City of Flowery Branch and Hall County in reference to the Tax Allocation District.

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

EXECUTIVE SESSION:

There was a motion made to enter Executive Session at 10:30 am.

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

RECONVENE OPEN SESSION:

There was a motion made to reconvene open session at 10:50 am.

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

Community Home Improvement Program Amendment

There was a motion made to approve the proposed amendments and authorize the Mayor to sign and execute the amendment.

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

ADJOURNMENT:

There was a motion made to adjourn the meeting at 10:51 am

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

