



CITY OF FLOWERY BRANCH
Council Meeting Minutes
Work Session
Wednesday October 1st, 2008
9:30 A.M.



CALL TO ORDER:

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

IN ATTENDANCE:

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

PLEDGE OF ALLEGIANCE:

Mayor Hirling led the Pledge of Allegiance.

PUBLIC COMMENTS:

There were no public comments.

UNFINISHED BUSINESS:

Discussion – Development Authority Appointments

City Manager Andrew advised that currently there were 5 positions to fill on the Development Authority. Two positions were interim appointments as the gentleman that filled those positions resigned from their position. They were filled by Mr. Herold and Mr. Kerkhoff. Both Mr. Herold and Mr. Kerkhoff advised that they would be willing to serve a full term on the Authority.

Further Manager Andrew advised that he was in receipt of three applications for the other three open positions.

1. Chad Hammock – four year term
2. Mark Zupsic – four year term
3. Thomas Collins – two year term

There was a consensus to place the appointments to the Development Authority on the Voting Session Agenda for further consideration.

Discussion – Intergovernmental Agreement with Hall County – Tax Allocation District

Manager Andrew reviewed the agreement and highlighted the issue that these funds could not be used for public infrastructure or streetscape projects.

Further noted was that there would be an advisory committee as well as the ability of the County to review projects every three years and choose not to support a project if it was not in the best interest of the County.

There was a consensus to place the Intergovernmental Agreement on the Voting Session Agenda for further consideration.

NEW BUSINESS:

Discussion – Fini’s Beer/Wine/Alcohol License Application

Clerk McCain reviewed the application for beer and wine and advised the Council that the applicant Mr. Fini was unable to attend the meeting as he was in Italy.

Councilman Lutz advised that Mr. Fini had begun working on his restaurant without a permit and when the inspector questioned the issue Mr. Fini requested that he be allowed to continue working without a permit.

Councilman Lutz further advised that he would like the Council to address Mr. Fini as there may be concerns Mr. Fini may not follow the rules in regards to the regulations of the beer and wine license since he was unable to follow regulations requiring a building permit.

Councilman Bryans and Zalewski expressed concerns with not issuing the license under the assumption that Mr. Fini won’t follow the regulations of the City and State.

There was a consensus to place the alcoholic beverage license application for Fini’s on the Voting Session Agenda for further consideration.

Discussion – September 11, 2008 Public Hearing & Council Meeting Minutes

Clerk McCain advised there were no changes.

There was a consensus to place the September 11, minutes on the Consent Agenda for further consideration.

Consider – September 17, 2008 Public Hearing & Council Meeting Minutes

Clerk McCain advised there were no changes.

There was a consensus to place the September 17, minutes on the Consent Agenda for further consideration.

DEPARTMENT REPORTS

Planning & Zoning

No report

City Manager Report

1. Paulsen Mitchell Contract

City Manager Andrew advised that Council had previously approved a contract between the City of Flowery Branch and Paulsen Mitchell for the improvements to be made to the intersections Holland Dam Road and Spout Springs Road as well as the entrance to Stonebridge Village.

Continuing Manager Andrew advised that the City Attorney had suggested that the liability of the City be reduced in the contract putting more liability on Paulsen Mitchell for any issues or accidents that may occur. Paulsen and Mitchell did not except the changes.

Further Manager Andrew suggested the Council consider using the second lowest bidder for the project, Pond & Company. Manager Andrew advised that the City currently has a contract with Pond & Company for other projects and that the question on liability is not an issue.

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

2. EPD Withdrawal Permit

Manager Andrew advised that the City current has a permit allowing for a withdrawal of 367,000 per day. The current with drawl amount is approximately 240,000. The concern is that the permitting process not only take approximately six months to process, if the tanks are drained due to a fire emergency the City will only be able to fill the tanks slowly so as to not violate the withdrawal rate. Further the increase would incorporate all the new customers coming on line.

There was a consensus to place the withdrawal permit on the Voting Session Agenda for further consideration.

Council Report

Councilman Fetterman requested that the hosts of the Car Show and Chili Cook off be invited to the next Council Meeting for recognition of a great job putting on the event.

Mayor Hirling informed the Council that an article on the City was included in the latest issue of the Georgia Trend Magazine.

ADJOURNMENT WORK SESSION:



Flowery Branch

**CITY OF FLOWERY BRANCH
Council Meeting Minutes
Voting Session
Wednesday October 1st, 2008
Immediately following Work Session**



CALL TO ORDER:

Mayor Hirling called the Voting Session to order at 10:00 am.

CONSENT AGENDA:

Consider – September 11, 2008 Public Hearing & Council Meeting Minutes

Consider – September 17, 2008 Public Hearing & Council Meeting Minutes

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

MOTION: Pat Zalewski

SECOND: Craig Lutz

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

NAYES: None

Motion carried

UNFINISHED BUSINESS:

Consider – Intergovernmental Agreement with Hall County – Tax Allocation District.

There was a motion made to approve the Intergovernmental Agreement between Hall County and the City of Flowery Branch regarding the Tax Allocation District and authorize the Mayor to execute said document.

MOTION: Craig Lutz

SECOND: Pat Zalewski

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

NAYES: None

Motion carried

Consider - Appointments Development Authority

There was a motion made to appoint the following persons to the Development Authority:

Jim Herold	Four year term
Harold Kerkhoff	Four year term
Chad Hammock	Four year term
Mark Zupsic	Four year term
Thomas Collins	Two year term

MOTION: Craig Lutz

SECOND: Chris Fetterman

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

NAYES: None

Motion carried

Consider – Fini’s Beer/Wine/Alcohol License Application

There was a motion made to approve the beer and wine license for Fini’s Pizzeria.

MOTION: Allen Bryans

SECOND: Mary Jones

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

NAYES: Craig Lutz

Motion carried

Consider - Pond Engineering for the Spout Springs Road improvements

There was a motion made to authorize staff to use Pond Engineering for the improvements to Spout Springs since Paulsen and Mitchell will not accept the revised contract for services.

MOTION: Mary Jones

SECOND: Allen Bryans

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

NAYES: None

Motion carried

Consider – EPD water withdrawal increase application

There was a motion made to approve and submit the application to the Environmental Protection Agency for the increase in the City’s water withdrawal amount.

MOTION: Allen Bryans

SECOND: Pat Zalewski

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

NAYES: None

Motion carried

EXECUTIVE SESSION:

There was a motion made to enter Executive Session at 10:05 am for pending/potential litigation.

MOTION: Allen Bryans

SECOND: Craig Lutz

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

NAYES: None

Motion carried

RECONVENE OPEN SESSION

There was a motion made to reconvene the open session at 10:23 am.

MOTION: Pat Zalewski

SECOND: Chris Fetterman

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

NAYES: None

Motion carried

ADJOURNMENT:

There was a motion to adjourn the meeting at 10:24 am.

MOTION: Chris Fetterman

SECOND: Pat Zalewski

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

NAYES: None

Motion carried

Mayor Diane Hirling

Date

City Clerk Melissa McCain