



CITY OF FLOWERY BRANCH
Council Meeting Minutes
WORK SESSION
Wednesday November 19, 2008
9:30 am



CALL TO ORDER:

Mayor Hirling called the meeting to order at 9:30 a.m.

IN ATTENDANCE:

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

INVOCATION/PLEDGE OF ALLEGIANCE:

Pastor Bill Wade gave the invocation and Mayor Hirling led the pledge of allegiance.

PUBLIC COMMENTS:

There were no public comments.

UNFINISHED BUSINESS:

Discussion - Ordinance 389 – Annexation of 4331 Thurmon Tanner Parkway

Planner Riker advised that this item had been discussed at the first reading of the Ordinance and at a public hearing.

There was no discussion.

This item was placed on the Voting Session Agenda for further consideration.

Discussion - Ordinance 390 – Rezoning of 4331 Thurmon Tanner Parkway

Planner Riker advised that this item had been discussed at the first reading of the Ordinance and at a public hearing.

There was no discussion.

This item was placed on the Voting Session Agenda for further consideration.

Discussion - Ordinance 391 Annexation of 4300 Thurmond Tanner Parkway

Planner Riker advised that this item had been discussed at the first reading of the Ordinance and at a public hearing.

There was no discussion.

This item was placed on the Voting Session Agenda for further consideration.

Discussion – 392 - Rezoning of 4300 Thurmon Tanner Parkway

Planner Riker advised that this item had been discussed at the first reading of the Ordinance and at a public hearing.

There was no discussion.

This item was placed on the Voting Session Agenda for further consideration.

Discussion - Ordinance 393 – Annexation of 4280 Thurmond Tanner Parkway

Planner Riker advised that this item had been discussed at the first reading of the Ordinance and at a public hearing.

There was no discussion.

This item was placed on the Voting Session Agenda for further consideration.

Discussion – Ordinance 394 – Rezoning of 4280 Thurmon Tanner Parkway

Planner Riker advised that this item had been discussed at the first reading of the Ordinance and at a public hearing.

There was no discussion.

This item was placed on the Voting Session Agenda for further consideration.

Discussion - Ordinance 395 – Annexation of the Honeycutt Tract

Discussion – Ordinance 396 – Rezoning of the Honeycutt Tract

Discussion – Ordinance 397 – Annexation of the Knutson Tract

Discussion – Ordinance 398 – Rezoning of the Knutson Tract

Discussion - Ordinance - 239/240D - Amend the conceptual site plan and original conditions for Sterling on the Lake.

Discussion - Resolution 08-018 – Comprehensive Plan Amendment.

Planner Riker reviewed the conditions that were changed which include language regarding landscaping and fencing as well as Exhibit F being added.

Attorney Frank Hartley, representing the Bragg Estate, requested more time to review with the developer prior to the City voting on these annexations and rezoning.

There was a consensus to postpone the consideration of these items until Tuesday November 25, 2008 at 9:30 am. The above listed Ordinances and Resolution will be placed on the Voting Session Agenda for further consideration.

NEW BUSINESS:

Ordinance 400 – Garbage Ordinance

Clerk McCain reviewed the proposed garbage ordinance and informed the Council that currently there are approximately 80 people refusing to sign up for service. The proposed Ordinance will allow the city to cite the individual homeowner at which time they would have to appear before a judge. The penalty could be a fine up to \$1,000 and/or jail time. This amount is set by Ordinance 380 and was not set for this specific ordinance.

Councilman Lutz advised that he felt a service is an option and since the city is requiring the trash removal it is not a service and if required it should be included in the tax bills.

Councilman Lutz inquired what the penalty was for not taking water service.

Clerk McCain advised that there is no requirement to take water service.

Councilman Lutz advised that we should not require a resident to take trash service but if they do then the service needs to be from the city. The current nuisance and abatement ordinance covers the instances of trash build up on ones property.

Councilman Lutz further advised that if a resident takes service and does not pay for it then that is theft of services and the resident should be charged. The residents pay for Hall County trash compactor sites and if the city requires the residents to also pay for garbage service then we are essentially double taxing the Flowery Branch residents.

Finally, Councilman Lutz concluded by stating that it does not make sense to penalize the citizens of the city \$1,000.00 and /or up to 6 months in jail for not signing up for a \$12.00 a month service.

Councilman Fetterman stated that he also had concerns regarding charging these fines to the residents for those not using the garbage service. Other fine amounts are less then this for far more serious crimes.

Further, Councilman Fetterman advised that he understands the city and the residents don't want to have five trash trucks driving through the neighborhoods on differing days and that he felt the entire Ordinance needed to be reviewed and restated to indicate if you need service it will be through the city and also address the issues if the trash does pile up.

There was a consensus to place Ordinance 400 on the Voting Session Agenda for further consideration.

[October 30, 2008 Public Hearing & Special Called Meeting Minutes](#)

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

[November 5, 2008 Council Meeting Minutes](#)

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

[DEPARTMENT REPORTS:](#)

[Planning Department](#)

Planner Riker gave an update on Jones Road and advised that a surveyor has been hired to survey the area.

Planner Riker handed out new, updated Zoning Codes for each Council Member.

[City Manager Report](#)

- [Safe Routes to School](#)

City Manager Andrew reviewed safe routes to school support letter and requested permission to authorize the Mayor to execute the letter and forward said letter to the proper authority.

There was a consensus to place the letter of support on the Consent Agenda for further consideration.

- [Resolution 08-020 – City Budget Amendment](#)

City Manager Andrew reviewed the resolution to balance out the 2007/2008 fiscal year budget.

Manager Andrew reviewed income that the City budgeted and did not receive including but not limited to:

Franchise Fees – \$60,000 budgeted - received \$13,000
Building Permits – \$300,000 budgeted - received \$186,000
Fines – \$650,000 (Gross) - Net \$372, 000.

Expenses not budgeted for – Main Street buildings – Workers Compensation costs up – Liability Insurance costs up – Gasoline fees doubled.

[Council Report](#)

Councilwoman Jones advised that the Field Of Dreams Ribbon Cutting was really a spectacular event.

Further it was noted that Thanksgiving night is the downtown tree lighting and all are welcome.

Further Councilwoman Jones advised that two benches have been installed in memory of the long time depot volunteers Mr. & Mrs. Gross.

ADJOURNMENT:

Mayor Hirling closed the work session at 10:17 a.m.

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CITY OF FLOWERY BRANCH
Council Meeting Minutes
VOTING SESSION
Wednesday November 19, 2008
9:30 am



CALL TO ORDER:

Mayor Hirling called the Voting Session to order at 10:17 a.m.

CONSENT AGENDA:

[October 30th, 2008 Public Hearing Meeting Minutes](#)

[October 30th, 2008 Special Called Meeting Minutes](#)

[November 5, 2008 Council Meeting Minutes](#)

[Letter of Support Safe Routes to School](#)

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

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

UNFINISHED BUSINESS:

[2nd Reading - Ordinance 389 – Annexation of 4331 Thurmon Tanner Parkway](#)

Attorney Bennett read Ordinance 389.

There was a motion made to approve the second reading of Ordinance 389

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

[2nd Reading Ordinance 390 –Rezoning of 4331 Thurmon Tanner Parkway](#)

Attorney Bennett read Ordinance 390.

There was a motion made to approve the second reading of Ordinance 390

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

[2nd Reading - Ordinance 391 Annexation of 4300 Thurmond Tanner Parkway](#)

Attorney Bennett read Ordinance 391.

There was a motion made to approve the second reading of Ordinance 391

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

[2nd Reading – 392 - Rezoning of 4300 Thurmon Tanner Parkway](#)

Attorney Bennett read Ordinance 392.

There was a motion made to approve the second reading of Ordinance 392

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

[2nd Reading - Ordinance 393 – Annexation of 4280 Thurmond Tanner Parkway](#)

Attorney Bennett read Ordinance 393.

There was a motion made to approve the second reading of Ordinance 393

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

[2nd Reading – Ordinance 394 – Rezoning of 4280 Thurmon Tanner Parkway](#)

Attorney Bennett read Ordinance 394.

There was a motion made to approve the second reading of Ordinance 394

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

There was a motion made to postpone the readings of Ordinance 395-398, 239/240D and Resolution 08-018 until November 25, 2008 at a Special Called Meeting to be held at 9:30 am.

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

[1st Reading Ordinance 400 – Garbage Ordinance](#)

Attorney Bennett read Ordinance 400.

There was a motion made to approve the first reading of Ordinance 400.

MOTION: Allen Bryans
SECOND:
AYES:
NAYES:
Motion died for lack of a second.

[Resolution 08-020 – Budget Amendment](#)

There was a motion made to approve Resolution 08-020.

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

EXECUTIVE SESSION:

There was a motion to go into Executive Session at 10:29 am.

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

RECONVENE OPEN SESSION:

There was a motion made to reconvene open session at 10:49 am.

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

There was some discussion regarding the proposed Garbage Ordinance and it was decided to form a committee to review the Ordinance and propose any changes.

ADJOURNMENT:

There was a motion made to adjourn the meeting at 11:22 a.m.

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