



**CITY OF FLOWERY BRANCH**  
**COUNCIL MEETING MINUTES**  
**WORK SESSION**  
Wednesday January 21, 2009  
9:30 am



**CALL TO ORDER:**

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

**IN ATTENDANCE:**

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

There were no public comments.

**UNFINISHED BUSINESS:**

*Discussion – Ordinance 54F/170D/287A - Amendment to the Times of Alcoholic Beverage Service*

Clerk McCain reviewed the current times for beer/wine and alcohol service. Further Clerk McCain reminded the Council that the manager of Lake House Bar and Grille had approached the Council requesting that the times be extended and uniform till 2:00 am.

Clerk McCain reviewed the new proposed times.

Councilman Lutz advised that he felt that the 1:00 am service time was sufficient and that extending the times may cause some safety and traffic issues.

There was a consensus to place Ordinance 54F, 170D and 287A on the January 21, 2009 Voting Session Agenda for further consideration.

*Discussion – Ordinance 401 – Call for Election and Set Qualifying Dates, Times and Costs.*

There was no discussion.

There was a consensus to place this on the January 21, 2009 Voting Session Agenda for further consideration.

**NEW BUSINESS:**

*Discussion – January 7, 2009 Council Meeting Minutes*

Councilman Fetterman noted that he had stepped out the office while the Executive Session was in session and did not make it back into the building until the Executive Session was over.

There was a consensus to place the January 7, 2009 Meeting Minutes on the January 21, 2009 Consent Agenda with the above correction.

*Discussion – Alcoholic Beverage License – Grapes & Hops*

Clerk McCain advised that on November 21, 2008 the applicant, Mr. Bernd Koerner, began the process of applying for a distilled spirits/beer & wine license for the business Grapes and Hopes located on Hog Mountain Road. Mr. Koerner is the partner of the current holder of the license Michelle Schreck. Ms. Schreck will remain a partner in the business but is seeking other endeavors that will be a conflict of interest with the holding of this license. Ms. Schreck would like to see her partner obtain the license in his name to clear up any conflict of interest. On January 13, 2009 GCIC was contacted to check on the status of the background check for Mr. Koerner at which time it was noted that there was a backlog and that the checks currently being reviewed were submitted the first week of October.

Mr. Koerner has submitted all necessary paper work for the application. The application was published in the paper on four separate occasions. There has been no public response to the publication. The City is in the process of working with the State to have a computer in house that will allow 48 hour turnaround of criminal background checks. There is a current license on the premises.

Further, Clerk McCain stated that to remain business friendly and not cause undue hardship on these business owners, staff would request the approval of a temporary license pending the receipt of the GCIC Criminal History Check Report. If the report is returned with any charges or convictions the license will be brought before the council for reconsideration. If the background indicates there have been no charges or convictions no further action need be taken.

Continuing, Clerk McCain stated that one other issue is the current license holder was required to submit a renewal and payment of \$6,400 by the 15<sup>th</sup> of November for a January 1<sup>st</sup> issue date to keep the license current. Under the circumstance the owners applied for the new license in November and although not required by ordinance, both Ms. Schreck and Mr. Koerner would like to request that a new fee not be required and that the City accept the November payment as the payment on this application.

There was a consensus to place the Alcoholic Beverage License for Grapes & Hops on the January 21, 2009 Voting Session Agenda for further consideration.

*Discussion – MS4 NPDES Annual Report to the Georgia Department of Natural Resources*

Planner Riker reviewed the report as well as information pertaining to detention areas and maintenance.

There was a consensus to place the MS4 NPDES annual report on the January 21, 2009 Consent Agenda for further consideration.

*Discussion – Alcoholic Beverage License – Tropical Breeze*

Clerk McCain Stated that on December 3<sup>rd</sup>, 2008 the applicant Mr. Gustavo began the process of applying for a beer/wine license for his business Tropical Breeze Restaurant located at 5545 Atlanta Highway. On January 13, 2009 GCIC was contacted to check on the status of the background check for Mr. Gustavo at which time it was noted that there was a backlog and that the checks currently being reviewed were submitted the first week of October.

Further Clerk McCain advised that Mr. Gustavo has submitted all necessary paper work for the application. The application was published in the paper on four separate occasions. There has been no public response to the publication. The City is in the process of working with the State to have a computer in house that will allow 48 hour turnaround of criminal background checks.

Continuing, Clerk McCain stated that to remain business friendly and not cause undue hardship on this business owner staff would request the approval of a temporary license pending the receipt of the GCIC Criminal History Check Report. If the report is returned with any charges or convictions the license will be brought before the council for reconsideration. If the background indicates there have been no charges or convictions no further action need be taken.

There was a consensus to place the alcoholic beverage license for Tropical Breeze Restaurant on the January 21, 2009 Voting Session Agenda for further consideration.

*Discussion Ordinance 100-I- Sewer Reservation Amendment*

There was no discussion.

There was a consensus to place Ordinance 100-I on the January 21, 2009 Voting Session Agenda for further consideration.

*Georgia Interlocal Risk Management Agency Insurance Renewal*

Clerk McCain Last renewal the City went through an extensive review of all equipment and property the City owned and every year the City reviews and makes changes to property. Throughout the years items are added and some property destroyed and removed from our coverage list.

Continuing, Clerk McCain advised that the City is in receipt of a letter (attached) indicating that there will be a dividend distribution in the amount of 3 million dollars. These funds will be distributed between all current renewals for the May 2009 year. This dispersment will be put toward the premiums of each member. Last year the City received a credit of \$1,431.00 with a

one million dollar reimbursement so the City is expected to have an approximate \$3,000 minimum credit.

Clerk McCain further advised that GIRMA has indicated that property values will increase 2.6 % but an estimate on the prices were unknown until the underwriters had an opportunity to review the application.

There was a consensus to place the renewal of the GIRMA Property and Liability Insurance on the January 21, 2009 Consent Agenda for further consideration.

#### [Lake Lanier Convention & Visitors Bureau](#)

City Manager Andrew reviewed the request from the CVB to produce and execute a resolution designating them as the official Destination Marketing Organization for Flowery Branch.

After some discussion there was a consensus to remove this item from the Voting Session Agenda and to not consider this request until such time it would affect the City. The request currently does not apply to the City as the City is not anticipating asking for more than a 5% tax on hotel/motel rooms in the City. This request applies to monies collected over and above the 5% tax.

### **DEPARTMENT REPORTS:**

#### [Planning & Zoning](#)

Planner Riker gave an update on the staking and progress of the Jones Road and the Holland Dam Rd/Spout Springs Road projects.

#### [City Manager Report](#)

Manager Andrew reviewed the study conducted regarding the need for a traffic signal at Thurmond Tanner Road and Spout Sprints Road. A light is warranted and the process will begin for researching, planning and installation of a traffic signal.

#### [Clerk Report](#)

Clerk McCain advised that out of the twelve residents that were issued letters of demand for non-payment of Sewer/Refuse removal only two have not complied and they will be cited by the police department with a summons to appear before the municipal judge.

#### [Council Report](#)

Councilman Bryans requested that the silt fencing be checking in Tidewater Cove for proper compliance.

Mayor Hirling advised that on January 22, 2009 there would be a ribbon cutting at Lake House Bar and Grille on McEver Road.

**ADJOURNMENT:**

Mayor Hirling closed the work session at 10:25 a.m.



**CITY OF FLOWERY BRANCH**  
**Council Meeting Minutes**  
**VOTING SESSION**  
**Wednesday January 21, 2009**  
**Immediately following Work Session**

Minutes.docx



**CALL TO ORDER:**

Mayor Hirling called the Voting Session to order at 10:36 a.m.

**CONSENT AGENDA:**

- January 7, 2009 Council Meeting Minutes
- MS4 NPDES Annual Report to the Georgia Department of Natural Resources
- Georgia Interlocal Risk Management Agency Insurance Renewal

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

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

**UNFINISHED BUSINESS:**

*Consider – Alcoholic Beverage License – Grapes & Hops*

There was a motion made to approve a temporary alcohol/beer/wine license pending the receipt of the GCIC criminal history report. If said report comes back with charges or convictions the license will be reconsidered. It was further motioned that no fee will be imposed for the 2009 calendar year because the 2009 year payment was made in 2008 and regular renewal fees will be applied November of 2009 for the 2010 year.

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

*Consider – Alcoholic Beverage License – Tropical Breeze*

There was a motion made to approve a temporary beer and wine license pending the receipt of the GCIC criminal history report. If said report comes back with charges or convictions the license will be reconsidered.

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

Motion carried

*Consider 1<sup>st</sup> reading Ordinance 54F - Beer and Wine Service Times Amendment*

Attorney Bennett read Ordinance 54F.

There was a motion made to approve the first reading of 54F

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

*Consider 1<sup>st</sup> reading Ordinance 170D – Distilled Spirits Service Times Amendment*

Attorney Bennett Read Ordinance 170D

There was a motion made to approve the first reading of 170D

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

*Consider 1<sup>st</sup> reading Ordinance 287A –Package Store Service Times Amendment*

Attorney Bennett Read Ordinance 287A

There was a motion made to approve the first reading of 287A

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

*Consider – 2<sup>nd</sup> reading Ordinance 401 – Call for Election and Set Qualifying Dates, Times and Costs.*

Attorney Bennett read Ordinance 401.

There was a motion made to approve the second reading of Ordinance 401

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

*Consider 2<sup>nd</sup> reading Ordinance 100-I- Sewer Reservation Amendment*

There was a motion made to approve the second reading of Ordinance 100-I.

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

NAYES: None  
Motion carried

**EXECUTIVE SESSION:**

There was a motion made to adjourn the meeting at 10:44 a.m.

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

---

Mayor Diane Hirling

---

Date

---

City Clerk Melissa McCain