



**CITY OF FLOWERY BRANCH  
COUNCIL MEETING MINUTES  
WORK SESSION**

Wednesday February 4, 2009  
9:30 am



**CALL TO ORDER:**

Mayor Hirling called the meeting to order at 9:32 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.

**ANNUAL DEPARTMENT REPORTS:**

*Police Department – Gerald Lanich*

Chief Lanich introduced Officer Brian Buffington and his new K-9 partner “Bart” to the Council and the public.

*Public Works/Water Development – Johnny Thomas*

*Water/Waste Water – Jimmy Dean*

City Manager Andrew advised that these two departments had a summary of activity in the packets and that the Department Heads were available for any questions.

*Planning/Zoning - James Riker*

Planner Riker made a brief summary of activity.

*City Hall – Melissa McCain*

Clerk McCain made a brief summary of yearend figures.

## **UNFINISHED BUSINESS:**

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

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. With that request the Council directed staff to review the times and make them consistent. The times proposed in the ordinance are Monday – Saturday from 7:00 am – 2:00 am and on Sunday from 12:30 pm – 12:00 pm.

There was a consensus to place the second reading of Ordinance 54F, 170D and 287A on the February 4, 2009 Voting Session Agenda for further consideration.

## **NEW BUSINESS:**

### *Discussion – January 14, 2009 Council Meeting Minutes*

There were no comments or corrections.

There was a consensus to place the January 14, 2009 Council Meeting Minutes on the February 4, 2009 Voting Session Agenda for further consideration.

### *Discussion – January 21, 2009 Council Meeting Minutes*

There were no comments or corrections.

There was a consensus to place the January 21, 2009 Council Meeting Minutes on the February 4, 2009 Consent Agenda for further consideration

### *Discussion – Resolution 09-001 - 2009 Surplus Auction*

Clerk McCain advised that in 2007 there was an auction that generated approximately 11, 000 in revenue for unused, damaged and unwanted materials.

Currently the City has a few items to sell to clean up some storage area. A list was attached to the resolution.

There was a consensus to place Resolution 09-001 on the February 4, 2009 Consent Agenda for further consideration

### *Discussion – Creation of a Budget Line Item Lights Ferry Lift Station Bypass*

Manager Andrew summarized by stating that the City contacted three companies to bid on the Lights Ferry Lift Station Bypass. Only one bid came back from Duncan Pipeline.

Staff recommends that the Council approve the transferring of \$50,000 from the Cove Creek CD to a line item that would be created in the budget to cover the cost of the Lights Ferry Lift Station Bypass. Further approval is needed to use Duncan Pipeline and the corresponding bid on supplies from Kendall Supply.

There was a consensus to place the creation of the Lights Ferry Lift Station Bypass on the February 4, 2009 Voting Session Agenda for further consideration.

[Discussion –Contract Georgia Power Pole Attachment Permit](#)

Manager Andrew reviewed the contract and stated that Georgia Power was requesting the contract in order for the City to properly install the Christmas Pole Lights and to also ensure accountability if there was damage to the poles or lines due to City actions.

There was a consensus to place the Contract with Georgia Power on the February 4, 2009 Consent Agenda for further consideration.

[Discussion - G. D. O. T. Transportation Enhancement Grant Contract for \\$250,000 – Railroad Avenue](#)

Planner Riker advised that the City was recently awarded a \$250,000 Transportation Enhancement (TE) grant by the Georgia Department of Transportation (GDOT) for streetscape improvements along Railroad Avenue (*between Chestnut Street and Snelling Drive*) and Church Street (*between Main Street and Pine Street*). As a requirement of the grant, the City must provide a minimum 20% match in the amount of \$50,000. The City has executed a Memorandum of Understanding (MOU) with GDOT to allow the preliminary engineering costs for the project to satisfy the match requirement. The City's \$50,000 match is included in the FY 2008-09 approved budget.

Further, Planner Riker reviewed the contract with Pond Engineering and was seeking approval by the Council with execution by the Mayor, to utilize Pond and begin preliminary engineering for the project. The contract includes preparation of an environmental assessment and Section 106 documents, concept report, preliminary and final plans, and utility plans.

There was a concern regarding the undergrounding of the utilities pertaining to the areas of the TE Grant project.

It noted that the Council was adamant that the process should proceed with the idea of the lines being undergrounded or a conduit placed in the right of way for later undergrounding.

There was a consensus to place the Pond Contract on the February 4, 2009 Voting Session Agenda for further consideration.

[Discussion –Resolution 09-002 Comprehensive Plan Amendment](#)

Planner Riker made the following summary;

Pursuant to state rules for local plans, municipalities are required to process a major amendment when they propose a cumulative increase in land area greater than 100 acres or more.

Accordingly, the proposed amendment is required as a result of recent annexation and rezoning applications, filed by Patrick Clark of Newland Communities, for two tracts of land totaling 104± acres. The annexation and rezoning applications included a 77.71± acre property located at 6675 Capitola Farm Road and a 26.97± acre property located at 6596 Capitola Farm Road. Both applications were approved on November 25, 2008.

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The proposed amendment was forwarded to the Georgia Mountains Regional Development Center (GMRDC) and the Department of Community Affairs (DCA) for review. Neither agency responded with comments or objections.

There was a consensus to place Resolution 09-002 on the February 4, 2009 Voting Session Agenda for further consideration.

#### *Discussion – Jones Road Improvements*

Planner Riker reviewed two options and recommended the less expensive second option.

After discussion, there was a consensus to table this item until such time discussions are conducted with Kellin Dobbs whose property would be affected by the upgrading of the road.

### **DEPARTMENT REPORTS:**

#### *Planning & Zoning*

No report.

#### *City Manager Report*

#### **Mountain Man BBQ Refund**

City Manager Andrew informed the Council that owner of Mountain BBQ, Don Bryant, was required to install a water line and meter when he began his business. At the time the City did not have the resources to run the line under Atlanta Highway. It was verbally agreed that when and if Mr. Bryant were to close his business he would be refunded the cost of the \$1,000 tap fee.

Mr. Bryant has now come to the City to close his business due to the economy and does not plan to reopen. Because he is closing his business he has approached the City for a refund. Mr. Andrew further noted that there is no documentation found pertaining to the payment of the \$1,000 from Mr. Bryant and that it was a gentlemen's agreement.

There was a consensus to place the \$1,000 refund for Mountain Man BBQ on the February 4, 2009 Voting Session Agenda for further consideration.

#### *Clerk Report*

No report

#### *Council Report*

Councilman Fetterman inquired on the status of the traffic signal at Spout Springs and Thurmon Tanner Road.

Manager Andrew advised that the study had been completed and that GDOT has indicated a signal is warranted at that location. Meetings need to be conducted with GDOT and Hall County to address and concerns and the maintenance/ construction of the light. Further it was noted that negotiations also needed to begin for right of way acquisition.

Councilman Fetterman requested that a written agreement be drawn up with Hall County indicating their portion of the costs.

**ADJOURNMENT:**

Mayor Hirling closed the work session at 11:05 a.m.

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Flowery Branch

CITY OF FLOWERY BRANCH  
Council Meeting Minutes  
VOTING SESSION  
Wednesday February 4, 2009  
Immediately following Work Session



**CALL TO ORDER:**

Mayor Hirling called the Voting Session to order at 11:15 a.m.

**CONSENT AGENDA:**

- 01-14-09 - Council Meeting Minutes
- 01-21-09 - Special Called Meeting Minutes
- Contract Georgia Power Pole Attachment Permit

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

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

**UNFINISHED BUSINESS:**

[Consider – 2nd Reading Ordinances 54F - Amendment to the times of alcoholic beverage service](#)

Attorney Bennett read Ordinance 54F.

There was a motion made to approve the second reading of Ordinance 54F.

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

[Consider - 2nd Reading Ordinance 170D - Amendment to the times of alcoholic beverage service](#)

Attorney Bennett read Ordinance 170D.

There was a motion made to approve the second reading of Ordinance 170D.

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

[Consider - 2nd Reading Ordinances 287A - Amendment to the times of alcoholic beverage service](#)

Attorney Bennett read Ordinance 287A.

There was a motion made to approve the second reading of Ordinance 287A.

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

[Consider - Resolution 09-001 - 2009 Surplus Auction](#)

Attorney Bennett read Resolution 09-001

There was a motion made to approve Resolution 09-001.

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

[Consider – Approval of Creating a Budget Line Item for the Lights Ferry Lift Station Bypass](#)

There was a motion made to create and fund a line item in the budget for the Lights Ferry Road Lift Station Bypass in the amount of \$50,000.

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

[Consider - G. D. O. T. Transportation Enhancement Grant Contract for \\$250,000 – Railroad Avenue](#)

There was a motion made to approve the contract with Pond Engineering in the amount of \$50,000 for the scope of work listed in the contract for the second phase of the downtown streetscape.

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

*Consider - Resolution 09-002 Comprehensive Plan Amendment*

Attorney Bennett read Resolution 09-002

There was a motion made to approve Resolution 09-002.

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

*Consider – Jones Road Improvements*

There was a motion made to table the consideration of the Jones Road improvements.

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

*Consider – Refund Mountain Man BBQ – Don Bryant*

There was a motion made to refund Mr. Don Bryant \$1,000 for the payment he made for the water tap fee.

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

**ADJOURNMENT:**

There was a motion made to adjourn the meeting at 11:25 a.m.

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