



CITY OF FLOWERY BRANCH
Council Meeting Minutes
Work Session
Wednesday April 1, 2009
9:30 A.M.



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 Manager Bill Andrew, City Clerk Melissa McCain, City Planner James Riker and City Attorney Ron Bennett.

PLEDGE OF ALLEGIANCE:

Mayor Hirling led the pledge of allegiance.

PRESENTATION:

Mayor Hirling, on behalf of the City of Flowery Branch presented Mr. Gene Reed a plaque that will be mounted on the wall of Flowery Branch Well #1. The plaque reads "Water is Life" Flowery Branch is forever grateful to the H.B. Reed family for the generous donation of this property for the first municipal well in this community. This well will continue to serve hundreds of residents of Flowery Branch and be a reminder of the faithful service of H.B. Reed, as Mayor of this City.

PUBLIC COMMENTS:

Thomas Hogan, 3223 Clairwood, Chamblee, Ga.

Mr. Hogan approached the council on behalf of Mr. Stephen Majors and requested the City write a letter of support for the re-opening of Major's Gourmet Fish House. Such letter is to be sent to Mr. Major's as well as Mr. Hogan.

UNFINISHED BUSINESS:

There was no unfinished business.

NEW BUSINESS:

Discussion – Ordinance 318A – Ethics Ordinance

Manager Andrew and Attorney Ron Bennett reviewed the Ordinance.

Attorney Bennett advised that in order for the City to remain a “Certified City of Ethics” the city would need to renew the ethics ordinance on a four (4) year schedule. The current ordinance has expired and if the renewal is applied for prior to May 1, 2009 the City will be recognized at the annual Savannah Conference in Savannah Georgia in June 2009.

There was some discussion pertaining to the amount of members on the board and the filing of ethics complaints against the Attorney or the City Manager.

Councilman Lutz inquired on a hypothetical situation and made the following inquiry summary;

Pertaining to section four, disclosures of conflicts of interest. If this governing body decides to pass an ordinance or a fee structure where they develop a special class of people; for instance trash service, let’s say everybody over the age of forty-five (45) gets fifty percent (50%) off their trash bill, that would be a direct pecuniary interest to those over 45 on the board.

Attorney Bennett said arguably it could.

Councilman Lutz than stated, if that happened then arguably, they would have to disclose it and then refrain from that ex-parte which includes the vote.

Attorney Bennett advised that yes those over 45 would need to refrain but that the vote could still pass if there were three affirmative votes. If there were not three eligible votes in the affirmative then the vote would fail because there was not a third affirmative vote.

There was a consensus to place this ordinance on the April 1, 2009 Voting Session Agenda for further consideration.

Discussion – Ordinance 407 – Animal Control Ordinance/ Intergovernmental Agreement for Animal Control Service

Manager Andrew advised that this was just an update to the agreement and there have been no issues in the past.

Attorney Bennett advised that the term of court for the past magistrate has expired which then requires a new agreement to incorporate the new magistrate.

There was some discussion on the decibel levels of noise and complaints.

There was a consensus to place Ordinance 407 on the April 1, 2009 Voting Session Agenda for further consideration.

There was a consensus to place the Intergovernmental Agreement on the April 1, 2009 Voting Session Agenda for further consideration.

DEPARTMENT REPORTS

City Planner

Planner Riker advised that a notice of violation has been issued to the BP gas station for trash, debris and detention pond maintenance.

Further Planer Riker advised that April 16, 2009 is the next scheduled public hearing. The agenda item for this hearing is a conditional use permit use for the duplex on Church Street.

City Manager Report

No report

City Clerk Report

Clerk McCain passed out a summary of the auction that closed on March 2 and March 9.

Council Report

Councilwoman Jones advised that the planned Spring Clean up day brought out approximately 40 volunteers and approximately 130 bags of trash were picked up.

There was some discussion pertaining to the status of the Walgreens retaining wall.

ADJOURNMENT WORK SESSION:

Mayor Hirling adjourned the Work Session at 10:04 am.



CITY OF FLOWERY BRANCH
Council Meeting Agenda
Voting Session
Wednesday April 1, 2008
Immediately following Work Session



OPEN VOTING SESSION:

Mayor Hirling opened the Voting Session at 10:04 am.

CONSENT AGENDA:

- 03-18-09 - Council Meeting Minutes

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

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

UNFINISHED BUSINESS:

Consider – Ordinance 318A – Ethics Ordinance

Attorney Bennett read Ordinance 318 A

There was a motion made to approve Ordinance 318 A as read.

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

Consider – Ordinance 407 – Animal Control Ordinance

Attorney Bennett read Ordinance 407

There was a motion made to approve Ordinance 407 as read.

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

Consider - Intergovernmental Agreement for Animal Control Service

There was a motion made to enter into the Intergovernmental Agreement with Hall County for Animal Control and Animal Control Court Services and authorize the Mayor to execute said document.

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

ADJOURNMENT:

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

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