

**CITY OF FLOWERY BRANCH**  
**Council Meeting Minutes**  
Work Session  
**Wednesday June 3, 2009**  
**9:30 A.M.**



**CALL TO ORDER:**

Mayor Hirling called the meeting to order at 9:36 am.

**IN ATTENDANCE:**

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

**PUBLIC COMMENTS:**

Jim Mathis – 7324 Bird Song Place, Flowery Branch, Ga. 30542

Mr. Mathis approached the council and expressed concerns pertaining to the proposed False Alarm Ordinance the council was considering.

Mr. Mathis stated that he felt the registration requirements would add additional burden to an already stressed staff. He felt that those abusing the system with multiple alarms should be penalized but that not everybody with an alarm should be required to register.

Ed Asbridge, 7702 Copper Kettle, Flowery Branch, Ga.

Mr. Asbridge approached the council and also expressed concerns with residents being required to register their alarm with the City.

Mr. Asbridge stated that besides being cumbersome to track for staff he was concerned about the information being released as part of an open records request. If a person was to obtain this information then they would know who had and did not have alarm systems which can make those without alarms more vulnerable to theft.

Mr. Asbridge advised that he was for having an ordinance to assist with the controlling of false alarms calls but feels the registration and civil penalties should be removed.

## UNFINISHED BUSINESS:

Councilman Fetterman requested that for the sake of the attendees that Ordinance 418 be discussed first on the agenda allowing the public to attend other commitments.

There was a consensus to amend the agenda and discuss Ordinance 418 first under unfinished business.

### 1<sup>st</sup> Reading - Ordinance 418 – False Alarms

Manager Andrew reviewed the ordinance.

Councilman Lutz expressed concerns with the permitting requirements such as the lack of defined scope for the permit. Further the intent may be to gather name and phone number but there is not a limit on information required which he felt was an invasion of privacy. Also with the information being stored at the PD the information will only be accessible during operating hours unless the officers gets the call travels back to the PD, gathers the information, and then goes to the location of the alarm.

Councilman Bryans stated the police have a right to know if there are dogs, guns or other hazards in the house as well as who the owner is.

Councilman Fetterman advised that the officers were in need of laptop computers in the cars and that would solve the current issue of obtaining information efficiently but until that time this process would only delay a response to call.

Further councilman Fetterman expressed concerns that the ordinance didn't guarantee the officers would respond in a reasonable amount of time.

After further discussion there was a consensus to make the following changes to the proposed False Alarm Ordinance:

- Remove the registration requirement and all items affiliated with registration. Tracking of home owner information will be only for those with alarm calls for billing purposes.
- Awareness class, if held, will be at no cost to the residents.
- Alarms will be tracked on a rolling twelve month period
- Additional verbiage after civil penalty "after a written warning is issued"

There was a motion to exit the Work Session and enter the Voting Session.

MOTION: Mary Jones

SECOND: Allen Bryans

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

NAYES: None

Motion carried

## VOTING SESSION

### 1<sup>st</sup> Reading - Ordinance 418 – False Alarms

Attorney Bennett read Ordinance 418 with the above changes.

There was a motion made to approve the first reading of Ordinance 418 with read amendments.

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

There was a motion made to exit the Voting Session and reconvene the Work Session.

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

## WORK SESSION

Discussion - 2<sup>nd</sup> Reading Ordinance 408 – Annexation of 15.27 ± acres located at 5977 Spout Springs Road, also known as Habersham Bank.

Discussion - 2<sup>nd</sup> Reading Ordinance 409 – Rezoning 15.27 ± acres located at 5977 Spout Springs Road, also known as Habersham Bank

Discussion - 2<sup>nd</sup> Reading Ordinances 410 – Annexation of 1.79 ± acres located at 4717 Hog Mountain Road. Also known as the Cantrell property.

Discussion - 2<sup>nd</sup> Reading Ordinance 411 – Rezoning of 1.79 ± acres located at 4717 Hog Mountain Road, also known as the Cantrell property.

Discussion – 2<sup>nd</sup> Reading Ordinance 412 – Annexation of 1.06 ± acres located at 4685 Hog Mountain Road, also known as the Bales property.

Discussion – 2<sup>nd</sup> Reading Ordinance 413 – Rezoning of 1.06 ± acres located at 4685 Hog Mountain Road, also known as the Bales property.

Discussion - 2<sup>nd</sup> Reading Ordinance 414 – Annexation of .83 ± acres located at 4734 Hog Mountain Road, also known as Parkway Mini Storage.

Discussion - 2<sup>nd</sup> Reading Ordinance 415 – Rezoning of .83 ± acres located at 4734 Hog Mountain Road, also known as Parkway Mini Storage

Discussion – 2<sup>nd</sup> Reading Ordinance 416 – Annexation of .58 ± acres located at 4728 Hog Mountain Road, also known as Parkway Mini Storage.

Discussion – 2<sup>nd</sup> Reading Ordinance 417 – Rezoning of .58 ± acres located at 4728 Hog Mountain Road, also known as Parkway Mini Storage

Planner Riker reviewed Ordinance 408-417 together as they are all contiguous properties.

**NEW BUSINESS:**

Discussion – May 15, 2009 Public Hearing Meeting Minutes

Discussion - May 20, 2009 Meeting Minutes

Clerk McCain made one correction.

**DEPARTMENT REPORTS**

City Planner

Planner Riker advised that there would be a Public Hearing June 11<sup>th</sup>, 2009 at 6:00 pm and also a Public Hearing prior to the Council Meeting on June 17, 2009.

City Manager Report

None

City Clerk Report

None

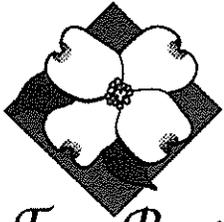
Council Report

No report

**ADJOURNMENT WORK SESSION:**

Mayor Hirling adjourned the Work Session at 10:41 am.

**CITY OF FLOWERY BRANCH**  
**Council Meeting Agenda**  
**Voting Session**  
**Wednesday June 3, 2009**  
**Immediately following Work Session**



*Flowerly Branch*



**OPEN VOTING SESSION:**

Mayor Hirling opened the Voting Session at 10:41 am.

**CONSENT AGENDA:**

- Consider – May 15, 2009 Public Hearing Meeting Minutes
- Consider - May 20, 2009 Meeting Minutes

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

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

**UNFINISHED BUSINESS:**

*2nd Reading Ordinance 408 – Annexation of 15.27 ± acres located at 5977 Spout Springs Road, also known as Habersham Bank.*

Attorney Bennett read Ordinance 408.

There was a motion made to approve Ordinance 408 as read.

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

2nd Reading Ordinance 409 – Rezoning 15.27 ± acres located at 5977 Spout Springs Road, also known as Habersham Bank

Attorney Bennett read Ordinance 409.

There was a motion made to approve Ordinance 409 as read.

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

2nd Reading Ordinance 410 – Annexation of 1.79 ± acres located at 4717 Hog Mountain Road. Also known as the Cantrell property.

Attorney Bennett read Ordinance 410.

There was a motion made to approve Ordinance 410 as read.

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

2nd Reading Ordinance 411 – Rezoning of 1.79 ± acres located at 4717 Hog Mountain Road, also known as the Cantrell property.

Attorney Bennett read Ordinance 411

There was a motion made to approve Ordinance 411 as read.

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

2nd Reading Ordinance 412 – Annexation of 1.06 ± acres located at 4685 Hog Mountain Road, also known as the Bales property.

Attorney Bennett read Ordinance 412

There was a motion made to approve Ordinance 412 as read.

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

2nd Reading Ordinance 413 – Rezoning of 1.06 ± acres located at 4685 Hog Mountain Road, also known as the Bales property.

Attorney Bennett read Ordinance 413.

There was a motion made to approve Ordinance 413 as read.

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

2nd Reading Ordinance 414 – Annexation of .83 ± acres located at 4734 Hog Mountain Road, also known as Parkway Mini Storage.

Attorney Bennett read Ordinance 414.

There was a motion made to approve Ordinance 414 as read.

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

2nd Reading Ordinance 415 – Rezoning of .83 ± acres located at 4734 Hog Mountain Road, also known as Parkway Mini Storage

Attorney Bennett read Ordinance 415.

There was a motion made to approve Ordinance 415 as read.

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

2nd Reading Ordinance 416 – Annexation of .58 ± acres located at 4728 Hog Mountain Road, also known as Parkway Mini Storage.

Attorney Bennett read Ordinance 416.

There was a motion made to approve Ordinance 416 as read.

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

2nd Reading Ordinance 417 – Rezoning of .58 ± acres located at 4728 Hog Mountain Road, also known as Parkway Mini Storage

Attorney Bennett read Ordinance 417

There was a motion made to approve Ordinance 417 as read.

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

EXECUTIVE SESSION:

There was a motion made to enter Executive Session at 10:53 am for pending/potential litigation and land acquisition.

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

RECONVENE OPEN SESSION:

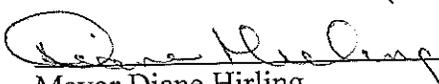
There was a motion made to reconvene open session at 11:42 am.

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

ADJOURNMENT:

There was a motion made to adjourn the meeting at 11:43 am.

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

 6-22-09   
Mayor Diane Hirling Date City Clerk Melissa McCain