



CITY OF FLOWERY BRANCH
Council Meeting Agenda
Work Session
Wednesday June 17, 2009
9:30 A.M.



CALL TO ORDER:

The Public Hearing was opened by Mayor Hirling at: 9:49 am

IN ATTENDANCE:

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

ABSENT: Councilman Chris Fetterman.

PLEDGE OF ALLEGIANCE:

Mayor Hirling led the Pledge of Allegiance.

PUBLIC COMMENTS:

There were no public comments.

UNFINISHED BUSINESS:

Discussion – 2nd Reading Ordinance 418 - False Alarm Ordinance

Under Tab 2 is a printed ordinance with the track changes from City Attorney Bennett.

Councilman Bryans asked how many warnings a person would get before a fine was issued.

City Attorney said that after two warnings a fine would be implemented and what the amounts could be for the fines; fines would begin at the third alarm.

City Manager Andrew added fines were never meant to recover a one to one ration on costs vs. revenue.

Councilman Lutz discussed the definition of False Alarm under 2.6 and believes it places the City into a guilty until proven innocent mode of operation. Is there a way of rewriting that so it would imply the reverse?

City Attorney Bennett after further discussion indicated the second sentence in that section could be eliminated. If that first sentence is the catch all it says it in the positive and then the second sentence says it again in the negative, the Chief will have plenty of discretion under that first section to do an investigation. The second sentence would be stricken.

NEW BUSINESS:

Discussion - Resolution 09-007 - Conditional Use Permit (CUP) application at 5627 Church Street – Operation of day spa and hair salon

City Planner Riker informed the Council that there were concerns addressed during the Public Comment session. He informed the Council as well, that the applicant has assured Mr. Riker that no business activities would be conducted on Sundays. The language can be modified to read as such if Council desires.

Councilmen Lutz asked if Martin Road would be improved. City Planner Riker said that except for signage and determining the proper radiuses for entering and exiting the parking area of the business, no improvements at this time were scheduled for the one way street (Martin Road).

Councilmen Lutz then asked if sidewalks and guttering had been considered. Mr. Riker said they could be if council so desires. Councilmen Lutz expressed a concern about foot traffic as well as pedestrian improvements. Mr. Riker response was that in order to improve Martin Road it would necessitate a City Project and that all improvements would be the responsibility of the applicant. A separate costs analysis could be considered and not be part of the TE Grant costs. Also noted is that the City is going to do a Transportation Study in the downtown area which may address Martin Road.

Discussion – Ordinance 419 - Annexation of an 8.15± acre property located at 5734 Phil Neikro Boulevard

Discussion - Ordinance 420 - Rezoning of an 8.15± acre property located at 5734 Phil Neikro Boulevard

City Planner Riker reviewed with Council Ordinances 419 and 420. There were no questions from the Council.

Discussion - Ordinance 421 - Annexation of a 2.52± acre landlocked property identified as 0 Mulberry Street

Discussion - Ordinance 422 - Rezoning of a 2.52± acre landlocked property identified as 0 Mulberry Street

City Planner Riker reviewed with Council Ordinances 421 and 422. There were no questions from the Council.

Discussion – June 3, 2009 Meeting Minutes

Councilman Lutz requested that the telephone numbers shown for the individuals who spoke during the Public Comments be removed.

Discussion – June 11, 2009 Public Hearing Meeting Minutes

Councilman requested that the context of the three (3) speakers who were heard by the Council when the Public was invited to speak be added to the minutes.

[Discussion - Resolution 09-009 – Right of Way Dedication – Spout Springs](#)

City Planner Riker reviewed with Council Resolution 09-009 recommending acceptance of the Plat from Newland Communities be accepted by the City. It is a requirement of the ordinance that regulates the Sterling on the Lake development. This Plat has been on record for sometime.

[Discussion – Resolution 09-010 - Acceptance of Roadways within Sterling on the Lake](#)

City Planner Riker reviewed with Council Resolution 09-010 and stated the acceptance of Roadways from Sterling on the Lake was catching up with the decision of the Council from 2001. This resolution is actually fulfilling a condition also identified in the Sterling on the Lake ordinance that was amended back in November.

Councilmember Bryans asked what happens if the County or Gainesville Water needs to dug up the roads. Mr. Riker responded with that the City would monitor and approve the work being done was completed in an acceptable manner.

When asked by Councilmember Bryans who would specify how the roads would get repaired, how much concrete is put down before the asphalt is put down Mr. Riker responded that a courtesy letter to utility vendors requesting that the City be notified before the start of the job should suffice.

Councilman Lutz then asked at what point of time are they allowed to put the top coat on. Mr. Riker response was that this was normally left up to the developer. Also considered would be what the number of built homes is in determining when the top coat gets put down..

Councilman Bryans asked if are the roads (base) being built to highway standards. Mr. Riker said they were being built to City standards and that D.O.T. standards would be mirrored. Everything in the past that has been built meets the consistencies of the City.

[Discussion - Ordinance 402 – General Sewer Use Requirements with Fact Sheet](#)

City Planner Riker explained to Council that Ordinance 402 was jointly created with efforts from the Water / Wastewater Department and the City Engineers; this is a Sewer Use ordinance. Further information was supplied by Catherine Fox, she added that many cities and counties are in the process of doing this now and that it is expensive to implement. A discussion was heard regarding Section 3.2 of the ordinance and that some reorganization may be needed. Mr. Riker will rewrite Section 3.2 with the assistance of the City Attorney.

When asked by City Attorney Bennett for specific directions from the council, page 11 of 39, Section H was mentioned; private sewer systems as defined by state agencies. It is not the intent of the City to enforce any residential customer who may be 300 feet or less from a City sewer line to tap on.

[Discussion - Ordinance 403 – Regulation of Discharge of Fats, Oils and Greases with Fact Sheet](#)

City Planner informed Council that Ordinance 403 was developed with the City's consultant as to how to regulate the sewer system. Catherine Fox added that this ordinance, #403, is not designed for residential customers but for businesses.

There are approximately 141 current businesses that operate in the City. All will be inspected on a quarterly basis; some tested biologically.

[Discussion - Ordinance 404 – Standard Specifications for Water and Sewer Construction Inside and Outside of the City](#)

City Planner Riker explained to Council that Ordinance 404 is an Administrative Structure indicating how that entity operates.

[Reference Document – Resolution No. 09-008 – Fees for implementation of Ordinance 402 and Ordinance No. 403](#)

It was mentioned by Catherine Fox (a consultant for the City) that the quarterly inspections may require more systematic processes be carried out by the City in determining if businesses are in violation before any fees would be implemented.

DEPARTMENT REPORTS

PLANNING REPORT

No report

CITY MANAGER REPORT

No report.

CITY CLERK REPORT

No report

ATTORNEY REPORT

No report

COUNCIL REPORT

Councilman Bryans asked if there was anything the City could do in preventing the rocks and gravel from falling from the parking of Major McGill's onto Church Street. There was a suggestion to request the owner pave his parking lot.

ADJOURNMENT WORK SESSION:

Mayor Hirling adjourned the Work Session at 11:13 am



CITY OF FLOWERY BRANCH
Council Meeting Agenda
Voting Session
Wednesday June 17, 2009
Immediately following Work Session



OPEN VOTING SESSION:

Mayor Hirling opened the Voting Session at 11:30 am

CONSENT AGENDA:

- Consider - June 3, 2009 Meeting Minutes

There was a motion made to approve the June 3rd, 2009 minutes after deleting the phone numbers for the residents that spoke at the meeting.

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

- Consider - June 11, 2009 Public Hearing Meeting Minutes

A motion was made to postpone the approval of the June 11th, 2009 minutes until the next council meeting (7/1/09). Councilman Lutz requested that the comments from the individual public speakers be made part of the minutes.

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

UNFINISHED BUSINESS:

Consider – Resolution 09-007 - Conditional Use Permit (CUP) application 5627 Church Street – Operation of day spa and hair salon

City Planner Riker informed the Council that the applicant has agreed to do a curb, sidewalk and gutter (specific locations shown on PowerPoint to council members).

There was a motion to approve Resolution 09-007 with the sidewalk, curb and gutter as City Planner described with no business being conducted on Sundays. Along Martin St. to Church Street; to have business on Sundays, the applicant would have to petition the Council.

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

Consider - Resolution 09-009 – Right of Way Dedication – Spout Springs Road

There was a motion made to approve Resolution 09-009.

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

Consider – Resolution 09-010 - Acceptance of Roadways within Sterling on the Lake

There was a motion made to approve Resolution 09-010

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

1st Reading - Ordinance 402 – General Sewer Use Requirements

There was a motion made to approve the first reading of Ordinance 402

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

1st Reading - Ordinance 403 – Regulation of Discharge of Fats, Oils and Greases

There was a motion made to approve the first reading of Ordinance 403

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

1st Reading - Ordinance 404 – Standard Specifications for Water and Sewer Construction Inside and Outside of the City

There was a motion to approve the first reading of Ordinance 404

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

2nd Reading - Ordinance 418 - False Alarm Ordinance

There was a motion to approve the second reading of Ordinance 418 with the 2nd sentence of False Alarm Definition stricken from the ordinance.

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

1st Reading - Ordinance 419 - Annexation of an 8.15± acre property located at 5734 Phil Neikro Boulevard

There was a motion to approve the first reading of Ordinance 419

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

[1st Reading - Ordinance 420 - Rezoning of an 8.15± acre property located at 5734 Phil Neikro Boulevard](#)

There was a motion made to approve the first reading of Ordinance 420

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

[1st Reading - Ordinance 421 - Annexation of a 2.52± acre landlocked property identified as 0 Mulberry Street](#)

There was a motion made to approve the first reading of Ordinance 421

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

[1st Reading - Ordinance 422 - Rezoning of a 2.52± acre landlocked property identified as 0 Mulberry Street](#)

There was a motion made to approve the first reading of Ordinance 422

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

Before adjourning into the Executive Session, Council member Mary Jones thanked Catherine Fox for her work with in putting this together and also asked Ms. Fox what part John Morris had in these projects. Ms. Fox reported that John Morris worked with her in the Storm Water System and will work with her in contacting the businesses in the City, pond inspections and that John is great to work with.

EXECUTIVE SESSION:

There was a motion to exit the Voting Session and adjourn into Executive Session for the purposes of Land Acquisition and Pending/Potential Litigation.

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

RECONVENE OPEN SESSION:

There was a motion to exit the Executive Session and return to the Voting Session.

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

ADJOURNMENT:

There was a motion to adjourn at 12:40 pm

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