



**CITY OF FLOWERY BRANCH  
Council Meeting Minutes**

**Work Session**

**Wednesday July 1, 2009**

**9:30 A.M.**



**CALL TO ORDER:**

Mayor Hirling called the meeting to order at 9:34 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:**

No Public Comments

**UNFINISHED BUSINESS:**

***Discussion - 2<sup>nd</sup> Reading - Ordinance 402 – General Sewer Use Requirements***

Councilman Lutz reviewed section 3.2 Section “c” and expressed concerns with the City having the authority to force resident to hook onto City sewer regardless if their septic systems are functioning properly.

Further, Councilman Lutz requested that this section be removed from the Ordinance.

There was a consensus to remove section 3.2c.

***Discussion - 2<sup>nd</sup> Reading - Ordinance 403 – Regulation of Discharge of Fats, Oils and Greases***

There was no discussion as this item had been reviewed at prior meetings.

***Discussion - 2<sup>nd</sup> Reading - Ordinance 404 – Standard Specifications for Water and Sewer Construction Inside and Outside of the City***

Planner Riker advised that only change was the addition of a cover page.

[Discussion – Resolution No. 09-008 - Fees and Charges associated with Ordinance No. 402 and Ordinance No. 403.](#)

Planner Riker reviewed the fees and advised that the annual fee would be \$180.00 and additional surges would be applied if concentration levels exceeded the maximum allowed. The additional fees are due to the fact that higher concentration levels require higher costs to treat.

Councilman Lutz confirmed that only one permit would be required from the businesses.

Planner Riker advised that the only time both permits would be required is if a manufacturing business had a full operating kitchen.

[Discussion - 2<sup>nd</sup> Reading - Ordinance 419 - Annexation of an 8.15± acre property located at 5734 Phil Niekro Boulevard](#)

[Discussion - 2<sup>nd</sup> Reading - Ordinance 420 - Rezoning of an 8.15± acre property located at 5734 Phil Niekro Boulevard](#)

[Discussion - 2<sup>nd</sup> Reading - Ordinance 421 - Annexation of a 2.52± acre landlocked property identified as 0 Mulberry Street](#)

[Discussion - 2<sup>nd</sup> Reading - Ordinance 422 - Rezoning of a 2.52± acre landlocked property identified as 0 Mulberry Street](#)

Planner Riker advised that there were no changes to the original requests that were heard at the last council meeting and also at a public hearing.

[Discussion – June 11, 2009 Public Hearing Meeting Minutes](#)

Clerk McCain advised there were no changes.

[Discussion – June 17th, 2009 Public Hearing Meeting Minutes](#)

Clerk McCain advised there were no changes.

[Discussion – June 17th, 2009 Council Meeting Minutes](#)

Clerk McCain advised that, as requested, the telephone numbers of the speakers were removed and their concerns recorded.

[Discussion - Temporary Construction Easement between the City of Flowery Branch and Chilop LLC \(Chili's\)](#)

Planner Riker advised that Chili's had produced this document to ensure that their entrance will remain open and that there would be no damage to the irrigation system or landscaping during construction of the roadway.

### [Intergovernmental Agreement with Hall County for street condition inventory](#)

Manager Andrew reviewed the request and stated that twenty four miles of our roads assessed through the County process. Further, Manager Andrew advised that the roadways would be inventoried and graded according to condition. This will give the City the opportunity to include our repairs in County bids which may lower our repair costs. This will also free up MPO funds for other uses.

Attorney Bennett suggested some changes as follows:

- Mayor sign not City Manager
- Paragraph 5 - In the event Flowery Branch elects to include any City street in a request for bid prepared and published by Hall County, Flowery Branch agrees to reimburse Hall County for Flowery Branch's pro-rata share for implementing the scope of work outlined in the above referenced bid. This reimbursement will be for costs of actual quantities utilized on City streets and will be paid by Flowery Branch upon receipt of an itemized invoice detailing same.
- Attorney will have discretion to review any requests that Hall County may request.

Councilman Lutz inquired of the City was now maintaining Bragg Road and further inquired if the City had the equipment to maintain this roadway.

Manager Andrew advised that the City is maintaining the road and that there is a gentlemen's agreement that the City will keep the trash cleaned up and the County would grade it.

## **DEPARTMENT REPORTS**

### City Planner

No public hearing

### City Manager Report

- Hortman and Dobbs  
A check has been prepared for 14,247.00 according to the development agreement – copies of invoices indicating costs paid are available. The aid invoices add up to 220,611.97.

County payment was not received because they did not have the amount in this fiscal year's budget. December another payment will be made in the amount of 121,094.00.

- Right-of-way entry agreement John Bailey, & Steve Kelly  
Survey work to be conducted at Cinnamon Cove – two rights of entry agreements drawn up for authorization for city employees or agents to survey the area for the installation of the force main.

There was a consensus to place the right of way agreement on the Consent Agenda for further consideration.

#### [City Clerk Report](#)

Clerk McCain advised that July 1<sup>st</sup>, 2009 is the deadline for renewal of business licenses. Georgia Peach Tanning is requesting a pro-rated renewal fee as they are in the process of selling the business.

There was a consensus of the council to require full payment of the business as require by Ordinance.

#### [Council Report](#)

No report

#### **ADJOURNMENT WORK SESSION:**



**CITY OF FLOWERY BRANCH**  
**Council Meeting Agenda**  
**Voting Session**  
**Wednesday July 1, 2009**  
**Immediately following Work Session**



**OPEN VOTING SESSION:**

Mayor Hirling opened the Voting Session at 10:17 am.

**CONSENT AGENDA:**

- June 11, 2009 Public Hearing Meeting Minutes
- June 17th, 2009 Public Hearing Meeting Minutes
- June 17th, 2009 Council Meeting Minutes
- Right -of-way entry agreement - John Bailey & Steve Kelly

Mayor Hirling removed the consideration of the Intergovernmental Agreement with Hall County for a separate vote.

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

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

**[Intergovernmental Agreement with Hall County for street condition inventory](#)**

Attorney Bennett read the agreement changes as indicated in the work session and also added that the Hall County Commission may make minor changes and that the agreement would not be valid until such time the Flowerly Branch City Attorney approved any minor changes made by the Hall County Commission.

There was a motion made to authorize the City to enter into an Intergovernmental Agreement with Hall County for street inventory purposes and further to authorize the Mayor to execute said document subject to approval by the City Attorney on the content as maybe amended prior to execution by the Hall County Commission.

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

**UNFINISHED BUSINESS:**

*Discussion - 2<sup>nd</sup> Reading - Ordinance 402 – General Sewer Use Requirements*

Attorney Bennett read Ordinance 402 omitting section 3.2 (c)

There was a motion made to approve Ordinance 402 omitting section 3.2 (c) as read.

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

*Discussion - 2<sup>nd</sup> Reading - Ordinance 403 – Regulation of Discharge of Fats, Oils and Greases*

Attorney Bennett read Ordinance 403.

There was a motion made to approve Ordinance 403 as read.

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

*Discussion – Resolution No. 09-008 - Fees and Charges associated with Ordinance No. 402 and Ordinance No. 403.*

Attorney Bennett read Resolution 09-008.

There was a motion made to approve Resolution 09-008 as read.

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

[Discussion - 2<sup>nd</sup> Reading - Ordinance 404 – Standard Specifications for Water and Sewer Construction Inside and Outside of the City](#)

Attorney Bennett read Ordinance 404.

There was a motion made to approve Ordinance 404 as read.

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

[Discussion - 2<sup>nd</sup> Reading - Ordinance 419 - Annexation of an 8.15± acre property located at 5734 Phil Niekro Boulevard](#)

Attorney Bennett read Ordinance 419.

There was a motion made to approve Ordinance 419 as read.

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

[Discussion - 2<sup>nd</sup> Reading - Ordinance 420 - Rezoning of an 8.15± acre property located at 5734 Phil Niekro Boulevard](#)

Attorney Bennett read Ordinance 420.

There was a motion made to approve Ordinance 420 as read.

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

[Discussion - 2<sup>nd</sup> Reading - Ordinance 421 - Annexation of a 2.52± acre landlocked property identified as 0 Mulberry Street](#)

Attorney Bennett read Ordinance 421

There was a motion made to approve Ordinance 421 as read.

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

*Discussion - 2<sup>nd</sup> Reading - Ordinance 422 - Rezoning of a 2.52± acre landlocked property identified as 0 Mulberry Street*

Attorney Bennett read Ordinance 422

There was a motion made to approve Ordinance 422 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 10:32 am for pending/potential litigation and land acquisition.

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

**RECONVENE OPEN SESSION:**

There was a motion made to reconvene open session at 12:12 pm.

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

There was a motion made to file suit for violation of the nuisance abatement ordinance at 5732 Newberry Point Drive.

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

There was a motion made to file suit in magistrate court against all individuals that have active utility accounts with a past due bill amount in excess of \$420.00

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

There was a motion made to file suit in magistrate court against all individuals that have active utility accounts with a past due bill amount in excess of \$410.00

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

[Ordinance 53 and all amendments](#)

Councilman Lutz suggested that:

- 1.) The staff revises Ordinance 400 or 53 so that trash is exclusive franchise agreement and not required.
- 2.) Allow HOA to arrange own garbage
- 3.) Tax bill
- 4.) Work with Hall County to charge those residents that don't take trash service through the City.

Councilman Fetterman suggested that:

- 1) Line item on tax bill
- 2) Discontinue City pick up of lawn and limb – Red Oak to begin picking up.

Clerk McCain advised that there may be a program change cost for our City accounting system.

Councilman Bryans expressed concerns with an increase in rate for those residents that keep the City services since Red Oak will not be receiving payment from every resident.

Attorney Bennett will produce different options to the City at the next meeting.

Councilwoman Jones suggested that:

- 1) Allow the out-lying neighborhoods to arrange for their own trash service.

Councilman Fetterman said that the City then only provides police service to Sterling on the Lake; what other services are provided by the City.

Councilwoman Jones stated that Sterling is setting themselves up to be their own City.

Attorney Bennett – advised that some of the services include streets, zoning and police.

**ADJOURNMENT:**

There was a motion made to adjourn the meeting at 12:36 pm

MOTION: Pat Zalewski

SECOND: Allen Bryans

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

NAYES: None

Motion carried