



CITY OF FLOWERY BRANCH
Council Meeting Minutes
Work Session
Wednesday August 5, 2009
10:00 A.M.



CALL TO ORDER:

Mayor Hirling called the meeting to order at 10:05 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 – Beer/Wine application Publix Supermarkets (New Manager)

Mayor Hirling moved beer and wine application for Publix Supermarkets to the top of the agenda for the convenience of the Publix Representative Todd Young who was on site for questions or comments.

Clerk McCain advised that manager Brian Raley had recently resigned his position with Publix Supermarkets which in-turn nullified the beer and wine license that was the Publix Store was operating under.

Clerk McCain reviewed the application for the council.

There were no questions or comments.

Discussion – Ordinance 424 – Alcoholic Beverage Ordinance

Clerk McCain and Attorney Bennett reviewed the proposed Ordinance.

Mayor Hirling made a correction on page 5 and wording was changed in sec 11(a). “Alcoholic beverage” has been changed to containing distilled spirits.

Councilman Lutz inquired if the ordinance format being an attachment was appropriate.

Attorney Bennett advised that for ease of formatting for the municode it was created as an attachment and that there were no legal issues having the ordinance in such format.

Further Attorney Bennett advised that the format did not circumvent the need for a two vote presentation for approval of any changes.

Councilman Fetterman inquired about the definition of “Lounge” and the requirements and had some concerns regarding businesses that had little bistro style tables or patios where beverages could be served.

Attorney Bennett reviewed the regulations.

Councilman Lutz suggested waiting to change the ordinance pertaining to open containers until such time there was circumstance that required review.

Councilman Fetterman advised that the ordinance required visibility from all four sides of a building serving alcoholic beverages and inquired about buildings that didn’t have 4 sides exposed to a street or walk way such as with buildings in strip malls.

Attorney Bennett advised that he would revise the ordinance to indicate all exposed sides will lit properly and visible from the street.

NEW BUSINESS:

Discussion – RFP – Tax Increment Financing – FB Old Town and Commercial Gateways

Manager Andrew reviewed the RFP.

Manager advised the council there were three (3) options for financing:

1. Bonding – Costly
2. Pay as you go
3. RFP loan requirements for an amount of \$361,000

Manager Andrew advised that this would just be a request for a loan and that approving the RFP document does not automatically approve a loan. This would give Hortman and Dobbs a portfolio that a bank could use as a solid financial plan and background.

Councilman Lutz expressed concerns with the loan and stated that it would be a great burden to the tax payers of the city if the loan was approved and the project never moved forward. All that interest would be a liability to the Flowery Branch residents.

Manager Andrew advised the council that the City would work with the banks during the RFP and further to insure that was not an issue. The City is looking for a pre-approval on the loan without actually starting the loan.

Councilman Lutz inquired if the TAD would cover the cost of interest expenses and other costs associated with the loan.

Manager Andrew advised that all costs could be reimbursed through the TAD.

Councilman Lutz further expressed concerns that all the tax increment is first slotted for the Hortman and Dobbs project and if other entities came forward for TAD financing none would be available.

Manager Andrew advised that the increment that Hortman and Dobbs is using is currently the Stonebridge Village increment and that if the Forbes property developed, for instance, then that increment that was created from the build-out would be available for reimbursement to the developer.

Councilman Fetterman inquired on the amount request of \$361,000 and stated there was no documentation on where these funds were used and also inquired when funds would be issued for the requested reimbursement.

Manager Andrew stated that the \$361,000 is the 15% max that is allowed to be requested. Further Manager Andrew advised that no monies would be issued until such time that certificate of occupancies were issued and the roads were approved and accepted by the City

[Discussion July 17, 2009 Meeting Minutes](#)

There was no discussion or changes.

[Discussion – Ordinance 423 – 2009 Millage Rate](#)

Clerk McCain reviewed the computation for the 2009 millage rates and summarized the following:

The City has not raised the millage rate in 4 years. The ad valorem tax rate for the City of Flowery Branch, for the calendar year 2009 and for the 2009-2010 fiscal year for the City of Flowery Branch is based upon an estimated total valuation by the tax assessors of Hall County the gross millage has been set at 4.290 mils.

Upon dividing the net property value of \$266,112,245 into the total receipts of the local option sales tax for the 2008 calendar year, which was \$386,593.33 provides us with a local options sales tax rollback of 1.453 mils. Subtracting the total rollback of 1.453 mils from the gross millage rate of 4.290 mils provides for a net millage rate of 2.837 mils to be levied on each \$1,000 of taxable property within the corporate limit.

[Discussion – Letter of Support Glades Reservoir](#)

Mayor Hirling reviewed the letter.

[Discussion EPD Annual Report Submission \(Watershed Protection Plan\)](#)

Planner Riker reviewed a draft of the submission report.

[Discussion – Easement with Norfolk Southern Railway Company](#)

Planner Riker reviewed the permanent easement agreement with Norfolk Southern Railway for the property along Railroad Avenue from Snelling to Main Street. The cost for such easement is \$5,000 which has already been budgeted.

DEPARTMENT REPORTS

City Planner

Public Hearing is scheduled for August 13th, 2009 for consideration of amending the city code to allow for accessory structures in other than the back or side yard.

Councilwoman Zalewski felt the change was acceptable as long as the code specific enough to regulate certain structures that would be out of character located in other than the rear yard.

Councilman Lutz expressed concerns with the elevations of decks if the code was changed to allow decks and other accessory structures in the front yard.

City Manager Report

- Prison Work Crews

Manager Andrew advised that in 2006 the City had authorized an Intergovernmental Agreement with Hall County for the use of a prison work crew. Because the crew began to get smaller in size and the amount of work needed to be completed by the prison crew was not sufficient the City hired part-time employees to see this work was completed. Public works is having a difficult time keeping these positions filled and staff is now requesting to go back to using Hall County Correctional system for inmate work crews. The City would be required to provide a guard to oversee the work crew as a van has already been purchased and utilized.

Further, Manager Andrew advised that Hall County Correction is anxious to get crews out working and has offered to pay for correctional officer/guard training if the City hired a guard that was not certified.

Councilman Fetterman suggested the hiring of a new officer and rotate the guard duty between officers.

Manager Andrew advised he would research the idea.

- J&J Disposal request

Manager Andrew advised that J&J Disposal has requested authorization to dump the contents of porta-johns into our Wastewater Plant for treatment. The company has offered to pay a fee of \$150.00 per load dumped to offset the cost of such treatment.

Further, Manager Andrew stated that this could be a trial basis to see how the dumped materials would affect the processes of the plant. If at any time it turned out to have adverse effects the City could discontinue the authorization for dumping.

There was a consensus to place this item on the Consent Agenda for further consideration.

City Clerk Report

Clerk McCain advised that the official voter registration list has been submitted and there are approximately 2,900 registered voters for Flowery Branch.

Further, Clerk McCain advised that the new audit has started and staff will be busy working with the auditors.

Council Report

Councilman Bryans suggested the city look into installing a catch basin at Mitchell Street and Pine Street.

Councilwoman Zalewski requested that the trees and bushes be cut back at Church St and Spring Street as it is hard to see when making a turn or crossing the street.

Mayor Hirling advised that the speed limit sign at the top of Chattahoochee Street was covered with bushes and could not be seen.

ADJOURNMENT WORK SESSION:

Mayor Hirling adjourned the Work Session at 11:52 am.



CITY OF FLOWERY BRANCH
Council Meeting Agenda
Voting Session
Wednesday August 5, 2009
Immediately following Work Session



OPEN VOTING SESSION:

Mayor Hirling opened the Voting Session at 11:52 am.

CONSENT AGENDA:

- Consider – RFP Tax Increment Financing – FB Old Town and Commercial Gateways
- Consider – July 17, 2009 Meeting Minutes
- Consider - Beer/Wine application Publix Supermarket (New manager)
- Consider - Letter of Support – Glades Reservoir
- Consider – EPD annual report submission (Watershed Protection Plan)
- Consider – Easement with Norfolk Southern Railway Company
- Temporary Agreement with J&J Disposal for utilization of Wastewater Treatment Plant for dumping.

Councilman Lutz requested that the RFP for tax increment financing be removed for a separate vote.

There was a motion made to approve the Consent Agenda.

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

- Consider – RFP Tax Increment Financing – FB Old Town and Commercial Gateways

There was a motion made to approve the RFP for tax increment financing – Old Town Commercial Gateways.

MOTION: Allen Bryans
SECOND: Mary Jones

Discussion:

Councilman Lutz advised that he felt the Council was jumping the gun and that the City was taking on a large liability at the taxpayers' expense. Further Councilman Lutz stated that this was both reckless and risky.

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

UNFINISHED BUSINESS:

1st reading – Ordinance 424 - Alcoholic Beverage Ordinance

Attorney Bennett read Ordinance 424

There was a motion made to approve Ordinance 424 with the corrections made during the work session.

MOTION: Chris Fetterman
SECOND: Allen Bryans

Discussion:

Councilman Lutz stated that the ordinance and the consolidation into one comprehensive document is very beneficial but that he was still in disagreement with the hours of sale for distilled spirits

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

1st reading – Ordinance 423 – 2009 Millage Rate

Attorney Bennett read Ordinance 423.

There was a motion made to approve Ordinance 423 as read.

MOTION: Pat Zalewski
SECOND: Mary Jones

Discussion:

Councilman Fetterman advised that he did not vote for the budget as he felt there were contracts in place that created unnecessary expenses on the city and that those funds could have been used to reduce the millage rate and lowering tax bills for the citizens of this community.

Councilman Lutz stated that the city employees made a great sacrifice for the citizens of the community by taking furlough days and to concur with Councilman Fetterman he felt that the city has taken on some obligations that he did not feel was fair and therefore the citizens are taking some sacrifice also and this is why he would be voting against this ordinance.

AYES: Pat Zalewski, Allen Bryans, and Mary Jones.

NAYES: Chris Fetterman and Craig Lutz

Motion carried

EXECUTIVE SESSION:

There was a motion made to enter Executive Session for Pending/Potential Litigation.

MOTION: Allen Bryans

SECOND: Chris Fetterman

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

NAYES: None

Motion carried

RECONVENE OPEN SESSION:

There was a motion made to reconvene open session at 12:06 pm.

MOTION: Allen Bryans

SECOND: Pat Zalewski

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

NAYES: None

Motion carried

ADJOURNMENT:

There was a motion made to adjourn the meeting at 12:07 pm

MOTION: Chris Fetterman

SECOND: Allen Bryans

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

NAYES: None

Motion carried