



**CITY OF FLOWERY BRANCH
COUNCIL MEETING MINUTES
WORK SESSION**

**Wednesday January 7, 2009
9:30 am**



CALL TO ORDER:

Mayor Hirling called the meeting to order at 9:34 a.m.

IN ATTENDANCE:

Mayor Diane Hirling and Council Members Mary Jones, Chris Fetterman, Craig Lutz, and Pat Zalewski. Also in attendance were City Clerk Melissa McCain, Assistant City Clerk Lou Camiscioni, City Planner James Riker, and City Attorney Ron Bennett.

Councilman Bryans arrived at 9:55 am

PLEDGE OF ALLEGIANCE:

Mayor Hirling led the pledge of allegiance.

PUBLIC COMMENTS:

Michael Veach – 4395 Aberdeen, Lilburn Georgia.
Representing Lake House Bar & Grille – 5466 McEver Road.

Mr. Veach approached the City Council and requested that the City consider amending the alcoholic beverage ordinance and allow businesses that service alcoholic beverages the opportunity to service its customers until 2:00 am seven days a week. Mr. Veach continued by stating that many other communities have longer business hours for restaurants serving beverages and providing entertainment.

James Herold – 5615 Church Street Flowery Branch, Ga. 30542

Mr. Herold approached the Council and suggested that the City include the cost of trash and refuse removal in the City tax bills.

Mr. Herold continued by stating that the inclusion of this service cost in the City tax bill will ensure all residents are paying for the service and will also save the City and its residents time and money.

PRESENTATION:

2007-2008 FY Audit Review

Auditor Dan Walker from Walker & Associates presented to the Council the 2007/2008 Fiscal Year Audit Report.

Mr. Walker specifically reviewed page 1,6 and 9.

There were a few questions from the council and further discussion on page 26 and page 3.

Overall Mr. Walker advised that the City is really moving forward and is financially healthy.

UNFINISHED BUSINESS:

There was no unfinished business.

NEW BUSINESS:

Discussion – 2009 Meeting Dates and Times (Ordinance 303-E)

Clerk McCain provided two options for discussion pertaining to meeting dates and times; the first proposal was to follow the current schedule hold Work Sessions followed by Voting Sessions on the 1st and 3rd Wednesday of every month at 9:30 am.

Clerk McCain reviewed the second proposal, Ordinance 303-E which would change the meeting dates and times to; a Work Session followed by a Voting Session the first Monday of every month at 6:00 pm and the 3rd Wednesday every month at 9:30 am.

Councilman Lutz advised that he would like to use the compromised schedule and hold one day meeting and one night meeting a month.

Further Councilman Lutz stressed that holding at least one meeting at night in a month allows the public the opportunity to get involved with their government. This would also give the residents running for council this year an opportunity to prepare for taking office if they were to win the election.

Councilwoman Jones advised that the City's public hearings are at night.

Councilman Fetterman advised that public hearings are for specific purposes and not general business.

Clerk McCain suggested that the Council Meetings could be held at the same time as the public hearings.

There was some discussion on the times of the meetings during the public hearings.

Councilman Bryans advised that he was content with the meeting dates and times as currently held.

Discussion – December 10, 2008 Council Meeting Minutes

The Clerk had no changes and there was no discussion.

Discussion – Tax Liens

Clerk McCain summarized by stating that there are eleven properties that have delinquent 2007 taxes. Direction is needed on a minimum amount to process a lien as some of the properties have amounts under one hundred dollars.

After some discussion there was a consensus to process liens that are past due in the amount of \$100.00 or more.

Discussion - Utility non-payment letters of demand

Clerk McCain summarized by stating that there are approximately twelve residents that are receiving sewer and garbage services without paying for the service. A list was provided to the Council.

Clerk McCain further advised that each of these customers have, at a minimum, been sent one notification with the application requiring service registration and some receive a bill monthly and have not remitted payment.

There was a consensus of the Council to send certified letters of demand to each delinquent sewer/utility service resident requiring payment by January 16, 2009. Further the Council authorized citing those individuals that did not comply with the letter of demand and require them to appear at municipal court.

Discussion – Appointments

Clerk McCain advised that on an annual basis the Council approves the appointments of the City Manager, City Clerk and City Attorney.

Clerk McCain advised that this issue is not required to be in Ordinance or Resolution form and a majority vote is sufficient. The proposed appoints are as follows:

- City Manager – Bill Andrew
- City Clerk – Melissa McCain
- City Attorney – Carothers and Mitchell

There was a consensus to place the appointments on the January 7, 2009 Voting Session Consent Agenda for further consideration.

Discussion – Tax Allocation District Financing Policy and Procedures

Manager Andrew reviewed the policy and procedures and advised that the committee is required to be comprised as the County Commissioner, County Administrator, City Manager, City Planner and three City Council members.

Councilwoman Jones suggested that Councilmember Bryans and Zalewski be appointed to the committee as they have the longest history with the City.

Councilman Fetterman suggested appointing and rotating the committee positions with the council members that have the longest remaining term in said position. This would ensure council experience at all times and would give the opportunity for new members every election year.

Council Member Zalewski suggested that Council member Jones, Bryans and Zalewski be appointed to said committee.

Councilman Lutz advised he felt it did not appear to be good stewardship to have all three members of the committee be members who maybe leaving office in a year and the following year there will be all new members that have little background on the events prior year.

Councilwoman Jones advised that there would be experience and stability with the City Manager and the City Planner sitting on the committee.

Councilman Fetterman advised that there is a divided council and that three members don't always agree with the minority of the Council and whatever they say passes. You will be able to vote as a committee and bring it before the council and it will pass without consideration from the minority.

Councilman Fetterman suggested that the committee members be the Mayor, Councilman Fetterman or Councilman Lutz and Councilwoman Jones, or Councilman Bryans or Councilwoman Zalewski.

Attorney Bennett suggested changing the wording of the document to read “composed of three members of the Flowery Branch City Council.” This would allow for the seating of the Mayor on the committee if appointed.

Councilman Fetterman inquired on page 4 if the eligible purposes included refurbishing a home that is in a historic district and in the TAD district.

Manager Andrew advised that the spirit of the TAD was not for the public sector to use public funds for private benefit. Normally the TAD is for private enterprise. It can be weighed but never considered that scenario.

Discussion – Ordinance 401 – Call for Election and Set Qualifying Dates, Times and Costs

Clerk McCain reviewed Ordinance 401 including the qualification fees, qualifying dates and election appointments.

Councilman Lutz requested that the City hold qualifications for the total allowance of five days thus giving the residents of Flowery Branch ample opportunity to qualify for the Council seats up for election.

There was a consensus to place Ordinance 401 on the January 7, 2009 Voting Session Agenda for further consideration.

DEPARTMENT REPORTS:

Planning & Zoning

Planner Riker gave a brief update on Jones Road.

City Manager Report

City Manager Andrew gave an update on the sewer plant expansion and the availability of the anti-degradation report as well as the Environmental Information Document.

Clerk Report

Clerk McCain advised that Stacy Hall with the Boy Scout Troop has requested permission to hold the Flowery Branch Spring festival on April 18, 2009.

There was a consensus of the City Council to approve the April 18, 2009 date for the annual Spring Festival.

Council Report

Councilman Lutz commended staff on a job well done pertaining to the conservative spending methods of the City as well as a good report from the auditors.

Councilman Fetterman reminded the public and press that there was a meeting of the Hall County Board of Commissioners pertaining to South Hall sewer Rates and all concerned citizens were invited to attend.

ADJOURNMENT:

Mayor Hirling closed the work session at 10:47 a.m.



CITY OF FLOWERY BRANCH
Council Meeting Minutes
VOTING SESSION
Wednesday January 7, 2009
Immediately following Work Session



CALL TO ORDER:

Mayor Hirling called the Voting Session to order at 10:48 a.m.

CONSENT AGENDA:

- Consider – December 10, 2008 Council Meeting Minutes
- Consider – Appointments

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

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

UNFINISHED BUSINESS:

Consider – 2009 Meeting Dates and Times (Ordinance 303-E)

There was a motion made to change the 2009 Council Meeting Work/Voting Session to the first Wednesday of each month at 9:30 am and the third Thursday of each month following the Public Hearing or if the Public Hearing cancelled the meeting would begin at 5:00 pm. As well as set the public hearing for the third Thursday at 5:00 pm.

MOTION: Chris Fetterman
SECOND: Craig Lutz

Discussion:

Councilman Lutz stated that this is a compromise and that he was not happy to have one less meeting a month as there will be a lot of business in one night but that it was important to allow the public to get involved with the City and it's the right thing to do.

Councilman Fetterman stated that staff and Council were already required to attend the public hearings and that asking for one regular council meeting a month to be held at night and coincide with the Public Hearing was not too much to ask of this Council.

Attorney Bennett suggested that the motion be considered to change the times of the Public Hearing to 5:00 pm and the Work/Voting Session to be held at 6:00 pm on the third Thursday of each month. This would administratively be easier and clearer if the Public Hearing is cancelled.

There was a motion made to amend the motion on the floor.

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

The called vote on the original motion:

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

As a note the meetings dates and times will continue to be first and third Wednesday of every month at 9:30 am and the Public Hearings are scheduled for the second Thursday of each month at 6:00 pm.

Consider – Tax Lien Placement

There was a consensus during Work Session to place liens on properties that have a delinquent bill of \$100.00 or more.

Consider - Utility non-payment letters of demand

There was a consensus during the work session to move forward with the letters of demand for payment.

Consider – Tax Allocation District Financing Policy and Procedures

There was a motion made to change the wording where it states “three Flowery Branch Council Members” to “three members of the Flowery Branch City Council which will include the Mayor”

MOTION: Chris Fetterman
SECOND: Craig Lutz

Discussion:

Councilman Fetterman advised that the Mayor is a member of this Council and should sit on the committee. Although the Mayor cannot vote during the Council Meetings but the Mayor needs to be heard. Having her on this committee would be just as valuable as any voting member on this Council.

Councilman Lutz stated that the Mayor also represents us in many other areas such as the CVB, MPO and there would be a lot of synergy created by having the Mayor represent the City.

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

There was a motion made to appoint the Mayor, Councilman Allen Bryans and Councilman Chris Fetter man to the Tax Allocation District Committee.

MOTION: Chris Fetterman
SECOND: Craig Lutz

Discussion:

Councilman Lutz stated that he felt that the proposed appoints would satisfy both experience and transitional members.

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

There was a motion made to appoint Pat Zalewski, Mary Jones and Allen Bryans to the Tax Allocation District committee.

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

[Consider – Ordinance 401 – Call for Election and Set Qualifying Dates, Times and Costs](#)

There was motion made to adopt Ordinance 401 after amending the dates from September 2, 2009 through September 4, 2009 and change the dates to August 31, 2009 through September 4, 2009.

MOTION: Craig Lutz
SECOND: Chris Fetterman

Attorney Bennett read Ordinance 401.

Discussion:

Councilman Lutz advised that the City needs to give every citizen every opportunity to participate in government. By limiting the qualifying dates the City limits the convenience to the citizens and we should encourage involvement and give them every opportunity to be involved.

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

There was a motion made to approve Ordinance 401 as drafted with three qualifying dates.

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

EXECUTIVE SESSION:

There was a motion made to go into Executive Session at 11:00 am for pending litigation.

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

NOTE – Councilman Fetterman left the room and returned in time for the reconvening of open session. *

RECONVENE OPEN SESSION:

There was a motion made to reconvene open session at 11:28 am.

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

Mayor Hirling inquired if the Council wanted to discuss the times for the service of beer wine and alcohol and attempt to make the times consistent for all beverages.

After some discussion there was a consensus to direct staff to draft an amendment to the Alcoholic Ordinances and allow service Monday – Saturday until 2:00 am.

Council further directed the Clerk to review other cities time requirements and report back to the Council at the following meeting. .

ADJOURNMENT:

There was a motion made to adjourn the meeting at 11:36 a.m.

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