



**CITY OF FLOWERY BRANCH**  
**Council Meeting**  
**Work Session minutes**  
**Thursday April 7, 2011**



**CALL TO ORDER:**

Mayor Miller called the Work Session to order at 6:00 pm

**PLEDGE OF ALLEGIANCE:**

**PUBLIC COMMENTS:**

Jenny Payne & Scott Simpkins, 4735 Deer Ridge Court, Flowery Branch, GA informed Council that they had just moved up from Savannah they wanted to come in and see how the Council functions.

**UNFINISHED BUSINESS:**

None

**NEW BUSINESS:**

**Discussion** – Draft meeting minutes March 17<sup>th</sup>, 2011  
[Interim City Clerk – Tab 1](#)

**Discussion** – Draft meeting minutes March 26<sup>th</sup>, 2011  
[Interim City Clerk – Tab 2](#)

**Discussion** – Beer, Wine and Distilled Spirits application for UMME Group, LLC, dba Knuckleheads Sports Pub & Eatery - 5466 McEver Road  
[Interim City Clerk – Tab 3](#)

**Discussion** – Resolution No. 11-006 – Transmittal of Community Agenda (Comprehensive Plan) to the Georgia Mountains Regional Commission (GMRC) for review and comment  
[City Planner – Tab 4](#)

City Planner Riker informed Council that Resolution No. 11-006 was needed so that Council could authorize the Mayor to send the Community Agenda to specific agencies for their review and comment.

## DEPARTMENT REPORTS:

### City Manager Report

City Manager Andrew reviewed with Council the proposed schedule for the 2012 budget. Calendars for April, May and June were handed out, each one showing dates and times in April where the City Manager and Interim City Clerk will meet with each department head. The April 25<sup>th</sup> meeting will be the culmination of all the department head meetings. On April 28<sup>th</sup>, a draft budget will be given to council in preparation for the May 5<sup>th</sup> scheduled Council Meeting.

City Manager Andrew further explained to Council that a copy of the draft budget would then be made available to the public at the first Public Budget Meeting which would be scheduled for May 19, 2011. This schedule would allow for the budget to be approved at the first meeting in June unless further discussion is required; then on the June 16<sup>th</sup> meeting.

City Manager Andrew also mentioned that if Council wanted to take a more detailed look at the budget, line item by line item, he would make himself available to meet in small groups if so desired by Council during the period of May 9<sup>th</sup> through May 13<sup>th</sup>, and May 16<sup>th</sup> through May 18<sup>th</sup>.

Council Member Fetterman mentioned that he is not available during the week of May 9<sup>th</sup> thru May 18<sup>th</sup>.

Council Member Swafford will be out of town May 12<sup>th</sup>, 13<sup>th</sup> and 16<sup>th</sup> and would not be available those days.

City Manager Andrew mentioned he heard back from Council Member Swafford about meeting next week with Jimmy Dean, Bob Troxler, himself and City Planner Riker concerning the sewer plant on Spout Springs Road. It was decided that the meeting would take place Wednesday, April 13<sup>th</sup>, 2011 at City Hall.

City Manager Andrew then handed out to the Council 22 applications that had been received for the City Clerk's position. Mr. Andrew suggested that out of the 22, a short list should be prepared; somewhere between 5 or 6 applications selected and that the interviews would take place during an Executive Session.

Mayor Miller asked the Council to have their list of five candidates narrowed down by next Thursday, April 14<sup>th</sup>, 2011 at which time he would get with the City Manager and come up times for the interviews.

### Interim City Clerk Report

Nothing to report.

### City Planner Report

Nothing to report.

## City Attorney Report

Nothing to report.

## Council Report

Council Member Fetterman welcomed Jenny Payne & Scott Simpkins to the City. The Councilman went on further to thank the City Manager, the staff and the Mayor for the retreat on March 26<sup>th</sup>, 2011.

Council Fetterman stated the following on the TAD:

“As we discussed in our recent retreat, I would like to ask the council if we could draft a letter to Commissioner Lutz asking if Hall County could redo our TAD agreement to remove the restrictions imposed by Hall County and I would ask if the City would reach out to our neighbors to the North, Oakwood and Gainesville to do the same for their TAD agreement.

As we all know, the TAD is an important tool for the City to redevelop areas of the City within the TAD in which the outcome is greater property values and thus a greater tax digest. Removing the restrictions will allow the City to fully utilize the TAD to assist in enticing developers to develop in the City.

Again I ask the Council to submit to such a request.”

Council Fetterman then mentioned that the next thing he would like to discuss and have it as part of the permanent record as well, was the Sewer Plant on Spout Springs Road:

“As reported in today’s Gainesville Times, I was at a meeting to discuss the possibility of Flowery Branch offering a proposal to enter into an intergovernmental agreement to operate the Hall County Sewer plant on Spout Springs Road.

I believe we can offer a proposal that is a win for the Hall County tax payers by lowering the costs, it is a win for those Hall County residents who are on the system if or when the county goes to a usage fee, and a win for Flowery Branch residents who bare the costs of any and all water and sewer repairs of our ever aging lines in the ground. The revenue from such an agreement could prevent exuberant usage fees to repair many of our existing 2” water lines and installation of fire hydrants in 5 specific areas of downtown and a booster pump at a cost of \$420,000 which we as a council discussed during our retreat on March 26<sup>th</sup> to which my recollection all the council members agreed was something we needed to work on.

How are we going to pay for repairs adding up to \$420,000? We can raise the millage rate — or in other terms, raise taxes, which I will not vote for. We can raise the usage fees on those on the Flowery Branch water and sewer significantly to cover those costs, which I would not be in favor of. We can pay for the repairs out of our general fund, which is asking everybody in the city to subsidize. On the other hand, we can look for new sources of revenue, which are what we are doing by looking at a possibility of submitting a proposal to Hall County to run their sewer plant.

Reading further into the article, it states the Mayor “opposes any involvement, saying Flowery Branch didn’t meet the qualifications deadline in the first place”. I agree. We did not meet the qualification deadline and that is why we are proposing an intergovernmental agreement to the county. We already have a sewer system run by some of the finest people who can and, if asked, will step up to the challenge of running another sewer system. We have people who are some of the finest experts already on our payroll and we can use our existing professionalism, expertise, knowledge, and equipment to make an offer to the county which would be a win — win for everybody.

And lastly, the Mayor’s statement “I don’t think Commissioner Lutz has the support from the county commissioners for Flowery Branch to run that sewer plant, which is why I’m opposed” has no merit because why would the commission not vote if we propose a superior price and they are able to save money on the operation of their sewer plant.”

Even though there are those on this council who are opposed to such a proposal and say we are wasting taxpayer money — I say we are doing what we are charged to do. Keeping the citizens of Flowery Branch taxes and fees low, enhance their quality of life, protect their home values, and ensure we spend their money properly and wisely.”

Council Member Yardley stated that on the sewer issue, whether or not the Council moves forward on this there was one item he wanted to clear up. The City currently operates a plant that 1.2 million gallons, 60 % larger than a 750,000 gallon plant we currently have. Our staff is creditable; we have great consultants and great people on the ground. All the upgrades and changes made to our current plant makes the City a great asset in running that additional plant if it becomes a reality.

Council Member Yardley also mentioned that he had attended a work project at Eagle Ranch, a care facility located in the Oakwood/Flowery Branch area, where families and troubled kids are cared for and given treatment. Council Member Yardley is pledging to make a contribution to Eagle Ranch and hope that we will do everything we can to continue to do whatever Eagle Ranch future holds.

Council Member Yardley went on to say that he attended the Hall County Property Tax meeting, and is very happy to say that the City of Flowery Branch was the only city to report a positive number; assisted by the Falcon’s complex coming [on to the tax digest] so the City was not hit as hard in the digest thus making this possible.

Council Member Yardley continued on to say that he had attended the opening of the AVITA Crisis Stabilization Unit. This is a unit to help people out in the neighborhood with behavior disorders and who are chemically dependent.

Council Member Anglin mentioned the retreat as well, that it was very informative and enlightening; a good experience.

Council Member Richards then addressed the Council on the Sewer plant on Spout Springs Road. Council Member Richards stated she has a lot of reservations based on the way the RFQ was written. The RFQ asked a lot of things that the City did not meet; experience in three different plants, it asked for personnel we didn’t have, it asked for insurance requirements we didn’t have, and it asked for us to take on liabilities that we cannot afford.

Council Member Richards continued to say that the contract was for operation and maintenance of the plant which runs somewhere in the neighborhood of \$280,000 a year. The County owes \$46 million dollars on the GEFA loans for the infrastructure.

Council Member Richards went on to say that if the City takes on that liability as operation and maintenance, we do not own that utility nor do we have the right to raise sewer and water rates to cover any liability. So if a liability happens suddenly, and a debt comes out of the General Fund, that means we raise City Taxes to pay that debt back and that's something we need to take serious. These are my concerns and the reason I'm not absolutely for it.

Council Member Yardley then mentioned to the Council that he believed the retreat was definitely a good retreat. Councilmen Yardley went on to say that he had been studying an issue and talking with some commissioners recently about impact fees to the county. These are just specifically building impact fees.

Council Member Yardley continued by saying that the City is one of very few municipalities that collect those impact fees and pay them to the county. So he will be asking the county to make that a fair profit, so that we do not have a competitive disadvantage for either homes or business located in the City. Either Impact Fees need to go away for everyone or they need to be collected by everyone.

Mayor Miller spoke to the Council thanking everyone including staff and the City Manager. The Mayor Pro-Tem, Council Member Yardley, was also thanked by Mayor Miller for attending the AVITA event and representing the City. In addition the Stonecrest Builder had a ground breaking event in Sterling on the Lake and the 4 ½ acre park has already been started.

Mayor Miller also informed the Council that the JMA meeting is at 6:15 pm, April 25<sup>th</sup> in Gainesville; deadline for agenda items is the 18<sup>th</sup> of April.

Mayor Miller then read a statement regarding the Sewer plant on Spout Springs Road by saying he had been misquoted earlier, that he wanted to put the actual quote in there:

"At this point the only way that Flowery Branch could get involved would be an intergovernmental agreement that does not violate the laws of the County's request for qualifications and its financially beneficial for the City, Miller said. I'm willing to take a look at it then, but I don't think Mr. Lutz has the support from the County Commissioners for Flowery Branch to run that sewer plant which is why I'm opposed."

### **ADJOURNMENT WORK SESSION:**

Mayor Miller closed the work session at 6:45 pm.



**CITY OF FLOWERY BRANCH**  
**Council Meeting Agenda**  
**Voting Session Meeting minutes**  
**Immediately following Work Session**  
**Thursday April 7, 2011**



**OPEN VOTING SESSION:**

Mayor Miller opened the Voting Session of the meeting at 6:45 pm.

**CONSENT AGENDA:**

**Consider** - Draft meeting minutes from March 17<sup>th</sup>, 2011  
[Interim City Clerk – Tab 1](#)

**Consider** - Draft meeting minutes from March 26<sup>th</sup>, 2011  
[Interim City Clerk – Tab 2](#)

**Consider** – Beer, Wine and Distilled Spirits application for UMME Group, LLC, dba Knuckleheads Sports Pub & Eatery, 5466 McEver Road  
[Interim City Clerk – Tab 3](#)

**Consider** – Impact fees for building only  
[Added from Council Comments during the Work Session](#)

**Consider** – TAD letter to Commissioner Lutz  
[Added from Council Comments during the Work Session](#)

A motion was made to approve the Consent Agenda as read.

**MOTION:** Tara Richards  
**SECOND:** Kris Yardley  
Unanimous

**UNFINISHED BUSINESS:**

none

**NEW BUSINESS:**

**Consider** – Resolution No. 11-006 – Transmittal of Community Agenda (Comprehensive Plan) to the Georgia Mountains Regional Commission (GMRC) for review and comment  
**City Planner – Tab 3**

City Attorney Ron Bennett read Resolution No. 11-006 to Council.

A motion was made to approve Resolution No. 11-006 as read.

MOTION: Chris Fetterman  
SECOND: Kris Yardley  
Unanimous

A motion was made at 6:49 pm to exit the Voting Session of the Council Meeting and enter into Executive Session for the purpose(s) of:

**EXECUTIVE SESSION:**

- ~~Land Acquisition~~
- ~~Personnel~~
- **Pending/Potential Litigation**

MOTION: Chris Fetterman  
SECOND: Joe Anglin  
Unanimous

A motion was made at 7:14 pm to exit the Executive Session and re-enter the Voting Session:

MOTION: Kris Yardley  
SECOND: Tara Richards  
Unanimous

A motion was made at 7:14 pm to adjourn the Voting Session.

MOTION: Chris Fetterman  
SECOND: Kris Yardley  
Unanimous

**ADJOURNMENT:**

  
\_\_\_\_\_  
Mayer – James "Mike" Miller

4-21-2010  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Interim City Clerk Lou Camiscioni