



**CITY OF FLOWERY BRANCH
Council Meeting
Thursday, June 16, 2011 6:00 pm.**



CALL TO ORDER: Mayor Mike Miller called the meeting to order at 6:02 p.m

IN ATTENDANCE: Mayor Mike Miller, Council Members: Amanda Swafford, Chris Fetterman, Kris Yardley, Joe Anglin, and Tara Richards. Also in attendance were City Manager Bill Andrew and City Attorney Ron Bennett

ABSENT: None

PLEDGE OF ALLEGIANCE: Council Member Anglin led the pledge of allegiance

PUBLIC COMMENTS: None

UNFINISHED BUSINESS:

- ❖ Second reading of ordinance # 447
City Manager Andrew indicated that this was a periodic update that was requested by the Department of Transportation to update the City's Speed Zone and Speed Detection Device Ordinance.
- ❖ Resolution 11-010
City Manager Andrew indicated that this resolution is to adopt the Fiscal Year 2012 Annual Budget. The budget documents previously given to the Council is the correct budget with the exception of a few changes that need to be discussed. City Manager Andrew also stated that there needed to be some discussion about a transfer from the reserve account.

There are three changes that need to be discussed in relation to the budget.

1. With the addition of the new City Clerk, Ms. Marja Burney, there needs to be an additional \$250.00 added to the 457 program.
2. With the elevation of the Police Department Administrative Assistant into the Municipal Clerk position, there is now a position open. The person that is hired for the Administrative Assistant Position may require insurance, so that amount should be included as a budgeted expense. This amount was not included previously because there was one person that did not have the City insurance. The cost of this change would be \$5810.00.
3. The third change would be to raise the pay of the Judge and Solicitor for the City. These are both part time positions. The total cost of this change would be \$4600.00.

City Manager Andrew stated that there had been some discussion as to where the money would come from to fund these three proposed budget changes. The total amount of the three proposed changes would be \$10,660.00.

Prior to addressing the funding of these three proposed changes, City Manager Andrew felt that there needed to be a discussion about some issues with the fund balance that needed to be explained. The fund balance that is indicated in the most recent budget document that the Council has is about \$240.00 more than the \$126,378.00. The reason for the difference is one of the cell phones accounts has been cancelled. There was a request made by the Council to add a line to the budget for how the City was going to be doing the McEver Road Project. There would be a transfer of funds from the 2011 Fiscal Year Budget in the amount of \$66,602.00 for road maintenance. The total cost of the project to improve the McEver Road intersection will be \$122,300.00. With the \$66,602.00 moving from this year's budget in a transfer that changes the number from \$126,378.00 to \$192,000.00. This money was originally budgeted, so new debt is not being created. The balance of the \$122,000.00 minus the \$66,000 is the \$55,000.00. That \$55,000.00 would be new money that would be budgeted in Fiscal Year 2012 for the McEver Road Project. This mixes old money of \$66,000.00, the fund balance transfer, and \$55,000.00 new dollars next year. That will leave the City a balance of \$24,402.00 to go to new road maintenance next year.

City Manager Andrew did state that these changes makes it appear that the fund balance transfer is going from \$126,000.00 to \$192,000.00, but of that \$66,000.00 is money that the City currently has in the budget. The McEver Road Project was to have started this year but since SPLOST revenue was down for the County, the project had to be put off. This would mean that the \$10,660.00 in proposed budget changes would need to be added to the \$192,980.00.

City Manager Andrew stated that there was some good news in the current year budget figures. As of June 15, 2011 the budget shows \$29,928.00 over the revenue target. Expenditures are anticipated to be \$99,038.00 under the amount budgeted for this year. Combining these two numbers, the City will be \$128,966.00 in the black at the budget year's end. Of that money \$66,602.00 would be moving to the roads budget. The McEver Road Project was lumped in the roads line item of \$80,100.00 which was confusing because \$55,698.00 was earmarked for the McEver Road Project. At Council's request the McEver Road Project was removed from the roads line item and indicated as a line item by itself.

City Manager Andrew stated that there has been some discussion regarding funding of the three proposed budget changes, particularly the \$4600.00 requested increase for the Judge and Solicitor. One suggestion would be to reduce the payments made to the Economic Development Council. However, Oakwood and Gainesville are currently making an effort to have a new contract signed and include Flowery Branch in that contract. City Manager Andrew had not wanted to discuss this contract prior to the budget being approved because the contract would be for the City to pay \$15,000.00. Oakwood has approved their contract and it is not known how much Gainesville and Hall County are contracted for. Since the City is in a good situation in regards to the fund balance, City Manager Andrew feels confident adding in the proposed \$10,660.00 to the budget for Fiscal Year 2012.

Mayor Miller verified that the budget in the book right now is what is being voted on and questioned how to vote on the proposed changes.

City Attorney Bennett clarified that the Council would vote on adopting the resolution with the amendments stated and City Manager Andrew would incorporate the changes into the record of the City.

Council Member Anglin stated that he was not in support of the proposed pay raises for the Judge and Solicitor. Council Member Anglin feels that there are a lot of employees in the City that would not be getting raises and that giving raises to only two part time employees would not be consistent with decisions that have been made in the past.

Council Member Yardley reminded Council Member Anglin that in December of 2010, all of the employees in the City received a 3% raise, the City also paid for a 17% increase in healthcare costs in the prior year and most of a 22% increase in healthcare costs this year. The City also gave back furlough days and retirement and these are benefits that were not received by the part time Judge and Solicitor. There is stability in these positions now despite previous turnover.

Mayor Miller questioned the distribution of the \$4600.00 proposed raise.

City Manager Andrew verified that the Judge currently makes \$9600.00 a year and the proposed raise would be to \$12,000.00 a year which would be a \$2400.00 increase, or 25%. The Solicitor currently makes \$8000.00 a year and the proposed raise would be to \$10,200.00 a year which would be a \$2200.00 increase, or 27.5%. There are 24 sessions per year which would amount to about \$100.00 more per session for the Judge and about \$85.00 more per session for the Solicitor. City Manager Andrew verified that the amounts that have been paid to the Judge and Solicitor have not changed for at least six years.

Council Member Yardley questioned if the Judge and Solicitor received any other benefits from the City and was informed they do not as they are part time employees.

Council Member Anglin questioned how long the current Judge and Solicitor have held those positions. Mayor Miller answered that the Judge had been a part time City employee for a little over a year and the Solicitor for less than a year.

Council Member Richards did agree that a 3% raise was given to City staff in December, but prior to that the employees had not received a raise in quite some time. Giving a 25% raise to employees that have only been with the City for a year is not in keeping with decisions that the Council has been making. The Council has previously had a past employee come to them with various certifications and accomplishments and that employee was denied her request.

Mayor Miller asked City Manager Andrew how the salaries paid by Flowery Branch to the Judge and Solicitor compared to other municipalities

City Manager Andrew gave the following comparables:

Judge (current)	\$400.00	Solicitor (current)	\$333.00
Braselton	\$400.00	Braselton	\$400.00
Oakwood	\$400.00	Oakwood	\$350.00
Suwanee	\$425.00	Suwanee	\$325.00
Gainesville	\$100.00 – but also have benefits and more sessions	Gainesville	\$100.00 – but also have benefits and more sessions

City Manager Andrew further stated that the Public Defender for Flowery Branch makes \$333.00. City Manager Andrew indicated that City Attorney Bennett had previously noted that the Solicitor and the Public Defender are providing essentially the same service and if they were to be paid different amounts, it could give the appearance that the City values one position over another. The comparables for Public Defender are as follows:

Public Defender	\$333.00
Braselton	\$300.00
Oakwood	\$250.00
Gainesville	\$200.00 (not eligible for insurance)
Suwanee	\$45.00 an hour (not a flat rate)

Mayor Miller questioned why pay raises were being considered for the Judge and Solicitor and not the Public Defender. Council Member Yardley stated that the Public Defender was a newly created position and that this was the first that he had heard about it creating disparity. City Attorney Bennett stated that there is no legal requirement that the Solicitor and Public Defender get paid the same amount. However, the Council should be sure to consider what the perception would be if the two positions were paid different amounts.

Council Member Fetterman stated that he understood that the Judge and Solicitor do bring in revenue for the City, and that he would be more in favor of taking money from somewhere else instead of raising the total amount of the budget.

NEW BUSINESS:

DRAFT MINUTES: City Attorney Bennett and City Manager Andrew had taken the minutes at the June 2 meeting as there was no City Clerk present at that meeting. The minutes were emailed to Council Member Swafford to submit suggested revisions. Council Member Swafford indicated that there was a sentence on the last page of the Work Session Minutes that was still unclear. That sentence currently reads as follows:

“Council Member Anglin asked what if charge on Mooney property would be safe and could the equipment be rebated to the large building.”

City Attorney Bennett stated that “rebated” should be “relocated” and “charge on” should be “change to”. This would have this sentence read as follows:

“Council Member Anglin asked if change to Mooney property would be safe and could the equipment be relocated to the large building.”

City Clerk Burney verified that she would change this sentence in the minutes.

❖ Resolution 11-007

City Planner Riker indicated that this is a resolution to adopt the City’s Comprehensive Plan. This is an update. Impact fees were discussed. The short term work program has been updated and it lists the City’s accomplishments over the last five years. It does include some clarifications regarding two zoning districts of Heavy Industrial and Light Industrial which the Council had requested be created. This will set the stage for a Zoning Code Amendment. Some of the Policies and Procedures have been updated. There is an Addendum that is a background document that goes with the original Community Assessment. The State has reviewed the document and said that the document has passed their review process and is to be adopted by the City by the end of June and then the City’s Qualified Local Government Status will remain in effect.

❖ Resolution 11-009

City Planner Riker indicated that this is a financial “housekeeping” matter. This will reimburse the City for previously incurred costs for creating the Tax Allocation District (TAD). The law permits this to happen and so does the Intergovernmental Agreement with Hall County. There was a TAD Advisory Committee meeting and the Hall County Administrator was present and gave approval for this reimbursement. The amount added up to \$57,450.00 and that is from the date it was decided to move forward on the TAD until it got approved. The resolution identifies a portion of the reimbursement is to go to the General Fund and a portion is to go to Water and Sewer Fund. At the time the TAD was created, it was anticipated that a large portion of the TAD would be used for development of sewer.

Council Member Fetterman questioned if this money was going into the 2012 budget. City Manager Andrew answered that this would erase one of the due to/due from accounts.

City Planner Riker indicated that after this transfer the TAD account would still have \$53,000.00 in it, with a small amount still due from the County which should be received by the end of the month.

Council Member Fetterman advised Mayor Miller that he would like to add something to new business. Council Member Fetterman stated that it has come to his attention that there has been a violation of the Open Records Act and he would like to discuss the possible censure of one of the Council Members. Council Member Fetterman provided three emails (Exhibit A) that Council Member Richards had failed to forward to City Manager Andrew and City Attorney Bennett regarding the Spout Springs Sewer Reclamation Plant. These emails were sent from Council Member Richards’ personal phone and were not included in the record produced. In an email on April 7th from City Attorney Bennett, his interpretation of the law was that all personal computers and phones of the Council were subject to the Open Records Act. As a citizen has requested this information, the Open Records law must be followed. Council Member Fetterman feels that all City Council members should follow Open Records law.

Mayor Miller asked City Attorney Bennett to explain what action could be taken by the Council.

City Attorney Bennett stated that a motion for censure is a motion for an organization to take some action to discipline a member for doing something that the organization determines to have been improper with a warning that it should cease, no longer perform, or do the improper thing and also warn that if it continues then the member will be considered for removal from the organization. Any member of the organization can make a motion to censure. If there is a second, there can be discussion. If there is a vote of censure, there would be a formal statement from the presiding officer, which would be the Mayor that this action is deemed improper, that it should stop, and if it continues, further disciplinary action may be taken. City Attorney Bennett indicated that procedurally the next thing to do would be to make a motion and have it seconded for censure. However, City Attorney Bennett feels that this should wait until the voting session.

Council Member Fetterman asked if there were any civil or criminal penalties that would be levied in conjunction with this violation of the Open Records Act. City Attorney Bennett indicated that the Open Records Act does allow a civil penalty where a citizen, individual, or entity could file a civil lawsuit to force production of a document and to recover their attorney's fees for having to enforce the Open Records Act. There is also a criminal penalty as this is considered a misdemeanor. The penalty would be a fine of \$100.00 which requires a warrant to be issued by a judge.

Mayor Miller asked Council Member Fetterman if he wanted to go into an Executive Session.

Council Member Fetterman indicated that he is not interested in a civil penalty; he just wants to ensure that this does not happen again. Council Member Fetterman stated that when members of the public request records, they should get all of the records requested.

Council Member Yardley asked Attorney Bennett if this was a violation of the Open Records Act. City Attorney Bennett indicated that he did not know as he had not seen the request and what was produced, so he did not have enough information to answer. In response to a question by Council Member Anglin, City Attorney Bennett stated he would need a copy of the request made by the citizen and what was produced in response to that request in order to address any violation of the act. Council Member Yardley verified that copies of the request and the documents provided are kept by the City and asked the City Attorney to look at the documents if they could be located.

Mayor Miller asked if those documents could be reviewed tonight. City Attorney Bennett stated that the information could be reviewed tonight if the documents were available as censure does not have a due process component. Council Member Yardley asked if there could be a recess to locate the documents. City Manager Andrew stated that the files could be searched to see if the documents could be found.

Mayor Miller asked who made the Open Records request that was violated. Council Member Fetterman stated that it did not matter who made the request. City Attorney Bennett indicated that Mr. Lutz made the request which was submitted via email.

Council Member Yardley made a motion for a recess to see if the documents could be found as he feels that this is a very serious matter which should be addressed now.

Motion: Kris Yardley

Second: Chris Fetterman

Discussion: Mayor Miller asked if there was a stipulation regarding time allowed for this recess and the consensus was a ten (10) minute recess.

Unanimous

Recess began at 6:40 p.m.

RECALL TO ORDER: Mayor Mike Miller recalled the meeting to order at 7:03 p.m.

City Attorney Bennett verified that the three emails handed out by Council Member Fetterman were not included in the documents that were produced for the open records request.

Mayor Miller asked City Attorney Bennett about the charges in relation to the City Code of Ethics. The only place censure is mentioned in the City Code is in Section 2-54 and it states as follows:

Any member of the governing authority who knowingly violates any provision of the code of ethics provided in this article shall be subject to public reprimand or censure by the governing authority.

Mayor Miller said that it also states that they should go before the Board of Ethics and they have ten days to respond to this and they have a right to written accusations and a right to respond. Mayor Miller then asked City Attorney Bennett about the correct procedure.

City Attorney Bennett stated that he felt that one process does not exclude the other. Robert's Rules of Order does allow for censure. The option is with the person that wants to bring the charges. The charges could be made as either an ethics violations or as a motion for censure.

Council Member Fetterman questioned whether there had to be a direct pecuniary interest to be considered an ethics violation. City Attorney Bennett stated that primarily the ethics code is designed to prevent conflicts of interest based on a member basing decisions on a pecuniary interest. Code section 2-46 does talk generally about character and the applicable portion reads as follows:

By conduct give reasonable basis for the impression that any person can improperly influence him or unduly enjoy his favor in the performance of official acts.

City Attorney Bennett feels that the main purpose of the Ethics Ordinance is to deal with primarily pecuniary interests.

Council Member Fetterman requested that this item be added to the voting session.

Council Member Richards admitted that she did make the wrong decision in this case. She had some private conversations with Gainesville Times reporter Jeff Gill and made some derogatory comments about Hall County Commissioner Lutz possibly making some illegal or unethical decisions. Council Member Richards stated that she felt that bad-mouthing a candidate, either in public or private, was the wrong thing to do and did not need to be in the paper. She felt that the information requested by Commissioner Lutz was unethical.

Mayor Miller verified with City Attorney Bennett that Council Member Fetterman has indicated that he does want this item on the voting agenda.

Council Member Swafford stated that she is in favor of having this item on the agenda because it is a violation of the Open Records Act. The Council has an obligation to provide what is requested, even if the person feels that it is wrong to produce an otherwise responsive document.

Council Member Yardley indicated that he is in favor of putting this item on the voting agenda.

Council Member Anglin indicated that he is in favor of putting this item on the voting agenda. Although Council Member Anglin feels that Council Member Richards is contrite, he does feel that it should be added to the voting agenda.

CITY MANAGER REPORT: City Manager Bill Andrew stated that he had sent out an email several days ago to the Council requesting two appointee names for the Environmental Management System (EVMS) Committee. The County is putting together this committee to assist the community in looking at other ways to use environmental resources. Council Member Swafford has provided one name as a potential appointee. City Manager Andrew further stated that in the emails exchanged with Council Member Swafford, the question was asked in regards to other appointments that were needed. City Manager Andrew provided a list to the Council Members of appointments to make.

The Metropolitan Planning Organization has one opening.

There are two appointments needed for the EVMS Committee.

The Ethics Board allows two positions to be appointed by each Council Member. Council Member Anglin and Council Member Swafford were not on the Council at the time appointments were made before, so they will each need to make two appointments. Council Member Yardley had appointed Council Member Swafford prior to her becoming a Council Member, so he will need to make another appointment.

The Historic Preservation Committee terms expired at the beginning of June, so they would need to be reappointed or new appointments would need to be made. The Chairman of this committee has invited the members of the Council to their next meeting on July 13th at 2:00 p.m.

The TAD Committee does not need any appointments.

Council Member Fetterman asked if he could be on the EVMS Committee. City Manager Andrew stated that it would be a decision that would need to be made by the Council as to the people they would appoint.

Council Member Swafford indicated that the name that she had provided as an appointee was resident Mr. Fred Richards who has a background and interest in environmental issues.

City Manager Andrew said that they were trying to have an organizational meeting of the EVMS Committee on June 30th from 9:00 a.m. to 1:00 p.m. at Elachee Nature Center. Mr. Richards was

present at the meeting and indicated that he would be interested in being on the EVMS Committee and would be able to attend the meeting on June 30th.

City Manager Andrew also stated that the minutes from the June 2nd meeting showed a request by the Council to have Mr. Johnny Thomas, Public Works Supervisor, present at this meeting to answer any questions regarding the possible transfer and consolidation of the Public Works Department by utilizing the Mooney property. City Manager Andrew indicated that Hall County Board of Education has stated that they could loan the City a trailer for use by Public Works.

Council Member Yardley asked if there was any money budgeted for this move.

City Manager Andrew indicated that there was not. There was discussion of looking again at the budget numbers in January for possible funding. There were no questions for Mr. Thomas.

CITY CLERK REPORT: None

CITY PLANNER REPORT: None

CITY ATTORNEY REPORT: None

CITY COUNCIL REPORTS:

Council Member Swafford attended the Oakwood Council Meeting on Monday, June 13 as part of an ongoing effort to observe how other municipalities conduct their meetings and look at similar issues.

Council Members Fetterman, Yardley, Richards, and Anglin all welcomed Ms. Burney, the new City Clerk.

Council Member Richards stated she and Mayor Miller went on a trip with the Chamber of Commerce to Cary, North Carolina. They were trying to redefine their City. The trip was enlightening as a chance to see how another municipal government works.

Mayor Miller indicated that he also enjoyed the trip to Cary, North Carolina where the City logo is also the dogwood. Mayor Miller reminded the Council the redistricting hearing is on Tuesday the 21st at 5:00 p.m. There is also a County budget hearing on Tuesday at 6:00 p.m.

Mayor Miller asked City Manager Andrew to bring to the next meeting the total amount that was paid to the consultant on the proposal to take over the sewer plant at Spout Springs.

Mayor Miller asked if there was a statute of limitations on Executive Session violations. City Attorney Bennett was not sure, but stated that he would look into finding an answer.

ADJOURNMENT WORK SESSION

Mayor Miller closed the Work Session and opened the voting session at 7:20 p.m.



**CITY OF FLOWERY BRANCH
Council Meeting
Voting Session
Immediately following Work Session
Thursday, June 16, 2011**



OPEN VOTING SESSION:

Mayor Mike Miller opened the Voting Session at 7:20 p.m.

CONSENT AGENDA:

Consider – Draft meeting minutes from June 2, 2011

Motion: Tara Richards

Second: Kris Yardley

Discussion: None

Unanimous

UNFINISHED BUSINESS:

Consider – Second reading of Ordinance No. 447

Read by Attorney Bennett – Create an updated Speed Zone and Detection Device Ordinance as required by the Georgia Department of Transportation

Motion: Joe Anglin

Second: Tara Richards

Discussion: None

Unanimous

Consider – Resolution 11-010

City Manager Andrew stated that he wanted to point out a few things in regards to the budget. If the budget is approved, there are a few things that will happen at the July meetings. The Economic Development Council (EDC) contract would need to be approved and signed to approve an expenditure of \$5000.00 for a study regarding the creation of lighting districts. These funds would be recovered through the lighting district itself and included on the tax bills. The consultant would give a good technical basis as to how the costs for the districts are being determined.

City Manager Andrew further stated that with the approval of the budget, the water and sewer usage rates would be going up 2%. The service fee for one (either water or sewer) would go from \$1.50 to \$1.65. The service fee for both would go from \$2.50 to \$2.75.

In regards to the proposed items totaling \$10,660.00, City Manager Andrew stated that he would need some direction from the Council regarding where the revenue would come from for these items. Either the fund balance transfer would need to be increased, or some other expense would need to be cut.

Read by Attorney Bennett – Adopt the Fiscal Year 2012 Annual Budget for each fund of the City of Flowery Branch, Georgia; to appropriate the amounts shown in each budget as expenditures or expenses; to adopt the several items of revenue anticipations; to set the legal level of budgetary control; to prohibit expenditures or expenses from exceeding the actual funding available; to prohibit expenditures or expenses beyond the fiscal year for which they were appropriated; to provide for an effective date.

Motion: Kris Yardley - to include all three proposed additional items as discussed

Second: None

Motion died for lack of a second.

Motion: Joe Anglin - to include the proposed additional items but for pay increases for the Judge and Solicitor and to fund those items be through a transfer from the General Fund

Second: Tara Richards

Discussion: Council Member Fetterman stated that there could be a possibility of amending the budget later to allow for additional money for the Judge and Solicitor as the pay has not changed in six years. Council Member Fetterman wanted to be clear that the proposed raise would be based on the position and not only for the people that are in that position now.

City Manager Andrew stated that there would be a better picture in regards to the revenues available by December.

Council Member Fetterman also stated that he would want further information from City Attorney Bennett in regards to whether the pay for the Public Defender would also need to be changed.

Council Member Yardley questioned why the City needs to have a contract with EDC.

City Manager Andrew stated that the City has been paying \$15,000.00 a year without a contract. The contract would be used to spell out exactly what services the City would be receiving for their payment. Currently there is no amount listed on the contract which is a year to year contract. It is unknown how the amount to be paid by the City is determined.

Council Member Swafford: Opposed

Council Member Fetterman: For

Council Member Yardley: Opposed

Council Member Anglin: For

Council Member Richards: For

Motion passes with three votes in favor and two votes in opposition.

NEW BUSINESS:

Consider – Resolution 11-007

Read by Attorney Bennett – Final adoption of the Community Agenda (Comprehensive Plan) Amendment No. 11-04, relating to a new five-year short term work program as required by Georgia Department of Community Affairs – *Standards and Procedures for Local Comprehensive Planning “Local Planning Requirements”* Chapter 110-12-1.08 Section 3(c)ii. The update also provides an evaluation of the previously adopted short-term work program as well as an addendum to the community assessment.

Motion: Kris Yardley

Second: Joe Anglin

Discussion: None

Unanimous

Consider – Resolution 11-009

Read by Attorney Bennett – Approving TAD reimbursement request No. 3 for reimbursement of previously incurred organizational costs associated with creation of the adopted Flowery Branch Old Town and Commercial Gateways Redevelopment Plan.

Motion: Joe Anglin

Second: Kris Yardley

Discussion: None

Unanimous

City Planner Riker indicated that he did want to clarify one point. Reimbursement No. 1 was the reimbursement of demolition costs for Hortman and Dobbs. Reimbursement No. 2 was an approval that the City made that was never acted on by the developer. This is why this resolution is listed as Reimbursement No. 3. The City has not reimbursed itself three times.

The final item was added to new business by Council Member Fetterman.

City Attorney Bennett indicated that a member of the Council would need to make a motion regarding the censure of Council Member Richards for violation of the Open Records Act.

Motion: Chris Fetterman

Second: Amanda Swafford

Discussion: Council Member Swafford feels that the City needs to be as open as it can to requests from citizens.

Council Member Fetterman read a statement for the record and it is as follows:

Tonight is definitely a dark moment in Flowery Branch because one of our members of government, an elected official, betrayed the trust of the people of Flowery Branch. Council Member Tara Richards failed to disclose emails she forwarded to the people after a citizen filed an open records request in the past few months. This is a direct violation of the law based on the Freedom of Information Act and the Open Records Act and must be dealt with by this Council with harsh actions. When someone requests information from any elected officials' email whether on the City server or from a personal account and it is official City business, it is the responsibility of the elected official to provide copies of these emails.

Council Member Richards did not follow the law even after our lawyer informed us of the parameters of what could constitute communications under Open Records requests. Because of Council Member Tara Richards' actions she has betrayed the trust of the people of Flowery Branch and tarnished the reputation and honesty of all of the elected officials on the Council of the City of Flowery Branch as a whole. Council Member Richards must be censured by this Council and I hope that it is unanimous because we must bring this violation of the law to the people to ensure that they are aware of Council Member Richards' actions. I hope with our actions we can ensure that we restore the peoples trust in this government and they will understand that one member of this government does not represent the whole. It is my hope that Flowery Branch can overcome such a betrayal of the trust given to every elected official by the people. This kind of action cannot and will not be tolerated by this Council or the people we represent.

Council Member Anglin stated that he feels that Council Member Richards has handled this with dignity and is quick to speak her mind and he respects her for that.

Council Member Yardley stated that he respects the way that this is being handled. This is a difficult issue and that although Council Member Richards stated her reasons for not complying, it is clear that we must comply with the Open Records Act to remain a transparent government. It is sad that this has happened, but that we must take action.

Mayor Miller stated that he did not think that this was handled professionally. Someone being blindsided by such serious accusations and having less than an hour to decide whether to deal with it or not when obviously everyone else on the Council knew about this, he can't have respect for that. Public grandstanding and trying to make political points on such a serious issue causes him to have a lack of respect. This was a political "gotcha" moment. This kind of turmoil is what has the County Commission up in arms right now and he thinks that we all know who is behind this.

Council Member Swafford: Yes
Council Member Fetterman: Yes
Council Member Yardley: Aye
Council Member Anglin: Aye
Council Member Richards: Abstain

Motion passes with four in favor and one abstaining.

Council Member Fetterman made a motion at 7:45 to enter to Executive Session to discuss potential litigation.

Motion: Chris Fetterman

Second: Kris Yardley

Discussion: None

Unanimous

EXECUTIVE SESSION:

- _____ Land Acquisition
- _____ Personnel Matters
- Pending/Potential Litigation

There was a motion to exit the Executive Session and resume the Voting Session at 8:35 p.m.

Motion: Chris Fetterman

Second: Kris Yardley

Discussion: None

Unanimous

There was a motion made by Council Member Yardley to exit the voting session at 8:35 p.m.

Motion: Kris Yardley

Second: Chris Fetterman

Discussion: None

Unanimous

Adjournment:

James "Mike" Miller - Mayor

Dated

Marja Burney – City Clerk