CITY OF FLOWERY BRANCH
Council Meeting Minutes
Special Called Work Session
Thursday, January 21, 2010
6:00 P.M.

CALL TO ORDER:

Mayor Hirling called the meeting to order at 6:15 pm.

IN ATTENDANCE:

Mayor Diane Hirling and Council Members Craig Lutz, Chris Fetterman, Kris Yardley and Mike Miller. Also in attendance were City Manager Bill Andrew, Assistant City Clerk Lou Camiscioni, City Planner James Riker and City Attorney Ron Bennett.

ABSENT:

Council Member Tara Richards

PUBLIC COMMENTS: -

There were no Public Comments.

UNFINISHED:

There was no unfinished business.

NEW BUSINESS:

Discussion January 6, 2010 Meeting Minutes

There were no changes noted.
This item was placed on the January 21, 2010 Consent Agenda for further consideration.

Discussion – Ordinance 303-F - Meeting Dates and Times

There were no changes noted.

Councilman Lutz asked is there was a reason that we don't do this by resolution. City Attorney Bennett responded that the Ordinance is based on the requirements set forth in the City's Charter. This item was placed on the January 21, 2010 Consent Agenda for further consideration.

Discussion – Convention and Visitor's Bureau Contract

City Manager Andrew reviewed with Council the contract between the City of Flowery Branch and the Convention and Visitor's Bureau; in addition taxes had been being collected. Due to budgetary constraints within the Convention and Visitor's Bureau, it was further discussed that the audit required in the Contract be moved from the responsibility of the Bureau to that of the City. This is a task the auditors for the City could do.

High points of the action of the contract. Fiscal Year 2009 the city total had $8,020.00. Of that 60% goes to the City and 40% to the hotel or $3,528.00. We believe to number actually needs to be amended with the $4,347.20 which is in the contract. We have checked that with our auditor and they are in agreement as well. The initial payment would be $7,875.20 if Mr. Bennett agrees.

Changes to original Contract:

- Section 1 included a budget amount for our fiscal year.
- Original document had quarterly payments and the CVB requested monthly disbursements.
- Earlier version had a requirement that the CVB prepare an audit of them; they asked that we remove that based on a cost burden on their budget. The City can do this audit as part of the City's audit and that will comply with the statue. Added Section 3-F that basically states the CVB will cooperate with our auditor in providing them with information to conduct the audit.
- Section 3-G deleted.
- Section 7 language was tightened up in the contract to reflect the contract would be for only one (1) year that will automatically renew for one (1) year periods annually on the anniversary date of its signing until one of the parties says in writing we don't want to continue this arrangement; must be a written notice 30 days prior to renewal.

Action needed is for Council to give the Mayor authority to execute this agreement with the one change noted, make sure our lump sum payment is correct.

Stacy Dixon and Betsy Adams from the CVB were present. Stacy Dixon approached the Council and thanked them. Reviewed current activities they are working on. Ms Dixon also indicated that the CVB would be doing audit reviews annually rather than full blown audits again based on their budget constraints. CVB is extremely excited with this contract and they are already out there and working.

This item was placed on the January 21, 2010 Consent Agenda for further consideration.

Discussion – S.A.V.E Act Requirements and Signature Authorization

City Attorney Bennett reviewed with the Council the recent legislation update on an act called Systematic Alien Verification for Entitlement. This act requires the City to verify citizenship status to anyone receiving a benefit. Business and Alcohol licenses, Occupation Tax to name a few.

Verification is through a database provided by The Department of Homeland Security and US Citizenship and Immigration Services. The City has signed up for this as the end of last year.

For the City to avail itself of the benefit of the S.A.V.E. Act database we have certain user rules that the Federal Government has set forth as well as well as a request that we pay for the use of their system. This document is a true contract of adhesion where one party has superior bargaining power. This document says we agree to abide by their rules and regulations, we are using their database and also the charges associated with using that, which they do not disclose to us, we would be willing to pay those costs. There is a form that must be filled out that indicates the City will budget monies for this and that the City would share information with them on the citizenship status.

Mayor's signature is required and the form be returned to department of Homeland Security.

Councilmember Fetterman stated that this document is an unfunded mandate set by the Federal Government that we must pay how much? City Attorney Bennett replied that the cost is unknown. Council Fetterman then raised the question that we (the City) do not have to sign this contract and stated Section 9, Termination. City Attorney Bennett said that the City did not have to agree to it but the alternative is how then does the City verify? We can use their convenient database or hire all kinds of people to do the investigations. Council Fetterman asked which would be less expensive. City Attorney Bennett stated he would imagine that the Federal Government version would end up being cheaper.

Councilmember Yardley then asked the question what is the actual penalty if the City does employ or use someone that is in violation of the statue? City Attorney Bennett stated he was not sure of the dollar amount but believes there is a monetary penalty.

Councilmember Lutz stated that since the City has to budget for this and we do not know what that figure is, could the City budget $1.00 for it next year? City Attorney Bennett replied the City could.

Direction from Council was to authorize the Mayor to sign, and the Clerk to fill out the information including the $1.00.

This item was placed on the January 21, 2010 Consent Agenda for further consideration.

Discussion – MS4 NPDES Annual Report Submission

City Planner Riker reviewed with Council the requirements for the submission of this document.

CITY MANAGER REPORT

Budget Report / Year End Activity Report

City Manager Andrew reviewed in depth with Council the Revenue and Expenditure Report as well as a report reflecting the same information, but in a different format. Both of these documents can be reviewed and discussed during the Retreat as well, to determine the will of the Council as to how they want to see the information. City Manager Andrew also reviewed each department annual statistics, comparing calendar year 2008 with 2009.

The Transportation Study was mentioned as well by City Manager Andrew. He and City Planner Riker have met with the engineering firm Pond & Co., who are in the process of preparing documents for the City to review.

DEPARTMENT REPORTS

Council Report

Councilmember Lutz:

Mayor, Council and Citizens,
Last Friday, Councilmember Fetterman and I met with the Hall County Chairman, Mr. Andrew and the county manager. The purpose of the meeting was to see if we could get some assistance with the Spring Street culvert that was washed out on December 9. This was a last hope measure after we received word that the bureaucracy involved with any state assistance proved to be more of a hindrance than help. Going into the meeting my thought was that the citizens of Flowery Branch were also county taxpayers. I was hoping to find some relief to the 10% budget hit the city will take. Any assistance would prevent us from pushing out desperately needed projects until future budget years. The money that we are using to repair the culvert was earmarked to replace a police car and fix other transportation issues in the city.
Unfortunately, all we could come back to this council with is the promise of a cooperative meeting between the state, county and city. I have copied the letter of commitment and passed it out to the council members.
Then yesterday, several members of the community were invited to attend a briefing on the South Hall sewer rate study. While the study seems to be fair, it highlights that there are long term issues with the rate structure that if left alone will come back to hurt the sewer users financially in just a couple of years.
The fundamental problems that lead to the lack of funds to assist our community with the culvert and to the sewer issues are both founded on issues that could have been resolved with conservative thought and action. As members of government, we have a fiduciary duty in how we expend the taxes that are collected. It seems that when times were good our county over spent. While that mistake is in the past, I feel that we are further compounding the issues by poor project prioritization like parks being prioritized over roads. Yes, parks are a good thing to have in the community, but if there are no roads to get you there, then what good to they serve? Roads are also the lifeblood of development and jobs, both of which are in short supply at the moment.
With time to reflect on these thoughts, I believe that our issues in this county have less to do with change, but more to do with direction and vision. With this in mind and after talking with my family and friends, I have come to the conclusion that the only way to correct our course is to become more involved at the county level. Therefore, I would like to declare my intent to run for County Commission, post 1, this year.
In moving forward with my campaign I want to assure the citizens of Flowery Branch that if a special election is needed to fill my seat, I will pay for it. I also want to say that while there is still business to conduct here in Flowery Branch, it is my hope that the voters of South Hall County will agree that I can help more if I were allowed to represent the community at the county level. I believe that I can help bring peace and cooperation between the county and municipalities. Through a cooperative effort, I believe that we can get the county back on the right track.

Councilmember Miller expressed gratitude to the Public Works employee's for taking care of the Spring Street problem; giving up time with their families as well.

Councilmember Fetterman informed Council that Councilmember Richardson is not here because she is doing her two weeks with the Air Force Reserves.

ADJOURNMENT WORK SESSION:

Mayor Hirling adjourned the Work Session at 7:22 pm.

Intentionally left blank

CITY OF FLOWERY BRANCH
Council Meeting Minutes
Special Called Voting Session
Wednesday January 21, 2010
Immediately following Work Session

OPEN VOTING SESSION:

Mayor Hirling opened the Voting Session at 7:22 pm.

CONSENT AGENDA:

- January 6, 2010 Meeting Minutes
- Convention and Visitor's Bureau Contract Approval and Execution (actual payment of $7,875.20)
- S.A.V.E. Act Requirements Approval and Execution (including the $1.00 budget allocation)
- MS4 NPDES Annual Report Submission Approval

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

MOTION: Craig Lutz
SECOND: Mike Miller
AYES: Craig Lutz, Chris Fetterman, Kris Yardley and Mike Miller
NAYES: None
Motion carried

UNFINISHED BUSINESS:

- *Discussion - Ordinance 303-F – Meeting Dates and Times*

Attorney Bennett read Ordinance 303-F.

There was a motion made to approve Ordinance 303-F

MOTION: Kris Yardley
SECOND: Mike Miller
AYES: Craig Lutz, Chris Fetterman, Kris Yardley and Mike Miller
NAYES: None
Motion carried

EXECUTIVE SESSION:

Mayor Hirling ended the Special Called Voting Session at 7:26 pm for the purpose of entering into an Executive Session for the following reasons:

- Land Acquisition
- Personnel
- Pending/Potential Litigation

There was a motion made to exit the Voting Session and enter into Executive Session.

MOTION: Craig Lutz
SECOND: Mike Miller
AYES: Craig Lutz, Chris Fetterman, Kris Yardley and Mike Miller
NAYES: None
Motion carried

Entered into Executive Session at 7:35 pm.

RECONVENE VOTING SESSION:

There was a motion made to exit the Executive Session and enter into the Voting Session.

MOTION: Craig Lutz
SECOND: Mike Miller
AYES: Craig Lutz, Chris Fetterman, Kris Yardley and Mike Miller
NAYES: None
Motion carried

Entered into Voting Session at 8:40 pm.

ADJOURNMENT:

There was a motion made to adjourn the meeting at 8:41 pm.

MOTION: Chris Fetterman
SECOND: Mike Miller
AYES: Craig Lutz, Chris Fetterman, Kris Yardley and Mike Miller
NAYES: None
Motion carried

Mayor Diane Hirling | 2-8-2010 Date | Assistant City Clerk Lou Camiscioni