

CITY OF FLOWERY BRANCH
Council Meeting
March 10, 2005 - 6:00 P.M.

MINUTES

IN ATTENDANCE: Mayor Bryan Puckette, Council Members Jim Herold, Jan Smith, Ed Lezaj and Jim Worl, City Manager Chris Rainwater, City Planner James Riker, City Attorneys Richard Carothers and Ron Bennett and City Clerk Judy Foster. Council Member Larry Pritchett was absent from the meeting.

OPEN MEETING: Bryan Puckette called the Council Meeting to order at 6:02 pm and dispensed with the formalities of the Invocation and Pledge of Allegiance.

CONSENT AGENDA

Jan Smith requested the agenda be amended to include EPD Fine and Re-Establishment of Committees. Jim Herold made a motion to approve the consent agenda as amended. Ed Lezaj seconded, and the motion passed unanimously with four (4) votes.

CITIZEN COMMENTS

None.

WORK SESSION

Work Session began at 6:08 p.m. The following items were discussed during the Work Session:

- 1) **EPD Fine:** Jan Smith stated that she had requested Tom Moreland, George Byrd and John Washington (all with Moreland-Altobelli) attend the Council Meeting to address the \$40,000 fine imposed by EPD due to the commencement of the project before permits were in place. Ms. Smith stated that John Washington admitted his responsibility in giving the contractor the go ahead before the permits were issued. Tom Moreland stated that was not his understanding and that Mr. Washington was not able to attend the meeting because he was sick with the flu. George Byrd gave a time line schedule of the events, as he knew them, which led up to the fine. Mr. Moreland stated that the City authorized the notice to proceed which his company cannot do without the consent of the City. Mr. Moreland suggested that the City had saved money, even with the fine, by going ahead with the project because the next lowest bid was almost \$200,000 higher, plus steel prices went up the first of 2004 which would have increased bid prices and the City was 8 months farther down the road than they would have been had they waited for permitting. Mr. Moreland proposed that Moreland Altobelli would pay half (\$20,000) of the fine imposed. Jim Herold recommended the City go ahead and pay the fine and deal with Moreland Altobelli separately because EPD was holding up all City projects and would not proceed until the fine is paid. More discussion held on the matter.
- 2) **Re-Establishment of Committees:** Discussion was held regarding the possibility of re-establishing at least three (3) Committees; Finance, Human Resources and Streets & Parkways.

Work Session ended at 6:44 p.m.

OLD BUSINESS

Frequency of Council Meetings: Jim Herold made a motion to return to the original Council Meeting schedule format and hold a Work Session on the 2nd Thursday of each month and a Voting Meeting on the 4th Thursday of each month. Jim Worl seconded, and the motion passed unanimously with four (4) votes.

Renaming of Hog Mountain Road: Jan Smith made a motion to authorize the City Manager to check with Hall County about their interest in renaming Hog Mountain Road to one that is associated with the Falcons. Ed Lezaj seconded, and the motion passed unanimously with four (4) votes.

Retreat: Chris Rainwater reported that the Council Retreat will be held on Monday, March 21, 2005 from 1:00 pm to 5:00 pm and on Tuesday, March 22, 2005 from 8:00 am to 4:00 pm. He stated that the following five (5) topics were the most common items of interest from the City Council and those topics will be discussed at the Retreat:

- 1) Zoning for Flowery Branch's future.
- 2) What will Flowery Branch look like in 20 years?
- 3) What do we need to do to attract more commercial development?
- 4) Do we need to purchase more land for government facilities?
- 5) Pursuing an aggressive annexation policy.

Wells: Chris Rainwater reported that the two well sites should be test drilled next week, and he will keep the City Council updated.

NEW BUSINESS

Zoning Administrator Resolution: Bryan Puckette read Resolution 05-066 in full which would appoint City Planner James Riker as Zoning Administrator to interpret Zoning Ordinance and Development Regulation questions and also to sign off on plats when they are approved by the City Council. Jim Worl made a motion to approve Resolution 05-066 as read. Ed Lezaj seconded, and the motion passed unanimously with four (4) votes.

Approval of Pond Engineering Contract Renewal: Jim Herold made a motion to execute the Agreement for Project Work Order Services between the City of Flowery Branch and Pond & Company, Inc. for a one (1) year term as presented. Ed Lezaj seconded, and the motion passed unanimously with four (4) votes.

EPD Fine: Jim Herold made a motion to direct the City Manager to issue a check in the amount of \$40,000 immediately so that the check and Consent Order can be signed by the Mayor and the City Manager can hand deliver the payment to EPD first thing on Friday, March 11, 2005. Jim Worl seconded, and the motion passed unanimously with four (4) votes.

Re-Establishment of Committees: Jim Herold made a motion to postpone this item until the next Council Meeting. Ed Lezaj seconded, and the motion passed with a vote of three (3) affirmative and one (1) opposed – Jan Smith.

PLANNING, ZONING, AND ANNEXATION ISSUES

Comprehensive Plan/Zoning Ordinance RFP Update: James Riker presented a Summary Sheet listing all six (6) proposals received as well as the amounts of those proposals. Mr. Riker recommended the City Council come by City Hall before the next Council Meeting to review the

proposals. Mr. Riker reported that all six proposals received met the requirements as set forth in the RFP.

REPORT FROM CITY ATTORNEY

None.

REPORT FROM CITY MANAGER

Parking on Main Street: Chris Rainwater reported that the merchants on Main Street have come to an agreement in which their employees will not park on Main Street. He stated that they plan to draw up an agreement for all merchants to sign, and they will submit a copy to the City.

CITIZENS COMMENTS

Dr. Dow Douwsma suggested that the City have an Infrastructure Committee instead of just Streets & Parkways. He also suggested that a policy be created which would spell out the expectations of the Committees and how information will be submitted to the City Council.

EXECUTIVE SESSION

Jan Smith made a motion to enter into Executive Session for the purpose of discussing personnel issues, pending and/or potential litigation and land acquisition. Ed Lezaj seconded, and the motion passed unanimously with four (4) votes. The Council moved into Executive Session at 7:35 p.m.

MEETING RECONVENED

The meeting reconvened at 9:08 p.m.

ADJOURNMENT

Jim Worl made a motion to adjourn the Council Meeting. Jim Herold seconded, and the motion passed unanimously with four (4) votes.

Meeting adjourned at 9:08 p.m.

City Clerk

Date Approved

Mayor