

**CITY OF FLOWERY BRANCH**  
**Council Meeting**  
**April 28, 2005 - 6:00 P.M.**

**MINUTES**

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

**OPEN MEETING:** Bryan Puckette called the Council Meeting to order at 6:01 pm. The meeting opened with the Pledge of Allegiance and the Invocation given by Bryan Puckette.

**CONSENT AGENDA**

Bryan Puckette requested the following items be added to the agenda under New Business: B) Ordinance No. 100-C – Water & Sewer Rates; C) Historic Preservation Districts; D) Development Authority and E) Planning Commission. Jim Herold also requested that the Executive Session be moved to the beginning of the agenda before Old Business. Jim Herold made a motion to approve the consent agenda with the changes noted. Larry Pritchett seconded, and the motion passed unanimously with four (4) votes.

**EXECUTIVE SESSION**

Jim Herold made a motion to enter into Executive Session for the purpose of discussing potential and/or pending litigation, land acquisition and personnel issues. Jim Worl seconded, and the motion passed unanimously with four (4) votes. The City Council entered into Executive Session at 6:04 p.m.

**MEETING RECONVENED**

The meeting reconvened at 8:28 p.m.

**City Manager's Contract:** Larry Pritchett made a motion to approve the revised contract for City Manager Chris Rainwater. Bryan Puckette stated that the chair did not recognize the motion because he felt there was a cover-up to illegal activity. Jim Worl seconded the motion. Bryan Puckette stated that the chair did not recognize the second. Mr. Pritchett asked the City Attorney to advise what the proper procedure was for this circumstance. Ron Bennett stated that the City Council could continue with the meeting while he reviewed *Roberts Rules of Order*.

(This item was continued later in the meeting.)

**OLD BUSINESS**

**Second Reading of Ordinance No. 303-B, Council Meeting Schedule:** Jim Herold made a motion to waive the second reading of Ordinance No. 303-B and accept the Ordinance as written. Jim Worl seconded, and the motion passed with a vote of three (3) affirmative and (1) abstention – Jan Smith. Jan Smith objected to waiving the reading of Ordinances.

**Water Pressure Study and Interim Pressure Issues:** John Washington made a presentation to the City Council regarding why a water pressure study is needed. Jim Herold made a motion to authorize the City Manager to proceed with the study. Larry Pritchett seconded, and the motion passed unanimously with four (4) votes.

### NEW BUSINESS

**Approval of GIRMA Renewal:** Chris Rainwater reported that the GIRMA renewal this year includes an updated property schedule with all the improvements at the Wastewater Treatment Plant. Mr. Rainwater also reported that the deductibles were reduced in some areas of the renewal and the total contribution for property and liability insurance for 2005/2006 would be \$51,312. Larry Pritchett made a motion to approve the 2005/2006 renewal with GIRMA. Jim Worl seconded, and the motion passed unanimously with four (4) votes.

**Discussion of Ordinance No. 100-C – Water & Sewer Rates:** Bryan Puckette stated that he felt that it was unfair and discriminatory to charge customers different rates based on how long they have lived in the City. Mr. Puckette recommended rescinding the Ordinance and making all customers rates equal. Ron Bennett stated that he would have to review this matter and report back to the City Council.

**City Manager's Contact, Cont'd.:** Ron Bennett reported that according to *Roberts Rules of Order*, if the chair refuses to recognize a motion, the person who made the motion can call for a point of order and restate his motion. If the chair still refuses to recognize the motion, the person who made the motion can call for the vote. Larry Pritchett called for a point of order and restated his motion to approve the revised contract for City Manager Chris Rainwater. Bryan Puckette again refused to recognize the motion. Jim Worl seconded the motion. Bryan Puckette requested to let the record show that he was not overseeing the motion. Jan Smith stated that she felt the revised contract was not in the best interests of the City since it allowed severance pay to the City Manager for a period of six (6) months, regardless of the circumstances of his departure, and also gives him unlimited sick and vacation pay. Larry Pritchett called for the vote. The motion passed with a vote of three (3) affirmative and one (1) opposed – Jan Smith.

**Historic Preservation Districts:** Jim Herold called for a point of order. Mr. Herold stated that discussion was not appropriate since the Mayor has pending litigation against the City at this time regarding this matter. Ron Bennett agreed that discussion on this matter was not appropriate because of the Mayor's pending appeal. Bryan Puckette requested the record show that he has a zoning appeal against the City and not litigation.

**Development Authority:** Bryan Puckette requested the City change its Development Authority to an Urban Renewal Authority and continue with the current members. Jim Herold requested the Mayor put his request in writing and put it on the next Work Session agenda. There was a general consensus among the City Council to discuss this item at the next Work Session.

**Planning Commission:** Bryan Puckette stated that the Planning Commission needed to be appointed. Chris Rainwater reported that he will present the nominations he has received to date to the City Council for their review. Larry Pritchett reminded the City Council that the

Ethics Commission also needs to be established and those nominations need to be given to the City Manager as well.

### **PLANNING, ZONING, AND ANNEXATION ISSUES**

**Approval of Consulting Contract with Jerry Weitz & Associates:** James Riker recommended the City approve the contract with Jerry Weitz & Associates for preparation of the Comprehensive Plan. Mr. Riker handed out a time schedule Mr. Weitz had submitted. Mr. Riker stated that Mr. Weitz has 20 years of planning experience and is a certified City Planner and comes highly recommended. Jim Herold made a motion to accept the contract with Jerry Weitz & Associates as submitted. Larry Pritchett seconded, and the motion passed with a vote of three (3) affirmative and one (1) opposed – Jan Smith.

**\$20,000 Payment for Construction of Water Line at Mulberry Village:** James Riker reviewed the information included in the Council workbooks. Jim Herold made a motion to deny the request for payment of \$20,000. Larry Pritchett seconded, and the motion passed unanimously with four (4) votes.

**Resolution No. 05-069 – Revised Fee Schedule:** James Riker stated that the fee schedule for planning and development has been reviewed and this Resolution would bring the fee schedule up to date. Artie Van Pelt, with Sterling on the Lake, opposed the increase for sewer inspections which will go from \$100 per inspection to \$50 per hour which would average a 300% increase for his development. Also, Mr. Van Pelt felt the administration fees of \$50 per plan review were excessive. Chris Rainwater reported that these rates are comparable to other cities and he recommended the City Council adopt the revised fee schedule with the exception of sewer inspection fees. Larry Pritchett made a motion to adopt the fee schedule as stated with the exception of the sewer inspection fees which will be reviewed after the City Council has a chance to discuss this fee with Jimmy Dean. Jim Worl seconded, and the motion passed unanimously with four (4) votes.

**Site Plan for Clarkstone Village:** Jim Worl made a motion to postpone the approval of the site plan for Clarkstone Village. Jim Herold seconded, and the motion passed unanimously with four (4) votes.

**Location for Welcome Sign:** James Riker presented a survey showing that the best location for the sign would be at the intersection of Thurmond Tanner and Spout Springs Roads near the existing welcome sign. Bryan Puckette requested that the old sign be reasonably salvaged and possibly placed at another location. There was a general consensus among the City Council that the location recommended by Mr. Riker was acceptable.

**Sign Ordinance Update:** James Riker reported that he has reviewed the City's Sign Ordinance and has recommendations for changes to the Ordinance which has not been revised since 2001. Mr. Riker stated that the City Attorney currently has the proposed revised Ordinance to make sure it is in compliance with all applicable laws. Mr. Riker stated that he would have the revised Ordinance for the City Council at the next Work Session.

**Mulberry Street Cleanup:** James Riker reported that the developer of Mulberry Village will provide four (4) large bins for anyone in the surrounding area as an effort to clean up the area.

## REPORT FROM CITY ATTORNEY

There was no report by the City Attorney.

**Reprimand of Mayor:** Bryan Puckette stated that he had to leave the meeting and asked Larry Pritchett to preside over the meeting as Mayor Pro Tem. Larry Pritchett stated that he would not preside over the meeting since that was the Mayor's job. Mr. Pritchett stated that he was tired of the allegations of illegal activity the Mayor was constantly making. Larry Pritchett made a motion to censure Mayor Bryan Puckette because of the allegations he has made against the City Council and staff. Jim Herold seconded the motion. Bryan Puckette refused to recognize the motion and the second. Larry Pritchett made a motion to amend his earlier motion to reprimand the Mayor pending an investigation to censure. Jim Herold seconded the motion amendment. Again, Bryan Puckette refused to recognize the motion. Larry Pritchett called for a point of order and stated his motion again to reprimand Mayor Bryan Puckette for repeatedly making remarks regarding the City Council, employees and Atlanta Falcons and to authorize an investigation to censure the Mayor. Jim Herold seconded, and the motion passed with a vote of three (3) affirmative and one (1) opposed – Jan Smith.

Bryan Puckette left the meeting at 9:58 p.m.

## REPORT FROM CITY MANAGER

**Status of Sprayfields:** Chris Rainwater reported that all the trees have been removed from the property and weather permitting, they should be ready to install the spray heads within a couple of weeks.

**Status of Wells:** Chris Rainwater reported that the City has obtained approval from EPD to begin testing at the site behind the Flowery Branch Café. Discussion was held regarding the site for the new water tank. Jim Herold made a motion to put the tank at the existing shop site on Mulberry Street next to the well. Jim Worl seconded, and the motion passed unanimously with four (4) votes.

**2004/2005 Budget:** Chris Rainwater reported that the current budget is on track as stated in the memo he provided to the Mayor and Council earlier this week.

**Falcons Sign Funds:** Chris Rainwater reported that the City received the \$32,000 check from the Atlanta Falcons this week to pay for the welcome sign.

**Falcons Donation for BHT Programs:** Chris Rainwater reported that the Atlanta Falcons have agreed to donate \$7,500 to be utilized to finance the Better HomeTown Programs this year.

**Creation of Employee Relations Committee:** Chris Rainwater reported that he is in the process of creating a Employee Relations Committee whereby each department would have an employee, not a department head, to serve on the Committee to voice their concerns. Mr. Rainwater stated that they would elect a Chairperson among themselves and that person would relay information onto the City Manager for consideration.

## CITIZEN COMMENTS

There were no Citizen Comments.

**Better HomeTown:** Larry Pritchett stated that he would like to have an update on Better HomeTown. Mr. Pritchett asked Jan Smith about her meeting with Donna Canfield regarding the Christmas Festival. Jan Smith reported that the meeting was to discuss what did and didn't work last year and to discuss ideas for improvements this year.

Jan Smith left the meeting at 10:10 p.m.

**ADJOURNMENT**

Since there was no longer a quorum, the meeting adjourned at 10:12 p.m.

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Date Approved

\_\_\_\_\_  
Mayor