

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

MINUTES

CITY OF FLOWERY BRANCH

Minutes of Meeting Held

July 28, 2005 at 6:00 p.m.

(many power failures and finally a complete loss of electrical power)

Audio & Video Tapes of Council Meeting not usable

IN ATTENDANCE:

Mayor Bryan Puckette, Council Members Jim Herold, Jan Smith, Larry Pritchett and Jim Worl; City Manager Chris Rainwater, City Planner James Riker, Interim City Clerk Lou Camiscioni, City Attorneys Dick Carothers and Ron Bennett.

OPEN MEETING:

Mayor Bryan Puckette called the Council Meeting to order at 6:00 pm. The Mayor then led the pledge of allegiance and gave the invocation.

OLD BUSINESS:

Council Member Jim Herold made a motion to accept the agenda as written. Jim Worl seconded the motion. During discussion on the Motion, the Mayor inquired as to whether the Agenda (given the legal action pending against the City and City Manager brought by the Mayor and Councilwoman Smith) was legal such that Council could proceed with the meeting. City Attorney Ron Bennett stated that the Agenda was legal and it would be appropriate for the Council to proceed with the meeting despite the pending litigation.

The Mayor asked for a vote to adopt Resolution No. 05-071, *Authorizing the FY 2005/2006 Operating and Capital Budget*. Jim Worl made a motion to approve the Resolution and Larry Pritchett seconded the motion. It passed with three (3) votes in the affirmative and one (1) vote opposed – Jan smith. Motion carried.

Council Member Jim Herold made a motion to approve Resolution No. 05-072, *Amending City Water Water/Sewer Fee Schedule to Increase Water and Sewer tap-on fees to \$4,500 per connection and to implement 20% increase as mandated by Bond*, seconded by Jim Worl. Motion passed with three (3) votes in the affirmative and one (1) vote opposed – Jan Smith. Motion carried.

CONSENT AGENDA:

Motion by Jan smith to adopt minutes of April 28, 2005 with corrections failed, no second to motion.

Motion by Jan Smith to approve minutes of June 15, 2005 with corrections failed, no second to motion.

Motion by Jan Smith to approve minutes of June 23, 2005 with corrections failed, no second to motion.

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

MINUTES

Motion by Jim Worl and seconded by Larry Pritchett to approve minutes of April 28, 2005 as written passed with a vote of three (3) affirmative and one (1) opposed – Jan Smith. Motion carried.

Jim Herold made a motion to approve as written the June 9, 2005 3:00 P.M. minutes, the June 9, 2005 6:00 P.M. minutes, Jan Smith seconded the motion. Two (2) votes in the affirmative and two (2) votes abstained – Jim Worl and Larry Pritchett. Mayor Bryan Puckette voted in the affirmative and this motion passed.

Jim Worl made a motion to pass the June 9, 2005 6:00 P.M. minutes as written and Jim Herold seconded it. Four (4) votes in the affirmative, motion carried.

Larry Pritchett made a motion to approve the June 15, 2005 minutes as written and Jim Herold seconded the motion. Two (2) votes in the affirmative, one (1) vote opposed – Jan Smith and one (1) vote (1) abstained – Jim Worl. Mayor Bryan Puckette voted in opposition – motion failed, minutes were not approved.

Larry Pritchett made a motion to pass the June 23, 2005 6:00 P.M. minutes as read and Jim Worl seconded it. Three (3) votes in the affirmative and one (1) vote opposed – Jan Smith. Motion carried.

The Council voted to approve the Agenda as presented.

The Council voted to approve the payment of accounts payable with three (3) votes in the affirmative and one (1) vote opposed – Jan Smith.

PUBLIC HEARING

Myrtis Haley Rezoning Request was held as scheduled. Mr. Riker discussed this rezoning and stated that since 1994 the City has an adopted land use plan in effect.

Re-adoption of Official Zoning Map was held as scheduled. City Attorney Ron Bennett summarized that it was his opinion that the 1988 map is the correct current city Zoning Map. Mayor Bryan Puckette disagreed and stated that there are incorrect zoning issues. Council Member Jim Herold asked the City Attorney if he had any problems with the map from a legal standpoint. Mr. Bennett replied in the negative.

Public Hearing closed.

NEW BUSINESS

1st reading of Ordinance to approve Myrtis Haley rezoning request. Jim Herold made a motion to approve the 1st reading and include Exhibit A as recommended by the City Planner, James Riker. Jim Worl seconded the motion. Motion passed unanimously with four (4) votes in the affirmative.

1st reading of Ordinance to approve re-adoption of Official Zoning Map. City Attorney read the ordinance. Motion made by Councilman Larry Pritchett to approve the 1st reading of the Zoning Map

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

MINUTES

dated July 28 along with Attachment A. Seconded by Jim Worl. Three (3) votes in the affirmative and one (1) vote abstained – Jan Smith. Motion passed.

1st reading of Ordinance No. 321 providing for the General Election. City Attorney read the ordinance and a motion was made by Jim Work to adopt the 1st reading and was seconded by Larry Pritchett. Motion passed unanimously with four (4) votes.

1st reading of Ordinance No. 322 calling for a Special Election to fill the vacancy of Edwin Lezaj. City Attorney Ron Bennett read the ordinance. Question by the Mayor to City Attorney Dick Carothers if the qualifying fee would be pro-rated or not. City Attorney could not comment at this, time as he was not sure. Councilman Jim Herold made a motion to approve the 1st reading and Jim Worl seconded the motion. Three (3) votes in the affirmative and one (1) vote opposed – Jan smith. Motion carried.

Changing Engineering firms was discussed. RFP required. Mayor asked that pricing be received sealed from each firm bidding and then opened during a Public Meeting. Larry Pritchett made a motion to direct the City Manager Chris Rainwater to solicit bids and be opened at a Public Meeting. Seconded by Jim Worl. Motion passed unanimously with four (4) votes.

Discussion on choosing appraiser for the City regarding value of Spray Field. Motion made by Council Member Jim Herold to direct the City Manager to acquire bids from commercial appraisers. Bids to remain sealed and opened at a Public Meeting. Larry Pritchett asked the City Attorney Ron Bennett if the lowest bidder would have to be awarded the contract and Mr. Bennett replied in the negative. Motion then seconded by Larry Pritchett. Motion passed unanimously with four (4) votes.

Discussion on signature cards and authorizing the addition of signatories for City checks, Resolution No. 05-074. City Manager read the resolution. Question to City Attorney by Councilman Pritchett if this was a legal and appropriate resolution. Motion made by Council Member Jim Herold that the Mayor, Mayor Pro Tem and City Clerk or Interim City Clerk be signatories on all City checking accounts as well as for the CDs held at Brand Bank and any other city banking business. Seconded by Larry Pritchett and motion carried with four (4) voting unanimously, thus nullifying Resolution No. 05-074.

Discussion on the City's 1992 Personnel Policy. Mayor Puckette asked who wrote the Amendment to Ordinance No. 86-A and the City Manager said he had written it. The City Attorney Ron Bennett stated it was correct to form. City Manager Chris Rainwater read the Amendment. A motion was made by Jim Herold to approve the 1st reading of Amendment to Ordinance 86-A and Jim Worl seconded the motion. Three (3) votes in the affirmative and one (1) vote opposed – Jan Smith. Motion carried.

Discussion on Resolution 05-076, reimbursement requests from Mayor, Council and City Manager be approved at the Council Voting Meeting (4th Thursday of each month). Motion to approve Resolution 05-076 was made by Council Member Jim Herold and seconded by Larry Pritchett. Motion passed unanimously with four (4) votes in the affirmative.

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

MINUTES

PLANNING, ZONING, and ANNEXATION ISSUES

FP-05-04 Final Plat for Clarkstone Village, discussion by James Riker. Council Member Larry Pritchett made a motion to adopt FP-05-04. Motion seconded by Jim Herold and motion carried unanimously with four (4) votes in the affirmative.

FP-05-05 Final Plat for Sterling on the Lake Pod G. Discussion by James Riker. Larry Pritchett made a motion to approve Resolution FP-05-05 and Jim Worl seconded the motion. Motion carried with four (4) unanimous votes.

Mr. Riker reported that the Hall County Development Impact Fees have changed, increase in residential fees imposed by the County. No action required.

Update on Comprehensive Plan. James Riker and Dr. Weitz discussed and gave updates. Dates to be confirmed with Council were 8/10 and 8/25/05. They are advertising also the Public Hearings times for the 8/25/05 meeting on the local cable channel (Charter Cable) as well as with flyers being distributed. Council approved dates as given.

REPORT FROM THE CITY ATTORNEY

Discussion on Georgia Power Franchise Agreement by City Attorney Ron Bennett. No action required.

REPORT FROM THE CITY MANAGER

None.

CITIZEN COMMENTS

Mr. Edwin Lezaj commented on the approval of the *FY 05/06* Budget.

Michelle Schreck requested that the Council approve her request for a new Liquor License for Grapes and Hops.

ADJOURNMENT

Council Member Larry Pritchett made a motion to adjourn and it was seconded by Jim Worl. Motion passed unanimously with four (4) votes in the affirmative.

Meeting adjourned at 9:00 P.M.

Interim City Clerk

Date Approved

Mayor