

CITY OF FLOWERY BRANCH
Council Meeting
November 11, 2004 - 6:00 P.M.

MINUTES

IN ATTENDANCE: Mayor Bryan Puckette, Council Members Jim Herold, Jan Smith, Larry Pritchett, Ed Lezaj, and Jim Worl, City Manager Chris Rainwater, City Clerk Judy Foster, and City Attorney Richard Carothers.

OPEN MEETING: Bryan Puckette called the Council Meeting to order at 6:00 p.m.

Bryan Puckette called for a moment of silence in remembrance of Bill Coolidge, former City Attorney.

PLEDGE OF ALLEGIANCE: Bryan Puckette led the pledge of allegiance.

INVOCATION: Bryan Puckette gave the invocation.

Bryan Puckette presented Richard Carothers, of Carothers & Mitchell, with the desk plate of former City Attorney Bill Coolidge.

Consent Agenda

Jim Worl made a motion to approve the consent agenda as follows:

- Approve the Council Minutes from October 28, 2004;
- Approve the Agenda as presented;
- Approve the payment of Accounts Payable as due and as funds are available in accordance with the approved budget.

Larry Pritchett seconded, and the motion passed unanimously with five (5) votes.

CITIZEN COMMENTS

None.

OLD BUSINESS

Approve Tidewater Cove Phase II Final Plat: Jim Herold made a motion to remove this agenda item from the table. Jim Worl seconded, and the motion passed unanimously with five (5) votes. Jimmy Forhan made the presentation to the Mayor & Council. Ed Lezaj made a motion to postpone this agenda item to give Mr. Forhan time to make suggested changes. Motion died for a lack of second. Jim Worl made a motion to approve the Final Plat as presented. Larry Pritchett seconded, and the motion passed with a vote of four (4) affirmative and one (1) abstained – Ed Lezaj.

First Reading of Ordinance 303-B to Amend Ordinance No. 303-A § and Provide for an Ad Hoc Committee Structure and Operating Procedures: Jim Herold made a motion to remove this agenda item from the table. Jim Worl seconded, and the motion passed unanimously with five (5) votes. Jan Smith made a motion to postpone this item until it can be discussed during a Work Session. Jim Herold seconded, and the motion passed unanimously with five (5) votes.

Second Reading of Ordinance 119B to Provide for the Grantor Denial of an Application for an Adult Entertainment License: Larry Pritchett made a motion to waive the second reading of Ordinance No. 119B and approve the Ordinance as written. Ed Lezaj seconded and the motion passed unanimously with five (5) votes.

Second Reading of Ordinance No. 315 – Setting the 2004 Millage Rate: Jim Herold made a motion to waive the second reading of Ordinance No. 315 and approve the Ordinance as written. Ed Lezaj seconded and the motion passed unanimously with five (5) votes.

Approval of Atlanta Falcons Dormitory Sewer Tap Fees: Michael O'Brien with the Atlanta Falcons Organization made the presentation to the Mayor & Council. Jim Herold made a motion to deny the request of the reduction in sewer tap fees. Jan Smith seconded, and the motion passed with a vote of four (4) affirmative and one (1) abstained – Larry Pritchett.

Presentation on Status of TE-21 Grant: John Phillips with Georgia Mountains Regional Development Center made the presentation of the Conceptual Plan of the streetscape project to the Mayor & Council. Mr. Phillips stated the next step is to get comments from the City Council regarding the conceptual plan and then submit for bids. Mr. Phillips stated that the bids have to be approved by the DOT.

NEW BUSINESS

Resolution 04-060 Authorizing The City Manager To Apply For, Use, And Maintain A Credit Card For The Purpose Of Facilitating Official City Business: Larry Pritchett made a motion to adopt Resolution 04-060 as written. Ed Lezaj seconded, and the motion passed unanimously with five (5) votes.

Resolution 04-059 Adoption of Purchasing Policy: Ed Lezaj made a motion to adopt Resolution 04-059 as written. Jim Worl seconded, and the motion passed unanimously with five (5) votes.

Request for Home Occupation License – Search Publishing, Inc. – 6256 Shoreview Circle: Jim Herold made a motion to postpone this agenda item until the applicant is present at the next Council Meeting. Ed Lezaj seconded, and the motion passed unanimously with five (5) votes.

City Holiday for Christmas: Jim Herold made a motion to approve Monday, December 27, 2004 and Monday, January 3, 2005 as Christmas and New Years holidays respectively. Ed Lezaj seconded, and the motion passed unanimously with five (5) votes.

Better Home Town Budget Issues: Jim Herold thanked staff for completing a spreadsheet showing that the BHT programs are being well managed and under control. Ed Lezaj asked about an audit of the former BHT funds. Chris Rainwater reported that he is doing an in house investigation into that matter.

Approval of Annual Longevity Payments for Employees: Jim Herold made a motion to approve the longevity payments as presented. Larry Pritchett seconded, and the motion passed with a vote of three (3) affirmative, one (1) opposed – Ed Lezaj and one (1) abstained – Jan Smith.

Approval of Payment of Unused Sick Time: Chris Rainwater reported that the current personnel handbook allows for employees to be paid for unused sick leave at the end of each year. Mr. Rainwater stated that he will recommend an accrual system with a cap for sick leave in

a new personnel handbook he is devising. There is a general consensus that the unused sick time will be paid at the end of the year as the personnel handbook states and that no vote is required on this matter.

Approval to Draft Amended Zoning Ordinance So As to Permit for Approval of Home Occupation Licenses by Appropriate Staff: Jim Herold made a motion to direct the City Manager to draft an amendment to the Zoning Ordinance which would permit approval of home occupation licenses by appropriate staff. Ed Lezaj seconded, and the motion passed unanimously with five (5) votes.

Approval to Draft Amended Ordinance So As to Permit for Approval of Renewal Alcohol Licenses by Appropriate Staff: Jim Worl made a motion to direct the City Manager to draft an Ordinance amendment which would permit approval of renewal alcohol licenses by appropriate staff. Larry Pritchett seconded, and the motion carried unanimously with five (5) votes.

COUNCIL REPORTS

Jan Smith thanked Janet Upchurch for working with her and helping to get up donations totaling \$675 for the Christmas event decorations.

Ed Lezaj reported that donations are being made from local developers to purchase the 32' Christmas tree so there will be no cost to the City taxpayers.

REPORT FROM CITY ATTORNEY

None.

REPORT FROM CITY MANAGER

Status of Better Hometown Program: Chris Rainwater reported that he has advertised for a part-time Better HomeTown Manager and he would like to choose the individual. There is a general consensus among the Council that the City Manager should choose the new BHT Manager.

Commencement of Staff Meetings: Chris Rainwater reported that he has begun weekly staff meetings with the department heads and one of the most crucial things discussed in those meetings is a budget review by line item.

EXECUTIVE SESSION

Ed Lezaj made a motion to enter into Executive Session to discuss pending and/or potential litigation and personnel issues. Larry Pritchett seconded, and the motion passed unanimously with five (5) votes. The Council moved into Executive Session at 8:25 p.m.

MEETING RECONVENED

Meeting reconvened at 9:17 p.m.

Larry Pritchett made a motion to clarify the motion earlier regarding longevity bonuses to be payable only to those employees employed at the time the checks are cut. Jim Worl seconded, and the motion passed with a vote of four (4) affirmative and one (1) abstained – Ed Lezaj.

Jim Worl made a motion to terminate Chief Charles Tucker effective November 11, 2004. Larry Pritchett seconded, and the motion passed unanimously with five (5) votes.

Larry Pritchett made a motion to terminate Police Officer Jason Truelove effective November 11, 2004. Jim Worl seconded, and the motion passed unanimously with five (5) votes.

Jim Herold made a motion to appoint Gerald Lanich as interim Chief of Police at the current salary for that position. Ed Lezaj seconded, and the motion passed unanimously with five (5) votes.

Jim Herold made a motion to appoint Richard Carothers, with the law firm of Carothers & Mitchell, as City Attorney. Jim Worl seconded, and the motion passed unanimously with five (5) votes.

Jim Herold made a motion to accept the employment contract of James Riker as City Planner. Ed Lezaj seconded, and the motion passed unanimously with five (5) votes.

ADJOURNMENT

Ed Lezaj made a motion to adjourn the meeting. Jim Herold seconded, and the motion passed unanimously with five (5) votes.

Meeting adjourned at 9:23 p.m.

City Clerk

Date Approved

Mayor