



CITY OF FLOWERY BRANCH
Council Meeting Minutes
Work Session
Wednesday March 18, 2009
9:30 A.M.



CALL TO ORDER:

Mayor Hirling called the meeting to order at 9:30 am.

IN ATTENDANCE:

Mayor Diane Hirling and Council Members Mary Jones, Allen Bryans, Chris Fetterman, Craig Lutz, and Pat Zalewski. Also in attendance were City Manager Bill Andrew, City Clerk Melissa McCain, City Planner James Riker and City Attorney Ron Bennett.

INVOCATION/PLEDGE OF ALLEGIANCE:

Pastor Matt Baker, Grace Baptist Church, gave the invocation.

Mayor Hirling led the pledge of allegiance.

PRESENTATION:

George Wangemann approached the Council and reviewed a cleanup project they had completed on Cash Road as well as the upcoming cleanups scheduled for March 21st, 2009 and May 2009.

Mr. Wangemann reviewed the progress of their new church construction on Cash Road.

Further, Mr. Wangemann reviewed the new Georgia Mountain Food Bank facility located at 4515 Cantrell Road in Flowery Branch. Mr. Wangemann advised that he has contact over 200 churches in the area to assist with the stocking of this food bank.

The food drive is anticipated to run from the middle of March till April 25, 2009. On April 25 the "Candy Bomber" (Gale Halverson) will be dropping candy on parachutes to all those that come out for the event and the stocking of the food bank on April 25, 2009.

There was a consensus of the Flowery Branch City Council to allow for the candy drop on April 25th over Main Street.

PUBLIC COMMENTS:

There were no public comments.

UNFINISHED BUSINESS:

There was no unfinished business.

NEW BUSINESS:

Discussion – 2009 Community Development Block Grant Application.

Manager Andrew reviewed the application and advised that it was for the replacement of the two (2) inch water line along Morrow Drive that services approximately 34 four homes. This size line is not sufficient to service these homes with adequate water pressure or with a fire hydrant.

Approval today will authorize the Mayor to sign the application as well as authorizing the City to pledge \$25,000 toward the project. This pledge will assist in moving this application forward.

Councilman Lutz inquired where the funds would be matched from.

Manager Andrew advised that it would come from water/sewer capital improvement funds.

There was a consensus of the Flowery Branch Council to place this item on the March 18, 2009 Flowery Branch Voting Session Consent Agenda for further consideration.

Discussion – Clearwater Properties/John Morris Contract – Building Inspector services

Councilman Lutz inquired on what services would be provided for the payment amount of \$2,800 dollars.

Planner Riker advised that according to the contact Inspector Morris would have the following job duties:

Construction management, minor construction activities, conduct inspections for compliance with all building codes as well as soil erosion and sedimentation control codes as may be adopted by the city from time to time. Planner Riker further advised that this would be for primarily, residential inspections and renovation of the old planning building and karate shop.

Councilman Lutz inquired if the City placed Mr. Morris in charge of minor construction projects would that be circumventing any regulations pertaining to competitive bidding.

Attorney Bennett advised that it would not unless the project was over \$100,000.

Councilman Lutz inquired if the City's personnel policy and the job descriptions including the pay scale coincided with the pay being proposed for Clearwater Properties.

Planner Riker advised that there is not a job description for this position and that this is a contract but if compared the pay is slightly less then what this position would pay.

Councilman Lutz inquired if Mr. Morris would be supervising work that City employees would be doing.

Planner Riker advised no, he would be supervising subcontractors that the City may utilize.

Councilman Lutz inquired if that was typical of the City to contract out work and contract out a supervisor of the work.

Manager Andrew stated that he would be acting as the general contractor.

Councilman Fetterman reviewed the newspapers reporting a lack of permitting in Flowery Branch not including the 27 permits that were recently released for Waterstone Crossing.

Further Councilman Fetterman inquired on the amount of permits issued in the last year per month.

Planner Riker advised that in January 2009, two (2) permits were issued, February one (1) permit was issued and in March five (5) permits were issued.

Planner Riker further reviewed the prior year numbers – June 2008, nine (9) permits were issued, July 2008, nine (9) permits were issued, August four (4) permits were issued, September five (5) permits were issued, October seven (7) permits were issued, November two (2) permits were issued and in December four (4) permits were issued. In 2008 calendar year 82 permits were issued. 2007 185 permits issued.

Councilman Fetterman inquired on how many projects permits could an inspector handle and still be effective.

Planner Riker advised that it depends on what projects are going on. For instance, residential homes built, pods being cleared, Halverson build outs, soil and erosion etc.

Councilman Fetterman advised that there is not that much activity going on.

Planner Riker advised there is some activity at Sterling, Waterstone Crossing, Waffle House has been permitted, Walgreens is under construction, a few tenant build-outs at Stonebridge, Wachovia is permitted and a permit is ready for SunTrust Bank.

Councilman Fetterman advised that it appeared to him that one inspector could handle that work load.

Councilman Fetterman further inquired about the qualifications of Don Bowers and John Morris.

Planner Riker advise that Donald is certified commercial and residential inspector and John Morris is a certified residential inspector. They both have soil and erosion certifications with John having a level 1A and Donald has a 2A.

Councilman Fetterman stated that our full time inspector has more qualifications then our contractor yet the City is going to allow the contractor to be in charge of small projects which will then require our full time inspector to inspect the contractors work.

This item was placed on the March 18, 2009 Voting Session Agenda for further consideration.

[Discussion – February 18, 2009 Council Meeting Minutes](#)

Clerk McCain advised there were no changes.

There was a consensus to place this item on the March 18, 2009 Consent Agenda for further consideration.

[Discussion – BP Beer and Wine License](#)

Clerk McCain stated that applicant Mr. Lakhani has submitted all necessary paper work for the beer and wine application. The application was published in the paper on four separate occasions and there has been no public response to the publication.

To remain business friendly and not cause undue hardship on this business owner, staff would request the approval of a temporary license pending the receipt of the GCIC Criminal History Check Report. If the were to come back with any charges or convictions the license will be brought before the council for reconsideration. If the check is clear no further action need be taken.

There was some discussion pertaining to the owner maintaining the detention pond and the cleanliness of the site.

If this becomes and issue the owner of the property will be cited with a nuisance violation as the City cannot hold up the Beer and Wine license for the lease for a nuisance issue.

There was a consensus to place this item on the March 18, 2009 Voting Session Agenda for further consideration.

Discussion - Chevron Beer and Wine License

Clerk McCain stated that Mr. Lee has submitted all necessary paper work for the beer and wine application. The application was published in the paper on four separate occasions with no public response to the publication.

To remain business friendly and not cause undue hardship on this business owner, staff would request the approval of a temporary license pending the receipt of the GCIC Criminal History Check Report. If their report to comes back with any charges or convictions the license will be brought before the council for reconsideration. If the check is clear no further action need be taken.

There was a consensus to place this item on the March 18, 2009 Voting Session Agenda for further consideration.

DEPARTMENT REPORTS

City Manager Report

Mary Jones advised that the Spring Cleanup was this weekend from 9-11 on Saturday March 21, 2009.

Manager Andrew advised that this clean up counts toward the maintenance of the stormwater system and is included in our stormwater plan.

Manager Andrew informed the Council that there is a public hearing scheduled to discuss the CDBG grant and that the Council, Attorney and Clerk are not required to be at the hearing. The hearing is a simple question and answer for the public.

Manager Andrew advised that the first meeting of the TAD Advisory Committee will be held on April 25, 2009 and Hall County Chairman Tom Oliver as well as Administrator Charlie Nix will be involved in that meeting. Also that meeting will consist of reviewing an application for TAD funding from Hortman & Dobbs Developers.

Manager Andrew reviewed a cost sharing agreement with the US Department of Justice and the City of Braselton.

Manager Andrew advised that the first budget review meetings are scheduled for April 7th with Mayor Hirling, Councilman Bryans and Councilwoman Zalewski.

The second meeting scheduled for budget review will be April 9th with Councilman Fetterman, Councilwoman Jones and Councilman Lutz.

Further Manager Andrew advised that a draft would be presented to the Council by the 30th for their review prior to the meetings.

City Clerk Report

Clerk McCain advised that there is a request in for the Taste of Flowery Branch to be held on May 2, 2009 and for the Fall Festival to be held on October 3, 2009.

There was a consensus of the Flowery Branch City council to approve both of the proposed dates.

Council Report

Councilman Bryans advised that many ditches around town needed to be cleaned out.

Planner Riker advised that the next scheduled public hearing will be April 16, 2009 at 6:00 pm.

ADJOURNMENT WORK SESSION:

Mayor Hirling adjourned the Work Session at 10:32 am.



CITY OF FLOWERY BRANCH
Council Meeting Agenda
Voting Session
Wednesday February 18, 2008
Immediately following Work Session



OPEN VOTING SESSION:

Mayor Hirling opened the Voting Session at 10:33 am.

CONSENT AGENDA:

- 02-18-09 - Council Meeting Minutes
- CDBG Application Authorization to execute and pledge \$25,000 toward project
- Execute Intergovernmental Agreement with US Department of Justice and the Town of Braselton

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

MOTION: Craig Lutz
SECOND: Allen Bryans
AYES: Mary Jones, Craig Lutz, Pat Zalewski, Chris Fetterman and Allen Bryans.
NAYES: None
Motion carried

UNFINISHED BUSINESS:

Consider - Clearwater Properties/John Morris Contract – Building Inspector Services

There was a motion made to approve the contract with Clearwater Properties for inspection and construction services.

MOTION: Allen Bryans
SECOND: Mary Jones

DISCUSSION:

Councilman Lutz made the following summary statement:

Looking at this contract and examining the work load we have, I can't help but think what better uses for this money for next year. As it turns out the value of this contract is about what it would take to get Jones Road improved.

I would like to remind the council that last year's budget we actually considered an administrative type person that would help reduce our short term and long term health care insurance costs as well as other things that would have been beneficial to the city and that got tabled obviously due to a lack of funds, this contract would cover half of that.

In a tough economy, it is the role of government to come down to tough decisions, and we have a decision to make today. We really need to balance what is best for the people and what's the best use of their tax dollars and by just looking at the scope of work that we have for this individual, which I will say is a very very nice guy, unfortunately I don't see it there, it would be my recommendation that we don't approve this contract but instead approve the previous contract based on an hourly rate and not based on a fixed monthly rate.

So it would be my request this council to vote against this and look at the previous contract that we had that had an hourly rate associated with it.

Councilman Fetterman made the following summary statement:

At a previous council meeting the Clearwater Properties contract was tabled and I thought that there would be some kind of dialogue amongst council members of this government to come to some kind of agreement that would be in the best interest of the tax payers of Flowery Branch; well I was wrong.

The contract before this council today is a far cry from the contract that was tabled at an earlier meeting and may I add far worse for the tax payers of the city. This contract guaranteed, quote, a rate of twenty eight hundred (\$2,800.00) dollars a month, end quote, whereas the previous version stated, quote, shall compensate the contractor for service rendered at a rate of eighteen dollars (\$18.00) per hour. That is a big difference.

At one time the city had a greater number of residential permits being pulled per month and a number of commercial projects going on when our fully competent and qualified city code enforcement officer and building inspector needed some assistance. Now it appears that members of this council want to give thirty four thousand dollars of the citizens of Flowery Branches money to Clearwater Properties; but what could the city do with thirty four thousand dollars? It would guarantee that the City would have the money in 2010 to give the homeowners of Flowery Branch their Homeowners Tax Relief Grant which was seventeen thousand eight hundred dollars this year and still have enough for 2011, it could purchase laptops for the officers so they could be more efficient, it could put another officer on patrol, it could lower the millage rate to give more to the taxpayers.

As a city council member we have a fiduciary duty to be good stewards of the tax payers money, and any action taken to approve this contract should be considered malfeasance of office because it is unjustified during these economic troubled times. As it stands we do not have permit work for one full time employee that is currently on payroll much less a part time employee that will be guaranteed his money.

As Ronald Regan said, quote, "Government does not tax to get money it needs, government always finds a need for the money it gets." Unfortunately, we are not in a time that we can frivolously spend money to retain non-essential personnel. This is the time we need to consider what's best for the future of the city.

Today, I would call for the resignation of any council member who votes yes for this contract and frivolously spends the money of the tax payers of Flowery Branch.

Mayor Hirling advised that this item was tabled and a motion to bring the item off the table was needed.

There was a motion made to bring the Clearwater Properties contract off the table

MOTION: Pat Zalewski
SECOND: Mary Jones
AYES: Mary Jones, Pat Zalewski and Allen Bryans.
NAYES: Craig Lutz and Chris Fetterman
Motion carried

There was a motion made to approve the contract between Clearwater Properties and the City of Flowery Branch.

MOTION: Allen Bryans
SECOND: Pat Zalewski
AYES: Mary Jones, Pat Zalewski and Allen Bryans.
NAYES: Craig Lutz and Chris Fetterman
Motion carried

Consider – BP Beer and Wine License

There was a motion made to approve the beer and wine license for BP Gas Station as presented.

MOTION: Pat Zalewski
SECOND: Mary Jones
AYES: Mary Jones, Craig Lutz, Pat Zalewski, Chris Fetterman and Allen Bryans.
NAYES: None
Motion carried

Consider - Chevron Beer and Wine License.

There was a motion made to approve the beer and wine license for the Chevron Gas Station as presented.

MOTION: Allen Bryans
SECOND: Mary Jones
AYES: Mary Jones, Craig Lutz, Pat Zalewski, Chris Fetterman and Allen Bryans.
NAYES: None
Motion carried

ADJOURNMENT:

There was a motion made to adjourn the meeting at 10:40 am.

MOTION: Chris Fetterman
SECOND: Mary Jones
AYES: Mary Jones, Craig Lutz, Pat Zalewski, Chris Fetterman and Allen Bryans.
NAYES: None
Motion carried

Mayor Diane Hirling

Date

City Clerk Melissa McCain