



CITY OF FLOWERY BRANCH
Council Meeting Minutes
Work Session
Wednesday May 20, 2009
9:30 A.M.



CALL TO ORDER:

Mayor Pro Tem Bryans called the meeting to order at 9:33 am.

IN ATTENDANCE:

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

ABSENT:

Mayor Diane Hirling and Councilwoman Pat Zalewski.

PLEDGE OF ALLEGIANCE:

Mayor Pro Tem Bryans led the pledge of allegiance.

PUBLIC COMMENTS:

Jason Kim, Attorney for Bill Roberts, 311 Green Street, Gainesville, Ga.

Attorney Kim approached the Council and requested that the Council vote on this request and not postpone it any longer.

Further Attorney Kim advised that all the paperwork has been submitted properly and all conditions met.

GUEST SPEAKERS:

Tim Evans, Vice President Economic Development, Greater Hall Chamber of Commerce
Shelley Davis, Vice President, Existing Industry
Brittany Holtzclaw, Project Manager

Tim Evans reviewed EDC activity.

Shelley Davis reviewed existing industries contacts and concerns.

Brittany Holtzclaw reviewed small business contacts and updates.

UNFINISHED BUSINESS:

Resolution 09-003- Conditional Use Permit 5904 Church Street

Councilman Lutz requested that the permit include a condition that the applicant is required to install curb and gutter along the property.

Further Councilman Lutz requested that the permit time be reduced from twenty-four months to an expiration of December 31, 2009.

Discussion Ordinance 418 – False Alarm Ordinance

Mayor Pro Tem Bryans requested the Council review the False Alarm Ordinance out of sequence to allow the Chief of Police to answer any questions and return to work.

Manager Andrew reviewed the Ordinance.

Councilman Fetterman expressed concerns about the registration and stated that if a person registers their alarm then that document is subject to the open records act and anybody would be able to pull the information on household protection.

Attorney Bennett advised that section eight of the Ordinance mandates that the registration information is labeled confidential and is not subject to the open records regulations.

Councilman Lutz expressed concerns that the registration information could be a tool but that officers won't have access to it during non-business hours and further advised that the tax records indicate the owner of the property and contact can be made through that information.

Chief Lanich advised that the information would be a great tool for efficiency and key holder information.

Manager Andrew advised that the City is not required to answer alarm calls and that it is an officer and public safety issue.

Discussion – 2010 Fiscal Year Budget

Manager Andrew reviewed the budget.

NEW BUSINESS:

Discussion – May 6th, 2009 Public Hearing Meeting Minutes (Consent Agenda)

Clerk McCain advised there were no changes.

Discussion – May 6th, 2009 - Council Meeting Minutes (Consent Agenda)

Clerk McCain advised there were no changes.

[Discussion Ordinance 408 – Annexation of 15.27 ± acres located at 5977 Spout Springs Road, also known as Habersham Bank.](#)

[Discussion Ordinance 409 – Rezoning 15.27 ± acres located at 5977 Spout Springs Road, also known as Habersham Bank](#)

[Discussion Ordinance 410 – Annexation of 1.79 ± acres located at 4717 Hog Mountain Road. Also known as the Cantrell property.](#)

[Discussion Ordinance 411 – Rezoning of 1.79 ± acres located at 4717 Hog Mountain Road, also known as the Cantrell property.](#)

[Discussion – Ordinance 412 – Annexation of 1.06 ± acres located at 4685 Hog Mountain Road, also known as the Bales property.](#)

[Discussion – Ordinance 413 – Rezoning of 1.06 ± acres located at 4685 Hog Mountain Road, also known as the Bales property.](#)

[Discussion - Ordinance 414 – Annexation of .83 ± acres located at 4734 Hog Mountain Road, also known as Parkway Mini Storage.](#)

[Discussion - Ordinance 415 – Rezoning of .83 ± acres located at 4734 Hog Mountain Road, also known as Parkway Mini Storage](#)

[Discussion – Ordinance 416 – Annexation of .58 ± acres located at 4728 Hog Mountain Road, also known as Parkway Mini Storage.](#)

[Discussion – Ordinance 417 – Rezoning of .58 ± acres located at 4728 Hog Mountain Road, also known as Parkway Mini Storage](#)

Planner Riker reviewed all the above properties together as they are all contiguous

DEPARTMENT REPORTS

City Planner

Planner Riker advised the Council that there would be a Public Hearing on June 11, 2009 For an annexation, rezoning and a Church Street conditional use permit application.

City Manager Report

None

City Clerk Report

None

Council Report

Councilman Lutz advised that he attended the Better Hometown 10th anniversary gathering and felt it was a great success.

Councilman Lutz further requested a calendar be prepared with event information and that the calendar be forwarded to the Council in advance.

ADJOURNMENT WORK SESSION:

Mayor Pro Tem Bryans adjourned the Work Session at 10:19 am.



CITY OF FLOWERY BRANCH
Council Meeting Agenda
Voting Session
Wednesday May 20, 2008
Immediately following Work Session



OPEN VOTING SESSION:

Mayor Pro Tem Bryanscraig opened the Voting Session at 10:19 am.

CONSENT AGENDA:

- Discussion – May 6th, 2009 Public Hearing Meeting Minutes
- Discussion – May 6th, 2009 - Council Meeting Minutes

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

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

UNFINISHED BUSINESS:

[Consider - Resolution 09-003 – Conditional Use Permit 5904 Church Street](#)

Attorney Bennett read Resolution 09-003

There was a motion made to approve Resolution 09-003 with an added condition that the applicant will be required to install curb and gutter and that the application will expire December 31, 2009

MOTION: Craig Lutz
 SECOND: Chris Fetterman

Discussion – Councilman Fetterman encouraged the Council to vote on this issue and move forward.

AYES: Mary Jones, Pat Zalewski, Chris Fetterman and Craig Lutz
 NAYES: None
 Motion carried

Discussion – 2010 Fiscal Year Budget

A motion was made to approve the 2010 general fund budget.

MOTION: Craig Lutz
SECOND: Chris Fetterman

Discussion

Councilwoman Jones inquired on why the entire budget was not being approved.

Councilman Lutz advised that he had concerns pertaining to the water and sewer rate structure.

AYES: Craig Lutz and Chris Fetterman
NAYES: Mary Jones and Pat Zalewski

Mayor Pro-Tem Bryans voted NAYE to break the tie.
Motion failed

A motion was made to postpone the consideration of the 2010 budget until the June 3rd, 2009 Work Session for further discussion.

MOTION: Craig Lutz
SECOND: Chris Fetterman
AYES: Craig Lutz and Chris Fetterman
NAYES: Mary Jones and Pat Zalewski

Mayor Pro-Tem Bryans voted NAYE to break the tie.
Motion failed

There was a motion made to approve the 2010 budget as presented.

MOTION: Mary Jones
SECOND: Pat Zalewski

Discussion:

Councilman Fetterman made the following summary statement:

This year when we went to discuss the water and sewer rates a majority of the council made the decision that we did not need to have meetings. Meaning that we were going to leave our water and sewer rates based on last year's water and sewer rates. My concern is the question of legality of the fact that we have two decisive rates for water and sewer users that live within the City limits of Flowery Branch; one rate for those that moved into the City prior to June of 2000 and one for those who moved into the City after June of 2000. The fact that we have citizens living next door to each other paying different water and sewer rates based on when they moved into the City, from my understanding, is very gray in the rule of law. We need to stop what we're doing and make our water and sewer rates the same for all citizens of Flowery Branch. Some of our biggest water and sewer users, who are on the lower rate, sit on this council and I have a big issue with the fact that people are paying different rates depending on when they moved into the City.

I have heard from other council members that the rates are the way they are because the city has been paying this way for years and years; well I think the time has come, especially after the discussions we had last year that we would look into fixing this issue, and that has yet to happen, so basically I was lied to. However, this is the opportunity for this City to get our water and sewer rates straight, correct and make sure that going forward this City takes care of its citizens.

Councilman Lutz made the following summary statement:

I was under the impression that last year when we discussed the rates that this year we would try to get the rates to where they were fair and balanced and eliminate the discrepancy between when you moved into the City. The current Enterprise Budget, as presented, appears to be supporting what I consider an unfair rate structure. That's why I will be voting against it and I would encourage the rest of the council to vote no also.

AYES: Mary Jones and Pat Zalewski
NAYES: Craig Lutz and Chris Fetterman

Mayor Pro-Tem Bryans voted AYE to break the tie vote.
Motion carried

[1st Reading Ordinance 408 – Annexation of 15.27 ± acres located at 5977 Spout Springs Road, also known as Habersham Bank.](#)

Attorney Bennett read Ordinance 408.

There was a motion made to approve Ordinance 408 as read.

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

[1st Reading Ordinance 409 – Rezoning 15.27 ± acres located at 5977 Spout Springs Road, also known as Habersham Bank](#)

Attorney Bennett read Ordinance 409.

There was a motion made to approve Ordinance 409 as read.

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

[1st Reading Ordinance 410 – Annexation of 1.79 ± acres located at 4717 Hog Mountain Road, also known as the Cantrell property.](#)

Attorney Bennett read Ordinance 410.

There was a motion made to approve Ordinance 410 as read.

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

[1st Reading Ordinance 411 – Rezoning of 1.79 ± acres located at 4717 Hog Mountain Road, also known as the Cantrell property.](#)

Attorney Bennett read Ordinance 411

There was a motion made to approve Ordinance 411 as read.

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

[1st Reading Ordinance 412 – Annexation of 1.06 ± acres located at 4685 Hog Mountain Road, also known as the Bales property.](#)

Attorney Bennett read Ordinance 412

There was a motion made to approve Ordinance 412 as read.

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

[1st Reading Ordinance 413 – Rezoning of 1.06 ± acres located at 4685 Hog Mountain Road, also known as the Bales property.](#)

Attorney Bennett read Ordinance 413.

There was a motion made to approve Ordinance 413 as read.

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

[1st Reading Ordinance 414 – Annexation of .83 ± acres located at 4734 Hog Mountain Road, also known as Parkway Mini Storage.](#)

Attorney Bennett read Ordinance 414.

There was a motion made to approve Ordinance 414 as read.

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

[1st Reading Ordinance 415 – Rezoning of .83 ± acres located at 4734 Hog Mountain Road, also known as Parkway Mini Storage](#)

Attorney Bennett read Ordinance 415.

There was a motion made to approve Ordinance 415 as read.

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

[1st Reading Ordinance 416 – Annexation of .58 ± acres located at 4728 Hog Mountain Road, also known as Parkway Mini Storage.](#)

Attorney Bennett read Ordinance 416.

There was a motion made to approve Ordinance 416 as read.

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

[1st Reading Ordinance 417 – Rezoning of .58 ± acres located at 4728 Hog Mountain Road, also known as Parkway Mini Storage](#)

Attorney Bennett read Ordinance 417

There was a motion made to approve Ordinance 417 as read.

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

Planner Riker advised that the second reading of each of these ordinances would be June 3, 2009.

1st Reading Ordinance 418 – False Alarm Ordinance

Attorney Bennett read Ordinance 418

There was a motion made to postpone Ordinance 418 until June 3, 2009 for further discussion.

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

EXECUTIVE SESSION:

There was a motion made to enter Executive Session at 10:49 am for pending/potential litigation and land acquisition.

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

****NOTE** Councilman Lutz left the Executive Session and the meeting due to a prior commitment at 11:22 am.**

RECONVENE OPEN SESSION:

There was a motion made to reconvene open session at 12:06 pm.

MOTION: Chris Fetterman
SECOND: Pat Zalewski
AYES: Pat Zalewski, Chris Fetterman and Mary Jones
NAYES: None
Motion carried

ADJOURNMENT:

There was a motion made to adjourn the meeting at 12:07 pm.

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

Mayor Diane Hirling

Date

City Clerk Melissa McCain