



CITY OF FLOWERY BRANCH
Council Meeting Minutes
Work Session
Thursday April 1, 2010
6:00 p.m.



CALL TO ORDER:

Mayor Hirling called the meeting to order at 6:00 p.m.

IN ATTENDANCE:

Mayor Diane Hirling and Council Members Craig Lutz, Chris Fetterman, Kris Yardley, Mike Miller and Tara Richards. Also in attendance were City Manager Bill Andrew, City Clerk Melissa McCain, City Planner James Riker and City Attorney Ron Bennett.

INVOCATION/PLEDGE:

Pastor Joey Edwards – The Ridge Church gave the invocation.

Mayor Hirling led the Pledge of Allegiance

OATH OF MUNICIPAL COURT JUDGE:

Mayor Hirling swore in Michelle Rohan as Flowerly Branch Municipal Court Judge

PRESENTATIONS:

Chief Gerald Lanich presented Detective Wicki Boyd with a plaque of service for his retirement from the Flowerly Branch police force.

PUBLIC COMMENTS:

Kim Jarrett – 6426 Flatrock Drive Flowerly Branch, Ga. 30542

Ms. Jarrett approached the Council and advised that there was going to be an English School of Soccer Tournament All Star Game on April 9, 2010 at the Flowerly Branch High School at 7:00 pm. All were invited to attend.

UNFINISHED:

Discussion 2nd Reading Ordinance 379A – Amendment to Hotel Motel Tax

Clerk McCain advised that this was the second reading of this Ordinance and all it changes is the definition of “Permanent Resident” from 10 days to 30 days allowing the city to collect Hotel taxes on occupants up to 30 days.

Discussion – 2nd Reading Ordinance 424A - Amendment to Code Section 8-128 Allowing the Addition of Brew Pubs and Section 8-156 Amending the Residency Requirement

Attorney Bennett advised that this was the second reading of Ordinance 424a and that it adds to the alcoholic beverage code section pertaining to brew pubs and excise taxes as well as changes the residence requirement from 1 yr Georgia resident to just a resident of Georgia.

NEW BUSINESS:

Discussion – Council Retreat Meeting Minutes February 27, 2010

There were no changes

Discussion - Council Meeting Minutes March 18, 2010

There were no changes

Special Called Meeting Minutes March 24, 2010

There were no changes

Discussion 1st reading Ordinance 407 a – Animal Control Ordinance

City Manager Andrew reviewed the ordinance and stated that the city contracts with Hall County for animal control services and this ordinance adopts their regulations.

DEPARTMENT REPORTS

City Manager Report

- ***Lease agreement 5509 Main St.***

Manager Andrew advised that the lease agreement as prepared per council direction was signed by the Mayor pro-tem and that the lessee has never executed the document or made the appropriate payments.

There was a consensus to give the proposed lessee until April 15, 2010 to execute the document and to change the fee schedule as is dependent on the date of execution.

- **Grant opportunity**

Manager Andrew advised the council that there is an opportunity to apply jointly with other local entities for a chance at a portion of some 25 million dollars set aside for grants for small communities. The City of Buford and Oakwood are currently interested in the grant.

Manager Andrew requested a consensus of the council to move forward with scheduling a meeting with the other local agencies about being co-applicants.

There was a consensus of the council to direct the City Manager to move forward with organizing a meeting pertaining to applying for the available grant with other municipalities.

[City Clerk Report](#)

Clerk McCain requested authorization to sign a document that would authorize the city's current agent for insurance to petition insurance agencies as the city's broker for better insurance rates.

Councilman Yardley requested more information on the document.

There was a consensus to postpone the authorization of this letter until April 15, 2010. Before that time Councilman Yardley will have the opportunity to confer with the city's current agent and review the request.

[Attorney Report](#) - No report

[Planner Report](#)

Planner Riker reviewed the options for updating the Zoning Code to include the additional definitions for Manufacturing Districts.

Planner Riker noted that the updates can be costly and if the Council wanted to save some costs the update could be included with the July mandated update saving the City the cost of two updates in a short period of time.

There was a consensus to begin scheduling the update during the next budget year beginning July 1st.

[Council Report](#)

No report

ADJOURNMENT WORK SESSION:

Mayor Hirling adjourned the Work Session at 6:50 pm.



CITY OF FLOWERY BRANCH
Council Meeting Minutes
Voting Session
Wednesday March 18, 2010
Immediately following Work Session



OPEN VOTING SESSION:

Mayor Hirling opened the Voting Session at 6:50 pm.

HEARING:

Exxon Food Stores underage sale of alcoholic beverages

Clerk McCain informed the Council that on November 5, 2009 Hall County Sheriff's Department conducted an undercover buy of alcoholic beverages at the Exxon Food Mart located at 5775 Phil Niekro Blvd. During the buy the employee, later identified as Sultan Kmimani had sold a five pack (broken six pack) of beer to the undercover officers without checking their identification. On November 11, 2009 an arrest warrant was issued for Mr. Kmimani for selling alcoholic beverages to a minor.

The City Clerk was notified of the violation by the Hall County Business License Director Susan Rector of the violation March 18.

Clerk McCain advised that the license holder is responsible for their employees and are responsible to notify the City immediately if there is a violation of State, County or City laws.

The City was not notified by the license holder of the infraction.

Staff later found out that Mr. Kmimani was sentenced and paid a fine of \$1,400.00 for the sale to a minor.

Clerk McCain advised that staff recommended that, due to the seriousness of the offense, the license be revoked for the standard period of 15 days for a first time offence.

Mr. Khimani approached the council and advised that the employee quit his job shortly after the incident and left the country without informing him of the incident. Further Mr. Khimani stated he was unaware of the incident until he received notice from the City Clerk that there was an issue.

Councilman Lutz inquired if the business had a training program for employees.

Mr. Khimani stated that there was a training program in place and that all employees are required to ask for ID and put that information into the register. The training consists of the employee being told not to sell to anyone under the age of 21 and to check ID's.

Councilman Miller inquired on the length of time the employee who sold the beverages worked there.

Mr. Khimani stated the employee was employed for one week before he quit.

Councilman Miller inquired on the amount of sales are from beer and wine in a two week period.

Mr. Khimani stated that he does approximately \$200.00 - \$300.00 a day in alcoholic beverage sales and to suspend the license would be detrimental.

There was a motion made to suspend the license for the Exxon Mobil Food Stores for 15 days beginning April 2 and continuing through April 16, 2010 with sales to resume April 17, 2010.

MOTION: Craig Lutz

SECOND: Kris Yardley

Discussion: Councilman Lutz stated that he understood that the license holder did not commit the violation but the license holder does have a duty to take care of the license and insure the employees don't jeopardize that license.

Councilman Fetterman felt that the issue should be handled in Municipal Court because the license holder should be accountable for the action of their employees. Further a training session should be held for each employee of the business.

Councilman Yardley stated that a fine should be invoked and proof of training submitted for the file.

Councilman Miller stated he felt a training program should be in place and that this issue was better handled in the Municipal Court.

Councilwoman Richards stated that she felt the issue was better handled through the Municipal Court.

AYES: Craig Lutz and Kris Yardley

NAYES: Chris Fetterman, Mike Miller and Tara Richards

Motion denied

There was a motion made to cite the license holder and send the issue to Municipal Court.

MOTION: Chris Fetterman

SECOND: Tara Richards

AYES: Craig Lutz, Chris Fetterman, Kris Yardley, Mike Miller and Tara Richards

NAYES: None

Motion carried

CONSENT AGENDA:

- Council Retreat Meeting Minutes February 27, 2010
- Council Meeting Minutes March 18, 2010
- Special Called Meeting Minutes March 24, 2010
- Extend lease offer for 5509 Main Street till April 15, 2010, if not signed lease offer will become null and void

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

MOTION: Craig Lutz
SECOND: Mike Miller
AYES: Craig Lutz, Chris Fetterman, Kris Yardley, Mike Miller and Tara Richards
NAYES: None
Motion carried

UNFINISHED BUSINESS:

[2nd Reading - Ordinance 379A – Hotel/ Motel Tax Amendment](#)

Attorney Bennett read Ordinance 379A.

There was a motion made to approve the second reading of Ordinance 379A.

MOTION: Kris Yardley
SECOND: Mike Miller
AYES: Craig Lutz, Chris Fetterman, Tara Richards, Kris Yardley and Mike Miller
NAYES: None
ABSTAIN:
Motion carried

[2nd Reading – Ordinance 424a Amendment to the Alcoholic Beverage Ordinance Allowing the Addition of Brew Pubs](#)

Attorney Bennett read Ordinance 424a

There was a motion made to approve Ordinance 424a as read.

MOTION: Kris Yardley
SECOND: Mike Miller
AYES: Craig Lutz, Chris Fetterman, Tara Richards, Kris Yardley and Mike Miller
NAYES: None
Motion carried

1st Reading of Ordinance 407a – Animal Control Ordinance

Attorney Bennett read Ordinance 407a

There was a motion made to approve the first reading of 407a as read.

MOTION: Craig Lutz

SECOND: Chris Fetterman

AYES: Craig Lutz, Chris Fetterman, Tara Richards, Kris Yardley and Mike Miller

NAYES: None

Motion carried

ADJOURNMENT:

There was a motion made to adjourn the meeting at 7:23 p.m.

MOTION: Chris Fetterman

SECOND: Kris Yardley

AYES: Craig Lutz, Chris Fetterman, Kris Yardley, Mike Miller and Tara Richards

NAYES: None

Meeting adjourned at 7:23 p.m.