



CITY OF FLOWERY BRANCH
Council Meeting Minutes
Work Session
Thursday April 15, 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, Deputy City Clerk Lou Camiscioni and City Attorney Ron Bennett.

PLEDGE OF ALLEGIANCE:

Mayor Hirling led the Pledge of Allegiance

PUBLIC COMMENTS:

There were no Public Comments.

UNFINISHED:

Discussion 2nd Reading Ordinance 407A – Animal Control Ordinance
Bill Andrew – Tab 1

City Manager Andrew advised that this was the second reading of this Ordinance and that there were no changes. Ordinance is administered by Hall County and is the same ordinance adopted by the City of Oakwood. The County will administer and collect all fees.

Agent change form (postponed from the April 1, 2010 meeting)
Bill Andrew

Request to authorize Mayor to sign. This item was moved to the Consent Agenda.

NEW BUSINESS:

Discussion – Resolution 10-005 – Animal Control Fee Schedule
Bill Andrew – Tab 2

Enforced and administered by Hall County. Violators would pay all fees to Hall County. Violations to any City codes could result in individuals being cited by the City; further investigations and fines issued would be handled by Hall County.

*Discussion – Resolution 10-006 – City of Flowery Branch Auction
Bill Andrew – Tab 3*

Approval of Council requested to hold the Auction for the purpose of selling surplus items. The question of including the City's Fire Truck raised. City Manager Andrew indicated that Lanier Tech. has a program of restoring vehicle and that perhaps they could work on the fire truck. City Manager will research further.

*Discussion – Contracts – Pond & Company, Rindt McDuff Associates and Infratec Consultants
Bill Andrew – Tab 4*

City Manager indicated that these are contracts normally renewed and that all three (3) were being considered at this time. It was also stated to Council that Pond has assisted in plan reviews and checks, road studies and large projects. Rindt McDuff has assisted the City with Sewer and Water Systems (pipes, in-ground surveying, soil & erosion issues.) Infratec has been strongly involved with Water / Wastewater engineering aspects of repairs, maintenance and expansion of the City's plant as well as mapping the utilities in the City.

City Manager Andrew stated to the Council that existing rates currently passed onto the City will not increase. Councilman Lutz asked if any of these vendors had limitations on their liability coverage. Attorney Bennett replied that Pond and Infratec have no limits on their liability coverage. Rindt McDuff does have a two million dollar limitation but would not have any ill effect on projects that they might work on. It was also noted by City Manager Andrew that the Cinnamon Cove project is being handled by Infratec.

Councilwoman Richards asked if there were any "caps" on the dollar amounts of each contract. City Manager Andrew replied that any project that would exceed one-hundred thousand dollars would be put out for bid.

Councilman Fetterman asked if the City could close out a contract at any time. City Manager Andrew responded that the contracts did not bind the City and that they could be dissolved at any time. City Attorney Bennett mentioned that the City would have to pay for any costs due to the vendor for whatever work had been completed.

*Discussion – April 1, 2010 Meeting Minutes
Lou Camiscioni – Tab 5*

No changes had been submitted for these minutes, they stand as written.

*Discussion – Beer License Marathon Food Stores 5840 Spout Springs Road
Bill Andrew and Ron Bennett – Tab 6*

City Attorney Bennett informed the Council a new license would be required, existing ones are not transferrable. This item pertains to a new sub lessee taking over a location. They have been made aware of problems of trash and litter, un-kept property issues related to the original hold of the license. It was further mentioned that this new license could be revoked if the property is not maintained.

This item was moved to the Consent Agenda.

Discussion – Unpaid Utility Bills

Bill Andrew – Tab 7

This item was moved to the Executive Session and would be voted on during the normal Voting Session, after exiting the Executive Session.

Discussion – Sewer Line Bid Award

Bill Andrew – Tab 9

City Manager Andrew reviewed with Council all the bids that were received and recommended that Reynolds In-Liner be awarded the job. They were the lowest bidders and the only one out of the four lowest bidders that said they could complete this project by June 30, 2010. Also mentioned by City Manager Andrew as that Reynolds said they would cover any costs associated with redirecting the affluent during the work. It was also noted that Reynolds has a track record of relining over eighty million feet of pipe.

Discussion – EDP Compliance & Settlement Agreement Order

Bill Andrew – Tab 10

City Manager Andrew went over this issue with Council. On January 29, 2010 a grease clog in a manhole caused less than one-thousand (1,000) gallons of unpermitted discharge be sent to the waters of the State. City Manager Andrew mentioned as well that when the discharge happened, he notified The Gainesville Times and the EPD as required. This discharge resulted in the Fine/Settlement Agreement being submitted for approval, for the amount of five-hundred (\$500.00) to be paid to the Department of Natural Resources within thirty (30) days.

City Manager Andrew mentioned that the City has a good record with issues like this. In his experience of five (5) years with the City, this is only the third spill that he has seen. His recommendation to Council is that the fine be paid. This is a budgeted item and that monies are set aside for such incidents. City Manager Andrew also suggested that perhaps a mailer to educate the homeowners in the area be sent informing them of the spill and suggesting other ways and means to handle cooking grease rather than have it go down their sinks.

DEPARTMENT REPORTS

City Manager Report

City Manager Andrew reviewed with Council the financial status of the City, where we stand as far as Revenue vs. Expenses. The City is currently in the black as far as Revenues and on target with Expenses to come in at or below budget.

An update on Mr. Proctor was also given by City Manager Andrew. As of this date no word has been received from Mr. Proctor. He had been given until end of day on 4-15-2010 to make any arrangements with the City.

An update on Terry's Towing was asked for by Councilman Lutz. City Attorney Bennett informed Council that Mr. Terry had failed to meet the City's requests. The Flowery Branch Police Department had been notified to cite Mr. Terry, if he still conducts business at his locations. Mr. Terry was also given twenty (20) days to 'clean up' his areas. If no action is taken by him, City Attorney Bennett will proceed to petition the Court.

[City Clerk Report](#) - No report

[Attorney Report](#) - No report

[Council Report](#)

The following statement was made by Councilman Craig Lutz:

Madame Mayor, distinguished council members, Staff and citizens of Flowery Branch, As I said back on January 21st, I intend to qualify to run for Hall County Commission at the end of this month. The Georgia Constitution, Article 2, Paragraph 5 says; “The office of any state, county, or municipal elected official shall be declared vacant upon such elected official qualifying, in a general primary or general election, or special primary or special election, for another state, county, or municipal elective office or qualifying for the House of Representatives or the Senate of the United States if the term of the office for which such official is qualifying for begins more than 30 days prior to the expiration of such official's present term of office.”

While I would have liked to continue to serve the citizens of Flowery Branch until taking office in 2011, unfortunately, the law does not allow for me to. As I committed previously, I intend to pay for the special election to fill my remaining term because I do not feel that it is right for the citizens of our city to carry the financial burden of the special election. I do regret, however, that there will be a significant amount of time that this seat will be vacant. I commit to continue to work with our Mayor and Council over the next several months until this position is filled. While I may not have a vote, I would still feel honored to know that my ideas and opinions have a home in this council chamber.

The decision to run for County Commission was provoked because of the lack of cooperation between the county and the municipalities; it was compounded by the breaking of promises to the citizens; but it was enabled because of the new members added to this council. In the past 4 months this new council has seen a lot of intense issues from annexation to the appointment of a new judge. In our brief time together we have seen hearings on alcohol and zoning code violations. Most of these of these items were not seen in my 1st 2 years on council. Your abilities to convey thoughts, ideas, and arguments have demonstrated to me that the City is moving in the right direction.

To quote James Riker, while the wheels of government may grind slowly, they do grind, and I believe that they are grinding in the right direction. As I am set to qualify, I have run out of time to implement some of the things that I would still like to see improved in our city. So at this time I would ask that this council take up the banner and address the following issues:

1. Trash - please consider changing our trash ordinance by making it an exclusive franchise. By outsourcing our trash, we can still maintain low prices through the RFP process and we can use the taxpayer dollars more efficiently by redirecting resources within the city;
2. Ethics- While not directed for towards anyone on this council, but for members that will most assuredly follow us, we need to ensure a greater amount of transparency in our personal dealings with each other. If 2 or more council members are in business with each other, the people should know the nature and purpose of the business relationships;

3. Water and Sewer- There are a couple of things that need to be addressed in our current budget cycle: the FOG fee and the discrepancy in rates between neighbors. We should not have a special class of residents paying an arbitrary lower rate based on when they moved to Flowery Branch, and we need to see what we can do to make the FOG/Wastewater permit charge correlate to the amount of sewer used;
4. Zoning code updates- we need improved stratification in our industrial codes. More importantly, I ask that this council consider that we never have a vote on the same day as a public hearing unless there is unanimous consent from the council. Samuel Taylor Coleridge said, "The three great ends which a statesman ought to propose to himself in the government of a nation (city in our case), are -- 1. Security to possessors; 2. Facility to acquirers; and, 3. Hope to all." In the security of the possessors and facility to acquirers, the updates of the zoning code will allow for a consistent atmosphere in which to acquire and develop within the city. By delaying our first vote until the next regularly scheduled meeting, it will add hope to all citizens that their voice will be heard, contemplated and acted on;
5. And finally budget- Do what you can do to hold the line on the milage rate. While there are some here that would like the rate lowered, please look around the city at many of the infrastructure needs we have in all parts of the city. Let's see what we can do to use the taxpayer dollars in a wiser, more efficient manor, but let's not put ourselves in a position where we are sacrificing the quality of life in Flowery Branch or jeopardizing the future of our citizens.

Since I cannot leave you with only 2 quotes, and one of them being from Mr. Riker, let me close by saying, "In the councils of a state (or in our case the city), the question is not so much, what ought to be done? As, what can be done?" I think this council is on the right path to consider what can be done. We are no longer managing by crisis. H.R. Heweis said, "All good government must begin at home." I would say that all good government begins at the local level. I am grateful for the opportunity to serve the citizens of Flowery Branch and to work alongside this Mayor, Council and Staff. I look forward to serving this council as the next Commissioner for South Hall County.

With qualifying occurring between April 26 and 30, this voting session may be my last, unless we have a special called session. Thank you for allowing the opportunity to serve and good luck to this council as you move forward with the business of the city.

ADJOURNMENT WORK SESSION:

Mayor Hirling adjourned the Work Session at 7:08 pm.



CITY OF FLOWERY BRANCH
Council Meeting Minutes
Voting Session
Wednesday April 15, 2010
Immediately following Work Session



OPEN VOTING SESSION:

Mayor Hirling opened the Voting Session at 7:09 pm.

CONSENT AGENDA:

- Resolution 10-005 Animal Control Fee Schedule
- Agent Change Form
- Resolution 10-006 City of Flowery Branch Auction
- EPD Compliance & Settlement Agreement Order
- Contracts / Pond & Co., Rindt McDuff & Assoc's., Infratec Consultants
- April 1, 2010 Meeting Minutes
- Beer License Marathon Food Stores 5840 Spout Springs Road.

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

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

UNFINISHED BUSINESS:

[2nd Reading - Ordinance 407a – Animal Control Ordinance](#)

Attorney Bennett read Ordinance 407a.

There was a motion made to approve the second reading of Ordinance 407a.

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

Sewer Line Bid Award

There was a motion made to award and authorize approve for Reynolds InLiner LLC.,

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

Resolution 10-005 – Animal Control Fee Schedule

There was a motion made to approve Resolution 10-005 – Animal Control Fee Schedule

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

EXECUTIVE SESSION:

There was a motion made to enter Executive session at 7:15 p.m. for:

- Land Acquisition
- ~~Personnel~~
- Pending / Potential Litigation

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

RECONVENE OPEN SESSION:

There was a motion made to exit Executive session at 8:12 p.m.

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

There was a motion made to forward all delinquent Utility Bills amounting to two-hundred (\$200.00) or more to Court.

MOTION: Craig Lutz
SECOND: Chris Fetterman
AYES: Craig Lutz, Chris Fetterman
NAYES: Kris Yardley, Mike Miller, Tara Richards
Motion denied

ADJOURNMENT:

There was a motion made to adjourn the meeting at 8:17 p.m.

MOTION: Craig Lutz
SECOND: Chris Fetterman
AYES: Craig Lutz, Chris Fetterman, Kris Yardley, Mike Miller and Tara Richards
NAYES: None
Meeting adjourned at 8:17 p.m.