

MINUTES

FORSYTH CITY COUNCIL MEETING

APRIL 6, 2010

CALL TO ORDER AND INVOCATION

Mayor Howard called the meeting to order at 7:00 pm. Mr. Dodd gave the invocation.

ROLL CALL

Present for the meeting was Mayor Tye Howard, Councilmembers Mike Dodd, Jo Anna Banks, James Calloway, Desi Hansford, Eric Wilson, and Melvin Lawrence.

Mayor Howard thanked Mr. Hansford for presiding over the March 16, 2010 council meeting in his absence.

APPROVAL OF MINUTES OF THE MARCH 16, 2010 COUNCIL MEETING

Mrs. Banks offered a motion to approve the minutes of the March 16, 2010 council meeting as written. Seconded by Mr. Lawrence, the motion carried unanimously.

APPROVAL OF RESOLUTION TO AUTHORIZE MAYOR AND CITY CLERK TO SIGN ALL PAPERWORK FOR THE LEASE PURCHASE OF A DITCH-WITCH

Mr. Dodd offered a motion to approve the resolution from GMA authorizing the Mayor and City Clerk to sign all paperwork for the lease purchase of a ditch-witch and trailer for the electric department. Seconded by Mr. Hansford, the motion carried unanimously. Mrs. Banks asked if there is any penalty for early payoff and Mr. Popham stated that there is not. Mayor Howard asked if the trailer is for other uses within other departments and Mr. Popham stated that it is not.

APPROVAL TO ADVERTISE SIGN VARIANCE REQUEST FOR FAMILY DOLLAR – 173 N. LEE STREET

Mrs. Hall reviewed the application received from Allen Industries stating that this matter has been presented to Planning & Zoning, and their recommendation for approval of the wall sign and disapproval of the pole sign will be coming to council at the public hearing. Mr. Calloway offered a motion to advertise both variance requests received from Allen Industries. Seconded by Mr. Dodd, the motion carried unanimously.

APPROVAL TO ADVERTISE VARIANCE REQUEST FOR FORSYTH SERVICE CENTER & TITLE PAWN TO OPERATE AN AUTO REPAIR CENTER IN NEIGHBORHOOD SHOPPING DISTRICT AT 173 MLK JR. DRIVE – OWNER NATHANIEL FREEMAN

Mrs. Hall reviewed the application received from Mr. Nathaniel Freeman stating that this matter has been presented to Planning & Zoning, and their recommendation for approval of the variance for an auto repair center will be coming to council at the public hearing. Mrs. Banks stated that Mr. Freeman has been working on automobiles at that location for years and that she is not sure why he has to apply for a variance. Mrs. Hall stated that Mr. Freeman has had business licenses to operate a title pawn and a used car dealership, but not an auto repair center. Mr. Calloway offered a motion to advertise the variance request received from Mr. Nathaniel Freeman to operate an auto repair center at 173 MLK Jr. Drive. Seconded by Mr. Lawrence, the motion carried unanimously.

PUBLIC HEARING FOR APPROVAL OF AN AMENDMENT TO CHAPTER 15-15 OF THE CITY CODE PERTAINING TO DISORDERLY CONDUCT

Mayor Howard opened the public hearing for comments for or against the approval of amendments to Chapter 15 – 15 of the City Code pertaining to disorderly conduct. Mr. Melton reviewed the process stating that this matter first came before council on March 16, 2010 and has been properly advertised in the March 24th and 31st issues of the Reporter. Mr. Melton stated that this amendment will align the City Code governing disorderly conduct with the County Code in that the acts will be the same for both the City and County. Mr. Melton stated that there is no intent to align the penalties but the definitions will now be the same. Mr. Melton stated that the fine amounts for the act of disorderly conduct will remain the same. Mr. Melton stated that we have judges that work in both the city court and county courts and this should make it easier for them. Hearing no further comments for or against the approval of the amendments, Mayor Howard closed the public hearing. Mr. Dodd offered a motion to adopt the amendments to Chapter 15 – 15 of the City Code pertaining to disorderly conduct. Seconded by Mr. Wilson, the motion carried unanimously.

APPROVAL OF 2009 BUDGET MOVES TO BALANCE ALL DEPARTMENTS FOR THE AUDIT

Mrs. Hall stated that all general fund departments must be balanced at yearend and to accomplish this prior to the auditor beginning his work, she requests permission to transfer \$8,474.93 to the court department, \$4,478.88 to the recreation department, and \$70.97 to the garage department all from the administrative department. Mrs. Hall stated that these three departments were the only general fund departments that were below their budgeted amounts for 2009. Mrs. Banks offered a motion to approve the 2009 budget moves requested. Seconded by Mr. Hansford, the motion carried unanimously.

APPROVAL TO ADVERTISE AMENDMENTS TO SECTION 23 OF THE CITY CODE PERTAINING TO UTILITY BILLING

Mr. Dodd offered a motion to advertise the amendments to Section 23 of the City Code pertaining to utility billing. The motion was seconded by Mr. Wilson. Mr. Dodd reviewed the proposed changes stating that some of the changes will hopefully alleviate a hardship on citizens that receive a utility bill that is due on the 30th but receive their disability checks on the 3rd of the next month. Mr. Dodd stated that one of the amendments will be to increase the number of days to pay the utility bill without a penalty from 15 days to 20 days. Mr. Dodd stated that additional amendments will be made to the entire ordinance. Mr. Calloway stated that this is the type of work that city council needs to do for the citizens of Forsyth. The motion carried unanimously.

APPROVAL OF FUEL DEPOT INTER-GOVERNMENTAL CONTRACT WITH MONROE COUNTY FOR 2010

Mrs. Hall stated that a spreadsheet comparing the previous year's percentages to the proposed percentage for 2010 is in the council packets. Mrs. Banks asked if anyone had compared the cost to see how much we are saving versus if we had our own tanks and Mrs. Hall stated that no one had done such a comparison. Mayor Howard stated that from the information he had received from the road department that we save approximately 13¢ per gallon. Mr. Dodd stated that Mr. Popham's title on the signature page should be changed from City Manager to City Administrator. Mr. Hansford offered a motion to approve the fuel depot inter-governmental contract with Monroe County for

2010 with the suggested amendment. Seconded by Mr. Calloway, the motion carried unanimously.

CITY ADMINISTRATOR REPORT

Withdrawal Permit – Mr. Popham stated that the withdrawal permit for Towaliga River was submitted last week.

Grant submittal – Mr. Popham stated that an Endangered and Threatened Grant application was submitted two weeks ago for reimbursement of expenses on the dam failure. Mr. Popham stated that the cost was approximately \$34,000 and the grant is a 50/50 grant.

Streetscape – Mr. Popham stated that the bid opening for the Streetscape Project was held on Thursday, April 1st. Mr. Popham spoke with Mr. Scott Douglas, Jeager Company, and Mr. Tom Queen, DOT, regarding the bids and Mr. Douglas should have everything reviewed and have a recommendation to council by Wednesday. The recommendation must be styled as required by DOT and must break out the cost. The recommendation will be sent to the public works committee for review and presentation to council at the April 20th meeting. Mr. Dodd asked if the work was to include repaving the square and Mr. Popham stated that this was not included in the grant portion of the project. Mr. Popham stated that SPLOST funds could be used to repave the courthouse square. Mr. Popham stated that Mayor Howard was able to get an exception for Main Street between Lee Street and Jackson Street in the recent repaving that DOT did on Main Street so that once the Streetscape Project is complete, the contractor will come back and finish that portion of the project; therefore, the City will only be responsible for the other three sections of the square. Mr. Dodd stated that Mr. Douglas stated at the bid opening that the project would be a 120-day project. Mr. Popham stated that the project is a 6-month project from mobilization to completion. Mr. Wilson requested that City staff provide information to the business on a regular basis to keep them informed of what is going on. Mr. Wilson stated that the business owners are confused and want information before something happens. There was a lengthy discussion concerning what information is available now to go out to business owners and how information should be sent out to them. Mr. Popham stated that during the pre-bid meeting, the contractors were instructed to provide an addendum explaining how they intend to keep the

businesses open during construction. Mr. Popham stated that once the bid is awarded, there will be a preconstruction meeting and all those involved should be present. Mrs. Banks asked if the overage of the grant award can be used to extend the project down the streets leading into the square. Mr. Popham stated that the \$1,100,000 is the maximum of the grant, but that the amount would be reduced to actual cost for the project that was submitted. Mr. Wilson stated that the City needs to control the project and make sure that no business is closed due to construction and that the City must set the parameters.

COMMITTEE REPORTS

MR. DODD

Mr. Dodd reviewed invoices totaling over \$500 for each vendor and offered a motion to approve the water department committee totals of \$37,251.53 and the electric department committee totals of \$9,945.55. Seconded by Mr. Wilson, the motion carried unanimously.

Mr. Dodd stated that the Public Utilities Committee needs to meet to review the amendments to the ordinance.

MRS. BANKS

Mrs. Banks reviewed invoices totaling over \$500 for each vendor and offered a motion to approve the BHT department committee totals of \$1,121.19. Seconded by Mr. Calloway, the motion carried unanimously.

Mrs. Banks stated that Mr. Phillip English has resigned from the Historic Preservation Commission and Mr. Vince Williams has resigned from the Downtown Development Authority. Mrs. Banks asked that everyone submit their suggested replacements for these vacancies by the end of business on Friday.

Mrs. Banks stated that the HPC is working to finalize the HPC district.

Mrs. Banks stated that she has received requests from citizens that more information be given out at the council meetings and would like that topic discussed at the retreat to see how council can be more informative.

Mrs. Banks asked that a city/county dinner meeting be scheduled as soon as possible.

Mrs. Banks stated that the Public Affairs Committee will meet on Thursday, April 8th.

Mrs. Banks asked Mr. Popham where we stand on Code Enforcement and Mr. Popham replied that he is working with the Regional Commission for assistance with zoning but not code enforcement. Mr. Popham stated that he and Mr. Bob Teston work on the code enforcement and we also lean heavily on Mr. Bentley Cox, city/county building inspector, for assistance.

MR. CALLOWAY

Mr. Calloway reviewed invoices totaling over \$500 for each vendor and offered a motion to approve the police department committee totals of \$2,272.80 and the fire department committee totals of \$4,038. Seconded by Mrs. Banks, the motion carried unanimously.

Mr. Calloway stated that the Public Safety Committee has met and reviewed the 26 applications received for the Police Chief position and reduced that number to six candidates to be interviewed. Mr. Calloway stated that once the background checks are returned, the interviews will be scheduled. Mrs. Banks asked who the Acting Chief is now that Chief Phillips is gone. Mr. Popham stated that he and Chief Phillips had discussed this prior to his leaving and both agreed that there is no need to appoint an acting chief. Mr. Popham stated that anything that comes up that needs the direction of the chief; he can handle as the personnel manager. Mr. Popham stated that he and Mr. Calloway met with the police department last night and reviewed the chain of command within the department and the process for handling any matters that may come up and also made sure that everyone does their respective jobs. Mr. Wilson asked for clarification as to whether this means that liability and responsibility lies with Mr. Popham and Mr. Popham stated that the department has been working this way for two weeks.

MR. HANSFORD

Mr. Hansford reviewed invoices totaling over \$500 for each vendor and offered a motion to approve the administrative department committee totals of \$5,752.61 and the telecommunication department committee totals of \$124.98. Seconded by Mr. Calloway, the motion carried unanimously.

Mr. Hansford stated that the administrative committee will meet this month to review the 1st quarter 2010 budget figures.

Mr. Hansford stated that the information requested for the telecommunications is still being worked on.

MR. WILSON

Mr. Wilson offered a motion to approve the cemetery department committee totals of \$275.61. Seconded by Mr. Hansford, the motion carried unanimously.

Mr. Wilson stated that he received two calls last week complimenting the way the cemetery looked and he rode through the cemetery and it did look very good. Mr. Wilson stated that we need to purchase some trash receptacles for the cemetery.

Mr. Wilson stated that the Parks/Recreation/Cemetery Committee will meet on Wednesday, April 14th at noon.

MR. LAWRENCE

Mr. Lawrence reviewed invoices totaling over \$500 for each vendor and offered a motion to approve the public works department committee totals of \$6,011.19. Seconded by Mr. Wilson, the motion carried unanimously.

Mr. Lawrence stated that the potholes in the city streets will be repaired as soon as possible.

Mr. Lawrence stated that he and Mr. Steve Jones have looked at the various backhoes and would like the Public Works Committee to meet on Monday, April 12th at noon to discuss the backhoes.

Mr. Lawrence stated that the landmark at St. James Church will not be touched during the work being done on James Street.

Mr. Lawrence stated that Parson Street will be resurfaced by the LARP program.

MR. MELTON

Mr. Melton had nothing further to report.

ADDITIONAL OLD BUSINESS

Mayor Howard stated that the resurfacing on Highway 41 will be milling and resurfacing from MLK Jr. Drive to Highway 18.

Mayor Howard reviewed his recent trip to Washington DC with the Clean Air Coalition stating that they met with Congress and Senators.

Mayor Howard reviewed the Electric Cities Economic Summit held last week in Eatonton. Mayor Howard stated that Forsyth is not in a good place, but we are better off than most other cities.

Mr. Dodd stated that the process to become a certified Tree City was reviewed at the last council meeting but no action was taken. Mr. Dodd offered a motion to move forward with the process to become a Certified Tree City. Seconded by Mr. Calloway, the motion carried unanimously. Mrs. Banks asked if we are ready to appoint board members. Mr. Melton stated that the approval is already in place, council just needs the names of those to appoint to the Tree Board.

ADDITIONAL NEW BUSINESS

Mrs. Banks asked for an update from Mr. Popham on the Land & Water Conservation Grant. Mr. Popham stated that he is working with the Regional Commission on the application submittal.

There being no further business to discuss, the meeting was adjourned at 8:10 pm.

Submitted by:

Janice L. Hall, City Clerk