

MINUTES

FORSYTH CITY COUNCIL MEETING

MAY 18, 2010

CALL TO ORDER AND INVOCATION

Mayor Howard called the meeting to order at 7:00 PM. Mr. Wilson gave the invocation.

ROLL CALL

Present for the meeting was Mayor Tye Howard, Councilmembers Mike Dodd, Jo Anna Banks, James Calloway, Eric Wilson, and Melvin Lawrence. Also present was City Attorney, Bobby Melton, and City Clerk, Janice Hall.

Councilmember Desi Hansford was unable to attend the meeting; therefore, all unanimous votes will be five (5) votes for (Dodd, Banks, Calloway, Wilson, and Lawrence). Mr. Popham was on vacation and unable to attend the meeting.

APPROVAL OF MINUTES OF THE MAY 4, 2010 COUNCIL MEETING

Mr. Lawrence offered a motion to approve the minutes of the May 4, 2010 council meeting as written. Seconded by Mr. Calloway, the motion carried unanimously.

APPROVAL TO ADVERTISE AMENDMENT TO SIGN ORDINANCE PERTAINING TO GRANDFATHERED AND/OR APPROVED VARIANCES FOR SIGNS

Mrs. Banks stated that this amendment came as a recommendation from the Planning & Zoning Commission and offered a motion from the Public Affairs Committee to advertise an amendment to the Sign Ordinance stating that signs grandfathered in and/or variances approved for signs become void when the business changes ownership. Seconded by Mr. Wilson, the motion carried unanimously.

APPROVAL OF CONTRACT WITH DEPARTMENT OF CORRECTIONS FOR THREE (3) PRISON CREWS

Mr. Lawrence stated that this contract needs to be renewed due to the work load that the prison crews take care of. Mr. Lawrence offered a motion to renew the contract with the Department of Corrections for three (3) prison crews. Seconded by Mr. Dodd, the motion carried unanimously.

APPROVAL OF RESOLUTION AND LETTER OF SUPPORT FOR BRENTWOOD PLACE COMMUNITY, LP FOR THE CONSTRUCTION OF AFFORDABLE HOUSING DEVELOPMENT

Mr. Wilson offered a motion to approve the Resolution and letters of support for Brentwood Place Community, LP for the construction of an affordable housing development. Seconded by Mr. Calloway, the motion carried unanimously.

PUBLIC HEARING FOR THE CONSIDERATION OF VARIANCE APPLICATION FROM JOE EVANS TO ALLOW A MOBILE HOME ON WILLIS WILDER DRIVE INSIDE THE CITY LIMITS

Mayor Howard opened the public hearing for comments for or against the approval of a variance application from Mr. Joe Evans to allow a mobile home. The property is listed in the tax records as Lot 40 of Hillcrest and as Tax Map F20 Parcel 2 on Freeman Road. Mr. Melton reviewed the application and stated that the Planning & Zoning Commission recommended approval of the variance request with stipulations and a copy of the minutes from their meeting is included in the council packets. Mr. Melton stated that this matter first came before council on April 20th; was properly advertised in the April 28th and May 5th issues of the reporter; this is a variance for the use of the property; and the current zoning classification is R-3 which will not change but a variance is required to allow a mobile home to be placed on the property. The mobile home has already been delivered and is in the process of being setup; however, a stop work order has been issued until the variance matter can be resolved.

Mr. Joe Evans, owner of the property and applicant for the variance, came before council and stated that he thought he was doing what was right and getting all the permits that he needed.

Mr. Elbert Davis, property owner in the area and representative of the group of property owners opposing the approval of the variance, came before council stating that he owns the property next to Mr. Evans and he understands that Mr. Evans wants to have a home, but asked council to look at the property before they vote on the variance. Mr. Davis stated that he has nothing against Mr. Evans but is afraid the mobile home will lower the property values in the community. Mr. Davis asked the property owners present that are in opposition of the variance to stand and several people stood. Mr.

Davis stated that the error is not Mr. Evans fault but a mistake was made and needs to be corrected. Mr. Davis stated that he also has a letter from a property owner in the community that opposes the variance (the letter was not presented to council). Mr. Wilson asked Mr. Davis if he made a presentation to the Planning & Zoning Commission and Mr. Davis stated that he did not. Mr. Lawrence stated that the Planning & Zoning Commission has reviewed the matter and recommends approval of the variance with specifications. Mr. Lawrence stated that this could have been a lack of communication and feels that Mr. Evans should be given the benefit. Mr. Davis stated that the community property owners oppose this. Mr. Wilson asked Mr. Davis what his resolution to the matter would be. Mr. Davis stated that the mobile home needs to be removed and replaced with a modular or built home. Mr. Davis stated that no matter what cosmetics are done on the outside, it will still be a mobile home. Mr. Davis stated that his intent is to protect the property values and not to hurt Mr. Evans. Mayor Howard stated that Mr. Evans followed what he was supposed to do but because of a lack of communication or errors, Mr. Evans was approved for a mobile home. Mr. Davis stated that the community property owners should not be punished for someone else's error. Mr. Lawrence stated that Mr. Evans went by the rules and regulations and thought he was doing the right thing. Mr. Davis stated that a mistake has been made and that this home could not have been put in other neighborhoods.

Mrs. Bernice Smith came before council and stated that she thought that mobile homes and trailers were not allowed in the city and concerned that if one mobile home is allowed that others will also be allowed. Mrs. Smith stated that she did not know about the Planning & Zoning meeting so she did not go to that meeting.

Ms. Juronia Evans, daughter of Mr. and Mrs. Joe Evans, came before council to support her parents. Ms. Evans stated that they went by the book and they want a home to enjoy their retirement in. Ms. Evans stated that her parents are not trying to bring down the property values and the home will look very good when complete.

Mayor Howard stated that the variance specifications from P&Z is for this home only and the only difference between this home and a modular home is the joist work which is not visible. Mr. Wilson read the section from the P&Z minutes stating the

specification recommended by the P&Z Commission is for a block foundation with a stucco exterior and attached porches on the front and back.

Hearing no further comments for or against approval, Mayor Howard closed the public hearing. Mr. Wilson offered a motion to approve the variance with the stipulations recommended by the Planning & Zoning Commission so that the matter can be discussed. Mrs. Banks seconded the motion. Mrs. Banks stated that Mr. Evans is the property owner and the property will be taxed as real property. Mrs. Banks stated that the P&Z minutes show that the variance is only for Mr. Evans and this cannot be passed onto his heirs. Mrs. Hall stated that P&Z did discuss that during their meeting but that was not part of the recommendation they forwarded to council. Mr. Dodd stated that the portion of the Zoning Ordinance pertaining to mobile homes and modular homes is vague and the process for clarifying it has begun. Mr. Wilson asked how Mr. Evans obtained the permit to bring in a mobile home. Mr. Melton stated that the matter was presented to the Zoning Officer as a modular home. Mr. Lawrence asked Mr. Nat Redd, owner of mobile home company that sold Mr. Evans the mobile home, to come forward and address council. Mr. Redd stated that he dealt with Mr. Bob Teston on determining if the property was inside or outside the city limits and he was later presented a permit from Mr. Evans for the mobile home. Mr. Redd stated that the home has passed three inspections by the building inspector and is on city water and sewer. Mr. Redd stated that he could have sold Mr. Evans a modular home but they are the same home except for the joist, there is no difference in the appearance. Mr. Redd stated that it would cost Mr. Evans an additional \$20,000 to have a modular home brought in. Mr. Melton stated that this property was annexed in March 1982 with approximately 40 other lots in the Hillcrest Subdivision. Mr. Dodd stated that this is a difficult situation and there will be sore feelings on one side or the other no matter what council does. The motion carried with four (4) votes for (Dodd, Banks, Wilson, and Lawrence) and one (1) abstention (Calloway).

RECOGNITION AND OATH OF OFFICE FOR POLICE CHIEF, KEITH CORLEY

Mayor Howard asked that the agenda be amended to allow for the recognition of newly appointed Police Chief, Keith Corley. Mayor Howard administered the oath of

office to Chief Corley. Mayor Howard thanked all those in attendance in support of Chief Corley and invited them to the reception immediately following the council meeting at Aldermen Hall.

PUBLIC HEARING FOR THE CONSIDERATION OF AN ALCOHOL LICENSE FOR A LIQUOR STORE FOR 471-B TIFT COLLEGE DRIVE – OWNER SUHAS PATEL

Mayor Howard opened the public hearing for comments for or against the approval of an alcohol license for a liquor store at 471-B Tift College Drive requested by Suhas Patel. Mr. Melton stated that this matter first came before council on April 20th; was properly advertised in the May 5th and 12th issues of the Reporter; the matter is before council tonight for consideration of a retail package liquor store; and according to the City Codes, Forsyth can have a total of four (4) liquor stores based upon population. Mrs. Hall stated that a favorable fingerprint report has been received.

Hearing no further comments for or against the approval of the alcohol license, Mayor Howard closed the public hearing. Mr. Calloway offered a motion to approve the alcohol license for a retail package store for Suhas Patel at 471-B Tift College Drive. Seconded by Mr. Dodd, the motion carried unanimously.

PUBLIC HEARING FOR THE CONSIDERATION OF AMENDMENTS TO SECTION 23 OF THE CITY CODE

Mayor Howard opened the public hearing for the consideration of amendments to Section 23 of the City Code. Mr. Melton stated that this matter first came before council on April 6th; has been properly advertised in the May 5th and 12th issues of the Reporter; and is before council tonight for consideration of several amendments within Section 23 of the City Code which pertains to utilities. The main change to the Code is to amend the due dates for utility bills from 15 days from billing date to 20 days from billing date with the disconnect date being 5 days from the due date. Hearing no further comments for or against the approval of the amendments to Section 23 of the City Code, Mayor Howard closed the public hearing. Mr. Dodd offered a motion to approve the amendments to Section 23 of the City Code. Seconded by Mr. Wilson, the motion carried unanimously.

**APPROVAL OF CONTRACT WITH GEORGIA PUBLIC WEB FOR INCREASE
IN CITY BANDWIDTH**

Mrs. Banks offered a motion to approve the contract with Georgia Public Web (GPW) for the purpose of discussion. The motion was seconded by Mr. Dodd. Mrs. Banks stated that she has mixed emotions about approving this contract but does understand that we must continue to service our customers while we are reviewing the cable system. Mrs. Banks offered a motion to amend her motion to approve a 12-month contract with GPW for increased bandwidth. Mr. Dodd seconded the motion. Mr. Wilson stated that he pledged not to vote for anything on the cable until the study of the system is complete. Mayor Howard stated that this contract would have automatically renewed for three years at the existing rate and bandwidth if this contract was not approved. The motion carried with four (4) votes for (Dodd, Banks, Calloway, and Lawrence) and one (1) vote against (Wilson).

COMMITTEE REPORTS

MR. DODD

Mr. Dodd reviewed invoices totaling over \$500 for each vendor and offered a motion to approve the electric department committee totals of \$5,559.50 and the water department committee totals of \$16,137.65. Seconded by Mrs. Banks, the motion carried unanimously.

MRS. BANKS

Mrs. Banks reviewed invoices totaling over \$500 for each vendor and offered a motion to approve the Public Affairs Committee totals of \$2,561.21. Seconded by Mr. Dodd, the motion carried unanimously.

Mrs. Banks thanked the Better Hometown director and volunteers for their work on the very successful concert held last Friday night.

Mrs. Banks stated that copies of ethics reform material has been placed in everyone's mailbox for review and amendments to the Ethics Ordinance at a later date. Mayor Howard stated that the Ethics Ordinance needs to be renewed so that we can remain a City of Ethics with GMA. Mr. Calloway offered a motion to renew the City of Ethics with GMA. Seconded by Mrs. Banks, the motion carried unanimously.

MR. CALLOWAY

Mr. Calloway offered a motion to approve the fire department committee totals of \$287.50 and the police department committee totals of \$1,262.21. Seconded by Mr. Wilson, the motion carried unanimously.

Mr. Calloway stated that we have two firefighters that have completed the firefighter school and will have them at the next meeting so that they can be recognized.

MR. WILSON

In Mr. Hansfords' absence, Mr. Wilson reviewed invoices totaling over \$500 for each vendor and offered a motion to approve the cable department committee totals of \$2,976; the court department committee totals of \$110; and the administrative department committee totals of \$1127.25. Seconded by Mrs. Banks, the motion carried unanimously.

Mr. Wilson offered a motion to approve the cemetery department committee totals of \$57.84. Seconded by Mrs. Banks, the motion carried unanimously.

Mr. Wilson stated that the Parks & Recreation Committee met with a contractor for the pool area at Country Club Park for ideas on what can be constructed.

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 \$30,924.01. Seconded by Mr. Calloway, the motion carried unanimously.

Mr. Lawrence reviewed the roadways that will be repaired before the end of May.

Mrs. Banks asked Mr. Melton if he had heard anything back from the letter that he sent on the dilapidated property on Highway 83 North. Mr. Melton stated that the property is owned by several heirs and that he had not received a response from them.

Mr. Calloway offered a motion to go into executive session to discuss personnel matters. Seconded by Mr. Dodd, the motion carried unanimously and council adjourned into executive session.

Mayor Howard called the meeting back into open session at 8:29 PM and council adjourned the meeting at that time.

Submitted by:

Janice L. Hall, City Clerk