

MINUTES

FORSYTH CITY COUNCIL MEETING

AUGUST 17, 2010

CALL TO ORDER, PLEDGE OF ALLEGIANCE, AND INVOCATION

Mayor Howard called the meeting to order at 7:00 pm and lead the Pledge of Allegiance. Mr. Hansford 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. Also present was City Attorney, Bobby Melton; City Administrator, Greg Popham; and City Clerk, Janice Hall.

APPROVAL OF MINUTES OF THE AUGUST 3, 2010 COUNCIL MEETING

Mr. Lawrence offered a motion to approve the minutes of the July 6, 2010 council meeting as written. Seconded by Mrs. Banks, the motion carried unanimously.

PUBLIC HEARING FOR CONSIDERATION OF VARIANCE RECEIVED FROM JULIETTE COMMONS, LLC FOR JULIETTE COMMONS DEVELOPMENT FOR THE SUBDIVISION ORDINANCE REQUIRING UNDERGROUND UTILITIES

Mayor Howard opened the public hearing for comments for or against the approval of the consideration of a variance for Juliette Commons, LLC regarding underground utilities. Mr. Melton reviewed the variance application and stated that the Planning & Zoning Commission held a public hearing on this matter on July 26th; this matter was properly advertised in the July 28th, August 4th, and August 11th issues of the Reporter; and stated the variance request pertains to the subdivision ordinance regarding utilities. Mr. Melton stated that Planning & Zoning Commission recommended moving the electric line to the outer perimeter of the subdivision property. Mr. Melton stated that Piedmont Bank and Central Georgia EMC are represented tonight. Mr. Cole Davis, Piedmont Bank, addressed council requesting permission be granted to move the electric line to follow the streets inside the subdivision. Mr. Dodd asked Mr. Davis the motive for requesting this option. Mr. Cole stated the reason is additional cost, which could be as much as \$100,000 and would increase the cost of each lot. Mr. Popham reviewed the purpose of the variance, reviewed the subdivision ordinance which requires that all utilities be underground, and stated that the original plats from the developer show the utilities underground. Mr. Popham stated that the property is crossed by high-voltage lines and a primary feeder line. Mr. Popham stated that all other subdivisions have been required to put all utilities underground. Mr. Popham stated that P&Z approved moving the feeder line to the western part of the subdivision and have all distribution lines within the subdivision underground. Mr. Hansford asked if the variance is

for some of the lines to be overhead and Mr. Popham stated that they are asking to be allowed to have overhead lines throughout the subdivision. Mr. Melton stated that the question is should all of the utility lines be underground. Mr. Dodd stated that they are requesting that the primary line be overhead and asked Mr. Melton to define what a variance is and if a variance sets a precedent for all other subdivisions. Mr. Melton stated that this would set a precedent for this one particular property and no other properties. Mr. Mickey Parker, Piedmont Bank, addressed council stating that the distribution line creates the problem and if allowed to leave it overhead there will be no additional cost to the project. Mr. Parker stated that the plan approved by P&Z puts the line behind the properties so the developer will have to bear additional costs. Mr. Wilson asked if the initial plan was to go underground and Mr. Parker stated that it was but the bank is trying to work with the developer to get houses built. Mr. Popham stated that the plat signed in 2006 showed underground utilities. Mr. Parker stated that \$600,000 has been spent on infrastructure in the subdivision already and they did not know there was a problem until they were contacted by the EMC for power. Mayor Howard asked Mr. Parker what the difference in the true cost would be and Mr. Parker stated approximately \$100,000. Mr. Parker stated that the original variance requested overhead electric lines along the streets within the subdivision with underground to all homes. Mr. Ben Thomason, Central Ga. EMC, addressed council regarding the cost of the utility stating that the cost for totally underground for the feeder line and distribution lines would be approximately \$1million. Mr. Thomason stated that the option approved by P&Z would create a hardship in getting to the lines behind homes in years to come. Mr. Bentley Cox, City/County Building Inspector, asked if there would be pad mounted transformers. Mr. Thomason stated that the transformers would be on the utility poles. Mr. Hansford asked if council and P&Z can entertain options other than the request being made. Mr. Melton stated that P&Z has final say on the subdivision ordinance but there is some vagueness in other sections of the subdivision ordinance. Mr. Dodd asked Mr. Melton if council has authority to grant this variance. Mr. Melton stated that Section 109 of the Subdivision Ordinance gives total authority to P&Z but Section 104 states that P&Z recommends to council. Mr. Melton stated that it is his position that Section 109 controls so P&Z has the final authority on variances for the subdivision ordinance. Mr. Hansford asked if look only at Section 109 then can council even act tonight. Mr. Dodd stated that council has acted on the subdivision ordinance several times in the past and council has not always taken the recommendation of the Planning & Zoning Commission. Mr. Dodd stated that the developer needs help to get the subdivision moving and is asking for help from the City with the utility placement. Mr. Wilson stated that he sympathizes with the developer but the City Attorney is stating that council cannot act upon this variance request. Mr. Melton stated that

it has always been his opinion that P&Z has final authority on the subdivision ordinance. Mayor Howard stated that P&Z did what needed to be done and compromised with the developer. Hearing no further comments for or against the approval of the variance, Mayor Howard closed the public hearing. Mr. Calloway offered a motion to allow the developer to run the electric lines through the subdivision following the streets within the subdivision. Mr. Lawrence seconded the motion. Mayor Howard stated that this motion allows for overhead electric completely throughout the subdivision and sets aside the P&Z recommendation. Mr. Wilson stated that council may not even have the authority to do this. The motion did not pass with three (3) votes for (Dodd, Calloway, and Lawrence) and three (3) votes against (Banks, Hansford, and Wilson). Mayor Howard stated that he would not vote to go against P&Z; therefore, the motion fails. Mr. Melton stated that the P&Z recommendation stands.

PUBLIC HEARING FOR CONSIDERATION OF ORDINANCE TO ADOPT THE FORSYTH DOWNTOWN HISTORIC DISTRICT MAP, GUIDELINES, CERTIFICATE OF APPROPRIATENESS, ETC.

Mayor Howard opened the public hearing for comments for or against the adoption of the HPC Downtown District Map, HPC District Guidelines, and all other requirements for the HPC District. Mr. Melton reviewed the matter and stated that the matter is before council for approval of an ordinance providing for a HPC District, HPC Map, HPC Guidelines, Certificate of Appropriateness form and other purposes. Mr. Melton stated that this matter first came before council on June 15, 2010; was properly advertised in the July 28th, August 4th, and August 11th issues of the Reporter; advertised on facebook and the City website; and notices were mailed to the property owners on July 28, 2010. Mr. Melton stated that the 3rd draft of the guidelines is before council for consideration tonight. Mr. Melton stated that one objection by letter has been received and should be part of the record. Mrs. Eva Persons, HPC Chairperson, addressed council stating that this project has been in the works for six years. Mrs. Persons stated that the HPC District is a way to protect properties. Mrs. Persons stated that Piedmont Preservation Inc prepared the guidelines. Mrs. Persons stated that minor repairs and paint color are not governed by the guidelines. Mr. Ralph Bass, HPC member, addressed council stating that property owners of historic buildings may be eligible to apply for grants to help with remodeling their properties.

Mr. Benson Ham – Mr. Ham stated that he though tonight was an informational meeting and needs more information to know if he is for or against the district and guidelines.

Mr. Curtis Jenkins – Mr. Jenkins stated that he is not opposed to historic preservation, but is also interested in the protection of private property. Mr. Jenkins asked what the purpose of tonight's meeting is. Mr. Melton stated that State law requirement and Historic Preservation

requirement to hold a public hearing for the adoption of a HPC district and guidelines. Mr. Jenkins stated that he did not receive a notice regarding the meeting and there are others that did not receive notification also. Mr. Jenkins asked how many on the HPC Board are actual property owners in the proposed district? Mr. Melton asked Mrs. Laurie Pippin to come forward and review the procedure of the mailings. Mrs. Pippin stated that letters were mailed to all property owners based on the Monroe County tax assessor's website. Mrs. Pippin stated that it is obvious tonight that some of the property owners did not receive a letter. Mr. Melton asked Mrs. Pippin if this has been published in the Reporter. Mrs. Pippin stated that this was published for three weeks prior to tonight's meeting. Mr. Wilson asked if the burden of advertising in on the City or the HPC and Mr. Melton stated that the burden is on the City to provide notice of ordinance and must have a public hearing with three advertisements and written notice to owners and occupants of all properties in the proposed district. Mr. Jenkins stated that property owner, Angie Ellis notified him today and stated that she did not receive a letter.

Mr. Herbert Gantt – Mr. Herbert Gantt, representing St. Luke Church, addressed council stating that even though some not aware of the meeting, the City did what was required. Mr. Gantt stated that he is in favor of the district but may have questions and needs additional time to review the material.

Mr. Howell Newton – Mr. Newton stated that he is a proponent of historic preservation. Mr. Newton stated that he received a letter listing two parcels within the district but he actually owns eight properties within the proposed district. Mr. Newton stated that he owns a huge pre-civil war building that is empty and needs to know what the guidelines mean for that piece of property. Mr. Newton referred to page 19 of the guidelines regarding demolition and asked who would be the final determinate regarding demolition of the building. Mayor Howard stated that council would.

Mr. Jimmy Pace – Mr. Pace reviewed work recently completed on the courthouse and commended the county for the work. Mr. Pace stated that the current courthouse building is not the original courthouse building. Mr. Pace reviewed how the buildings have changed over the years. Mr. Pace asked what role the Design & Review Board would have in the HPC district. Mr. Pace asked who would perform the inspections for the certificate of appropriateness. Mr. Pace asked what the established pattern/year is – what is the goal, trying to get to the original building or just a period. Mr. Pace stated that 14 of the 21 homes within the proposed district have vinyl siding. Mr. Pace stated that there is very little room within the district for new construction but most of the guidelines refer to new construction. Mr. Pace reviewed the building that he owns on Johnston Street and the work done on the building that does not comply with the

guidelines. Mr. Pace stated that buildings may not get the needed repairs due to the economy and now due to the added regulations. Mr. Pace asked council to amend the guidelines to make HPC and advisory board and to table the matter for one year to allow time to gather information from property owners.

Mrs. Marty Brown – Mrs. Brown addressed council stating that she agrees with historic preservation. Mrs. Brown stated that she bought two buildings in 2005 and has worked hard to keep businesses open. Mrs. Brown stated that she was not made aware of any help that she could get while she was renovating the buildings. Mrs. Brown stated that the problem is public awareness of grants or any other help with renovations. Mrs. Brown stated that the renovations that she did would not be approved based upon the guidelines. Mrs. Brown stated that downtown business owners need to be a part of this committee to make them and others aware of what is available. Mrs. Brown stated that several downtown businesses have closed and more will close if changes are not made. Mrs. Brown asked if it is really about what type of awning a business puts up or is it about keeping a business open?

Mr. Jay Patterson – Mr. Patterson, 20 E. Main Street, addressed council and stated that this matter needs to be tabled due to not enough specificity to let owners know what is required; what is the period of consistency; leaving decisions up to the committee for interpretation; number of property owners that are on the HPC committee; and failure to receive notices.

Mr. James Vaughn – Mr. Vaughn addressed council stating that he received a letter on one of the properties but he owns two. Mr. Vaughn stated that the property burned several years ago and he applied to receive tax credits then but was turned down due to not meeting the requirements. Mr. Vaughn stated that the courthouse is owned by the county and the county is also in the process of building a new administrative building and will have to demolish several buildings to complete the process.

Mr. Ralph Bass – Mr. Bass stated that the guidelines only apply when changes made not for any changes that are existing on the buildings.

Hearing no further comments for or against, Mayor Howard closed the public hearing. Mr. Calloway offered a motion to postpone the approval to allow for additional information and workshops to be held over the next several months. Seconded by Mr. Dodd, the motion carried unanimously. Mr. Melton stated that this motion has the same effect as tabling the matter indefinitely.

PUBLIC HEARING REGARDING THE UNSAFE BUILDING AT 110 POWELL STREET – OWNER MAYBELLE DAVIS – MAP F27 PARCEL 022B

Mayor Howard opened the public hearing for comments for or against the determination of 110 Powell Street being deemed as an unsafe building. Mr. Melton stated that this matter first came before council on July 6, 2010 where it was determined to hold a public hearing to determine if the building is unsafe; the matter was properly published in the July 21st, July 28th, August 4th, and August 11th issues of the Reporter; and property owner, Maybelle Davis was sent a certified letter notifying her of the public hearing and she signed for the letter on July 29, 2010. Mr. Bentley Cox, City/County Building Inspector, came before council to review his findings at the location. Mr. Cox stated that he inspected the building on June 18, 2010 and found numerous violations of Section 7.151 of the City Code. Mr. Cox stated that it will take a 90% rebuild to bring the building back into code. Mr. Melton asked if all of the violations listed are violations of the City Code and Mr. Cox stated they are. Mr. Melton asked Mr. Cox if the building is safe for human habitation and Mr. Cox stated that it is not. Mr. Melton asked Mr. Cox for his recommendation and Mr. Cox stated either complete demolition or completely rebuild. Mr. Melton passed around picture provided by Mr. Cox. Mr. Wilson asked Mr. Cox what prompted him to inspect the property. Mr. Cox stated that he received a request from the City Administrator to perform an inspection. Mrs. Maybelle Davis came before council to address the matter. Mr. Melton asked Mrs. Davis if she is the owner of 110 Powell Street and Mrs. Davis stated that she did. Mrs. Davis stated that her sister told her that her name was in the paper about the condition of the property and then she received the letter telling her to be here tonight. Mrs. Davis stated that she was remodeling the house but became disabled and could not continue the work. Mrs. Davis stated that she turned the property over to her brother, Jimmy Lee Zellner, when she received the letter. Mr. Zellner was present for the meeting and came before council. Mr. Zellner stated that the inside of the house is almost completely remodeled but that the weather has made the OSB boards on the outside of the house look real bad. Mr. Zellner stated that as he has money he is working on the house to get the remodel complete. Mr. Wilson stated that council must make a determination tonight and need information from him to make an informed decision. Mr. Zellner stated that he has a building permit and is working on the house as money is available to put into the house. There was discussion regarding the need for a timeframe to be able to move forward. Mr. Melton asked Mr. Cox if he could give an estimate of a completion time. Mr. Cox stated that with money and time available could take 3 to 4 months to complete. Mr. Cox stated that he could meet with Mr. Zellner tomorrow at the property to review everything that needs to be done and Mr. Zellner agreed. Mr. Calloway offered a motion

to table the matter to the next meeting to allow Mr. Cox and Mr. Zellner to meet and review the renovations required and report back to council. Seconded by Mr. Lawrence, the motion carried unanimously. Mrs. Banks stated that if Mr. Zellner shows due diligence in working on the house and the yard is kept clean and cut, council is willing to work with Mr. Zellner.

REVIEW OF INTERGOVERNMENTAL AGREEMENT WITH MONROE COUNTY FOR THE DELIVERY OF WHOLESALE WATER ON JULIETTE ROAD

Mr. Dodd stated that the water sales agreement needs to be reviewed before acting on any additional sell of water to the county. Mr. Dodd stated that he would like the Public Utilities Committee to review the water contract and the Service Delivery Agreement.

REVIEW OF TABLED MATTER FROM PREVIOUS COUNCIL MEETING REGARDING INTERGOVERNMENTAL AGREEMENT WITH DOC FOR PASS-THROUGH CONTRACT FOR DREDGING WORK AT GPSTC

Mr. Dodd offered a motion to remove the matter from the table for discussion. Seconded by Mr. Lawrence, the motion to remove the matter from the table carried unanimously. Mayor Howard reviewed the utilities committee meeting where the matter was reviewed and Mr. Larry Latimer, DOC, attended. Mrs. Banks stated that page 1 of the amended agreement should list Georgia Rural Water Association (GRWA). Mr. Dodd stated that a parallel contract with GRWA is needed. Mr. Melton stated that council needs to review and approve each contract but can approve the agreement with DOC contingent upon receipt of contract with GRWA but could not review the contract but could put parameters on the contract tonight with the approval of the DOC agreement. Mrs. Banks stated that both contracts need to be reviewed before either is approved. Mr. Dodd offered a motion to table the matter until the next council meeting to allow time for GRWA to submit a contract to the City. Seconded by Mrs. Banks, the motion carried unanimously.

REVIEW AND APPROVAL OF PRE-DISASTER HAZARD MITIGATION PLAN WITH MONROE COUNTY

Mr. Matt Perry, Monroe County Emergency Agency, came before council to review the Pre-Disaster Hazard Mitigation Plan with Monroe County. Mr. Perry stated that Monroe County has already approved the Plan. Mr. Perry stated that the Plan is for threat analysis for possible hazards and provides for steps to take to prevent these hazards. Mr. Perry stated that the Plan is approve by GEMA and FEMA and is required for future funding but does not mandate action. Mrs. Banks offered a motion to approve the Pre-Disaster Hazard Mitigation Plan with Monroe County. Seconded by Mr. Dodd, the motion carried unanimously.

CITY ADMINISTRATOR REPORT

Mr. Popham had nothing further to report.

CITY CLERK REPORT

Mrs. Hall reminded everyone of Business After Hours this Thursday at the DOC Administrative building.

CITY ATTORNEY REPORT

Mr. Melton had nothing further to report.

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 \$4,461.78 and the water department committee totals of \$22,445.71. 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 \$1,995.18. Seconded by Mr. Dodd, the motion carried unanimously.

MR. CALLOWAY

Mr. Calloway thanked Chief Corley for attending the meeting.

Mr. Calloway offered a motion to approve the police department committee totals of \$12,415.52 and the fire department committee totals of \$2,966.42. Seconded by Mrs. Banks, the motion carried unanimously.

MR. HANSFORD

Mr. Hansford reviewed invoices totaling over \$500 for each vendor and offered a motion to approve the administrative department committee totals of \$4,932.92. Seconded by Mrs. Banks, the motion carried unanimously.

Mr. Hansford stated that the administrative committee will meet this Friday at 1:00 pm to review the 2009 audit and the 2010 mid-year review.

Mr. Hansford offered a motion to advertise the 2010 millage rate at 5.60 mils which is a .15 decrease from 2009. Seconded by Mr. Wilson, the motion carried unanimously.

MR. WILSON

Mr. Wilson reviewed invoices totaling over \$500 for each vendor and offered a motion to approve the recreation department committee totals of \$606.69 and the cemetery department committee totals of \$1,451.84. Seconded by Mrs. Banks, the motion carried unanimously.

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 \$6,004.40. Seconded by Mr. Dodd, the motion carried unanimously.

There being no further business to discuss, the meeting was adjourned at 9:45 pm.

Submitted by:

Janice L. Hall, City Clerk