

MINUTES

FORSYTH CITY COUNCIL MEETING

MARCH 1, 2011

CALL TO ORDER, PLEDGE OF ALLEGIANCE, AND INVOCATION

Mayor Howard called the meeting to order at 7:00 pm and led the Pledge of Allegiance to the American flag. Mr. Dodd gave the invocation.

ROLL CALL

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

APPROVAL OF MINUTES OF THE FEBRUARY 15, 2011 COUNCIL MEETING

Mr. Wilson offered a motion to approve the minutes as written. Seconded by Mr. Lawrence, the motion carried unanimously.

APPROVAL OF RECOMMENDATION FROM PLANNING & ZONING COMMISSION ON THE MEDICAL OFFICE BUILDING

Mrs. Hall reviewed that the site plan has been approved by the Design & Review Board has recommended approval of the site plan and the Planning & Zoning Commission has recommended approval of the building exterior and landscaping. Mr. Don Carter, architectural engineer, reviewed the plan stating that the Monroe County Hospital Board is requesting to build a 10,300 square foot building shell to eventually house doctor offices. The building is expected to be complete by September 2011. Mr. Wilson offered a motion to approve the plan as presented. Seconded by Mrs. Banks, the motion carried unanimously.

APPROVAL OF CHANGES TO TRADEWINDS/HIGHWAY 83 SEWER LINE PROJECT

Mr. Brant Lane, HHNT, reviewed the change options. Mr. Lane stated that once work began on the project, a large storm drain was found in the path of the new sewer line which was too large to go around. The original bid on the project was \$168,552.50. Mr. Lane presented two options: #1 – would exclude the Hardee's line and redesign the project to bypass the storm drain for an additional \$154,000; #2 – would be to bore under

I-75 which would be a much cleaner job and move away from the storm drain for an additional \$102,000 and also excludes the Hardee's line. Mr. Lane stated to include the Hardee's line which would alleviate all sewer problems in the area, would cost approximately \$58,000. Mr. Lane reviewed the entire project. Mrs. Banks asked if she was correct that to do the original project, plus bore under the road to bypass the storm drain, and do the Hardee's line could all be done for \$328,000 and eliminate sewer problems and increase capacity and Mr. Lane stated that she was correct. Mr. Lawrence asked Mr. Lane which option he recommends and Mr. Lane stated Option #2. There was discussion regarding the Hardee's line. Mr. Calloway offered a motion to move forward with Option #2 as presented by Mr. Lane and to include the Hardee's line. Seconded by Mr. Dodd, the motion carried unanimously.

APPROVAL TO CONTRACT WITH IHS TO DEVELOP CITY AND FORSYTH CABLENET WEBSITES

Mr. Boyd Elrod, IHS, reviewed that cost to redo both city website and the cable website would be \$1,500 each and reviewed advantages to hosting our own website rather than paying someone else to host them. Mr. Wilson offered a motion to contract with IHS to rework the city website. Seconded by Mrs. Banks, the motion carried unanimously. Mrs. Hall reviewed the urgent need to update the cable website as our internet helpdesk has reworked the forsythcable emails and they cannot be accessed from the cable website. Mr. Hansford offered a motion to contract with IHS to rework the cable website. Mr. Dodd seconded the motion. Mrs. Banks asked if the \$1,500 is just for writing the website and Mr. Boyd stated that it is to develop a new website. Mr. Wilson stated that we are currently looking at the cable system and what to do with it and questioned spending \$1,500 to upgrade the website. Mayor Howard stated that no matter what we decide to do with the cable system, we must service the customers that we have now and they must have access to their emails. The motion carried with five (5) votes for (Dodd, Banks, Calloway, Hansford, and Lawrence) and one (1) vote against (Wilson).

APPROVAL TO PURCHASE COMPUTER SERVERS FOR THE NETWORK OPERATIONS CENTER

Mr. Boyd Elrod, IHS, stated that there are aged servers in the Network Operations Center (NOC) that handles the city's day-to-day operations. Mr. Elrod reviewed the

types of servers and equipment that needs to be replaced. Mr. Hansford stated that this matter has been presented to and reviewed by the telecommunications committee. Mr. Hansford offered a motion from the telecommunications committee to approve the purchase of the servers. Mrs. Banks seconded the motion. Mrs. Banks asked if we have a backup server and what would happen in an emergency and Mr. Elrod stated that we have three layers of backup in place and reviewed the process. The motion carried unanimously.

PUBLIC HEARING FOR BEER AND WINE PACKAGE LICENSE FOR PANSY'S AT 140 POWERHOUSE ROAD – OWNER TONIA MAYS

Mayor Howard opened the public hearing for comments for or against the approval of a beer and wine package license for Pansy's at 140 Powerhouse Road. Mr. Melton reviewed the application stating that this first came before council on February 1, 2011; was properly advertised in the February 16th and 23rd issues of the Reporter; is an application for retail beer and wine package license for Pansy's.

Tonia Mays – owner – Mrs. Mays stated that she is requesting approval for a beer and wine package license and that she meets all criteria of the City Ordinances. Mrs. Mays passed out a letter from the pastor of the Church that is next to her property stating that he has no objections to her receiving a beer and wine package license. Mrs. Mays stated that the store opened in November 15, 2010. Mrs. Banks asked Mrs. Hall if the variances agreed on during the variance approval process had been completed. Mrs. Hall stated that the fence being erected is not the type of fence that was approved or allowed by City Ordinance and the parking required by Design & Review has not been installed. Mrs. Mays stated that this was the first she had heard of issues with the work they are doing. Mr. Lawrence stated that we could table the matter until the work is complete. Mrs. Mays stated that this should have nothing to do with the beer and wine package application. Mr. Calloway stated that if the license is approved, council could hold the license until the work is completed.

Alton Hammond – Elder in Church - Mr. Hammond stated that he is present representing the Church and he is aware that the pastor wrote a letter in support of the store but not to sell alcohol. Mr. Hammond stated that they brought several young

members of the Church with them tonight in opposition of the license because the store is too close to the church.

Jack Barker – Betsy Lynn resident - Mr. Barker stated that he rides by the store 3 or 4 times a day, and relayed a day when several men were sitting outside the store drinking soft drinks and 6 – 8 children playing in the yard beside the store. Mr. Barker stated that he is afraid if the license is approved the men could be sitting in the parking lot drinking beer rather than soft drinks with the children that close playing. Mr. Barker stated he is against the alcohol license.

Don Bonner – 69 Lakeside Drive – Mr. Bonner stated that he has lived at 69 Lakeside Drive for 40 years. Mr. Bonner stated that City Council rejected a previous request from the owner in November 2009 to sell beer and wine and nothing has changed since it was denied then. Mr. Bonner stated that Mr. Mays stated when he was going through the process to get approval to build that he would not sell alcohol. Mr. Bonner stated that he spoke with Pastor Rozier last Wednesday and he is concerned about the letter presented tonight as that was not what Pastor Rozier said to him. Mr. Bonner stated that the roadway is congested already and alcohol will increase the traffic. Mr. Bonner stated that if Sunday alcohol sales are approved, they will be selling next door to a church.

Chris Hewett – 82 Pineview Drive – Mr. Hewett stated that he was on council when Mr. Mays requested permission to build the store and Mr. Mays stated then that he would never sell alcohol and he was given permission to build the store based upon his word.

William Calloway – Mr. Calloway stated that he was at Church Sunday with these kids. Mr. Calloway stated that alcohol does not need to be that close to a Church with children.

Melvin Lawrence – Mr. Lawrence asked for a show of hands for those against the approval of the license and then a show of hands for those in favor of the license.

Mayor Howard – Mayor Howard stated that he was present when Mr. Mays stated that he would not sell alcohol at the store. Mayor Howard stated that this license would be for package sells only and not for drinking on the premises.

Tonia Mays – Mrs. Mays stated that she very rarely sees children at the Church. Mrs. Mays stated that this license will be for selling packaged alcohol only and not for drinking on the property. Mrs. Mays stated that she would never do anything to harm children. Mrs. Mays stated that there is a convenience store on the other end of Frontage

Road and no one is complaining about them being there. Mrs. Mays stated that she is a mile from Betsy Lynn Subdivision.

Eric Wilson – Mr. Wilson asked Mrs. Mays to address the statement that several are referring to where it was stated that they would not sell alcohol. Mrs. Mays stated that she does not remember making such a comment. Mr. Wilson stated that some remember the statement being made by Mr. Mays.

Matt Perry – Mr. Perry stated that he does not oppose the beer and wine package license but has a problem with it being that close to a Church and loitering on or near the property will be a problem and that becomes a problem for others, not for the Mays’.

Kay Bonner – 69 Lakeside Drive – Mrs. Bonner asked that everyone remember that this is a residential area, with a Church and apartments all around the store.

Hearing no further comments for or against approval of the beer and wine package license, Mayor Howard closed the public hearing. Mr. Dodd offered a motion to deny the beer and wine package application for Pansy’s. Mr. Calloway seconded the motion. Mr. Melton read the City Ordinance section relating to extenuating circumstances. Mr. Lawrence stated that council is here to protect and speak the mind of all citizens and that is why he asked for a show of hands of those present in opposition and support of the license. The motion to deny carried unanimously.

APPROVAL OF AMENDMENT TO MEMORANDUM OF AGREEMENT BETWEEN CITY AND MGRC

Mr. Hansford offered a motion to approve the amendment to the Memorandum of Agreement between the City and the Middle Georgia Regional Commission to include job descriptions and salaries. Seconded by Mr. Lawrence, the motion carried unanimously.

APPROVAL OF MAINTENANCE AGREEMENT FOR I-75 LIGHTS WITH BROOKS, BERRY, HAYNIE AND ASSOCIATES

Mr. Calloway offered a motion to approve the maintenance agreement for I-75 lights with Brooks, Berry, Haynie, and Associates. Seconded by Mr. Dodd, the motion carried unanimously. Mrs. Banks stated that we need to evaluate at some time the type of lighting and asked if this company would be able to address that. Mr. Randall stated that they would not.

APPROVAL OF RESOLUTION PROHIBITING PETS AT THE FORSYTHIA FESTIVAL

Mrs. Karen Manus-Pennings, Tourism Director for Chamber of Commerce, reviewed the need for a resolution prohibiting pets at the Forsythia Festival and reviewed previous experiences where animals were present. Mrs. Manus-Pennings stated that a pet event has been added to the festival this year for the weekend prior to the arts & crafts. Mr. Dodd stated that the festival is a pedestrian festival and animals should not be allowed. Mrs. Manus-Pennings stated that the resolution would give the police department what they need to help enforce pets not being brought to the festival. Mr. Lawrence offered a motion to approve the resolution prohibiting pets at the festival. Seconded by Mrs. Banks, the motion carried unanimously.

APPROVAL OF AGREEMENT WITH CARLSON FOR METHANE PROJECT

Mr. Melton reviewed the agreement stating that this is a one year renewable contract. Mr. Randall stated that this is for the construction and engineering of the project. Mr. Dodd asked for an itemized costing of the project. Mr. Randall passed out information on the project and stated that this project has been being worked on since 2004. Mr. Randall stated that council has never approved moving forward on the project, that Mr. Popham was working on this, and now EPD wants action on the project. Mr. Randall stated that Carlson Environmental was chosen in 2004 from environmental companies and they will oversee the project. Mr. Dodd stated that he wants to make sure that this amount is all that we will be required to spend on the project since the carbon credit companies are out of business we will no longer be receiving the credit that was promised on that portion of the project. Mr. Randall stated that the carbon market could come back in the future. Mr. Dodd asked for a guarantee on the cost of the project and Mr. Randall stated that he could not guarantee the cost due to cost of materials but the contract with Carlson Environmental is \$14,000 with the remainder of the cost being for materials and labor. Mr. Wilson stated that the \$14,000 is for Carlson to oversee and approximately \$230,000 additional for the entire project with materials. Mr. Melton reviewed concerns of limited liability insurance. There was discussion regarding items in the agreement. Mr. Wilson offered a motion to approve for the purposes of discussion. The motion was seconded by Mr. Hansford. The discussion continued on cleaning up the

wording in the contract and the need to move on this immediately to satisfy the EPD. Mr. Randall stated that we need to remediate the methane so the State can get the information they require. Mr. Randall stated that we are two years into a 10 year projection on the methane. Mr. Wilson offered a motion to amend the contract to remove the surcharge from #1; amend #3 to show that this is a one year contract and remove the remainder of #3; #5 be corrected to read "Errors and Omissions" rather than "Errors and Emissions"; and to instruct the city Attorney to amend the contract as stated and he and the Mayor submit amendments to Carlson Environmental for approval. Seconded by Mr. Hansford, the motion carried unanimously.

APPOINTMENT OF ZONING/CODE ENFORCEMENT OFFICER

Mayor Howard stated that former fire chief, Walter Carter, is willing to work part time as the City Code Enforcement/Planning & Zoning Officer/E&S Officer. Mrs. Banks asked what rate of pay had been suggested. Mr. Calloway stated that this needs to be advertised before someone is hired. Mayor Howard stated that this is a transfer of existing staff so should not be a problem to move as Mr. Carter has continued to work as the E&S Officer. There was discussion as to whether or not this is a contract or hourly employee. Mrs. Banks offered a motion to contract with Mr. Carter until the job is advertised and filled. Mr. Dodd seconded the motion. There was discussion as to whether the remainder of the discussion should be in executive session and Mr. Melton stated that so long as it is general discussion it can be in open session, but if more specific as to salary and so forth that should be done in executive session. Mrs. Banks stated that we must have a Code Enforcement Officer to get funded for the CDBG. Mrs. Banks rescinded her motion and Mr. Dodd his second of her motion. Mr. Wilson offered a motion to go into executive session at the end of the meeting to discuss personnel matters. Seconded by Mr. Hansford, the motion carried unanimously for executive session at the end of the meeting.

COMMITTEE REPORTS

MR. DODD

Mr. Dodd reviewed invoices totaling over \$500 for each vendor and offered a motion to approve the public works department committee totals of \$5,023.07 and the

garage department committee totals of \$4,847.18. Seconded by Mrs. Banks, the motion carried unanimously.

MRS. BANKS

Mrs. Banks offered a motion to approve the public affairs committee totals of \$50. Seconded by Mr. Hansford, the motion carried unanimously.

Mrs. Banks reported on the following:

- A dilapidated house on Lovers Lane/Phelps Street is being worked on to allow the fire department to burn. The house on Powell Street has been completely rehabbed by the property owner Mr. Zellner. Mrs. Banks thanked Mr. Zellner for the work that he did on his house.
- If I Were Mayor essay contest had 59 essays submitted by Monroe County school students and all will get a certificate from GMA for participating. Mrs. Banks stated that she would like to see a winner from Monroe County even if GMA does not award one and have that winner work with the Mayor during the second meeting in April
- Began reviewing the applications submitted for the Downtown Development Director position.
- The application for the Assistance to Firefighters grant is due.

MR. CALLOWAY

Mr. Calloway reviewed invoices totaling over \$500 for each vendor and offered a motion to approve the water department committee totals of \$16,364.19 and the electric department committee totals of \$4,831.79. Seconded by Mr. Wilson, 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 \$4,725.80, the court department committee totals of \$19.68, and the telecommunications department committee totals of \$57.65. Seconded by Mrs. Banks, the motion carried unanimously.

Mr. Hansford stated that an administrative and telecommunications committee meetings will be set soon.

MR. WILSON

Mr. Wilson reviewed invoices totaling over \$500 for each vendor and offered a motion to approve the police department committee totals of \$2,772.26 and the fire department committee totals of \$2,102.94. Seconded by Mr. Calloway, the motion carried unanimously.

Mr. Wilson thanked both chiefs for attending the council meeting.

Mr. Wilson stated that we are buying three new police cars from the local Ford dealership. Mr. Wilson stated that Chief Corley is working on getting the segway.

Mr. Wilson reminded everyone of the standing public safety committee meeting next Wednesday at 10:00 am.

MR. LAWRENCE

Mr. Lawrence offered a motion to approve the cemetery department committee totals of \$58.08 and the recreation department committee totals of \$33.95. Seconded by Mr. Hansford, the motion carried unanimously.

Mr. Lawrence stated that he would like to name the walkway at the Country Club Park and the walkway behind the elementary school after Mrs. Jo Shipman. Mr. Lawrence stated that he would bring additional information to council.

Mr. Lawrence stated that he is forming an advisory board for the parks and recreation committee.

CITY CLERK REPORT

Mrs. Hall reminded everyone that she needs the GMA convention registration forms this Friday so she can make the online registrations and reservations Tuesday morning.

CITY ATTORNEY REPORT

Mr. Melton stated that Mr. Query did a lot of work when he was on council with the If I Were Mayor contest.

Mr. Melton stated that he is working on the Railroad Avenue easements

Mr. Melton stated that Mr. Bentley Cox is to reinspect the houses that deadlines were given but work has not been done or completed.

ADDITIONAL OLD BUSINESS AND NEW BUSINESS

Mayor Howard stated that signage has been received signifying Forsyth as a Tree City.

Mayor Howard recognized the Monroe Leadership Class members in attendance.

Motion for executive session made earlier in the meeting. Council adjourned into executive session at 9:30 pm.

Mayor Howard called the meeting back into open session at 9:45 pm.

Mrs. Banks offered a motion to advertise the code enforcement officer position. Seconded by Mr. Dodd, the motion carried unanimously.

There being no further business to discuss, the meeting was adjourned at 9:50 pm.

Submitted by:

Janice L. Hall, City Clerk