

MINUTES

FORSYTH CITY COUNCIL MEETING

APRIL 5, 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. Calloway 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 MARCH 15, 2011 COUNCIL MEETING

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

APPEAL HEARING ON THE DENIAL OF A BEER AND WINE ALCOHOL PACKAGE LICENSE FOR PANSY'S – OWNER TONIA MAYS

Mr. Melton reviewed that this is an appeal hearing of the March 1, 2011 public hearing wherein council denied the application of Mrs. Tonia Mays for a beer and wine package license for Pansy's at 140 Powerhouse Road. Mr. Melton stated that notice was sent to Mrs. Mays of her appeal rights and she is here tonight to exercise those rights.

Mrs. Mays stated that she wishes to appeal the denial of the application of the beer and wine package license and polled each council member individually as to their reason for voting against the alcohol license.

Mr. Dodd stated that the license was not in the best interest of the community in that area. Mrs. Mays stated that Jonah's on Johnston serves alcohol on the sidewalk in front of their restaurant and it is next door to a Karate School that has children that attend the classes and asked Mr. Dodd what the difference is. Mr. Dodd stated that Jonah's is a restaurant and in the downtown area. Mr. Dodd stated that he is familiar with the project all along and aware of what was said during the variance meetings regarding her business.

Mrs. Banks stated that the minutes reflect that the store would not sell alcohol and that the requirements set by Planning & Zoning to their variance have not been met.

Mr. Calloway stated that Mr. Mays was asked twice about whether or not alcohol would be sold at the store and he stated on both occasions that it would not.

Mr. Hansford stated that the minutes reflect that the store would not sell alcohol.

Mr. Wilson stated that he is not opposed to alcohol and the City has ordinances and regulations that cover alcohol but a variance was given with conditions that no application would be submitted for alcohol. Mrs. Mays stated that there were no conditions given.

Mr. Lawrence stated that the people that came to the public hearing were against the approval of the alcohol license and when that many people are against something and show up to voice their opposition he must vote their wishes. Mr. Lawrence stated that he was elected to work for all citizens. Mrs. Mays made derogatory comments against Mr. Lawrence and stated that she is being denied an alcohol license because of her race.

Mr. Melton stated that council must vote to either reverse or affirm their decision to deny the beer and wine package license application submitted by Mrs. Mays.

Mr. Dodd offered a motion to affirm the decision and uphold the denial of the beer and wine application for Pansy's. Seconded by Mr. Hansford, the motion carried unanimously.

Mr. Don Bonner, resident of Lakeside Drive, asked when this matter can be brought back before city council. Mr. Melton stated that this decision ends the discussion and that there are no further appeals. Mr. Bonner asked when another application can be submitted for approval and Mr. Melton stated that there is nothing in the Code which states a timeframe for a new application. Mr. Bonner stated that he is afraid that another application will come in and the citizens will not be aware of the application and that council will look at that as the citizens are not opposed and that is not the case. Mr. Melton stated that all applications are advertised.

NOTIFICATION OF PUBLIC HEARING FOR VARIANCE REQUEST RECEIVED FROM RALPH BASS

Mrs. Hall stated that a variance request for Mr. Ralph Bass will come before council at the next meeting. Mrs. Hall stated the matter has been to Planning & Zoning Commission and is a variance for the setback requirements for an accessory building.

CHARLES LANFORD – HIRING PRACTICES

Mr. Lanford was not present for the meeting.

GORDON DEWBERRY- CONDITION OF SIDEWALKS AND STREET ON JONES STREET

Mr. Gordon Dewberry, 69 Jones Street, came before council to present a petition signed by the residents of Jones Street regarding the condition of the street and sidewalk on Jones Street. Mr. Dewberry reviewed the problems with the roadway especially when it rains and water stands in the road due to poor drainage into the storm drainage system. Mayor Howard thanked Mr. Dewberry for coming before council and bringing the matter to everyone's attention.

APPROVAL OF TEMPORARY ALCOHOL LICENSE FOR CHAMBER OF COMMERCE FOR APRIL 16, 2011

Mr. Dodd offered a motion to approve the temporary alcohol license for the Chamber of Commerce for April 16, 2011. Seconded by Mr. Hansford, the motion carried unanimously.

APPROVAL OF ENGINEERING FEE FOR VARIOUS PROJECTS TO USE DOC INMATE LABOR

Mrs. Hall stated that the projects listed by the engineer are the projects revealed to require engineering before the DOC inmates can do the labor work. Mrs. Banks offered a motion to approve the engineering fees for the DOC projects. Mr. Dodd seconded the motion. Mrs. Banks asked why the engineering was not bid out. Mrs. Hall explained the HHNT is the engineering firm appointed by council during the first meeting of each year and due to the short timeframe before the inmates are moved from Forsyth. After a short discussion regarding the project engineering not being bid out and the wording of the agreement showing “estimated fee”, Mrs. Banks amended her motion to approve the agreement with a “not-to-exceed” amount for each project rather than the “estimated fee”. Mr. Dodd seconded the amended motion. The motion carried unanimously.

APPROVAL OF ENGINEERING FEE FOR TIMBERLAKE MINISTRIES/HWY 83 NORTH WATER PROJECT

Mr. Dodd offered a motion to approve the engineering fee agreement with a not-to-exceed amount of \$6,000 rather than the estimated fee wording. Seconded by Mrs. Banks, the motion carried unanimously.

APPROVAL OF AMENDED ENGINEERING FEE FOR THE TRADEWINDS/HWY 83 SEWER PROJECT

Mr. Wilson offered a motion to approve the engineering fee agreement with a not-to-exceed amount of \$12,500 rather than the estimate fee wording. Seconded by Mr. Lawrence, the motion carried unanimously.

APPROVAL TO ADVERTISE A BEER AND WINE POURING LICENSE FOR THE 50/50 CLUB LOCATED AT 50 S. JACKSON STREET

Mr. Calloway offered a motion to advertise the beer and wine pouring license for the 50/50 Club located at 50 South Jackson Street. Seconded by Mrs. Banks, the motion carried unanimously.

DISCUSSION ON GEFA WATER METER GRANT PROJECT AND ELECTION TO NOT PARTICIPATE

Mr. Calloway offered a motion not to participate in the GEFA Water Meter Grant Project. Seconded by Mr. Dodd, the motion carried unanimously. Mrs. Banks stated that hopefully the money can be used for other more important projects.

ELECTRIC CITIES OF GEORGIA ANNUAL MEETING REPORT

Mayor Howard reviewed the annual Electric Cities of Georgia meeting he recently attended. Mayor Howard stated that GE presented a program on their metering package during the meeting. Mayor Howard stated that he, Commission Chairman James Vaughn, and DOC Commissioner Brian Owens made a presentation on the impact of the DOC moving their offices to Forsyth.

COMMITTEE REPORTS

MR. DODD

Mr. Dodd reviewed invoices totaling over \$500 for each vendor and offered a motion to approve the street department committee totals of \$12,430.79. Seconded by Mr. Calloway, the motion carried unanimously.

Mr. Dodd reviewed invoices totaling over \$500 for each vendor and offered a motion to approve the garage department committee totals of \$4,432.15. 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 \$1,780.59. Seconded by Mr. Dodd, the motion carried unanimously.

Mrs. Banks stated that work continues on the bidding process for the dilapidated houses and that an additional 12 houses has been added to the list. Mrs. Banks asked that a report be made to council at the next council meeting on the status of all the properties.

Mrs. Banks stated that the fire department uses an application when burning a house for training and has passed a copy of that application on to the City Attorney for review to see if something similar can be used on the dilapidated houses.

Mrs. Banks thanked Mr. Willie Wright for the work he has spearheaded at the blue block house on Powell Street and also thanked Kynette Church for volunteering to clean up the vacant lot on Sharp Street.

Mrs. Banks stated that the noise ordinance is ready for review by the public affairs committee.

Mrs. Banks stated that the CDBG application was submitted last week and that our demographics work against the city with the application but submitted a good application in spite of that.

The RFP's submitted will be reviewed by the public affairs committee at their next meeting.

Mrs. Banks stated that the finalist names for the BHT Director have been made public.

Mrs. Banks stated that April 18th – 22nd is Georgia Cities Week and the City will be honoring Mr. Jim Cole on April 19th for his contributions to the City. A reception in his honor will be held at Aldermen Hall from 3:00 pm until 5:30 pm. Mrs. Banks stated that the local winner of the If I Were Mayor contest will be present for the April 19th council meeting.

MR. CALLOWAY

Mr. Calloway reviewed the damage from the storm last night and commended the electric department for their work in restoring power after the storm.

Mr. Calloway offered a motion to move forward with the GEFA application for rehabilitation of the Boxankle Plant, to amend the agreement with Elmo Richardson for engineering of the Boxankle Plant rehab, and to move forward with the \$7,500 study of the Towaliga River withdrawal permit. Seconded by Mr. Dodd, the motion carried unanimously.

Mr. Calloway reviewed invoices totaling over \$500 for each vendor and offered a motion to approve the water department committee totals of \$25,642.99 and the electric department committee totals of \$13,482.36. Seconded by Mr. Dodd, 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 \$2,952.68 and the cable department committee totals of \$13,739.71. Seconded by Mr. Dodd, the motion carried unanimously.

MR. WILSON

Mr. Wilson reviewed invoices totaling over \$500 for each vendor and offered a motion to approve the police department committee totals of \$6,039.48 and the fire department committee totals of \$725.40. Seconded by Mr. Hansford, the motion carried unanimously.

Mr. Wilson commended both the police and fire departments for their work during and after the storm last night.

MR. LAWRENCE

Mr. Lawrence offered a motion to approve the parks/recreation/cemetery department committee totals of \$832.61. Seconded by Mr. Calloway, the motion carried unanimously.

Mr. Lawrence stated that the Tree Board will tour the city next week to find trees that need to be removed.

Mr. Lawrence stated that he is working with the Board of Education, Hospital Board, and County Commissioners to set a meeting to discuss possible assistance from each entity with the cost of the swimming pool.

Mr. Lawrence stated that a child had an accident at the City Park last week and repairs are being made on that piece of equipment along with other pieces of equipment that need to be repaired and/or replaced.

CITY CLERK REPORT

Mrs. Hall stated that she has received information from the Census Bureau on how to challenge the census count and when that challenge can be made. Mrs. Hall stated that she has also contacted MGRC for assistance in submitting the challenge as they assisted the city in the challenge of the 2000 census count.

CITY ATTORNEY REPORT

Mr. Melton stated that he has begun the review of the application used by the fire department.

Mr. Melton stated that a variance for a sign will be coming before council at the May 3rd council meeting. Mrs. Hall stated the variance is for the Medical Mall to install a monument sign at the entrance to the Medical Mall off Lee Street.

ADDITIONAL NEW BUSINESS

Mayor Howard stated that he attended a meeting yesterday where the Executive Director for the Governor thanked the City of Forsyth and Monroe County for their work in the Work Ready Program.

Mayor Howard stated that the parks looked good this past weekend but we must work daily to maintain all of the parks.

Mr. Dodd reviewed the traffic pattern change submitted by G-DOT which would remove the left turn lane from Main Street onto South Jackson and make it a "No Left Turn".

Mr. Dodd stated that two projects will be submitted for the Transportation Tax Projects and they are the widening of Montpelier Road and an underpass for the railroad on Jackson Street.

Mr. Dodd stated that any projects submitted are contingent upon the tax being approved by the voters. Mr. Dodd requested that council hold an annual retreat to follow-up on the retreat held at this time last year to review all projects.

Mrs. Banks asked if a response had been sent to the Community Improvement Coalition on their request for assistance from the police department during their summer camp and Chief Corley stated that he would get with Mrs. Lucear and arrange whatever type assistance they needed.

EXECUTIVE SESSION

Mr. Calloway offered a motion to adjourn into executive session to discuss personnel matters and pending litigation. Seconded by Mr. Dodd, the motion carried unanimously and council adjourned into executive session at 8:20 PM.

ADJOURN

There being no further business to discuss, the meeting was adjourned at 9:05 PM.

Submitted by:

Janice L. Hall, City Clerk