

MINUTES

FORSYTH CITY COUNCIL MEETING

FEBRUARY 21, 2012

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. Mr. Lawrence gave the invocation.

ROLL CALL

Present for the meeting was Mayor John Howard, Councilman Mike Dodd, Jo Anna Banks, James Calloway, Eric Wilson, and Melvin Lawrence. Also present was City Attorney, Bobby Melton; City Administrator, Thomas White; and City Clerk, Janice Hall.

Councilman Desi Hansford was unable to attend the meeting; therefore, all unanimous votes will be five (5) votes (Dodd, Banks, Calloway, Wilson, and Lawrence).

APPROVAL OF MINUTES OF THE FEBRUARY 7, 2012 COUNCIL MEETING

Mrs. Banks offered a motion to approve the minutes of the February 7, 2012 council meeting as written. Seconded by Mr. Lawrence, the motion carried unanimously.

PAT CORLEY – REQUEST PERMISSION TO CLOSE JOHNSTON STREET FROM LEE TO JACKSON STREETS ON APRIL 19, 2012 FOR NOODLES FOR POODLES

Ms. Pat Corley, Save-A-Pet, came before council to request permission to close Johnston Street from Lee Street to Jackson Street for the 9th year of the Noodles for Poodles fund raiser for Save-A-Pet. Ms. Corley stated that in addition to closing the street, they are also asking for the platform and electricity as in previous years. Ms. Corley stated that the events for the evening of April 19th will include a band, raffle, silent auction, and pasta dinners sponsored by Grits Café. Ms. Corley stated that Save-A-pet needs \$310,000 to build a new shelter for the animals. Mr. Dodd offered a motion to approve the request. Seconded by Mr. Lawrence, the motion carried unanimously.

APPROVAL OF TEMPORARY ALCOHOL LICENSE FOR SAVE-A-PET FOR APRIL 19, 2012 ON JOHNSTON STREET FOR NOODLES FOR POODLES EVENT

Mrs. Hall stated that Ms. Corley submitted an application today for the temporary alcohol license and a copy of the application has been added to council packets. Mr. Wilson offered a motion to revise the agenda to include the approval of the temporary alcohol license for the Noodles For Poodles event for April 19, 2012. Seconded by Mr. Dodd, the motion to amend the agenda carried unanimously.

Mr. Wilson offered a motion to approve the temporary alcohol license for Save-A-Pet for April 19, 2012 for Johnston Street between Lee Street and Jackson Street. Seconded by Mr. Dodd, the motion carried unanimously.

APPROVAL OF MEMORANDUM OF AGREEMENT WITH MIDDLE GEORGIA REGIONAL COMMISSION FOR 2012

Mr. White reviewed the projects included in the Memorandum of Agreement between the City and the Middle Georgia Regional Commission. Mrs. Banks offered a motion to approve the agreement for 2012. Seconded by Mr. Dodd, the motion carried unanimously.

MAGGIE JACKSON

Ms. Jackson was not present for the meeting.

AWARD CONTRACT FOR TERMITE TREATMENT AND INSPECTIONS FOR ALL CITY BUILDINGS

Mr. White reviewed bids received and the spreadsheet he provided to council comparing all bids. Mr. White stated that some bid as a spot treatment and some as a liquid treatment. Mrs. Banks stated that this was originally bid out some time ago as pest and termite treatments, but with the hiring of a maintenance person, the pest treatment was removed to be completed in-house. Mr. Wilson stated that when bids are advertised we must let the bidders know exactly what we are looking for so that when bids come in they can be easily compared. There was discussion regarding rebidding this once again and Mrs. Banks stated that if this goes out for bid again it would be the third time. Mr. Lawrence stated that if rebid again must request sealed bids and set a date for the bid opening. Mr. White stated that sealed bids were received and the bids were opened during the Public Affairs Committee meeting. Mrs. Banks offered a motion from the public affairs committee to award the bid to J&J Pest and Termite Control. Mr. Dodd seconded the motion. Mrs. Hall stated that J&J Pest and Termite Control bid on six buildings only as they already have two of the city buildings under contract for termite inspection and the initial cost for each building is \$750 with an annual renewal of \$175 per building. The motion carried unanimously.

AWARD ENGINEERING SERVICES FOR SHARP STREET SEWER LINE REPLACEMENT PROJECT

Mr. White stated the bid opening for this project was held on Friday. All companies submitting a proposal were notified of the bid opening date but only three of the five companies were represented at the bid opening. Mr. Calloway offered a motion to award the bid to R. J. Wood and Company with the low bid of \$3,850. Mr. Lawrence seconded the motion. Mr. Dodd asked how this project was advertised and Mr. White stated that Mr. Alvin Randall and Mr. Patrick Wright contacted five engineering firms and walked the sewer line with a representative from each company. Mr. Dodd stated that this is an invalid bid basis. Mr. Calloway stated that sealed bids were received and opened during an advertised bid opening with the firms present. Mr. Dodd asked to see the specifications provided to the firms and Mr. White stated that the bid is for engineering services to write the specs for the project. Mr. Wilson stated that although he does not agree with it, the City Ordinance does not require advertisement of professional

services. Mr. White stated that council votes each year in January to appoint a city engineer which has been Hodges, Harbin, Newberry & Tribble for the last several years; however, they have notified the City that they will not be taking on any new city projects. Mr. Melton reviewed the requirements of procurement of bids and professional services are not required to be bid. Mr. Dodd stated that this was not advertised and is not a proper notification of bids. Mrs. Banks asked if there is a possibility of land disturbance permit being required as only one of the bids listed this as part of their bid and Mr. White stated that this cost is included in the other bids but not listed separately. Mayor Howard stated that if there is a problem with the bid he does not want any conflict to come up later and that he will get involved in the bidding process to ensure that the proper process is being followed. Mrs. Banks asked if all companies were informed of the bid amounts and Mrs. Hall stated that they were as this was an open bid opening and the bids were called aloud. Mr. Wilson asked Mr. Melton for his legal counsel and Mr. Melton stated that this might be a question as to whether bid out correctly. Mr. Wilson asked if it is appropriate for council to vote on this with the questions surrounding the bidding process and Mr. Melton stated that it depends on how the notice was given out. Mr. Melton stated that there is a cross-section of bids received but need to narrow down how the companies were notified. Mr. Calloway offered a motion to award the bid to R. J. Wood and Company as the lowest bid. Mrs. Banks seconded the motion. Mr. Dodd asked if this is a not to exceed amount and Mrs. Hall stated that the bid states \$1,000 lump sum payment plus \$2,850 for survey work from Steve Coleman & Associates without markup from R.J. Wood. The motion carried with four (4) votes for (Banks, Calloway, Wilson, and Lawrence) and one (1) vote against (Dodd).

APPROVAL TO ADVERTISE AMENDMENTS TO CHAPTER 12 OF THE CITY CODE TO ADD PROVISIONS FOR PRECIOUS METALS AND GEM DEALERS

Mr. White reviewed that we currently have four gold buying businesses in town and gold is increasing in price. Mr. White stated that gold is being stolen and taken to gold buying businesses to receive money for the stolen items. Mr. Melton stated that Monroe County is reviewing this same type ordinance. Mr. Melton stated that this ordinance requires registration of the business owner, the recording of items received, and the requirement to hold items for a specified period in an attempt to make it harder for thieves to get rid of stolen items. Mr. Wilson offered a motion to advertise the amendments to Chapter 12 of the City Ordinance. Mrs. Banks seconded the motion and stated that Major Dennis Piper did the work on this ordinance and brought this before the public affairs committee and the committee recommends moving forward with the adoption of these amendments once advertised. The motion carried unanimously.

ACCEPTANCE OF RETAINER AGREEMENT WITH JKF MEDIA SERVICES AS BROKER FOR CABLE SYSTEM SALE

Mayor Howard stated that he wants to clarify that the City is putting the system on the market just to see if there is any interest in purchasing the system and if so, if it is a reasonable offer. Mayor Howard stated that the elderly citizens and those on fixed incomes must be considered in any discussions to sell the cable system. Mr. Melton reviewed the suggested changes that he had made to the retainer agreement and provided those suggestions to Mr. Faircloth who has accepted all changes proposed by Mr. Melton. Mr. Melton will provide a final draft for approval. Mr. Wilson stated that council is spending money to see if any interest in the system exists but if council is not willing to sell then money is being spent without a purpose. Mayor Howard stated that if council decides to keep the system then need to spend money to upgrade the system but if not keeping the system, council needs to at least find out if there is any interest in purchasing the system. Mrs. Banks offered a motion to accept the retainer agreement as amended to include the City Attorney's recommendations. Mr. Calloway seconded the motion. Mr. Melton stated that by agreement, if the system were not sold the only cost to the City would be actual expenses incurred by Mr. Faircloth because his fee is based on the price of the sell. Mr. Lawrence thanked Mayor Howard for his explanation of this agreement. The motion carried with four (4) votes for (Banks, Calloway, Wilson, and Lawrence) and one (1) vote against (Dodd).

APPROVAL OF ACCOUNTS PAYABLE INVOICES

Mrs. Hall stated the accounts payable invoices for approval total is \$412,124.34. Mr. Wilson offered a motion to approve the accounts payable invoices. Seconded by Mr. Lawrence, the motion carried unanimously.

COMMITTEE REPORTS

MR. LAWRENCE

Mr. Lawrence offered the following report from the parks/recreation/cemetery committee:

- Committee meeting tomorrow at 10:00 am
- Refurbishing the pool at Kynette Park is being study
- Thanked Mrs. Banks for attending the Arbor Day celebration and reading the proclamation on February 17th; donations of \$350 were received during the event; tree seedlings were given out before the ceremony
- Additional benches will be ordered for Country Club Park for the walking trail

MR. WILSON

Mr. Wilson offered the following report from the public safety committee:

- Next regularly scheduled meeting will be March 6th at 3:30 pm

- Mr. Wilson had to leave the meeting; therefore all unanimous votes for the remainder of the meeting will be four (4) votes (Dodd, Banks, Calloway, and Lawrence)

MR. CALLOWAY

Mr. Calloway offered the following report from the public utilities committee:

- Mr. Calloway offered a motion to waive the tap fees for the new county administrative building for water and sewer and charge the county for the material only for the taps. Seconded by Mrs. Banks, the motion failed with three (3) votes for (Banks, Calloway, and Lawrence) and one (1) abstention (Dodd) due to not agreeing to give away city property or services.

MRS. BANKS

Mrs. Banks offered the following report from the public affairs committee:

- Reapplying for the Tiger Grant for additional funding for Streetscape Phase III
- Committee recommends moving forward with the annexation of all unincorporated islands that were established prior to 1991. Mrs. Banks asked for clarification from Mr. Melton if the public hearings can be broken in to several hearings and only one vote taken after all public hearings have been completed. Mr. Melton asked if it would be something like 20 parcels at a time and Mrs. Banks stated that she proposes one vote for all 100 parcels with the public hearings separated in to possibly 1/3 of the parcels at a time. Mr. Melton stated that a general motion would be okay but the advertisements would have to specify which parcels for which public hearing. Mrs. Banks offered a motion to move forward with the annexation of unincorporated islands in existence prior to 1991. Seconded by Mr. Dodd, the motion carried unanimously.

MR. DODD

Mr. Dodd offered the following report from the public works committee:

- Still working on finalizing the survey company for Streetscape Phase III
- Some correspondence has finally been received from the engineering department with Norfolk Southern. Mayor Howard stated that Commissioner Owens wants to meet with him in the near future to discuss the project
- The Methane Gas project is complete and the methane is being captured; need to approach EPD for permission for an inert landfill at the Old Brent Road Landfill

CITY ADMINISTRATOR REPORT

Mr. White offered the following report:

- The corner plaque for the Public Safety Complex building is in place and a date for the official unveiling ceremony needs to be set
- Two main trucks down – one fire truck with a blown engine and the boom truck is also down

CITY CLERK REPORT

Mrs. Hall offered the following report:

- Reviewed changes at the Chamber and changes made to the Forsythia Festival events; council previously approved closing ½ of Jackson Street at noon on Friday, March 9th but due to stage needing to be set up by 1:00 pm when the food vendors will start setting up, the Forsythia Festival Committee would like permission to block off parking spaces during the early morning hours of Friday morning and close the street completely at noon from Main Street to Johnston Street. Mr. Dodd offered a motion to approve the request. Seconded by Mr. Lawrence, the motion carried unanimously with council requesting that a personal contact be made to each of the businesses affected to notify them of the street closing.
- Business-To-Business is the Business After Hours for the Forsythia Festival and will be held on Tuesday, March 6th beginning at 5:30 so the work session for that night will be cancelled
- Reviewed all events for the Forsythia Festival
- The Chamber had to cancel the Gala event which they had previously received a temporary alcohol license for. The Chamber has submitted an application for a temporary alcohol license for March 9th during the BHT concert as a fund raiser for the Chamber and BHT. Mrs. Hall stated that this request was just made today and additional discussion must be held on this before a decision is made but there would not be sufficient time to obtain the State license if the Chamber waited to bring this before council at the next meeting. Mr. Dodd offered a motion to approve the temporary alcohol license for the Chamber for March 9th on Jackson Street provided that due diligence is done to ensure this can be done with the short timeframe before the event. Seconded by Mr. Lawrence, the motion carried unanimously.
- Reminded everyone that Early Voting is being held until the Friday before Election day which is March 6th and encouraged everyone to go to the polls and vote for the SPLOST Referendum

CITY ATTORNEY REPORT

Mr. Melton had nothing further to report.

MAYOR'S REPORT

Mayor Howard stated that he has heard talk that the City employees are working for free and that the City employees are not being treated fairly. Mayor Howard stated that he entered office without a budget and an emergency budget had to be adopted by February 3rd. Mayor Howard stated that Mr. White and Mrs. Hall were given instructions to balance the budget and everyone understood that changes could be made to the budget throughout the year. Mayor Howard stated that no special instructions were given to them except to bring back a balanced budget, which they did. Mayor Howard stated that a part of balancing the budget was to cutout overtime. Mayor Howard stated that all justifiable overtime must

be paid and that city employees do not want to work special events because they will not receive pay for that overtime. Mayor Howard stated that the City must pay their employees. Mayor Howard stated that while in office he hopes to continue to make life better for employees and staff.

ADDITIONAL BUSINESS

Mrs. Banks reminded everyone of the public meeting at Alderman Hall February 27th at 5:30 pm to discuss the City and County SPLOST projects.

ADJOURN

Mr. Lawrence offered a motion to adjourn. Seconded by Mrs. Banks, the motion carried unanimously and the meeting was adjourned at 8:25 pm.

Submitted by:

Janice L. Hall, City Clerk