

## **MINUTES**

### **FORSYTH CITY COUNCIL MEETING**

**JUNE 5, 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, Councilmembers Mike Dodd, Jo Anna Banks, James Calloway, Desi Hansford, Eric Wilson, and Melvin Lawrence. Also present was City Attorney, Bobby Melton; City Administrator, Thomas White; and City Clerk, Janice Hall.

All unanimous votes will be Dodd, Banks, Calloway, Hansford, Wilson, and Lawrence.

#### **APPROVAL OF MINUTES OF THE MAY 15, 2012 COUNCIL MEETING**

Mr. Wilson offered a motion to approve the minutes of the May 15, 2012 council meeting as written. Seconded by Mr. Hansford, the motion carried unanimously.

#### **RECOGNITION OF PACK 51 CUB SCOUTS**

Mayor Howard read the Certificate of Appreciation and presented each Scout with a Certificate of Recognition for their work in Country Club Park.

#### **PUBLIC HEARING FOR BEER AND WINE PACKAGE LICENSE FOR PANSY'S CORNER STORE – 140 POWERHOUSE ROAD – APPLICANT TONIA G. MAYS**

Mr. Melton stated that this matter first came before council on May 15<sup>th</sup>; has been properly advertised in the May 23<sup>rd</sup> and May 30<sup>th</sup> issues of the Reporter; and is before council tonight for a public hearing for a beer and wine package license at 140 Powerhouse Road. Mayor Howard opened the public hearing for comments for or against the approval of the package license. Mayor Howard stated that this is the third time this matter has come before council and if this is within legal boundaries, there should not be a problem with the approval.

**Mrs. Tonia Mays** – owner of the business - came before council and stated she received the information packet for the license, is a law abiding citizen, passed the background

check, and is beyond the distance required by law from a school or church. Mrs. Mays asked council to do the right thing.

Mr. Walter Mays – owner of the business – came before council and stated that it was previously said that he would not sell beer or wine at his store and wanted to explain when and why this was said. Mr. Mays stated that he was talking with Mrs. Rosemary Walker at the time, and she made the statement that his business was too close to the church to sell alcohol and he responded to her statement that then he would not sell alcohol.

Mr. James Green stated that he has attended both other hearings on this request and that all statements made were about things other than the legal aspect of the approval. Mr. Green stated this is a family business and that the community surrounding the store thought that people would be walking around with beer in the community. Mr. Green asked council to vote what is right and lawful.

Don Bonner – 69 Lakeside Drive – came before council and stated that this request has been turned down twice; that it is on record that Mr. Mays stated he would not sell alcohol; that a variance was given to build the building after it was stated he would not sell alcohol; and stated that it is council's responsibility to protect the community.

Mr. Jack Barker – came before council and stated that he is a retired highway patrolman of 34 years and hates drunks and beer joints; feels if a drivers license is given under false pretense and the license is revoked it should be the same with a business that is given under false pretense.

Mr. Chris Hewett – came before council and stated that he was on council when voted on the variance and Mr. Mays stated then that he would not sell alcohol.

Hearing no further comments for or against the approval of the license, Mayor Howard closed the public hearing. Mr. Dodd offered a motion to deny the application for a beer and wine package license. Seconded by Mr. Lawrence, the motion carried with five (5) votes for (Dodd, Banks, Hansford, Wilson, and Lawrence) and one (1) against (Calloway).

### **WILLIAM CALLOWAY**

Mr. William Calloway came before council and stated that if the council meeting is not the place to ask questions he would like to know where he is to go to ask questions.

Mr. Calloway stated that he asked questions about the park and was told what needed to be done to reserve the park and passed that information on to those that are using the park. Mr. Lawrence reviewed the work at Kynette Park. Mr. Calloway stated that when he made a comment during a previous council meeting, he was told that council did not have to answer his question. Mayor Howard explained that he told him that it was not the time for that question because he asked the question during a public hearing on a different matter. Mr. Calloway stated he attends the council meeting to speak for the children and not to argue with anyone. Mr. Wilson thanked Mr. Calloway for attending the meeting and stated that he is always glad to answer any questions.

**PUBLIC HEARING TO AMEND SECTIONS 21-21 AND 21-22 OF DIVISION 1 OF ARTICLE II OF CHAPTER 21 OF THE CITY CODE**

Mr. Melton reviewed that this matter first came before council on May 1, 2012; has been properly advertised in the May 23<sup>rd</sup> and May 30<sup>th</sup> issues of the Reporter; and is before council tonight for approval to amend the sections relating to safety precautions and to adopt the DOT standards. Mayor Howard opened the public hearing for comments for or against the adoption of the amendments; hearing no comments, Mayor Howard closed the public hearing. Mr. Dodd offered a motion to amend Section 21-21 and 21-22 of Chapter 21 of the City Code. Mr. Lawrence seconded the motion. Mr. Dodd stated that this is to clear up the language regarding safety as the current ordinance calls for a burning red light and to change the language to require the permittee to repair the road cut rather than the city repairing and then charging the permittee for the cost. The motion carried unanimously (voting in the affirmative were Dodd, Banks, Calloway, Hansford, Wilson, and Lawrence).

**PUBLIC HEARING TO AMEND SECTION 20-37 OF ARTICLE III OF CHAPTER 20 OF THE CITY CODE**

Mr. Melton reviewed that this matter first came before council on May 1, 2012; has been properly advertised in the May 23<sup>rd</sup> and May 30<sup>th</sup> issues of the Reporter; and is before council tonight to correct a typographical error in 20-37(a) and to add additional items considered to be littering. Mayor Howard opened the public hearing for comments for or against the adoption of the amendments; hearing no comments, Mayor Howard closed the public hearing. Mr. Dodd offered a motion to approve the amendments to

Section 20-37 of Chapter 20 of the City Code. Mr. Hansford seconded the motion. Mrs. Banks read a portion of O.C.G.A. 44-7-55, which relates to property placed on the sidewalk during the eviction process. There was a lengthy discussion regarding the requirements of this law and that the amendment to this ordinance is adding items that the city will not pickup. Mr. Melton stated that he did not research the Georgia Law that Mrs. Banks is referring to and recommended not voting and allowing time for additional research. There was additional discussion regarding the need to readvertise if change language from what was previously advertised. Mr. Melton stated that it could be added “unless conflicts with State law” and that would not require additional advertising. Mr. Dodd offered a motion to approve the amendments to Section 20-37 of Chapter 20 of the City Code and to include unless conflicts with State law to Section 20-37(b). Seconded by Mr. Wilson, the motion carried unanimously (voting in the affirmative were Dodd, Banks, Calloway, Hansford, Wilson, and Lawrence).

#### **APPROVAL OF ACCOUNTS PAYABLE INVOICES**

Mrs. Hall stated the accounts payable invoices for approval total \$231,635.91 for the operating accounts and \$13,330.83 for SPLOST and grant accounts. Mr. Hansford offered a motion to approve the accounts payable as presented. Seconded by Mr. Lawrence the motion carried with five (5) votes for (Banks, Calloway, Hansford, Wilson, and Lawrence) and one (1) abstention (Dodd who stated that he abstained due to the possibility that invoices for his business could be in those for approval).

#### **COMMITTEE REPORTS**

##### **MR. LAWRENCE**

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

- Kynette Park project; lights are being installed this week; contractor has been selected for the paving of the parking lot and basketball courts
- Working on purchasing new benches for Country Club Park and for cigarette cans on the square

##### **MR. WILSON**

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

- The regularly monthly meeting was cancelled for today and will be rescheduled if needed

### **MR. HANSFORD**

Mr. Hansford offered the following report from the administrative/telecommunications committee:

- Mr. Faircloth is working on prospects to come and view the cable system for a potential purchase offer
- Administrative committee meeting will be Thursday at 5:30

### **MR. CALLOWAY**

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

- Requested all council members provide him with 3 or 4 firms for the engineering proposals by this Friday
- Received calls regarding the change to the pickup items in the ordinance just passed and Mr. Dodd suggested that 30 day grace period be given

### **MRS. BANKS**

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

- City applied for a CDBG grant last year but did not receive funding; reapplying for similar grant this year through the USDA and application is due June 25<sup>th</sup>.
- Asked the council provide her with dates for a Hometown Connection meeting with State representatives for sometime this summer

### **MR. DODD**

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

- Mr. Dodd offered a motion that the effective date of the amendments to Chapter 20 be July 5<sup>th</sup> to allow time to write a garbage and yard waste policy and make available to citizens and to include the changes in the city utility bills. Mr. Wilson seconded the motion. Mr. Wilson asked if the 30-day grace period applies only to the new items and Mr. Melton stated that the ordinance is already in existence so grace period only applies to the new items. The motion carried unanimously (voting in the affirmative were Dodd, Banks, Calloway, Hansford, Wilson, and Lawrence).

- Mr. Dodd offered a motion to set the street cut fee at \$50. Mr. Hansford seconded the motion. Mr. Dodd stated that the fee is currently \$250 but the amendment to the ordinance will shift the burden of the cost to the contractor. The motion carried unanimously (voting in the affirmative were Dodd, Banks, Calloway, Hansford, Wilson, and Lawrence).
- Committee meeting tomorrow at 10:00 am
- Mrs. Banks stated that there is no centerline on Johnston Street from Lee Street to Kimball Street and that the large pot holes on Railroad Avenue need to be filled until the resurfacing project is started

#### **CITY ADMINISTRATOR REPORT**

Mr. White had nothing further to report.

#### **CITY CLERK REPORT**

Mrs. Hall had nothing further to report.

#### **CITY ATTORNEY REPORT**

Mr. Melton stated that the first meeting in July falls on July 3<sup>rd</sup>, which is the day of the city fireworks and urged council to appoint a records custodian as required by the new Open Records/Open Meetings law. Mr. Melton stated that all requests would be submitted to this custodian. Mayor Howard stated that he has discussed this and as the Charter stated the City Clerk is to maintain the records it would only make sense that this person is the one to be the records custodian. Mr. Hansford offered a motion to appoint the City Clerk as the Records Custodian. Seconded by Mr. Calloway, the motion carried unanimously (voting in the affirmative were Dodd, Banks, Calloway, Hansford, Wilson, and Lawrence). There was a discussion regarding a date and time to change the July 3<sup>rd</sup> council meeting to and Mr. Calloway offered a motion to change the meeting to July 3<sup>rd</sup> at 4:00 pm. Seconded by Mr. Wilson, the motion carried unanimously (voting in the affirmative were Dodd, Banks, Calloway, Hansford, Wilson, and Lawrence).

#### **MAYOR'S REPORT**

Mayor Howard stated that we are in tough times and tough decisions need to be made. The departments are operating within their budgets and when things go bad, the employees are the ones that get the brunt of the situation. Mayor Howard stated that the city did not get in this financial situation overnight and that decisions have been put off or

delayed but those decisions will have to be made in the near future. Mayor Howard stated that the city might have to go to one day a week garbage pickup with curbside pickup and increase fees in several areas. Mayor Howard stated that citizens assume that the city always has money, this is not the case, and the citizens have the right to know the affairs of the city. Mayor Howard stated that we are looking at selling the cable system to see if someone else can handle and manage the system better than we have. Mayor Howard stated that he and council will have to work together to fix the problem. Mayor Howard suggested that city council not attend the conference in Amelia Island. Mayor Howard stated that he is here to do what is best for the city.

### **ADDITIONAL BUSINESS**

Mr. Lawrence offered his condolences to the family of Michael Battle.

Mayor Howard recognized members of the Chamber of Commerce and Representative Scott's office that were present for the meeting.

Mr. Calloway offered a motion to adjourn into executive session to discuss personnel matters. Seconded by Mr. Dodd, the motion carried unanimously (voting in the affirmative were Dodd, Banks, Calloway, Hansford, Wilson, and Lawrence) and council adjourned into executive session at 8:15 pm.

### **ADJOURN**

Mayor Howard called the meeting back into open session at 8:40 pm; having no further business to be discussed the meeting was adjourned.

Submitted by:

Janice L. Hall, City Clerk