

MINUTES

FORSYTH CITY COUNCIL MEETING

JUNE 19, 2012

CALL TO ORDER, PLEDGE OF ALLEGIANCE, AND INVOCATION

Mayor Howard called the meeting to order and led the Pledge of Allegiance. Mr. Wilson gave the invocation.

ROLL CALL

Present for the meeting was Mayor John Howard, Councilmembers 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 for (Dodd, Banks, Calloway, Wilson, and Lawrence).

APPROVAL OF MINUTES OF THE JUNE 5, 2012 COUNCIL MEETING

Mr. Wilson offered a motion to approve the minutes of the June 5, 2012 council meeting as written. Seconded by Mr. Lawrence, the motion carried unanimously the motion carried unanimously (voting in the affirmative were Dodd, Banks, Calloway, Wilson, and Lawrence).

PUBLIC HEARING FOR THE SHORT TERM WORK PROGRAM UPDATE TO THE COMMUNITY'S COMPREHENSIVE PLAN

Mrs. Kristi Harpst, Middle Georgia Regional Commission, came before council and reviewed the Short Term Work Program stated that this is required by the Georgia Planning Act and so the City can retain its Qualified Local Government status. The State will review the Plan before the City can formally adopt it. Mayor Howard opened the public hearing for comments for or against the Program update. Hearing no comments, Mayor Howard closed the public hearing. Mrs. Banks offered a motion to transmit the Resolution of the Short Term Work Program as required. Seconded by Mr. Lawrence, the motion carried unanimously the motion carried unanimously (voting in the affirmative were Dodd, Banks, Calloway, Wilson, and Lawrence).

PUBLIC HEARING TO DETERMINE WHETHER THE BUILDING AND PROPERTY LOCATED ON MILLEDGE CIRCLE IS A NUISANCE/UNSAFE BUILDING – OWNER WALLACE RUTLAND

Mayor Howard opened the public hearing for comments regarding the determination of the building located on Milledge Circle owned by Wallace Rutland. Mr. Melton reviewed that this first came before council on May 15, 2012 where council heard from Zoning Officer, Walter Carter and deemed

sufficient cause to pursue abatement of property; listed on tax map as F34 009; has been properly advertised in the May 23, May 30, June 6, and June 13 issues of the Reporter; service to owner by certified mail on May 21. Mrs. Hall passed around pictures taken today showing the status of the property as unchanged since May 15, 2012. Hearing no further comments, Mayor Howard closed the public hearing. Mrs. Banks offered a motion to deem the property as unsafe and a defective building. Mr. Dodd seconded the motion. Mr. Melton asked for any proposal for remedy such as a timeframe to remedy after which the city will demolish. Mrs. Banks offered a motion to allow 60 days for the property owner to demolish the structure and clean the property and if not completed within that timeframe the City will demolish the building and place a lien against the property for the cost of the demolition. The motion carried unanimously (voting in the affirmative were Dodd, Banks, Calloway, Wilson, and Lawrence).

PUBLIC HEARING TO DETERMINE WHETHER THE BUILDING AND PROPERTY LOCATED AT 240 SHARP STREET IS A NUISANCE/UNSAFE BUILDING – OWNER PINNACLE OF GEORGIA LLC

Mayor Howard opened the public hearing for comments regarding the determination of the building located at 240 Sharp Street owned by Pinnacle of Georgia LLC. Mr. Melton reviewed that this first came before council on May 15, 2012 where council heard from Zoning Officer, Walter Carter and deemed sufficient cause to pursue abatement of property; has been properly advertised in the May 23, May 30, June 6, and June 13 issues of the Reporter; service to owner by certified mail on May 21. Mrs. Hall passed around pictures taken today showing that some work has taken place since May 15, 2012. Mr. Steve Rogers, owner of the property, came forward to address the matter. Mr. Rogers stated that he purchased the property at a tax sale and was under the impression that he could not do anything to the property but just recently found out that this was not the case. Mr. Rogers requested additional time to complete the work that he has started. Mayor Howard stated that additional time would require monthly reports to City Council on the status of the work. Hearing no further comments, Mayor Howard closed the public hearing. Mr. Wilson offered a motion to have Mr. Bentley Cox, Building Inspector, review the progress in 30 days. Mrs. Banks seconded the motion. Mr. Melton asked if determining the property as a nuisance and Mr. Wilson stated that he is willing to work with the property owner. The motion carried unanimously (voting in the affirmative were Dodd, Banks, Calloway, Wilson, and Lawrence).

PUBLIC HEARING TO DETERMINE WHETHER THE BUILDING AND PROPERTY LOCATED AT 275 INDIAN SPRINGS DRIVE IS A NUISANCE/UNSAFE BUILDING – OWNER CHRISTINE PIRKLE

Mayor Howard opened the public hearing for comments regarding the determination of the building located at 274 Indian Springs Drive and owned by Ms. Christine Pirkle. Mr. Melton reviewed that this first came before council on May 15, 2012 where council heard from Zoning Officer, Walter Carter and deemed sufficient cause to pursue abatement of property; listed on tax map as F15 009; has been properly advertised in the May 23, May 30, June 6, and June 13 issues of the Reporter; service to owner by certified mail on May 22. Mrs. Hall passed around pictures taken today showing the status of the property as unchanged since May 15, 2012. Ms. Pirkle was present for the hearing and addressed council stating that she does not agree with the building inspectors report showing that the structure requires 80 to 90% rebuild. Ms. Pirkle stated that this is one of the oldest houses in Forsyth. Mrs. Banks stated that it is unfortunate that the house is historical and continues to deteriorate. Ms. Pirkle stated that she purchased the property 10 years ago in a tax sale. Mr. Wilson asked Ms. Pirkle to review her plans for the house. Ms. Pirkle stated that she is trying to sell the property and has someone that is interested in purchasing the property. Ms. Pirkle stated that she is also sending out a RFP for proposals to deconstruct the structure. Ms. Pirkle reviewed the tree will be removed from the house and the yard cleaned up. Mr. Pirkle (Ms. Christine Pirkles' father) stated that he would be glad to keep council informed of the progress on the house as his daughter lives out of state.

Mr. Ralph Bass came before council and stated that he lives on the block that this house is located on and has complained for years about the condition of the house and yard. Mr. Bass stated that the house is not the oldest house in Forsyth. Mr. Bass stated that some periodic yard work has been done but nothing recently and limbs have been left on the property that have fallen from the trees and a tree fell on the house over a year ago and nothing has been done to remove the tree. Mr. Bass stated that he understands historic preservation but some instances require demolition. Mr. Bass stated that he also disagrees with the building inspector report but a remodel would take considerable funds to complete. Mr. Bass stated that he feels council has been overindulgent to the property owner.

Hearing no further comments, Mayor Howard closed the public hearing. Mr. Dodd offered a motion to declare the property as a nuisance and allow Ms. Pirkle 120 days to either find a buyer or make significant improvements to the property. Mrs. Banks seconded the motion. Mr. Wilson offered an amendment to require the grounds to be cleaned within 30 days and a report be submitted to Mr. Carter on the progress. Mr. Dodd and Mrs. Banks accepted the amendment to the motion. Mr. Melton reviewed the previous similar case that council had on this property and stated that council had to have

the porches removed at that time but did collect on the lien when the property was sold. Mrs. Banks asked Mrs. Kristi Harpst if she would speak with Ms. Pirkle regarding the State Historic Trust and tax breaks available for historic properties. The motion with the amendment carried unanimously the motion carried unanimously (voting in the affirmative were Dodd, Banks, Calloway, Wilson, and Lawrence).

APPROVAL OF STREETS FOR LMIG

Mr. Dodd stated that this comes as a recommendation from the public works committee to use SPLOST funds of approximately \$80,000 to resurface Jones Street from Main to Sharp, Sharp from MLK to Pinkney circle, and Grant from Johnson Lane to Frontage Road. The recommendation was approved unanimously the motion carried unanimously (voting in the affirmative were Dodd, Banks, Calloway, Wilson, and Lawrence).

DISCUSSION REGARDING PARTICIPATION IN HOTEL-MOTEL CLASS ACTION LAWSUIT

Mr. White reviewed the class action lawsuit filed by the City of Rome against online travel services. Mr. White stated that the city would not incur any fees. Mr. Wilson offered a motion to join in the class action lawsuit. Mrs. Banks seconded the motion. Mrs. Banks stated that this is retroactive back to May 2011 for any tax not collected from online travel agencies. Mr. Melton stated the partial settlement is from May 2011 forward and reviewed the information that needs to be submitted to the courts. Mr. Melton stated that the city does not have to outlay any money but attorney fees will come off the top of any settlement. The motion carried unanimously the motion carried unanimously (voting in the affirmative were Dodd, Banks, Calloway, Wilson, and Lawrence).

PRESENTATION OF VETO

Mayor Howard reviewed the veto of the amendment to Chapter 20 of the City Code and stated his reason for vetoing the amendments is due to comments made during the meeting regarding the possible conflict with State law and wants to make sure that we are in compliant with State law. Mayor Howard further stated that part of the motion was to allow for a 30-day notice to customers and with the way utility bills are mailed, the effective date of July 5 would not allow for 30-day notice. Mr. Dodd stated that the motion was to amend the ordinance by adding three additional items that the city will not pick up. Mr. Melton stated that he redrafted the ordinance and included the statement regarding any conflict with State law. There was a lengthy discussion regarding evictions and the placement of items and Mr. Melton agreed that the City has no liability for picking up items placed by the roadway during an eviction if picked up during the normal course of daily work. Mr. Wilson stated that the veto only removes the three words and the additional language regarding conflict with State law. Mr. Melton

agreed and stated that the original ordinance will still be in effect. Mr. Dodd read Chapter 20.37(b) as it was prior to the amendment. Mayor Howard stated that main reason for his veto was due to being unclear of any conflict with State law. Mr. Dodd asked Mayor Howard if he would remove the veto is motion was made to correct the effective date and Mayor Howard agreed that he would. Mrs. Banks asked if staff would have a policy as to what to pick up and any fines to be imposed. Mr. Dodd reviewed the process of picking up items and if city does not pickup it becomes the responsibility of the citizen. Mrs. Banks asked what would happen if items put out that city does not pickup and Mr. Wilson stated that an ordinance and fine are already in place for littering. Mr. Melton stated that council could place a moratorium of enforcing the ordinance until September 1 to allow time to notify citizens and if Mayor Howard rescinds his veto, a motion for the moratorium is all that would be required. Mayor Howard rescinded his veto. Mr. Wilson offered a motion to place a moratorium of enforcing the amendments to the ordinance until September 1, 2012. Seconded by Mr. Dodd, the motion carried unanimously the motion carried unanimously (voting in the affirmative were Dodd, Banks, Calloway, Wilson, and Lawrence).

APPROVAL OF ACCOUNTS PAYABLE INVOICES

Mrs. Hall stated the accounts payable invoices for approval total \$166,903.22 from the general operating account and \$14,957.79 from special accounts. Mrs. Banks offered a motion to approve the accounts payable invoices. Seconded by Mr. Dodd, the motion carried unanimously the motion carried unanimously (voting in the affirmative were Dodd, Banks, Calloway, Wilson, and Lawrence).

COMMITTEE REPORTS

MR. LAWRENCE

Mr. Lawrence stated that the summer camps are going well.

MR. WILSON

Mr. Wilson had nothing further to report.

MR. CALLOWAY

Mr. Calloway had nothing further to report.

MRS. BANKS

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

- Offered a motion to close Adams Street from Harris to Johnston Street on September 8 from 7:00 am until 5:00 pm to hold the citywide yard sale. Seconded by Mr. Dodd, the motion carried unanimously the motion carried unanimously (voting in the affirmative were Dodd, Banks, Calloway, Wilson, and Lawrence).

- Offered a motion to hold a public hearing on August 21 to discuss the adoption of the Historic Preservation Commission Guidelines. Seconded by Mr. Lawrence, the motion carried unanimously the motion carried unanimously (voting in the affirmative were Dodd, Banks, Calloway, Wilson, and Lawrence).
- Offered a motion to hold a public hearing on August 21 to discuss adoption of the historic district map. Seconded by Mr. Dodd, the motion carried unanimously the motion carried unanimously (voting in the affirmative were Dodd, Banks, Calloway, Wilson, and Lawrence).
- Thanked the County for patching Montpelier Road

MR. DODD

Mr. Dodd stated that LMIG is a State project each year where the city can get a small portion of streets resurfaced. Mr. Dodd stated that the City uses SPLOST money to get additional streets paved which is what was approved tonight.

CITY ADMINISTRATOR REPORT

Mr. White offered the following report:

- City will go to court next week on two separate cases
- Two employees back to work after lengthy medical leaves
- Received permit from EPD to install the turbidity meters

CITY CLERK REPORT

Mrs. Hall stated that 40 to 50 children are attending the summer camps each day.

CITY ATTORNEY REPORT

Mr. Melton stated that over ½ of the required easements for the South Interceptor Plant project have been received.

MAYOR REPORT

Mayor Howard had nothing further to report.

ADDITIONAL BUSINESS

Mr. Dodd stated that he was contacted by Mr. Jim Cole regarding the fence line along I-75. Mr. Cole reported that the fence line location may have to be varied and will encroach on city right-of-way. Mr. Dodd offered a motion to allow DOC and GDOT to jointly work on the fence area at DOC along I-75. Mrs. Banks seconded the motion. Mrs. Banks asked if this is something that the State is working on and Mr. White stated that DOC wants to remove the fence and replace it with a more decorative fence along their road frontage. Mr. White stated that DOC would maintain the fence line. Mr. Dodd stated that the City Attorney might need to be involved to make sure all contracts are reviewed. The motion carried

unanimously the motion carried unanimously (voting in the affirmative were Dodd, Banks, Calloway, Wilson, and Lawrence).

There being no further business to discuss, the meeting was adjourned at 8:30 pm.

Submitted by:

Janice L. Hall, City Clerk