

## **AGENDA**

### **FORSYTH CITY COUNCIL MEETING**

**JULY 3, 2012**

#### **CALL TO ORDER, PLEDGE OF ALLEGIANCE, AND INVOCATION**

Mayor Howard called the meeting to order at 4:00 pm and led the Pledge of Allegiance. Mrs. Banks 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.

#### **APPROVAL OF MINUTES OF JUNE 19, 2012 COUNCIL MEETING**

Mr. Lawrence offered a motion to approve the minutes of the June 19, 2012 council meeting as written. Seconded by Mr. Hansford, the motion carried with three (3) votes for (Banks, Hansford, and Lawrence) and three (3) votes against (Dodd, Calloway, and Wilson) with Mayor Howard voting in the affirmative to break the tie vote.

#### **DISCUSSION REGARDING APPROVAL OF RESOLUTION FOR SUNDAY ALCOHOL PACKAGE SALES**

Mayor Howard stated that he had been asked why the voters were being ignored on this issue and asked that this be put on the agenda for approval to let the voters decide if they want Sunday package sales. Mrs. Banks asked if a motion was need for this to be placed on the ballot and Mr. Melton agreed and stated that it would have to be on the November ballot as it was too late to have it on the July 31<sup>st</sup> ballot. Mr. Hansford offered a motion to adopt a resolution to place Sunday alcohol package sales on the November ballot. Mrs. Banks seconded the motion. Mr. Wilson asked if it is required to call for the election and Mr. Melton stated that resolution is needed to place this on the ballot. Mr. Dodd asked if a public hearing has to be advertised and Mr. Melton stated this is a call for a referendum and does not require an ordinance change until after the referendum is approved. Mr. Wilson stated that there is no resolution to review before the vote tonight and usually have information to review prior to an issue coming before council. Mr. Wilson asked who would determine the language of the resolution and Mr. Melton stated

that the statute has specific language for the resolution and referendum. Mr. Lawrence offered a motion to table the matter until more information is received. Mr. Wilson seconded the motion to table. Mrs. Banks offered to rescind her second if the original motion is rescinded and Mr. Hansford rescinded his motion. The motion to table carried with four (4) votes for (Banks, Hansford, Wilson, and Lawrence) and two (2) votes against (Dodd and Calloway).

### **DISCUSSION REGARDING RESCHEDULING/CANCELLING THE JULY 17, 2012 CITY COUNCIL MEETING**

Mrs. Hall stated that she placed this item on the agenda as Mayor and Council will be out of town at a conference on this date. Mr. Hansford offered a motion to cancel the July 17, 2012 council meeting. Mrs. Banks seconded the motion. Mr. Lawrence asked if it was possible to have only one meeting and Mr. Melton stated legally yes, but practically it would be up to council. Mrs. Banks stated that it should be rescheduled for a later date. Mr. Hansford stated that he was planning to offer an additional motion to call a meeting on a later date. Mr. Hansford rescinded his original motion and offered a motion to reschedule the July 17<sup>th</sup> meeting for a later date. Mrs. Banks seconded the motion. After a lengthy discussion, the meeting was rescheduled for July 23<sup>rd</sup> at 7:00 pm. The motion carried with three (3) votes for (Banks, Hansford, and Lawrence) and three (3) votes against (Dodd, Calloway, and Wilson) with Mayor Howard voting in the affirmative to break the tie vote.

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

Mrs. Hall stated that invoices for the general operating accounts total \$155, 580 and invoices from special accounts total \$3703.56. Mr. Dodd asked for clarification as to what the special accounts represent and Mrs. Hall stated that includes SPLOST and grants. Mr. Hansford offered a motion to approve the accounts payable invoices and Mrs. Banks seconded the motion. The vote was a tie with three (3) votes for (Banks, Hansford, and Lawrence) and three (3) votes against (Dodd, Calloway, and Wilson). Mr. Dodd stated that he voted against the approval of the invoices because he feels that some of the invoices may not have been authorized properly. Mr. Wilson asked Mr. Melton what the approval process for purchases is and Mr. Melton read Section 2.7 (c)(d)(e) of the City Code. Mr. Wilson restated the code as department heads can purchase up to \$25,

department head and committee chair can purchase \$25 to \$500 with 3 bids, and full council must approve all purchases over \$500 and asked Mr. White if all invoices for approval tonight followed that procedure. Mr. White stated that they did not. Mr. Wilson stated that it is council's responsibility to watch all expenditures and make sure that procedures are followed. Mayor Howard asked which procedures have not been followed and Mr. Melton reviewed Section 2.8 of the City Code. Mayor Howard stated that the prior committees met and knew what was going on and all invoices were signed by a council member prior to his approving payment and signing the invoices. Mayor Howard stated that no purchases have been made from Dodd Builders Supply because procedures were not followed and there is now a pending legal matter on this. Mr. Wilson stated that the issues are that all invoices over \$500 must be approved by full council and that he did not know which invoices were not approved properly because he had not seen the invoices and must rely on the committee chair and mayor to advise the remaining council members if they should vote to approve the invoices. Mr. Melton reviewed the change that took place over a year ago in the way the invoices are presented to council for approval. Mr. Melton stated that all invoices over \$500 were called out by the committee chair for approval and that council could revert to the previous way of approving the invoices. Mr. Wilson stated that this would not solve the problem as the purchases have already been made prior to the invoices coming before council. Mr. Wilson stated that he interprets the code to mean that purchases over \$500 must be approved prior to the purchase being made. Mr. Wilson stated that the code does not address the meaning of purchase as to whether it refers to the point of payment or the receipt of the product. Mr. Melton stated that he feels the purchase represents the product being received by the city. Mr. Hansford stated that for the time he has been on council, that council has approved the payment for the product that has already been received. Mayor Howard reviewed his reasons for reducing the number of committees from seven to two and stated that it was not to take anything away from any of the council members but in an effort to streamline the process. Mr. Wilson asked Mayor Howard about the transfer of over \$500,000 from the Competitive Trust Fund and Mayor Howard stated that he made the decision to transfer the money to ensure that the MEAG bill was paid. Mayor Howard stated that he spoke with the majority of the council before approving the

transfer of the funds. There was a heated discussion as to which council members were advised prior to the transfer of the funds and if the Mayor has the authority to make such a decision without council approval. Mr. Lawrence attempted to calm the meeting down and Mr. Hansford reminded Mayor Howard that a motion was on the table. Mayor Howard stated that he was interrupted for discussion prior to being able to cast his vote. Mayor Howard voted in the affirmative to break the tie vote. Mr. Lawrence stated that he wanted to change his vote. Mr. Melton stated that Mr. Lawrence had already cast his vote and the matter was settled on that vote.

## **COMMITTEE REPORTS**

### **MR. HANSFORD**

Mr. Hansford had nothing further to report.

### **MRS. BANKS**

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

- Welcome Center flooded again last night from the hard rains and stressed that this needs to be addressed
- Sharp Street/South Interceptor Sewer Line projects – Mr. White reviewed meeting held with Mrs. Banks and the engineer on these projects. Mr. White stated the engineer is waiting on the easements. Mr. Melton stated that letters to the property owners have been sent and waiting on responses.
- Railroad Avenue – Steve Coleman has completed the survey work and that has been provided to HHNT; should go out for bid in three weeks
- Pat Wright, Utility Partners, came before council and reviewed a problem at the intake after Sunday night's storm. Mr. Wright stated that it was initially thought that the pump motor would have to be replaced but after further investigation, it appears it is the VFD drive. Mr. Wright stated the part should be delivered tomorrow and installed by late afternoon. Mr. Wright commended the community on their response to the outdoor water ban stating that the demand prior to the ban was 2.1 mgd and that went down to 1.6 mgd when the call for the outdoor water ban went out. Mr. Wright stated that the cost for the part would be approximately \$5,000. Mrs. Banks offered a motion to repair/replace the VFD at a not to exceed cost of \$5,000. Mr. Hansford seconded the motion. Mr. White

asked if this included the cost to pull the motor and Mr. Wright stated that it does not. The motion carried with three (3) votes for (Banks, Hansford, and Lawrence) and three (3) votes against (Dodd, Calloway, and Wilson). Mayor Howard asked if this is a necessity and Mr. Wright stated yes unless the city wants to continue with the outdoor water ban. Mayor Howard voted in the affirmative to break the tie vote.

- Taxation Ordinance amendments are ready for review
- Georgia Asphalt will be resurfacing Patrol Road this week then move on to the other streets approved for resurfacing

### **CITY ADMINISTRATOR REPORT**

Mr. White stated that council had asked him to look into bonding the 2014 SPLOST through the Downtown Development Authority. Mr. White stated that the attorney recommends entering into an agreement with the county to avoid higher management cost for the bond.

### **CITY ATTORNEY REPORT**

Mr. Melton stated that he has reviewed the changes submitted by the Regional Commission for the Taxation Ordinance and submitted changes to the Regional Commission.

Mr. Melton stated that he has a real estate matter for executive session discussion at the end of the meeting.

### **MAYOR'S REPORT**

Mayor Howard had nothing further to report.

### **ADDITIONAL BUSINESS**

Mr. Hansford offered a motion to adjourn into executive session for the purposes of discussion of a real estate matter and personnel matters. Seconded by Mr. Lawrence, the motion carried with three (3) votes for (Banks, Hansford, and Lawrence) and three (3) votes against (Dodd, Calloway, and Wilson) with Mayor Howard voting in the affirmative to break the tie vote. Council adjourned into executive session at 5:10 pm.

Mayor Howard called the meeting back into open session at 5:25 pm. Mr. Lawrence asked Mayor Howard for an explanation regarding the changes made to the committee structure. Mayor Howard stated that he would sit down with each council

member individually to find out how they feel. Mayor Howard stated that the three State Representatives are running unopposed this year because they work hard and communicate with their districts and he feels that all seven elected city officials can be just as effective. Mr. Wilson asked where the committee structure is addressed in the City Code and Mr. Melton stated that there is no specific provision but there are references to the committee in different code sections and in the personnel policy. Mr. Wilson stated that with the committee structure in place now, only three or four are aware of what is happening and used the transfer from the Trust as an example. Mayor Howard stated that the restructure of the committees and the lapse in communication were coincidence. Mr. Wilson stated his concern that city money was spent full knowledge of all council members and that there could be other items that are approved without his knowledge. Mayor Howard stated that everyone should improve on their communication of what is happening. Mr. Lawrence asked Mrs. Banks and Mr. Hansford if they have been brought up to date on all the projects for their committees and both responded that they have. Mr. Melton reviewed that the Charter was adopted in 1978 and reviewed the powers of the Mayor and stated that he assumes this section is where the committees are formed. Mayor Howard stated that he reads the Charter regularly along with several other policies and has not seen anything that says the Mayor cannot form committees. Mr. Wilson stated that since there is nothing that spells out how committees are formed and who appoints those committees, each council member could create their own committee. Mr. Melton stated that this would create anarchy and that Robert's Rules of Order may have some bearing on the creation of committees. Mr. Wilson stated that the bottom line is that a council that works is needed. Mayor Howard responded that the new committee structure has not been given a chance to succeed or fail and Mr. Wilson pointed out again the approval of items without the knowledge of full council. Mr. White reviewed that the code states that purchases \$25 or less can be made by the department head and that is not the procedure that was being followed when he was hired. Mr. White asked for clarification that the code is to be followed as written and Mr. Wilson stated that approved procedures in place must be followed.

There being no further business to discuss, the meeting was adjourned at 5:45 pm.

Submitted by: Janice L. Hall, City Clerk