

MINUTES

FORSYTH CITY COUNCIL MEETING

JULY 23, 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. Mayor Howard 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.

AMEND AGENDA

Mr. Dodd offered a motion to amend the agenda to allow Mr. Lawrence to address mayor and council. Seconded by Mr. Calloway, the motion carried unanimously (voting in the affirmative were Dodd, Banks, Calloway, Hansford, Wilson, and Lawrence).

Mr. Lawrence offered a motion that the following standing committees be appointed: administrative with Mr. Hansford as chair, committee members Mrs. Banks and Mr. Lawrence; parks & cemetery with Mr. Lawrence as chair, committee members Mr. Hansford and Mr. Wilson; public affairs/ordinance/zoning with Mrs. Banks as chair, committee members Mr. Dodd and Mr. Hansford; public safety with Mr. Wilson as chair, committee members Mrs. Banks and Mr. Hansford; combined utility with Mr. Calloway as chair, committee members Mr. Dodd and Mr. Wilson; and public works with Mr. Dodd as chair, committee members Mrs. Banks and Mr. Lawrence. Mr. Dodd seconded the motion. Mr. Melton stated that there is nothing in the Charter or Codes regarding the selection of the committees but that does not mean that committees should not be appointed, as they are reference throughout the Code and in several policies. Mr. Melton stated there is nothing that defines how committees are appointed, the number of the committees, or the names of the committees. Mr. Melton stated that the Mayor has traditionally appointed the council committees and over the years the number of committees has changed along with the names of the committees. Mr. Melton stated that

it would be best for council to adopt an ordinance naming the committees, the number of committees to be appointed, and how the appointments are to be made. Mr. Wilson asked if Mr. Lawrence's motion was out of order to allow time for an ordinance to be written and adopted and Mr. Melton stated the motion could stand with or without an ordinance but an ordinance would be a more permanent solution. Mr. Wilson referenced Section 50 of Roberts Rules of Order where it is addressed how a body forms committees and Mr. Melton stated that it was referred to at the last meeting that Roberts Rules of Order could stand when matters are not addressed in the Charter or Code. Mrs. Banks stated that possibly no committees should be formed and further stated that progressive cities have no to few committees and rely on staff to present items for review to the committee. Mrs. Banks stated that council should work as one body rather than each committee reviewing items and then bringing before full council. Mr. Melton stated that if no committees are appointed that several sections of the Code and policies would have to be amended to remove the mention of the committees. Mr. Hansford asked Mr. Melton if an ordinance would be best rather than a motion coming before council at each meeting to reorganize the committees and Mr. Melton stated that an ordinance would be best and it would be permanent. Mayor Howard stated that he reduced the number of committees to two in an effort to streamline processes and that he is open minded to no committees. Mayor Howard stated that as nothing is in the Charter regarding appointment of committees, he stated at the first meeting in January that he would leave the committee structure as it was until he could see how things worked within that structure. Mr. Dodd stated that council traditionally operated by committees to split up the workload and is logical to have six committees since there are six council members. Mayor Howard stated that Mr. Lawrence had previously mentioned that having only two committees was too much on those two council members but all invoices that are approved by council come before him to be reviewed and signed. Mr. Hansford stated that it makes more sense to have something spelled out showing how the committees are to be formed. Mr. Wilson stated that there are currently two committees and nothing is defined and it would be the same way with no committees or six committees and that it is no more harmful to pass the motion while working on the ordinance. Mr. Hansford stated that previously worked from premise that the mayor sets committees and need to

research now without making any changes to see what needs to be done. Mr. Wilson stated that the premise was deviated from when the mayor appointed two committees and has been deviated from over the years. Mr. Wilson stated that we must figure out how council is going to work together and take care of the business of the city. Mayor Howard stated that the business of the city was not being taken care of prior to his taking office. Mayor Howard asked Mr. Melton if council could vote on this motion and Mr. Melton stated that council is the governing body and can vote on any item as that governing body. The motion carried with four (4) votes for (Dodd, Calloway, Wilson, and Lawrence) and two (2) votes against (Banks and Hansford).

APPROVAL OF MINUTES OF THE JULY 3, 2012 COUNCIL MEETING

Mr. Wilson offered a motion to approve the minutes of the July 3, 2012 council meeting as written. Seconded by Mr. Dodd, the motion carried unanimously.

MAGGIE JACKSON

Ms. Maggie Jackson came before council to address council actions at the last council meeting. Ms. Jackson rebuked Mr. Lawrence and Mr. Wilson for the manner in which they addressed Mayor Howard during the last meeting. Ms. Jackson passed pictures to Mr. Calloway and Mr. White and a note to Mayor Howard. Ms. Jackson stated that if the work load on Mrs. Banks and Mr. Hansford is too much they should speak up for themselves. Ms. Jackson stated that council needs to work together and work to help the new mayor. Ms. Jackson reviewed a prior council meeting wherein the house behind her home was discussed. Ms. Jackson rebuked Mr. Calloway for allowing additional time to the owner of the house to demolish it when Mrs. Banks was trying to speed up the process. Mr. Calloway reviewed the process that council must go through before requiring a property owner to remove a building from their property and stated that council always gives the property owner additional time to get the demolition completed.

REQUEST FROM LISA BELLWIN – 39 CABINESS AVENUE – FOR VARIANCE TO CITY CODE SECTION 21-2 REGARDING REMOVAL AND REPLACEMENT OF CITY SIDEWALK

Ms. Lisa Bellwin came before council to request permission to not be required to put the city sidewalk back in front of her property. Ms. Bellwin provided council with a

copy of the landscape plan for her property and stated that she did remove a portion of the sidewalk to landscape her yard. Ms. Bellwin stated that the sidewalk was removed for not only the landscaping but also the sidewalk ended at a tree in front of her house, the roots had buckled the sidewalk, and it was unsafe to walk on. Ms. Bellwin had the tree and the roots removed and then removed the sidewalk. Ms. Bellwin stated that she is trying to make the front of the house aesthetically similar to the period that it was built. There was discussion as to the type materials to be used for the driveway and where the sidewalk now ends. Mayor Howard stated that he understands that Ms. Bellwin may not have known prior to beginning the work but if a variance is granted to let her remove the sidewalk and not put it back that sets a precedent for future residents to do the same. Mr. Melton stated that the sidewalk is part of the street and read Section 21-2 of the City Code that states prior permission must be granted for any changes. Mr. Melton stated that the plat shows the city sidewalk as city property. Ms. Bellwin stated that she is aware that she is making the request after she has already removed the sidewalk but the sidewalk abruptly ended in front of her house and no one used the sidewalk due to its disrepair. Mrs. Banks offered a motion to not grant the variance. Mr. Wilson seconded the motion. Mr. Calloway asked if the sidewalk would still be uneven and Ms. Bellwin stated that it would not since she paid to have the tree and roots removed. Ms. Bellwin stated that she asked the city on several occasions to remove the tree but was told that the city has a “green leaf” policy and no tree will be removed that has green leaves on it. Ms. Bellwin stated that the city did not have a problem with her paying to have the tree and roots removed. Mr. Wilson stated that allowing this would set a dangerous precedent and removal of city property could be viewed as vandalism. Ms. Bellwin stated that her son tripped and chipped a bone in his wrist and asked if she should submit the medical bills to the city. There was discussion regarding the potential problems allowing this could have on any future sell of the property. The motion carried unanimously (voting in the affirmative were Dodd, Banks, Calloway, Hansford, Wilson, and Lawrence) to not allow the variance.

UPDATE ON 274 INDIAN SPRINGS DRIVE – OWNER CHRISTINE PIRKLE

Mr. George Pirkle, father of Ms. Christine Pirkle, came before council to offer an update on the progress of the cleanup at 274 Indian Springs Drive. Mr. Pirkle stated that

significant progress has been made on the yard cleanup but still trying to find a company to remove the large tree that is leaning on the house. Mr. Pirkle stated that the 90% rebuild statement for the structure is incorrect and asked that this be reinspected. Mr. Walter Carter, Zoning/Code Enforcement Officer, stated that progress has been made and stated that the house has been inspected on two different occasions and the 90% rebuild is because it would take more to repair the house than the house is worth. Mr. Carter stated that there is still substantial work to be done to get the yard cleaned to the property line and reviewed several areas that need to be addressed. Mr. Pirkle stated that the main structure of the house is sound. Mr. Carter recommended that Ms. Pirkle be granted an additional 30 days to clean the underbrush to give the property a manicured lawn, making the house look lived in, to remove the tree from the house, and to remove the old storage building from the property. Mr. Carter reviewed the damage that he has seen within the inside of the structure. Mrs. Banks offered a motion to accept Mr. Carter's recommendation. Mr. Lawrence seconded the motion. Mayor Howard asked that Mrs. Banks restate her motion. Mrs. Banks stated motion is to grant Ms. Christine Pirkle an additional 30 days to clean-up the lot and to remove the tree from the house so that the lawn becomes a manicured lawn. Mr. Carter stated that 30 days should be ample time to remove the tree. Mr. Hansford asked if the motion includes all items that Mr. Carter referred to including the tree and the house that is in the back and council agreed. Mr. White asked if Mr. Pirkle if he could get the tree removed within 30 days and Mr. Pirkle stated that time is not the problem but the cost to have it removed is the holdup now. Mr. Pirkle asked why it is now 30 days since council approved 120 days at the last meeting. Mrs. Banks reviewed that the 120 days was for the house only to have it sold, destroyed, or rebuilt and 30-day window for the yard cleanup. Mr. Pirkle stated that the original 30 days was to show significant progress. Mrs. Banks stated that this is a good faith effort to allow an additional 30 days for the cleanup. Mr. Pirkle asked for something in writing spelling out what should be done and what the deadlines are. Mr. Calloway stated that the city administrator would get that information to Mr. Pirkle. The motion carried unanimously (voting in the affirmative were Dodd, Banks, Calloway, Hansford, Wilson, and Lawrence).

UPDATE ON 240 SHARP STREET – OWNER PINNACLE OF GA

Mr. Carter reviewed that no change has been made to the property since the last council meeting where the property owner was given 30 days to clean-up the property and make a progress report to Mr. Bentley Cox. Mr. Carter stated that Mr. Cox has not received any notifications from the property owner. Mr. Melton asked if there was any progress made on the property and Mr. Carter stated that there has not been. Mr. Melton stated that it was clear that he had 30 days no matter whom he was to report to. Mrs. Banks offered a motion to declare 240 Sharp Street a nuisance. Seconded by Mr. Wilson, the motion carried unanimously (voting in the affirmative were Dodd, Banks, Calloway, Hansford, Wilson, and Lawrence).

APPROVAL OF SERVICE SELECTIONS WITH ELECTRIC CITIES OF GA FOR FY2013

Mr. White reviewed the recommended changes for FY2013 contract with ECG. Mr. White stated that he met with ECG to make the recommended changes for FY2013. Mr. White stated that ECG requires a 12-month notice to make changes to the contract. Mr. Dodd asked for the total of the FY2012 contract and Mr. White reviewed the totals for FY2012 and FY2013. Mr. Dodd asked what changes were being made to the contract and Mr. White stated that no changes were made and was unsure of why the cost was different. Mr. Calloway offered a motion to table the matter until the next meeting to allow council time to review the contract. Seconded by Mr. Hansford, the motion carried unanimously (voting in the affirmative were Dodd, Banks, Calloway, Hansford, Wilson, and Lawrence).

APPROVAL TO ADVERTISE FOR BIDS FOR SHARP STREET AND THE SOUTH INTERCEPTOR SEWER LINES

Mrs. Banks offered a motion to remove the South Interceptor Sewer Line from the request to advertise for bids and to move forward with the advertisement for bids for the Sharp Street sewer line. Seconded by Mr. Dodd, the motion carried unanimously (voting in the affirmative were Dodd, Banks, Calloway, Hansford, Wilson, and Lawrence).

APPROVAL OF FY2013 CONTRACT WITH DOC FOR WORK DETAILS

Mr. White stated the previous contract with Department of Corrections (DOC) was for three crews from July 1, 2011 through June 30, 2012. Mr. White stated that three

crews were budgeted for from January 2012 through June 2012 and only two crews for the remainder of the year. There was discussion whether the crews are needed and Mr. White stated that especially with the current employee situation the crews are needed. Mr. Lawrence called on Mr. Steve Jones, Public Works Department Head, to come forward and respond. Mr. Jones stated that he has a manpower shortage due to several employees being out on disability leave and the two crews are needed. Mrs. Banks stated that with these employees being out we should take advantage of the opportunity to realign the work force. Mrs. Banks suggested that Mr. White contact the county to find out if they can use the crew that the city is not renewing for the remainder of 2012. Mrs. Banks offered a motion to approve the contract for two (2) work crews with DOC. Mr. Calloway seconded the motion. Mrs. Banks stated that the contract requires that the radios in the prison vehicles be narrow band radios by the first of 2013. Mr. Melton stated that the contract would have to be revised to reflect two crews rather than three crews. The motion carried unanimously (voting in the affirmative were Dodd, Banks, Calloway, Hansford, Wilson, and Lawrence).

APPROVAL OF RESOLUTION FOR A REFERENDUM ON SUNDAY ALCOHOL SALES TO APPEAR ON THE NOVEMBER 2012 BALLOT AND THE CALL FOR A SPECIAL ELECTION

Mrs. Banks stated that the public affairs committee does not bring a recommendation to council on this matter at this time. Mr. Dodd offered a motion to not approve the resolution for a referendum on Sunday alcohol sales for the November 2012 ballot. Mr. Calloway seconded the motion. Mrs. Banks stated that no one from the community has addressed the committee on this matter. Mayor Howard stated that this matter was brought to his attention but he did not tell them to come before the committee. The motion carried with five (5) votes for (Dodd, Banks, Calloway, Hansford, and Wilson) and one (1) vote against (Lawrence).

APPROVAL OF INTERGOVERNMENTAL AGREEMENT WITH MONROE COUNTY FOR BOOKING AND HOUSING OF PRISONERS

Mr. White stated that this is a renewal of the intergovernmental agreement with Monroe County for booking and housing of inmates at the county jail. Mr. White stated the cost remains the same at \$45 per day for housing and \$15 per booking. Mr. White

recommended approval of the agreement. Mr. Hansford offered a motion to approve the intergovernmental agreement with Monroe County for booking and housing of inmates. Seconded by Mr. Wilson, the motion carried unanimously (voting in the affirmative were Dodd, Banks, Calloway, Hansford, Wilson, and Lawrence).

REVIEW PROPOSED AMENDMENTS TO CHAPTER 22 - TAXATION ORDINANCE

Mrs. Banks stated that the Regional Commission has been working on the revision of this ordinance. Mrs. Banks asked that each council member review the information provided and stated that this will be on the agenda for approval for the next meeting. Mrs. Banks and Mr. Melton reviewed the proposed amendments to the ordinance.

UPDATE ON STATUS FOR RADIO MANDATE

Chief David Herndon reviewed the bids received in response to the Request for Proposals for radio equipment to get the city up-to-date for the federal mandate by January 2013. Mr. White recommended that council award the bid to TransComm out of Griffin. Mr. Wilson offered a motion to award the bid to TransComm. Seconded by Mr. Hansford, the motion carried unanimously (voting in the affirmative were Dodd, Banks, Calloway, Hansford, Wilson, and Lawrence). Mr. Wilson thanked Chief Herndon for spearheading the work on the project and getting the project back on track.

APPROVAL OF ACCOUNTS PAYABLE AND PURCHASE ORDERS

Mrs. Hall reviewed the general operating invoices for approval totals \$239,372.76; the invoices for the Kynette project totals \$3,316.91; the invoices from seized funds totals \$367.94; and the invoices for SPLOST projects totals \$735.87. Mr. Hansford offered a motion to approve these invoices. Seconded by Mr. Calloway, the motion carried unanimously (voting in the affirmative were Dodd, Banks, Calloway, Hansford, Wilson, and Lawrence).

Mrs. Hall reviewed invoices that are paid by automatic bank draft at the end of each month totaling \$582,411.64. Mr. Hansford offered a motion to approve these invoices. Seconded by Mrs. Banks, the motion carried unanimously (voting in the affirmative were Dodd, Banks, Calloway, Hansford, Wilson, and Lawrence).

Mrs. Hall reviewed purchase orders totaling over \$500 each for a total of \$117,584.89. Mr. Hansford offered a motion to approve these purchase orders. Seconded by Mr. Lawrence, the motion carried unanimously (voting in the affirmative were Dodd, Banks, Calloway, Hansford, Wilson, and Lawrence).

COMMITTEE REPORTS

MRS. BANKS

- Mrs. Banks offered the following report from the public infrastructure committee:
- Opportunity Zone expansion approved for the three additional properties
 - Reviewed meeting she had with Mr. Jim Cole on Railroad Avenue project, pedestrian crossing on MLK Jr. Dr., road repairs on MLK, TE Grants open for applications, and decorative fencing at DOC along I75
 - Nonprofit signage at entry ways to city being worked on for repairs/replacement
 - Requested Mr. White gather information for GEFA loan application for upcoming sewer projects
 - City and county working together on road patching for potholes around the city
 - Reviewed money saved by partnering with the county on Patrol Road resurfacing
 - Recommended using micro-surfacing product on future resurfacing on residential roadways
 - Reviewed conversation with one of the city workers and requested that citizens pile limbs in one large high pile rather than smaller long piles to help city workers pickup the limbs with the grappler truck and reviewed that citizens need to allow time for workers to get to their area to pickup limbs rather than requesting same day pickup. Reviewed that city worker stated that he could pickup entire city within a week if allowed to do the established route without interruptions to go to other areas for immediate pickup.
 - Asked Mr. White to update on projects.
 - - Mr. White reviewed the following projects:
 - Resurfacing of Jones Street, Grant Street, Sharp Street, and Patrol Road are complete and will be striped tomorrow. Mrs. Banks offered a motion to spend an additional \$450 from SPLOST for additional striping on Johnston Street from Lee Street to Railroad. Seconded by Mr. Calloway, the motion carried unanimously

- (voting in the affirmative were Dodd, Banks, Calloway, Hansford, Wilson, and Lawrence).
- Railroad Avenue survey complete and waiting on easement ROW from Railroad
 - Tradewinds Sewer Line – contractor worked today attempting to reinsert smaller pipe under the interstate
 - Sharp Street Sewer Line – approved tonight to put out for bid
 - Mrs. Banks asked Mr. Calloway for an update on the engineer qualifications and Mr. Calloway stated council will interview the top four engineering firms and choose a firm by mid-October to hire January 2013
 - Mr. Callaway stated that the \$500,000 transferred from Municipal Competitive Trust must be repaid and he will have a plan before the next meeting for council to consider

MR. HANSFORD

Mr. Hansford offered the following report for the public administrative committee:

- Mr. White stated that two sergeants have resigned from the police department and Chief Corley would like to promote from within to replace the sergeants by promoting Officer Willie Barkley and Officer Teldric Middlebrooks. Mr. Hansford offered a motion to approve the promotions. Seconded by Mr. Calloway, the motion carried unanimously (voting in the affirmative were Dodd, Banks, Calloway, Hansford, Wilson, and Lawrence).
- Mr. Lawrence reviewed the Land & Water Conservation grant received for renovations at Kynette Park and stated that the lights have been installed at the ballfield, will resurface the basketball courts, purchase new playground equipment, and the pool has been filled in. Mr. Lawrence stated that a water feature would be installed at Kynette Park at a later date. Mayor Howard asked why a pool would not be put back at the park and Mr. Lawrence stated that the committee had researched this and surveyed surrounding areas and all are getting out of the pool business, the overhead for employees and maintenance, and when the pools were in operation very few attended.

- Local Option Sales Tax – recommend that the July 25th meeting with the county be rescheduled to allow time to get city requests for sales tax percentage together; must have an agreement by September 1st; Mr. Hansford asked Mr. White to bring in the Regional Commission for assistance working with calculations to backup city requests

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 he is waiting on two more easements for the South Interceptor Sewer Line Project and letters on the Sharp Street Sewer Line project have been mailed but no responses have been received.

MAYOR'S REPORT

Mayor Howard stated that this has been a good productive meeting and was accomplished with only two committees.

ADDITIONAL BUSINESS

Mayor Howard called on Mr. Chan Layson, Regional Commission, to review the Procurement Policy. Mr. Layson reviewed the policy which he compiled using existing policies in other cities. Mr. White requested that the policy be amended to state that all purchases must have a purchase order regardless of the cost. Mr. White stated that adoption of this policy would require an amendment to the City Purchasing Code. Mayor Howard stated that he wants a policy ready for approval before moving on amending the code. There was discussion regarding the dollar limits for purchase order approvals.

Mrs. Jo Ann Lawson – property owner on Indian Springs Drive – came before council to discuss zoning changes approved in 2006. Mrs. Lawson passed out copies of the ad that was published in the Reporter in May 2006 and asked council if they read this ad would they have thought that it pertained to their property. Mrs. Lawson stated that she owns property that was rezoned from residential to office professional without her knowledge or consent. Mrs. Lawson stated that 47 Indian Springs Drive faces Indian Springs Drive and is now zoned office professional and has recently been rented as office

space. Mrs. Lawson asked that the zoning be changed back to residential to protect the historic community.

Mr. Lee Roberts – 114 W. Johnston Street – came before council to discuss the zoning changes on Indian Springs Drive. Mr. Roberts stated that he just lived through a nightmare with the expansion of the Methodist Church beside his property and now he has office space diagonally across from his home due to the zoning changes. Mr. Roberts stated that letters were sent previously when zoning was being changed. Mr. Melton stated that this was an entire rezoning of the entire city and individual notification was not required. Mr. Roberts stated that several ordinances have obsolete information listed and need to be rewritten. Mr. Roberts stated that the zoning needs to be returned to residential to protect the integrity of the neighborhoods.

Mrs. Melissa Randall – property owner on W Johnston Street – came before council to discuss the rezoning of properties in her neighborhood. Mrs. Randall stated that she is worried that the neighborhood is deteriorating. Mrs. Randall stated that she lives on the corner of Indian Springs Drive and W. Johnston Street and the encroachment of commercial district in the residential areas damages the residential integrity. Mrs. Randall stated that there are many empty storefronts downtown that commercial businesses could occupy rather than encroaching on the residential neighborhoods.

Mr. William Calloway came before council, stated that he watched the last council meeting, commended council on their actions during the last meeting, and commended everyone for not arguing tonight. Mr. Calloway stated that he disagrees with the statement that all limbs could be picked up within a week, as he does not feel all could be picked up if workers worked 10 hours a day for 6 days a week.

ADJOURN

There being no further business to discuss, the meeting was adjourned at 9:45 pm.

Submitted by:

Janice L. Hall, City Clerk