

## **MINUTES**

### **FORSYTH CITY COUNCIL MEETING**

**AUGUST 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. 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.

#### **APPROVAL OF MINUTES**

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

Mr. Calloway offered a motion to allow 3 to 5 minutes for each citizen requesting to speak tonight and if citizens have additional information or complaints those can be submitted to the City Administrator. Seconded by Mr. Hansford, the motion carried unanimously (voting in the affirmative were Dodd, Banks, Calloway, Hansford, Wilson, and Lawrence).

#### **BILL CALLOWAY**

Mr. Bill Calloway began by thanking the Monroe County Emergency personnel for their assistance to his daughter when she was in a wreck recently.

Mr. Calloway asked Mayor Howard if he adjourned the last council meeting and Mayor Howard stated that he did not. Mr. Calloway stated that at the last council meeting, he told people to watch the council meetings and people are giving him a hard time for what he says during the meetings. Mr. Calloway stated that he respects everyone. Mr. Calloway stated that Mr. Lawrence did not disrespect the Mayor at the council meeting.

#### **MONIQUE BATTLE – SEWER LINE ISSUES**

Mrs. Battle was not present at this time but came in later during the meeting.

#### **MAGGIE JACKSON**

Ms. Maggie Jackson stated that she does not like being given a limit on the amount of time that she can speak but will still get her message through to council. Ms. Jackson stated that there is no respect for the Mayor from City Council and asked what the City Council wants from the Mayor. Ms. Jackson asked Mr. White if he took pictures of her property and Mr. White responded that he had not. Ms. Jackson stated that she does not feel that Mr. Wilson respects the attorney or mayor.

### **KENNY FREEMAN**

Mr. Kenny Freeman stated that he came before council at the last meeting and was appalled by the treatment of the city council abruptly adjourning the meeting. Mr. Freeman stated that this was disrespectful to the city and to them and there was no reason for the three council members to run out of the meeting. Mr. Freeman asked Mr. White and Mr. Melton how a meeting should be adjourned and Mayor Howard stated that there should be a motion, a second, and then a vote but city council is accustomed to a motion and then adjourning the meeting. Mr. Freeman stated that the bickering is unnecessary and that all should bridge the gap and communicate with one another. Mr. Freeman assured council that he would campaign against those that fail to come together.

### **PUBLIC HEARING TO ADOPT AMENDMENTS TO CHAPTER 7 OF THE CITY CODE RELATING TO THE HISTORIC PRESERVATION**

Mayor Howard opened the public hearing for comments for or against the adoption of the amendments to Chapter 7 of the City Code relating to Historic Preservation. Mr. Melton reviewed the proposed amendments stating that this matter previously came before council in 2010 and was tabled for additional review with the property owners; has been advertised in the August 1<sup>st</sup>, 8<sup>th</sup>, and 15<sup>th</sup> issues of the Reporter; the matter before council tonight is regarding the proposed district guidelines, district map, and certificate of appropriateness. Mr. Melton stated that the City Ethics Code does not mean that anything was done wrong; rather it is rules to prevent wrongdoing and guides to move forward. Mr. Melton stated that council members should not participate if they have a substantial interest or ownership. Mr. Melton stated that Mr. Dodd and Mr. Wilson own or have a substantial interest in this district and therefore in his opinion should not participate or vote on this matter. Mayor Howard reminded those in attendance that they should limit their time to 3 to 5 minutes when speaking.

**Mr. Malcolm Sullivan** – owner of a building on the square – came before council and stated that he is concerned that the guidelines violates fundamental principle of property rights; is for the aesthetic value not for public safety or public health; that any changes must be applied for and the requirements could have an increase cost to the property owner; possible legal issues could apply; adversely affect property values; another layer of governmental bureaucracy. Mr. Sullivan stated that there are other options such as the façade grants that are available.

**Mrs. Loraine Khoury**, Better Hometown Director, stated that the City cannot make a property owner do anything and can only suggest how to make changes; reviewed email she received from owners of Grits Café stating their support of the guidelines. Mrs. Khoury stated that there currently is not protection to other property owners if a property is sold. Mrs. Khoury stated that research shows that property values increase when historic guidelines are enforced.

**Mr. Chuck Matich** – owner of Ann’s Deli – stated that he is not a resident of Forsyth but his wife owns Ann’s Deli at 33 & 35 W. Johnston Street. Mr. Matich stated he has a problem with “just trying to protect you” mentality and usually the next step is telling owner what to do with their property; it is a privilege to do what you want to with your own property; council is responsible for not allowing an unwanted business downtown; do not need another layer of bureaucracy. Mr. Matich stated that the historic guidelines are not needed unless the committee for review is made up of 3 business owners in the district, 1 city employee, and 1 HPC member, that way the business owner has a fair chance.

**Mrs. Bonnie Barker** – owner of Jonah’s on Johnston and also chairperson of Downtown Development Authority – stated that she agrees with the need of a committee of responsible members for review but without the guidelines will be limited as to the money available for funding. Mrs. Barker stated that she is concerned that any building or business can be put next to her business; Pizza Hut sign is an example of what is not needed in the historic downtown; visitors to her restaurant comment on what a pretty town Forsyth is and need to preserve the historic downtown; guidelines do not limit personal freedom; and if not careful we will not be able to recruit businesses to Forsyth.

**Mr. Jimmy Pace** – property owner in the district – stated that he had questions two years ago when this came up and those questions still have not been answered; what is the amount of time for review for the certificate of appropriateness; who performs the inspections; page 27 states

“established traditional pattern”, asked what this means; what is the goal of the guidelines; guidelines do not allow for vinyl siding but several in the proposed district already have vinyl siding; guidelines allow for new construction but the only area that would allow for new construction is not included in the district map; agree that some form of guidelines may be necessary but not one as restrictive as this one is; need to make HPC an advisory board. Mr. Pace stated that there are 16 vacant properties within the proposed district and additional restrictions will not fill these buildings. Mr. Pace stated that 8 years ago when he was mayor and the HPC first began work on the guidelines, he asked that they find a model that worked and rewrite that guideline, but the HPC chose to hire a consultant to write the guidelines. Mr. Pace stated that he does not agree that council members cannot vote if they have a substantial interest as they are allowed to vote on millage tax rate.

**Mr. Curtis Jenkins** – business owner on the square with Mr. Benson Ham – stated that he too is puzzled as to why council not allowed to vote as all votes taken affect the council members in some way and you must own property within the city to be eligible to run for city council. Mr. Jenkins asked about HPC members owning property in the district and how they would be allowed to vote on a certificate of appropriateness. Mr. Jenkins stated that he has preserved the historic integrity of his building and agrees with the others that have spoken against the adoption of the guidelines; the committee composition could be changed even if amended tonight; guidelines are parameters and rules that must be abided by; and grants are used as a carrot to get to give away and don’t respect property rights.

**Mr. Otis Ingram** – property owner in the proposed district – stated that he was on the FLA for 15 years and issue fought most often was the taking of private property rights; these guidelines limit private property rights and affect the cost of improvement and property value; asked who chose these guidelines and area and why the district area is such a large area; guidelines limit freedom and decrease value of property; already have a problem with vacant buildings and this will not help; and proposed that if adopted that all current property owners be grandfathered in and move forward with guidelines for any new property owners.

**Mrs. Joann Lawson** – asked why Mrs. Khoury stated that not being forced when the property owner would have to get a certificate of appropriateness to do any work and Mrs. Khoury stated

that the HPC could deny the certificate of appropriateness and the property owner could then appeal to city council.

**Mr. Hugh Cromer** – part owner of a business on the square – stated that he does not believe that government should be any larger than it has to be. Mr. Cromer stated that in the past, there were schematic drawings for a color palate and they had the opportunity to get money from city council to fix up the facade of their building so why do we need government to tell us what to do now?

**Mr. Lee Willingham** – building maintenance committee for 1<sup>st</sup> Baptist Church – stated that they can handle their own business and do not need to be told what to do.

**Mr. Ralph Bass** – HPC Board member – stated that the adoption of the guidelines will help market Forsyth and will enable HPC to support and guide property owners when making changes to their building. Mr. Bass encouraged city council to adopt the guidelines and if problems come up, council can amend or abolish the guidelines.

**Ms. Debra Milliken** – Chamber Tourism Director – reviewed the historic aspect and tourism and stated tourism is a powerful economic tool. Ms. Milliken reviewed a national study of importance of history travel shows that 78% of all leisure travelers participate in heritage while traveling and 66% visit historic sites.

**Mr. Jay Patterson** – business owner in proposed district – stated that tonight's meeting has been handled the same as it was 2 years ago with notification in legal section of Reporter that no one reads and flyers were handed out to some property owners but he nor his wife received a notice and both own businesses in the proposed district. Mr. Patterson stated that 57 pages of guidelines is too much and it would be mandatory to follow as states must have hearing before HPC for minor repairs; end result would stifle architectural integrity; and an appointed panel would make decisions for what someone can do with their property. Mrs. Khoury stated that the tax records were used to send out the flyers and the tax records do not reflect that he has purchased a property within the district.

**Mr. David Sewell** – HPC member – stated that he took the position on the HPC because he was concerned about the community. Mr. Sewell stated that things are being said tonight that are not in the guidelines and other cities have guidelines and they are prospering. Mr. Sewell stated that

the HPC has worked on these guidelines for 7 years for the betterment of the community and HPC has nothing to do with the vacancies in the buildings.

**Mrs. Eva Persons** – HPC member – stated that those opposed are making false statements about the guidelines. Mrs. Persons stated that HPC is only concerned with the outside of the building and the time period of the building to maintain the historic integrity of the building. Mrs. Persons stated that other cities with historic districts are booming and other cities allow city council to vote on their HPC guideline adoption. Mrs. Persons stated that maybe HPC has not done a good job explaining the guidelines to the public.

**Mrs. Florence Pate** stated that the one property that is open and without any buildings is not included in the district so anything could be built on that property and Mrs. Khoury stated that the map could be amended later.

**Mrs. Wanda Fountain** – owner of 30 E Johnston – asked about the property that is in the proposed district that burned years ago and what would happen to that building and if the property owners would be required to make repairs to that building. Mrs. Khoury stated that P&Z is working with that property owner. Mrs. Persons stated that property owner would come to HPC and HPC would not go to the owner.

Hearing no further comments for or against the adoption of the amendments to the city code, Mayor Howard closed the public hearing. Mrs. Banks offered a motion to adopt the amendments to Chapter 7 of the City Code. Mr. Hansford seconded the motion. Mrs. Banks asked if the adoption of the guidelines would affect the current zoning in the proposed district and Mrs. Khoury stated that it would not. The motion failed with one (1) vote for (Banks) and three (3) votes against (Calloway, Hansford, and Lawrence) and two (2) abstentions (Dodd and Wilson).

#### **LOCAL OPTION SALES TAX (L.O.S.T.)**

Mr. White reviewed meeting held with Middle Georgia Regional Commission regarding the city's request for distribution of the L.O.S.T. Mr. Wilson offered a motion to authorize the Mayor to stand firm on the current distribution of L.O.S.T. Seconded by Mr. Calloway, the motion carried unanimously motion carried unanimously (voting in the affirmative were Dodd, Banks, Calloway, Hansford, Wilson, and Lawrence).

**STATUS OF MILLEDGE CIRCLE PROPERTY DEEMED A NUISANCE ON JUNE 19, 2012 – OWNER WALLACE RUTLAND**

Mr. Rutland came before council and stated that he is working on the property but needs additional time to complete the work as he is doing the work himself and by hand. Mr. Rutland stated that he will rebuild the back portion of the house that he has removed. Mr. Walter Carter, Zoning/Code Enforcement Officer, passed around pictures of the structure and confirmed that Mr. Rutland is doing all the work by hand. Mr. Carter stated that council deemed the structure a nuisance on June 19, 2012 and gave Mr. Rutland 60 days to repair or demolish the structure. Mr. Calloway stated to Mr. Rutland that the material being removed from the structure cannot be put out for the city to pick up and Mr. Rutland stated that is has been made aware of that and now has someone hauling off the debris. Mr. Rutland requested an additional 30 days to allow him time to remove and rebuild the structure. Mr. Lawrence offered a motion to allow an additional 30 days for the work to be completed. Seconded by Mr. Dodd, the motion carried unanimously (voting in the affirmative were Dodd, Banks, Calloway, Hansford, Wilson, and Lawrence). Mrs. Banks asked if the work required a building permit and inspection and Mr. Carter stated that it does especially due to the structural damage.

**STATUS OF 274 INDIAN SPRINGS DRIVE – OWNER CHRISTINE PIRKLE**

Mr. Walter Carter stated that Ms. Pirkle has previously been given an additional 30 days to clean up the yard and 120 days to demolish or repair the structure. Mr. Carter passed around pictures of the yard and stated that remarkable progress has been made on the grounds. Mr. Carter stated that they were not able to remove the old out building due to electrical lines in the way, but the work in the yard was completed as requested by city council. Mr. George Pirkle, representative of Ms. Christine Pirkle property owner, addressed council and stated that he had questioned the 90% rebuild that was listed on the inspection report but Mr. Carter and Mr. Cox explained what that means and he is now okay with that. Mr. Pirkle requested a copy of the ordinance that Ms. Pirkle is in violation of and Mr. White stated that he would provide him with a copy. Mr. Pirkle asked for a definition of abate house and Mr. Melton stated that it must be made livable. Mr. Pirkle asked where the city right-of-way ends and her property begins and Mr. White stated the ditch is city property. Mr. Pirkle stated that there is a ditch and bank but he would like a specific location to know where to stop the clearing. Mr. White stated that he

would need to pull a plat to see where the property line pins are located. Mr. Pirkle stated that the house is being listed for sale on several websites. Mrs. Banks thanked Mr. Pirkle for their work on the property.

**AMEND AGENDA – MONIQUE BATTLE**

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

Mrs. Monique Battle addressed council regarding the sewer line repairs that will be in her yard. Mrs. Battle stated this work will place a manhole in her front yard. Mr. Calloway stated Mr. White will review and provide her with an answer tomorrow. Mayor Howard reviewed a conversation with Mr. Daniel Cheek, HHNT engineer, regarding the increase cost to move the line at this point.

**STATUS OF 240 SHARP STREET DEEMED A NUISANCE ON JULY 23, 2012 – OWNER PINNACLE OF GEORGIA**

Mr. Carter stated that city council deemed the property a nuisance. Mr. Carter stated that Mr. Rogers is to report to Mr. Bentley Cox on his progress. Mr. Carter requested that a safety barrier be placed at the rear of the house where part of the building has been removed. Mr. Steve Rogers, owner, stated that some material has been purchased for the inside of the building and will continue to improve the property. Mr. Calloway offered a motion to allow an additional 30 days to complete the work on the property. Mr. Hansford seconded the motion. Mr. White asked Mr. Rogers if he could complete the work within 30 days and Mr. Rogers stated that he could have a sound foundation and safety measures in place and will have electrical work complete. The motion carried unanimously (voting in the affirmative were Dodd, Banks, Calloway, Hansford, Wilson, and Lawrence).

**AMEND AGENDA – 16 HOLLIS STREET**

Mr. Hansford offered a motion to amend the agenda to allow Mr. Carter to review 16 Hollis Street. Seconded by Mrs. Banks, the motion carried unanimously (voting in the affirmative were Dodd, Banks, Calloway, Hansford, Wilson, and Lawrence).

Mr. Carter stated that a registered letter was sent to Mrs. Evelyn Piland, owner of 16 Hollis Street, in March 2012 and was promised that the house would be torn down. Mr. Carter

stated that no work has been done on the house and recommended that the property be deemed a nuisance. Mrs. Banks offered a motion to declare the property a nuisance. Mr. Lawrence seconded the motion. Mr. Melton asked if Mrs. Banks is finding cause to proceed with nuisance procedure and Mrs. Banks offered a motion to amend the motion to find cause to proceed with nuisance procedure. Seconded by Mr. Lawrence, the motion carried unanimously (voting in the affirmative were Dodd, Banks, Calloway, Hansford, Wilson, and Lawrence).

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

Mrs. Hall reviewed purchase orders over \$500 for approval for each department for a total of \$95,877.78. Mr. Hansford offered a motion to approve the purchase orders. Seconded by Mr. Lawrence, the motion carried unanimously (voting in the affirmative were Dodd, Banks, Calloway, Hansford, Wilson, and Lawrence).

Mrs. Hall reviewed recurrent invoices for each department for a total of \$170,198.61 and \$640,082.13 recurrent invoices that are paid by ACH draft. Mr. Hansford offered a motion to pay the recurrent invoices. Seconded by Mr. Lawrence, the motion carried unanimously (voting in the affirmative were Dodd, Banks, Calloway, Hansford, Wilson, and Lawrence).

### **COMMITTEE REPORTS**

#### **MR. DODD**

Mr. Dodd stated that the Railroad Avenue project is moving forward.

#### **MRS. BANKS**

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

- Non-profit signage on Highway 41 South and North has been repainted and the signage on Highway 42 North is being replaced
- Economic Training class on August 28<sup>th</sup>
- Need to plan a Hometown Connection meeting for the fall

#### **MR. CALLOWAY**

Mr. Calloway stated that he would get with Mr. Pat Wright in the morning on the sewer line issue for Mrs. Battle.

#### **MR. HANSFORD**

Mr. Hansford tasked Mr. White with scheduling a budget meeting for review of the current budget within the next week.

Mr. Hansford tasked Mr. White with scheduling a work session to review the procurement policy.

#### **MR. WILSON**

Mr. Wilson stated that the public safety committee will meet the first Tuesday in September at 3:30 pm.

Mr. Wilson stated that he represented council at a reception held in honor of Dr. Michael Dawson who is leaving the community.

#### **MR. LAWRENCE**

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

- Kynette Park project moving forward; tour of building last week and advisory board will meet this week to discuss furnishings and playground equipment; Mayor Howard stated that he has met with vendors for splash pad installation
- The Tree Board will discuss the problems on the square regarding the upkeep of the bumpouts to see if this is something that they can assist with
- Reviewed the Georgia Chamber Congressional Luncheon held today in Macon

#### **CITY ADMINISTRATOR REPORT**

Mr. White offered the following report:

- The bore under I75 is complete and has passed inspection
- Brentwood Apartment preconstruction meeting will be held next week due to change of contractor
- South Interceptor and Sharp Street sewer line projects are out for bid
- Judge Wilson ruled today on the Mitchell Road water issue
- The bank at Kynette Park will be slopped on Friday

#### **CITY CLERK REPORT**

Mrs. Hall offered the following report:

- Early Retirement – worked with Mr. Randy Logan, GMA, and their legal department is writing the Plan Documents for the Early Retirement Incentive Program (ERIP) but they will not be ready until September 24<sup>th</sup>. Council does not meet again until October 2<sup>nd</sup>. Mrs. Hall asked that council authorize Mayor Howard to sign all necessary documents for the ERIP so that the window can begin October 1 and end November 16. Mr. Calloway

offered a motion to allow Mayor Howard to execute all documents necessary for the ERIP. Seconded by Mr. Lawrence, the motion carried unanimously (voting in the affirmative were Dodd, Banks, Calloway, Hansford, Wilson, and Lawrence).

- Millage Rate – Mrs. Lori Andrews, MC Tax Commissioner, has received an extension from the department of Revenue moving the deadline for the tax digest to October 1. Tax Digest figures have changed slightly – as of August 3<sup>rd</sup> the estimated amount the city would collect was \$614,088 and as of August 14<sup>th</sup> the estimated amount to collect is \$613,988
- Economic Development training session with Chamber, County Commissioner, Development Authority for City and County, and City Council will be held Tuesday, August 28<sup>th</sup> at 8:30 am at the Monroe County Education Center
- The fire department is working on pre-planning for all businesses inside the city and as they visit each establishment, they are checking to ensure that the business has a business license. So far they have found several that do not have a license and city hall will be working with these businesses to get their license up to date
- Streetscape Phase III – Aikens received the survey from Steve Coleman & Associates today
- Reviewed conversation with citizen requesting that Mayor and Council try to refrain from using acronyms when discussing city business.

### **CITY ATTORNEY REPORT**

Mr. Melton reviewed the following:

- Easement for Hardee's should be received soon
- Nytrex Industries has not responded to the easement request so an appraisal has been received and an offer made
- One easement has been received and one promised for the Sharp Street sewer line
- Several properties will require condemnation for easements for the South Interceptor sewer line
- The engineer drawings have been delivered to Department of Corrections for the Railroad Avenue project

- Mr. Dodd asked Mr. Melton to read the Grand Jury Presentment on the case against Dodd Builder Supply in to the record. Mr. Melton read the Grand Jury Presentment (a copy of the presentment is attached to the minutes). Mr. Hansford offered a motion to settle all outstanding bills with Dodd Builder Supply. Seconded by Mrs. Banks the motion carried with five (5) votes for (Banks, Calloway, Hansford, Wilson, and Lawrence) and one (1) abstention (Dodd). Mr. White stated that no charges were filed there was only an investigation.

### **MAYOR'S REPORT**

Mayor Howard stated that council will hold a work session on Friday, August 31<sup>st</sup> at 1:30 pm to meet with Mr. Jim Faircloth on the cable system.

Mayor Howard stated that he would like to schedule a meeting with Mr. Dodd to discuss an issue on Sharp Street.

### **ADDITIONAL BUSINESS**

Mr. Ronald Bearden, 441 Sunset Terrace, thanked Mr. White for responded to the problems that he made him aware of in his neighborhood.

Mr. Fred Dungan, 430 Sunset Terrace, thanked the street and electric departments for their work on Collier Road clearing the overhanging trees.

### **ADJOURN**

There being no further business to discuss, the meeting was adjourned at 9:30 pm.

Submitted by:

Janice L. Hall, City Clerk