

## **MINUTES**

### **FORSYTH CITY COUNCIL MEETING**

**FEBRUARY 19, 2013**

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

Mayor Howard called the meeting to order at 6:00 pm and lead the Pledge of Allegiance. Mr. Calloway gave the invocation.

#### **ROLL CALL**

Present for the meeting was Mayor John Howard, Council members 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 THE FEBRUARY 5, 2013 COUNCIL MEETING**

Mr. Lawrence offered a motion to approve the minutes of the February 5, 2013 council meeting as written. Seconded by Mr. Wilson the motion carried unanimously (voting in the affirmative were Dodd, Banks, Calloway, Hansford, Wilson and Lawrence).

#### **RESOLUTION OF GRITS CAFÉ**

Mayor Howard read and presented Grits Café with a resolution offering appreciation for reinvesting in Forsyth. The resolution was given by the Monroe County Development Authority, the Forsyth Downtown Development Authority, the Monroe County Commissioners, and the Forsyth City Council.

#### **PRESENTATION TO OFFICERS BY MAJOR HARRIS**

Major Harris presented Officer Redd and Sergeant Middlebrooks with the pin of life saving for their quick thinking and actions that saved the life of a female in Forsyth.

#### **PUBLIC HEARING FOR PRIVATIZATION OF SOLID WASTE**

Mayor Howard opened the public hearing for comments for or against the privatization of solid waste services. Mr. Melton reported notice had been provided to citizens through several medias for the public comment on the privatization of solid waste. Mr. Jared Lovett, Advanced Disposal, reviewed his company history and provided a list of other cities they contract with. Mr. Lawrence commended Mr. Wilson on this work negotiation a contract with Advanced Disposal. Mr. Lovett informed council his company would work with Mr. White to get centralized dumpsters in place for downtown merchants and work directly with the business to assess the amount of garbage they will generate on a weekly basis to determine the number of dumpsters that will be required. Mr. Lovett stated that the contract allows for 5% of those serviced to be elderly with backdoor pickup and Advanced Disposal usually requires a physician's statement to make the determination of those that cannot put their garbage out at the street.

Mr. William Calloway asked if the monthly rate will remain the same and Mr. Lawrence responded that it would be \$5 less per month. Mr. William Calloway asked how soon the cost would increase back to \$20 per month and Mr. Lawrence stated there is no plan in place to increase the monthly cost. Mr. Dodd stated the rate is locked in per the contract.

Mrs. Jackie Green came before council and stated that she is concerned with what will happen after 1 year with the rates. Mr. Wilson stated that the contract is a 5-year contract, with the city cost being \$11.50 per month with a variable fuel rate and reviewed that the variable is why the cost to the citizens will be \$15 per month. Mrs. Green asked if the contract has a percentage increase built in and Mr. Lovett explained that any increase is based on the CPI and could be as much as 3% but it is determined by governmental statistics. Hearing no further comments for or against the privatization of solid waste services, Mayor Howard closed the public hearing. Mr. Wilson reviewed the negotiations held with Advanced Disposal on the contract and stated that the concerns addressed by the committee were to decrease the monthly cost to the customer. Mr. Wilson stated that the committee agreed upon \$15 per month to allow room for the CPI increase and to fund the public works department continued work on streets and sidewalks. Mr. Wilson offered a motion to follow the Public Works Committee recommendation to contract with Advanced Disposal. Mr. Calloway seconded the motion. Mr. Wilson reminded council once the contract is formalized the privatization will need to be sent to legal council for approval then back to the City Council for a final approval. The motion carried unanimously (voting in the affirmative were Dodd, Banks, Calloway, Hansford, Wilson, and Lawrence).

#### **PRESENTATION OF GMA CERTIFICATION OF DISTINCTION TO MELVIN LAWRENCE**

Mayor Howard recognized Mr. Melvin Lawrence with the Certification of Distinction. Mr. Lawrence has completed over 240 credit hours of training since being elected to City Council. Mayor Howard stated the classes are to teach elected official what it means to be elected, provides education on what needs to be done, and helps officials on how to encourage citizens to come out and provide input on all decisions. Mayor Howard also received recognition for completing over 42 hours of training during the GMA Mayors Day conference in January.

#### **PRESENTATION OF PLAQUE FOR 2011 AUDIT**

Mr. Al Hopkins presented the City with a plaque in recognition to their 2011 audit. This honor is a very proud distinction from the Governmental Financial Officers Association (GFOA) of America and Canada. The GFOA encourages municipalities to do more than the minimum requirement. Mr. Hopkins stated he began working with the City over 4 years ago and had initially heard the financial affairs of the city were very poor, but soon discovered this was untrue noting the city simply has good people doing good work. Mr. Hopkins stated that he wanted to get the word to out to the citizens of Forsyth of the good job being done and encourage the city to complete the CAFR to recognize the good work. The city

passed the course on the first submission and joined the 69 municipalities in the state who have received the CAFR. There are currently only 1,800 cities in America with this distinction. Mr. Hopkins presented the plaque to Mayor Howard and a certificate to Mrs. Janice Hall for her work on the audit.

**APPROVAL OF SUPPLEMENTAL ENGINEERING PROPOSAL FOR INERT WASTE LANDFILL**

Mr. Steve Harbin, Harbin Engineering Company, reviewed their recommendation to cover the waste dumped at the site by Permit by Rule. Mr. Harbin also reviewed the work already completed on the project and the proposal for the remainder of the work to be completed. The proposal states the project is not to exceed \$25,000 and take no longer than 9 months to complete. On January 23, 2013, the EPD passed new rules for inert landfills, no longer allowing Permit by Rule. Mr. Harbin is hoping because the application was submitted before January 23<sup>rd</sup> the Permit by Rule will be granted. Mrs. Banks offered concern for how EPD leaning since they require compaction and we have three acres of mangled trees and limbs. Mr. Harbin stated they would compact to the least compaction that they can; compacting as they move to the southern portion of the site. The EPD will not require grinding. Mr. Harbin stated the cost of this project is roughly estimated between \$80,000 and \$120,000. Mr. Harbin also stated if it were all to be ground it would cost over \$100,000. Mr. Dodd asked for an update on the landfill at Old Brent Road. Mr. Harbin informed council the EPD required a Corrective Action Plan, which he has submitted to add small inert landfill at the closed landfill located on Old Brent Road. Mr. White recommended acceptance of the proposal of Harbin Engineering Company and asked Mr. Harbin for a timeline for the project. Mr. Harbin stated the bid must be advertised for four weeks due to the cost of the project and that is the reason for the not to exceed nine months. Mr. Wilson offered a motion to approve the contract with Harbin Engineering for a not to exceed \$25,000 and 9-month completion. Mr. Calloway seconded the motion. Mrs. Banks voiced concern that a stop work order was issued by the EPD and we continue to dump at the site. Mr. Harbin stated that a stop work-order was not issued and that the City can continue to dump at the site until the work begins to close the site. The motion carried with five (5) voting in the affirmative (Dodd, Calloway, Hansford, Wilson and Lawrence) and one (1) abstention (Banks). Mrs. Banks stated that she abstained from the vote due to being disappointed that no action was taken three years ago when this was first brought to the attention of the City and the money it will now take to do the work could have been used in other areas.

**ADOPTION OF RESOLUTION APPROVING INTERGOVERNMENTAL CONTRACT WITH ECG**

Mrs. Hall reviewed that this is the Resolution to go along with the intergovernmental contract with ECG which council passed at a previous council meeting. Mr. Calloway offered a motion to adopt the Resolution approving the contract with ECG. Seconded by Mr. Lawrence, the motion was carried

unanimously (voting in the affirmative were Dodd, Banks, Calloway, Hansford, Wilson, and Lawrence). Mr. Melton noted the date on the contract should be changed to 2013.

#### **APPROVAL OF PERSONNEL POLICY CHANGE RELATING TO ADDITIONAL DEPARTMENT CLOSINGS FOR HOLIDAYS**

Mrs. Hall reviewed the policy change. Mr. Dodd stated the public affairs had also reviewed the policy change. Mr. Hansford also noted the Administrative Committee reviewed the policy change and agreed to the change. Mr. Dodd offered a motion to approve the personnel policy change relating to additional department closings for holidays. Seconded by Mr. Calloway, the motion carried unanimously (voting in the affirmative were Dodd, Banks, Calloway, Hansford, Wilson, and Lawrence).

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

Mrs. Hall provided council with a spreadsheet showing all purchase orders issued since the last council meeting. Mrs. Hall stated the spreadsheet is for council's information and that only two (2) purchase orders require council approval. Mr. Calloway offered a motion to approve the two (2) purchase orders greater than \$5,000. Seconded by Mr. Dodd, the motion carried unanimously (voting in the affirmative were Dodd, Banks, Calloway, Hansford, Wilson, and Lawrence).

Mrs. Hall stated that the recurrent invoices for approval totals \$380,120.65. 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 offered the following report from the Public Affairs Committee:

- Reviewed the February 13, 2013 committee meeting
- The zoning map is currently being updated; the tax assessor records have incorrect information; the city property at the Welcome Center is listed as being owned by Georgia Power. Mr. Dodd is concerned there may be a larger number of parcels listed incorrectly.
- The Regional Commission is working on updating the city codes as most of them are very old and outdated
- Mr. Dodd offered a motion to move code enforcement to the police department. Mr. Wilson seconded the motion. There was a lengthy discussion as to how this transfer of duties should be handled. Mayor Howard suggested the Public Affairs and Public Safety committees work on the issue together. Mayor Howard stated that Officer Thombly has experience from previous employment and would like to see her spearhead the project. The motion carried unanimously (voting in the affirmative were Dodd, Banks, Calloway, Hansford, Wilson, and Lawrence).

### **MRS. BANKS**

Mrs. Banks offered the following report from the Parks/Recreation/Cemetery Committee:

- Attended the Tree Board training.
- Arbor Day activities on February 15<sup>th</sup> were a success
- Met with Georgia Asphalt today
- Kynette Park work has been slowed due to the large amount of rain lately. Mayor Howard stated the playground equipment at Kynette Park looks great and he would like to get the area behind the ball field cleared.
- Cemetery, Parks, and Recreation Committee meeting will be held on March 4, 2013 at 10:00AM
- There will be a City Park workday on February 27, 2013. Once this is complete, Mrs. Banks plans to move on to other parks for improvements.

### **MR. CALLOWAY**

Mr. Calloway stated Mr. Pat Wright, Utility Partners, provided a monthly report to everyone. The Utilities Committee will meet next week to review the report.

### **MR. HANSFORD**

Mr. Hansford commended Mrs. Hall and staff for getting the information together to receive the CAFR award.

Mr. Hansford offered the following report from the Administrative Committee:

- Working on various policies to prevent arbitrary policies from being made
- A snap shot of the finances will be provided at each council meeting
- The Administrative Committee plans to meet every 2 months to review budget
- The committee is finalizing incentives for wellness program for all employees. Mayor Howard is looking to have the city become self-insured this year to help with cost of health insurance.

### **MR. WILSON**

Mr. Wilson had nothing further to report.

### **MR. LAWRENCE**

Mr. Lawrence offered the following report from the Public Safety Committee:

- Reviewed committee meeting held last Monday
- Working on a retreat for the committee members with the Mayor
- The Forsythia Festival will be held on March 9-10, 2013
- Mr. Lawrence thanked Chief Corley and Chief Herndon
- Mr. Lawrence thanked mayor and council for recognizing him for achieving the GMA Certificate of Distinction

### **CITY ADMINISTRATOR REPORT**

Mr. White met with the consultants and reviewed the progress of Streetscape Phase III. Mr. White has also requested a meeting with the property owners to ensure they are aware of the project.

Mr. White stated the survey was sent to Norfolk Southern, but no response has been received.

Mr. White reminded everyone the council meeting starts at 6:00PM.

Mr. White requested an executive session for litigation.

### **CITY CLERK REPORT**

Mrs. Hall reminded everyone of the upcoming Forsythia Festival.

Mrs. Hall thanked Mayor and Council for the recognition for the work on the 2011 CAFR Audit. Mrs. Hall offered thanks to Mrs. Geri Proctor for her work with the auditors and to Mr. Al Hopkins and his staff for their work in making the CAFR process an easy process. Mrs. Hall stated this is a very prestigious award and everyone should be proud of the distinction.

### **CITY ATTORNEY REPORT**

Mr. Melton had nothing further to report.

### **MAYOR'S REPORT**

Mayor Howard asked council to send him reminders of the dates for each committee retreat.

Mayor Howard thanked Union Hill Baptist Church for their Black History Month events and the award they presented to him for being the first black mayor of Forsyth.

Mayor Howard stated council needed to be frugal this year.

### **EXECUTIVE SESSION**

Mr. Hansford offered a motion to adjourn into executive session to discuss personnel and pending litigation. Seconded by Mr. Lawrence, the motion carried unanimously (voting in the affirmative were Dodd, Banks, Calloway, Hansford, Wilson, and Lawrence) and council adjourned into executive session at 8:00PM. Mr. Calloway left the meeting and did not remain for the executive session.

Mayor Howard called the meeting back to open session at 8:45PM.

### **ADDITIONAL BUSINESS**

Mr. Hansford offered a motion to settle the lawsuit with Windell Rutherford. Mr. Melton stated that as part of the motion, the City settle the case in U.S. District Court principle basic terms which states that the City hold no liability, tender \$160,000 to Mr. Rutherford and his attorney, place Mr. Rutherford in the position of Inventory Clerk, and pay Mr. Rutherford's portion of the mediation cost. Seconded by Mrs. Banks, the motion carried unanimously (voting in the affirmative were Dodd, Banks, Hansford, Wilson, and Lawrence). Mr. Calloway was not present for the executive session.

### **ADJOURN**

There being no further business to discuss, the meeting was adjourned at 8:50 PM.

Submitted by:

Janice L. Hall, City Clerk