

MINUTES

FORSYTH CITY COUNCIL MEETING

MARCH 19, 2013

CALL TO ORDER, PLEDGE OF ALLEGIANCE, AND INVOCATION

Mayor Howard called the meeting to order at 6:00 pm, led the Pledge of Allegiance, and gave the invocation.

ROLL CALL

Present for the meeting was Mayor John Howard, Councilmembers Mike Dodd, Jo Anna Banks, Eric Wilson, and Melvin Lawrence. Also present was City Attorney, Bobby Melton; City Administrator, Thomas White; and City Clerk, Janice Hall.

Councilmembers James Calloway and Desi Hansford were not present for the meeting; therefore, all unanimous votes will be five (5) for (Dodd, Banks, Wilson, and Lawrence).

APPROVAL OF MINUTES OF THE MARCH 5, 2013 COUNCIL MEETING

Mr. Wilson offered a motion to approve the minutes of the March 5, 2013 council meeting as written. Seconded by Mr. Lawrence, the motion carried unanimously.

AMEND AGENDA TO READ RESIGNATION LETTER FROM COUNCILMEMBER JAMES CALLOWAY

Mayor Howard requested that the agenda be amended to read resignation letter from Councilmember James Calloway. Mr. Wilson offered a motion to amend the agenda to consider resignation of Councilmember James Calloway. Seconded by Mr. Dodd, the motion carried unanimously (voting in the affirmative was Dodd, Banks, Wilson, and Lawrence).

Mayor Howard read letter of resignation from Councilmember James Calloway stating that resignation would be effective immediately. Mrs. Banks offered a motion to accept Mr. Calloway's resignation. Seconded by Mr. Wilson, the motion carried unanimously (voting in the affirmative was Dodd, Banks, Wilson, and Lawrence).

APPROVAL OF INSPECTION AND MAINTENANCE QUOTES FOR WEATHER SIRENS

Mr. White reviewed quotes stating that several of the siren batteries needed to be replaced and all of the sirens needed regular maintenance. Mr. Dodd asked who had written in the change on the quote from Alpha and Mr. White stated the quantity of batteries was changed from one to twenty as that is the number of batteries required. Mr. Lawrence stated that the public safety committee has reviewed the need for the battery replacements and maintenance on

all the weather sirens and approved to move forward. Mr. White stated that this was not budgeted in the 2013 budget so funding will need to be determined also. Mrs. Banks stated that she would prefer funding be presented at the same time as the proposals and council agreed. Mayor Howard requested that the matter be sent back to the public safety committee to find funding for the project and bring the matter back before council at the next council meeting. Mr. Lawrence offered a motion to table the matter until the next council meeting. Seconded by Mrs. Banks, the motion to table carried unanimously (voting in the affirmative was Dodd, Banks, Wilson, and Lawrence).

APPOINTMENT OF CITY ENGINEER

Mayor Howard stated that this has been a lengthy process of trying to find a city engineer and stated that he has reviewed the matter with Mr. Melton and it is acceptable to appoint a city engineer based upon the proposals received in response to the RFP's sent out in March 2012. Mrs. Banks offered a motion to appoint Hofstadter & Associates as city engineer for 2013. Seconded by Mr. Dodd, the motion carried with three (3) votes for (Dodd, Banks, and Wilson) and one abstention (Lawrence) and Mayor Howard voted in the affirmative making the fourth affirmative vote to carry the motion.

APPROVAL OF ACCOUNTS PAYABLE INVOICES

Mrs. Hall stated that there are no purchase orders over \$5,000 for approval.

COMMITTEE REPORTS

Mayor Howard stated that he will hold work sessions for the public utilities committee and will meet with Mr. Pat Wright, Mr. Alvin Randall, and Mr. Steve Jones until problems with the committees are worked out. Mayor Howard called on Mr. Pat Wright for the water department report. Mr. Pat Wright reviewed the report provided to council; reviewed power was restored to the intake at 3:00 pm today after storms last night; Brentwood Place Apartments passed pressure testing on water lines today; stream crossings were completed today for the South Interceptor Sewer Line; and the Sharp Street sewer line project moving forward. Mayor Howard stated that with the appointment of a city engineer we can move forward with capital projects. Mrs. Banks asked Mr. Wright to review what the Sharp Street project will entail and Mr. Wright stated that the project will require the insertion of a new manhole, which will cross Sharp Street. This will cause delays in traffic on Sharp Street and possibly closing the street at

times. Mr. Dodd stated that Sharp Street is on the LMIG project list for 2013 and will be resurfaced once the sewer line project is complete.

MR. LAWRENCE

Mr. Lawrence had nothing further to report.

MR. WILSON

Mr. Wilson offered a motion to transfer \$20,000 from the public works salary line item to the administrative salary line item. Mrs. Banks seconded the motion. Mr. Lawrence requested the purpose of the transfer and Mr. White stated that the public works department is being reorganized due to the privatization of the garbage service and that he has determined that an additional person is needed in the warehouse. Mrs. Hall requested that the transfer be from public works salary to administrative purchasing salary line item. Mr. Wilson amended his motion to approve the transfer to the correct line item and Mrs. Banks amended her second of the motion. The motion carried unanimously (voting in the affirmative was Dodd, Banks, Wilson, and Lawrence).

Mr. Wilson requested an executive session at the end of the meeting for land acquisition.

MRS. BANKS

Mrs. Banks offered a motion to approve invoices for the Kynette Park project in the amount of \$1,393.47 for electrical work and purchase of tables and chairs for the building to be paid from SPLOST. Seconded by Mr. Dodd, the motion carried unanimously (voting in the affirmative was Dodd, Banks, Wilson, and Lawrence).

MR. DODD

Mr. Dodd reviewed meeting held with the Regional Commission on the zoning map and corporate city limits map. Mr. Dodd stated that Mr. Frank Vaughan is working with the Regional Commission to finalize the map.

CITY ADMINISTRATOR REPORT

Mr. White reported that there has been movement from Norfolk Southern on the easement for the Railroad Avenue project.

Mr. White reported Relay For Life will be May 17th and they have added an event this year called "Paint the City Purple" in conjunction with the Better Hometown.

CITY CLERK REPORT

Mrs. Hall reviewed insurance coverage quote for the Boxankle Plant building stating that the current carrier will not cover a vacant building. Mrs. Hall stated that Mr. Richard Russell, city insurance agent, contacted several companies to obtain quotes but only two companies would quote due to the large value of the building. Mrs. Hall reviewed exclusions to the coverage and annual cost would be \$10,473.84. Mr. Dodd offered a motion to approve binding the coverage due to the liability of an uninsured building. Mr. Lawrence seconded the motion. There was a lengthy discussion regarding the high cost of the coverage, exclusions to the coverage, and possibility of binding liability only coverage. Mrs. Banks stated that she would prefer pursuing coverage as liability only is possible. Mr. Dodd amended his motion to acquire liability only for the property if possible and if not, then approve binding coverage as presented. Mr. Lawrence amended his second to the motion. The motion carried with three (3) votes for (Dodd, Wilson, and Lawrence) and one (1) vote against (Lawrence) and Mayor Howard voted in the affirmation for the fourth affirmative vote.

CITY ATTORNEY REPORT

Mr. Dodd asked Mr. Melton for a legal opinion as to the issues surrounding Mr. James Calloway and Mr. Desi Hansford and stated that he assumed that due to Mr. Calloway's resignation there is nothing to consider as to his position. Mayor Howard stated that he sent each of them a letter requesting that they not attend any future council meetings until the matter is resolved and asked each in the letter if they intended to resign. Mr. Calloway submitted his resignation today. Mayor Howard stated that he wants to meet with city council to review the course of action and further stated that due process should be followed and not jeopardized in both cases. Mr. Dodd asked if Mr. Hansford does not resign if council could request his resignation and Mr. Melton stated yes and that would set in process a hearing before city council at the next regularly scheduled council meeting. There was a lengthy discussion regarding voting tonight to request Mr. Hansford's resignation or hold a hearing before council during the April 2nd council meeting. Mrs. Banks offered a motion for Mr. Melton to send a letter to Mr. Hansford advising him that council would accept his resignation on or before April 2, 2013 or hold a due process hearing during the April 2nd council meeting. Mr. Dodd seconded the motion. Mayor Howard stated that this is an ongoing investigation. Mrs. Banks stated this is an unfortunate situation and appears to be violations of the City Charter and City Ethics Ordinance.

Mr. Melton stated that this is a separate issue from the federal investigation, as the City decision has no bearing on the federal case. The motion carried unanimously (voting in the affirmative was Dodd, Banks, Wilson, and Lawrence).

MAYOR'S REPORT

Mayor Howard stated the city will move forward and not be sidetracked by recent actions and further stated that the elected officials need to regain the public trust for being guilty by association. Mayor Howard stated that there will be a Special Election this year along with the regular election and Judge Karen Pitman has opted not to work with the city election this year so council will need to contract with someone to handle the elections this year.

ADDITIONAL BUSINESS

Mr. Lawrence offered condolences to Mrs. Yvonne McGhee in the death of her husband. Mr. White stated that Mr. Joe Proctor is in the hospital and everyone should also remember that family.

Mr. Dodd asked where the proceeds will come from for the Rutherford settlement and Mayor Howard stated that this could be discussed in executive session. Mr. Melton stated pending litigation can be discussed in executive session but it is council decision as to whether or not they discuss closed session items in public session stating that just because it is an approved topic for discussion in closed session does not mean that it cannot be discussed in open session. Mr. Wilson stated that the case is closed and has been settled, council just needs to decide where the funding will come. Mr. Dodd stated that if the \$160,000 is funded from the Municipal Complementary Trust (MCT) that the money must be reinvested in the MCT to keep it funded. Mrs. Banks stated that she would prefer a convention bank loan even if interest only for a short time. Mr. Melton stated that this type loan would have to be repaid by December 31, 2013. Mayor Howard stated that distributions are more than income at this time and hesitant to sign off on additional payments. Mayor Howard stated that council has kept cost to citizen's low and this has hurt the city stating that we must pass cost on to citizens to keep the city moving. Mayor Howard stated that he would like to pay-off the cable bond then payoff other debt as well. Mr. White reviewed how revenues come in and the time of year that they are received. Mrs. Hall reviewed the possibility of paying off the cable bond early with the money in the debt service fund and Mayor Howard agreed that he would like this pursued. Mrs. Banks asked if council could ask opposing counsel for additional 60 days to find funding for the settlement. There was

discussion regarding the need for a Human Resource Officer and the role of that position. Mrs. Banks stated that until elected officials stay out of Human Resources as to hiring, firing, and promoting employees council would continue to have these type of problems and further stated that staff is in place to handle employee issues. Mayor Howard stated that he is in favor of funding the settlement from the MCT due to very low available funds at this time. Mr. Wilson stated that council must be aggressive to repay the MCT if funding taken from there. Mrs. Banks stated that funding for the inert landfill is also unfunded. Mr. Wilson stated that staff needs to research and make a presentation as to how to pay the projects that are in place. Mr. Dodd stated that before funds are expended Mr. White and Mrs. Hall will research source of funding and present back to council. Mayor Howard stated that he will work with Mr. Bill Clifton on extension of settlement payment.

Mr. White recognized former Mayor Jimmy Pace in the audience.

EXECUTIVE SESSION

Mr. Wilson offered a motion to adjourn in to executive session for the purpose of discussing land acquisition, pending litigation, and personnel matters. Seconded by Mr. Dodd, the motion carried unanimously and council adjourned in to executive session at 7:25 pm.

Mayor Howard called the meeting back to open session at 7:55 pm.

ADJOURN

There being no further business to discuss, the meeting was adjourned at 7:55 pm.

Submitted by:

Janice L. Hall, City Clerk