

MINUTES

FORSYTH CITY COUNCIL MEETING

APRIL 2, 2013

CALL TO ORDER, PLEDGE OF ALLEGIANCE, AND INVOCATION

Mayor Howard called the meeting to order at 6:00 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, Eric Wilson, and Melvin Lawrence. Also present was City Attorney, Bobby Melton; City Administrator, Thomas White; and City Clerk, Janice Hall.

Councilmember Desi Hansford was not present for the meeting; therefore, all unanimous votes will be four (4) for (Dodd, Banks, Wilson, and Lawrence).

APPROVAL OF MINUTES OF THE MARCH 19, 2013 COUNCIL MEETING

Mr. Wilson offered a motion to approve the minutes of the March 19, 2013 as written. Seconded by Mr. Lawrence, the motion carried unanimously (voting in the affirmative was Dodd, Banks, Wilson, and Lawrence).

FREIDA WHITE – REQUEST FOR FUNDING FOR THE MONROE SENIOR CENTER

Ms. Freida White, Monroe Senior Center representative, came before council to request funding assistance for the remaining of the Center's fiscal year, which ends June 30th. Ms. White read a letter previously submitted to council requesting funding assistance. Ms. White further explained that all funds for transportation of senior citizens to the Center have been depleted and State and Federal budget cuts reduced the funds coming to the Center. Ms. White stated the Center has already reduced number of days open to two days per week. Ms. Patricia Evans, director of the Center, came before council, reviewed transportation cost, and stated that any assistance that the City could provide would be greatly appreciated including the use of a city van to transport the seniors. Mrs. Banks stated that council discussed several ideas of ways to provide assistance with and without financial assistance and requested the city administrator and Ms. White meet to review ideas. Mayor Howard stated that he does not want to walk away from the possibility of some type of assistance stating that the letter from Ms. White states that the meal received at the Center is the only meal some of the seniors receive. Mrs. Banks offered a motion to authorize Mr. Thomas White to work with Ms. Freida White and report back to council at the next work session. Seconded by Mr. Wilson, the motion carried unanimously (voting in the affirmative was Dodd, Banks, Wilson, and Lawrence).

RELAY FOR LIFE REQUEST TO CLOSE SECTIONS OF JACKSON STREET

ADVANCED DISPOSAL

Ms. Tena Dominy, Relay For Life representative, came before council to request permission to close Jackson Street from Main Street to Morse Street with the exception of the intersection of Jackson and Johnston, which will remain open to traffic for a yard sale to help raise money for Relay For Life. Ms. Dominy stated setup will begin at 6:00 am and the event will begin at 8:00 am and then close at 2:00 pm with cleanup to be completed by 4:00 pm. Mr. Wilson offered a motion to approve the street closure as requested. Seconded by Mrs. Banks, Mr. Dodd asked if merchants on the streets will be notified and Ms. Dominy stated she is also working with Mrs. Khoury and she will assist in notifying the merchants, the motion carried unanimously (voting in the affirmative was Dodd, Banks, Wilson, and Lawrence).

ADVANCED DISPOSAL – ADAM COCHRAN

Mr. Adam Cochran, Advanced Disposal, came before council and thanked them for allowing Advanced Disposal to take care of Forsyth. Mr. Cochran stated that all recyclables were picked up today; residential pickup for garbage will begin tomorrow; residents must use the cart delivered by Advanced Disposal; all commercial dumpsters are in place; Highway 41 (Main Street) is the dividing line – south of the highway will have Thursday pickup and north of the highway will have Wednesday pickup; all residents should have received a garbage cart and a recycle cart; yard debris will be picked up along with garbage pickup; leaves and pine straw must be bagged for pickup and limbs have size limits that must be met; and council discussed need to review policy requiring all utility accounts to also have garbage pickup and how vacant properties will be handled.

APPROVAL OF INSPECTION AND MAINTENANCE QUOTES FOR WEATHER SIRENS - TABLED AT LAST MEETING

Mr. White stated this matter was tabled at last council meeting to determine funding. Mr. White recommended approval of low bid from Alpha Electronics for \$6,190. Mr. Dodd offered a motion to approve the recommendation for Alpha Electronics for \$6,190. Seconded by Mr. Lawrence, Mr. Dodd questioned the date on the quote and Mrs. Hall stated this was a typographical error by the company and it should be December 15, 2012. The motion carried unanimously (voting in the affirmative was Dodd, Banks, Wilson, and Lawrence). Mr. White stated funding would require budget transfers for the maintenance portion of the quote of \$3,690 from administrative R&M building to fire maintenance & support and funding for the parts and equipment portion of the quote of \$2,500 from administrative R&M building to fire R&M equipment. Mrs. Banks offered a motion to approve the budget transfers as stated. Seconded by Mr. Lawrence, the motion carried unanimously (voting in the affirmative was Dodd, Banks, Wilson, and Lawrence).

LORAIN KOURY – STREET CLOSURES FOR SUMMER ON THE SQUARE CONCERTS

Mrs. Loraine Khoury, Better Hometown Director, requested permission to close Jackson Street from Main to Johnston for concerts for Summer Concert Series and the 5th quarter for all Mary Persons High School football games (requested by Ministerial Association). Mr. Dodd offered a motion to approve the street closing for all events submitted. Seconded by Mr. Lawrence, the motion carried unanimously (voting in the affirmative was Dodd, Banks, Wilson, and Lawrence).

MATTIE BUSH – CHARACTER WITNESS FOR DESI HANSFORD

Ms. Mattie Bush was not present for the meeting; however, Mr. Herbert Gantt addressed council on her behalf stating that Ms. Bush has a petition with signatures supporting Mr. Desi Hansford and requesting council not remove him from council until indictment is final.

COUNCIL HEARING ON FORFEITURE OF OFFICE OF ALDERMAN DESI HANSFORD

Mr. Melton stated that it is his duty as City Attorney to present the matter to council. Mr. Melton asked if anyone was present to represent Mr. Desi Hansford and no one responded (Mr. Hansford was not present or represented by anyone). Mr. Melton passed out copies of the Exhibits to be present. Mr. Gantt requested a copy of the Exhibits and Mr. Melton stated that he could request copies after the hearing. Mr. Melton reviewed each Exhibit:

Exhibit #1 – City Charter Section 2.103, 2.105, and 2.107

Exhibit #2 – City Ordinance, Code of Ethics for the City of Forsyth Section 2-130 and 2-132 and 2.136

Exhibit #3 – Copy of letter sent to Mr. Hansford by Certified and First Class Mail dated March 21, 2013

Exhibit #4 – Criminal Complaint against Mr. Hansford

Exhibit #5 – Arrest Warrant for Mr. Hansford dated March 11, 2013

Exhibit #6 – Indictment from Federal Grand Jury

Exhibit #7 – Order Setting Conditions of Release for Mr. Hansford

Exhibit #8 - \$10,000 Appearance Bond

Exhibit #9 – Not Guilty Plea entered on March 21, 2013 by Mr. Hansford

Exhibit #10 – U.S. Code Title 18 Section 666

Mr. Melton stated Mr. Hansford signed a sworn statement of acceptance of the bribe. Mr. Melton reminded council that they are not deciding a criminal case but that council's sole purpose is to determine if Mr. Hansford violated City Charter by accepting a gift or reward. Mr. Hansford has not been convicted of a crime. Mr. Melton stated that council should decide if a preponderance of the evidence leads to actions violated City Charter, City Code, and Oath of Office and if his office should be vacated. Mr. Melton stated that all evidence must be presented in open session but council may adjourn into closed

session to deliberate if they so choose at this time. Mr. Lawrence offered a motion to adjourn into closed session for the purpose of deliberating. Seconded by Mrs. Banks, the motion carried unanimously and council adjourned into closed session at 7:10 pm.

Mayor Howard called the meeting back into open session at 7:30 pm.

Mrs. Banks offered a motion finding that Mr. Desi Hansford violated Section 2.107 (d) of the City Charter, violated Section 2-132 (d) of the City Code of Ethics Standards of Conduct, willfully and knowingly violated those Charter and Code provisions, and thus has forfeited his office as an Alderman of the City of Forsyth. Seconded by Mr. Dodd, the motion carried unanimously (voting in the affirmative was Dodd, Banks, Wilson, and Lawrence).

APPROVAL OF ACCOUNTS PAYABLE INVOICES

a. APPROVAL OF QUOTES FOR WOOD POLES FROM COX INDUSTRIES BID THROUGH ELECTRIC CITIES

Mrs. Hall stated PO #2974 for Cox Industries that was bid out through ECG hiperweb system in the amount of \$5,896 is the only PO greater than \$5,000 ready for council approval. Mrs. Banks offered a motion to approve the purchase. Seconded by Mr. Lawrence, the motion carried unanimously (voting in the affirmative was Dodd, Banks, Wilson, and Lawrence).

JIMMY OWENS

Mr. Jimmy Owens came before council to review concerns regarding the arrest of his son, JaMitchell Owens and the internal affairs investigation surrounding the arrest. Mr. Owens reviewed Officer Tim Melton's actions during the arrest and stated that Officer Melton choked his son to the point that he required medical attention five days after the incident. Mr. Owens stated that he was provided with two different Internal Affairs reports. Mr. Owens requested that all officers involved in the incident and investigation be fired. Mr. Owens stated that police brutality will not be tolerated in Forsyth and asked council to remove all involved from employment including Chief Corley. Mayor Howard apologized to Mr. Owens for the incident and stated that he did not know anything about the incident until a month after it took place. Mayor Howard stated that once he was made aware of the conflicting IA reports, he requested Macon Police Department review the matter and submit their findings. Mayor Howard stated that he requested termination of Officer Melton due to findings of Macon PD that hold applied by Officer Melton is not acceptable hold in Georgia. Mayor Howard stated that Mr. White requested and received a 30-day extension from Officer Melton on his appeal of the disciplinary action taken. Mayor Howard stated that as of today Officer Melton is no longer employed with the City of Forsyth. Mr. Owens stated that Sergeant Middlebrooks, Major Piper, Major Harris, and Chief Corley all knew about the cover-up in this incident.

APPROVAL OF BUDGET MOVES FOR 2012

Mrs. Hall stated that a balanced General Fund budget must be approved each year and this was done for fiscal year 2012 and that at yearend all departments must be at or less than their budgeted amounts and the overall General Fund must be balanced. Mrs. Hall requested approval to transfer \$921 to mayor miscellaneous other from garage miscellaneous other; \$3,645 to court miscellaneous other from garage miscellaneous; \$11,033 to fire miscellaneous other from garage miscellaneous other; \$45,318 to police miscellaneous other from administrative miscellaneous other; \$14,760 to police miscellaneous other from governing body miscellaneous other; \$10,500 to police miscellaneous other from elections miscellaneous other; \$7,500 to police miscellaneous other from cemetery miscellaneous other; and \$11,962 to recreation miscellaneous other from garage miscellaneous other. Mrs. Hall also requested approval to appropriate \$103,473 from the prior year General Fund, Fund Balance to balance the overall General Fund effective for the year 2012. Mr. Wilson offered a motion to approve the budget transfers and appropriations as stated by Mrs. Hall. Seconded by Mr. Dodd, the motion carried unanimously (voting in the affirmative was Dodd, Banks, Wilson, and Lawrence).

COMMITTEE REPORTS

MR. DODD

Mr. Dodd had nothing further to report.

MRS. BANKS

Mrs. Banks offered a motion to approve an invoice for \$10,342.29 for work at Kynette Park to be paid from SPLOST. Seconded by Mr. Dodd, the motion carried unanimously (voting in the affirmative was Dodd, Banks, Wilson, and Lawrence).

Mrs. Banks stated work at Kynette Park continues and the playground is open.

MR. WILSON

Mr. Wilson offered a motion to adopt an emergency ordinance to set aside committees for 30 days as not sufficient council to fulfill current ordinance and hold work-sessions prior to each council meeting. Seconded by Mrs. Banks, the motion carried unanimously (voting in the affirmative was Dodd, Banks, Wilson, and Lawrence). Mayor Howard stated work sessions would be held on Monday before council meeting on Tuesday at 6:00 pm.

Mr. Wilson asked Mr. Melton to discuss what is required for a Special Election to fill the unexpired council seats during his report.

MR. LAWRENCE

Mr. Lawrence stated that he appreciates how both chief's keep him informed of what is happening in their departments and had nothing further to report.

CITY ADMINISTRATOR REPORT

Mr. White recommended moving the \$160,000 lawsuit settlement from the Municipal Competitive Trust to the General Fund. Mr. Wilson offered a motion to draw funds from the Municipal Competitive Trust and use the rebate from MEAG to repay the withdrawal. Mr. Dodd requested that the motion be specific as to where the money is coming from. Mr. Wilson asked if the motion needed to include the transfer of the money for the landfill project and Mrs. Hall stated the transfer could be approved but the funds would not be transferred until the money is needed. Mr. Wilson offered a motion to withdraw \$305,000 from the Short-term Flex account of the Municipal Competitive Trust and deposit the funds in the General Fund as needed to pay the lawsuit settlement, fund the inert landfill project, and repay the withdrawal over 2 years at 6% interest at \$14,234 per month for 2 years. Seconded by Mrs. Banks, the motion carried unanimously (voting in the affirmative was Dodd, Banks, Wilson, and Lawrence).

CITY CLERK REPORT

Mrs. Hall read a petition received from several of the businesses in the city with alcohol package licenses requesting that Sunday alcohol package sales be placed on the next ballot. Mrs. Hall stated that the petition would be added to the next council agenda.

Mrs. Hall updated council on the status of paying off the cable bond early.

CITY ATTORNEY REPORT

Mr. Melton stated that Special Elections could only be held on specific dates and reviewed those dates. Mr. Melton also pointed out the additional timeframe required to accommodate the early voting. A lengthy discussion was held regarding the dates, timeframes, and need to have all four council members present for all meetings to maintain a quorum until the Special Election can be held. Mr. Wilson offered a motion to hold the Special Election in November with the General Election. Seconded by Mr. Lawrence, the motion carried unanimously (voting in the affirmative was Dodd, Banks, Wilson, and Lawrence). Mr. Wilson stated the two (2) for the Special Election will begin immediately to fulfill the unexpired terms and the other three (3) will begin January 1, 2014.

MAYOR'S REPORT

Mayor Howard asked if rental cost for the new building at Kynette Park had been established and Mrs. Banks stated that the Regional Commission is compiling recommendations for council to review.

Mayor Howard addressed Mrs. Diane Glidewell, Monroe County Reporter in attendance, and stated that she misquoted him in an article in last week's paper. Mayor Howard stated that the article misquoted him as stating he suggested raising rates to pay the settlement and that was incorrect as the rate increases he discussed was to cover cost of expenditures not the settlement. Mayor Howard stated that he would like council and staff to use the term rate adjustments in the future rather than rate increases.

Mayor Howard stated that council had to set aside personal feelings tonight and take care of city business and wished both of the former councilmembers well.

ADDITIONAL BUSINESS

There was no additional business to discuss.

ADJOURN

There being no further business to discuss, the meeting was adjourned at 8:20 pm.

Submitted by:

Janice L. Hall, City Clerk