

MINUTES

FORSYTH CITY COUNCIL MEETING

APRIL 16, 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. Mr. Lawrence 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.

APPROVAL OF MINUTES OF THE APRIL 2, 2013 COUNCIL MEETING

Mrs. Banks offered a motion to approve the minutes of the April 2, 2013 as written. Seconded by Mr. Lawrence, the motion carried unanimously (voting in the affirmative was Dodd, Banks, Wilson, and Lawrence).

RELAY FOR LIFE PROCLAMATION

Mayor Howard read the proclamation.

MEG RALLS AND RAMAEL DAVIS – MONROE COUNTY KIDS DAY AT KYNETTE PARK

Ms. Ralls and Mr. Davis were not present for the meeting.

REVIEW OF PETITION RECEIVED FROM BUSINESS OWNERS REQUESTING THAT SUNDAY ALCOHOL PACKAGE SALES BE PLACED ON THE BALLOT

Mr. Melton stated if approved this could be added to a Special Election or the General Election in November. Mr. Melton stated this would be similar to the Sunday by the drink sales that was approved last year except that this is a request to have Sunday package sales. Mayor Howard asked if this could be part of the Special Election that council has already called for in November and Mr. Melton stated that it could. Mr. Dodd asked Mr. Melton to clarify the election cycle and difference between the General Election and Special Election. Mr. Melton stated the Special Election is for the two (2) unexpired terms and the General Election is for the three (3) regular seats and this matter could be added to the Special Election. Mr. Melton stated the Special Election will be for the two (2) unexpired terms and the two (2) that receive the most votes in the Special Election will be elected. Mrs. Banks stated that the candidates must specify at qualifying which election that wish to qualify for – either the General Election or the Special Election. Mr. Dodd offered a motion to place Sunday package sales on the November ballot. Seconded by Mr. Lawrence, the motion carried unanimously (voting in the affirmative was Dodd, Banks, Wilson, and Lawrence).

APPROVE TRACTOR BID AND FINANCING

Mrs. Banks offered a motion to approve the tractor bid for the purpose of discussion. Mr. Wilson seconded the motion. Mrs. Banks stated the city has two tractors – 1 that is running and 1 that is not. Mrs. Banks stated if the one that is running has hydraulics, then the mower could be attached and if it does not have hydraulics, it would be less expensive to purchase the hydraulics rather than purchase a new tractor. Mayor Howard stated that input from the department using the tractor is needed before making a decision. Mrs. Banks stated that the matter should be postponed until input from the public works department is received and also recommendation as to where the money will come from to purchase the tractor. Mayor Howard stated that a deadline must be set as to when this will be taken care of due to grass growing and already in need of being mowed. Mayor Howard stated that a budget meeting is needed and this matter needs to be resolved before the May 7th council meeting so a vote can be taken at that meeting. Mayor Howard called for a budget meeting on April 30th at 6:00 pm. Mrs. Banks offered a motion to table the purchase of the tractor and financing until the May 7, 2013 council meeting. Seconded by Mr. Dodd, the motion to table the matter carried unanimously (voting in the affirmative was Dodd, Banks, Wilson, and Lawrence).

APPROVAL OF RESOLUTION TO APPOINT A SOLICITOR FOR MUNICIPAL COURT

Mr. Melton reviewed Georgia Law allows for the city court to have a solicitor or prosecutor and based on that authorization, Mrs. Amy Boyer was appointed as court solicitor and has taken the Oath of Office for that position. Mr. Melton stated this Resolution is necessary to comply with Georgia Law. Mr. Wilson offered a motion to approve the Resolution. Seconded by Mr. Dodd, the motion carried unanimously (voting in the affirmative was Dodd, Banks, Wilson, and Lawrence).

APPROVE TRANSFER OF FUND BALANCE TO GENERAL FUND

Mrs. Hall reviewed the need to transfer, as an accounting matter, the \$160,000 borrowed from the Municipal Competitive Trust (MCT) to pay the settlement in the Rutherford lawsuit from the Fund Balance in order to account for the transfer. Mr. Dodd offered a motion to approve the transfer to balance the funds. Seconded by Mrs. Banks, the motion carried unanimously (voting in the affirmative was Dodd, Banks, Wilson, and Lawrence). Mr. Dodd stated that he requested information on the funds in the MCT and all monies borrowed from the MCT in the past couple years during the work session last night and asked Mrs. Hall if she had

the information ready to present. Mrs. Hall stated the information is not ready for presentation yet and Mr. Dodd asked Mrs. Hall to have the information ready for the budget meeting.

UPDATE ON PENDING EASEMENTS FOR SOUTH INTERCEPTOR SEWER LINE

Mr. Melton stated that the Battle easement is in the courts and Diversified Capital has requested a meeting this Thursday to work out problems Mr. Ingram has with the wording of the easement. Mr. Melton stated that the Battle family has a problem with the manhole on the property, which will be 6' underground, and on the edge of the property. Mr. Melton stated that the original sewer line runs under the garage of the home so the design of the new line had to be jugged out to avoid the home and this will require a manhole to accommodate this change. Mr. Melton stated that the engineers do not have a problem with the manhole being submerged but the property owner is concerned with the possibility of sewage coming up in the yard but if there is a problem now, the sewage will come up in the garage. Mr. Dodd asked if they are aware that the contractor is waiting on their approval of the easement to move forward on the project and Mr. Melton stated that he has stressed the urgency of the situation with the property owner. Mr. Dodd stated that he understands them wanting to protect their property but the line is an upgrade for the entire community and the holdup is costing the city and the contractor.

UPDATE ON HARDEE'S EASEMENT

Mr. Melton stated all questions and concerns that the owner of Hardee's had have been answered and requested a Quit Claim Deed for the old easement be approved as that line has been abandoned and the Shell Station has granted an easement to Waffle House for their line that runs through their property. Mr. Melton stated a Quit Claim Deed for the old easement at Waffle House is also needed as that line is no longer needed. Mr. Dodd offered a motion to authorize the Quit Claim Deeds for the abandoned sewer lines. Seconded by Mrs. Banks, the motion carried unanimously (voting in the affirmative was Dodd, Banks, Wilson, and Lawrence).

APPROVE LIST FOR TAKE HOME VEHICLES

Mr. White reviewed his recommendation for take-home vehicles. Mrs. Banks offered a motion to approve the list as presented. Seconded by Mr. Lawrence, the motion carried unanimously (voting in the affirmative was Dodd, Banks, Wilson, and Lawrence).

APPROVAL OF SALARY ADJUSTMENTS

Mr. White reviewed information presented during work session on April 15th for Steve Jones and Johnny Hodges and stated that Steven Sikes has requested that discussion on his salary be postponed. Mr. Lawrence offered a motion to approve the salary adjustments for Steve Jones and Johnny Hodges. Mrs. Banks seconded the motion. Mrs. Banks stated that based upon the financial discussions held during the work session, the salary adjustments should be tabled until

after the budget meeting. Mrs. Banks offered a motion to table the matter to the budget meeting. Seconded by Mr. Dodd, the motion carried with three (3) votes for (Dodd, Banks, and Wilson) and one (1) vote against (Lawrence) and Mayor Howard voting in the affirmative for a majority vote to table the matter.

REVIEW OF CABINESS AVENUE SIDEWALK

Mayor Howard stated that council voted last year to require the homeowner to replace the sidewalk that was removed but no timeframe was set out for this to be completed and nothing has been done. Mayor Howard stated that Code Enforcement has not been aggressive in this matter. Mr. Melton stated that a specific timeframe should be set and notification to the property owner should be provided and if this is not complied with, the property owner should be required to come back before council. Mr. Wilson offered a motion to allow property owner thirty (30) days to complete the sidewalk work to include ten (10) days to hire a contractor and have said contractor meet with public works director and if not completed within timeframe, the city will complete the work and bill the property owner for the work. Seconded by Mrs. Banks, the motion carried unanimously (voting in the affirmative was Dodd, Banks, Wilson, and Lawrence).

APPROVAL OF ACCOUNTS PAYABLE INVOICES

Mrs. Hall reviewed recurrent invoices and invoices totaling less than \$5,000 for each department. Mr. Wilson offered a motion to pay the invoices as soon as the money is available to make the payments. Seconded by Mr. Lawrence, the motion carried unanimously (voting in the affirmative was Dodd, Banks, Wilson, and Lawrence).

Approve PO For American Development Corp For Chemical Purchase

Mrs. Hall reviewed the PO stating that Utility Partners requests pricing on a regular basis from all chemical vendors. Mr. Wilson offered a motion to approve the purchase order for chemicals for American Development Corporation. Seconded by Mr. Lawrence, the motion carried unanimously (voting in the affirmative was Dodd, Banks, Wilson, and Lawrence).

Approve PO For Video Recorders

Mrs. Hall stated that Chief Corley reviewed this purchase during the work session last night and the purchase will be funded through the police seized funds. Mr. Lawrence offered a motion to approve the purchase order for the video recorders. Seconded by Mr. Dodd, the motion carried unanimously (voting in the affirmative was Dodd, Banks, Wilson, and Lawrence).

CITY ADMINISTRATOR REPORT

Mr. White stated that we are still waiting on approval of easement purchase from Norfolk Southern. Mr. Melton stated that the Department of Corrections is working on required easements and

HHNT is working on a final plan to provide to DOC. Mr. Dodd stated that the final construction plan cannot be provided until Norfolk Southern signs off on the easements and Mr. Melton stated the DOC is on the other side of the roadway and is not contingent upon each other so city can provide final plan to DOC even if the plan has to be amended later.

CITY CLERK REPORT

Mrs. Hall had nothing further to report.

CITY ATTORNEY REPORT

Mr. Melton reviewed the ruling by Judge McGarity on the LOST negotiations with Monroe County stating that Judge McGarity approved the best and final offer that Monroe County presented. Mrs. Banks stated the Service Delivery Strategy review should begin immediately and requested that staff begin work on a presentation for the second meeting in May.

MAYOR'S REPORT

Lineman Appreciation Day Proclamation

Mayor Howard read the proclamation for Electric Lineman Appreciation Day.

ADDITIONAL BUSINESS

- Mr. William Calloway reviewed concerns with Special Election and possible confusion to voters. Mayor Howard agreed that it will be confusing and stated that everyone will have to work to educate the voters. Mr. Calloway also voiced concerns with differences in city parks as far as restroom facilities, seating, and water fountain. Mr. Calloway reviewed problems with equipment that was purchased for Kynette Park and with drainage issues remaining at the park. Mr. Calloway stated that the fence installed around the new playground is not high enough.
- Mr. Lawrence requested that vacation for salaried employees to be discussed at the budget meeting.
- Mr. Fred Dungan, resident of Jackson Heights Subdivision, reviewed concerns with yard debris not being picked up around city; questioned if Railroad Avenue project was requested by DOC; and expressed agreement with electric linemen being appreciated
- Mrs. Banks requested that additional information be placed in utility bills to review garbage pickup schedule and requirements. Discussed need for all garbage carts to be moved from the square except on pickup days.
- Mr. Wilson offered a motion to reduce elected official salaries back to amounts prior to raise that went into effect January 2012. Mr. Dodd seconded the motion. Mayor Howard stated that he is against this as he did not ask for an increase and not interested in a decrease as he works as hard as the city administrator, his phone rings constantly, he receives requests to

make appearances on a regular basis and he feels that he earns his pay. Mayor Howard stated that the city is in a tough time but the elected officials' salary increase is not why the city is in a financial crunch. Mr. Melton stated that compensation is by ordinance and must be advertised to make a change so any vote tonight would have to be to advertise a public hearing. The motion failed with three (3) votes for (Dodd, Banks, and Wilson) and one (1) vote against.

ADJOURN

There being no further business to discuss, the meeting was adjourned at 8:05 pm.

Submitted by:

Janice L. Hall, City Clerk