

MINUTES

FORSYTH CITY COUNCIL MEETING

JUNE 4, 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 MAY 21, 2013 COUNCIL MEETING

Mrs. Banks offered a motion to approve the minutes of the May 21, 2013 as written. Seconded by Mr. Lawrence, the motion carried unanimously (voting in the affirmative was Dodd, Banks, Wilson, and Lawrence).

PUBLIC HEARING FOR APPROVAL OF BEER POURING LICENSE FOR THE UNION LOUNGE AT 524 WEST MAIN ST.

Mayor Howard opened the public hearing for comments for or against the approval of the beer pouring license. Mr. Melton reviewed the application stating that this matter first came before council on May 7, 2013; was properly advertised in the Reporter; applicants name is Lovett Redding; and a favorable fingerprint report has been received. Mrs. Hall stated this business has previously held a beer pouring license in the county but was recently annexed into the city. Hearing no further comments, Mayor Howard closed the public hearing. Mr. Wilson offered a motion to approve the beer pouring license as submitted. Seconded by Mr. Dodd, the motion carried unanimously (voting in the affirmative was Dodd, Banks, Wilson, and Lawrence).

APPROVAL OF AD FOR SHERIFF'S ANNUAL REPORT IN THE HIGHLIGHTER

Mrs. Banks offered a motion to approve for the purpose of discussion and Mr. Lawrence seconded the motion. Mrs. Banks stated that City is currently operating under a spending and hiring freeze and reviewed that the latest revenue and expense report shows that expenses are exceeding the revenues. Mrs. Banks stated that the spending freeze must be honored. Mrs. Banks stated that if all agree, she is willing to pay for the ad out of her personal funds. Mr. Lawrence stated that he would like additional information and that Mrs. Fountain needs to be

present to answer council's questions. Mr. Lawrence offered a motion to table the matter and the motion failed for the lack of a second. Mayor Howard called for a vote on Mrs. Banks motion. The motion failed with three (3) votes against (Dodd, Banks, and Wilson) and one (1) abstention (Lawrence).

APPROVAL OF TEMPORARY ALCOHOL LICENSE FOR BHT FOR JUNE 22, 2013 CONCERT

Mr. Wilson offered a motion to approve the temporary alcohol license for the BHT concert. Seconded by Mrs. Banks, the motion carried unanimously (voting in the affirmative was Dodd, Banks, Wilson, and Lawrence).

APPROVAL TO ADVERTISE VARIANCE REQUEST FROM PHIL HARDIN TO ALLOW PASTURE WITH CATTLE IN R-2 ZONE ON HIGHWAY 42 SOUTH

Mr. Dodd offered a motion to advertise. Seconded by Mr. Wilson, the motion carried unanimously (voting in the affirmative was Dodd, Banks, Wilson, and Lawrence). Mr. Melton stated the matter has been before Planning & Zoning the recommend approval.

APPROVAL TO ADVERTISE FOR CONDITIONAL USE APPROVAL FOR MARTIN PRESLEY AT 68 CABINESS AVENUE FOR A DETACHED APARTMENT IN R-3

Mr. Wilson offered a motion to advertise. Seconded by Mr. Dodd, the motion carried unanimously (voting in the affirmative was Dodd, Banks, Wilson, and Lawrence). Mr. Melton stated the matter has been before Planning & Zoning the recommend approval.

APPROVAL OF 2012 MEAG POWER TELECOMMUNICATIONS YEAREND SETTLEMENT REFUND AND SELECTION OF MUNICIPAL COMPETITIVE TRUST ACCOUNT FOR DEPOSIT

Mr. Wilson reviewed the settlement refund and recommended the settlement be deposited in the Municipal Competitive Trust New Generation Account which currently has a 3% interest rate. Mr. Wilson offered a motion to accept Mr. White's recommendation. Seconded by Mr. Lawrence, the motion carried unanimously (voting in the affirmative was Dodd, Banks, Wilson, and Lawrence).

APPROVAL OF 2014 SUBSCRIPTION SERVICES WITH ELECTRIC CITIES OF GEORGIA

Mr. White reviewed the recent problems at Electric Cities of Georgia (ECG) and recommended continuing membership with ECG but reduce the services that we subscribe to.

Mr. White stated deadline for final submission of services has been extended to June 21. After a lengthy discussion regarding services to retain and drop, Mrs. Banks offered a motion to table the matter to the June 18 council meeting to allow for final analysis of all services. Seconded by Mr. Dodd, the motion carried unanimously (voting in the affirmative was Dodd, Banks, Wilson, and Lawrence).

APPROVAL TO PURCHASE THE PURCHASING AND INVENTORY MODULE SOFTWARE FROM INCODE/TYLER TECHNOLOGIES

Mrs. Hall reviewed the proposed purchase of the purchase order and inventory modules software from Incode which is the current software company for finance and billing. Mrs. Hall reviewed the implementation and software license fees for both modules will be \$8,220 and the annual maintenance fees will be \$1,788. Mrs. Hall stated the current purchase order and inventory system is with ECG on their Hiperweb system at an annual cost of \$1901 each. Mrs. Hall stated that Mr. Steve Butler also uses the hiperweb system for vehicle maintenance reports and that can be handled in the Incode fixed asset module which the city already has. Mr. Wilson offered a motion to approve the change of software for purchasing and inventory from the ECG Hiperweb system to Incode/Tyler Technologies as presented by Mrs. Hall. Seconded by Mrs. Banks, the motion carried unanimously (voting in the affirmative was Dodd, Banks, Wilson, and Lawrence).

UPDATE OF CABLE BOND REDEMPTION

Mrs. Hall stated that the cable bond was paid off on May 31, 2013 at a cost of \$548,225.08, plus \$10,000 in attorney fees to King & Spalding, \$5,000 in fees to Merchant Capital, and \$2,800 sinking fund termination fee. Mrs. Hall stated \$279,296.44 in excess funds was deposited in to the operating bank account.

APPROVAL OF ACCOUNTS PAYABLE INVOICES

Mr. Wilson offered a motion to approve the accounts payable and Mr. Dodd seconded the motion. Mr. Wilson reviewed the totals for each department. Mrs. Hall stated that Jonathan Banks Sprinkler has an invoice for \$2,116. The motion carried with three (3) voters for (Dodd, Wilson, and Lawrence), one (1) abstention, and Mayor Howard voting in the affirmative to cast the fourth (4) affirmative vote.

CITY ADMINISTRATOR REPORT

Mr. White offered the following report:

- The revised zoning map was delivered today and now includes the recent annexations but no changes to city limits and zoning changes since adoption.
- Met with Regional Commission on new city website; will hold training for staff in two weeks; and all departments will have access to make changes as needed to the website.
- Compiling names and all information of persons buried in all three city cemeteries; once the database is complete the information will be in a searchable format on the city website.
- Reviewed public parks guidelines compiled by Regional Commission; council will review and provide feedback to Mr. White
- Mrs. Banks requested an update on several projects:
 - Code Enforcement transfer to Police Department – Mayor Howard stated that he will meet with Chief Corley and Mr. White next week to get an update; Mr. White stated that 100% of the duties have been transitioned to the police department and reviewed some of the code violations they have been working on
 - Travel Policy and Family Leave Policy – Mr. White stated the Regional Commission is working on a final draft to be presented to council
 - Mrs. Banks asked Mr. White about his statement that the city limits did not change on the new zoning map and Mr. White clarified that the recent annexations were all unincorporated islands and no change to the outer city limits

CITY CLERK REPORT

Mrs. Hall stated that packets for the GMA Convention are in everyone's mailbox and reminded everyone to take the packets with them to the conference.

Mrs. Hall stated that it may be necessary to request an extension for the 2012 audit to allow time for a recount of the inventory. Mrs. Hall stated that inventory will be closed for the remainder of the week to allow Windell Rutherford and Mark Mosley to recount and correct the computer count. Mrs. Hall stated that if they cannot get the recount done in time and we do not request an extension, we will receive a "Qualified Opinion" on our audit and we do not want that. Mrs. Hall stated that she will report back to council at the next meeting.

Mrs. Hall stated that Relay for Life had to cancel the yard sale scheduled in May due to inclement weather and they have rescheduled for June 22nd. Mrs. Hall requested permission on behalf of Relay for Life to close Jackson Street from Main Street to King Street with the

exception of the Johnston Street intersection which will remain open. Mr. Wilson offered a motion to approve the street closure. Seconded by Mr. Lawrence, the motion carried unanimously (voting in the affirmative was Dodd, Banks, Wilson, and Lawrence).

CITY ATTORNEY REPORT

Mr. Melton reviewed problems with the city boundaries and that the county tax assessor shows some parcels as being in the county when some or all of the property is inside the city limits. Mr. Melton is preparing the documents to send to the county to correct these errors.

Mr. Melton stated that he has submitted a clearance letter to the Department of Justice for the Special Election in November for the unexpired council seat terms and for the Sunday alcohol package sale referendum. Mr. Melton stated he received a call from the Department of Justice on May 28th requesting additional information and that information has also been submitted.

Mr. Melton stated that all easements for the South Interceptor Sewerline Project have been received except the one that is currently in the condemnation process in the courts. Mr. Dodd stated that the condemnation process is holding up the project and costing the city money. Mr. Melton stated that he has requested a cost of the delay from Mr. White and Mr. Randall. Mr. Melton stated he has also requested an emergency hearing before the judge and will need the cost of the delay so that this can be added to the case.

Mrs. Banks asked for an update on the Ante Litem Notice received on the sewerline backup and Mr. White stated the city insurance company decided to accept the claim and go after the other insurance company.

MAYOR'S REPORT

Mayor Howard requested a meeting with Mr. White and Chief Corley early next week for a discussion on code enforcement, staffing, and ideas to keep the crime rate low.

Mayor Howard stated that the parking lot at Kynette Park needs to be looked at as grass is already growing up through the new asphalt.

Mayor Howard stated that the city is going paperless and he is in the process of purchasing refurbished I Pads for council and reviewed savings the city will see. Mayor Howard also stated that he is looking at Sustainable Solutions to go "green". Mayor Howard stated that we are currently operating under a hiring and spending freeze but need to look at ways to save money also.

ADDITIONAL BUSINESS

Mr. Dodd requested an update on the Railroad Avenue project. Mr. White stated that the easement proposal has been sent to the Railroad but he has not received a response back from them. Mr. Dodd stated that Mr. Robert Williams with the Railroad is willing to give the city a 90-day right of easement so that we can move forward with the project while the paperwork is going through the channels at the Railroad getting approved. Mr. White stated that he would contact the Railroad tomorrow.

Mr. Ronald Bearden, Sunset Terrace resident, came before council to complain about the garbage pickup. Mr. Bearden stated that the new company has been in place for 9 weeks and his garbage has only been picked up 5 times. Mr. Bearden stated that he has called Mrs. Hall and she was successful in getting the garbage picked up that week but they missed his address again last week. Mr. Bearden stated that he spoke with Mr. Wilson prior to tonight's meeting and he called Mr. Cochran, Advanced Disposal, and he assured Mr. Wilson that he will be added to the regular pickup. Mr. Bearden stated that if his garbage is missed again he will deliver it to city hall. Mr. Bearden stated that he was not aware that the garbage service was being changed as the city cable has not been airing the meetings and he does not read the local paper. Mr. Bearden stated that the city had good garbage pickup service before the change and he would have been agreeable to an increase in the fee along with a decrease in the number of weekly pickups. Mayor Howard stated that a public forum for discussion on the garbage service will be held as part of the June 18th council meeting.

Mrs. Banks stated that discussion needs to be held during the next council work session regarding the \$279,296.44 from the cable payoff and where that money should be deposited. Mayor Howard stated that some of the money needs to be used for the purchase of a tractor.

Mr. Albert Mays came before council to complain about the garbage pickup service. Mr. Mays stated that he wants to cut down the hedges on his property but the load will be too large for Advanced Disposal to pickup; city picked up on several streets last week but not on all streets; asked if city made a good decision when privatizing the garbage pickup; how much money city is making off the contract with Advanced Disposal; and suggested that the city sell the grapple truck to Advanced Disposal so they would have a truck to pick up the large piles of limbs. Council discussed the cost to Advanced Disposal. Mr. Lawrence stated that public hearings were held to get public input and only a few people showed up for the hearing and now

receiving complaints so people need to show up for the public forum to give feedback to council. Mayor Howard stated that each city council meeting is begun with a prayer asking God for guidance in the meeting and understand that cannot make everyone happy about all decisions made by council. Mr. Lawrence stated that he understands that some citizens did not mind paying \$20 per month but city could not remain at that price and made decision to try privatization to decrease the cost to citizens and the city expense. Mr. Lawrence stated that council wants this to work and want citizens to be happy so must come together and make both of these happen. Mayor Howard stated that he is not sure whether the decision to change the garbage service was a good decision or not at this time. Mayor Howard stated that the city does not need to sell all the equipment as it will be needed for debris pickup after a storm and right-of-way clearing.

Mr. Greg Goolsby addressed council regarding problems with the garbage service. Mr. Goolsby stated that he received the original letter which included a statement that a grapple truck would be available for large debris pickup, then the next letter came out and it just left out that portion of the original letter. Mr. Goolsby stated that this needs to be reviewed prior to the June 18th public forum so that citizens will know what they are supposed to do with the large yard waste. Mr. Goolsby stated that council has discussed purchasing a tractor but he sees several tractors a day and requested that council reveal how many tractors city owns and what they are used for. Mayor Howard stated that he has said several times that department heads need to have input in decisions and the department head stated that the public works department needs a new tractor.

EXECUTIVE SESSION

Mrs. Banks offered a motion to adjourn into executive session for the purpose of land acquisition, lease, and/or purchase. Seconded by Mr. Lawrence, the motion carried unanimously (voting in the affirmative was Dodd, Banks, Wilson, and Lawrence). Council adjourned into executive session at 7:45 pm.

Mayor Howard called the meeting back into open session at 8:12 pm.

Mr. Wilson offered a motion to set July 2, 2013 as date for decision on land acquisition. Seconded by Mrs. Banks, the motion carried unanimously (voting in the affirmative was Dodd, Banks, Wilson, and Lawrence).

ADJOURN

There being no further business to discuss, the meeting was adjourned at 8:15 pm.

Submitted by:

Janice L. Hall, City Clerk