

## **MINUTES**

### **FORSYTH CITY COUNCIL MEETING**

**JULY 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.

#### **APPROVAL OF MINUTES OF THE JUNE 18, 2013 COUNCIL MEETING**

Mr. Wilson offered a motion to approve the minutes of the June 18, 2013 council meeting as written. Seconded by Mr. Lawrence, the motion carried unanimously (voting in the affirmative were Dodd, Banks, Wilson, and Lawrence).

#### **APPROVAL OF RENEWAL CONTRACT WITH GEORGIA DEPARTMENT OF CORRECTIONS FOR 2 PRISON DETAILS**

Mr. Wilson offered a motion to approve the renewal contract with DOC for 2 prison details and Mrs. Banks seconded the motion. Mrs. Banks asked Mr. White if 2 details were still needed after the restructuring of the public works department and Mr. White replied that they are and reviewed work that the details perform. Council discussed additional work and projects that should be assigned to the prison details. Mrs. Banks stated that with 2 prison details and city employees, the city should be very clean with no litter. Mrs. Banks stated annual cost per detail is \$39,500 and only cut grass from May through September and requested Mr. White get quotes from contractors to do the work and see which would be more cost effective. The motion carried with three (3) votes for (voting in the affirmative were Dodd, Banks, and Wilson) and one (1) vote against (Lawrence) and Mayor Howard voting in the affirmative for the fourth (4) vote. Mr. White stated he would have quotes by first council meeting in August.

**APPROVAL TO ADVERTISE VARIANCE APPLICATION FOR DAYCARE WITH OVER 17 STUDENTS AT 351 TIFT COLLEGE DRIVE – F41 008 – OWNER OTIS INGRAM**

Mr. Dodd offered a motion to advertise the variance application. Seconded by Mrs. Banks, the motion carried unanimously (voting in the affirmative were Dodd, Banks, Wilson, and Lawrence).

**PUBLIC HEARING TO CONSIDER THE APPLICATION FOR PHILLIP A. HARDIN, TRUSTEE OF THE N.A. HARDIN GST QTIP TRUST FOR A VARIANCE TO ALLOW PASTURE USE (GRAZING AND HAYING) ON SOUTH LEE STREET PROPERTY – F29 007**

Mayor Howard opened the public hearing for comments for or against the variance application. Mr. Melton reviewed the application stating that the matter first came before council on June 4, 2013; was properly advertised in the Reporter; sign was posted on the property; current zoning is R-2 and will remain unchanged; the variance is to allow pasture for cattle and hay on the property; P&Z recommends approval of the variance with the condition that the variance is for the current lease only; and Mr. Kelly Tingle has provided a Limited Power of Attorney to speak on behalf of the property owner on this issue. Mr. Tingle addressed council requesting approval of the variance to allow the property to again be used as pastureland. There was a lengthy discussion regarding the condition recommended by P&Z and if the condition should be upon the property owner and not the lessee. Mrs. Tingle stated that they plan to lease the property as long as Mr. Hardin is agreeable for them to do so. Mr. Dodd stated that he does not want to set a precedent that someone with 5 acres could raise cattle in downtown. Mr. Frank Vaughan, property owner on South Lee Street, addressed council stating that he is not in favor of or against but council needs to make sure do not set precedent; what does this use of this property do to adjacent property and were adjacent property owners notified; and need to make sure all things considered before making a decision. Mr. Melton stated that the only legal requirement is for the signage posting on the property and legal ad in the newspaper. Mr. Carter stated that no cattle have been on the property since 1996. Hearing no further comments for or against, Mayor Howard closed the public hearing. Mr. Dodd offered a motion to allow the variance for the Hardin Trust

property, F29 007 only. Mrs. Banks seconded the motion. There was discussion regarding the motion and lack of condition of lease or owner. The motion carried unanimously (voting in the affirmative were Dodd, Banks, Wilson, and Lawrence).

**PUBLIC HEARING TO CONSIDER THE APPLICATION FOR MARTIN PRESLEY FOR A VARIANCE TO ALLOW AN ATTACHED APARTMENT TO A PERMITTED UTILITY BUILDING AT 68-72 CABANISS AVENUE – F17 057**

Mrs. Hall stated that Mr. Presley withdrew the variance application for the apartment late this afternoon.

**APPROVAL OF APPLICATION FOR A CATERER’S EVENT PERMIT FOR THE DISTRIBUTION, SALE, AND CONSUMPTION OF ALCOHOLIC BEVERAGES – APPLICANT JONAH’S ON JOHNSTON, OWNER BONNIE BARKER – LOCATION ATG STUDIO, 51 W. ADAMS STREET ON JULY 11, 2013 FROM 5:30 UNTIL 10:00 PM**

Mrs. Banks offered a motion to approve the application. Seconded by Mr. Lawrence, the motion carried unanimously (voting in the affirmative were Dodd, Banks, Wilson, and Lawrence).

**APPROVAL OF REQUEST FROM KEN BOWMAN TO ALLOW PASSENGER TRAIN ON CITY STREETS**

Mrs. Hall and Mrs. Khoury, Better Hometown Director, reviewed the request from Mr. Bowman stating that he requests to run his “passenger train” from KOA Campground, Tift College Drive to the square, around the square, down North Lee Street to South Frontage Road, back to KOA Campground. The train is made from a 21 HP Kubota tractor as the engine and three passenger cars; has capacity of four passengers per car; will run at 1000 RPM’s; has strobe lights on front and back, flashers, turn signals, and headlights; insurance to cover any accidents; and will just run Friday’s and Saturday’s. Mr. Melton reviewed that this does not fit into the motorized cart ordinance due to the weight of the tractor but tractors are not regulated; should look at this as one unit; will more closely fit the amusement use; council has the authority to regulate traffic on city streets but there is not specific ordinance; and council could place conditions on permit such as requiring licensed driver, annual fee, etc. Mr. Dodd offered a motion to issue a permit to Mr. Ken Bowman of Forsyth KOA for six (6) months to operate on city

streets with condition of a licensed driver and city is released of any liability with option to renew after six (6) months if mutually agreeable. Mr. Wilson seconded the motion. Mr. White asked the purpose of the six-month condition and Mr. Dodd stated this would give them time to see if it will work. Mrs. Hall stated the initial six months would expire in December, which will then coordinate with the regular business license renewals. Mrs. Khoury stated that Mr. Bowman has expense that should be considered. Mr. Dodd stated that we should always ere on the side of caution. Mrs. Hall asked if a fee would be required. Mr. Dodd amended his motion to include a \$25 annual fee and Mr. Wilson seconded the amended motion. The motion carried unanimously (voting in the affirmative were Dodd, Banks, Wilson, and Lawrence). Mrs. Banks stated that staff should work on the items included in the motion.

(Council took a brief recess while a quorum was not present)

#### **AWARD BID FOR LMIG PROJECT**

Mr. White reviewed DOT grant for road resurfacing stating that we must match 30% for a total of DOT funds and city funds of \$52,000. Mr. White reviewed recommendation from Hofstadter & Associates to award bid to Womack for \$59,885.27. Mrs. Banks asked if this includes the guardrail and striping and Mr. White stated that it does. Mr. Wilson offered a motion to accept the recommendation and award the bid to Womack for \$59,885.27. Seconded by Mr. Lawrence, after a brief discussion regarding start date and completion date, the motion carried unanimously (voting in the affirmative were Dodd, Banks, Wilson, and Lawrence). Mr. White stated Womack would have 30 days to begin the project.

#### **AWARD BID FOR INERT WASTE LANDFILL**

Mr. White reviewed the bids received and stated that Steve Harbin Engineering recommends changing the scope of work and rebidding the project.

#### **APPOINTMENT OF VOTING DELEGATE FOR GEORGIA PUBLIC WEB ANNUAL MEETING**

Mr. Wilson offered a motion to appoint Mr. Dodd as the voting delegate. Seconded by Mr. Lawrence, the motion carried unanimously (voting in the affirmative were Dodd, Banks, Wilson, and Lawrence).

### **APPROVAL OF PUBLIC PARK GUIDELINES**

Mr. White reviewed that this first came before council a couple of months ago and requested any changes that council would like to make to the guidelines. After several recommended changes, Mr. Wilson offered a motion to table the matter until the next council meeting. Seconded by Mr. Lawrence, Mrs. Banks requested that this be discussed at the next work session before coming before council, and the motion carried unanimously (voting in the affirmative were Dodd, Banks, Wilson, and Lawrence).

### **EXTENSION OF EMERGENCY ORDINANCE SUSPENDING CITY CODE SECTION 2-10 WITH REGARD TO CITY COMMITTEES**

Mr. Wilson offered a motion to approve the extension of the Emergency Ordinance to suspend City Council Committees. Seconded by Mrs. Banks, the motion carried unanimously (voting in the affirmative were Dodd, Banks, Wilson, and Lawrence).

### **2014 DUES FOR MIDDLE GEORGIA REGIONAL COMMISSION**

Mrs. Banks offered a motion to pay the 2014 dues of \$3,922 to the MGRC. Seconded by Mr. Dodd, the motion carried unanimously (voting in the affirmative were Dodd, Banks, Wilson, and Lawrence).

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

Mr. Wilson offered a motion to approve the accounts payable invoices. Mr. Dodd seconded the motion. Mr. Wilson reviewed the totals for each department for a grand total of all invoices of \$267,756.29. The motion carried unanimously (voting in the affirmative were Dodd, Banks, Wilson, and Lawrence).

### **CITY ADMINISTRATOR REPORT**

- Mr. White offered the following report:
- The Ecology report for the Streetscape Phase III project has been completed; Mr. Dodd asked if any changes have been made to the plan and Mr. White replied none have been made
  - Railroad Avenue Project - Railroad has advised that the survey work performed by Steve Coleman & Associates does not match the 1906 plat that they have; Steve Coleman is working to make changes to the survey to correct the right-of-way pins

- Yard Debris Pickup Policy – reviewed county will charge city \$25 per ton to haul debris to landfill; city truck holds 6 to 7 tons; discussed need to have total cost to run grapple truck once a week as citizens are complaining about requirement to cut limbs to length required by Advanced Disposal; Mrs. Banks stated the county chips the debris and recommended city pay a percentage of the tons chipped and pay 20% of cost of chipping; Mr. White stated his research shows \$25 is average cost cities are paying for tipping fee at other landfills; council requested that Mr. White spell out a policy for council to review and present back to council

### **CITY CLERK REPORT**

Mrs. Hall offered the following report:

- Reviewed access issues the departments not connected to the city network are experiencing
- Reviewed that a new inventory count was done and the error rate went from 60% to 25%
- Auditors have requested an extension on the 2012 audit to allow time to work on several areas and audit should be submitted by end of July; Mrs. Banks requested that the 6-month report be emailed as soon as it is available; council discussed need to hold a budget review meeting

### **CITY ATTORNEY REPORT**

Mr. Melton offered the following report:

- Still waiting on Court of Appeals ruling on LOST appeal
- Providing email on issues presented to Mrs. Hall regarding zoning process
- Condemnation of Battle property was set aside this afternoon, so city can either re-engineer or begin procedure again and follow all points in the judge's ruling. Mrs. Banks offered a motion to adopt the Resolution and begin the condemnation process as set out by judge. Mr. Lawrence seconded the motion. Mr. Melton stated we now have a blueprint of what to do and what not to do in the process. Mr. Dodd asked about re-engineering and Mr. Melton stated that he has discussed this with the engineers and they do not recommend this as must have manhole at each bend and that is the problem with this line as it must turn; cannot use existing line as it runs under the house. The motion carried unanimously (voting

in the affirmative was Dodd, Banks, Wilson, and Lawrence). Mr. Melton read the Resolution into the minutes. Mr. White stated that he attended the court preceding and requested that all motions be correctly entered into the minutes. Mrs. Banks offered a motion to adopt the resolution. Seconded by Mr. Dodd, the motion carried unanimously (voting in the affirmative was Dodd, Banks, Wilson, and Lawrence). Mr. White stated that during the court preceding there was a lot of discussion regarding Titles and wants to make sure that the Titles are covered. Mr. Melton reviewed the difference between Title 22 and Title 32. Mr. Melton stated that the judge ruled that even if set aside the city can still reapply and the judge stated that he cannot tell the city where to run the sewer line. Mr. Melton stated that the contractor stopped at a point before this easement and cannot continue until the easement is obtained.

### **MAYOR'S REPORT**

Mayor Howard had nothing further to report.

### **ADDITIONAL BUSINESS**

Mr. Dodd stated that he appreciates the opportunity to take classes during the GMA Convention and reviewed the class and meetings that he attended during the June conference. Mr. Dodd reviewed comments made by Mr. Bob Johnston, CEO of MEAG, that government regulations would be the determining factor for how much longer coal fired power would be cost effective. Mr. Dodd stated the theme of the convention was "The Next Generation" and this was emphasized by a panel discussion with University Chancellor Hank Huckaby, Board of Regents Member Dean Alford, and DeKalb County superintendent Michael Thurmond. Mr. Huckaby emphasized that cities need to guard against being adversarial with Boards of Education and instead be as helpful as possible. Mr. Thurmond stated that he was a product of public education and opportunity and Mr. Alford had the most eye-opening comment when he asserted that the greatest danger facing America today is ignorance.

Mayor Howard stated that city needs to work more closely with the Board of Education. Mayor Howard requested that Mr. White schedule another city, county, BOE, and Culloden dinner meeting this quarter.

Mrs. Banks asked for an update on the Travel Policy and Mr. White stated the Regional Commission has assigned a staff member to begin working on the policy.

Mrs. Banks requested an update on the sidewalk replacement on Cabiness Avenue and Mr. White stated that next step is legal action so he will send an officer to talk with the property owner.

Mrs. Banks requested that the city insurance agent come in this summer to look at cost for 2014 due to all the changes in the healthcare regulations. Mayor Howard stated that he wants to be self-insured.

Mrs. Banks passed out a copy of a letter received from Mr. Ralph Bass regarding community litter. Mrs. Hall stated that she reviewed the City Codes with Mr. Bass and they could not find an ordinance that governs this issue. Mrs. Banks requested that staff draft an ordinance to cover this. Mayor Howard stated that several discussions tonight show that everyone agrees that we want a clean city.

**ADJOURN**

There being no further business to discuss, the meeting was adjourned at 8:30 pm.

Submitted by:

Janice L. Hall, City Clerk