

MINUTES

FORSYTH CITY COUNCIL MEETING

SEPTEMBER 17, 2013

CALL TO ORDER, PLEDGE OF ALLEGIANCE, AND INVOCATION

Mayor Pro-Tem Wilson called the meeting to order at 6:00 pm and led the Pledge of Allegiance. Mr. Lawrence gave the invocation.

ROLL CALL

Mayor Howard was attending GMA training and unable to attend the meeting; therefore, Mayor Pro-Tem Eric Wilson presided over the meeting.

Present for the meeting were Councilmembers Mike Dodd, Jo Anna Banks, Eric Wilson, and Melvin Lawrence, and which constituted a quorum for the transaction of business. Also present was City Attorney, Bobby Melton; City Administrator, Thomas White; and City Clerk, Janice Hall.

APPROVAL OF MINUTES OF THE SEPTEMBER 3, 2013 COUNCIL MEETING

Mr. Lawrence offered a motion to approve the minutes of the September 3, 2013 meeting as written. Seconded by Mr. Dodd, the motion carried unanimously (voting in the affirmative was Dodd, Banks, Wilson, and Lawrence).

AGENDA AMENDMENT TO INCLUDE DISCUSSION REGARDING MAKING PINKNEY CIRCLE A ONE-WAY STREET

Mr. Lawrence offered a motion to amend the agenda to allow for discussion regarding making Pinkney Circle a one-way street. Seconded by Mrs. Banks, the motion carried unanimously (voting in the affirmative was Dodd, Banks, Wilson, and Lawrence).

Mr. Lawrence stated that discussion was held during the last council meeting regarding several other streets being made one-way streets and he had asked that Pinkney Circle be included in the review of the streets. Mr. Lawrence stated that he received calls from several residents after the meeting stating that they were not in favor of making the street a one-way street. Mr. Lawrence stated that the matter will be tabled until the residents on the street bring the matter before council.

CARL HOFSTADTER – CITY ENGINEER REPORT

Mr. Carl Hofstadter, City Engineer, reported to council that it was discovered Sunday evening that the sewer line in Main Street is showing signs of imminent failure. Mr. Hofstadter stated that the line is cracked and must be replaced immediately. Mr. Hofstadter stated that the EPD has been notified and they have stated that this must be repaired immediately as an emergency project. Mr. Hofstadter stated that he will obtain pricing from three contractors but due to the emergency situation, the project

will not be formally bid out. Mrs. Banks offered a motion to proceed with the project as an emergency project to repair and/or replace the sewer line as needed and use SPLOST funds to fund the project. Seconded by Mr. Lawrence, the motion carried unanimously (voting in the affirmative was Dodd, Banks, Wilson, and Lawrence).

DISCUSSION OF EASEMENT FOR MARY BATTLE – MIKE DILLON AND BEN VAUGHN

Mr. Ben Vaughn, attorney for Mrs. Mary Battle, came before council to offer clarification of the easement matter between the City and Mrs. Battle. Mr. Vaughn stated that Mrs. Battle previously lived on Union Hill Drive and moved to Blount Street when the house she was living in was flooded with sewage and now the city wants to condemn her property on Blount Street for a sewer line. Mr. Vaughn stated that Mrs. Battle request that the manhole be relocated so that it is not on her property just as the city did across the street for another property owner. Mr. Vaughn reviewed plans that he had drawn showing where the other manhole was moved and where Mrs. Battle proposes that the manhole be relocated off her property. Mr. Vaughn stated that Mrs. Battle agreed to give the easement for the sewer line if the manhole is moved off her property. Mr. Vaughn stated that there have been no negotiations by the city with Mrs. Battle and no alternative sites have been reviewed. Mr. Vaughn recommended that the city accept Mrs. Battle's proposal or they will have no option except to go to court. Mrs. Banks requested further explanation of the map presented by Mr. Vaughn and he reviewed where they propose that the manhole be moved. Mrs. Banks asked if this is something that council can discuss in executive session and Mr. Melton agreed.

REQUEST FROM BHT FOR STREET CLOSURES – LORAIN KHOURY

Mrs. Khoury came before council to request Adams Street closing for the October 5th yard sale and November 9th Monroe County Historical Society 175 Year Train Celebration. Mr. Dodd offered a motion to approve the street closure requests. Seconded by Mr. Lawrence, the motion carried unanimously (voting in the affirmative was Dodd, Banks, Wilson, and Lawrence).

JAMES GREEN – RENAMING OF HARRIS STREET

Mr. James Green was late for the meeting. Mr. Lawrence offered a motion to amend the agenda to allow Mr. Green to speak later in the meeting when he arrived. Seconded by Mrs. Banks, the motion carried unanimously.

Mr. Green asked council what needed to be done and what process needed to be followed to proceed with changing the name of Harris Street to Paul James Street. Mr. Melton stated the first step is a request from a citizen, which is what Mr. Green is doing tonight then advertise for a public hearing to gain public input. Mr. Melton asked Mr. Green if he is requesting the name change for the entire

street or just the block where Mr. James' businesses were located. Mr. Green stated that he is only asking for the block between Adams Street and Johnston Street. Mr. Wilson reviewed previous discussion to leave the name of the street and place a plaque naming the block as "honorary Paul James Street". Mr. Green stated that the name should be changed to Paul James Street and put a plaque for "honorary Harris Street". Mr. Lawrence offered a motion to advertise a public hearing for the proposed name change of Harris Street to Paul James Street. Seconded by Mrs. Banks, the motion carried unanimously (voting in the affirmative was Dodd, Banks, Wilson, and Lawrence). Mr. Green asked when the public hearing would be held and Mr. Melton stated the earliest it can be heard would be the 2nd meeting in October. Mr. Green stated that he wanted the public hearing before the election so he would know who to support in the election. Mrs. Banks thanked Mr. Green for his enthusiasm and stated that council represents all citizens. Mrs. Banks stated that the subtle threat of non-support by Mr. Green was not needed. Mr. Green stated that he just wants to see the street renamed.

JAMES GREEN – INFRASTRUCTURE ISSUES AT 209 MLK DRIVE

Mr. James Green stated that he owns 209 and 215 MLK Jr. Drive and has several issues with the infrastructure on the properties. Mr. Green stated that he donated a section of the property to Union Hill Church and has requested that the city remove a utility pole on the property so he can install a driveway. Mr. Green reviewed conversation with Mr. Johnny Hodges and stated that Mr. Hodges refused to remove the utility pole, which is only serving as a support pole. Mr. Green stated that there is a storm drain on the other end of the property that needs to be cleaned up and fenced off. Mr. Green stated that he has met on several occasions with Mr. White, Mr. Randall, Mr. Dodd, and Mayor Howard. Mr. Green stated that Mr. Dodd had agreed that the fencing needed to be installed but then committees were suspended so the matter never went before a committee for approval. Mr. White stated that the storm drain is on private property and DOT cleaned it out when they resurfaced MLK. Mr. White stated that it is a natural storm drain ditch. Mr. Green stated that the city cut the ditch and it is not a natural drain ditch. Mr. Green stated that if the city will provide the fence he will have it installed. Mr. White asked Mr. Green what the purpose of the fence would be and Mr. Green stated it would block people from cutting through the back of his property where the drain is located. Mr. Wilson asked if it would be acceptable with Mr. Green if he meets with Mr. White and Mr. Randall and then Mr. White report back to council at the next council meeting and Mr. Green agreed.

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

Mr. Wilson stated the ordinance has been suspended due to full council not being in place. Mrs. Banks offered a motion to extend the suspension of the ordinance. Seconded by Mr. Lawrence, the motion carried unanimously (voting in the affirmative was Dodd, Banks, Wilson, and Lawrence).

SET PROPOSED 2013 MILLAGE RATE

Mrs. Hall reviewed the information provided to council, which shows the current tax digest, and proposed tax proceeds for various millage rates from 5 mils to 6 mils. Mrs. Hall stated that council must set a proposed millage rate and that must be advertised. Mrs. Hall stated that council can reduce the millage rate after the advertisement but cannot raise the millage rate without additional advertisements. Mr. Dodd offered a motion to advertise the millage rate at the current rate of 5.6 mils. Seconded by Mr. Lawrence, the motion carried unanimously (voting in the affirmative was Dodd, Banks, Wilson, and Lawrence).

QUIT CLAIM DEED TO SMART GROWTH RESOURCES (HARDEE'S) FOR THE QUIT CLAIM DEED TO RELEASE THE OLD EASEMENT

Mr. Melton stated that the new easement with Smart Growth Resources (Hardee's) called for the old easement to be Quit Claimed back to them after the project was complete. Mr. Melton stated that this will release any interest the city had in the old easement. Mr. Dodd offered a motion to Quit Claim Deed the old easement to Smart Growth Resources. Seconded by Mrs. Banks, the motion carried unanimously (voting in the affirmative was Dodd, Banks, Wilson, and Lawrence).

APPROVAL OF REQUEST FROM HARBIN ENGINEERING FOR ADDITIONAL ENGINEERING FEE FOR INERT LANDFILL PROJECT

Mr. Mike Biers, Harbin Engineering, came before council to request additional engineering fee for the Inert Landfill Project. Mr. Biers stated the additional fee is due to the project having to be rebid and all the work they have done that is outside the scope of the original project. Mr. Biers stated his firm is requesting an additional \$10,000 for engineering. Mr. Biers stated there is a preconstruction meeting next Tuesday with the contractor and work could be complete in as few as 30 days but the EPD deadline is December 31, 2013. Mr. White stated that the city has a not-to-exceed \$25,000 contract with Harbin Engineering, the contractor bid is \$120,000, and the city will complete the grassing after the project is complete. Mr. White stated that council previously voted to use the Insurance Premium check to fund the project. Mrs. Banks asked what additional work Harbin Engineering has to complete and Mr. Biers stated inspections during contractors work, preconstruction meeting, and closure documentation

for deed and EPD remain to be completed. Mr. Dodd offered a motion to approve additional funding of not-to-exceed \$10,000. Seconded by Mr. Lawrence, the motion carried unanimously (voting in the affirmative was Dodd, Banks, Wilson, and Lawrence).

APPROVAL OF ACCOUNTS PAYABLE INVOICES

Mr. Wilson reviewed all invoices by department for a grand total of \$185,812.33. Mrs. Banks offered a motion to approve the accounts payable invoices. Seconded by Mr. Dodd, the motion carried unanimously (voting in the affirmative was Dodd, Banks, Wilson, and Lawrence). Mrs. Banks asked Mrs. Hall for a review of invoices approved but not yet paid and Mrs. Hall stated there is a total of \$307,163 remaining from the 2nd meeting in August and the 1st meeting in September.

a. Requisition for road repairs on MLK \$5,625

Mr. White reviewed the requisition stating that this is for the repairs to Highway 83 South after a water main break. Mr. Dodd offered a motion to approve the expenditure. Seconded by Mr. Lawrence, the motion carried unanimously.

b. Requisition for transformer for National Guard upgrade \$8,139 (cost has been billed to National Guard)

Mr. White reviewed that this requisition is for a transformer for the upgrade being performed by the National Guard at the Motor Pool. Mr. White stated that the National Guard has been invoiced for the cost of the transformer. Mr. Dodd offered a motion to approve the expenditure. Seconded by Mrs. Banks, the motion carried unanimously.

c. Requisition for purchase of smoke detectors and batteries \$5,000 (95% will be reimbursed by grant)

Mr. White reviewed that this requisition is for the upfront cost of smoke detectors and batteries for a fire department smoke detector project. Mr. White stated that this is a reimbursable grant. Mrs. Banks offered a motion to approve the expenditure. Seconded by Mr. Lawrence, the motion carried unanimously.

CITY ADMINISTRATOR REPORT

Mr. White offered the following report:

- Railroad Avenue Project – The Railroad has accepted city proposal to purchase easement for the Railroad Avenue Project
- Dechlorination – Mr. Pat Wright, Utility Partners, reviewed requirement by EPD for dechlorination at North and South Plants. Mr. Wright stated there are two methods but recommended the most cost effective method of chemical dechlorination. Mr. Wright reviewed

that the cost of the chemicals from ADC Chemical would be \$9 per gallon and it will take approximately 36 gallons per month. Mr. Wright stated that we will need a building for chemical storage. Mr. Wright stated that ADC Chemical will provide a tank and pump, maintenance, and they will submit the required documentation to the EPD. Mr. Wright stated that no action is required by council, as the cost is less than \$4,000.

CITY CLERK REPORT

Mrs. Hall had nothing further to report.

CITY ATTORNEY REPORT

Mr. Melton had nothing further to report.

ADDITIONAL BUSINESS

Mr. Johnny Hodges, City Electric Supervisor, addressed council regarding information Mr. James Green provided to council regarding the utility pole on his property. Mr. Hodges stated that the city crews have moved the utility pole as far as possible and we are waiting on AT&T to move their wiring from the old pole so that the pole can be removed.

Mr. Dodd asked Mr. White if he had researched additional financing possibilities for the purchase of a tractor and Mr. White stated that he has not since the last motion by council was to not approve the purchase with the financing through the vendor. Mr. Dodd stated that the original motion was to finance the purchase through Monroe County Bank and asked Mr. Melton to explain a TAN. Mr. Melton stated that since Monroe County Bank is not the tractor vendor so the financing through them would have to be through a Tax Anticipation Note (TAN). Mr. Dodd asked if a TAN could be paid off at the end of the year and renewed at the beginning of the next year and Mr. Melton stated that it can but it would limit any additional borrowing power. Mr. Dodd stated that we need the proper equipment. Mr. Alvin Randall stated that Mayor Howard asked him to identify the right-of-ways throughout the city for presentation to Commissioner Owens so the prison crews could begin cutting the right-of-ways. Mr. Dodd stated that the city would be relying on the charity of the DOC to keep the right-of-ways cut. Mr. White stated that Mayor Howard has been working with Commissioner Owens to have one of the prison crews the city contracts for cut the right-of-ways and that would free up some of the city employees so they can work in the parks, cemeteries, and on the square. Mr. Wilson stated that if this is approved then the city would not need the tractor.

Mr. Fred Dungan, 430 Sunset Terrace, stated that the city has a tractor that could be used. Mr. Dungan stated that the tractor the city has that has the side boom on it can also be used with the bushhog that the city has. Mr. White stated that this was previously discussed but that tractor is used

four days a week with the side boom. Mrs. Banks stated that there are not that many cuttings left in this season, so need a plan on how to get all the work accomplished for next year. Mr. Lawrence stated that he would still like Mr. White to look at financing for a tractor purchase.

Mrs. Banks stated that the CDBG application date is coming soon and would like Mr. White to get with the Regional Commission to identify water and sewer projects for the application. Mr. White stated that the Regional Commission presented three potential areas to council last year but all three were outside the city limits and council opted to not submit those projects. Mrs. Banks asked Mr. White to bring those projects back before council.

Mrs. Banks asked Mr. White for the status of the water/sewer management RFP and Mr. White stated that Mr. Hofstadter is working on it. Mrs. Banks stated that Georgia Rural Water is compiling a list of management companies for the city to review for potential submission of an RFP.

Mrs. Banks stated that the 2013 millage will create an approximate \$43,000 shortfall for taxes and stated that shortfall could be recouped by a fee on gaming machines. Mrs. Hall stated that she met with one of the convenience store owners today who had recently attended a conference where it was stated that cities could not charge additional fees for the gaming machines. Mr. Melton stated that there were several changes to the State Gaming Machine laws recently and he will review the law to see what charges the city could add.

EXECUTIVE SESSION

Mr. Dodd offered a motion to adjourn into executive session for the purpose of discussing pending litigation. Seconded by Mr. Lawrence, the motion carried unanimously (voting in the affirmative was Dodd, Banks, Wilson, and Lawrence) and council adjourned into executive session at 7:35 pm.

ADJOURN

Mayor Pro-Tem Wilson called the meeting back into open session at 8:00 pm. There being no further business to discuss, the meeting was adjourned at 8:00 pm.

Submitted by:

Janice L. Hall, City Clerk