

MINUTES

FORSYTH CITY COUNCIL MEETING

OCTOBER 1, 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. Wilson gave the invocation.

ROLL CALL

Present for the meeting were 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 SEPTEMBER 17, 2013 COUNCIL MEETING

Mr. Lawrence offered a motion to approve the minutes of the September 17, 2013 council meeting as written. Seconded by Mr. Dodd, the motion carried unanimously (voting in the affirmative was Dodd, Banks, Wilson, and Lawrence).

PUBLIC HEARING FOR BEER & WINE ALCOHOL PACKAGE LICENSE FOR PANSY'S STORE – 140 POWERHOUSE ROAD – APPLICANT TONIA MAYS

Mayor Howard opened the public hearing for comments for or against the approval of the beer and wine alcohol package license for Pansy's Store. Mr. Melton reviewed the application for alcoholic beverage package sales for Pansy's Store located at 140 Powerhouse Road, applicant Mrs. Tonia Mays. Mr. Melton reviewed application information in the council packet, including a drawing that shows the store is 406' from the Church on the adjoining property. Mr. Melton stated that the public hearing for tonight has been advertised in the September 18 and 25 issues of the Reporter and is here for public input and council consideration tonight. Mrs. Mays stated that her attorney was caught in traffic and asked that the public hearing be postponed until later in the meeting when he arrived. Mr. Wilson offered a motion to amend the agenda and reconvene the public hearing until later in the meeting when Mrs. Mays' attorney arrives. Seconded by Mr. Lawrence, the motion carried unanimously (voting in the affirmative was Dodd, Banks, Wilson, and Lawrence). The public hearing was recessed until Mrs. Mays' attorney arrived.

MAGGIE JACKSON

Ms. Jackson was not present for the meeting.

APPROVAL OF ACCOUNTS PAYABLE INVOICES

Mr. Wilson reviewed all invoices by department for a grand total of \$69,596.13. Mr. Wilson 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).

CITY ADMINISTRATOR REPORT

Mr. White offered the following report:

- Take-Home Vehicle Policy – Mr. White reviewed request to add three additional police vehicles to the take home list. Mr. Wilson asked if any of the vehicles would be driven outside the city limits and Mr. White responded yes but not outside the county. Mr. White stated that Sergeant Asbell is already on the take-home vehicle list and requested that Sergeants Knight, Thombley, and Barkley be added to the take-home vehicle list. Mrs. Banks offered a motion to adopt the vehicle take-home program and Mr. Dodd seconded the motion. Mrs. Banks asked if this will be all the vehicles and Mr. White responded that there would still be some vehicles parked and not taken home. Mr. Wilson asked what the annual cost would be to add these vehicles and Mr. White responded that it would be less than \$1,000 additional annually. Mr. White reviewed the pros and cons of officers taking vehicles home including that the vehicles are better maintained if assigned to one driver. Mayor Howard stated that if a patrol vehicle is not assigned to a driver then it is hard to pinpoint any damage or problems with the vehicle. Mayor Howard stated the need to mandate inspections on all vehicles and regular checks by the supervisor to find vehicle problems. Mr. Wilson stated the need to track daily mileage on all vehicles. Mrs. Banks requested that the checklist for maintenance and supervisor checks be incorporated into the policy to ensure fully operational vehicles. Mr. White stated that all of this is already in the policy. The motion carried unanimously (voting in the affirmative was Dodd, Banks, Wilson, and Lawrence).
- Mr. White stated that he has received a recommendation from Police Chief Keith Corley for the open major position and called on Chief Corley to come forward and review his recommendation. Chief Corley recommended that David Brown be moved up to the position of Major in the Police Department. Chief Corley stated that Sergeant Brown has filled in for this position since June when the position became vacant. Chief Corley stated that Sergeant Brown has received endorsements from the other two Majors and staff within the department. Mr. Lawrence asked if this is just a promotion and not hiring new staff and Chief Corley it is a promotion for an existing employee in the department. Mrs. Banks asked if this position is a necessity and Chief Corley stated that it definitely is

and reviewed the duties of this position. Chief Corley stated that Sergeant Brown is also an arson investigator and this helps with the ISO rating. Mr. Dodd offered a motion to allow Chief Corley to promote David Brown to Major. Seconded by Mr. Wilson, the motion carried unanimously (voting in the affirmative was Dodd, Banks, Wilson, and Lawrence).

- Chief Corley requested permission to hire an officer and stated that he had another officer resign this week to return to school. Chief Corley requested to hire one fulltime officer to fill this vacancy on patrol. Mr. Wilson asked about the vacancy being created by the promotion of Sergeant Brown and Chief Corley stated that he hopes to fill that position when the budget increases. Mrs. Banks asked which position is more important, the patrol vacancy or the vacancy left by the promotion and Chief Corley stated that the patrol position is most important, as there is no built-in relief in patrol with the leaving of this officer. Chief Corley stated that we currently have two per shift and need three per shift (squad sergeant and two patrol officers). Mr. Wilson offered a motion to allow Chief Corley to fill the fulltime patrol position. Seconded by Mr. Lawrence, the motion carried unanimously (voting in the affirmative was Dodd, Banks, Wilson, and Lawrence).

PUBLIC HEARING FOR BEER & WINE ALCOHOL PACKAGE LICENSE FOR PANSY'S STORE – 140 POWERHOUSE ROAD – APPLICANT TONIA MAYS

Mayor Howard reconvened the public hearing. Mr. Jim Rockefeller, attorney representing Mrs. Mays, came forward to address council. Mr. Rockefeller stated Mrs. Mays has applied several times for an alcohol license for her store but has been denied each time. Mr. Rockefeller stated that the ordinance council is relying on is from 1967 and relying on Section 4-52 but the store is more than 300' from the Church. Mr. Rockefeller stated Section 4-51 refers to denial in general but the best interest of the general public should be considered. Mr. Rockefeller stated that the denial does not meet constitutional merit and you must have rules to follow. Mr. Rockefeller stated that Mrs. Mays is being denied due process. Mr. Rockefeller stated that Mr. Patel at 325 Cabiness Road was approved for an alcohol license and that is just down the road from Mrs. Mays store.

Mr. Don Bonner, 69 Lakeside Drive, came forward, stated that he has come several times, and requested that the license be denied. Mr. Bonner stated that there has only been one affirmative vote on previous applications and that councilmember is no longer on council. Mr. Bonner stated that this has to do with the community. Mr. Bonner stated that alcohol is a drug and stated that he knows what alcohol can do to a community. Mr. Bonner requested that the license be denied.

Mr. Jack Barker came forward and stated that the owner made a previous statement that he would not request an alcohol license. Mr. Barker reviewed his dealings with alcohol in his work as a State Patrol Officer. Mr. Barker stated that there are many children and traffic on that street and people will drink in the parking lot of the store, then leave and have a wreck. Mr. Barker stated that we do not need a beer joint in the neighborhood.

Mr. James Green came forward and spoke in favor of granting the license. Mr. Green stated that the license is allowed by law and should be approved.

Mr. Rockefeller addressed the comments by the public and stated that several have stated that alcohol is bad but the city allows alcohol sales so that should not be grounds for denial. Mr. Rockefeller stated that statements made are opinions but no facts against the approval of this license have been presented.

Hearing no further comments for or against the approval of the application, Mayor Howard closed the public hearing. Mrs. Banks offered a motion to approve the beer and wine alcohol package license for Pansy's Store. Hearing no second on the motion, Mayor Howard asked Mr. Melton if a second is required. Mr. Melton stated that historically all motions have been seconded and voted on to move forward. Mr. Melton stated that the advertisement calls for approval or denial and Section 4-51A of the City Code states that council may, at their discretion, consider extenuating circumstances and Mr. Rockefeller has pointed out no ascertainable circumstances. Mr. Melton stated that when he presented the application for the public hearing it was stated that all information is in the packet and confirmed by the city clerk. Mr. Melton stated that the public and the applicant have stated opinions. Mr. Melton stated that 325 Cabiness is on a different street with different traffic patterns so if this location is somehow different then council should consider the difference. Mr. White stated that when the store was going through Zoning, the family stated they would not ask for an alcohol license and the zoning was granted. Mr. Melton stated that this could be part of council's consideration. Mayor Howard stated that he was told that Mr. Mays made the comment but his wife is asking for the license and Mr. Melton stated that if this is an extenuating circumstance then it should be considered. Mr. Bonner stated from the audience that the variance was approved and he does not believe that it would have been approved if Mr. Mays had not made the statement. Mr. Green stated from the audience that if the statement was made, it was made in 2009 and someone should be able to change their mind. Mrs. Banks asked if the variance was contingent upon them not selling alcohol. Mrs. Hall read sections relating to the variance request of the P&Z minutes June 25, 2007, P&Z minutes of July 23, 2007, P&Z minutes of August 27, 2007, City Council minutes of September 18, 2007, Design & Review minutes of October 3, 2007, and City Council minutes of October 16, 2007. Mrs. Hall

stated that these were the only minutes that she had available in the Mays folder. The motion failed with four (4) votes against (voting against were Dodd, Banks, Wilson, and Lawrence).

CITY CLERK REPORT

Mrs. Hall offered the following report:

- Mrs. Hall reviewed the need to change the merchant account for the credit card payments for court from Bank of America to Courtware stating that this will save time and money. Mrs. Hall reviewed the changes and stated there is no need for a vote by council, just making them aware of the change.
- Meet-N-Greet for council candidates will be October 7th at 6:30 pm at Kynette United Methodist Church.
- Political Forum for council candidates will be October 14th at 6:00 pm at St. James Baptist Church and is sponsored by the Reporter and St. James Church
- Early voting begins October 14th and runs through November 1 at the Registrar's Office in the County Administration building. The last day to register to vote in this election is October 7th. Sample ballots are available at Judge Pitman's office and at City Hall.
- Scheduling times next week for all employees covered by the city health insurance to update their medical information so that renewal quotes can be sent out for the health insurance. Once the renewal premiums are received, a meeting will be held with council to review the companies and premiums for a decision on the coverage for 2014 then Open Enrollment can be held.
- One of the items on the work session for last night that was cancelled would have been the Brown Bag Ordinance. Mrs. Hall requested permission to work with the Regional Commission to write an ordinance and bring it back to council for review. Mrs. Hall stated that regular requests are received for events that wish to brown bag alcohol to their events and need an ordinance for them to follow and for the police department to enforce. Mrs. Hall stated that brown bagging should be addressed in the ordinance even if it is not allowed. There was discussion regarding the need to update the entire alcohol ordinance and permission was given for Mr. White and Mrs. Hall to work with the Regional Commission to rewrite the alcohol ordinance and include brown bagging in the ordinance.

CITY ATTORNEY REPORT

Mr. Melton had nothing further to report.

MAYOR'S REPORT

Mayor Howard had nothing further to report.

ADDITIONAL BUSINESS

Fire Chief David Herndon stated that the County Commissioners approved at their meeting tonight to allow the weather sirens in the city to be moved to the county frequency. Chief Herndon stated the County EMA has grant money to fund the project. Chief Herndon stated this would give redundancy to activate the sirens.

Fire Chief David Herndon stated that he has applied and received a grant to provide smoke detectors to homes inside the city and additional information would be forthcoming.

Mr. John Martin and Mr. Brian Rooks came before council to request recognition by the council that their business is local and they will take on the responsibility of removing unwanted reptiles and nondomestic animals. Mr. Martin reviewed their business and stated that the city would not receive a charge for referring someone to them. Mr. Melton asked if Mr. Martin was asking that his business be endorsed by the city and he stated that he was not. Mr. Melton stated that this would be something similar to the towing business list that the police department uses. There was additional discussion about how the city could partner with the business and the need for a contract if any such partnership was entered into.

Mr. Dodd stated that there is a draft copy of the grease ordinance in the packet but it was not reviewed and asked Mr. Melton if he had reviewed the ordinance and Mr. Melton stated that he had not. Mr. White stated that he just recently received the draft ordinance from the Regional Commission and passed it out to council for them to review and will bring it back before council at a work session. Mr. White stated that Mr. Pat Wright and Mr. Alvin Randall have reviewed the draft ordinance. Mr. Dodd offered a motion to have the city attorney review the ordinance and Mrs. Banks seconded the motion. Mayor Howard stated that a motion is not required to turn something over to the city attorney for review and Mr. Dodd withdrew his motion. Mr. Dodd stated that we would need to include the Health Department in the review before the ordinance is adopted.

Mrs. Banks stated that the RFP for the water/sewer management needs to be addressed. Mrs. Banks provided a proposed timeline for sending out the RFP, receiving proposals, reviewing, and awarding the project. Mr. White stated that he received the RFP draft from Hofstadter & Associates today and will review it with Mr. Wright and Mr. Randall before sending it out on Friday. Mrs. Banks requested that the RFP be mailed directly to companies to get more responses. Mrs. Banks suggested that the proposed timeline be adjusted back by one week. Mayor Howard stated that the contract should be awarded by the end of the year to avoid having to extend the contract with Utility Partners beyond the end of year as we did last year.

Mrs. Banks stated that the Sharp Street paving is complete and asked if the striping is complete and Mr. White stated that it is not. Mrs. Banks asked for a timeframe for the repairs to the shoulder and Mr. White stated that he was not sure when the contractor would complete the work. Mrs. Banks stated that the city is usually responsible for putting dirt back on the shoulder.

Mrs. Banks stated that Zellner Road has not been striped after it was resurfaced and there is a daycare on that street.

Mayor Howard stated that he would like to use some of the upcoming SPLOST funds to resurface Frontage Road. Mrs. Banks stated that she would volunteer to contact a company that does “in place” asphalt work and will schedule a meeting with them.

Mrs. Banks requested that all parties be pulled together for training on how to handle customers that want to start a business in Forsyth. Mrs. Banks stated that the BHT developed a brochure that needs to be handed out at City Hall. Mayor Howard stated that Mrs. Hall is already working on in-house training for City Hall staff. Mrs. Hall stated that the training would require overtime pay and/or closing of city hall so that all can attend the training at the same time. By consensus, council agreed with overtime and/or closing for training.

Mrs. Banks stated that financial education training is being offered to city residents and information is available at city hall.

Mrs. Banks stated there are markings on Tift College and asked what work is being done. Mr. White stated that he believes the markings are for the gas lines.

Mr. Dodd asked for an update on the Railroad Avenue Project and Mr. White stated the engineer is updating the plans and the RFP should go out soon.

Mayor Howard stated that he and council still need to complete the city administrator evaluation as required by his contract and requested council get the forms back to him as soon as possible.

Mr. Lawrence asked if the city would be providing flu shots again this year and Mayor Howard stated that we would and asked Mrs. Hall to get that scheduled.

ADJOURN

There being no further business to discuss, the meeting was adjourned at 7:40 pm.

Submitted by:

Janice L. Hall, City Clerk