

## **MINUTES**

### **FORSYTH CITY COUNCIL MEETING**

**OCTOBER 15, 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. White gave the invocation.

#### **ROLL CALL**

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

#### **APPROVAL OF MINUTES OF THE OCTOBER 1, 2013 COUNCIL MEETING**

Mr. Wilson offered a motion to approve the minutes of the October 1, 2013 as written. Seconded by Mr. Lawrence, the motion carried unanimously (voting in the affirmative was Dodd, Banks, Wilson, and Lawrence).

#### **OTIS INGRAM – ECONOMIC DEVELOPMENT**

Mr. Otis Ingram came before council to request that a portion of East Main Street be closed for an economic development project. Mrs. Banks offered a motion to advertise a public hearing to close a portion of East Main Street. Seconded by Mr. Lawrence the motion carried unanimously (voting in the affirmative was Dodd, Banks, Wilson, and Lawrence).

#### **CHAMBER OF COMMERCE – GOVERNMENTAL AFFAIRS COMMITTEE – TODD TOLBERT – CONSOLIDATION DISCUSSION**

Mr. Todd Tolbert, Chairman of the Chamber of Commerce Governmental Affairs Committee, came before council to request permission from the City for the Governmental Affairs Committee to work with the Regional Commission for a functional and complete consolidation study of consolidation of the City of Forsyth, the City of Culloden, and Monroe County. Mr. Tolbert stated that a Technical Assistance Request letter from the City to the Regional Commission is required if the city is in agreement with the study. Mr. Lawrence asked if this study in any way commits the city to consolidation and Mr. Tolbert stated that this is just a study to present information back to the cities and county and does not obligate anyone. Mr. Wilson offered a motion to submit a Technical Assistance letter to the Regional Commission for a functional and complete study of consolidation. Seconded by Mr. Dodd, the motion carried unanimously (voting in the affirmative was Dodd, Banks, Wilson, and Lawrence).

**APPROVAL OF STREET CLOSINGS FOR HOMETOWN HOLIDAYS PARADE – DECEMBER 5, 2013**

Mrs. Darlene McClendon, President of the Chamber of Commerce, came before council and stated that the parade route is the same as in previous years. Mrs. McClendon stated the theme for this year's parade is "All I Want for Christmas". Mrs. Banks offered a motion to close the streets included in the parade route. Seconded by Mr. Lawrence, the motion carried unanimously (voting in the affirmative was Dodd, Banks, Wilson, and Lawrence).

**LEASE AGREEMENT WITH CHAMBER OF COMMERCE FOR THE WELCOME CENTER**

Mrs. Tiffany Andrews, President of the Monroe County Development Authority, came before council to answer any questions regarding the new lease for the Welcome Center. Mrs. Andrews stated that the current lease expires this year. Mrs. Andrews stated that the new lease provides for the Chamber of Commerce to take over the maintenance of the building. Mr. Dodd offered a motion to approve the lease agreement with the Chamber of Commerce for the Welcome Center. Seconded by Mr. Wilson, the motion carried unanimously (voting in the affirmative was Dodd, Banks, Wilson, and Lawrence).

**PUBLIC INPUT FOR RESOLUTION TO RENAME A PORTION OF HARRIS STREET TO PAUL JAMES PLACE**

Mr. Melton stated there was a mix-up with the advertisement and the notice for tonight's meeting did not get published. Mr. Melton asked if the advertisement is for only one block of Harris Street to be renamed. Mr. Melton stated the notice will be published and the public input will be on the agenda for the November 6, 2013 council agenda. Mr. Lawrence offered a motion to table the matter until the November 6, 2013 council meeting. Seconded by Mrs. Banks, the motion carried unanimously (voting in the affirmative was Dodd, Banks, Wilson, and Lawrence).

**APPROVAL OF CONTRACT WITH MONROE COUNTY AND JUDGE PITMAN FOR CITY ELECTIONS**

Mr. Melton reviewed the contract stating that Judge Karen Pitman is named the election superintendent and the cost is the amount agreed upon previously by city council. Mr. Wilson offered a motion to approve the contract with Monroe County and Judge Pitman for the city elections. Seconded by Mr. Banks, the motion carried unanimously (voting in the affirmative was Dodd, Banks, Wilson, and Lawrence).

**APPROVAL OF RESOLUTION TO MAINTAIN LOCAL OPTION SALES TAX (L.O.S.T.)**

Mr. Mike Dillon, Attorney for Monroe County Commissioners, came before council and stated that the county needs to know if the city is agreeable with the percentages on the certificate which was provided to council. Mr. Dillon stated that if the city does not agree to the county offer, the LOST tax

will expire. Mr. Dillon stated that if the LOST tax expires, the county will go after a HOST tax and the city will lose out on the tax.

**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 suspending City Code Section 2-10 with regard to council committees and Mr. Lawrence seconded the motion. Mr. Dodd asked how this will be handled since the next meeting will have all six council members in place. Mr. Melton stated that Mayor Howard will appoint committee members after the election. Mrs. Banks stated that would mean that the two new members would be appointed to a committee for forty-five days, and then new committees would be appointed in January. Mrs. Banks stated that the two new council members need to be brought up to speed before being in charge of committees. Mayor Howard stated that he is aware of the need to educate new council members and will sit down with full council after the election. Mr. Melton stated that without six council members we cannot comply with the ordinance but when six are on council then the emergency no longer exists. Mrs. Banks asked if the ordinance could be suspended and Mr. Melton stated this could only be done in an emergency situation and after the election an emergency will no longer exist. The motion carried unanimously (voting in the affirmative was Dodd, Banks, Wilson, and Lawrence).

**PUBLIC HEARING TO SET 2013 MILLAGE RATE**

Mr. White reviewed the 5-year history for the millage rate and stated that the motion was to advertise to remain at 5.6 mils for 2013. Mayor Howard opened the public hearing for comments for or against the proposed millage rate. Hearing no comments, Mayor Howard closed the public hearing. Mr. Dodd offered a motion to set the 2013 millage rate at 5.6 mils. Seconded by Mrs. Banks, the motion carried unanimously (voting in the affirmative was Dodd, Banks, Wilson, and Lawrence).

**APPROVAL OF ACCOUNTS PAYABLE INVOICES**

Mr. Wilson reviewed invoices for each department and offered a motion to approve the accounts payable invoices totaling \$341,901.21 and Mr. Lawrence seconded the motion. There was discussion regarding amount of past due invoices and how those invoices will be paid. The motion carried unanimously (voting in the affirmative was Dodd, Banks, Wilson, and Lawrence).

### **CITY ADMINISTRATOR REPORT**

Mr. White offered the following report:

- Still waiting on the paperwork from the Railroad and the RFP should go out next week. Mrs. Banks asked when the paving would be done and Mr. White stated that he not know. Mrs. Banks stated that we need to keep the temperature in mind when scheduling since asphalt does not last as long when put down in colder temperatures and suggested waiting until March or after to do the paving. Mayor Howard stated that we will look at all angles when scheduling the project.
- Meeting is schedules for October 21<sup>st</sup> for the alternative paving presentation
- Striping on Sharp Street was completed Friday and the shoulders need to be pulled to complete the project
- Will stripe Freeman Road
- A power grid upgrade is scheduled for November 3<sup>rd</sup> and a section of the city will be without power for several hours during the work. Mr. White will handle notifying all affected customers

### **CITY CLERK REPORT**

Mrs. Hall offered the following report:

- The new city website is live and thanked Ms. Stacy Ladson and the Regional Commission for their work on the website
- Initial training for city hall staff was held
- Several requests have been received for the city to offer budget billing; Mrs. Hall will contact software company to see what would be involved

Mrs. Hall stated that the amendment to the City Personnel Policy regarding Employee Insurance and Retirement was reviewed at the work session. Mrs. Hall stated that the amendment spells out each type of insurance provided by the City and requirements for qualifying for the benefits. Mrs. Banks offered a motion to approve the amendment as presented by Mrs. Hall. Seconded by Mr. Lawrence, the motion carried unanimously (voting in the affirmative was Dodd, Banks, Wilson, and Lawrence).

### **CITY ATTORNEY REPORT**

Mr. Melton had nothing further to report.

### **MAYOR'S REPORT**

Mayor Howard read a letter received from a citizen regarding the plants around the square, lack of a master plan for the plantings, and lack of supervision of workers. Mayor Howard stated that the

letters is in response to a statement he made during the political forum that there is an agreement with the Department of Corrections for them to work the bumpouts and planters around the square. Mayor Howard stated that Commissioner Owens has agreed to extend the crew that tends to the DOC campus to take care of the square. Mayor Howard stated that the city now pays \$39,000 for two crews from the DOC rather than \$39,000 per crew. Mayor Howard stated that he plans to add an additional crew for construction work especially for work inside city hall. Mr. Dodd stated that there is a landscape plan and a copy was at City Hall.

#### **ADDITIONAL BUSINESS**

Mayor Howard stated that he invited Chief Keith Corley and Major Eddie Harris to the council meeting to review the state of the police department. Mayor Howard stated that as a former police officer he understands the needs of the police department. Chief Corley stated that when he became chief in 2010, the department had 19 officers and currently have 15 with one of them being deployed on active duty. Chief Corley stated that council has approved for him to hire one fulltime officer so he will have 16. Chief Corley stated that the shortage leaves no coverage when someone calls in sick. Chief Corley requested that he be allowed to get the department back to full staff and the one grant position. Major Harris stated that we should be working with two officers and one sergeant per shift but with the shortage that is not always the case. Major Harris stated that the reports that only one officer has been working per shift is not true as one of the major's or the chief has worked a shift to make sure that this does not happen. Major Harris stated that the safety of the officers is his main concern and an officer that has worked several shifts without a break is not at his best. Major Harris stated that the officers do not mind working but get stressed out when working too many shifts without a break and increased overtime causes burnout of officers. Mayor Howard stated that the positions were budgets but council put in a hiring freeze. Mayor Howard stated that if council does not enact an emergency ordinance for the hiring freeze then he will by executive order authorize the Chief to fill the positions. Mr. Wilson stated that council looks to the Mayor for a plan to fund the hiring as all are passionate about the public safety department and support the police department. Mr. Wilson stated that we must have the money to fund the hiring. Mayor Howard stated that the budget is an estimate of what will be spent and salaries will be paid. Mayor Howard stated that the police department budget is one of the highest budgets and it should be. Mayor Howard stated that if council stands by the hiring freeze, he will hire the officers. Mr. Wilson asked the Mayor why he had not already hired the officers if he does not recognize the hiring freeze put in place by council and Mayor Howard stated that he did not want to

fight with council. Mr. Melton stated that if there is a valid motion for the hiring freeze, then council can vary from that and it is the duty of the Mayor to bring recommendations to council. Mayor Howard stated that it is hard to get anything done and he is trying to get this done the right way. Mr. Wilson stated that he thought that a motion was made for the hiring freeze and Mayor Howard stated that he is not aware of a motion. Mr. Melton stated that he is not sure that a motion was made and asked Mrs. Hall if she remembered a motion being made and Mrs. Hall stated that she thought a motion was made for the hiring freeze. Mr. Dodd requested a plan be developed and presented to council showing how the positions will be funded as in dollars saved in other departments from attrition. Mayor Howard stated that he and Mr. White will work on a plan and bring it back to council.

Mr. Melton requested an executive session for the purpose of discussing pending litigation. Mr. Dodd offered a motion to adjourn into executive session for the purpose of discussing pending litigation. Seconded by Mrs. Banks, the motion carried unanimously (voting in the affirmative was Dodd, Banks, Wilson, and Lawrence).

Mr. Larry Evans, Monroe County Commissioner, asked to speak before council adjourned into executive session. Mr. Evans stated that the city sent the LOST Certificate back to the county with the original percentages; the county requested a meeting but only the Mayor and one councilmember attended the meeting; and the county scheduled an additional meeting but the city cancelled the meeting. Mr. Evans stated that the county would have voted to leave the percentage the same if the city would have agreed to a water agreement. Mr. Evans stated that if no agreement is submitted to the Department of Revenue by Thursday at 4:30 pm, the tax will go away and the city and county will lose the dollars from the tax. Mr. Evans stated that he has worked with the Mayor to get permission to fix all the pot holes in the city and pave several streets which has been done. Mr. Evans stated that he tried to work with the city but the city refused due to a "bunch of hard heads" and if this is not worked out then the citizens will suffer. Mr. Evans stated that Mayor is the only city elected official that was born and raised in Forsyth and maybe that is the reason why they will not work this out. Mr. Dodd stated that he had a conflict with the first meeting and did not receive notice of the second meeting. Mr. Evans stated that the county received an email last week that stated to just leave the percentage as it was and that was an insult. Mrs. Banks stated that she cares about the city just as Mr. Evans does even though she was not born here and reviewed meeting held at Aldermen Hall and the county would not agree to meet. Mrs. Banks stated that she supports the city and the 33% the city request is fair and the 22.5% the county is offering is well below the city's fair share. Mrs. Banks stated that the study shows that the

city share should be greater than 33%. Mrs. Banks stated that she takes offense from Mr. Evans statement that council does not support the city. Mr. Evans stated that the percentage on the certificate is the amount awarded by a judge and now Supreme Court rules unconstitutional. Mr. Evans stated that if the LOST stops, the county will do a HOST tax. Mr. Wilson stated that when there is a breakdown there is blame to go shared as Mr. Evans would not be here at the 11<sup>th</sup> hour if both sides had done all that needed to be done. Mr. Wilson stated that the council has fought for what is fair for the city; the greatest percentage of the tax is collected inside the city limits; city has felt they were not recognized by the county; and it is not fair or productive to come at the 11<sup>th</sup> hour to point that city had not done anything in the negotiations. Mayor Howard stated that Commission Chairman Bilderback proposed a water project that the city and county could work on together and Mr. Evans stated that it is for the water plant with trunk lines to the city lines. Mr. White stated that Mr. Dillon brought the certificate and said that no further negotiations and asked Mr. Evans if the certificate is the county's final offer. Mr. Evans stated that he and Mr. Bilderback voted against the percentage but the majority voted for the percentage breakdown. Mr. Evans stated that it is never too late.

Council adjourned into executive session at 8:10 pm.

Mayor Howard called the meeting back into open session at 8:40 pm. Mr. Dodd offered a motion to hold a called council meeting on Thursday at 9:00 am to discuss the LOST negotiations. Seconded by Mr. Wilson, 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 8:40 pm.

Submitted by:

Janice L. Hall, City Clerk