

MINUTES

FORSYTH CITY COUNCIL MEETING

NOVEMBER 6, 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. Melton gave the invocation.

SWEARING IN OF NEWLY ELECTED COUNCIL MEMBERS

Mrs. Hall administered the Oath of Office to newly elected council members Greg Goolsby and Jimmy Jones. Mr. Goolsby and Mr. Jones were elected on November 5, 2013 to fill the unexpired terms of Mr. Calloway and Mr. Hansford. Their terms of office will expire December 31, 2015

Mr. Goolsby and Mr. Jones took their seats with the remainder of council

ROLL CALL

Present for the meeting was Mayor John Howard, Councilmembers Mike Dodd, Jo Anna Banks, Greg Goolsby, Jimmy Jones, Eric Wilson, and Melvin Lawrence. Also present was City Attorney, Bobby Melton; and City Clerk, Janice Hall. City Administrator, Thomas White, was unable to attend the meeting.

AMEND AGENDA – LINNEA VANCE – REGIONAL COMMISSION REVIEW OF CDBG PROJECTS

Mr. Wilson offered a motion to amend the agenda to add Ms. Linnea Vance, Regional Commission, for a review of potential CDBG projects. Seconded by Mrs. Banks, the motion carried unanimously and Mayor Howard called on Ms. Vance.

Ms. Vance reviewed the potential project areas for a CDBG project as Bibb Mill Village, George Street, and Mitchell Road. Ms. Vance stated that all three project areas are outside the city limits and would require annexation prior to submitting a CDBG application. Ms. Vance stated that the deadline for submission of the application is April 1, 2014. Council called for a work session on November 18, 2013 at 7:00 pm for a complete review of the potential project areas.

**APPROVAL OF MINUTES OF THE OCTOBER 15, 2013 COUNCIL MEETING
AND OCTOBER 17, 2013 CALLED COUNCIL MEETING**

Mr. Lawrence offered a motion to approve the minutes of the October 15, 2013 as written. Seconded by Mrs. Banks, the motion carried unanimously (voting in the affirmative was Dodd, Banks, Goolsby, Jones, Wilson, and Lawrence).

BETTER HOMETOWN PRESENTATION TO MR. & MRS. KELLEY

Mayor Howard and Mrs. Loraine Khoury, Better Hometown Director, presented Mr. and Mrs. Percell Kelley with a certificate for their restoration work on four historic homes in Forsyth.

MAGGIE JACKSON

Ms. Jackson was not present for the meeting.

**DENIAL HEARING FOR ALCOHOL LICENSE FOR TONIA MAYS – PANSY’S
STORE – POWERHOUSE ROAD**

Mr. Melton reviewed the previous request from Mrs. Tonia Mays for an alcohol license at Pansy’s Store on Powerhouse Road and stated that a public hearing was held on October 1, 2013 wherein the application was denied. Mr. Melton stated that notice was provided to Mrs. Mays regarding tonight’s hearing. Mr. Melton stated that concerns were expressed by members of the surrounding community; during variance hearings, Mr. Mays stated that he did not intend to sell alcohol; and Section 4-51 of the City Code states council may exercise discretion. Mr. Rockefeller, Mrs. Mays attorney, came before council to review problems that he sees with councils' decision to deny Mrs. Mays request for an alcohol license. Mr. Rockefeller stated that rules must be in place for a denial and previous decisions were made based on rezoning of the property and a setback variance for 2 foot for the building. Mr. Rockefeller stated that Mr. Mays thought that he could not sell alcohol due to the proximity to the Church and later learned that he could sell as the store was far enough away from the Church. Mr. Rockefeller stated that the city ordinance on alcohol has not been updated since 1985 and current law states that requests cannot be denied based on reasons that the council used to deny the request. Mr. Rockefeller stated that council cannot deny Mrs. Mays alcohol license request based on the position that alcohol is bad as the city allows alcohol to be sold in the city. Mr. Rockefeller stated that he is confident that Mrs. Mays will file a lawsuit if council

continues to deny her request. Mr. Rockefeller stated that if the city has restrictions for the property they need to make Mrs. Mays aware of those restrictions and they will abide by those restrictions. Mr. Melton asked if council had any questions for Mr. Rockefeller or Mrs. Mays. Mrs. Banks asked if the variance is an extenuating circumstance and Mr. Rockefeller stated that it is extenuating but not enough to deny license as no prior notification. Mr. Rockefeller asked if Mrs. Mays sells the property to a 3rd party and that party comes before council for an alcohol license, will council continue to deny the alcohol request. Mr. Lawrence offered a motion to grant the beer and wine alcohol package license to Mrs. Mays for Pansy's Store on Powerhouse Road. Mrs. Banks stated that she would second the motion if Mr. Lawrence would agree to amend it to require "No Loitering" signage due to the close proximity to the Church and roadway. Mr. Lawrence amended his motion to include the requirement for "No Loitering" signage. Mrs. Banks seconded the motion. Mayor Howard stated that no other store has been required to post such signage. Mr. Melton asked Mr. Rockefeller if Mrs. Mays would accept the signage requirement and Mr. Rockefeller stated that she would accept this as a reasonable restriction but request that council provide a specific person to make sure the signage is appropriate. Mr. Melton asked if council would accept the Police Chief as the designated person and council agreed. The motion carried with four (4) votes for (Banks, Goolsby, Jones, and Lawrence) and two (2) votes against (Dodd and Wilson).

APPROVAL OF CONSTRUCTION AGREEMENT BETWEEN NORFOLK SOUTHERN AND THE CITY OF FORSYTH

Mr. Melton reviewed that the Railroad sent a proposed deed of easement to Hodges, Harbin, Newberry & Tribble (city engineers) and they accepted the easement and have sent the easement back to the Railroad for it to be recorded. Mrs. Banks asked if c & d on page 4 are only for the life of the project and Mr. Melton stated that they are. Mr. Dodd offered a motion to approve the agreement and Mr. Wilson seconded the motion. Mr. Goolsby asked how the project is being funded and Mr. Dodd stated that this is a SPLOST project. The motion carried unanimously.

APPROVAL OF CATERING PERMITS FOR THE ANVIL ROOM

Mrs. Hall stated that Jonah's on Johnston is requesting 15 catering permits for the Anvil Room. The events will be held between now and the end of the year. Mr. Banks

offered a motion to approve the 15 catering permit request. Seconded by Mr. Dodd, the motion carried unanimously (voting in the affirmative was Dodd, Banks, Goolsby, Jones, Wilson, and Lawrence).

APPROVAL OF RESOLUTION TO RENAME A PORTION OF HARRIS STREET TO PAUL JAMES PLACE

Mr. Lawrence offered a motion to withdraw his previous motion to rename a portion of Harris Street. Seconded by Mrs. Banks, the motion carried unanimously (voting in the affirmative was Dodd, Banks, Goolsby, Jones, Wilson, and Lawrence).

NOTIFICATION TO ADVERTISE CHANGE TO ALCOHOL ORDINANCE REGARDING CLOSING TIME

Mr. Melton stated this is a notification to council that a public hearing will be advertised for an amendment to the alcohol ordinance relating to closing time for alcohol by the drink license holders. Mrs. Banks asked Chief Corley if he has any objections to the change and Chief Corley stated that he has no objection to extending to 2:00 am but would not be in favor of the 2:55 am closing time. Mr. Melton stated that 2 am would be the time that the building had to be clear and it is currently midnight on Saturday and building clear by 1:00 am and the change would be last call at 1:00 or 1:30 am and building vacated by 2:00 am. Chief Corley suggested that the ordinance be amended so that the closing time on Saturday night is the same as all other nights. Mr. Melton stated that he would redraft the ordinance to reflect that change.

NOTIFICATION TO ADVERTISE CHANGE TO ALCOHOL ORDINANCE REGARDING SUNDAY ALCOHOL PACKAGE SALES

Mr. Melton stated that the referendum passed in yesterday's election and the amendment to the ordinance must be advertised for a public hearing.

APPROVAL OF ACCOUNTS PAYABLE INVOICES

Mr. Wilson reviewed all invoices by department for a grand total of \$278,718.21. Mr. Wilson offered a motion to approve the accounts payable invoices. Mrs. Banks seconded the motion. Mrs. Banks asked Mrs. Hall for an explanation for the \$134,958 for the water department and Mrs. Hall stated that \$90,000 is the monthly cost for Utility Partners and \$24,000 is listed as SPLOST. Mrs. Banks asked Mrs. Hall to notate each time that the monthly management cost is in the invoices for approval and Mrs. Hall

stated that she would. Mr. Goolsby asked Mrs. Hall for a review of outstanding invoices and Mrs. Hall stated that tonight is the first time in months that all invoices previously approved for payment have been paid, the Insurance Premium check in the amount of \$195,400 was received and is earmarked for the Inert Landfill Project, and property tax bills have gone out and hopefully payments will begin coming in soon for those tax bills. The motion carried unanimously (voting in the affirmative was Dodd, Banks, Goolsby, Jones, Wilson, and Lawrence).

CITY ADMINISTRATOR REPORT

Mr. White was not present for the meeting.

CITY CLERK REPORT

Mrs. Hall had nothing further to report.

CITY ATTORNEY REPORT

Mr. Melton had nothing further to report.

MAYOR'S REPORT

Mayor Howard stated that now that a full council is in place, we can begin taking care of issues. Mayor Howard stated that he will present committee assignments at the next council meeting. Mayor Howard stated issues that need to be addressed are the offer of the cable system; the city administrator evaluation; board appointments; and completing the process to go paperless.

ADDITIONAL BUSINESS

Mr. Wilson asked for an update on the status of the 2014 budget and Mrs. Hall stated that Mr. Hewitt has submitted his final figures and Mrs. Hall is meeting with Mr. Grinstead tomorrow to make sure he is in agreement with what Mr. Hewitt has submitted then we will be ready to move forward with mayor and council. Mayor Howard stated that he wants to meet with all department heads on their budget before moving forward.

Mrs. Banks asked for an update on the insurance renewal quotes and Mrs. Hall stated that at least two companies have submitted quotes and one quote has been submitted for self-insured.

Mr. Wilson stated that he would like to see a retreat called soon. Mayor Howard stated that he would like to hold a retreat to develop a mission and vision statement for the city then put together a strategic plan.

Mr. Dodd introduced Mr. Pat Wright, Utility Partners, to the new council members.

Mrs. Banks stated that she saw a 2012 water line map hanging in the county building that has all city and county water and sewer lines on the map. Mrs. Banks stated that the map was drawn by the Regional Commission and if we do not have a copy of the map, we need to contact the Regional Commission to get a copy. Mr. Dodd asked Mr. Wright if we have a copy of the map and Mr. Wright stated that he does not know if we have a copy of the map but we were aware that the map was being developed as he supplied the information for the city water and sewer lines.

ADJOURN

There being no further business to discuss, the meeting was adjourned at 7:10 pm.

Submitted by:

Janice L. Hall, City Clerk