

MINUTES

FORSYTH CITY COUNCIL MEETING

NOVEMBER 19, 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. Goolsby gave the invocation.

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 Administrator, Thomas White; City Attorney, Bobby Melton; and City Clerk, Janice Hall.

APPROVAL OF MINUTES OF THE NOVEMBER 6, 2013 COUNCIL MEETING

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

APPOINT PUBLIC DEFENDER FOR MUNICIPAL COURT

Mr. Wilson offered a motion to appoint Mr. Dustin Buttigeg as Public Defender for the Municipal Court. Seconded by Mr. Dodd, the motion carried unanimously (voting in the affirmative was Dodd, Banks, Goolsby, Jones, Wilson, and Lawrence).

APPROVAL OF RENEWAL CONTRACT WITH SOUTHEASTERN WOOD POLE INSPECTORS

Mr. White reviewed the renewal contract and recommended approval of the renewal contract with Southeastern Wood Pole Inspectors. Mrs. Banks offered a motion to approval the renewal contract and Mr. Dodd seconded the motion. Mrs. Banks asked if the prices listed on Exhibit A are the same as last year's contract and Mr. White stated that they are the same. The motion carried unanimously (voting in the affirmative was Dodd, Banks, Goolsby, Jones, Wilson, and Lawrence).

SET DATES FOR PUBLIC HEARINGS FOR 2014 BUDGET

Mrs. Hall stated that council must hold two public hearings prior to the adoption of the 2014 budget. Mrs. Hall recommended holding the public hearings during the December 17th and January 7th council meetings. Mrs. Banks offered a motion to advertise public hearings for December 17th and January 7th for the adoption of the 2014 budget. Seconded by Mr. Wilson,

the motion carried unanimously (voting in the affirmative was Dodd, Banks, Goolsby, Jones, Wilson, and Lawrence).

APPROVE CELL PHONE POLICY

Mr. Goolsby stated the he does not see the necessity of requiring elected officials to have a city paid cell phone. Mr. Goolsby stated that council discussed the matter during the work session on November 15th where it was agreed that Mr. White would research elected officials opting to not have a city paid cell phone and to research paying a stipend to city employees rather than providing a city paid cell phone. Mrs. Banks offered a motion that the current cell phone policy be reviewed for amendments and/or additions. Mr. Lawrence seconded the motion. Mayor Howard stated that when he was elected he was looking at city provided cell phones from an IT perspective and for IT security. Mayor Howard stated that the changes to the Open Meetings/Open Records Law require that business and personal be kept separate. Mayor Howard stated that he insisted that all city business emails be sent to a city email rather than a personal email to provide the needed security. Mr. Goolsby stated that he wanted to make sure that he was required to have a city cell, iPad, and email before he accepted them. Mr. Wilson stated that most of what the city does is public record and Mayor Howard agreed and stated that there is always the possibility of the personal email being hacked. The motion carried unanimously (voting in the affirmative was Dodd, Banks, Goolsby, Jones, Wilson, and Lawrence).

DISCUSSION/CONSIDERATION REGARDING I-PAD 3G CONNECTIONS

Mr. Goolsby offered a motion to remove the 3G network from the iPads for elected officials and Mr. Wilson seconded the motion. Mr. Wilson stated the estimated cost of printing council packets is \$181 and labor is approximately \$3,840. Mr. Jones stated that those that want to have a hard copy can print them and bring the hard copy to the meeting with them. Mayor Howard stated that he hopes to have a way for the public to view the agenda rather than print them out. The motion carried unanimously (voting in the affirmative was Dodd, Banks, Goolsby, Jones, Wilson, and Lawrence).

APPROVE AMENDMENTS TO TRAVEL POLICY

Mr. White reviewed the proposed amendments. Mr. Goolsby stated that the current policy does not include a per diem and stated that he felt one should be included in the policy. Mr. Jones stated that the addition of prior approval for all travel will provide council with

authorization over the travel budget. Mr. Wilson requested that the spreadsheet provided by Mrs. Hall during the work session on yesterday be included in the minutes as part of the permanent record. Mr. Lawrence offered a motion to approve the amendment to the travel policy and Mrs. Banks seconded the motion. Mr. Jones state that the travel authorization form is still needed and Mr. White stated that he amended the expense report form to include prior authorization for travel. Council discussed and agreed that a separate travel authorization form is required. The motion carried unanimously (voting in the affirmative was Dodd, Banks, Goolsby, Jones, Wilson, and Lawrence).

APPROVE AMENDMENTS TO FAMILY LEAVE POLICY

Mr. White reviewed the current and proposed addition to the Family Leave Policy. Mr. White stated that the additions will satisfy the Federal requirements for family leave. Mr. Lawrence offered a motion to approve the addition to the Family Leave Policy and Mr. Goolsby seconded the motion. Mr. Wilson asked if this will be an amendment to the current policy or in addition to the current policy and Mr. White stated this will be added to the current policy. Mrs. Banks stated that this will need to be reviewed with all employees. Mayor Howard stated that the Personnel Policy needs to be reviewed with all employees on a regular basis. The motion carried unanimously (voting in the affirmative was Dodd, Banks, Goolsby, Jones, Wilson, and Lawrence).

AMEND AGENDA

Mr. Goolsby offered a motion to amend the agenda to include health insurance benefits for part time elected officials. Seconded by Mr. Wilson, the motion carried unanimously (voting in the affirmative was Dodd, Banks, Goolsby, Jones, Wilson, and Lawrence).

Mr. Goolsby offered a motion to remove health care benefits for part time elected officials effective immediately and to allow those that need the coverage until March 1, 2014 to obtain other coverage and Mr. Wilson seconded the motion. Mrs. Hall asked for clarification if this is just for health insurance or for all insurance benefits. Mr. Goolsby amended the motion to state all insurance benefits and Mr. Wilson seconded the amended motion. The motion carried unanimously (voting in the affirmative was Dodd, Banks, Goolsby, Jones, Wilson, and Lawrence).

APPROVAL OF RESOLUTION TO CLOSE A PORTION OF EAST MAIN STREET

Mr. Melton reviewed that this matter first came before council on October 15; has been advertised in the October 30, November 6, and November 13 issues of the Reporter; and is before council tonight for consideration to close a portion of East Main Street from Brooklyn Avenue to the railroad. Mr. Melton stated that council will consider if the roadway is no longer needed and dispose of the property. Mr. Melton stated that the ad called for any comments to be delivered to the City Clerk prior to the meeting or during the meeting. Mrs. Hall stated that a petition was delivered and a copy is included in council packets. Mayor Howard called for comments for or against the proposed Resolution to close a portion of East Main Street and asked that anyone wanting to speak come forward, state their name and address and briefly address council.

Pam Terry – stated that her property faces Brooklyn Avenue and her driveway opens onto the portion of East Main Street that will be closed. Mrs. Terry asked what council plans to do to provide her access to her property.

Mrs. Banks stated to Mayor Howard that if the option being considered is shared with those in attendance, it may relieve some of the problems and concerns that the citizens are here to express. Mayor Howard stated that he wants those that have taken the time to attend to have the opportunity to speak.

David Hopper – stated that he provided the petition with 40 signatures on it to Mrs. Hall last week; the street is heavily used and does not feel that the street should be closed; and closing a street for private gain is not a good idea.

Dean Clements – 305 East Main Street – stated that his family owns several homes in the area; the access issue may have been worked out by council and Mr. Ingram but the residents have not been provided the opportunity to review the compromise prior to it being approved; and stated that it is time for city government to stick to the laws on the books for signage, alcohol, and other areas.

Pam Terry – stated that the city prefers a company over residents in the area.

Mayor Howard closed the floor for public comments and stated that he understands what the residents in the area are saying. Mayor Howard stated that the project coming to the property will increase the utility revenue, bring an additional 10 to 30 jobs to Forsyth, and increase sales

tax revenue. Mayor Howard stated that he has a solution to move the roadway over at no cost to the city.

Mr. Otis Ingram provided a PowerPoint presentation of the project.

Mayor Howard reopened the floor for public comment.

Frank Vaughan – 95 S. Lee Street – stated that he is not opposed to Tractor Supply or to Otis Ingram as both are/will be an asset to the community but the citizens need more information about relocating the roadway; opposed to closing a portion of the street; council was opposed to renaming a section of a street and should be opposed to closing a portion of a street; do not see the need in the drawings provided by Mr. Ingram to close the street. Mayor Howard stated that Mr. Ingram will sacrifice a portion of his property to allow for the street to be relocated.

Dean Clements – stated that the citizens need to see the plan to move the street.

Otis Ingram – reviewed the original plan where the fence would go down the middle of East Main Street; reviewed meetings he has had with DOT regarding the placement of the relocated street; the proposed new plan will move the roadway over to the edge of his property where the car wash was located.

(Citizens asked questions from the audience at this point and were not required to come to the podium and stated their name and address.)

Betty Clements – asked how wide the road would be and Mr. Ingram stated the same as the current roadway which is 22' wide.

Jimmy Lawson – asked about the utilities under the current roadway and Mayor Howard stated that Mr. Ingram will provide an easement for city utilities under the roadway.

Frank Vaughan – asked if the new roadway will be completed before the current roadway is closed and Mr. Ingram stated that is the intent. Mr. Wilson stated that this requirement could be part of the motion to approve.

Jimmy Pace – asked if the relocation of the roadway is at no cost to the city, who is paying for the relocation and Mr. Ingram stated that the city would not provide any funds for the roadway to be relocated and the city will find the funds for the project. Mr. Pace asked about providing for pedestrian traffic and Mr. Ingram stated that the current roadway does not have sidewalks. Mr. Pace stated that it would be wise to include sidewalk, curb, and gutter in the planning process and Mr. Ingram stated the new roadway will be curved and will be close to the fence, house, and city utility poles.

Dean Clements – stated the sidewalk is needed for pedestrian traffic and Mr. Ingram stated the current roadway does not have a sidewalk.

Frank Vaughan – stated that the current portion of East Main Street does not have a sidewalk but the original East Main Street had sidewalks but that portion of East Main was relocated to allow Mr. Ingram to build Ingram Center.

Jimmy Lawson – stated that if a sidewalk is needed it should be included. Mr. Ingram stated that civil drawings have not been done as he is waiting to see if council will approve to move forward with the project. Mr. Ingram stated that the civil engineer will be able to determine if a sidewalk can be included.

Florence Pace – stated that she is concerned about the children crossing the street in that area. Mr. Ingram stated that he has not considered a sidewalk on the relocated roadway but it can certainly be looked at to see if possible. Mrs. Pace stated that the information should be provided to council prior to their vote.

Betty Clements – asked how close to the house the roadway would be and Mr. Ingram stated that it is not known at this point.

Dean Clements – stated that there are too many unanswered questions and requested that council table the matter until all questions are answered.

Keith Harbuck – asked if DOT has approved the plan and Mr. Ingram reviewed the recommendations from DOT to concerning what they would require for the area where the roadway is being closed and where they would allow access for the new roadway. Mr. Ingram stated that the new roadway will use the existing eastern furthest road cut for the old car wash.

Jimmy Lawson – stated that he was told that all roads had to be to DOT specs to be accepted by the city and Mr. Wilson stated that the road will not close until all answers are received; the money is ready, and prepared to build the new roadway. Mr. Wilson stated that the vote will not be to close the street tomorrow without answers to all questions.

Kerri Swearingen – asked if council could take action but include contingencies and Mr. Wilson stated that the road will not be closed until all answers are received and everyone is satisfied.

Vince Williams – asked if anyone has received approval from the Railroad and Mr. White stated that the roadway will not be changing in that area.

Rodney Penamon – stated that there are other ways for the people in the area to get to their homes and we need jobs in Forsyth; need to stop complaining about small issues and get work done.

Mayor Howard stated that he understands why those in the area are concerned and if he lived in that area he would be also. Mayor Howard stated that the funds for the relocation of the roadway will come from the city and county working together and the county has agreed to fund the project.

Hal Clarke – stated that the city is giving Mr. Ingram property and Mr. Ingram is giving the city property; the county is paying for the road relocation but city residents are county residents too; and it is a strong statement that the county tax dollars are being used to help a developer.

Craig Stevens – treasurer for Monroe County Chamber of Commerce – stated the Chamber is in support of Tractor Supply coming to Forsyth if it enhances the gateway to Forsyth and that will be determined by how the fence is done. Mr. Wilson asked if that is the official Chamber position and Mr. Stevens stated the Chamber supports the project as long as it maintains and enhances the gateway to the City.

Betty Clements – stated that she is not against Tractor Supply but does not want to lose a road; the residents of the area need to know what will be done. Mayor Howard stated that cannot be shown until the project is approved to move forward.

David White – stated that there are two supply companies in the county and this development will hurt the other two companies; requested that council do some research regarding the numbers provided.

Mayor Howard closed the floor for public comment.

Mr. Melton reviewed the proposed Resolution and stated that the city cannot donate property and the compensation of closing a portion of East Main Street is the donation of the property for the relocation of the roadway by Mr. Ingram; this is a like-kind exchange of property that is allowed by law; the relocated roadway will become a part of the city roadway system; a plat of the new roadway has not yet been done; that DOT will only allow a 90° intersection to a DOT roadway; Mr. Ingram will be responsible for taxes, deed recordings and closure of East Main Street and right-of-way deed; the city utilities under the current roadway will continue to belong to the city and the city will receive an easement to those utilities and

those city utilities will not be relocated; if maintenance or repairs of the city utilities is needed, the city would be allowed to enter and provide for maintenance or repairs; the Resolution is not effective until all matters are resolved that are in the Resolution; if utilities are damaged during construction the contractor would be responsible for all repairs. Mr. Melton stated that additional variances must be taken up and those have been before Planning & Zoning Commission and the Design & Review Board. Mr. Dodd asked if this is similar to a Letter of Intent where the particulars of the agreement could change such as the addition of a sidewalk and Mr. Melton stated that the Resolution can be amended tonight or at a later date. Mrs. Banks offered a motion to adopt the Resolution with contingencies regarding any changes/additions/omissions that may have occurred in the writing of the Resolution and Mr. Lawrence seconded the motion. Mr. Jones asked if the 22' entrance does not meet DOT specs, how that would be accomplished and Mr. Melton stated that if a larger outlet is required by DOT then the matter would come back to council for an amendment to the Resolution. There was discussion regarding the wording of the motion. Mrs. Banks withdrew her motion and Mr. Lawrence his second. Mr. Dodd offered a motion to approve the Resolution to close a portion of East Main Street based on the following criteria, 1) that a contract be drawn after acceptance by the city of the final project plans; 2) that East Main Street be relocated according to the plans at no expense to the city and in a timeframe so that normal traffic on East Main Street is allowed to flow at all times; 3) that the developer be responsible for the repair cost of any city utilities damaged in construction of the project; 4) that the City receive a permanent irrevocable easement covering all utilities existing in the area to be closed and in the case of utility need that the City will be responsible for repairs to their utilities only; and 5) that all stipulations made by Planning & Zoning and Design & Review be met and Mrs. Banks seconded the motion. Mr. Wilson stated that there has been considerable debate and strong feelings on both sides and he respects all feelings. Mr. Wilson stated that he met with Mr. Ingram and told him that he must replace the road and that it would be improper for the city to pay for the project. Mr. Wilson stated that the community will have time to look at what is being done and feel that this motion covers all areas of concern. Mayor Howard stated that council is in unison to work together and will do everything he can to make a success. Mayor Howard stated that if he lived in that neighborhood, he would be concerned too. Mayor Howard stated that if we cannot get this completed to citizen satisfaction then the project will not be done. Mr. Jones asked if this matter will come back

before council when the plat is completed and Mr. Melton stated it will come back for approval but not for a hearing. Mr. Wilson stated that all of this is contingent upon Tractor Supply coming or is mute. Mr. Ingram stated that he understands all is contingent upon each other. Mr. Lawrence offered his appreciation to Mr. Ingram and jobs are needed in Forsyth, we just need to work together. The motion carried unanimously (voting in the affirmative was Dodd, Banks, Goolsby, Jones, Wilson, and Lawrence).

PUBLIC HEARING TO CONSIDER APPLICATION FROM INGRAM TIMBER FOR VARIANCES TO ALLOW INTERNALLY ILLUMINATED WALL SIGNS ON THREE FRONTAGES; A MONUMENT SIGN; AND AN 8' TALL CHAIN LINK FENCE FOR 130 EAST MAIN STREET

Mayor Howard opened the public hearing for comments for or against the approval of the variance requests. Mr. Melton reviewed the application stating that this matter first came before council on October 15; has been advertised in the October 30, November 6, and November 13 issues of the Reporter; variances are requested for internally illuminated wall signs on three sides of the building, an 8' chain link fence, and a monument sign; the location is 130 East Main Street F35 053; the current zoning is Neighborhood Shopping and that will not change; the property is in the Highway 41 Corridor Overlay District; and the variances are sought for the expansion of Ingram Center for Tractor Supply. Mr. Melton stated that this matter has been before Planning & Zoning and Design & Review and their recommendations are included in the council packets.

Frank Vaughan – stated that other businesses have requested similar variances and have been denied and asked if council will reconsider those denials if these requests are approved; setting a precedent.

Mr. Wilson – the two signage variances passed Planning & Zoning and Design & Review and the variance for the chain link fence has specific recommendations with the approvals.

Pam Terry – asked to see what the signs would look like and what size they would be.

Mr. Jones – asked Mr. Ingram if a rendering could be put on Facebook so that the public can review it and Mr. Ingram agreed that he would. Mrs. Banks stated that the monument sign is similar to others that have been approved for Wal-Mart, O'Reillys, and the Medical Mall.

Mr. Goolsby offered a motion to approve the variance for the monument signage and internally illuminated signs and to send the fence variance back to Design & Review based on new information received from Mr. Ingram and Mr. Wilson seconded the motion. Mr. Melton

stated that a deadline needs to be included in the motion for the matter to report back to council at the December 3rd council meeting. Mr. Goolsby amended his motion to include the timeframe for the matter to be reconsidered and a recommendation back to council for the December 3rd council meeting and Mr. Wilson approved the amended motion. Mr. Goolsby stated that Mr. Ingram has appealed the fence issue and presented new information and Design & Review Board needs to review the new information prior to council making a decision. Mr. Goolsby stated that he respects and appreciates the boards and the work that they do. The motion carried unanimously (voting in the affirmative was Dodd, Banks, Goolsby, Jones, Wilson, and Lawrence).

JIMMY OWENS – JAMITCHELL OWENS CASE

Mrs. Hall stated that Mr. Owens called today and stated that he would not attend the meeting tonight.

MAGGIE JACKSON

Ms. Jackson was not present for the meeting.

APPROVE WATER/SEWER MANAGEMENT SERVICE CONTRACT

Mayor Howard stated that council spent 8 hours yesterday interviewing the companies that submitted proposals in response to the RFP for water/sewer management service contract. Mayor Howard recommended that a 3-year contract be awarded to Utility Partners Inc. Mr. Dodd offered a motion to award the water/sewer management service contract to Utility Partners Inc. for a 3-year contract and Mr. Wilson seconded the motion. Mayor Howard stated that this award will be based on successful negotiations of a contract and the low bid is \$75,000 less than this year's contract. Mr. White stated that he will work with Mr. Melton and Mr. Hofstadter on a contract to present back to council for approval. The motion carried unanimously (voting in the affirmative was Dodd, Banks, Goolsby, Jones, Wilson, and Lawrence). Mr. Barry Walker thanked council for their continued support and stated that Utility Partners will continue to do a good job for the city of Forsyth.

APPROVAL OF ACCOUNTS PAYABLE INVOICES

Mr. Wilson reviewed all invoices by department for a grand total of \$381,505.36. Mr. Wilson offered a motion to approve the accounts payable invoices and Mr. Dodd seconded the motion. Mr. Goolsby requested a status of the unpaid invoices and Mrs. Hall reviewed the total of outstanding invoices at \$256,383. Mrs. Hall reviewed the available balance and what that

available balance includes. The motion carried unanimously (voting in the affirmative was Dodd, Banks, Goolsby, Jones, Wilson, and Lawrence).

CITY ADMINISTRATOR REPORT

Mr. White offered the following report:

- Travel Approvals – GMA Mayor’s Day is in January and requested approval for Mayor, Council, and City Administrator to attend; hotel is \$168 per night and registration is \$415 per attendee. Mr. Jones stated that a travel authorization form for each person is needed to know if all should attend the conference or not. Mayor Howard reviewed what GMA is and benefits to elected officials for attending conferences. Mr. Wilson stated there is a value to the training and also to the networking received at the conferences. Mr. Dodd offered a motion to approve the requested travel. Seconded by Mr. Lawrence, the motion carried with five (5) votes for (Dodd, Banks, Goolsby, Wilson, and Lawrence) and one (1) abstention (Jones).
- Railroad Avenue Project – prebid meeting will be held Thursday at 10:00 am at City Hall; bid closes on December 5th.

CITY CLERK REPORT

Mrs. Hall reminded everyone of the work session scheduled for Wednesday, November 20th at 4:00 pm where Mr. Jim Faircloth will make his report.

CITY ATTORNEY REPORT

Mr. Melton had nothing further to report.

MAYOR’S REPORT

Mayor Howard stated that he will be submitting a travel reimbursement for the Regional Mayor’s meeting he will attend on December 18th in Perry.

Mr. Lawrence stated that he is on the GMA Training Board for District 6 and the board holds meetings throughout the year that he attends. Mr. Lawrence stated that he is also on the Regional Commission Board and they meet monthly in Macon. Mr. Lawrence asked if he will be required to submit a travel authorization for each meeting. Mr. Jones stated that he sees the need for all meetings brought forward by Mr. Lawrence and Mayor Howard. Mr. Goolsby stated that this will help council communicate better. Mayor Howard stated that he is also on the Regional Commission Board and the Clean Air Coalition. Mr. Wilson stated that Mr. White

could include these travel requirements in his report to council to keep Mr. Lawrence and Mayor Howard in compliance with the policy. By general consensus, council agreed with Mr. Wilson.

Mayor Howard passed out the Standing Committee assignments. Mayor Howard explained to the new council members that two members of a committee constitute a quorum. Mayor Howard stated that he will attend committee meetings if possible and requested that the committee chair keep him abreast of what the committee is working on. Mr. Goolsby asked for clarification on the committee chairman role stating the he understands the chairman does not administer that department but meets with the department head to get the needs of the department. Mayor Howard stated that the city administrator's role is to work over the department heads. Mayor Howard reviewed the need to get the public works department back up to speed. Mr. Wilson stated that council is the legislative body so they do fact finding, oversee, and legislate. Mr. Goolsby stated that he had heard different interpretation of the function of the committees. Mayor Howard stated that he would like to hold a retreat for the committees. Mayor Howard stated that the committees will remain the same for 2014.

Mayor Howard reviewed the city/county dinner held tonight; stated that the consolidation study is just to see if consolidation makes sense to move forward with; attended the MEAG Mayor's Summit last weekend and will review more in-depth in a work session; and as the budget gets inline he will push more green initiatives. Mr. Lawrence stated that he also attended the MEAG Mayor's Summit and a press release for the conference has been provided to the Reporter.

ADDITIONAL BUSINESS

Mr. Dodd offered a motion that either bottled water is provided or the water cooler is repaired/replaced. Mr. Jones seconded the motion.

Mrs. Banks suggested that to provide transparency to the public that the work sessions and committee meetings be filmed and placed on the government channel. Mrs. Hall stated that she would need to work with Mr. Wade Kite to see if this is possible with the current recording equipment that we have. Mayor Howard stated that we need to research putting the recordings on the new city website also.

Mr. Goolsby stated that he received a letter from Mr. Ralph Bass regarding the previous letter that he submitted concerning the lack of maintenance to the landscaping around the square. Mr. Goolsby stated that the committee needs to review this matter. Mayor Howard stated that

there is a breakdown of communication and he will contact DOC Commissioner Owens to see what needs to be done to get the prison crew working on the landscaping.

ADJOURN

There being no further business to discuss, the meeting was adjourned at 9:05 pm.

Submitted by:

Janice L. Hall, City Clerk