

## **MINUTES**

### **FORSYTH CITY COUNCIL MEETING**

**DECEMBER 3, 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.

#### **ROLL CALL**

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

Mrs. Banks was out of town and unable to attend the meeting; therefore, all unanimous votes will be five (5) votes for (Dodd, Goolsby, Jones, Wilson, and Lawrence).

#### **APPROVAL OF MINUTES OF THE NOVEMBER 19, 2013 COUNCIL MEETING**

Mr. Goolsby offered a motion to approve the minutes of the November 19, 2013 as written. Seconded by Mr. Lawrence, the motion carried unanimously (voting in the affirmative was Dodd, Goolsby, Jones, Wilson, and Lawrence).

#### **APPROVAL OF INSURANCE BENEFIT PLAN FOR 2014**

Mr. Wilson offered a motion to accept the plan as reviewed during the November 26, 2013 work session and Plan 8 from the additional insurance plans to provide to employees. Mr. Jones seconded the motion. Mr. Wilson stated that Plan 8 is a separate option that the employees can enroll in to provide family coverage at a lower rate. Mr. Wilson stated that the city would see a 9.2% savings on the change to United Health Care for 2014 employee coverage. The motion carried unanimously (voting in the affirmative was Dodd, Goolsby, Jones, Wilson, and Lawrence).

#### **APPROVAL OF AMENDMENT TO PERSONNEL POLICY REGARDING HEALTH INSURANCE BENEFITS FOR ELECTED OFFICIALS**

Mr. White reviewed the requirement for an amendment to the Personnel Policy. Mayor Howard stated that the motion at a previous meeting was to extend coverage for elected officials until March 1, 2014 but the city coverage is a group plan and must be on a calendar year basis. Mayor Howard stated that the savings that the city will see by dropping the insurance coverage on elected officials makes this make sense. Mr. Goolsby offered a motion to remove insurance

benefits for all elected officials. Mr. Wilson seconded the motion. Mrs. Hall stated that this is an amendment to the Personnel Policy and stated that the benefit package offered by the city to all employees is \$9425. Mr. Jones stated that this would be a significant savings to the city. The motion carried unanimously (voting in the affirmative was Dodd, Goolsby, Jones, Wilson, and Lawrence).

**RECONSIDERATION OF VARIANCE REQUEST FROM INGRAM TIMBER TO ALLOW A CHAIN LINK FENCE AT 130 EAST MAIN STREET**

Mr. White reviewed the new recommendations from Design & Review stating that the front and side fence must be an architectural fence in green or black with columns at the front gate, vinyl coated green or black fence on the back side, alternating crepe myrtle and evergreen trees must be planted on the outside of the fence spaced 20' apart, and boxwoods planted in front of the tree line. Mr. Jones offered a motion to approve the variance to include all recommendations from Planning & Zoning and Design & Review and Mr. Goolsby seconded the motion. Mr. Dodd stated that this would still require approval of a plan from an engineered drawing. Mr. Ingram stated that he is in the process of having the property surveyed and that is all that is required for the lease with Tractor Supply. Mr. Ingram stated that he and the city would need to swap deeds for the road and easements. Mr. Dodd stated that the city still needs the final part of the plan as to the width of the roadway, curb and gutter, and a landscaping plan. Mr. Ingram stated that Design & Review put great detail in their motion as to the landscaping. Mr. Ingram stated that he would provide all required information to council and Mr. Melton before the next council meeting. Mr. Melton stated that we need a survey of the existing East Main Street, the area for the relocated road, and utility easement under the existing roadway. The motion carried unanimously (voting in the affirmative was Dodd, Goolsby, Jones, Wilson, and Lawrence).

**NOTIFICATION OF ADVERTISEMENT FOR BEER, WINE, AND LIQUOR POURING LICENSE FOR 479 HOLIDAY CIRCLE – APPLICANTS ROBERT COBB AND ALBERT MAYS**

Mrs. Hall stated that she has received an application from Mr. Robert Cobb and Mr. Albert Mays for an alcohol pouring license for 479 Holiday Circle and the public hearing will be advertised for the first meeting in January.

**PUBLIC HEARING TO CONSIDER AMENDMENTS TO SECTION 4-250 OF THE CITY CODE TO EXTEND HOURS FOR LICENSES FOR THE SALE OF ALCOHOLIC BEVERAGES BY THE DRINK FOR CONSUMPTION ON THE PREMISES UNTIL 1:30 AM**

Mayor Howard opened the public hearing for comments for or against the amendments to Section 4-250 of the City Code. Mr. Melton reviewed that this first came before council on November 6<sup>th</sup> and is to extend all hours of the week to no later than 1:30 am for each night for businesses holding an alcoholic beverage by the drink license. Mr. Melton stated that this came to council as a written request from a local business owner. Hearing no further comments, Mayor Howard closed the public hearing. Mr. Goolsby offered a motion to approve the amendments to Section 4-250 of the City Code. Seconded by Mr. Lawrence, the motion carried unanimously (voting in the affirmative was Dodd, Goolsby, Jones, Wilson, and Lawrence).

**PUBLIC HEARING TO CONSIDER AMENDMENTS TO CHAPTER 4 OF THE CITY CODE TO ADD ARTICLE VII (SUNDAY PACKAGE SALES OF MALT BEVERAGES, WINE AND DISTILLED SPIRITS)**

Mayor Howard opened the public hearing for comments for or against the amendment to Chapter 4 of the City Code to add Article VII. Mr. Melton reviewed that this amendment was on the November ballot in the form of a referendum and passed. Mr. Melton stated that this article would allow businesses holding an alcohol package license to sell alcohol on Sunday from 12:30 pm until 11:30 pm. Hearing no further comments, Mayor Howard closed the public hearing. Mr. Jones offered a motion to adopt Article VII of Chapter 4 of the City Code and Mr. Goolsby seconded the motion. Mr. Lawrence asked what the effective date would be and Mr. Wilson stated that the ordinance states it is effective upon adoption. There was a lengthy discussion as to notifications for business owners. Mr. Melton stated that the city needs to know which businesses plan to sell on Sunday. Mrs. Hall stated that a letter could be sent to all holders of an alcohol package license and asks them to notify City Hall if they opt to sell alcohol on Sunday. The motion carried unanimously (voting in the affirmative was Dodd, Goolsby, Jones, Wilson, and Lawrence).

**APPROVAL OF MEAG POWER SALE OF EXCESS RESERVE CAPACITY TO THE CITY OF FORSYTH ON BEHALF OF THE CITY OF MONROE**

Mr. White reviewed the matter stating that the city must have 20% over peak in reserve and we will be short for 2014 for reserves by 1003 kW. Mr. White stated that the City of Monroe has excess capacity and MEAG has initiated this contract between Forsyth and the City of Monroe. Mr. Dodd offered a motion to approve the purchase of reserve capacity from the City of Monroe and Mr. Jones seconded the motion. Mr. Goolsby asked if this is based on power consumption of the previous year and Mr. White stated that it is plus any new businesses that we anticipate getting. Mr. Goolsby asked what would happen if we exceed the projection and Mr. White stated that we would go out on the market to purchase additional capacity. The motion carried unanimously (voting in the affirmative was Dodd, Goolsby, Jones, Wilson, and Lawrence).

**APPROVAL OF ACCOUNTS PAYABLE INVOICES**

Mrs. Hall stated that this is the first council meeting held after the Mayor appointed council committees and no direction has been given as to how to present invoices. Mrs. Hall stated that she would call out totals for all departments until the committee could meet and make a decision as to how they want invoices presented. Mrs. Hall reviewed invoice totals for all departments for a total of \$118,746.40. 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, Goolsby, Jones, Wilson, and Lawrence).

**CITY ADMINISTRATOR REPORT**

Mr. White offered the following report:

- No travel requests have been turned in for council approval. Mr. Lawrence reviewed a GMA meeting to be held in Barnesville that a City representative should attend and he volunteered to attend the meeting. Mr. Goolsby asked Mr. Melton about the emails that had been circulated regarding the recent change to the travel policy. Mr. Melton stated that any compensation for council must be by ordinance and that must be approved before qualifying and is effective the 1<sup>st</sup> of the year after the election. Mr. Melton stated that reimbursement is not compensation. Mr. Jones asked if the travel policy can become effective and Mr. Melton stated that it would require an ordinance and that he though this had been referred to committee for review of an ordinance to come back to council.

- Railroad Avenue is moving forward; bid closing on this Thursday; committee will meet on Tuesday for review of bids and a report will be made at the next council meeting.
- Streetscape Phase III – plans are still being worked on

### **CITY CLERK REPORT**

Mrs. Hall offered the following report:

- A review of the audit is required as part of the auditor's responsibilities and requested that a work session be scheduled so that Mr. Al Hopkins can review the 2012 audit with council.
- The first budget public hearing will be December 17 and suggested that several work sessions be held prior to the public hearings and adoption of the budget on January 7, 2014. After discussion, council called a budget work session for December 10 at 11:00 am and will review each department at separate times throughout the day with the department head attending only their part of the budget discussion.

### **CITY ATTORNEY REPORT**

Mr. Melton stated that he received a request from Mrs. Banks regarding litter around town and he ran an ad in the Reporter for any information and input from the public regarding unsolicited paper products delivered to their home or place of business by means other than the postal service delivery. No comments have been received.

### **COMMITTEE REPORTS**

Mr. Jones stated that the administrative committee met and provided a list of items to Mr. White for a report back to the committee.

Mr. Wilson stated that the public works committee would meet on December 10 at 10:00 am to discuss Streetscape, LMIG projects, and Railroad Avenue.

Mr. Lawrence stated that the public utilities committee met today and Mr. John Hewitt reviewed the utility rates.

Mr. Goolsby stated the public relations committee needs to meet to review board appointments for 2014; Mrs. Lena Jones has submitted her resignation from the DDA. Mr. Goolsby asked about the Tree Board, the Historic Preservation Board, the Housing Authority, and the Health Board and requested clarification as to how he should interact with the boards and if a report is made during the council meetings for each board. Mayor Howard stated that Mr. Goolsby could attend all the board meetings if he would like to and can offer a report during his

committee report at council meeting but the boards are not represented at the council meetings. Mr. Melton stated that the Housing Authority is inactive and needs to be active as there are matters they need to address.

Mr. Dodd stated that the parks/recreation/cemetery committee will meet; additional surveillance cameras are needed in all of the parks and they need to be integrated with the existing cameras.

### **MAYOR'S REPORT**

Mayor Howard recommended that Mr. Lawrence be nominated as Mayor Pro-Tem for 2014.

Mayor Howard asked that an executive session be held at the end of tonight's meeting for the purpose of personnel matters.

### **ADDITIONAL BUSINESS**

Mr. Frank Vaughan, 95 S. Lee Street, came before council to address the need to install pedestrian lighting on the Grit's side of the square and that these were supposed to be added to the next phase of Streetscape. Mrs. Hall reviewed that these lights were removed from the plan when the planters and steps were moved during Streetscape Phase I & II and the last discussion council had was to install lighting under the existing canopies on that side of the street. Mr. Vaughan stated that he wants to see the pedestrian lighting the same as on the other 3 sides of the square on that side.

Mr. Goolsby offered a motion to adjourn into executive session for the purpose of discussing personnel matters. Seconded by Mr. Lawrence, the motion carried unanimously and council adjourned into executive session at 7:10 pm. Mr. White and Mrs. Hall were excused from the executive session.

Mayor Howard called the meeting back into open session at 7:40 pm.

Mayor Howard stated that council requested that the personnel matter discussion be continued in open session. Mayor Howard stated that Channel 13 news reporter, Judy Le, obtained an additional report, which included the amount paid, and balance owing on his utility bill. Mayor Howard stated that this information is protected information and should not have been released. Mayor Howard stated that he had no problem being treated the same as everyone else. Mayor Howard stated that witnesses reported to him that Judy Le met with Mr. White in a closed-door session on Wednesday and that they had lunch together on Tuesday. Mayor Howard

stated that he sent out an email on Wednesday requesting information regarding the additional information that was released and Mr. White responded back to him and Mrs. Hall responded back to everyone on the original email. Mr. Goolsby stated that everyone met Monday in executive session and decided that any press statement would come from Mr. Melton and it appears that someone provided information to this reporter. Mr. Goolsby asked Mr. White if he had lunch with the reporter and provided additional information to her. Mr. White stated that he met on Tuesday with Judy Le in regard to the open records request that she submitted and Mrs. Hall provided her with the information she had requested. Mr. White stated that he did have lunch with Judy Le on Tuesday at the Dairy Queen but did not discuss the Mayor. Mr. White stated that Ms. Le discussed her personal life and how she ended up at Channel 13. Mr. White stated that after they had eaten, Ms. Le pulled out the information from Mrs. Hall and held the paperwork up to the light and stated she could read the numbers through the back of the report. Mr. White stated there was nothing that he could do at that point. Mr. White stated that Judy Le returned on Wednesday right before lunch. Mr. White stated that he knew it was right before lunch because he was talking with Mr. Hal Clarke, they had walked out of his office, and he was on his way out the door when he looked upfront and saw Ms. Le at the front desk. Mr. White stated that Ms. Le asked if she could talk with him in his office. Mr. White stated that Ms. Le requested the same information that Will Davis has and he told her she would have to submit an open records request as Mrs. Hall was off all day and he did not know what information Mrs. Hall had provided to Will Davis. Mr. White stated that he told Ms. Le that City Hall was closing in 15 minutes and she became very agitated that he would not give her the information that she was requesting. Mr. Goolsby asked if Channel 13 and Will Davis received different information and Mrs. Hall stated that they requested different information. Mayor Howard read the report that is on 13WMAZ.com. Mayor Howard stated that the information provided on Wednesday included amount paid and balance and that could have only come from City Hall. Mayor Howard stated that city employees are willing to write statements saying that the reporter met with Mr. White and that it was around 10:00 am. Mayor Howard stated that if this happened to the mayor it could happen to anyone. Mr. Wilson stated that this information is not considered confidential information for anyone other than elected officials. Mayor Howard stated that the information is out because of meeting held with Mr. White. Mr. Goolsby asked if the numbers could be read through the back of the report, could the reporter have come up with the amounts

paid and balance and Mayor Howard stated that she could not have. Mr. White stated that he did not discuss amounts paid with the reporter. Mr. Wilson stated that the information that was leaked has now been provided in this open meeting by the Mayor and asked if the Mayor now wants to find out who leaked the information and do something about that and Mayor Howard stated yes. Mayor Howard stated that he is not out to hurt anyone or the city but this has been made public and should not have been used for personal gain. Mr. Goolsby stated that it was clear at the last meeting that all information released would go through the city attorney and all comments should go to the city attorney. Mr. Melton stated that Mrs. Hall sends all open record requests to him and they review together for a response to the request. Mr. White stated that he is sorry that the information was reported but he had nothing to do with it being released and did not give Ms. Le any information. Mayor Howard asked Mr. White if he has access to InCode and Mr. White stated that he does. Mayor Howard asked Mr. White if he is able to pull up accounts and Mr. White stated that he thinks so but is not sure. Mayor Howard stated that the information came out of City Hall. Mr. Jones stated that this needs to be added to the investigation. Mr. Melton stated that he will contact the investigator. Mayor Howard stated that the information received was not provided through an open records request. Mr. Goolsby stated that a policy that people can be in default needs to be looked into. Mr. Jones stated that he requested information from Mr. White as to this so procedure can be written to prevent this from happening in the future. Mr. Goolsby stated that the problem was that the Mayor was not on the disconnect list for months and need to determine why he or anyone else was not on the list. Mayor Howard stated that he did not ask for personal favors.

### **ADJOURN**

There being no further business to discuss, the meeting was adjourned at 8:15 pm.

Submitted by:

Janice L. Hall, City Clerk