

MINUTES

FORSYTH CITY COUNCIL MEETING

DECEMBER 17, 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. Jones 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 Attorney, Bobby Melton; City Administrator, Thomas White; and City Clerk, Janice Hall.

APPROVAL OF MINUTES OF THE DECEMBER 3, 2013 COUNCIL MEETING

Mr. Wilson offered a motion to approve the minutes of the December 3, 2013 council meeting as written. Seconded by Mr. Lawrence, the motion carried unanimously (voting in the affirmative was Dodd, Banks, Goolsby, Jones, Wilson, and Lawrence).

APPROVAL OF MINUTES OF THE DECEMBER 6, 2013 CALLED COUNCIL MEETING

Mr. Jones offered a motion to approve the minutes of the December 6, 2013 called council meeting as written. Seconded by Mrs. Banks, the motion carried unanimously (voting in the affirmative was Dodd, Banks, Goolsby, Jones, Wilson, and Lawrence).

TODD TOLBERT – CITY BEAUTIFICATION

Mr. Todd Tolbert reviewed a meeting wherein an executive session was called which meant that he, Mrs. Diane Glidewell, and Mrs. Loraine Khoury waited in the Annex lobby while council met in executive session. Mr. Tolbert stated that during the time that they waited in the lobby, they discussed the look of the lobby and that it does not reflect what the City wants to present to the public. Mr. Tolbert requested permission from council to form a volunteer group to spruce-up the lobby by replacing the carpet, purchasing new chairs, purchasing matching frames for existing photos for the lobby, and working with Mrs. Joan Heath, Department of Corrections, to have the prison construction crew build a new conference table and side tables. Mr. Tolbert stated that he is only requesting approval from council to move forward with the project and requested that a city employee sit on the committee to help guide the project. Mr. Tolbert stated that funds would have to be raised to purchase the necessary furniture and to

purchase the material for the tables to be constructed. There was discussion regarding the type flooring that may be underneath the existing carpet and Mr. Tolbert stated that he was waiting for permission to move forward before pulling back the carpet to see what is underneath it and discussed that hardwood floors would look good but would be noisy during meetings and court. Mr. Lawrence offered a motion to approve moving forward with the project. Seconded by Mr. Wilson, the motion carried unanimously (voting in the affirmative was Dodd, Banks, Goolsby, Jones, Wilson, and Lawrence). Mr. Jones asked that Mr. Tolbert send updates to the administrative committee and the committee will keep council updated on the project. Council thanked Mr. Tolbert for bringing this project forward.

DESI HANSFORD

Mr. Desi Hansford, former city councilmember, came before council stating that this is the first opportunity he has had after his court sentencing to address council and wanted to take the opportunity to offer a public apology for the unnecessary and unjust publicity that his actions brought to the City. Mr. Hansford stated that his apology is not court ordered and stated that he believes in accountability and that is his reason for coming before council tonight. Mr. Hansford stated that he is facing federal prison time and cautioned council to speak out at anytime they feel things are not going right. Mr. Hansford stated that council should take heed that what happened to him could happen to anyone. Mr. Lawrence stated that it takes a real man to do what Mr. Hansford has done tonight and wished him well. Mr. Hansford stated that he credits his parents and grandparents for proper rearing which enabled him to come forward tonight.

OTIS INGRAM – EAST MAIN STREET

Mr. Otis Ingram passed out information and stated that he had three requests tonight:

1. Mr. Ingram stated the first request concerns the funding for the relocation of East Main Street. Mr. Ingram stated that Mayor Howard stated during the November 19th council meeting that he had secured funding for the road relocation but that funding fell through. Mr. Ingram stated that the Monroe County Development Authority has approved contributing \$25,000 toward the project and requested that the City also contribute \$25,000, and he would contribute \$25,000. Mr. Ingram stated that the City, County, and Developer would share in the cost and benefit of the project. Mayor Howard stated that he is on record as saying that he would work to provide funding from another source than the City and apologize that this fell through. Mayor Howard stated that he was assured

that the property was in Commissioner Larry Evans district; however, with the district changes last year it is no longer in his district. Mayor Howard stated that he does not see a problem with using SPLOST funds for road improvements for the project. Mayor Howard stated that no special project for roads was done last year. Mrs. Tiffany Andrews, Monroe County Development Authority, came before council and stated that the opportunity to partner on this project was presented to the Development Authority Board and they approved contributing \$25,000 to the project. Mrs. Andrews stated that this would be tied to economic impact and given to the City to improve the road, not a gift to Mr. Ingram. Mrs. Andrews reviewed how Tractor Supply would help her in bringing additional businesses to Forsyth and Monroe County. Mrs. Banks asked what other company has come to Forsyth and provided ten jobs and Mrs. Andrews stated no retail business has. Mr. Wilson stated that Mr. Mike Dillon, County Attorney, was very strong in his letter to council regarding his opinion that the City or County could provide funds for the road. Mr. Jones asked Mr. Melton if the city could be sued by Joe Public if they see this the same way as Mr. Dillon. Mr. Melton stated that anyone can sue at anytime but stated that he does not agree with Mr. Dillon and does not see this as a gift. Mrs. Banks stated this should be tied to economic development with Intergovernmental Agreement stating this and all three parties would be included in the IGA. Mr. Goolsby stated that economic development takes participation from everyone and all opportunities. Mr. Goolsby asked if Tractor Supply were here requesting that the City participate in the project, would we still look at not participating. Mr. Ingram passed out copies of a letter from his attorney which differs from the opinion supplied by Mr. Dillon. Mr. Goolsby stated that the City needs to be careful to not let the developer drive the process in the future and depend on the Development Authority to be the driver of projects so that there will be a smooth process. Mayor Howard stated that he is excited that the Monroe County Development Authority is willing to partner with the city on this economic project. Mayor Howard stated that the city and county need to work together. Mr. Wilson stated that in his earliest conversation with Mr. Ingram, he stated that he supported the project but was concerned that East Main Street could not be closed without another road built in its place. Mr. Wilson stated that a caveat was put in place that the City could not fund the replacement of the road and hopes that it does not come

down that the City is not in favor of the project if they do not participate in funding the relocation of the road. Mr. Dodd asked Mr. Melton how making this change would affect the motion made at the previous council meeting and Mr. Melton stated that it would have to amend the previous motion. Mr. Dodd stated that he is not willing to amend his previous motion and the County is in the same place as the City as they neither entity can give away taxpayer money. Mayor Howard stated that he does not see this as giving away money but rather investing for a better return. Mr. Ingram stated that he has heard that the city is broke and making budget cuts but the city has road fund with \$900,000 in it for road improvements. Mr. Wilson stated that the majority of the \$900,000 has been allocated to road projects. Mayor Howard stated that new SPLOST money will be coming in 2014. Mrs. Andrews stated that Development Authority is participating as an economic development agreement and can only participate if benefit comes back to the city. Mr. Dodd stated that he does not have a problem with Tractor Supply coming to Forsyth but has a problem with the city contributing \$25,000 when Mr. Ingram is the one that will benefit. Mr. Ingram stated that he will be receiving \$60,000 in rent and has agreed to \$200,000 in upgrades to the property and has agreed to give the city the property for the road relocation which will bisect his other property and decreasing the property value. Mr. Lawrence stated that he does not see any gratuity from any party and is in favor of the city participating in the project. Mr. Jones stated that his vote is not against Tractor Supply but the city does not have the funds and the perception will be that the city is building a road for the developer. Mr. Jones stated that a no vote is not against Tractor Supply but rather a vote against the city contributing funds. Mr. Jones stated that he would like to see the matter tabled for further review and the city has already agreed to abandon the road that is in use, so the city is participating in the project. Several restated their opinion for or against the city contributing funds to the project. Mrs. Banks stated that the current ingress and egress is at a bad angle to Highway 41 and the relocated road will be at a 90° angle so it will be a better road. Mr. Jones stated this is a \$75,000 project and asked who would manage the construction and Mrs. Andrews stated it would have to be either the Development Authority or the City. Mr. Melton stated the city engineer would be the likely person to oversee the project. Mr. Jones asked if the project comes in less than \$75,000, where would the difference go and Mr. Ingram stated it would be

divided between all three entities. Mr. Melton stated that this could be spelled out in the IGA. Mr. Dodd asked Mr. Melton what a motion tonight would do to the specific criteria spelled out in his motion at a previous meeting and Mr. Melton stated a motion to fund the project tonight would replace that criterion in the previous motion. Mr. Dodd asked if the person that made the previous motion is the only one that can amend the motion and Mr. Melton stated that the person making the motion is the only one that can amend or rescind a motion during that particular meeting but a motion at a later meeting to amend or rescind a motion could be made by anyone. Mr. Melton read Mr. Dodd's motion that he made at a previous council meeting and stated that only #2 of the motion would be affected tonight if council votes to contribute funds to the project. Mr. Goolsby asked Mr. Ingram if the other requests he has for tonight have money associated with them and Mr. Ingram stated that they do not. Mr. Goolsby asked if all of the SPLOST funds have been allocated and Mr. White stated the majority of the road improvement money is for Railroad Avenue. Mayor Howard stated that there will be \$400,000 in the 2014 SPLOST. Mr. White stated that the city engineer and city attorney will be involved so there will be additional funds over the \$25,000. Mr. Jones stated that there is a utility pole that will need to be moved also. Mr. Wilson stated that the public works committee has not reviewed this request. Mr. Dodd asked if the County has pledged any funds and Mrs. Andrews stated that they have not. Mr. Ingram stated that Commissioner Jim Has was prepared to but the county attorney advised him that he could not provide any funding from county funds. Mr. Jones asked if the \$25,000 is the total cost to the city or is that in addition to the engineer and attorney fees and Mayor Howard stated that many projects that are worked on have to amend due to unforeseen problems. Mrs. Banks stated that this should be a simple project. Mr. Goolsby offered a motion to amend the motion made by Mr. Dodd at the November 19, 2013 council meeting to provide \$25,000 or 1/3 of the cost for construction of the road which is tied to economic development impact and if the cost is less than \$75,000 the difference will be equally returned to all three entities. Mrs. Banks seconded the motion. The motion carried with three (3) votes for (Banks, Goolsby and Lawrence), three (3) votes against (Dodd, Jones, and Wilson), and the Mayor voting in the affirmative.

2. Mr. Ingram stated that his second request is that Tractor Supply would like to begin renovations February 1 and requested 30 to 60 days to reroute the traffic so he could begin preparing the fence area. Mr. Ingram stated that the original motion was that the new road must be completed before the old road could be closed. Mr. Goolsby stated that council received so many negative comments about closing the road and does not see closing the road before the other one is open. Mr. Ingram withdrew his request.
3. Mr. Ingram stated that he needs a certified copy of the November 19, 2013 minutes and the Resolution approved during that meeting. Mr. Goolsby asked Tractor Supply has signed a lease and Mr. Ingram stated it is a 10-year lease with options. Mr. Dodd asked how the vote taken affects the November 19th motion and Mr. Melton stated it only affects the portion that addressed no expense to the city. Mr. Dodd stated that the city still needs a plan of the road design and Mr. Melton stated that Mr. Hofstadter is working with Mr. White. Mr. White stated that he has not authorized Mr. Hofstadter to do any work on the project. Mr. Ingram stated that no work could start until funding was in place. Mr. Ingram stated that he plans to meet all requirements of the November 19th motion. Mr. Goolsby asked who the spokesperson should be on these types of projects and Mayor Howard stated that there is no real spokesperson. Mr. Goolsby stated that this is the first project he has been involved in on council and felt he was involved too much early in the project and there should be a go-to person for projects. Mrs. Andrews stated that the City DDA and the County Development Authority can be a source of help on these type projects. Mr. Jones agreed that council was involved too early and too much in this project.

PUBLIC HEARING ON PROPOSED 2014 BUDGET

Mayor Howard opened the public hearing for comments for or against the proposed 2014 budget. Mr. Melton stated that tonight is the first reading and public hearing for the proposed 2014 budget and the final public hearing will be held on January 7, 2014 and adopted at that time. Mr. Goolsby asked if there is a budget for council to review and Mr. White stated that there is not. Mayor Howard stated that he met last week to review the budget and felt he should have received answers to questions but none were provided. Mr. White stated that he emailed a budget to council just prior to tonight's meeting. Mr. Melton stated that if no budget is available to review, then additional public hearings will have to be advertised and held. Mr. Melton stated

that a public hearing must be held at least one week prior to the adoption of the budget. Mr. Goolsby stated that it will take time to get the budget to where it needs to be and that council should have been provided the budget back in October when Mr. White stated that it was ready. Mayor Howard stated that full council was not in place until November election and many items were put off until a full council was in place. Mr. Goolsby stated that a budget should have been ready for council to begin reviewing when the full council was in place in early November. Mr. Jones stated that the budget that council reviewed last week with the department heads is not a doable budget. Mrs. Banks asked if the budget that was emailed out is a balanced budget and does it reflect rate increases and Mr. White stated yes to both questions. Mr. Wilson stated that the budget presented last week was a \$1.4 million increase over the 2013 budget and required rate increases across the board to be a balanced budget. Mr. White stated that the 2014 budget will require a 10% residential electric rate increase, a 20.2% commercial electric rate increase, a 10% residential sewer rate increase, a 181% commercial sewer rate increase, and increases on all other revenues. Mrs. Banks asked if any reductions were included in the proposed budget and Mr. White stated that the budget emailed tonight is \$400,000 less than the budget reviewed last week. Mr. White stated that he cannot do anything about expenses going up. Mrs. Banks asked if any raises are included and Mr. White stated no. Mrs. Banks asked if the budget includes and fluff and Mr. White stated all has been removed and the new proposed budget is \$400,000 less than the 2013 budget. Mayor Howard stated that he met with Mr. John Hewitt two weeks ago and found out that the revenues were not in the 2014 proposed budget. Mayor Howard closed the public hearing.

Mr. White stated that the Charter states the city administrator works with the Mayor on the budget and the Mayor presents the budget so he could not side-step the Mayor and present the budget to council. Mayor Howard stated that he will bring a budget back for review. Mrs. Banks asked if dates for additional public hearings needs to be set tonight and Mr. Melton agreed that dates for the first reading public hearing and public hearing for adoption need to be set and council discussed possible dates for the public hearings. Mrs. Banks stated that the City is currently operating under a spending and hiring freeze and asked if those need to be reaffirmed. Mr. Melton stated that they could continue until new budget is adopted and then lifted and suggested a new motion be made if the spending and hiring freeze are to be continued after the adoption of the 2014 budget. Mayor Howard stated that the Charter requires a centralized

purchasing ordinance and asked how council can deviate from the ordinance. Mr. Melton stated that the purchasing ordinance prevails but if under a freeze then purchases are simply not made. Mayor Howard stated that he wants this done correctly. Mrs. Banks stated that common sense prevails as we must have chemicals and other items that are required to complete daily tasks but items that can be done without should not be purchased. Mr. Wilson offered a motion to hold a public hearing on the proposed 2014 budget during the January 7 and January 21 council meetings. Seconded by Mr. Lawrence, the motion carried unanimously (voting in the affirmative were Dodd, Banks, Goolsby, Jones, Wilson, and Lawrence). Mr. Dodd asked if work session would be held to review the proposed budget and Mr. White stated that work sessions would be held.

APPROVAL OF ACCOUNTS PAYABLE INVOICES

Mrs. Hall reviewed invoice totals for all departments for a total of \$244,278.76. Mrs. Banks offered a motion to approve the accounts payable invoices. Seconded by Mr. Jones, the motion carried unanimously (voting in the affirmative was Dodd, Goolsby, Jones, Wilson, and Lawrence).

Mr. Jones asked Mrs. Hall to review the procedure for paying the invoices that are approved tonight and Mrs. Hall stated that checks are not written until the funds are available. Mrs. Hall stated that the past couple of months the funds have been available to write checks by the next council meeting. Mr. Jones stated that he was under the assumption that the invoices were approved at the council meeting and the checks were written the next day. Mrs. Hall stated that was the procedure a couple of years ago, but due to poor cash flow the invoices may not be paid for 2 to 4 weeks after they are approved by council. Mrs. Banks asked when checks are mailed out after they are written and Mrs. Hall reviewed the procedure that once funds are available and checks are written it can take as long as two weeks for the Mayor to sign and return the checks. Mayor Howard stated that he reviews and signs all invoices and checks and that this takes a couple of days to accomplish. Mayor Howard requested that Mr. Jones receives the daily bank balance report that is sent out and Mrs. Hall stated that he would add him to the email list for the report.

CITY ADMINISTRATOR REPORT

Mr. White offered the following report:

- LMIG – Berner Avenue will be resurfaced with 2013 LMIG funds.

- Railroad Avenue – bid tabulation sheets from the engineer were passed out and reviewed; HHNT recommends awarding the project to Sam Hall & Son Company with a bid of \$423,461.05 and Mr. White recommended accepting the engineers’ recommendation. Mr. Wilson offered a motion from the public works committee to award the bid for the Railroad Avenue project to Same Hall & Son Company. Seconded by Mr. Dodd, the motion carried unanimously (voting in the affirmative was Dodd, Banks, Goolsby, Jones, Wilson, and Lawrence).
- No travel request have been submitted
- Emergency repair for water leak has been completed on North Lee Street in front of Hardees’s and paving will be completed this week
- Utility Partners contract – Carl Hofstadter and Bobby Melton have reviewed the draft contract and offered comments; Mr. White will review these comments with Utility Partners this week and the final contract will be ready for approval at the January 7, 2014 council meeting
- Mrs. Banks asked what days garbage will be picked up next week and Mr. White stated he will get with Advanced Disposal and get a schedule out to everyone
- Mrs. Banks asked for an update on the Service Delivery Strategy and Mr. White stated he spoke with Mr. Barry Hall today and he wants to meet with council to review this

CITY CLERK REPORT

Mrs. Hall had nothing further to report.

CITY ATTORNEY REPORT

Mr. Melton stated that he has sent a memo to Mr. White regarding the Revocable License Agreement received from the State Properties Commission regarding improvements to Railroad Avenue. Mr. Melton stated this is a 3-year license and only the Legislature can extend this beyond the 3-years. Mr. Melton stated that the City will need to contact the Legislature to get this license added to their list for approval. Mr. White asked for clarification if this is to be brought back to council every three years and Mr. Melton stated that the State Properties Commission can only grant a 3-year license but the State Legislature can make it permanent. Mrs. Banks asked who should contact the State Representative – the city administrator or city attorney and Mr. Melton stated whichever council directs as either one can make the contact.

Mr. Melton stated that he is working with Harbin Engineering on the inert landfill project and they are ready to put on record notice of landfill on the property and reference to the original deed.

MAYOR'S REPORT

Mayor Howard stated that he has not seen any minutes from the committee meetings and would like those forwarded to him.

ADDITIONAL BUSINESS

Mr. Wilson offered a motion to lift the hiring freeze for the public safety department and Mr. Dodd seconded the motion. Mr. Wilson stated this will allow the chief's to get to a full staff; this will not require an increase in the budget as the positions are budgeted just not filled; the police department needs to get to a full fulltime staff and the fire department needs to add part time firefighters; and the police department has a federal grant position that cannot be filled due to the department not being at full staff. The motion carried unanimously (voting in the affirmative was Dodd, Banks, Goolsby, Jones, Wilson, and Lawrence).

Mr. James Lyons came before council and read a portion of an article in the Reporter regarding Mayor Howard's nonpayment of his utility bill and stated that council "jumped on the Mayor for not paying his bill". Mr. Lyons stated that last week he was in City Hall and a gentleman was struggling to pay a \$100 utility bill and was disconnected for nonpayment. Mr. Lyons reviewed information that he obtained through an Open Records Request regarding a business on the square that has a utility bill that has not been paid and is over \$30,000. Mr. Lyons asked how this was allowed to go on so long. Mr. Lyons asked Mr. White why this business was not disconnected and Mr. White stated that he did not know the business was behind on their bill until recently. Mr. Goolsby agreed that everyone needs answers regarding what has happened and stated that council did not jump on the Mayor about the bill but rather called for an investigation into the matter. Mr. Jones stated that until the investigation is final we will not know what all took place. Mr. Goolsby stated that once the investigation is complete the information will be provided to the community and a policy will be written that is fair to everyone. Mr. Lyons asked who is conducting the investigation and Mr. Jones stated that the Sheriff's department is handling the investigation. Mr. Lyons stated that an outside agency needs to handle it and Mr. Wilson stated that the matter was turned over to the Sheriff's office and if they cannot handle it they will turn it over to another agency. Mayor Howard stated that

this is embarrassing to himself and his family and that he has been railroaded by some. Mayor Howard stated that he discovered the information on this account on December 4th and asked questions but did not receive answers. Mayor Howard stated that he then told Mr. White to get the matter resolved or disconnect the business. Mayor Howard stated that he does not agree with the timeframe that has been given to the business to pay the bill and wanted to get this resolved. Mr. Lyons stated that if the Mayor had not said what he did to him, he would not have started digging into this to find out what was happening. Mayor Howard stated that there are things that need to be done. Mr. Goolsby stated that we need to find out how this happened. Mrs. Banks stated that she is comfortable with this council and when council has the answers to all the questions, they will be provided.

Mr. Fred Dungan, 430 Sunset Terrace, asked if the city engineer will engineer the new road for Tractor Supply and Mayor Howard stated yes the city engineer will be involved and a motion has been made for the city to contribute \$25,000 to the project. Mr. Dungan asked if this will be the engineering cost plus the \$25,000 and Mr. Wilson agreed that this is what was approved tonight. Mr. Dungan asked if council has been contacted by anyone with Tractor Supply as to what they plan to do and Mr. Wilson stated that all information has come from the developer not from Tractor Supply. Mr. Dungan stated that just because Mr. Ingram has a 10-year lease does not mean that Tractor Supply will be here for 10 years. Mayor Howard stated that we take chances everyday and take risks and hope that council made the right decision tonight. Mr. Dungan stated that if he makes a bad decision in his business, he does not receive a bailout from any government agency – and that he must deal with any bad decision on his own. Mr. Dungan stated that city roads could be paved with the road dollars that have been found and that Sunset Terrace is in bad shape and has not been resurfaced since it was originally paved when he was a child.

ADJOURN

There being no further business to discuss, the meeting was adjourned at 8:25 pm.

Submitted by:

Janice L. Hall, City Clerk