

MINUTES

FORSYTH CITY COUNCIL MEETING

JANUARY 7, 2014

CALL TO ORDER, PLEDGE OF ALLEGIANCE AND INVOCATION

Mrs. Janice Hall, City Clerk, in accordance with the City Charter, called the organizational meeting of the City Council to order and led the Pledge of Allegiance. Mr. Dodd gave the invocation.

OATH OF OFFICE - NEWLY ELECTED OFFICIALS

Mrs. Hall administered the Oath of Office to Mr. Julius Stroud. Mrs. Hall turned the meeting over to Mayor Howard to preside.

ROLL CALL

Present for the meeting was Mayor John Howard, Councilmembers Mike Dodd, Julius Stroud, 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.

APPOINTMENT OF MAYOR PRO-TEM

Mr. Dodd offered a motion to leave all appointments the same until after the completion of the investigation and Mr. Jones seconded the motion. Mr. Wilson stated that this should be a nomination for Mayor Pro-Tem and not a motion. Mayor Howard stated that he recommended that council appoint Mr. Lawrence as Mayor Pro-Tem at a previous meeting and all elected officials are leaders and should be able to move forward even without the end of the investigation. Mayor Howard stated that the Mayor Pro-Tem only serves in the absence of the Mayor. Mr. Jones stated that Mr. Lawrence would be a fine Mayor Pro-Tem but would like to keep all appointments the same as asked by the investigators to keep everything as same as possible so that the investigation is not hampered in any way. Mr. Jones stated that the investigation should be complete by March 1st. Mayor Howard stated that all council members qualify for Mayor Pro-Tem and it is for one-year appointment as Charter states that a new Mayor Pro-Tem is appointed at first meeting of each year. Mr. Dodd agreed and stated that he meant no disrespect to Mr. Lawrence but under the circumstances, everything needs to remain the same until the investigation is complete. Mr. Wilson stated that procedurally this should be for nominations only for Mayor Pro-Tem and requested that the floor be closed for nominations. Mr. Melton stated that there are two nominations for Mayor Pro-Tem – one from Mr. Dodd for Mr. Wilson to remain and one from Mayor Howard for Mr. Lawrence to be appointed. Mr. Dodd asked for clarification as to who can make the nominations and Mr. Melton stated that the Charter governs the appointments and read Section 2.204 of the City Charter. Mr. Jones stated that Mr. Dodd's motion was to continue all appointments not just the Mayor Pro-Tem. Mr. Dodd withdrew his motion and nominated Mr. Wilson to serve as Mayor Pro-Tem until the investigation is complete. Mayor Howard stated that if Mr. Wilson continued until the investigation is complete then

Mr. Lawrence would not serve a full term as Mayor Pro-Tem and asked if council would approve for Mr. Lawrence to serve a full 12-month appointment. There was a lengthy discussion regarding all previous discussion. Mr. Wilson stated that if Mr. Lawrence will automatically be appointed in March, why not go ahead and appoint him tonight. Mr. Dodd stated that he would prefer not to put a stipulation on the appointment. Mr. Jones offered a nomination to appoint Mr. Julius Stroud as Mayor Pro-Tem. Mr. Wilson offered a motion to close the floor for nominations and Mr. Stroud seconded the motion. Mayor Howard called for those in favor of Mr. Wilson as Mayor Pro-Tem and he received one vote (Dodd); all those for Mr. Lawrence and he received two votes (Stroud and Lawrence); and all those for Mr. Stroud and he received two votes (Goolsby and Jones). The Mayor called for a runoff vote and called for those in favor of Mr. Lawrence and he was appointed unanimously (voting in the affirmative was Dodd, Stroud, Goolsby, Jones, Wilson, and Lawrence).

ADOPTION OF PARLIAMENTARY PROCEDURES

Mr. Dodd offered a motion to adopt the latest edition of Robert's Rules of Order. Seconded by Mr. Lawrence, the motion carried unanimously (voting in the affirmative was Dodd, Stroud, Goolsby, Jones, Wilson, and Lawrence).

2014 COMMITTEE ASSIGNMENTS

Mayor Howard stated that the committee assignments provided on November 13, 2013 would remain the same with the exception that Mr. Stroud will replace Mrs. Banks on all committees that she was previously appointed.

2014 APPOINTMENT OF PROFESSIONALS

Mr. Jones offered a motion to leave all appointments as they were for 2013 until March 31st or until the investigation is complete. Seconded by Mr. Dodd, the motion carried unanimously (voting in the affirmative was Dodd, Stroud, Goolsby, Jones, Wilson, and Lawrence).

SET QUALIFYING FEES

Mrs. Hall stated that no election is scheduled for 2014 for qualifying fees must be set in January of each year. Mrs. Hall stated that qualifying fees are 3% of the annual salary for the position and reviewed the qualifying fees as \$375 for mayor and \$301.35 for council. Mr. Wilson offered a motion to adopt the qualifying fees as stated by Mrs. Hall. Seconded by Mr. Lawrence, the motion carried unanimously (voting in the affirmative was Dodd, Stroud, Goolsby, Jones, Wilson, and Lawrence).

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 this has been advertised in the Reporter; this is the first reading of the proposed budget; and the final public hearing and adoption will be during the January 21st council meeting.

Hearing no further comments for or against the proposed budget, Mayor Howard closed the public hearing.

ADOPTION OF EMERGENCY INTERIM 2014 BUDGET

Mr. Melton stated that council must adopt a 30-day emergency ordinance for the budget so that bills can be paid and the city can continue to function. Mr. Goolsby offered a motion to adopt an emergency ordinance for an interim 2014 budget. Seconded by Mr. Lawrence, the motion carried unanimously (voting in the affirmative was Dodd, Stroud, Goolsby, Jones, Wilson, and Lawrence).

APPROVAL OF MINUTES OF THE DECEMBER 17, 2013 COUNCIL MEETING

Mr. Wilson offered a motion to approve the minutes of the December 17, 2013 council meeting as written. Seconded by Mr. Dodd, the motion carried unanimously (voting in the affirmative was Dodd, Stroud, Goolsby, Jones, Wilson, and Lawrence).

APPROVAL OF MEMORANDUM OF UNDERSTANDING FOR THE FORSYTH MAIN STREET PROGRAM BETWEEN THE DEPARTMENT OF COMMUNITY AFFAIRS, THE CITY OF FORSYTH, THE DOWNTOWN DEVELOPMENT AUTHORITY, AND THE MAIN STREET DIRECTOR FOR 2014

Mr. White reviewed that the department name has changed from Better Hometown to MainStreet and this is the agreement between the Department of Community Affairs, Downtown Development Authority, MainStreet Director, and the City. Mr. Goolsby asked for clarification of the section of the agreement that states council cannot serve on the board and Mr. Melton clarified that this means that council cannot serve as the board that there must be a separate board appointed. Mr. Goolsby offered a motion to approve the MOU. Seconded by Mr. Lawrence, the motion carried unanimously (voting in the affirmative was Dodd, Stroud, Goolsby, Jones, Wilson, and Lawrence).

JAMES GREEN – RENAMING OF A PORTION OF HARRIS STREET

Mr. Green was not present for the meeting. Mr. Lawrence stated that since the initial request from Mr. Green, council has requested additional information on the proper way to name and rename streets. Mr. White stated that he is working with the Regional Commission on an ordinance and should have a rough draft for the committee to review soon.

JAMES GREEN – RELOCATION OF UTILITY POLE

Mr. Green was not present for the meeting. Mr. White stated that the pole has been removed and is not sure why this is on the agenda.

JAMES GREEN – REQUEST TO FENCE STORM DRAIN EASEMENT ON PROPERTY LOCATED ON MLK DRIVE

Mr. Jones asked if this is something that council should look at even though Mr. Green is not present. Mr. Dodd stated that this is being worked on as Mr. Green has previously submitted this to council.

JAMES LYONS – CONCERNED CITIZENS – REQUEST FOR OUTCOME OF INVESTIGATION REGARDING UTILITY BILLING DISCREPANCIES

Mr. James Lyons asked Mr. Dodd why he is concerned about Mr. Lawrence being Mayor Pro-Tem and Mr. Dodd stated that he has no problem with Mr. Lawrence being Mayor Pro-Tem. Mr. Lyons stated that this appears to be a “buddy-buddy” system and Mr. Dodd stated that he apologized if it seemed that way but he was only trying to do what the investigators had asked and there is no “buddy-buddy” system. Mr. Lyons asked what the outcome of the investigation is and Mayor Howard stated that it is still ongoing and no one knows anything. Mr. Lyons asked who is in charge of the cutoff list and Mayor Howard stated that Mrs. Hall. Mr. Lyons asked who is in charge of her and Mayor Howard stated that Mr. White. Mr. Lyons asked who is in charge of him and Mr. White stated that Mayor Howard. Mr. Lyons asked questions about paperwork that he had regarding Prime Palate and their delinquent bill and there was discussion as to why the business was allowed to get so far behind. Mr. Goolsby stated that there are issues with the billing process and the investigation is looking in to all of those issues. Mr. Lyons stated that heads should roll over this and Mr. Goolsby stated that some might when the investigation is complete but answers cannot be given until the investigation is complete. Mr. Goolsby stated that when council finds out what the problems are policies will be put in place to make this does not happen again. Mayor Howard reviewed the steps that he took when he was made aware that the business was so far behind and that he is closely monitoring the arrangements that Mr. White made with the business to ensure that they are kept. Mr. Lyons stated that everyone knows who allowed this to go on and Mr. Goolsby stated that this is not a fair statement, as these did not show up on the cutoff list. Mr. Lyons stated that Mrs. Hall, Mr. White, and the Mayor should have known what was going on. Mr. Goolsby stated that when the investigation is over, those involved will not be here. Mr. Goolsby stated that he appreciates Mr. Lyons concerns and the voice that he is bringing.

APPROVAL OF EASEMENT FOR RAILROAD AVENUE BETWEEN THE CITY AND CENTRAL OF GEORGIA RAILROAD

Mr. Melton stated that the easement has been signed by Central Georgia Railroad, which is a part of Norfolk Southern to complete the Railroad Avenue project. Mr. Melton stated that the easement calls for the City to pay \$14,331 to Central Georgia Railroad for the easement. Mr. Wilson offered a motion to approve the easement and payment to Central Georgia Railroad. Seconded by Mr. Dodd, the motion carried unanimously (voting in the affirmative was Dodd, Stroud, Goolsby, Jones, Wilson, and Lawrence). Mr. Melton stated that council approved the construction agreement at the November 6, 2013

council meeting. Mr. Melton stated that the Revocable License Agreement with the State Properties Commission is only a 3-year agreement unless the Legislature approves it as a permanent agreement and the City must request that the Legislature makes the agreement permanent. Mr. White stated that he will take the agreement to the State Properties Commission and has discussed the matter with Representative Robert Dickey. Mr. Melton stated that the easements for the project need to be accepted for Discount Auto Parts, St. James Church, George Willis, and the RLC Group. Mr. Dodd offered a motion to accept the easements. Seconded by Mr. Stroud, the motion carried unanimously (voting in the affirmative was Dodd, Stroud, Goolsby, Jones, Wilson, and Lawrence).

NOTIFICATION OF ALCOHOL BY THE DRINK LICENSE APPLICATION FOR THE ANVIL ROOM AT 50 N. KIMBALL STREET

Mrs. Hall stated that she has received an application for a beer, wine, and liquor pouring license for the Anvil Room and this application will be advertised to return to council at the first meeting in February for a public hearing.

APPROVAL FOR CATERER'S EVENT PERMIT FOR JANUARY 10, 13, 14, 17, 21, 24, 28, AND 31, 2014 FOR JONAH'S ON JOHNSTON FOR THE ANVIL ROOM AT 50 N. KIMBALL STREET

Mrs. Hall stated that Jonah's on Johnston has an alcohol catering license and they have requested an alcohol catering event permit for January 10, 13, 14, 17, 21, 24, 28, and 31, 2014 for the Anvil Room at 50 North Kimball Street. Mrs. Hall stated that they are catering alcohol until the Anvil Room receives their alcohol license. Mr. Goolsby offered a motion to approve the alcohol catering event permits. Seconded by Mr. Wilson, the motion carried unanimously (voting in the affirmative was Dodd, Stroud, Goolsby, Jones, Wilson, and Lawrence).

APPROVAL OF ACCOUNTS PAYABLE INVOICES

Mrs. Hall stated that the administrative committee, at their January 3, 2014 meeting, requested a change in the manner in which accounts payable invoices are presented to council. Mrs. Hall stated that she is working on the change in the procedure and should have that in place by the next council meeting.

Mrs. Hall reviewed invoice totals for all departments for a total of \$418,092.57. Mr. Goolsby offered a motion to approve the accounts payable invoices. Seconded by Mr. Lawrence, the motion carried unanimously (voting in the affirmative was Dodd, Stroud, Goolsby, Jones, Wilson, and Lawrence).

CITY ADMINISTRATOR REPORT

Mr. White stated that he is still working on the 2014 budget and is very close to having it complete.

CITY CLERK REPORT

Mrs. Hall had nothing further to report.

CITY ATTORNEY REPORT

Mr. Melton had nothing further to report.

COMMITTEE REPORTS

Mr. Lawrence

Mr. Lawrence thanked everyone for the appointment as Mayor Pro-Tem.

Mr. Lawrence called on Mr. Pat Wright, Utility Partners, for a report from the water department. Mr. Wright stated that there have been numerous frozen pipes due to the cold weather and they have been busy all day cutting of water to homes where the pipes have burst. Mr. Wright stated that there have been some small breaks on city lines. Mr. Wright stated that in January 2013 we had 21 breaks in 3 days and hopes that we do not have a repeat of that.

Mr. Lawrence stated that the Water Task Force has a meeting this Thursday. Mr. Wilson stated that during the city/county dinner meeting the Water Task Force was formed and Mr. Dodd and the Mayor were appointed to serve on the task force. Mr. Wilson offered a motion to include Mr. Lawrence on the task force, as he is chairman of the utilities committee. Seconded by Mr. Dodd, the motion carried unanimously (voting in the affirmative was Dodd, Stroud, Goolsby, Jones, Wilson, and Lawrence).

Mr. Dodd

Mr. Dodd stated that the parks/recreation/cemetery committee has not yet met. Mr. Dodd stated that the Tree Board will meet Thursday at 6:00 pm.

Mr. Wilson

Mr. Wilson had no report from the public works committee.

Mr. Stroud

Mr. Stroud stated that the public safety committee will meet January 16 at 10:00 am. Mr. Stroud thanked the police and fire department employees for all their work.

Mr. Jones

Mr. Jones stated that the administrative committee has met several times on the proposed 2014 budget and will have additional meetings before it is adopted. Mayor Howard stated that the administrative committee needs to review a pay scale for all employees and additional ways of going paperless.

Mr. Goolsby

Mr. Goolsby reviewed the DDA meeting that he attended.

Mr. Goolsby stated that there are five boards under his committee and he will meet with each board and return with nominations for any vacancies on the boards.

MAYOR'S REPORT

Mayor Howard stated that he missed two items on the agenda and those need to be addressed under additional business.

Mayor Howard stated that we now have a full council in place with a wealth of knowledge. Mayor Howard stated that a council retreat will be held within the next 30 to 45 days to develop a city vision and statement.

ADDITIONAL BUSINESS

APPROVAL OF CONTRACT BETWEEN CITY AND UTILITY PARTNERS

Mr. Jones offered a motion to approve the contract between the City and Utility Partners for management of the water/waste water system. Seconded by Mr. Lawrence, the motion carried unanimously (voting in the affirmative was Dodd, Stroud, Goolsby, Jones, Wilson, and Lawrence).

APPROVAL OF ENGAGEMENT LETTER FROM BUCKLEY & HOPKINS (CITY AUDITORS)

Mr. Wilson offered a motion to approve the engagement letter from Buckley & Hopkins for the 2013 audit. Seconded by Mr. Lawrence, the motion carried unanimously (voting in the affirmative was Dodd, Stroud, Goolsby, Jones, Wilson, and Lawrence).

Mr. Robert Cobb came forward and stated that the public hearing for his alcohol license was scheduled for tonight. Mr. Melton stated that the advertisement was sent to the Reporter but they failed to include it in the paper and notification of this was sent to Mr. Cobb and Mr. Mays. Mr. Melton stated that an ad is running for the public hearing to be held during the January 21st council meeting.

Mayor Howard stated that the city administrator contract calls for an annual evaluation of the city administrator in January of each year and that was held today prior to the council meeting and that additional discussion is needed during an executive session after the council meeting.

EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSING PENDING LITIGATION AND LAND PURCHASE/ACQUISITION/LEASE

Mr. Stroud offered a motion to adjourn into executive session for the purpose of discussing personnel, pending litigation, and land acquisition/purchase/lease. Seconded by Mr. Lawrence, the motion carried unanimously (voting in the affirmative was Dodd, Stroud, Goolsby, Jones, Wilson, and Lawrence) and council adjourned into executive session at 7:35 pm.

Mayor Howard called the meeting back into open session at 8:35 pm and stated that the next item on the agenda was discussed along with discussion on the city administrator evaluation but no decision was made on that matter.

**ACCEPTANCE OF EASEMENT FROM MARY BATTLE FOR THE SOUTH INTERCEPTOR
SEWER PROJECT**

Mr. Lawrence offered a motion to table this matter until the next council meeting. Seconded by Mr. Goolsby, the motion carried unanimously (voting in the affirmative was Dodd, Stroud, Goolsby, Jones, 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