

MINUTES

FORSYTH CITY COUNCIL MEETING

FEBRUARY 4, 2014

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, 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.

APPROVAL OF MINUTES OF THE JANUARY 21, 2014 COUNCIL MEETING

Mr. Lawrence offered a motion to approve the minutes of the January 21, 2014 council meeting as written. Seconded by Mr. Stroud, the motion carried unanimously (voting in the affirmative was Dodd, Stroud, Goolsby, Jones, Wilson, and Lawrence).

NOTIFICATION OF VARIANCE REQUESTS TO BE ADVERTISED

Mrs. Hall reviewed the variances and applications that will come back before council for a public hearing.

BOARD APPOINTMENTS

Mr. Goolsby stated that the appointments for the Historic Preservation Commission are tabled until after he has a meeting with those currently on the commission.

Mr. Goolsby recommended that Mr. Silas Peed and Mr. Bill Myers be appointed to the Design & Review Board to replace Mr. Phillip English and Mr. Ronnie Daniel. Mr. Goolsby stated that research needs to be completed to correct the term expirations for all of the board members. Mr. Goolsby offered a motion to appoint Mr. Silas Peed and Mr. Bill Myers to the Design & Review Board. Seconded by Mr. Dodd, the motion carried unanimously (voting in the affirmative was Dodd, Stroud, Goolsby, Jones, Wilson, and Lawrence).

Mr. Goolsby stated there is one vacancy on the Planning & Zoning Commission and Mr. Martin Presley's term expired December 31, 2013 and he would like to continue serving on the commission. Mr. Goolsby offered a motion to appoint Mrs. Jo Anna Banks to fill the vacancy and reappoint Mr. Martin Presley to the Planning & Zoning

Commission and Mr. Dodd seconded the motion. Mayor Howard stated that he wanted to see other citizens have the opportunity to participate to serve on the various boards. Mayor Howard stated that the boards need new faces and asked how long Mr. Presley had served on the board. Mr. Lawrence stated that he had submitted three names for consideration and asked how the names were selected. Mr. Goolsby stated that the names submitted by council were reviewed for all boards, Design & Review Board has stringent requirements for members, and the HPC and Housing Authority have work to do before appointments can be made. Mr. Stroud asked if all subdivisions are represented on all the boards and Mr. Goolsby stated that is a duty of the boards not a requirement to serve. Mayor Howard stated that all areas of the community need to be represented. Mr. Goolsby stated that Mrs. Shirley Henderson's name was submitted, but no one had been able to contact her and Mayor Howard stated that he had spoken with her and she is still willing to serve on a board. The motion carried with five (5) votes for (Dodd, Goolsby, Jones, Wilson, and Lawrence) and one abstention (Stroud).

Mr. Goolsby offered a motion to table the appointments to the Downtown Development Authority to the next council meeting. Seconded by Mr. Dodd, the motion carried unanimously (voting in the affirmative was Dodd, Stroud, Goolsby, Jones, Wilson, and Lawrence). Mr. Goolsby stated that the DDA was scheduled to meet last week but had to cancel the meeting due to the weather.

APPROVAL OF ALCOHOL CATERER'S EVENT PERMIT FOR JONAH'S ON JOHNSTON TO THE ANVIL ROOM AT 50 N. KIMBALL STREET FOR FEBRUARY 7, 11, 14, 19, AND 20, 2014

Mrs. Hall reviewed the caterer's event permit is requested by the Anvil Room while they wait on approval of their alcohol license. Mrs. Hall stated that Jonah's on Johnston has a city alcohol-catering license. Mr. Jones offered a motion to approve the permits as requested. Seconded by Mr. Goolsby, the motion carried unanimously (voting in the affirmative was Dodd, Stroud, Goolsby, Jones, Wilson, and Lawrence).

APPROVAL OF ROAD DESIGN, EASEMENT, AND DEEDS FOR INGRAM TIMBER ENTERPRISES – 130 EAST MAIN STREET

Mr. Otis Ingram came before council to discuss the road design, easement, and deeds required for his project at 130 East Main Street. Mr. Ingram stated that the

discussion during the work session has led to a change in the plan from a 40' right-of-way to a 50' right-of-way to avoid the requirement of a variance. Mr. Kevin Seagraves, Hofstadter & Associates, addressed council stating that this will require shifting the road would to accommodate the 50' right-of-way but it is not a requirement that the city be in the center of the right-of-way. Mr. Melton asked if Mr. Seagraves will be able to work all requirements of the city ordinances in the redesign of the plan and Mr. Seagraves stated that he could. Mr. Wilson stated that discussion earlier regarding the \$25,000 being spent and requested Mr. White provide where the city currently stands in money spent. Mr. Seagraves stated that he estimates the project construction cost at \$75,000 to \$85,000 and engineering \$10,000 to \$12,000. Mr. Ingram requested a motion to approve the road design with a 50' right-of-way pending the redrawing of the plan by the city engineer. Mr. Stroud offered a motion to approve the road design pending adjustments by the city engineer, and Mr. Lawrence seconded the motion. Mr. Wilson stated that it is important to know where we are to make sure that the city has not spent beyond the \$25,000 pledged to this project. Mr. Ingram stated that the current agreement states that he is to pay anything over the \$25,000 pledged by the city and the Monroe County Development Authority. Mr. Wilson stated that he wants to make sure that it is clear that the city \$25,000 includes engineering and legal. Mr. Goolsby read the portion of the Intergovernmental Agreement (IGA) that states what each entity is responsible for and the city's portion includes the engineering and legal. The motion carried with four (4) for (Stroud, Goolsby, Jones, and Lawrence) and two (2) votes against (Dodd and Wilson).

Mr. Ingram requested a motion for deed modifications as just approved for the 50' right-of-way and modifications to the parcel. Mr. Melton stated that the IGA calls for deed escrow and the deeds will have to be changed to incorporate the changes just made by council. Mr. Melton reviewed the escrow agreement stating that the escrow agent will hold the deeds until the prerequisites in the development agreement are met. Mr. Melton stated that all documents will be signed and held in escrow and if the lease does not come forward, the documents can be destroyed. Mr. Lawrence offered a motion that the easement and deeds be prepared based on the changes made tonight to meet city ordinances and the documents signed, executed, and held in escrow with the escrow agent. Mr. Stroud seconded the motion. Mr. Wilson asked if the deed will change and

Mr. Melton stated it will require changes due to the changes tonight as the first motion approved the change to the plan and this motion works from that motion, and the documents will not have to come back before council. Mr. Dodd asked what the difference is in having unsigned documents and signed documents held in escrow. Mr. Melton stated there is not really a difference but done for the protection of the city and the Monroe County Development Authority. Mr. Ingram stated that the signed documents held in escrow provide leverage for him to go back to Tractor Supply with the security that the deeds are approved so they will provide the lease to move forward. Mr. Wilson stated that the Development Authority has not yet acted and the job requirements in the IGA have decreased from 20 to 10. There was a lengthy discussion regarding why the documents are being approved tonight before the changes are made to the documents. Mr. Jones stated that the original concern was for the new road to be a like road and has now been changed to a 50' right-of-way to city specs, and voting for all documents to be held in escrow, and if Tractor Supply does not come to Forsyth, all is null and void and all documents are to be destroyed. The motion carried with four (4) for (Stroud, Goolsby, Jones, and Lawrence) and two (2) votes against (Dodd and Wilson).

Mrs. Tiffany Andrews, Monroe County Development Authority, stated that the IGA is for the protection of the City and the Development Authority due to the gratuity law, and must have benefit to the community and the IGA spells out those benefits. Mrs. Andrews stated that if the agreements are not approved by both entities then the project cannot move forward. Mrs. Andrews stated that the agreement provides for the documentation for the road to be completed by February 28th; all closing completed by March 31st; key component is job numbers which is 10 fulltime or fulltime equivalents (5 fulltime and 10 fulltime equivalents equals 15 fulltime); and Tractor Supply must provide job numbers and tax dollars to the city and if they do not meet the agreements, the city and Development Authority would recoup their money. Mr. Wilson asked if the hourly salary is included in the IGA and Mrs. Andrews stated that it is not. Mr. Goolsby offered a motion to adopt the Economic Development Intergovernmental Agreement and Mr. Lawrence seconded the motion. Mr. Jones asked if this should be contingent upon the Development Authority adopting the agreement and Mr. Melton stated that if both do not adopt the agreement then it does not stand. Mrs. Andrews stated if the Development

Authority does not adopt the IGA, then the City and Ingram Timber could enter into an agreement without the Development Authority. Mr. Jones stated that he is concerned that the Development Authority has not seen the IGA yet and Mrs. Andrews stated that she will place individual calls to the board members tomorrow. Mr. Goolsby amended his motion to include that the adoption is contingent upon the Monroe County Development Authority adopting the IGA. Mr. Lawrence seconded the amended motion, and the motion carried with four (4) votes for (Stroud, Goolsby, Jones, and Lawrence) and two (2) against (Dodd and Wilson).

ECONOMIC DEVELOPMENT – PRIME PALATE

Mayor Howard and Mr. White met with the owners of the Prime Palate regarding the business' utility payment on Monday, February 3rd at 9:00 am. Mayor Howard stated he rather not make an agreement with the business, but have council decide. Mayor Howard stated he is concerned with there being another empty building on the square and would like to find a way to help the Prime Palate. Mr. Wilson asked if Mr. White and Mayor Howard had a recommendation. Mrs. Tiffany Andrews, Development Authority of Monroe County, introduced Mr. Freddie Butts and Mr. Jonathan Butts as the owners of the Prime Palate. Mrs. Andrews stated that Mr. Butts recognizes there is an outstanding debt of late charges exceeding his monthly bill; the building is currently on its 5th owner and no one wants to have another empty building on the town square; and the owners are suffering from a domino effect from the downward economy and construction of the county building across the street. Mrs. Andrews stated that The Prime Palate opened in September 2011, and over that time accumulated \$54, 882.00 in bills and \$18,237.00 in late charges, and have paid \$50,690.00. If the late fees were moved to a different account, they would owe a difference of \$4,192.00. Mrs. Andrews stated that they plan to pay the late fee over a 2-year period, which would equal \$750.00 in addition to each month's bill. Mr. Butts stated he is prepared to pay the difference in the actual bill and is not denying that he owes the late charges, but needs time to pay. The Prime Palate's daily income dropped dramatically during the construction of the county building. The Prime Palate was recently awarded the Urban Spoon Award. Mr. Wilson stated he wondered how this internally reached this point and hoped the investigation would bring this matter to light. Mr. Wilson asked Mayor Howard and Mr. White for their

recommendation. Mr. White stated he met with Mr. Butts on last Friday before meeting again to include the Mayor. Mr. White reviewed the meeting noting the Prime Palate had arranged in December 2013 to pay entire bill by January 31, 2014. Mr. White noted in the meeting on Monday they discussed the business owners paying the difference in bills and payments and paying the late fee off over several years at \$750 per month. Mayor Howard noted he was not aware of this situation until 13WMAZ raked him over the coals about his bill without giving him a chance to explain. Mr. White had investigated the situation and talked with Mr. Butts ensuring he was aware of the nonpayment. Mr. White recommended they work with the Development Authority. Mr. White reviewed all monthly reports that show all bills not paid and past due. Mr. Stroud questioned what makes The Prime Palate any different from anyone else, why they should consider making exceptions for this restaurant, arguing what is fair is fair. Mrs. Andrews stated during their meeting with Mr. Butts, she asked the same question. They are not asking for exception that is not awarded to others. Mayor Howard stated when he saw the bill in December he told Mr. White to disconnect but later changed his mind and decided to give them time to pay. Mrs. Andrews stated the arrangement did not work due to making a balloon payment at the end of the month as well as a \$1,000.00 week payment. Mr. Wilson noted there is a very little chance the utilities will be paid if the business is disconnected. Mrs. Andrews stated if \$4,000.00 is paid then the utility cost is paid and they are only left with the late charge. Mr. Lawrence questioned if the payment could be borrowed from a bank. Mr. Butts informed council he had just reworked the real estate loan in January and it could not be reworked again for 60 days. Mr. Butts stated they have tried everything. Mayor Howard stated the fact that Mr. Butts showed up to discuss this issue with council shows a lot. Mr. Goolsby asked if there was a difference in procedure when disconnection of businesses versus citizens. Mrs. Hall stated the ordinance states that we do not disconnect an account for penalty only. Mr. Wilson stated the code states council is not involved in the arrangement process. Mrs. Andrews asked council to stop the accumulation of penalty charges. Mayor Howard noted the council is now aware of the situation and there are no accusations that someone is hiding something. Mr. Stroud stated they were offered some right and privileges noting January 31st was the first arrangement made and it was not kept; what happens if the new

agreement is not kept? Mayor Howard stated it was political that they were not cut-off prior, but if this arrangement is not kept they will be disconnected. Mr. Wilson stated payment arrangements were a little unfair and a decision needed to be made on how far arrangements should be allowed to go to be equal. Mr. Wilson stated he was aware that if arrangements were not allowed a lot of people would be without power. Mrs. Andrews informed council this business has an indirect effect on the community with jobs and sales tax. Mr. Butts noted his restaurant is not what pays the bills, but actually his catering business that he does all over the state. Mr. Butts stated there were no political arrangements made with anyone; this was just something that happened. Mr. Butts stated he had been in business for 29 years and the last 5 had been the hardest of any. Mr. White recommended that council approve the request made by the Prime Palate to allow them to pay \$4,200.00 tonight and begin a payment plan of \$750 per month with no additional penalty unless they are late on their monthly bill. If this arrangement fails they should be disconnected immediately. Mr. White will draw up an agreement.

APPROVAL OF ACCOUNTS PAYABLE INVOICES

Mrs. Hall reviewed accounts payable invoice totals \$180,908.14 and SPLOST invoices totals of \$28,026.84 and stated that checks will be written this week for these invoices if approved. Mr. Jones offered a motion to approve the accounts payable invoices for payment this week. 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 no one had turned in travel vouchers for approval.

CITY CLERK REPORT

Mrs. Hall stated that all affidavits for the Ethics Commission need to be turned in to her for submission to the Ethics Commission on February 7th.

CITY ATTORNEY REPORT

Mr. Melton had nothing further to report.

COMMITTEE REPORTS

Mr. Wilson stated that RFP's for several professional positions were to be sent out. Mr. Jones stated that all professional services were reviewed by the administrative

committee and RFP's will run for several of the professional services. Mr. Jones stated that this needs to be done on an annual basis or have multi-year agreements.

Mr. Jones stated that the administrative committee will meet Friday, February 7, 2014 at 3:30 pm.

Mr. Stroud stated that the public safety committee will meet Thursday, February 6, 2014 at 11:00 am.

MAYOR'S REPORT

Mayor Howard stated that there will be a seminar on the Affordable Care Act at the St. James Church on February 15th from 10 until 2 for all citizens. Mr. Goolsby stated that he brought this up at the County Extension Advisory Board meeting and Mrs. Dana Lynch has a State programmer for this issue and she will provide information to the Mayor.

ADDITIONAL BUSINESS

Mayor Howard stated that all those coming forward during the additional business will have four (4) minutes to speak.

Mr. James Lyons stated that public opinion is that the investigation is too close to home. Mr. Lyons reviewed bills for Mr. Tye Howard, Uncle Franks, and other past due accounts and requested that an outside investigation be conducted to find out how this happened. Mayor Howard stated that we need to look at auditing.

Mr. James Green stated that he is shocked about information presented tonight regarding the restaurant being so far behind on their utility bill; and need to find out how this happened; need to be consistent with how act. Mr. Green stated that he asked for a fence around a hazardous area but the city had no money to put into the fence.

Mr. Hugh Cromer stated that there is a tremendous need to develop city utilities as a company was interested in locating here but we could not provide water needs for the company. Mr. Cromer stated the city and county need to work together on utilities to increase interest in Forsyth. Mayor Howard stated that he attended an Excellence in Utilities at the recent GMA Conference and will have a representative from GMA come here to hold that class for everyone.

Mr. Ronald Bearden stated to Mr. Butts that it took a huge person to come before council as he did tonight and everyone gets in financial problems. Mr. Bearden voiced

his disagreement with Mrs. Andrews coming before council to plead case for Mr. Butts. Mr. Bearden stated that Mr. White referred to the lights on Streetscape III at the last meeting as being the same as those downtown and that those lights will also be installed on Railroad Avenue. Mr. Bearden requested total cost including legal, engineering, land purchase, etc. for the Railroad Avenue project. Mr. Bearden stated that no one will use the roadway between Lee Street and Tift College Drive and asked what the value this would have for the citizens. Mr. Bearden stated that several lights are out on the interstate exit ramps and need to be addressed.

Mrs. Andrews stated that she is respectful of the comments by Mr. Bearden and came with the business owner only due to late fees.

Mr. Scott Bogulski, Sunset Terrace, requested that invoices being approved be made available for review during the meetings. Mrs. Hall stated that a list can be made available on the table for each meeting.

Mrs. Connie Gantt stated that she is puzzled by the comments tonight and reviewed the procedure when she was a city employee; copy of cutoff list was given to the Mayor and City Clerk for review and they would tell who was to be cutoff. Mrs. Gantt stated that write offs have been done and she was told to write off a bill for Mrs. Hall. Mrs. Gantt stated that if Prime Palate is not going to pay their penalty, then council should take the penalty off all businesses. Mrs. Gantt stated that the Mayor and City Clerk should have all answers that council needs; council put in office and expect to do things; an investigation is needed. Mrs. Gantt stated that Mr. Tye Howard had a courtesy account on cable while in office. Mr. Goolsby stated that once council finds out why accounts are not on cutoff list, it will be fixed.

Mr. James Lyons stated that the city administrator is doing the investigation so council will not get the answers that they need. Mr. Wilson stated that the Sheriff's Office is conducting the investigation. Mr. Lawrence stated that the investigation will be complete by March 1st and will have answers then.

ADJOURN

There being no further business to discuss, the meeting was adjourned at 8:40 pm.

Submitted by:

Janice L. Hall, City Clerk