

MINUTES

FORSYTH CITY COUNCIL MEETING

FEBRUARY 18, 2014

CALL TO ORDER, PLEDGE OF ALLEGIANCE, AND INVOCATION

Mayor Pro-Tem Melvin Lawrence 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 Pro-Tem Melvin Lawrence, Councilmembers Mike Dodd, Julius Stroud, Greg Goolsby, Jimmy Jones, and Eric Wilson. Also present was City Attorney, Bobby Melton; City Administrator, Thomas White; and City Clerk, Janice Hall.

Mayor John Howard was unable to attend the meeting; therefore, all unanimous votes will be five (5) votes for (Dodd, Stroud, Goolsby, Jones, and Wilson).

Mayor Pro-Tem Lawrence read an email from Mr. Alvin Randall, Electric Department Head, to the Electric Cities thanking the cities of Blakely, Moultrie, and Marietta for their crews assistance during the recent ice storms.

APPROVAL OF MINUTES OF THE FEBRUARY 4, 2014 COUNCIL MEETING

Mr. Stroud offered a motion to approve the minutes of the February 4, 2014 council meeting as written. Seconded by Mr. Dodd, the motion carried unanimously (voting in the affirmative was Dodd, Stroud, Goolsby, Jones, and Wilson).

PUBLIC HEARING FOR BEER, WINE, AND LIQUOR POURING LICENSE FOR THE ANVIL ROOM – 50 N. KIMBALL STREET – DAVID BARKER OWNER

Mayor Pro-Tem Lawrence opened the public hearing for comments for or against the approval of the alcohol pouring license for The Anvil Room. Mr. Melton reviewed the application for retail pouring for beer, wine, and liquor; property is located at 50 N. Kimball Street; has been properly advertised in the February 5th and 12th issues of the Reporter; and is before council for final consideration tonight. Hearing no further comments for or against approval of the license, Mayor Pro-Tem Lawrence closed the public hearing. Mr. Goolsby offered a motion to approve the beer, wine, and liquor pouring license for The Anvil Room. Seconded by Mr. Stroud, the motion carried unanimously (voting in the affirmative was Dodd, Stroud, Goolsby, Jones, and Wilson).

ARBOR DAY PROCLAMATION

Mr. Dodd read the Arbor Day Proclamation and stated that the proclamation and observance of Arbor Day is a requirement to retain our Tree City status. Mr. Dodd reviewed the events to be held on February 21, 2014 for Arbor Day.

BOARD APPOINTMENTS – TABLE FROM LAST COUNCIL MEETING

Mr. Goolsby stated that the board appointments for the Downtown Development Authority (DDA) were tabled until this meeting to allow the DDA to meet and review the candidates for the board. Mr. Goolsby stated that the public relations committee received seven names of possible candidates for appointment to the board and the DDA met on February 6th to review the names and make a recommendation to council. Mr. Goolsby stated that the DDA narrowed the list down to three names for the two vacancies on the board by the resignations of Lena Jones and Brad Edenfield. Mr. Goolsby asked how to proceed with voting and Mr. Melton stated to put all three names before council and the top votes will be appointed. Mr. Wilson stated that these should be nominations from the committee and Mr. Goolsby stated that the committee has reviewed the names but could not decide on only two names. Mr. Wilson offered a motion to open the floor for nominations to the DDA and Mr. Stroud seconded the motion. Mr. Dodd asked if it would be proper to vote by secret ballot and Mr. Melton stated that the floor has been opened for nominations and public voting is proper. The motion carried with four votes (Stroud, Goolsby, Jones, and Wilson) and one abstention (Dodd). Mr. Goolsby read the names of the three candidates from the DDA Board – Shirley Henderson, Hal Clarke, and Lee Roberts. Mr. Wilson offered a motion to close the floor to nominations. Seconded by Mr. Stroud, the motion carried unanimously to close the floor to nominations. Mayor Pro-Tem Lawrence stated each councilmember can vote for two of the three candidates and the votes were as follows:

Shirley Henderson – unanimous (Dodd, Stroud, Goolsby, Jones, and Wilson)

Hal Clarke – two votes (Goolsby and Jones)

Lee Roberts – three votes (Dodd, Stroud, and Wilson)

Mrs. Hall stated that the appointees need to be appointed to a specific term as Mrs. Jones term expired in December 2013 and Mr. Edenfield resigned with an unexpired term. Mr. Stroud offered a motion to appoint Mrs. Shirley Henderson to fill the full term vacated by Mrs. Lena Jones and appoint Mr. Lee Roberts to fill the unexpired term vacated by Mr. Brad Edenfield. Seconded by Mr. Dodd, the motion carried unanimously (Dodd, Stroud, Goolsby, Jones, and Wilson). Mrs. Loraine Khoury stated that Mrs. Bonnie Barker's term on the DDA expired in December 2013 and she has agreed to serve another term. Mr. Dodd offered a motion to reappoint Mrs. Bonnie Barker to the DDA. Seconded by Mr. Wilson, the motion carried unanimously (voting in the affirmative was Dodd, Stroud, Goolsby, Jones, and Wilson). Mr. Goolsby stated that the council has a representative on the board which is customarily the chairman of the public relations committee. Mr. Dodd offered a motion to appoint Mr. Goolsby to the DDA as the council representative. Seconded by Mr. Stroud, the motion carried with four (4) votes (Dodd, Stroud, Jones, and Wilson) and Mr. Goolsby abstained.

Mr. Goolsby stated that work continues on the Historic Preservation and Housing Authority appointments.

ROBERT GRIER – CONCERNED CITIZENS

Mayor Pro-Tem Lawrence reminded those that wish to speak that they have a four (4) minute time limit.

Mr. Robert Grier stated that he was coming tonight on behalf of the community. Mr. Grier stated that Mr. Stroud, Mr. Goolsby, and Mr. Jones let it be known during their campaigns that they were concerned about the city; Reporter puts a bad light on the city; looking for April to go forward to unify government; bickering is being publicized and is not good for the community; going forward need to unify the community; need to look at the Code of Ethics; need to look at the best interest of the community and serve the community well; and as problems come forward, need to put procedures in place to prevent from happening again.

JAMES LYONS – CONCERNED CITIZENS

Mr. James Lyons stated that the new council needs to take over; citizens are worried about power bills; people that make an honest effort to pay their bills need consideration and not just those that have connections; Reporter has given the town a black-eye and they never mentioned receiving free cable and passed around a list showing that the Reporter is on a courtesy list. Mr. Lyons asked Mr. Melton if he has read the Charter and stated that he feels that Mr. Dodd should recuse himself when voting on Tractor Supply. Mr. Melton stated that this was looked at several months ago and it was determined that there is no conflict. Mayor Pro-Tem Lawrence asked Mr. Lyons why he feels there is a conflict and Mr. Lyons stated that Mr. Dodd has a business that will put him in jeopardy if Tractor Supply comes. Mr. Lyons stated that there are \$1,000 cable bills and \$1,500 utility bills that are being written off and Mr. Stroud asked if he could provide a list of those and Mr. Lyons stated that he would bring the list to the next meeting. Mr. Lyons asked if the free cable for the Reporter will be discontinued.

APPROVAL OF ACCOUNTS PAYABLE INVOICES

Mrs. Hall reviewed invoices for approval total \$152,729.76 for regular funds, \$1991.10 for SPLOST, and \$631.87 for seized funds. Mrs. Hall stated that checks will be written this week for all invoices approved tonight. 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, Stroud, Goolsby, Jones, Wilson, and Lawrence).

Mrs. Hall requested approval to pay the Utility Partners invoice in the amount of \$84,125.42 when funds are available to avoid waiting until the next council meeting. Mr. Dodd offered a motion to pay the invoice when the funds are available. Seconded by Mr. Jones, the motion carried unanimously.

Mrs. Hall reviewed that each council member has a printout for their department and reviewed how to read the printout. Mrs. Hall stated that a printout of all invoices being approved is available on the table in the lobby for review. Mr. Jones asked if the printout can be made available on the website and Mrs. Hall stated that she would work with Ms. Ladson to see if it can.

CITY ADMINISTRATOR REPORT

Mr. White stated that the three new council members will be attending the Newly Elected Training Institute and their travel needs to be approved as required by the Travel Policy. Mr. Wilson offered a motion to approve the travel and Mr. Dodd seconded the motion. Mr. Jones asked that the itemized estimates for each be provided. Mr. White stated the estimates are as follows: Stroud \$570, Goolsby \$600, and Jones \$389 each of which includes the \$325 registration. The motion carried unanimously (voting in the affirmative was Dodd, Stroud, Goolsby, Jones and Wilson).

Mr. White requested an executive session at the end of the meeting to discuss land acquisition/sale/lease/disposal.

CITY CLERK REPORT

Mrs. Hall reminded everyone that she needs the registration forms for the Annual GMA Conference in Savannah by Friday, February 28th so that she can have everything ready for the online registrations on March 4th.

Mrs. Hall stated that she would like to publically thank the workers in city hall for their work on Friday after the ice storm as city hall was overrun with phone calls and visitors regarding the power and cable outages.

Mrs. Hall stated that due to equipment failure the utility bills usually mailed on the 15th will go out late this month. Mrs. Hall stated that the due date and cutoff date will be adjusted to allow for 20 days to pay without a penalty and 5 days after the due date before disconnection.

Mayor Howard arrived at 6:45 pm and began presiding over the meeting; therefore, all unanimous votes will be six (6) votes (Dodd, Stroud, Goolsby, Jones, Wilson, and Lawrence).

CITY ATTORNEY REPORT

Mr. Melton had nothing further to report.

COMMITTEE REPORTS

Parks/Recreation/Cemetery Committee

Mr. Dodd offered the following report:

- the marquee at Monroe Memorial Hills Cemetery should be replaced this week
- reminded Mr. White that the parks need to be cleaned of tree debris after the storm
- invited everyone to the ceremony at DOC on February 21st at 2:00 pm for the planting of a tree in memory of Mr. Hank Miller by Mrs. Patsy Miller; Smokey the Bear will be at TG Scott

Elementary school; seedlings will be given away at Farmers Bank, Monroe County Bank, and City Hall

- offered a motion to appoint Mrs. Jenny Lynn Bruner to the Tree Board; seconded by Mr. Wilson, the motion carried unanimously

Public Safety Committee

Mr. Stroud offered the following report:

- thanked the city and county employees for their work during the two recent storms; excellent public safety response times during the storms; city police and fire worked hand-in-hand with the sheriff's office and county fire
- reviewing the tattoo policy for the fire department
- reviewing the assistant police chief position
- police department is going through the hiring process to get qualified applicants for the officer vacancies

Public Relations Committee

Mr. Goolsby offered the following report:

- working with Mrs. Tiffany Andrews for a development work session to include all entities (city, county, Board of Education, Development Authority)
- impressed with communications at Emergency Operations Center during recent storm
- received several complaints from citizens regarding power outages

Administrative Committee

Mr. Jones offered the following report:

- reviewed items discussed in the February 7th committee meeting for security in city hall; will send out RFP's for security; will purchase fireproof file cabinets; working on HR issues that will come before council at a later date

Public Works Committee

Mr. Wilson offered the following report:

- commended the city workers for their work and Mr. White for his leadership in the EOC during the recent storm and thanked the citizens for their patience during the power outages

Public Utilities Committee

Mr. Lawrence offered the following report:

- echoed all comments for work during the storms
- still in process of cable sale
- looking at water project with county commissioners and will hold a meeting on Monday
- all need to work together

MAYOR'S REPORT

Mayor Howard offered the following report:

- commend the public safety and electric department for their work during recent storm; crews worked throughout the night; very good electric department – small be very effective
- Affordable Care Act Seminar held on Saturday, February 15th at St. James Church to help those that do not have health coverage to understand and signup for coverage
- March 1 will facilitate a Town Hall Meeting for Washington Georgia and requested approval on the travel expense; Mr. Goolsby offered a motion to approve the travel. Seconded by Mr. Stroud, the motion carried unanimously (voting in the affirmative was Dodd, Stroud, Goolsby, Jones, Wilson, and Lawrence).

ADDITIONAL BUSINESS

Mayor Howard reminded those that wish to speak during additional business that they will be limited to four (4) minutes each.

Robert Grier – stated that he has additional comments regarding the parks; 2012 loss of Dominique Davis and council was looking at the cost of a city pool; asked the purpose of the building at Kynette Park and Mr. Lawrence stated the building is open to the public; Mr. Grier asked how to go about using the building and Mr. White stated the procedure is to come to city hall, complete an application and pay a deposit; Mr. Grier asked about the use of the restrooms and Mayor Howard stated that the restrooms should be opened daily.

James Lyons – requested that Mr. Melton read Section 2.107(a) of the Charter which he did. Mr. Lyons requested that Mr. Melton explain what the section says and Mr. Melton read the section again. Mr. Lyons stated that Mr. Dodd should not vote on the Tractor Supply Project and Mr. Melton stated that you must have a specific fact situation and Mr. Lyons stated that Mr. Dodd is voting and voicing an opinion. Mr. Dodd stated that there is not a conflict of interest and asked Mr. Lyons how it is a conflict. Mr. Lyons stated that he cannot define a conflict until Mr. Melton explains the Charter. Mr. Dodd stated that there is no conflict between Dodd Builders Supply and Tractor Supply. Mr. Lyons time limit expired.

Otis Ingram – has rescinded his request to the Monroe County Development Authority for funding for the roadway due to the lack of four votes and inability to come to an agreement on the wording of the IGA; presentation provided had national averages for employee numbers and the Development Authority wanted 10 to 20 fulltime equivalent rather than the 10 to 20 employees Tractor Supply has as a national average; now have original Resolution approved by council and need to execute the deeds so project can move forward; right-of-way is now 50' and Ingram is paying for roadway

construction; Mr. Melton can hold the deeds in escrow until short-form lease is received from Tractor Supply. Mr. Ingram's time limit expired.

Fred Dungan – 430 Sunset Terrace – we have had worse ice storms in the past that did not do as much damage as this one did and need to look at more pruning of the trees around the power lines; commend street crews for work to pick-up the limb debris; information from Mr. Lyons appears he has information that council does not have

Connie Gantt – city has been trying to sell the cable system for eight years and requested that OWN Channel be added, has asked previously but always told not getting new programs until decide upon sell of cable; Kynette pool was supposed to be replaced and city needs a pool, it was not discussed at council meetings to fill in the pool; asked Mr. Dodd, Mr. Lawrence, Mr. Wilson, and Mrs. Hall if they were aware that the Reporter was receiving free cable and that Tye Howard was getting free cable while he was mayor – councilmembers stated they were not and Mrs. Hall stated that she was aware. Mr. Dodd asked Mrs. Hall about the Reporter receiving free cable and Mrs. Hall stated that this was done as an agreement shortly after the cable was purchased in 1999; Mrs. Gantt stated that city officials do not know how to answer questions.

Don Daniel – read a statement that he just received on his phone from Mr. Will Davis, publisher of the Reporter, stating that cable was swapped for advertisement in Reporter and Mrs. Hall approved the agreement. Mrs. Hall rebutted this statement, and stated that she did not approve the agreement and that this was done after the purchase of the cable and she was not the city clerk at that time. Mr. Goolsby stated that a policy will be in place to cover all areas of concern and the city will be run as a business and take the personal touch out of everything. Mayor Howard stated that policies are in place and that we just need to follow those policies. Mayor Howard stated that he did not want to get involved in arrangements and disconnects as he has too many other items to do than to keep up with payments. Mr. Stroud stated that he agrees that we need a pool and at least need a plan in place for a pool and it should be a city/county venture.

Ronald Bearden – feels that Mr. Dodd has every right to vote on every item that comes up; business people have to run for office to get business knowledge on council; it was addressed previously how Dodd Builders can bid on work. Mayor Howard stated that State law supersedes city Charter and as long as we abide by law we are okay.

James Lyons – asked if he could provide his open records request to someone other than Mrs. Hall as she is making information available to others as Don Daniel came prepared for the meeting. Mr. Melton stated that all open records requests are open to the public and Mrs. Hall is the official records custodian.

Lois Allen – bickering looks bad; people do not come to meetings because they are afraid; put in office to do the right thing; Reporter should not send someone else to do their talking.

Mr. Goolsby stated that the Economic Development Agreement regarding Tractor Supply was contingent upon the Development Authority approving the agreement and asked what needs to be done now that they did not approve the agreement. Mr. Melton stated that except for the Economic Development Agreement, all other items are in place and funding for construction and engineering is being provided by Mr. Otis Ingram. Mr. Goolsby stated that money has already been expended and asked if the developer will take over the design of the road and Mr. Melton stated that the city engineer has already approved the road design. Mr. Goolsby stated that if the IGA had not existed in the beginning, we had swapped a road for a road, would the developer have covered the cost of the design of the road and Mr. Melton stated that changes to the design have been made since this originally came before council. Mr. Jones stated that the \$25,000 pledged by the city included the engineering fee, which is \$10,000 to \$15,000 and we need to know who will pay for the engineering. Mr. Ingram stated that this is addressed in the minutes, understood that the city was paying the engineer for the design and the city attorney fees, then changed when he was seeking funding and city would cover engineering and legal fees. Mr. Jones offered a motion to table to allow Mr. Melton time to review and make a recommendation back to council and Mr. Wilson seconded the motion. Mr. Wilson stated that we have paid \$12,000 to \$15,000 for engineering so far. Mr. Ingram stated that he will pay for the city engineer as he would have to hire an engineer to do the design. Mr. Goolsby asked if a motion is needed now that the IGA is off the table and Mr. Melton stated that a motion is needed to accept what Mr. Ingram just offered. The motion to table the matter carried unanimously (voting in the affirmative was Dodd, Stroud, Goolsby, Jones, Wilson, and Lawrence). Mr. Ingram restated that he will agree to pay for the engineering fees but not for the city attorney fees. Mr. Goolsby offered a motion to accept the offer from Mr. Ingram that he will pay for the engineering fees. Seconded by Mr. Lawrence, the motion carried with five (5) votes for (Stroud, Goolsby, Jones, Wilson, and Lawrence) and one (1) vote against (Dodd). Mr. Ingram asked if Mr. Melton still needs to do research as he has agreed to pay for the construction and engineering. Mr. Goolsby stated that there are other parts of the project that need to be reviewed. Mr. Melton stated we have the deed for the current road, deed for the new road, easement, and escrow agreement to hold all documents until a short-form lease is received which will trigger release of escrow documents. Mayor Howard stated that in the interest of time we need to move forward. Mayor Howard stated that RFP's for all professional services including city administrator need to be sent out. Mr. Goolsby stated that the matter was tabled and Mr. Melton will review the information. Mr. Ingram asked what Mr. Melton will be looking at and Mr. Melton stated that the documents were drawn up before changes made tonight so documents will need to be amended.

EXECUTIVE SESSION

Mr. Jones offered a motion to adjourn into executive session for the purpose of discussing land acquisition/sale/lease/disposal. Seconded by Mr. Stroud, the motion carried unanimously (voting in the affirmative was Dodd, Stroud, Goolsby, Jones, Wilson, and Lawrence) and council adjourned into executive session at 7:55 pm.

Mayor Howard called the meeting back into open session at 8:40 pm.

Mr. Stroud offered a motion to settle the Mary Battle condemnation case in the amount of \$18,500. Seconded by Mr. Dodd, 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 8:45 pm.

Submitted by:

Janice L. Hall, City Clerk