

## **MINUTES**

### **FORSYTH CITY COUNCIL MEETING**

**MARCH 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. Dodd 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 Administrator, Thomas White; and City Clerk, Janice Hall. City Attorney, Bobby Melton, was not present for the meeting.

#### **APPROVAL OF MINUTES OF THE FEBRUARY 18, 2014 COUNCIL MEETING**

Mr. Wilson offered a motion to approve the minutes of the February 18, 2014 council meeting as written. 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 FEBRUARY 18, 2014 COUNCIL MEETING**

#### **SHERIFF JOHN CARY BITTICK**

Sheriff John Cary Bittick came before council and stated that it was previously believed that the investigation council requested would be complete by March but due to the volume of paperwork, it will take longer than initially thought. Sheriff Bittick stated that the investigation would not be rushed because he wants his office to do a thorough job of reviewing all the information. Sheriff Bittick stated that those that are complaining that it is taking a long time to do the investigation would be the same ones that would complain if something were missed in the investigation. Sheriff Bittick stated that he wants to cover all bases to keep from having to revisit this matter again. Mr. Lawrence thanked Sheriff Bittick and stated that he knows his office will do a thorough report.

#### **APPROVAL OF RESOLUTION RENAMING A PORTION OF HARRIS STREET TO BECOME "PAUL JAMES PLACE ON HARRIS STREET"**

Mr. Stroud offered a motion to approve the resolution to rename a portion of Harris Street to become Paul James Place on Harris Street and Mr. Lawrence seconded the motion. Mr. White stated that he has been working with the Regional Commission for a couple of months to write an ordinance on naming and renaming streets and has

recently received a draft ordinance that needs to go before the committee for review before being presented to council for adoption. Mr. Goolsby stated that he received the draft ordinance yesterday and needs time to review the ordinance and would like to table the matter until the ordinance can be reviewed. Mr. Stroud asked Mr. Goolsby if he has a timetable to bring this back and Mr. Goolsby stated that he received two draft ordinances yesterday and these should be ready for adoption at the next council meeting. Mr. Stroud asked if anyone had received any opposition to this; Mr. White and Mr. Dodd stated that they have. Mrs. Hall stated that the ordinance cannot be voted on at the next meeting, that it must be advertised for a public hearing. Mr. Goolsby offered a motion to table the matter. Seconded by Mr. Dodd, the motion carried unanimously (voting in the affirmative was Dodd, Stroud, Goolsby, Jones, Wilson, and Lawrence).

**APPROVAL TO ADVERTISE AMENDMENTS TO CITY CODE RELATING TO UTILITIES CHAPTER 23 SECTIONS 116 THROUGH 140**

Mr. Stroud offered a motion to advertise a public hearing for amendments to Chapter 23 Utilities. Seconded by Mr. Wilson, the motion carried unanimously (voting in the affirmative Dodd, Stroud, Goolsby, Jones, Wilson, and Lawrence).

**PUBLIC HEARING REGARDING VARIANCE REQUEST FROM PERCELL KELLY TO CONSTRUCT DWELLING IN R-2 ZONE WITH LESS THAN 900 SQUARE FEET – INDIAN SPRINGS DRIVE/COLLIER ROAD**

Mr. White reviewed the application and stated that the Planning & Zoning Commission recommends approval of the variance request. Mr. Percell Kelly, owner of the property, stated that he is requesting permission to build a 900 square foot home in the R-2 Zone, which requires a minimum 1800 square foot home. Mr. Kelly stated that the home he wants to build will not take away from the neighborhood; the first stage will be approximately 900 square foot then an addition of approximately 600 square foot will be added later. Mayor Howard opened the public hearing for comments for or against the approval of the variance request. Mr. Goolsby stated that he received a call from Mrs. Hester who lives in the neighborhood and stated that she is against this but due to her health was unable to attend the meeting. Hearing no further comments, Mayor Howard closed the public hearing. Mr. Stroud offered a motion to approve the variance request and Mr. Dodd seconded the motion. Mr. Walter Carter, Zoning Officer, stated that there

is ample lot size and only requesting a variance for the structure size to less than 1800 square feet. Mr. Kelly stated that the house will face Indian Springs Drive. Mr. Goolsby stated that we have boards for them to review these requests and make recommendations and that we should take their recommendations. The motion carried unanimously (voting in the affirmative Dodd, Stroud, Goolsby, Jones, Wilson, and Lawrence).

**PUBLIC HEARING REGARDING VARIANCE REQUEST FROM AKIN'S FARM & HOME FOR A SMALL ENGINE RETAIL SALES AND SERVICE FOR 55 N. LEE STREET**

Mr. White reviewed the application. Mr. Walter Carter, Zoning Officer, stated that the owner of the property wants to have a small engine sales and repair store at 55 North Lee Street; no variance is required for the retail sale; however, a variance is required for the small engine repair. Mr. Bennett Norris, agent for the owner, stated that the store will have a nice showroom floor, good tax revenue, will sell OSHA clothing, and the signage will be custom-made with overhang lighting with the factory logos for the store. Mr. Carter stated that the small engine repairs will be done in the back of the building and P&Z recommends approval of the variance. Mr. Goolsby asked about exhaust from the small engines and Mr. Norris stated that there will be exhaust fans to the side of the building. Mayor Howard opened the public hearing for comments for or against approval of the variance request. Mr. Jones asked if this building previously housed an auto parts retail store and Mr. Carter stated that it was at one time the Bumper-to-Bumper Auto Parts Store. Mrs. Bonnie Barker, owner of property behind this building asked if the exhaust would be in the alley or on Adams Street and Mr. Norris stated it would be on Adams Street. Mr. Stroud asked about the noise from the engines and Mr. Norris stated the walls are made of thick brick, which will prevent the noise from carrying. Mr. Frank Vaughan stated that he believes in business in Forsyth but there are several restaurants close by and the noise and exhaust will disturb others. Hearing no further comments, Mayor Howard closed the public hearing. Mr. Dodd offered a motion to approve the variance request and Mr. Goolsby seconded the motion. Mr. Stroud stated that he is concerned about the fumes so close to Pizza Hut. The motion carried with five (5) votes for (Dodd, Goolsby, Jones, Wilson, and Lawrence) and one (1) vote against (Stroud).

**APPROVAL OF ALCOHOL CATERERS PERMIT FOR MARCH 7 AND 8, 2014 FOR JONAH'S ON JOHNSTON – EVENT TO BE HELD AT FORSYTH COUNTRY COOKIN' – 15 E. JOHNSTON STREET**

Mr. White reviewed the request and called on Mrs. Bonnie Barker, owner of Jonah's on Johnston. Mr. Wilson offered a motion to approve the alcohol caterer's permit and Mr. Dodd seconded the motion. Mrs. Barker stated that council approved the alcohol license for the Anvil Room at their last council meeting but there is a holdup at the State level and Mrs. Helen Walker, owner of Forsyth Country Cookin' will be applying for an alcohol license at a later date. The motion carried unanimously (voting in the affirmative Dodd, Stroud, Goolsby, Jones, Wilson, and Lawrence).

**APPROVAL OF ALCOHOL CATERERS PERMIT FOR MARCH 7, 8, AND 9, 2014 FOR JONAH'S ON JOHNSTON – EVENT TO BE HELD AT THE ANVIL ROOM – 50 N. KIMBALL STREET**

Mr. Goolsby offered a motion to approve the alcohol caterer's permit. Seconded by Mr. Lawrence, the motion carried unanimously (voting in the affirmative Dodd, Stroud, Goolsby, Jones, Wilson, and Lawrence).

**JAMES LYONS – CONCERNED CITIZENS**

Mr. James Lyons came before council and stated that some of the problems happened during their watch and they have a job to do. Mr. Goolsby asked Mr. Lyons his address and Mr. Lyons stated that he lives at 865 Montpelier and further stated that council should be concerned with the issues that he is bringing and not his address. Mr. Lyons passed out copies of the Georgia Mayors & Council members' handbook. Mr. Lyons stated that 2 to 3 council members are asking that light bills be waived. Mr. Lyons reviewed conversation held with Mr. White and Mr. Wade Kite today regarding the video of the February 18<sup>th</sup> council meeting. Mr. Lyons stated that he was told he had to provide a video card to get a copy of the meeting and he purchased one at Wal-mart for \$58 and did not feel that this was right. Mr. Lyons stated that Mr. White is not doing his job properly and it is time to do something. Mayor Howard stated that Mr. Lyons was not given correct information on equipment needed and that he sent out an email today asking shy we could not provide a copy of the meeting and will find out if the tape was tampered with. Mr. Stroud asked Mrs. Hall if we archive the meeting tapes and Mrs. Hall

stated that we changed the way the meetings were recorded 6 to 8 months ago and we no longer have copies of the meetings as they are recorded on the camera SD card and written over with each meeting. Mr. Lyons stated that he did not feel he should have to pay for the SD card to get a copy of the meeting.

#### **JAMES LYONS – SHERIFF’S OFFICE INVESTIGATION**

Mr. Lyons stated that he will not address the investigation at this time.

#### **APPROVAL OF ACCOUNTS PAYABLE INVOICES**

Mrs. Hall reviewed the accounts payable invoices before council for approval by department; grand total for approval from regular funds \$121,886.23; SPLOST from road improvements \$4,028.03 and SPLOST from water/sewer projects \$6,750. Mr. Wilson offered a motion to approve the accounts payable as presented. Seconded by Mr. Dodd, the motion carried unanimously (voting in the affirmative Dodd, Stroud, Goolsby, Jones, Wilson, and Lawrence).

#### **City of Blakely – emergency assistance - \$7,172.96**

Mrs. Hall stated this is a Purchase Order over \$5,000 for approval for crews sent from the City of Blakely during the ice storm. Mr. Jones offered a motion to approve the purchase. Seconded by Mr. Dodd, the motion carried unanimously (voting in the affirmative Dodd, Stroud, Goolsby, Jones, Wilson, and Lawrence).

#### **PMC – replace pump at SWWTP - \$6,273.34**

Mrs. Hall stated this is a Purchase Order over \$5,000 for approval to replace the pump at the South WasteWater Treatment Plant. Mr. Dodd offered a motion to approve the purchase. Seconded by Mr. Stroud, the motion carried unanimously (voting in the affirmative Dodd, Stroud, Goolsby, Jones, Wilson, and Lawrence).

#### **Buice Garage – parts/labor Grapple Truck - \$9,888.86**

Mrs. Hall stated this is a Purchase Order over \$5,000 for approval to repair the grapple truck; the original quote was less than \$5,000 but additional work was required once they began the work. Mr. Dodd offered a motion to approve the purchase. Seconded by Mr. Goolsby, the motion carried unanimously (voting in the affirmative Dodd, Stroud, Goolsby, Jones, Wilson, and Lawrence).

#### **CITY ADMINISTRATOR REPORT**

Mr. White had nothing further to report.

## **CITY CLERK REPORT**

Mrs. Hall had nothing further to report.

## **CITY ATTORNEY REPORT**

Mr. Melton was not present for the meeting.

## **COMMITTEE REPORTS**

### **Public Utilities Committee**

Mr. Lawrence offered the following report:

- Electric Cities of Georgia will be here on March 10, 2014 from 9:30 am until 11:30 am to meet with the committee and all council members are encouraged to attend
- Called council meeting on March 10, 2014 at 5:00 pm to discuss the potential cable system sale

### **Public Works Committee**

Mr. Wilson had nothing further to report.

### **Administrative Committee**

Mr. Jones had nothing further to report.

### **Public Relations Committee**

Mr. Goolsby offered the following report:

- Need to appoint council advisor to the Chamber of Commerce Board position was previously held by Mrs. Jo Anna Banks; Mr. Dodd offered a motion to appoint Mr. Goolsby to the position. Seconded by Mr. Wilson, the motion carried with five (5) votes for (voting in the affirmative was Dodd, Stroud, Jones, Wilson, and Lawrence) and one abstention (Goolsby).

### **Public Safety Committee**

Mr. Stroud offered the following report:

- Committee meeting will be held on March 11, 2014 at 9:00 am.

### **Parks/Recreation/Cemetery Committee**

Mr. Dodd offered the following report:

- Marquee at Monroe Memorial Hills Cemetery has been replaced.
- Tree planting ceremony was held at DOC for Arbor Day.

## **MAYOR'S REPORT**

Mayor Howard stated that an executive session will be required at the next council meeting to discuss pending litigation that was received today.

## **ADDITIONAL BUSINESS**

**Fred Dungan** – 430 Sunset Terrace – last meeting praised the street department for the good job they were doing in picking up the limbs after the storm but the Mayor stopped them to allow for GEMA to review; they have started back picking up the limbs and doing a good job. Mr. Dungan stated that a mistake was made in the bills but it was corrected and new bills were mailed out. Mr. Jones thanked Mr. Dungan for having good things to say.

**Lois Allen** – good to have good things to say but the citizens need to know what is going on and things need to be straightened out; people come to the meetings to get answers.

**Scott Bogulski** – 390 Sunset Terrace – reported to him that someone saw a city employee loading scrap aluminum in a truck; reviewed information received by Open Records Request that shows several checks for thousands of dollars that half of the money went to Mr. Omanzie Hogan. Mayor Howard asked Mrs. Hall to get answers to this for the next meeting.

**Cecil Henderson** – 470 Chapman Drive – small area in cemetery needs to be fixed; street between Johnston and Stroud Street was not resurfaced when those roads were and he has been promised that strip would be resurfaced but it has not been done; Mr. White stated this is about a 300' strip that was not resurfaced; Mr. Dodd asked which cemetery and where the problem is and Mr. Henderson stated in the city cemetery at the beginning of the black cemetery.

**Ronald Bearden** – 441 Sunset Circle – brought up at the last meeting about the city cable ad not being in the Reporter; not a problem if the city is receiving an ad for the cable service but have not seen the ad in the paper and asked Mr. Don Daniels where the ad is and why it is not running; stated that Mrs. Hall was wrongly accused and deserves a public apology.

**Albert Mays** – 179 Hill Street – asked if the cable has been sold yet and Mr. Wilson replied that we are holding a meeting on March 10<sup>th</sup> to review this; reviewed that

he has brought seven cable boxes back from December through January because they did not work so he could not watch all of the channels that he is paying for; circle in Rest Haven still has not been repaired; Frontage Road and Hill Street have pot holes that need to be fixed and SPLOST money could be used to fix these; Mr. Dodd stated Frontage Road is on the list to be paved this summer.

**James Lyons** – should not make an issue as to where he lives, should be concerned with issues brought to the city; asked how citizens would go about getting a fulltime mayor; stated “you work for me, I am a taxpayer”; Mr. Goolsby stated that city council is responsible for the city; Mr. Lyons stated that Reporter article said that Mrs. Hall could not do her job because council members messing with her and trying to do her job, Mr. Wilson stated that Mrs. Hall knows her job and does it well and no one is trying to tell her how to do her job; Mr. Lyons stated he is concerned that Mr. Rufus Walker is getting behind in his utility bill and asked Mr. Dodd if he is responsible for letting this get behind, checks have bounced and not been cutoff and need to know why.

**Mr. Goolsby** stated that council adopted Robert’s Rules of Order, so when the public addresses council they are supposed to state their name and address for the record and that is why he asked the question of Mr. Lyons about his address. Mayor Howard stated that we need to refrain from the question and answer period, allow the citizens to state their problem or issue, and move on.

### **ADJOURN**

Mr. Wilson offered a motion to adjourn at 7:15 pm and Mr. Dodd seconded the motion. Mayor Howard stated that there are others present that may wish to speak and asked if anyone else wished to address council. Mr. Wilson stated that there is a motion on the floor to be addressed.

**James Green** – asked what happened with the renaming of Harris Street tonight and Mayor Howard stated that it was tabled to make sure that this will be in compliance with the new city ordinance. Mr. Green asked how long the new law has been in effect and Mr. Jones stated that it was received yesterday. Mr. Green asked how this will affect the request to rename Harris Street and Mayor Howard stated that we just want to make sure we are in compliance with the new law. Mr. Lawrence stated that we are not putting

it off just reviewing. Mr. Jones stated that the city attorney is not present and there are questions that he needs to answer regarding this matter.

Mayor Howard called for a motion to adjourn and Mr. Wilson stated that a motion to adjourn is still on the floor. The motion to adjourn carried unanimously and the meeting was adjourned at 7:20 pm.

Submitted by:

Janice L. Hall, City Clerk