

**Minutes
Forsyth City Council Meeting
February 7, 2022**

Call to Order

Mayor Wilson called the meeting to order at 6:01 p.m.

Pledge of Allegiance, Invocation and Roll Call

Mayor Wilson led the Pledge of Allegiance. Mr. Hewett gave the invocation. In attendance for the meeting in person was Mayor Eric Wilson, Councilmembers Mike Dodd, Julius Stroud, Greg Goolsby, Melvin Lawrence, and Chris Hewett. Also in attendance was City Manager, Janice Hall, City Attorney, Bobby Melton and Executive Assistant, Lisa Cannon. City Clerk, Regina Ivie attended via conference call.

Approval of the Agenda

Mr. Hewett offered a motion to approve the agenda as presented. Seconded by Mr. Lawrence; the motion carried with five votes (Dodd, Stroud, Goolsby, Lawrence, and Hewett).

Approval of the Minutes from the Council Meeting on January 18, 2022

Mr. Goolsby offered a motion to approve the minutes as presented. Seconded by Mr. Lawrence; the motion carried with five votes (Dodd, Stroud, Goolsby, Lawrence, and Hewett).

Georgia Municipal Association presentation of a Safety Grant Check – Artiffany Stanley

Ms. Artiffany Stanley presented a Safety Grant check in the amount of \$6,866.79. A reimbursement check that was used to purchase safety vests, rain parkas, a safety barricade system, flame resistant jackets and other various safety items. All requirements were met to be awarded the safety grant funds.

Approval for a facility reservation for American Legion Hall by Yvonne Stroud; and request waiver of rental fee.

Mrs. Yvonne Stroud reviewed plans for a fundamental camp to be held this summer at the American Legion Hall; 4 days a week for 2 weeks, June 6-June 9, and June 13 – June 16, 2022.

Mr. Hewett offered a motion to approve the rental of the legion Hall and to waive the rental fee. Seconded by Mr. Dodd; the motion carried with four votes (Goolsby, Dodd, Hewett, and Lawrence). Mr. Stroud abstained from voting.

Approval of street closure request for Forsythia Festival.

Mr. Goolsby offered a motion to approve the agenda as presented. Seconded by Mr. Stroud; the motion carried with five votes (Dodd, Stroud, Goolsby, Lawrence, and Hewett).

Public hearing to consider a proposed ordinance amendment to the charter with regards to Section 2.18 (Organizational Meetings).

Mr. Melton stated that currently city council meetings are held on the first and third Monday's each month. However, the city charter states the first meeting of January will be held on Tuesday. This ordinance amendment will reword section 2.18 (Organizations Meetings) of the City Charter to provide that "The City Council shall meet for organization at the first regularly scheduled meeting of the Mayor and Council of the City of Forsyth each January." The public hearing notice was advertised in the Monroe Reporter on January 12, 19, 26, and February 2, 2022.

Mayor Wilson opened the floor for the public hearing in favor of or opposition of the proposed ordinance amendment. There being no comments in favor of or opposition of the proposed ordinance amendment Mayor Wilson closed the public hearing.

Mr. Goolsby offered a motion to approve the ordinance amendment to the Charter, Section 2.18 (Organizational Meetings). Seconded by Hewett; the motion carried with five votes (Dodd, Goolsby, Stroud, Lawrence, and Hewett).

Public hearing to consider a proposed ordinance providing for the alteration of the corporate boundaries through annexation of certain lands; approximately 35 acres tax parcel 054 022A.

Mr. Melton stated the applicant, Three Oaks Construction and Development, Inc requests annexation and rezoning of the property: tax parcel 054 022A. The zoning in Monroe County is currently A5-Agricultural, and for the city it would be R-3 Residential. Planning and Zoning recommend approval as R-1 Residential, Detached Single Family, Low-Density District upon annexation. The notice was advertised in the Monroe Reporter issues on January 12, 19, and 26, and February 2, 2022. Mr. Melton further stated that Monroe County is required to be notified of the proposed annexation request. A certified letter has been sent to Monroe County Board of Commissioners. The public hearing will be conducted tonight, and final action will be deferred until March 7, 2022.

Mayor Wilson opened the floor for the public hearing in favor of or opposition to the proposed ordinance and rezoning request.

Mr. Steve Rowland with Rowland Engineering at 318 Corporate Parkway, Macon spoke in favor of the proposed ordinance and rezoning request. He stated it's seen as a continuation of the existing Manor at Montpelier subdivision. The zoning request would be the same as Manor at Montpelier. The entrance would be lined up with Manor at Montpelier, 15,000 sq foot lots, the homes would be consistent with those homes across the street. We seek the annexation for sewer and water services with the city. Mr. Rowland further stated he sees no benefit of the R1 recommendation from planning and zoning; that's what is allowed currently in the county.

Ms. Hall stated the original application was submitted as R-3 Multifamily; and it is R-3 Moderate Density. The correction on the application was made prior before being presented to planning and zoning. Clarification was provided as to the difference between the two by Ms. Hall.

Mr. Rowland further stated the property is restricted with flood plain; topography restricts also. About 10 acres is undevelopable.

Mr. Bill Bazemore at 420 Taylor Drive, Forsyth spoke against the proposed ordinance. He respectfully requested council to consider the density with which the city is expanding. He has concerns regarding utilities, road safety with that number of houses being added on Montpelier Road. He feels an R1 designation is compatible with the area particularly on Newton Drive.

Mr. George Emami stated he's not personally opposed to annexation. He's not in favor of driveways for so many houses on Montpelier Road; he feels it's a public safety issue. Access to the new lots should be from the interior of the sub-division.

Mr. Matt Gilbert, Developer/Builder spoke in favor of the proposed annexation and rezoning. He stated there was not enough room to provide for a back street in the lower section of the sub-division; it was designed specifically that way. We plan to build houses between 1800 and 2200 square feet in size. The subdivision would be a continuation to what's there already across the street.

Mr. Rowland stated the final plat will be presented to council for review and approval. The concerns with the frontage lots can be worked out during the next phase of design prior to the final approval of the plat. Mr. Rowland further stated tonight we are seeking approval of the annexation and rezoning only.

There being no further comments for or against the proposed annexation Mayor Wilson closed the public hearing. Mayor Wilson restated no action will be taken until the first council meeting in March 2022.

Public hearing to consider a proposed ordinance providing for the alteration and amendment of a zoning district and the zoning map; 40 Berner Avenue tax parcel F42 001A.

Mr. Melton stated the applicant of the rezoning request is WMMGA LLC and Nathaniel Persky, and the owner of the property is Black Properties, LLC. The proposed property is 40 Berner Avenue; tax parcel F42 001A. The current zoning is RM (Residential Multi-family) and the request is to rezone the property to MI (Manufacturing-Industrial). The proposed use of the property is as a crypto mining farm and related uses. Planning and Zoning recommended rezoning at their December 23, 2021 meeting. It was advertised in the Monroe Reporter on January 12, 19, 26, and February 2, 2022. Mr. Melton stated he received a letter from the owner of the property, Black Rock Properties LLC who is in favor of the proposed rezoning request.

Mayor Wilson opened the public hearing to the public in favor of or opposition to the proposed rezoning.

Councilmember John Howard arrived at 6:36 p.m. All councilmembers were in attendance therefore all unanimous votes will be six votes (Dodd, Goolsby, Stroud, Lawrence, Hewett, and Howard).

Mr. Nathaniel Persky, Executive Vice President of Wattum Energy Department at Wattum Management spoke in favor of the proposed rezoning request. Mr. Persky stated Wattum Management does bitcoin mining; it's a glorified data center. Mr. Persky explained that the asics machines have one function, they mine for bitcoin. They work all day and night to solve a single algorithm. The machines have no other purpose, and the internet is not taxed. The machines do not get louder at night. They run at the same level day and night, there is no change in the amount of power they use or the noise level they create regardless of the time of day. A copy of the site plan, overhead view of the property with an outlined area of the requested property to be rezoned was reviewed. The intention is to not be seen from the road; we would fill in the undergrowth so that the plant is not visible from the street. Mr. Persky further provided additional details about the proposed use of the land; 7 mining containers and a sound wall. He provided examples of noise with their corresponding decibel levels, speaking, street noise, ambient and white noise. All tests are based around decibel levels. Atlanta Pro AB conducted testing of decibel levels at E. Main, Berner Ave and next to the sub-station. The results of the testing indicated that Berner Ave was the loudest, 50 – 60 db. E. Main ranging low to mid 50'sdb, and the sub-station was the quietest 40-55 db. A 45 decibel is the desired noise level for this site. The noise reduces substantially the further you are from the containers. Mr. Persky provided additional details of the proposed use of the land; liquid cooling containers, air cooled containers, a noise panel 9 feet tall that would decrease the decibels.

Ms. Libby King at 321 E. Main Street spoke against zoning request. Her concerns are the noise levels, lack of information provided timely. She feels the times of the noise testing was not done at appropriate times considering the machines will be ran 24 hours a day, 7 days a week. She also was concerned as to how many complaints would be needed to use the quieter option of cooling container compared to the first option after the initial installation.

Mr. Corbin Dodd at 264 Sunset Terrace spoke against the zoning request. He stated that crypto currency is not legal tender; it's useless until converted into officially backed currency. He expressed his concerns about the noise, a public nuisance. He doesn't trust a company that has profit interests above our community's interests. He further stated that he's concerned about potential brown outs, each transaction drains power. He feels utilities will be strained in the city; it's so wasteful for our planet.

Ms. Joan Wackter at 37 S. Berner Avenue spoke against the zoning request. She feels property values will decrease in the area; she is the closest house to the proposed property.

Mr. Howell Newton at 219 Brooklyn Avenue spoke against the zoning request. He feels there was not sufficient notice provided about the proposed request for planning and zoning. The project is within 200 yards of property his family owns. He feels the city doesn't need this business.

Mr. George Emami spoke against the zoning request. He lives near the interstate; owns five houses adjacent to the property. He expressed his concerns about the noise generated from the bitcoin mining.

Mr. Richard D. Clements at 305 E. Main Street spoke against the zoning request. He provided some historical information on the houses in the area. He feels there's enough noise that would occur constantly in the area. He requested to stop spot zoning within the city; he referenced a recent story in the local paper.

Mr. Otis Ingram at 5327 Highway 41 S spoke against the zoning request. His concerns are the noise, and he feels property values will decrease. He recommended placement of the bitcoin mining containers be in the industrial park.

Mr. Darren Latch at 285 E. Main Street spoke against the zoning request. A petition was presented to council by whom all have signed that would be affected by the rezoning request. Mr. Latch is concerned about the noise, the decibel level and the possibility of health issues directly related to noise. Mr. Latch referenced information from the City's charter, and planning and zoning on the city's website.

Mr. Collier McKenzie from Macon played audio recording from Adel. He referred to section 30.7A of the code of ordinances. He feels the property is best suited as residential; the noise will be an issue and will continue to only get louder.

Ms. Jane Garrett owns property at 321 E. Main Street. She stated that it's likely downtown and the neighborhood will be ruined if the rezoning is passed.

Mr. Persky was given the opportunity to address certain concerns mentioned during the public hearing. He admitted he was incorrect with the data presented at the first meeting. He stated the testing company determined the day and time of the noise testing. He has no issue using a water container if council requests but had hoped to use a fan container. Mr. Persky further stated crypto currency like bitcoin comparatively is relatively stable; it performs like the stock market. A power purchase agreement will be made with the city; we are tied to the amount of power that is at the sub-station. The agreement will define the amount of power we can use. We can't exceed that amount of power. It costs about \$100 a month to run each machine. Mr. Persky also stated that through many references he's been tied to the project in Adel. His company is all American, one of the oldest in the United States in the mining industry. They have no litigation at any of their sites. There is no relation between Wattum and the project in Adel.

Mr. Cromer inquired if Kazakhstan operates a crypto mining farm there still. He feels that the amount of electricity being used would be a concern.

Mr. Persky stated the power substation would not be taxed more than its capability.

There being no further comments for or against the proposed zoning request Mayor Wilson closed the public hearing. Mr. Goolsby offered a motion to deny the request. Seconded by Mr. Stroud.

Mr. Goolsby stated he feels a lot of good comments were made tonight. He respects Mr. Persky; his presentation was very informative. He received many calls he wanted to hear pros and cons of the proposed project. Certainly, the city could benefit from the sale of the electricity; it's an awesome business plan but at a bad location. Mr. Goolsby further stated capacity could be an issue in the future; we are growing rapidly. However, smart growth is necessary. We deal with proper growth through our zoning approval process. We need to be good stewards of our power and how it's used.

Mr. Lawrence stated council is here to listen to the citizens; we need to go along with their requests as we work for the citizens of Forsyth.

Mayor Wilson stated the approval process worked as it is designed to. We can't circumvent the process; many of you wanted us to make statements or indicate how we would vote. That is premature and unfair to the process, which is prescribed in law. It's required that we have a public hearing before a decision can be made. Council is at a bit of a disadvantage while the process is working out; we can't indicate how we may vote. The process is designed to work. Zoning issues are the most contentious issues; because if someone wants to develop their personal property; sell it against a someone's peaceful enjoyment of the use of their property. These are always controversial. These issues are so important because we care about our property and how it gets used. Our efforts are always to do what's right and best for the community.

The meeting reconvened after a brief recess.

Approval of Fitzgerald Intergovernmental Agreement and resolution executing delivery and performance of intergovernmental agreement.

Mr. Dodd offered a motion to approve the intergovernmental agreement and resolution as presented. Seconded by Mr. Lawrence; the motion carried unanimously.

Approval of agreements with Basic Benefits, LLC.

Mr. Stroud offered a motion to approve the agreements with Basic Benefits as presented. Seconded by Mr. Hewett; the motion carried unanimously.

Approval of agreement with Charlie Gatlin for consulting services.

Ms. Hall stated the agreement with Charlie Gatlin, LLC is to assist economic development issues, update the job description for the Economic Development position, and assist with recruitment for that position. Consulting services are \$3000 a month for February and March 2022; if extended would be on a month-by-month basis.

Mr. Hewett offered a motion to approve the agreement with Charlie Gatlin as presented. Seconded by Mr. Dodd; the motion carried unanimously.

Approval of travel request & associated costs for Councilmember Chris Hewett.

Mr. Dodd offered a motion to approve travel and associated costs for Councilmember Hewett as presented. Seconded by Mr. Stroud; the motion carried with five votes (Dodd, Goolsby, Stroud, Lawrence, and Howard). Mr. Hewett abstained from voting.

Approval of payment to American Craftsman Homes.

Mr. Hewett offered a motion to approve payment to American Craftsman Homes as presented. Seconded by Mr. Dodd; the motion carried unanimously.

Approval of preliminary plat for Quiktrip.

Mr. Goolsby offered a motion to approve the preliminary plat of QuikTrip as presented. Seconded by Mr. Hewett; the motion carried unanimously.

Scott Bogulski – discussion about morale at police department & personnel.

Mr. Bogulski at 390 Sunset Terrace stated that in June 2020 he spoke with police officers who were complaining about minimal equipment they were being provided to work with; over time that discussion changed to promises made by the police chief to recruit officers to come to Forsyth that were not being honored. Over a couple months' time the discussion turned police employees who were filling roles of promoted positions but had not received the compensation that was for those positions. When the police chief was asked about the increases several of the employees were told to be patient. On September 24th Mr. Bogulski asked the chief to provide emails between himself and Janice Hall to show that he was negotiating for his staff to get the raises. Mr. Bogulski further stated that the Chief responded that no employee had been promoted that year so no communication with Janice Hall was needed regarding the raises. He now knows that on March 16th Janice Hall reached out to the Regional Commission in regard to pay scales for assistant chief, sergeant over investigations and the expanded duties assigned to an administrative assistant. On June 11th Janice Hall mentions to the Regional Commission in an email that she had just met with Chief Harris about these positions and pay adjustments. For Chief Harris to say that he didn't know anything about it and there weren't any raises that was proven to be untrue; there were discussions that were had about these positions. Alexander Daniels is and was performing the duties of Assistant Chief. Tellas Daniels moved into Alexander Daniels' old office as the lead investigator. Office Malone was doing the work of officer and code enforcement; he was promised a small raise for that at the time all this began they had not yet received. Administrative Assistant, Amy Hudson was doing her, the job she was hired for. She also took over the duties of Gloria Buckner who retired, who was the administrative assistant who focused on being the terminal agency coordinator. Since September everyone has been made right; several employees have received raises, he's heard that one person received back pay prior to going to Fort Valley. At this time Amy Hudson has not been made right. When Gloria Buckner retired Amy Hudson was not asked if she wanted to take over at the terminal agency coordinator, she was told that she would be doing that. She was recently audited and was told her scores were better than any audit done by Gloria Buckner previously. Mrs. Hudson per Mr. Bogulski is now doing the job she was hired for as well as the work performed by Ms. Buckner. Mr. Bogulski further stated that Mrs. Hudson asked about a pay increase when she assumed Ms. Buckner's duties; she was told that as soon as Ms. Buckner was off the payroll, she would be looking at a pay raise. A year has passed, Amy Hudson is TAC certified and is doing the job of two employees. Janice Hall has been working on getting a pay rate since March of last year and wants to start again by reaching out the Regional Commission. Mr. Bogulski stated he's here because he feels her direct supervisor and the city manager has failed her. He would like for council to direct the city manager to stop sending documents to the Regional Commission; direct her to decide and recognize this employee has done a great job for over a year. Mr. Bogulski feels Mrs. Amy Hudson deserves a supplemental increase in pay for the additional duties; and back pay for the time this matter has been unresolved.

Authorize Mayor to sign MOU with GDOT for utility relocation during CVL Project at Developers expense.

Mr. Stroud offered a motion to approve the memorandum of understanding with Georgia Department of Transportation as presented. Seconded by Mr. Hewett; the motion carried unanimously.

City Manager's Report

Ms. Hall provided the following report:

- Employee cases of Covid have greatly reduced, so we are reducing our requirements for mask by employees in city buildings.

- Carlos is scheduled for early March to start prep work to open Splashpad for the season and do some maintenance/repairs that he said would be best to do in early Spring rather than when closing for the season.
- GDOT was paving South Lee and MLK last week; I have contacted them to verify they are returning to complete the work especially on MLK.
- Our stock of ¾" meters has been depleted and even though a large reorder was approved couple months back, manufacturers have not been able to fulfil our order; they anticipate delivery mid-year; we are adapting lines to 1" meters which are available, but that supply may soon run out as well.
- Regina and her staff were able to obtain email addresses for all but 4 employees to have direct deposits emailed rather than printed. She and her staff are working to implement paperless billing along with text, email, and phone calls for certain other areas. We are hoping to be able to use this system to send text messages for boil water notifications but having to verify with EPD that this method will be acceptable by them as notification to the customer.
- Contractor continues to cut ROW for electric lines around the city. They should be cleaning up behind what they clean. As our crews' clear lines, our grapple truck comes behind them to do the cleanup and sometimes that takes a day or two for them to get to the debris and get all picked up.
- Waste Management pickup appears to have improved. Since 1/20 we have submitted 44 workorders, 13 of those were for new or replacement carts needed, and the majority of the workorders were within a week of WM coming before council. Please continue to contact City Hall for missed recycle or garbage pickups.
- Kickoff meeting Friday with Davenport for refinancing/bonding for City Hall loan and possibly for Park Plan Project. They will put together some "what if" scenarios and return to meet with council. Would like to hold a work session at that time to review their information.
- Letters have been mailed to abutting property owners to Big Peach Car Wash property for acceptance or objection to their request for an administrative variance to the setback of their building. Setback requirement is 25' and the southeast corner of their building was surveyed to be 21.96'. The abutting property owners have 10 days to respond back.
- Fireworks location – did not hear back from anyone other than Mr. Stroud stating during the last meeting that he is okay with fireworks remaining at County Recreation Complex.
- Reported at the last council meeting that Monroe County Commissioners had approved changing the due date of property taxes to November 15; they have reconsidered that and have approved the due date of December 1 for this year and then November 15 beginning with the 2023 property taxes.
- After meeting with Hofstadter & Associates on various issues, we submitted the 2022 LMIG streets as Jenay Court and Adams Street from Lee to Jackson. We did not submit Brookwood Drive area in anticipation of CDBG being awarded and will submit for resurfacing after the new water lines are installed.
- The RFP for work to install new storm drain lines on Adams Street from beside Castleberry Drug to Jackson Street is out for bids. Bids are due March 3 and a recommendation will be presented to Council at the March 7 council meeting.
- Work on the 2022 CDBG has begun. Sunset Terrace area, Brookwood Drive area, and Union Hill are the areas we are submitting and will need the survey letters completed on. New letters will go out soon from the RC to those that did not respond last year. We need everyone in that area to return those survey letters to help us get awarded the CDBG water line replacement in those areas for 2022.
- Regina and I met with Landon Sparks regarding Summer Camps; they will create requirements for minimum camp timeframes to ensure camps are beneficial; have had some that were 30-minute camps; will also look at instructor pay compared to time invested in camps.
- Rosemary Walker added additional banners to commemorate Black History
- RFP for artist is being advertised for Unity Sculpture at City Hall. Applications due February 25
- Sent out email reviewing staffing requirements in departments. Want to ensure that everyone agrees with Department Heads making the determination of number of employees needed for their department and to address some of the salary needs in departments but remaining within approved salary budget amounts.

Mr. Stroud offered a motion to allow department heads to determine staffing needs based on approved salary budgets for their departments. Seconded by Mr. Hewett; the motion carried unanimously.

Hearings

- QuikTrip has submitted their application for beer and wine package. That application has been submitted to Mr. Melton for review and will come before Council at the February 21, 2022, meeting.

Planning & Zoning:

- Public hearing for Conditional Use request for a Senior Care Facility at 24 Clearview Avenue was approved by P&Z and will come before council for a public hearing.
- Public hearing for Conditional Use request for a private playground and Variance for 5' chain link fence at 95 West Morse Street was approved by P&Z and will come before council for a public hearing.

Mr. Howard inquired about the eviction that occurred on the belongings being on the street at Sharp Street. Ms. Hall reviewed eviction laws. The city only picks up yard debris. Waste Management will only pick up for active utility accounts. If police department can't determine how to best handle, we can pick up the belongings and charge the property owner the cost. Mr. Howard also mentioned an issue that had occurred recently regarding his bulk waste with a Waste Management driver.

Mr. Stroud stated that action needs to be taken about the house on Stroud Street that burned down; it's unsafe just as Mr. Otis Ingram's property the Senior Center. Mr. Stroud inquired if the city could set out dumpsters once a year to allow citizens to discard items except tires and paint.

City Attorney Report

Mr. Melton stated that on blighted projects those items need to be reported to him to begin the process filed within city court. Clarification was provided on the 200-year-old state law regarding evictions; state law can be amended. Mr. Melton will research.

Mr. Melton also stated the legal ad for QuikTrip, beer and wine package license application will be presented to council on February 21st. The conditional use request ordinance for 24 Clearview Avenue is currently being ran and will be presented to council on March 7th. The public hearing for the conditional use and variance for the Baptist Church is also being advertised.

Mayor's Report

Mayor Wilson had no further business to report.

Council Board Reports

Mr. Lawrence stated a Regional Commission meeting will be held on February 10th at 5:30 p.m. in Macon.

Mayor Wilson mentioned he recently formed a Pickle Ball Task Force to investigate the feasibility of Pickle Ball in Forsyth.

Mr. Hewett stated the Housing Authority meets February 8th at 3p.m. at City Hall.

Additional Business

No additional business was brought forward.

Public Comments

Mr. Bazemore expressed his appreciation for council taking the time to listen to the citizens of Forsyth.

Mr. Scott Bogulski inquired about the RFP on Adams Street regarding the draining issue. He stated that in 2004 – 2006 when he drove firetrucks; we didn't have to walk through inches of water. He inquired with Ms. Hall when the storm sewer lines were cleaned; no records exist. Mr. Bogulski also stated that two department of transportation engineers in 2020 recommended they be cleaned. It hasn't been done. Per industry standards storm drain lines are supposed to be cleaned between every year to every 5 years. He requested that routine maintenance be done.

Executive Session

No executive session was held.

Adjourn

There being no further business to discuss the meeting adjourned at 9:19 p.m.