

**MINUTES  
FORSYTH CITY COUNCIL CALLED MEETING  
JANUARY 22, 2019**

**CALL TO ORDER, PLEDGE OF ALLEGIANCE, INVOCATION, AND ROLL CALL**

Mayor Wilson called the Called Council meeting to order at 5:30 pm and led the Pledge of Allegiance. Mr. Hewett offered the invocation. Present for the meeting was Mayor Eric Wilson, Councilmembers Mike Dodd, Julius Stroud, Greg Goolsby, Chris Hewett, and Melvin Lawrence. Also present was City Attorney, Bobby Melton, and City Manager, Janice Hall.

Councilman Howard was not present for the meeting; therefore, all unanimous votes will be five (5) votes (Dodd, Stroud, Goolsby, Hewett, and Lawrence).

**PUBLIC HEARING – PETITION OF NORFOLK SOUTHERN CORPORATION REQUESTING AN ORDER TO ELIMINATE CROSSING AT INDIAN SPRINGS DRIVE (SOUTH CROSSOVER CROSSING)**

Mr. Melton reviewed the Petition received from Norfolk Southern and stated that the Public Hearing has been properly advertised in the January 2, 9, and 16 issues of the Reporter. Mayor Wilson acknowledged that GDOT representatives were present, no one was present from Norfolk Southern, and the city consultant, Mark Jones, was present. Mayor Wilson opened the public hearing for comments for or against the Petition received from Norfolk Southern to close the crossing at Indian Springs Drive and asked for a show of hands for those present wishing to speak in favor of approving the Petition to close the crossing and there were none. Mayor Wilson asked for a show of hands for those present wishing to speak against approving the Petition to close the crossing and there were several that raised their hand. Mayor Wilson reviewed the rules for speaking during the public hearing and requested that each person state their name and address before speaking on the matter.

Mr. Phillip Rhodes, 278 Collier Road, addressed council stating that he uses that crossing regularly to go to doctor and to the store; that the crossing further north is a dangerous crossing; witnesses a lot of walking traffic using the crossing; and closing the crossing would be an inconvenience for him.

Mr. Lamar Russell, 106 Mornside Drive, addressed council stating that two crossings north of this one was closed several years ago and this crossing needs to remain open; the next crossing north is more dangerous than this one; crossing is used by a lot of people; does not see a reason to close the crossing; and it is more convenient for him to use this crossing than the others.

County Commission Chair, Greg Tapley, addressed council on behalf of his constituents that have contacted him requesting that the crossing remain open. Chairman Tapley stated that County Fire Chief and EMA Director, Matt Perry, has requested that the crossing remain open for emergency vehicles.

Ms. Carol Sanders, 171 W. Johnston Street, addressed council stating that she works on Lee Street and it is a very busy street and closing the crossing at Indian Springs Drive will only increase the traffic on Lee Street and make it worse.

Mayor Wilson asked if there were any other wishing to speak in favor of or against the Petition and no one came forward. Mayor Wilson closed the public hearing.

Mr. Kevin Cowan, GDOT, addressed council and reviewed the process and factors that GDOT looks at to consider closing a crossing, stating that GDOT makes the final decision but either side can appeal their decision. Mr. Dodd asked which office makes the final decision and Mr. Cowan stated that decision is made in the Atlanta office. Mr. Russell asked Mr. Cowan how many closings are approved each year

and Mr. Cowan stated that it varies year to year. Mr. Russell asked Mr. Cowan how many crossing have been closed in Monroe County and Mr. Cowan stated that he would have to look that information up.

At 5:45 pm several citizens entered the meeting room and stated that they were told the public hearing began at 6:00 pm. Mayor Wilson asked council if they wanted to continue with the discussion or if council would approve to reopen the public hearing for additional comments. Council agreed to reopen the public hearing for comments.

Mayor Wilson reopened the public hearing and asked for a show of hands for those present wishing to speak in favor of approving the Petition to close the crossing and there were none. Mayor Wilson asked for a show of hands for those present wishing to speak against approving the Petition to close the crossing and several raised their hand.

Mayor Wilson stated that council voted to hire a consultant to assist not only with the evaluation of the crossings but to provide advice to the city during the process to follow the receipt of the Petition from Norfolk Southern. The city hired, Mark Jones, DRMP, Inc., to assist and called on Mr. Jones to review his findings. Mr. Jones addressed council stating that he has 35 years in the railroad industry. Mr. Jones stated that the evaluation form the railroad uses to evaluate crossings provides information used to determine if a crossing should be closed and crossings grading 5 or above are generally considered for closure. Mr. Jones reviewed his evaluation of the crossing and stated that there are two areas that he has not completed yet but should have those complete next week.

Mayor Wilson called on those wishing to speak against the closing of the crossing. Ms. Bridgett Bryant, 295 Newton Road, Juliette and owner of Bryant Collision, 177 N. Indian Springs Drive, addressed council stating this is the 5<sup>th</sup> time she has attended a meeting to keep this crossing open. Ms. Bryant presented information stating that the State approved \$255,000 in August 2017 to add gates at this crossing but nothing has been done; last traffic count available is from 2013 and that shows 10,000 people per day use that crossing but at the last meeting GDOT stated that 10,000 people per week use the crossing; has witnessed emergency vehicles, except fire trucks, use the crossing on a regular basis; reviewed the Federal Highway Fast Act; provided information that the cost to upgrade the crossing would be between \$185,000 and \$400,000 not the millions figure presented by the railroad at the last meeting; stated that the Rumble Road crossing where an accident occurred last week has funds assigned to it as well but nothing has been done; only four accidents have occurred on this crossing since it was established in 1969; has owned her business which is located across from the crossing and no improvements have been done on the crossing during those five years except replacing of asphalt twice; and not opposed to partnering with the city to hire an attorney to defend against this Petition. Mr. Cowan questioned the number of people that Ms. Bryant stated use the crossing, stating that the table she is referring to shows 1,000 not 10,000 and Ms. Bryant responded that the table she reviewed provided the numbers in thousands. Ms. Bryant also asked Mr. Cowan about the annual maintenance fee that is funded to the railroad and where those funds are to which Mr. Cowan did not respond. Ms. Bryant stated that she does not see how the railroad can state they want to close the Indian Springs crossing for public safety when they will not upgrade the other crossings that need to be upgraded and that Tift College Drive does not even have crossing arms and there were two accidents there last year.

Mayor Wilson asked if there was anyone else that wished to speak either for or against the closing of the crossing and no one came forward so Mayor Wilson closed the public hearing. Mayor Wilson asked how council wished to proceed. Mr. Lawrence stated he is against closing the crossing; that the railroad

needs to add the mechanisms to all of the crossings for public safety; people need to be careful when crossing any railroad crossing; and if this one is closed, it would be a long distance between crossings. Mr. Hewett stated that he would like an explanation as to why gates have not been installed on Tift College if the railroad is truly concerned about public safety. Mr. Stroud voiced his opposition to closing the crossing and stated that the city has done its due diligence and there are stop signs on both sides of the crossing so people should stop before crossing. Mr. Dodd stated that he uses this crossing daily if not multiple times daily and opposed to closing any crossing.

Mr. Stroud offered a motion to keep the crossing at South Crossover open and Mr. Lawrence seconded the motion. Mr. Melton stated that the motion to deny the Petition of Norfolk Southern requires specifics as to why denying. Mr. Stroud withdrew his motion.

Mr. Stroud offered a motion to deny the Petition from Norfolk Southern due to public opinion and inconvenience to public to close; inconvenience to City to close; and no findings have been presented that the crossing is unsafe. Seconded by Mr. Hewett, the motion to deny the Petition carried unanimously.

There being no further business for the called meeting, the meeting was adjourned at 6:10 pm.

Submitted by:

Janice L. Hall, City Manager

## **MINUTES**

### **FORSYTH CITY COUNCIL MEETING**

**JANUARY 22, 2019**

#### **TO ORDER AND ROLL CALL**

Mayor Wilson called the meeting to order at 6:15 pm following the public hearing adjournment and a brief recess. Present for the meeting was Mayor Eric Wilson, Councilmembers Mike Dodd, Julius Stroud, Greg Goolsby, Chris Hewett, and Melvin Lawrence. Also present was City Attorney, Bobby Melton, and City Manager, Janice Hall.

Councilman Howard was not present for the meeting; therefore, all unanimous votes will be five (5) votes (Dodd, Stroud, Goolsby, Hewett, and Lawrence).

#### **APPROVAL OF AGENDA**

Mr. Stroud offered a motion to approve the agenda as presented. Seconded by Mr. Hewett, the motion carried unanimously.

#### **APPROVAL OF MINUTES OF THE JANUARY 4, 2019 COUNCIL MEETING**

Mr. Goolsby offered a motion to approve the minutes as presented. Seconded by Mr. Stroud, the motion carried unanimously.

#### **PUBLIC HEARING – BEER AND WINE POURING LICENSE FOR JONAH’S ON JOHNSTON, 26 E JOHNSTON STREET – CHANGE OF OWNERSHIP TO ERIC THOMAS**

Mr. Melton reviewed the application for beer and wine pouring license for the new owner of Jonah’s on Johnston at 26 E Johnston Street and stated that all information has been presented to the clerk’s office and the matter has been properly advertised in the January 2 and 9 issues of the Reporter. Mayor Wilson opened the public hearing for comments for or against the approval of the license. Mr. George Emami came before council and stated that we are lucky to have this business remain open. Hearing no further comments, Mayor Wilson closed the public hearing. Mr. Stroud offered a motion to approve the beer and wine pouring license for Jonah’s on Johnston as presented. Seconded by Mr. Hewett, the motion carried unanimously.

#### **PUBLIC HEARING – HEIGHT VARIANCE REQUEST FROM HEJ PROPERTIES FOR PROPERTY 053 012 LOCATED OFF COLLEGE STREET**

Mr. Melton reviewed the application stating that the property is located off College Street; current zoning is Highway Business and that will remain unchanged; maximum structure height is 45’ and they are requesting height of 83’; and the matter has been properly advertised in the January 2, 9 and 16 issues of the Reporter. Mr. Melton stated the same location will have a Conditional Use Public Hearing before council on February 4, 2019 due to request not being received at the same time as the variance request. Mayor Wilson opened the floor for public comments for or against the approval of the variance request. Zoning Officer, Tammie Pierson, came before council and stated that Planning & Zoning Board recommends approval of the variance request from 45’ to 83’. Mr. McKenzie Davenport, HEJ, came before council to review the project and stated that due to the topography of the property there will be very limited site from the highway of the silo. Mr. Davenport passed out a handout and reviewed the location of the site with location of building and silo, stating that the silo will be approximately 12’ in diameter and 83’ tall. Mr. George Emami, realtor for the project, came before council stating that the property has been being used as a storage area for couple of years and this project will be a great fit for the area and

will get the property cleaned up as well. Hearing no further comments, Mayor Wilson closed the public hearing.

Mr. Hewett offered a motion to approve the height variance request to 83'. Seconded by Mr. Dodd, the motion carried unanimously.

**APPROVAL OF STREET CLOSURE REQUEST FROM THE PICKLED OKRA TO CLOSE NORTH JACKSON STREET BETWEEN JOHNSTON STREET AND ADAMS STREET ON MAY 11, 2019 FROM 8:00 PM – MIDNIGHT FOR AN OUTDOOR CONCERT**

Ms. Hall reviewed the application and information from Mr. Melton regarding the sale of alcohol in the location as approval of the street closure request temporarily extends the boundaries of the business to the approved area. Mr. Melton stated that the ordinance needs to be amended regarding street closure request that include alcohol sales. After a lengthy discussion regarding the proximity of the street closure and the Presbyterian Church, Mr. Hewett offered a motion to approve the street closure request. Seconded by Mr. Stroud, the motion carried unanimously.

**APPROVE STREET CLOSURE REQUEST FOR FORSYTHIA FESTIVAL MARCH 8-10**

Mr. Goolsby offered a motion to approve the street closure request for the Forsyth Festival as presented. Seconded by Mr. Stroud, the motion carried unanimously.

**APPROVE STREET CLOSURE REQUEST FOR FORSYTHIA HELLO YELLOW 5K FEBRUARY 23**

Mr. Hewett offered a motion to approve the street closure request for the Forsyth Festival 5K Race as presented. Seconded by Mr. Lawrence, the motion carried unanimously.

**APPROVAL OF SERVICE DELIVERY STRATEGY AGREEMENT WITH MONROE COUNTY**

Ms. Hall reviewed the change being made for each service.

Mr. Dodd offered a motion to approve the Resolution approving the Service Delivery Strategy and authorizing Mayor Wilson to sign the necessary forms. Seconded by Mr. Hewett, the motion carried unanimously.

**APPROVAL OF ACCOUNTS PAYABLE INVOICES - \$204,359.27**

Ms. Hall reviewed the invoices by department for a grand total of \$204,359.27 and stated that invoices for Dodd Builders Supply are included in the totals.

Mr. Hewett offered a motion to approve the invoices as presented. Seconded by Mr. Lawrence, the motion carried with four (4) votes for (Stroud, Goolsby, Hewett, and Lawrence) and one (1) abstention (Dodd).

**APPROVAL OF REQUISITIONS GREATER THAN \$5,000**

**Core & Main – electric meters - \$7329**

**ADC – captor chemical - \$7484.40**

**BBP Sales – parts & labor to replace recorder/totalizer - \$5661.83**

**Gresco Utility – stock material - \$6572.50**

Mr. Dodd offered a motion to approve the requisitions greater than \$5,000 as presented. Seconded by Mr. Hewett, the motion carried unanimously.

**REPORTS**

**CITY MANAGER REPORT**

Ms. Hall offered the following report:

- GMA Mayors Day conference is this weekend – check in on Friday; classes are on Saturday; retreat is on Sunday morning

- Chamber annual event is this Friday
- One Monroe quarterly meeting is Tuesday January 29 beginning at 5:30 pm at the MC Conference Center
- MainStreets first event for 2019 will be in April with concert and Kite Day
- Police department has their state recertification process next Monday & Tuesday
- Need to decide if we want to reapply for water lines on Blount Street or for sewer lines in Bibb Mill area that does not have sewer and currently experiencing problems with septic tanks
- Had meeting last week with the 3 firms that will make their presentations on their companies on February 4; presentations will not be what they see being the final product but how their firm will go about the process and what they see needs to take place to have a full park plan
- Had meeting last week with Regional Commission on pay plan; working with department heads to determine new positions that need to be added; reviewing organizational charts for all departments for changes; Regional Commission busy with grant applications through end of March then will begin the review of the plan
- Restroom remodel is still on schedule for mid-February
- Ga Trust will be visiting several historic buildings/homes in June and they have chosen to include the Welcome Center and American Legion Hall building in the tour; will have around 300 visitors taking the tour at various times throughout the day; more information as I receive it
- LWCF grant pre-application was approved to move forward to next phase of grant funding; this is a 50/50 grant for work on the tees and bunkers at the golf course
- Help get the word out to citizens to lock their vehicles and not leave valuables in their vehicles; 3 guns were taken from unlocked vehicles just last week
- Reporting since last August that GDOT was removing trees in their ROW and that I and Rickey Shannon had met with the contractor; Mr. Shannon assessed the trees and those marked are the ones that are diseased and have tremendous die-back in the crowns and are hazardous to pedestrians and motorists in the area; GDOT will be removing the trees that are marked in the next couple of weeks
- Tree Board met January 17 – Arbor Day will be February 15 with dogwoods and crape myrtles being given away at United Bank and Persons Bank; want to remove existing dogwoods at post office and replace with dogwoods; working on trees in arboretum; golf tournament will be April 19; and next Tree Board meeting March 21
- Advance Disposal was closed on Monday in observance of Martin Luther King Jr holiday so all pickup this week will be delayed by one day
- Update on front of city hall annex – removed stucco and there is no brick under lower portion; want to go back to glass storefront type; where the storage closet is now was also a glass display not sure how that will be configured

#### **CITY ATTORNEY REPORT**

Mr. Melton stated that a draft of the ordinance amendment relating to naming of buildings was submitted and Ms. Hall stated that she did not include that on the agenda due to not knowing the timeframe for the public hearing for the Railroad Petition. Council agreed to discuss this matter at the council retreat.

**MAYOR'S REPORT**

Mayor Wilson stated that we will have a ceremonial signing of the Service Delivery Strategy at the One Monroe meeting on January 29<sup>th</sup>. Mayor Wilson stated that Chairman Tapley asked him to pass on to council his thanks for the show of good faith shown at tonight's meeting in councils willingness to work with the county commission.

**ADDITIONAL COUNCIL REPORTS**

Mr. Lawrence reported that he has been asked by GMA to assist with the Newly Elected Official training at 8:00 am on Sunday during the GMA Mayor's Day Conference but he should be finished in time to attend the 9:00 am council retreat.

**PUBLIC COMMENTS (MAYOR WILSON TO REVIEW RULES FOR PUBLIC COMMENTS)**

**PUBLIC COMMENTS**

Mr. George Emami thanked council for their service and stated that he had heard horror stories regarding the city/county relations and since taking office he has not seen anything but willingness to work together. Council thanked Mr. Emami for the county commission's willingness to work with the city as well.

**EXECUTIVE SESSION**

Mr. Stroud offered a motion to adjourn into executive session for the purpose of land transactions, pending litigation, and personnel matters. Seconded by Mr. Dodd, the motion carried unanimously and council adjourned into executive session at 7:16 pm.

Mayor Wilson called the meeting back into open session at 7:47 pm.

**ADJOURN**

There being no further business to discuss, the meeting was adjourned at 7:48 pm.

Submitted by:  
Janice L. Hall, City Manager