

## City of Thomasville Council Meeting, October 14, 2019

The Council of the City of Thomasville met in regular session with Mayor Greg Hobbs presiding and the following Councilmembers present: Mayor Pro Tem Terry Scott; and Councilmembers Jay Flowers, David Hufstetler and Todd Mobley. Also present were the City Manager, J. Alan Carson; City Attorney, Tim Sanders; other staff, members of the press and citizens. The meeting was held in Council Chambers at 144 East Jackson Street, Thomasville, Georgia.

### **CALL TO ORDER**

Mayor Hobbs called the meeting to order at 6:00 PM.

### **INVOCATION**

Given by Councilmember Flowers.

### **PLEDGE OF ALLEGIANCE**

Mayor Pro Tem Scott led the Pledge of Allegiance.

### **APPROVAL OF MINUTES**

Mayor Pro Tem Scott motioned to approve the minutes of the regular City Council Meeting of September 23, 2019 as presented. Councilmember Flowers seconded. There was no further discussion. The motion passed 5-0, with the following votes recorded:

AYES: Mayor Hobbs, Mayor Pro Tem Scott and Councilmembers Flowers, Hufstetler and Mobley.

### **CITIZENS TO BE HEARD**

Mayor Hobbs acknowledged the following citizens as listed on the Citizens to be Heard Sign in sheet:

1. Stephan Thompson, 218 Short Street, Thomasville, Georgia, addressed Council with concerns of the appearance of lack of progress with Weston Park improvements. Thompson reviewed the community involvement and outline of the park's vision plan. City Attorney Sanders briefly reviewed the background of the Weston Park project and its current status. It was noted that the Douglas Alumni Association had received/reviewed a copy of the lease agreement. Sanders stated the Douglas Alumni Association had requested the City of Thomasville to indemnify the Alumni and the City is prohibited by law for such action. Sanders reported the City of Thomasville is currently pursuing option for private insurance.
2. Keith Thomas, 432 Woodgate Lane, Thomasville, Georgia, declined his opportunity to address Council at this meeting when acknowledged by the Mayor.

### **PRESENTATIONS**

There were no presentations given at this meeting.

### **ADOPT AGENDA**

City Manager Carson requested to remove the sole item listed under Consent Agenda as this item will require further discussion prior to Council approval.

Councilmember Mobley motioned to approve the agenda, with the removal of the Consent Agenda item as requested and presented. Councilmember Hufstetler seconded. There was no further discussion. The motion passed 5-0, with the following votes recorded:

AYES: Mayor Hobbs, Mayor Pro Tem Scott and Councilmembers Flowers, Hufstetler and Mobley.

### **OLD BUSINESS**

**Second reading of an ordinance to amend text of Thomasville Municipal Code, Chapter 9 Historic Preservation, Section 107, to ensure compliance of State Law regarding time limit for action on Certificate of Appropriateness application.**

City Planner, Kenneth Thompson, presented. Thompson reported there had been no changes to the ordinance following the first reading on There have been no changes to the ordinance from the first reading. Thompson noted the adoption of this ordinance places the City of Thomasville in compliance with state law and meets the requirements of the State Historic Preservation Office (SHPO), Georgia Historic Preservation ACT (GHPA); as well as the City's Certified Local Government (CLG) status.

Councilmember Flowers motioned to order the ordinance, as presented, read for the second time, passed and adopted. Councilmember Mobley seconded. There was no further discussion. The motion passed 5-0, with the following votes recorded:

AYES: Mayor Hobbs, Mayor Pro Tem Scott and Councilmembers Flowers, Hufstetler and Mobley.

The ordinance ordered read for the second time, passed and adopted follows:

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF THOMASVILLE BY AMENDING SECTION 9-107 CAPTIONED "TIME LIMIT FOR ACTION ON APPLICATION" OF ARTICLE V CAPTIONED "CERTIFICATE OF APPROPRIATENESS" OF CHAPTER 9 CAPTIONED "HISTORIC PRESERVATION" BY CHANGING THE APPROVAL OR REJECTION OF AN APPLICATION FOR A CERTIFICATE OF APPROPRIATESS FROM WITHIN SIXTY (60) DAYS AFTER FILING TO FORTY FIVE (45) DAYS AFTER FILING; TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH; TO PROVIDE AN EFFECTIVE DATE FOR THIS ORDINANCE; AND FOR OTHER PURPOSES.

#### SECTION I

BE IT ORDAINED by the Council of the City of Thomasville, and it is hereby ordained by the authority of the same, that the Code of the City of Thomasville is hereby amended by changing the approval or rejection of an application for a Certificate of Appropriates from within sixty (60) days after filing to forty five (45) days after filing of section 9-107 captioned "Time Limit for Action on Application" of Article V captioned "Certificate of Appropriateness" of Chapter 9 captioned "Historic Preservation".

#### Section 9-107 Time limit for action on application.

The commission shall approve or reject an application for a certificate of appropriateness within forty five (45) days after the filing thereof by the owner or occupant of a historic property, or of a structure, site, object, or work of art located within a historic district. An application will not be considered filed until all required information is submitted with the application. Evidence of approval shall be a certificate of appropriateness issued by the commission. Notice of the issuance or denial of a certificate of appropriateness shall be sent by United States mail to the applicant and all other persons who have requested such notice in writing filed with the commission.

#### SECTION II

BE IT FURTHER ORDAINED that this ordinance shall become effective immediately upon its final adoption and passage.

#### SECTION III

BE IT FURTHER ORDAINED that all ordinances or parts of ordinances in conflict herewith are hereby repealed for the purposes of this ordinance only.

#### SECTION IV

BE IT FURTHER ORDAINED that upon its final adoption the provisions of this ordinance shall be made a part of the official codified ordinances of the City of Thomasville.

#### SECTION V

This ordinance was read for the first time at a lawful meeting of the Council of the City of Thomasville on September 23, 2019, and read the second time, passed and adopted in a like meeting held on October 14, 2019.

## NEW BUSINESS

**Resolution of emergency for the first and second readings, at this meeting, of an ordinance authorizing the transfer of 402 Victoria Place, Parcel 3-A, from the City of Thomasville to the Thomasville-Thomas County Land Bank Authority and to authorize the Mayor to sign the corrective limited warranty deed.**

City Attorney, Tim Sanders, presented. Sanders noted the resolution enables the first and second readings of the ordinance to be read at this one meeting. The emergency status was noted as the parcel to be conveyed to the Land Bank Authority is under contract to be sold and an error was found during the due diligence phase of the purchaser.

Councilmember Hufstetler motioned to approve the resolution of emergency for the first and second readings, at this meeting, of the property transfer ordinance as presented. Councilmember Mobley seconded. There was no further discussion. The motion passed 5-0, with the following votes recorded:

AYES: Mayor Hobbs, Mayor Pro Tem Scott and Councilmembers Flowers, Hufstetler and Mobley.

The approved resolution follows:

### RESOLUTION

BE IT RESOLVED by the Council of the City of Thomasville, and it is resolved by the authority of the same, that there exists an emergency status of need requiring the adoption of an ordinance authorizing the transfer of 402 Victoria Place, Parcel 3-A, from the City of Thomasville to the Thomasville-Thomas County Land Bank Authority and authorizing the Mayor to sign the corrective limited warranty deed, on the first and second readings at this one meeting.

SO DONE, this 14<sup>th</sup> day of October, 2019.

**First and second readings, under resolution of emergency, an ordinance authorizing the transfer of 402 Victoria Place, Parcel 3-A, from the City of Thomasville to the Thomasville-Thomas County Land Bank Authority and to authorize the Mayor to sign the corrective limited warranty deed.**

City Attorney, Tim Sanders, presented. Sanders reported in November of 2013 the City of Thomasville and the Thomasville-Thomas County Land Bank Authority (Land Bank) exchanged a number of parcels of real property. The City approved, on second reading, the transfer of its properties to the Land Bank on November 20, 2013 and a limited warranty deed was executed and recorded. The Land Bank executed and recorded a limited warranty deed conveying parcel to the City. It was determined that the property known as 402 Victoria Place, which appeared as Parcel 3-A on the original survey, was mistakenly omitted from the limited warranty deed at the time of execution and recording. It is the understanding that this parcel was intended to be conveyed to the Land Bank and Land Bank has operated as if it owned the parcel since 2013. The Land bank currently has a contract for the sale of 402 Victoria Place which cannot be completed without the adoption of the ordinance to authorize the transfer of the parcel from the City of Thomasville to the Land Bank Authority.

Councilmember Flowers motioned to order the ordinance, as presented, read for the first and second times at this meeting under the approved resolution of emergency. Mayor Pro Tem Scott seconded. There was no further discussion. The motion passed 5-0, with the following votes recorded:

AYES: Mayor Hobbs, Mayor Pro Tem Scott and Councilmembers Flowers, Hufstetler and Mobley.

The ordinance ordered read for the first and second times, under resolution of emergency, passed and adopted follows:

AN ORDINANCE TO AUTHORIZE THE TRANSFER OF CERTAIN PARCELS OF REAL PROPERTY LOCATED IN THOMASVILLE, THOMAS COUNTY, GEORGIA, FROM THE CITY OF THOMASVILLE TO THE THOMASVILLE-THOMAS COUNTY LAND BANK AUTHORITY IN THE FORM OF A CORRECTIVE LIMITED WARRANTY DEED; TO PROVIDE FOR THE EFFECTIVE DATE OF THIS ORDINANCE; TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES.

## SECTION I

WHEREAS, on or about November 20, 2013, the City Council of the City of Thomasville passed an ordinance on second reading to transfer a number of parcels of real property to the Thomasville-Thomas County Land Bank Authority ("Land Bank") in exchange for the Land Bank in turn conveying a number of parcels of real property to the City.

WHEREAS, it was determined that Parcel 3-A, known as 402 Victoria Place, Thomasville, Georgia, as more particularly shown on a plat of survey prepared for City of Thomasville Victoria Place Redevelopment by Frank E. Carlton, Georgia Registered Land Surveyor No. 1544, dated November 5, 2013, recorded in Plat Cabinet 5, Folio 118-B among the deed records of Thomas County, Georgia, was not listed on the limited warranty deed conveying the parcels of real property to the Land Bank;

WHEREAS, it has been determined that it was the intention of the City to convey Parcel 3-A to the Land Bank and the Land Bank has been operating as if it owned Parcel 3-A;

WHEREAS, in order to effect the intent of the City and the Land Bank concerning Parcel 3-A and the exchange of real property between the City and the Land Bank, a corrective limited warranty deed has been prepared, which upon execution and recording will convey Parcel 3-A to the Land Bank and vest title in same to the Land Bank;

WHEREAS, the City Council of the City of Thomasville deems it in the best interest of the City of Thomasville approve the execution and recording of the above described corrective limited warranty deed, which will have the effect of vesting title to such parcel in the Land Bank;

NOW, THEREFORE, BE IT ORDAINED, and it is hereby ordained by the authority of the same, that the City Council of the City of Thomasville authorizes the transfer of Parcel 3-A to the Land Bank, the execution by the Mayor of the corrective limited warranty deed, attached hereto and incorporated herein as Exhibit A, which upon execution and recording will have the effect of transferring title to Parcel 3-A, known as 402 Victoria Place, Thomasville, Georgia, as described in such corrective limited warranty deed to the Land Bank, and the Mayor is authorized and directed to sign all other documents, recorded or otherwise, necessary and proper relating to the forgoing.

## SECTION II

BE IT FURTHER ORDAINED that this ordinance shall become effective immediately upon its final adoption.

## SECTION III

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

## SECTION IV

This ordinance shall not be make a part of the official codified ordinances of the City of Thomasville, but shall nevertheless be spread upon the public minutes and records of the City of Thomasville.

## SECTION V

Under resolution of emergency, this ordinance was introduced and read for a first and a second reading at a lawful meeting of the City Council of the City of Thomasville held on October 14, 2019.

## **Bids and award for the purchase of Construction Quality Assurance services for Cell 5-A and Sediment Pond 3 construction at the Thomasville Municipal Solid Waste Facility.**

City Engineer, Wayne Newsome, presented. At the September 09, 2019 meeting, City Council approved award of the construction contract for Cell 5-A and Sediment Pond 3 to Peed Brothers of Butler, Georgia. There are many elements

of this construction that have to be verified, tested, and certified to the Georgia Environmental Protection Division (EPD). The City's solid waste permit requires an independent third party qualified company performs this. Staff proposes to contract with a company specializing in the required services to provide construction quality assurance (CQA) for this project. Proposals received were reviewed thoroughly for compliance with the required qualifications. The proposal provided by GEC was determined to be deficient and did not conform to the project requirements, based on lack of similar project experience, and experienced personnel to staff the project. Additionally, most of the landfill CQA experience provided was prior to 1999. Regulations and requirements have changed markedly since that time. For this reason, while not the lowest bid, staff recommends the award of contract to ACC as presented. The following is a summary of bids received:

<u>BIDDER</u>	<u>BID AMOUNT</u>
Bunnell Lammons Engineering (BLE)	\$255,217.75
Geotechnical & Environmental Consultants, Inc. (GEC)	\$168,966.00
Atlantic Coast Consulting, Inc. (ACC)	\$202,995.00

Councilmember Hufstetler motioned to award the contract for Construction Quality Assurance for Cell 5-A and Sediment Pond 3 construction to Atlantic Coast Consulting, Inc., as presented. Councilmember Mobley seconded. There was no further discussion. The motion passed 5-0, with the following votes recorded:

AYES: Mayor Hobbs, Mayor Pro Tem Scott and Councilmembers Flowers, Hufstetler and Mobley.

#### **Bids and award for the purchase of 2019 Sewer Patching Project.**

City Engineer, Wayne Newsome, presented. Proposals were opened September 25, 2019 for the project, which includes furnishing all labor and equipment to perform pavement patching on streets where the sewer line has been recently replaced, or street repairs are necessary due to faulty sewer line. Those streets include King David Drive (South Pinetree Blvd. - Harrell Ave.), Archbold Avenue (near Rosedale Drive), and Pear Street (South Street - Orange Street). The work includes repair asphalt roadway for sanitary sewer trench (approximately 8' wide). This work includes removing the top 2" of graded aggregate base material already placed in the paving required for construction. Work also includes saw cutting asphalt beyond the excavation and removal of asphalt, and placing 200 pounds per square yard of 12.5 mm recycled asphalt, rolling, and compacting. Work also includes removal of asphalt and base on King David Drive, and conducting spot full depth patching of two sections of roadway that have settled. Newsome noted this work will be funded utilizing budgeted 2019 funds for sewer capital mains. A summary of bids received follows:

<u>BIDDER</u>	<u>BID AMOUNT</u>
Defnall Companies, Inc.	\$42,592.50
Green's Backhoe, Inc.	\$43,238.00
Scoggins Dozer, Inc.	\$50,907.50

Mayor Pro tem Scott motioned to award the contract for the 2019 Sewer Asphalt Patching to Defnall Companies, Inc. of Thomasville, Georgia, in the amount of \$42,592.50, as presented. Councilmember Flowers seconded. Newsome confirmed this work will only cover the cuts created by sewer line repair/replacement, and is not intended as a complete street paving project. There was no further discussion. The motion passed 5-0, with the following votes recorded:

AYES: Mayor Hobbs, Mayor Pro Tem Scott and Councilmembers Flowers, Hufstetler and Mobley.

#### **CONSENT AGENDA**

Mayor Hobbs noted there would be no action taken by Council at this meeting for the Consent Agenda item, as it was removed at the request of the City Manager at the beginning of this meeting.

*Note: the item listed was as follows: Resolution to appoint Chris Rodd to fill an unexpired term on the Airport Advisory Board.*

#### **REPORTS**

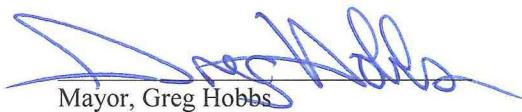
City Manager Carson recognized the City of Thomasville's observation of Public Power Week, National Public Natural Gas Week, National Customer Service Week and Fire Prevention Week. He noted the recent commemoration celebration was held at the Ritz Amphitheater and employees were commended for their dedicated service to the

community. City Manager also announced Fire Station 2, located at 1750 South Pinetree Boulevard, will host an open house in celebration of the newly renovated facility on October 17<sup>th</sup> and encouraged the community to attend.

Mayor Pro Tem Scott, and Councilmember Flowers and Mobley echoed City Manager Carson's comments of the City of Thomasville employees' dedication to the community. Mayor Pro Tem Scott encouraged the community to also visit Martin Luther King Jr., Drive and Magnolia Street to view the progress of ongoing projects on both streets.

**ADJOURNMENT**

Having no further business to discuss, the Thomasville City Council meeting was adjourned at 6:17 PM.



Mayor, Greg Hobbs



Felicia Branner

ATTEST: City Clerk



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