

## City of Thomasville Council Meeting, August 12, 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 in Thomasville, Georgia.

### CALL TO ORDER

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

### INVOCATION

Given by Councilmember Jay Flowers.

### PLEDGE OF ALLEGIANCE

Mayor Pro Tem Terry Scott led the Pledge of Allegiance.

### APPROVAL OF MINUTES

Mayor Pro Tem Scott moved to approve the minutes of the regular City Council Meeting of July 29, 2019 as presented. Councilmember Flowers seconded. Mayor Hobbs reported abstaining from this vote due to his absence at that meeting. There was no further discussion. The motion passed 4-0, with the following votes recorded:

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

ABSTAINED: Mayor Hobbs.

### CITIZENS TO BE HEARD

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

1. Joe Brown, 112 Gordon Avenue, Thomasville, Georgia, addressed Council regarding the actions of the Mayor. He reviewed the Official Code of Georgia, Section 45-11-4, titled "Unprofessional conduct; misdemeanor; applicability". Mr. Brown requested Mayor Hobbs to resign as Mayor of the City of Thomasville on the grounds of violation of Georgia Law and his actions of malpractice, misfeasance, or malfeasance while in office.
2. Matt Kirkley, 417 Remington Avenue, Thomasville, Georgia, inquired if the Mayor would be the signatory on SPLOST/LMIG documents approved under New Business Item B included in this meeting's agenda. City Manager Carson reported the signatory would be designated as was directed in policy and requirements of SPLOST/LMIG contracts.
3. Laquan Howard Bryant, 722 Young Street, Thomasville, Georgia addressed Council with concerns regarding maintenance of basketball goals and courts located at Flipper Park on Broad Street and the park located on Clay Street. Mayor Hobbs asked Ms. Bryant if she had contacted anyone with the City prior to addressing Council; she responded she had not. Mayor Hobbs requested she contact the City Manager for this information.
4. Keith Thomas, 432 Woodsgate Lane, Thomasville, Georgia addressed Council regarding his concerns of the challenges and individual wellbeing of Thomasville Police Department officers.
5. Wallace Goodman, 116 North Dawson Street, Thomasville, Georgia addressed Council with concerns regarding his lack of trust for the legal system and process involving the indictments

of Mayor Hobbs; as well as the District Attorney's method of resolving those indictments with a plea deal. He concluded his comments by stating "trust takes years to build, seconds to destroy and forever to repair."

6. Jeff Zoller, 104 Tuxedo Drive, Thomasville, Georgia, echoed Mr. Goodman's concerns and also requested the Mayor's resignation resign due to actions of malpractice, misfeasance, or malfeasance while in office.

## **PRESENTATIONS**

**Resolution Honoring Mrs. Cheryl Presha.** Mayor Pro Tem Scott recognized Mrs. Cheryl Presha and her recent temporary appointment to the Council of the City of Thomasville as the District 1 representative during the suspension of Mayor Greg Hobbs. Mayor Pro Tem Scott presented Mrs. Presha with a Resolution\* acknowledging her appointment and the distinctive and historic honor as the first African American female to serve as a Councilmember for the Council of the City of Thomasville. Mrs. Presha thanked the citizens, City of Thomasville Staff and Councilmembers for allowing her the opportunity to serve the community. Mrs. Presha was acknowledged by those present with a standing ovation.

*\*Clerk's Note: Formal adoption of the above Resolution to be ratified at the next duly convened Thomasville City Council Meeting so as to be made a part of the official records of the Thomasville City Council.*

### **Recognition of Honorary Councilmember Mrs. Lauren Vann**

Councilmember Flowers acknowledged Mrs. Lauren Vann as the Honorary Councilmember for the month of July 2019. It was noted that she was unable to attend the July 29, 2019 Council meeting. Councilmember Flowers thanked Mrs. Vann for her participation and presented her with a commemorative plaque for her voluntary service. Mrs. Vann thanked the community and Councilmembers for allowing her to serve as the Honorary Councilmember for July 2019.

### **Gun Buy Back Program Update**

Assistant Police Chief Eric Hampton reviewed an update of the Thomasville Police Department's Gun Buy-Back Program. The initiative began has been in place for one month; firearms are voluntarily surrendered to the TPD in exchange for gift cards; the buy-back program has been funded collectively by TPD and contributions from the Democratic Party and private citizens; to date, thirty guns have been surrendered to TPD; and \$2,200.00 has been paid to citizens. Councilmember Hufstetler noted his concerns of gun disposal for those guns which were found not be evidence in an investigation or stolen. City Manager Carson reported a local Superior Court Judge has indicated his willingness to issue an order of destruction as soon as the program is completed. It was noted by City Attorney Sanders that formal Council action was not required to complete the Judge's ordered destruction of firearms.

## **ADOPT AGENDA**

Councilmember Mobley moved to approve the printed agenda as presented, with no exceptions. 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 Thomasville Municipal Code by adding to Chapter 19, titled "Traffic", a new Article V, titled "School Zone Automated Traffic Enforcement".**

City Attorney Sanders, presented. Sanders reported there had been no changes to the ordinance following the first reading on July 29, 2019. He briefly reviewed the amendment provided for School Zone Automated Traffic Enforcement and follows State Statute regarding the same. The ordinance allows the City of Thomasville to enter into an agreement with a designated vendor to collect fines imposed upon violators of the ordinance. The ordinance provides for automated traffic enforcement within designated school zones. It was noted this is a state-wide School Zone Enforcement designed for safety of students. Speed may be only be enforced when school is in session and one hour prior to classes and one hour after classes; violations for speed exceeding 10 miles per hour over the designated and noticed school zone speed.

Councilmember Flowers moved to order the ordinance read for the second time, passed and adopted as presented. Councilmember Hufstetler seconded. Councilmember Hufstetler commended the efforts of Chief of Police Troy Rich and the Police Department with school safety. 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 presented and ordered read for the second time, passed and adopted follows.

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF THOMASVILLE BY THE CITY COUNCIL RELATING TO TRAFFIC BY ADDING A NEW ARTICLE V ENTITLED "SCHOOL ZONE AUTOMATED TRAFFIC ENFORCEMENT" FOR THE PURPOSE OF AUTHORIZING THE USE OF AUTOMATED TRAFFIC ENFORCEMENT SAFETY DEVICES IN SCHOOL ZONES WITHIN THE CITY; PROVIDING THAT THE TITLE OF THIS ORDINANCE SHALL BE DEEMED A FAIR SUMMARY AND GENERALLY RELATING TO AUTOMATED TRAFFIC ENFORCEMENT SAFETY DEVICE IN THE CITY; TO PROVIDE FOR RULES OF OPERATION, ADMINISTRATION AND ENFORCEMENT; TO PROVIDE DEFINITIONS; TO PROVIDE FOR SEVERABILITY; TO PROVIDE AN EFFECTIVE DATE; TO REPEAL ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES.

WHEREAS, the City desires to promote the health, safety, and general welfare of the public by preventing motor vehicle-related fatalities, injuries, and property damage within the City limits; and

WHEREAS, driving in excess of the posted speed limit and disregarding traffic-control devices within existing School Zones is cited as a contributing factor of said accidents, deaths, and injuries; and

WHEREAS, pursuant to O.C.G.A. §40-14-18, the City is authorized to establish and enact an automated traffic enforcement safety device program in School Zones, as defined in O.C.G.A. §40-14-1.1(5) to mean the area within 1,000 feet of the boundary of any public or private elementary or secondary school; and O.C.G.A. §40-14-8(b) relating to when case may be made and civil penalty assessed if the violation occurs in properly marked School Zones one hour before, during, and one hour after the normal hours of school operation or programs for care and supervision of students before school, after school or during vacation periods as provided for by O.C.G.A. §20-2-65, in properly marked School Zones and when such violations are in excess of ten miles per hour over the speed limit; and

WHEREAS, this ordinance does not conflict with the Georgia Uniform Rules of the Road regarding the operation of a motor vehicle in excess of the posted limit within a designated School Zone; and

WHEREAS, there are currently Schools and School Zones where school-related activity occurs within the corporate limits of the City;

WHEREAS, studies show Automated Traffic Enforcement Safety Devices significantly reduce the number of speeding violations and crashes, and provides for traffic calming; and

WHEREAS, traditional enforcement requires police officers to follow and stop a violator in order to cite the violator; and

WHEREAS, Automated Traffic Enforcement Safety Devices provide safe and consistent enforcement at a reasonable cost, while allowing police officers to focus on other enforcement efforts; and

WHEREAS, the use of a local administrative hearing officer allows Citizens to have a process for contesting notices of violation issued pursuant to an existing automated traffic enforcement program in the magistrate court or other court of competent jurisdiction for traffic violations of this nature; and

WHEREAS, the City wishes to utilize its existing code enforcement system to implement and administer the local administrative hearing process; and

WHEREAS, the Council deems it to be in the best interest of the public safety, health, and welfare of the residents of the City to amend Chapter 19 of the Code of Ordinances of the City of Thomasville by adding a new Article V entitled "School Zone Automated Traffic Enforcement" for the purpose of authorizing the use of Automated Traffic Enforcement Safety Devices in School Zones within the City, and it is hereby declared to be the legislative intent and policy of the City Council that Automated Traffic Enforcement Safety Devices are to be utilized for the purposes of promoting public safety within the City, and note for purposes of collecting revenue from fines imposed.

NOW, THEREFORE, in consideration of the foregoing, BE IT ORDAINED by the City Council of Thomasville, Georgia, and it is hereby ordained by the authority of the same, as follows:

#### **SECTION I**

The forgoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

#### **SECTION II**

That the Code of Ordinances of the City of Thomasville, Georgia, is hereby amended by adding to Chapter 19 a new Article V, titled "School Zone Automated Traffic Enforcement," which shall read as follows:

#### **"ARTICLE V. SCHOOL ZONE AUTOMATED TRAFFIC ENFORCEMENT**

Section 19-86 Title. For convenience of reference, this article shall be entitled "School Zone Automated Traffic Enforcement.

Section 19-87 Purpose. The purpose of this article is to enhance public safety in School Zones through automated technology that reduces the incidence of driving in excess of the posted speed limit within School Zones.

Section 19-88 Definitions. For the purposes of this article, the following terms, phrases and their derivatives shall have the meanings given herein:

(a) "Agent" means a person or entity who is authorized by a law enforcement agency or governing body to administer the procedures contained herein and (i) provides services to such law enforcement agency or governing body; (ii) operates, maintains, leases, or licenses a video recording device; or (iii) is authorized by such law enforcement agency or governing body to review and assemble the recorded images captured by the automated traffic enforcement safety device for review by a peace officer.

(b) "Automated Traffic Enforcement Safety Device" means a speed detection device that:(A) Is capable of producing photographically recorded still or video images, or both, of the rear of a motor vehicle or of the rear of a motor vehicle being towed by another vehicle, including an image of such vehicle's rear license plate; (B) Is capable of monitoring the speed of a vehicle as photographically recorded pursuant to subparagraph (A) of this paragraph; and (C) Indicates on each photographically recorded still or video image produced the date, time, location, and speed of a photographically recorded vehicle traveling at a speed above the posted speed limit within a marked School Zone.

(c) "Owner" means the registrant of a motor vehicle, except that such term shall not include a motor vehicle rental company when a motor vehicle registered by such company is being operated by another person under a rental agreement with such company;

(d) "School zone" means the area within 1,000 feet of the boundary of any public or private elementary or secondary school.

(e) "Recorded Images" means still or video images recorded by an automated traffic enforcement safety device..

Section 19-89 Authorization. Speed camera enforcement, using Automated Traffic Enforcement Safety Devices, is hereby authorized within School Zones during such hours and in accordance with Georgia law and specifically O.C.G.A. §40-14-8.

Section 19-90 Administration.

(a) The law enforcement agency, or Agent on behalf of the law enforcement agency, in connection with operating an Automated Traffic Enforcement Safety Device provided for by O.C.G.A. §40-14-18 shall maintain a log for the automated traffic enforcement safety device attesting to the performance of such device's self-test at least once every 30 days and the results of such self-test pertaining to the accuracy of the Automated Traffic Enforcement Safety Device. Such log shall be admissible in any civil enforcement proceeding for a violation issued pursuant to O.C.G.A. §40-14-18. The law enforcement agency, or Agent on behalf of the law enforcement agency, operating an Automated Traffic Enforcement Safety Device shall perform an independent calibration test on the automated traffic enforcement safety device at least once every 12 months. The results of such calibration test shall be admissible in any court proceeding for a violation issued pursuant to O.C.G.A. §40-14-18.

(b) Prior to the placement of a device within a School Zone, each school within whose School Zone such Automated Traffic Enforcement Safety Device is to be placed shall first apply for and secure a permit from the Department of Transportation for the use of such Automated Traffic Enforcement Safety Device. Such permit shall be awarded based upon need. The Department of Transportation shall promulgate rules and regulations for the implementation of this paragraph.

(c) If an Automated Traffic Enforcement Safety Device is moved to or placed in a location where an Automated Traffic Enforcement Safety Device had not previously been moved to or placed in, no citation shall be issued for a violation recorded by that Automated Traffic Enforcement Safety Device until:

(1) The City shall erect signs warning of the use of a stationary speed detection device within the approaching School Zone. Such signs shall be at least 24 by 30 inches in area, shall be visible plainly from every lane of traffic, shall be viewable in all traffic conditions, and shall not be placed in such a manner that the view of such sign is subject to being obstructed by any other vehicle on such highway. Such signs shall be placed within 500 feet prior to the warning sign announcing the reduction of the speed limit for the school speed zone. There shall be a rebuttable presumption that such signs are properly installed pursuant to this subsection at the time of any alleged violation under this article; and

(2) That no citation shall be issued for the first 30 days after the first Automated Traffic Enforcement Safety Device is introduced by a law enforcement agency within a School Zone, but rather, a civil warning shall be issued for disregard or disobedience of the speed limit within the School Zone.

(d) A law enforcement agency authorized to enforce the speed limit of a School Zone, or an agent working on behalf of a law enforcement agency or governing body, shall send by first class mail addressed to the owner of the motor vehicle within thirty (30) days after obtaining the name and address of the owner of the motor vehicle but no later than sixty (60) days after the date of the alleged violation:

(1) A citation for the alleged violation, which shall include the date and time of the violation, the location of the infraction, the maximum speed at which such motor vehicle was traveling in photographically recorded images, the maximum speed applicable within such School Zone, the civil warning or the amount of the civil monetary penalty imposed, and the date by which a civil monetary penalty shall be paid;

(2) An image taken from the photographically recorded images showing the vehicle involved in the infraction;

(3) A website address where photographically recorded images showing the vehicle involved in the infraction and a duplicate of the information provided for in this paragraph may be viewed;

(4) A copy of a certificate sworn to or affirmed by a certified peace officer employed by a law enforcement agency authorized to enforce the speed limit of the School Zone and stating that, based upon inspection of photographically recorded images, the owner's motor vehicle was operated in disregard or disobedience of the speed limit in the

marked School Zone and that such disregard or disobedience was not otherwise authorized by law;

(5) A statement of the inference provided by Georgia law and of the means specified therein by which such inference may be rebutted for such violations;

(6) Information advising the owner of the motor vehicle of the manner in which liability as alleged in the citation may be contested through an administrative hearing; and

(7) A warning that the failure to pay the civil monetary penalty or to contest liability in a timely manner as provided for in this Article and as required by §O.C.G.A. 40-14-18(d) shall waive any right to contest liability.

(e) Proof that a motor vehicle was operated in disregard or disobedience of the speed limit of the marked School Zone shall be evidenced by photographically recorded images. A copy of a certificate sworn to or affirmed by a certified peace officer employed by a law enforcement agency and stating that, based upon inspection of photographically recorded images, a motor vehicle was operated in disregard or disobedience of the speed limit in the marked School Zone and that such disregard or disobedience was not otherwise authorized by law shall be prima-facie evidence of the facts contained therein.

(f) Liability shall be determined based upon a preponderance of the evidence. Prima-facie evidence that the vehicle described in the citation issued pursuant to this Article was operated in violation of the speed limit of the School Zone, together with proof that the defendant was, at the time of such violation, the registered owner of the vehicle, shall permit the trier of fact in its discretion to infer that such owner of the vehicle was the driver of the vehicle at the time of the alleged violation. Such an inference may be rebutted if the owner of the vehicle:

(1) Testifies under oath in open court or submits to the court a sworn notarized statement that he or she was not the operator of the vehicle at the time of the alleged violation; or

(2) Presents to the court a certified copy of a police report showing that the vehicle had been reported to the police as stolen prior to the time of the alleged violation.

(g) A violation for which a civil warning or a civil monetary penalty is imposed pursuant to this Article shall not be considered a moving traffic violation for the purpose of points assessment pursuant to O.C.G.A. §40-5-57. Such violation shall be deemed noncriminal, and imposition of a civil warning or civil monetary penalty pursuant to this Article shall not be deemed a conviction and shall not be made a part of the operating record of the person upon whom such liability is imposed, nor shall it be used for any insurance purposes in the provision of motor vehicle insurance coverage.

(h) If a person issued and mailed a citation pursuant to Section 19-90(d)(1) of this Article fails to pay the civil monetary penalty for the violation or has not filed a police report or notarized statement pursuant to Section 19-90(f) of this Article in no less than 30 nor more than 60 days after such mailing as determined and noticed by the law enforcement agency, the agent or the law enforcement agency shall send to such person by first class mail a second notice of any unpaid civil monetary penalty, except in cases where there is

an adjudication that no violation occurred or there is otherwise a lawful determination that no civil monetary penalty shall be imposed. The second notice shall include all information in Section 19-90(d) of this Article and shall include a new date of return which shall be no less than 30 days after such mailing as determined and noticed by the law enforcement agency. If such person notified by second notice again fails to pay the civil monetary penalty or file a police report or notarized statement pursuant to Section 19-90(f) of this Article by the new date of return, such person shall have waived the right to contest the violation and shall be liable for the civil monetary penalty provided for under Section 19-95 of this Article, except in cases where there is an adjudication that no violation occurred or there is otherwise a lawful determination that no civil monetary penalty shall be imposed. Notices mailed by first class mail pursuant to this Article shall be adequate notification of the fees and penalties imposed by this Section 19-95. No other notice shall be required for the purposes of this Article.

(i) Any court having jurisdiction over violations of O.C.G.A. § 40-14-18(a), which shall include the Municipal Court of the City of Thomasville, shall have jurisdiction over cases arising under this Article and shall be authorized to impose the civil monetary penalty provided for by this Article. Except as otherwise provided pursuant to Georgia Law, the provisions of law governing jurisdiction, procedure, defenses, adjudication, appeal, and payment and distribution of penalties otherwise applicable to violations under this Article shall apply to enforcement under this Article; provided however, that any appeal from superior or state court shall be by application in the same manner as that provided by O.C.G.A. §5-6-35.

Section 19-91 Designation of Administrative Hearing Officer. In accordance with the provisions of O.C.G.A. §40-14-18, and as of the effective date of this ordinance, the City hereby designates the Judge of the Municipal Court of the City of Thomasville as the administrative hearing officer who shall be authorized to conduct an administrative hearing when timely requested by recipients of notice of violations pursuant to this Article and to impose the civil monetary penalty imposed provided for by this Article.

Section 19-92 Final Notification of Monetary Penalty. If a violation has not been contested and the assessed penalty has not been paid, the Agent or City shall send to the person who is the registered owner of the motor vehicle a final notice of any unpaid civil monetary penalty authorized by this Article, except in cases where there is an adjudication that no violation occurred or there is otherwise a lawful determination that no civil monetary penalty shall be imposed. The notice shall inform the registered owner that the Agent or governing body shall send a referral to the Department of Revenue if the assessed penalty is not paid within 30 days after the final notice was mailed and such referral shall result in the nonrenewal of the registration of such motor vehicle and shall prohibit the title transfer of such motor vehicle within this state.

Section 19-93 Referral to Department of Revenue. The Agent or City shall send a referral to the Department of Revenue not sooner than 30 days after the final notice required under Section 19-90(h) was mailed if a violation under this Article has not been contested and the assessed penalty has not been paid. The referral to the Department of Revenue shall include the following:

(a) Any information known or available to the Agent or City concerning the license plate number, year or registration, and the name of the owner of the motor vehicle;

- (b) The date on which the violation occurred;
- (c) The date when the notice required under this Article was mailed; and
- (d) The seal, logo, emblem, or electronic seal of the City.

Section 19-94 Arrest or Citation for Same Violation. A civil warning or civil monetary penalty under this Article on the owner of a motor vehicle shall not be imposed if the operator of the vehicle was arrested or issued a citation and notice to appear by a certified peace officer for the same violation.

Section 19-95 Violations and penalties. Any person who shall violate any provision of this article shall be subject to the civil penalties set forth O.C.G.A. §40-14-18(b)(1), as amended, including a fine in the amount of \$75 for a first violation and \$125.00 for a second or any subsequent violation, in addition to fees associated with the electronic processing of such civil monetary penalty which shall not exceed \$25.00.”

### SECTION III

BE IT FURTHER ORDAINED that should any word, phrase, sentence or paragraph of this ordinance be declared invalid or void by a court of competent jurisdiction, such ruling shall not affect the remaining words, phrases, sentences or paragraphs of this ordinance, but the offending provision shall be severed from the remainder to the extent allowable by law, it being the express intent and purpose hereof that all other provisions and parts of this ordinance not so declared invalid or void shall remain in full force and effect.

### SECTION IV

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

### SECTION V

BE IT FURTHER ORDAINED that this ordinance shall be effective as of the date of its second reading and final passage.

This ordinance was introduced and read at a lawful meeting of the Council of the City of Thomasville held Monday, July 29, 2019, and read the second time, passed and adopted in like meeting held Monday, August 12, 2019.

**Second reading of an ordinance to rezone 110 Campbell Street from C-2, Commercial to C-2 CU, (Manufacturing, Processing, and Packaging-Light).**

City Planner, Kenneth Thompson, presented. It was noted there were no changes to the ordinance following the first reading on July 29, 2019. Thompson briefly reviewed the owner/applicant’s request for a conditional use for the property at 110 Campbell Street so as to allow a store front operation with light manufacturing on-site. Thompson noted the rezoning will permit a use that is suitable in view of the use and development of the adjacent property. While zoned commercial, this site has always been used for both Commercial and Manufacturing uses. The proposed use would not be detrimental to adjacent

properties. The conditional use for light manufacturing will allow the property owner to use the existing building for a Knife and Tool shop. Under this use, the following conditions must be met:

- The operation shall not emit or produce smoke, noise, odor, dust, vibration or fumes.
- Goods may be displayed or sold on site
- All supplies, goods, etc. shall be maintained inside the facility only.

Councilmember Mobley moved to order the ordinance read for the second time, passed and adopted 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.

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

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF THOMASVILLE, GEORGIA, OF 1971, AS AMENDED WHICH IS SET FORTH IN THE CODE OF THE CITY OF THOMASVILLE AS CHAPTER 22, CAPTIONED "ZONING", BY EXCLUDING A CERTAIN TRACT OF LAND FROM PARCEL 2 OF SECTION 22-81 CAPTIONED "C-2, COMMERCIAL", TO DESCRIBE SAID EXCLUDED TRACT AND TO DESIGNATE THE SAID SAME TRACT AS PARCEL 91 OF SECTION 22-81 CAPTIONED "C-2 CU, COMMERCIAL CONDITIONAL USE (MANUFACTURING, PROCESSING AND PACKAGING-LIGHT) WITH CONDITIONS", TO ESTABLISH THE EFFECTIVE DATE OF THIS ORDINANCE; TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH; 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 amended by excluding a certain Parcel 2 from Section 22-81 captioned "C-2, Commercial" and to designate the said same tract as Parcel 91 of Section 22-81 captioned "C-2 CU, Commercial Conditional Use (Manufacturing, Processing and Packaging-Light with the following conditions":

- The building shall maintain a primary entrance directly onto Campbell Street.
- Any additional parking should be located behind the building, so that the building separates the parking area from the street. Alley access for parking is preferred.
- If this is not possible, parking may be located to the side of the building – but shall not be located between the front façade of the building and Campbell Street.

and more particularly described as follows:

All that tract or parcel of land situate, lying and being in the City of Thomasville, Thomas County, Georgia, more particularly described as 0.48 acres according to a plat of survey for Bruce and Laverne Dillard prepared by Dan Hinson, Georgia Registered Land Surveyor #2895, dated 04/03/2019, recorded 04/05/2019 in Plat Book 9, Page 274, among the Deed Records of Thomas County, Georgia, more particularly described as follows:

To find the Point of Beginning, commence at a 1/2 inch open top pipe found at the intersection of the Northwest margin of West Jackson Street and the North margin of Campbell Street; run thence North 70 degrees 45 minutes 42 seconds West 138.94 feet along the North margin of Campbell Street to a 1/2 inch rebar set, which is the Point and Place of Beginning of the property herein conveyed. From this Point of Beginning, run thence North 70 degrees 45 minutes 42 seconds West 105.05 feet to a 1/2 inch open top pipe found; run thence North 18 degrees 16 minutes 57 seconds East 70.00 feet to a 1/2 inch rebar set; run thence North 70 degrees 45 minutes 42 seconds West 70.00 feet to a 1/2 inch rebar set 2.56 feet Southeast of corner; run thence South 17 degrees 59 minutes 15 seconds West 6.99 feet to a 1/2 inch rebar set 5.04 feet Northwest of Corner; thence run North 70 degrees 45 minutes 42 seconds West 34.50 feet to a Nail set; run thence North 19 degrees 24 minutes 05 seconds East 84.59 feet to a 5/8 inch rebar found; run thence South 70 degrees 47 minutes 46 seconds East 36.87 feet to a 1/2 inch rebar set; run thence South 19 degrees 36 minutes 57 seconds West 18.69 feet to a 1/2 inch rebar set; run thence South 72 degrees 14 minutes 08 seconds East 149.98 feet to a 5/8 inch rebar found; run thence South 19 degrees 54 minutes 18 seconds West 11.00 feet to a 5/8 inch rebar found; run thence South 70 degrees 04 minutes 21 seconds East 24.48 feet to a 5/8 inch rebar found; run thence South 19 degrees 34 minutes 16 seconds West 121.49 feet to a 1/2 inch rebar set and the Point and Place of Beginning.

This property is identified as 110 Campbell Street, Thomasville, Georgia according to E911 numbering system for the City of Thomasville.

This conveyance is made subject to all restrictions and easements of record.

## **SECTION II**

BE IT ORDAINED that all ordinances of the City of Thomasville in conflict herewith be the same are hereby repealed for purposes of this ordinance only.

## **SECTION III**

BE IT FUTHER ORDAINED that the provisions of this ordinance shall not be made a part of the official codified ordinances of the City of Thomasville.

## **SECTION IV**

BE IT FURTHER ORDAINED that if any part of this ordinance is declared void it is the intent and the purpose hereof that all other provisions not declared void shall remain in full force and effect.

## **SECTION V**

BE IT FURTHER ORDAINED the effective date of the foregoing ordinance is the date of its final reading and passage.

**SECTION VI**

This ordinance was introduced and read for the first time in a lawful meeting of the City Council held on July 29, 2019 and passed and adopted on the second reading of the ordinance at a lawful meeting of the City Council held on August 12, 2019.

**NEW BUSINESS**

**Motion to approve contract for Automated School Zone Enforcement Safety Program and to authorize the City Manager to sign any necessary and related documents.**

City Attorney, Tim Sanders, presented. The professional services agreement was presented in accordance with the adoption on second reading of the ordinance to amend Thomasville Municipal Code by adding to Chapter 19, titled "Traffic", a new Article V, titled "School Zone Automated Traffic Enforcement" which allows the City of Thomasville to enter into an agreement with a designated vendor to collect fines imposed upon violators of the ordinance. The designated vendor, RedSpeed, has the exclusive knowledge, possession, ownership and operation of certain equipment, licenses, and processes referred to collectively as the "Speed Photo Enforcement System". The agreement provided to Council for review contemplates a one-year agreement period and shall be automatically extended for up to five additional one-year periods. It was noted the Governing Body may terminate the agreement at any time, providing sixty-days advance prior notice; and should the Governing Body determine to terminate within the initial 12-month period, the Governing Body a termination penalty will be assessed as per relation to unamortized costs, which RedSpeed and Governing Body agree shall be ten thousand dollars per location. It was noted the base service fee retained by RedSpeed was 33% for each paid violation actually collected by Governing Body.

Councilmember Mobley moved to approve the award of Profession Services Agreement fir Automated Traffic Enforcement to RedSpeed, of Lombard, Illinois as presented and to authorize the City Manager to sign any necessary and related documents. 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.

**Bids and award for the purchase of 2019 SPLOST/LMIG Street Improvements.**

City Engineer, Wayne Newsome, presented. Three proposals were received for the purchase of 2019 SPLOST/LMIG Street Improvements. The work includes spreading tack coats, placing and compacting asphaltic concrete, striping and other necessary and appurtenant work to complete various street improvements. These streets include: Felix Street (2695 LF), Fletcher Street (1840 LF), Cairo Road (4089 LF), Grant Street (643 LF), and N. College Street (1690 LF). The request for proposal (RFP) was advertised for 31 days on the City's website, beginning on June 21, 2019 and ending on July 23, 2019. The RFP was advertised in the Thomasville Times-Enterprise newspaper both on June 21, 2019 and July 12, 2019. Work is to be completed within 90 consecutive calendar days of Notice to Proceed. If approved, this work will be funded utilizing budgeted 2018 SPLOST funds. The following is a summary of the bids received:

<u>BIDDER</u>	<u>BID AMOUNT</u>
The Scruggs Company, Hahira, GA	\$ 528,739.72
Peavey & Sons, Havana, FL	\$ 900,785.00
Capital Asphalt, Tallahassee, FL	\$1,027,517.50

Councilmember Hufstetler moved to approve the award of contract for the 2019 SPLOST/LMIG Street improvements to Scruggs Company of Hahira, Georgia in the amount of \$528,739.72 and funded by 218 SPLOST funds 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.

**CONSENT AGENDA**

There were no items for consideration on the Consent Agenda at this meeting.


**REPORTS**


Mayor and Councilmembers collectively thanked citizens for attending. There were no individual reports given by the City Manager, City Attorney or Councilmembers at this meeting.

**ADJOURNMENT**

Mayor Pro Tem Scott moved to adjourn the meeting of the Thomasville City Council at 6:28 PM. 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.

  
\_\_\_\_\_  
Mayor, Greg Hobbs

  
\_\_\_\_\_  
ATTEST: City Clerk

[seal]