

## City of Thomasville Council Meeting, September 28, 2020

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

This meeting was held in a manner that observed active Executive Orders and Health Advisories provided by Georgia Governor Kemp, Centers for Disease Control, Department of Health, and local health officials in response to the coronavirus pandemic. Seating was limited and additional safety measures were required such as, but not limited to, social distancing and wearing of facial coverings to ensure the health and safety of meeting participants and the citizens of Thomasville. Simultaneous access to the meeting was provided to those members of the press and citizens not present via the City of Thomasville's online live stream feed located at [www.thomasville.org](http://www.thomasville.org).

### **CALL TO ORDER**

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

### **INVOCATION**

Councilmember Flowers led the Invocation.

### **PLEDGE OF ALLEGIANCE**

Mayor Pro Tem Hufstetler led the Pledge of Allegiance.

### **APPROVAL OF MINUTES**

Councilmember Mobley motioned to approve the Council Meeting Minutes of September 14, 2020 as presented, with no exceptions. Councilmember Flowers seconded. There was no further discussion. The motion passed 5-0, with the following votes recorded:

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

### **CITIZENS TO BE HEARD**

Mayor Hobbs acknowledged the following Citizen to be Heard, as listed on the sign in sheet:

1. Terry Scott, 106 Pinecrest Boulevard, Thomasville, Georgia, addressed Council inquired if there was progress in actions requested regarding Northside Park and the basketball court on Clay Street. It was noted the Clay Street basketball court was owned by the YMCA and that other city parks would be assessed following the Weston Park project. Councilmember Mobley noted that Mr. Scott should attend the next Recreation Board meeting and voice his concerns to the board. Mr. Scott also inquired about his utility bill's average cost. It was noted that utilities customers can request an energy audit to be performed to locate potential energy reducing items and that City energy audit staff would contact Mr. Scott to make an appointment.

### **ADOPT AGENDA**

Mayor Pro Tem Hufstetler motioned to adopt the agenda as presented, with no exceptions. Councilmember Mobley seconded. There was no further discussion. The motion passed 5-0, with the following votes recorded:

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

### **OLD BUSINESS**

**Second reading of an ordinance to amend the Charter of the City of Thomasville, Section 3.13, captioned “City Attorney”, of Article III.**

City Attorney, Tim Sanders, reported there were no revisions to the ordinance following the first reading held on September 14, 2020. He further reported that at Council’s request, this amendment to the Charter of the City of Thomasville, Section 3.13, captioned “City Attorney” allows for the provision of the City Attorney to be appointed by the Council of the City of Thomasville.

Councilmember Flowers motioned to order the ordinance to amend the Charter of the City of Thomasville, Section 3.13, captioned “City Attorney”, as read for the second time, passed and adopted, as presented. Councilmember Warren seconded. There was no further discussion. The motion passed 5-0, with the following votes recorded:

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

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

AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF THOMASVILLE, WHICH WAS ESTABLISHED BY AN ACT APPROVED OCTOBER 3, 1889, ENTITLED “AN ACT TO INCORPORATE THE TOWN OF THOMASVILLE AS THE CITY OF THOMASVILLE” (GA. LAWS 1888-89, PAGES 854-64, INCLUSIVE), AS AMENDED BY SEVERAL SUBSEQUENT ACTS, TO AMEND THE PROVISIONS OF SECTION 3.13; TO PROVIDE THAT THIS ORDINANCE SHALL IN NO WAY OTHERWISE CHANGE THE EXISTING CHARTER EXCEPT AS SET FORTH ABOVE AND SHALL IN NO WAY WHATSOEVER CHANGE THE FORM OF GOVERNMENT OF THE CITY OF THOMASVILLE IN ANY MANNER; TO PROVIDE THE EFFECTIVE DATE OF THIS ORDINANCE; TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES.

WHEREAS, O.C.G.A. §36-35-3(b)(1), permits a municipality to amend its charter by ordinance as an incident to such municipality’s home rule power by following the procedures outlined in such code section;

WHEREAS, the City Council has determined that it is desirable to amend Section 3.13 of the City’s Charter to provide that the City Council shall appoint the City Attorney;

## SECTION I

NOW BE IT ORDAINED by the Council of the City of Thomasville, and it is hereby ordained by the authority of the same, that the Charter of the City of Thomasville, which was established by an act approved October 3, 1889, entitled “An Act to Incorporate the Town of Thomasville as the City of Thomasville,” (Ga. Laws 1888-89, pages 854-64, inclusive), as amended by several subsequent acts, be and the same is, hereby amended as follows:

- A. By amending Section 3.13, Article III, of the Charter of the City of Thomasville, captioned “City attorney,” which shall read as follows:

“Section 3.13. City attorney.

The City Manager City Council shall appoint a City attorney, together with such deputy City attorneys as may be authorized, and shall provide for the payment of such attorney or attorneys for services rendered to the city. The City attorney shall serve at the pleasure of the City Council and may be removed at any time, without cause or notice. The City attorney shall be responsible for representing and defending the City in all litigation in which the City is a party; may be the prosecuting officer in the municipal court; shall attend the meetings

of the City Council as directed; shall advise the City Council and other officers and employees of the City concerning legal aspects of the city's affairs; and shall perform such other duties as may be required of him by virtue of his position as City attorney."

## SECTION II

BE IT FURTHER ORDAINED that all portions of the charter or amendments thereto or all ordinances in conflict herewith be and the same are hereby repealed.

## 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 a notice, a copy of which is attached hereto as Exhibit A, will be and is made a part hereof, which notice embodies, among other things, the substance of this ordinance, which will be and was published in the Thomasville Times-Enterprise, the official organ of Thomas County, Georgia, in which the City of Thomasville is located, once a week for three weeks within a period of sixty days (60) immediately preceding the day of the final adoption of this ordinance.

## SECTION V

BE IT FURTHER ORDAINED that this ordinance shall become effective immediately upon the date of final passage.

## SECTION VI

BE IT FURTHER ORDAINED that this ordinance shall in no way change the existing charter, except as set forth above, and this ordinance shall in no way whatsoever change the form of government of the City of Thomasville.

This ordinance was introduced and read at a lawful meeting of the Council of the City of Thomasville held Monday, September 14, 2020, and read the second time, passed and adopted in like meeting held on Monday, September 28, 2020.

## NEW BUSINESS

### **Appointment of City Attorney pursuant to the Charter of the City of Thomasville, Section 3.13, captioned "City Attorney".**

City Attorney, J. Alan Carson reported that with the adoption of the Charter amendment, Council must appoint a City Attorney. Councilmember Warren inquired if it was permissible to appoint an attorney prior to filing the ordinance with the appropriate State offices. Attorney Sanders reported the ordinance is filed with the Clerk of Superior Court in Thomas County and is effective when filed with the Secretary of State's office. Attorney Sanders noted the appointment is permissible as ordinances filed under the Home Rule Statute are completed as informational filings. Attorney Sanders Further noted an appointment is recommended so as to avoid a lack of legal representation for the

City of Thomasville. It was noted the Home Rule Statute allows certain amendments to Municipal Charters, providing those amendments do not change the form of government and other provisions as stated in Home Rule Powers of Title 36 of the Georgia Code. Mayor Hobbs noted he would abstain from voting if necessary, citing a potential conflict of interest due to contract of personal legal counsel from the same legal firm which employs Mr. Sanders. It was noted there was not a conflict of interest.

Mayor Pro Tem Hufstetler motioned to nominate Attorney Timothy C. Sanders for the appointment as City Attorney for the City of Thomasville. Councilmember Flowers seconded the motion. There were no additional nominations or discussion. The motion to appoint Timothy C. Sanders as City Attorney passed 5-0, with the following votes recorded:

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

City Attorney, Tim Sanders, thanked the City Council for their support and stated he looked forward to continuing to serve as City Attorney for the City of Thomasville.

**Alcohol Beverage Mystery Shopper Violations Show Cause Hearings.**

City Attorney, Tim Sanders, opened the meeting for Show Cause Hearings regarding Mystery Shopper Alcoholic Beverage Violations pursuant to the Thomasville Municipal Code Section 3-25. Attorney Sanders reported on February 28<sup>th</sup> and February 29<sup>th</sup>, 2020 the Thomasville Police Department conducted the annual Mystery Shopper detail in Thomasville, Georgia to assure all businesses licensed in the city limits are within Georgia law. As a result of this investigative detail, and its subsequent actions, there have been seven (7) establishments whose employees have pled guilty or been adjudicated guilty. Following this action, the Alcoholic Beverage License Holder has the right to request a show cause hearing to be held before the Council of the City of Thomasville, Georgia, as to why their license to sell alcoholic beverages at the establishment should not be suspended or revoked by Council because of the sale of alcoholic beverage to an underage person. Five of the seven Alcoholic Beverage License Holders attended their Show Cause Hearings on September 14, 2020. The remaining two requested to appear before Council at this meeting. Attorney Sanders reported that both of these establishments have provided proof of the employee's participation in the required alcohol beverage training program and were considered as first offenses as each establishment had no violations in the twelve months prior to this citation.

Attorney Sanders reported Harvey's Supermarket #1620 was summoned to appear before Council; however, their legal counsel provided a letter of no contest in lieu of attendance at this meeting and requested to pay the levied fine if so levied. Councilmember Mobley motioned to approve the levied fine of \$500.00 for the citation of License Holder Gary Patel for Harvey's Supermarket #1620, located at 1404 East Jackson Street, Thomasville, Georgia, as a first offender for Alcohol Beverage Violation – License Holder Sales to Underage Persons pursuant to City of Thomasville Municipal Code § 3-25 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 Hufstetler, and Councilmembers Flowers, Mobley and Warren.

Attorney Sanders summoned Longhorn's Steakhouse License Holder, Brian Tanner, to appear before Council. Mr. Tanner stated no contest to the citation and elected to pay the levied fine if so levied. Mayor Pro Tem Hufstetler motioned to approve the levied fine of \$500.00 for the citation of License Holder Brian Tanner for Longhorn's Steakhouse, located at 21 Constitution Avenue, Thomasville, Georgia, as a first offender for Alcohol Beverage Violation – License Holder Sales to Underage Persons pursuant to City of Thomasville Municipal Code § 3-25 as presented. Councilmember Flowers seconded. Councilmember Warren inquired if servers serving alcohol for consumption were required to be 21. It was noted servers could be 18 years of age to serve alcohol for consumption. There was no further discussion. The motion passed 5-0, with the following votes recorded:

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

City Attorney Sanders reported that the number of violators for the annual Mystery Shopper detail was greater than seven; however, due to delays caused by the coronavirus pandemic, the remaining employee violators have not completed their court process and therefore the License Holders could not hear request a Show Cause Hearing. The remaining violators would appear before Council at a later time.

**Motion to approve Alcohol Beverage License application for packaged beer and wine for three (3) Circle K locations under new management.**

Event Facilities, Business & Tax Licensing Administrator, Melissa Creel, reported as a result of new management for Flash Foods, LLC, D.B.A. Circle K locations in Thomasville, the new manager has completed application for a license to engage in the business of selling Packaged Beer and Wine for three locations in Thomasville. The license issued by the City is contingent upon the applicant receiving a like permit from the Georgia Department of Revenue, Alcohol and Tobacco Tax unit. There were no issues revealed in the background check of the applicant, Sandra Kay Revell. A correction of the address listed in the backup documents was noted for Circle K #2745150: the address shall read as 15327 US Highway 319 South, Thomasville, Georgia.

Councilmember Warren motioned to approve the application for Sandra Kay Revell, Manager of Flash Foods, LLC D. B. A. Circle K #2745149, 15327 US Highway 19 South, Thomasville, Georgia, 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 Hufstetler, and Councilmembers Flowers, Mobley and Warren.

Councilmember Mobley motioned to approve the application for Sandra Kay Revell, Manager of Flash Foods, LLC D. B. A. Circle K #2745150, 6358 US Highway 319 South, Thomasville, Georgia, as presented. Councilmember Warren seconded. There was no further discussion. The motion passed 5-0, with the following votes recorded: AYES: Mayor Hobbs, Mayor Pro Tem Hufstetler, and Councilmembers Flowers, Mobley and Warren.

Councilmember Warren motioned to approve the application for Sandra Kay Revell, Manager of Flash Foods, LLC D. B. A. Circle K #2745151, 2667 East Pinetree Boulevard, Thomasville, Georgia, 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 Hufstetler, and Councilmembers Flowers, Mobley and Warren.

Upon approval of the applicant's licenses as presented, Mayor Hobbs read the following statement to the license holder:

*It is important that you and your staff strictly adhere to the City of Thomasville's Alcoholic Beverage Sales ordinances and required employee training programs. It is important that you have a training program for your employees regarding the sale of alcoholic beverages to underage persons, and it is important that you have written proof that your employees have participated in the required training program.*

*As a reminder, the Thomasville Police Department routinely conducts a "Mystery Shopper Program" so as to monitor the enforcement of the prohibition of sales of alcohol to underage persons. If you or one of your employees sells alcoholic beverages to an underage person through the Mystery Shopper Program, you will be required to appear before the City Council and show written proof that your employees have participated in the required training program. Please understand that the penalties for the sale of alcoholic beverages to underage person are significantly greater if you don't have written proof that your employees have participated in the required training program.*

*We are providing you a copy of Thomasville Municipal Code Chapter 3, "Alcoholic Beverages", with the added Article V ordinance amendment for "Sale Off-Premises for Catered Functions". Please familiarize yourself with the code and the requirements associated with your alcoholic beverage license.*

**Motion to ratify award of contract for Rail Repair at Rose City Industrial Park Rail Spur at Davenport Drive.** City Engineer, Wayne Newsome, reported CSX contacted the City Engineering Department stating that the City portion of the rail was no longer safe to use at the Davenport Drive spur location. CSX provided City an inspection report with a 30 day notice to make repairs or rail service would be discontinued. Two industries use this rail on a regular basis to conduct businesses (Georgia Pipe and Crawford Industries). Emergency action was taken to proceed with repairs to ensure the limitation of services disruption for the businesses who utilize this rail spur on a daily basis. A quote for the repair was received in the amount of \$54,422.05 from Rose City Rail Construction. Rose City Rail

Construction is a locally based company that specializes in private rail repair throughout the Southeast. They are also currently working on private section of rail owned by the two industries stated above. Rose City Rail Construction has previously completed numerous rail repairs for the City of Thomasville. The repair construction on the rail spur located at Davenport Drive was completed by Rose City Rail Construction.

Councilmember Mobley motioned to ratify the award of contract for Rail Repair at Rose City Industrial Park Rail Spur at Davenport Drive in the amount of \$54,422.05, utilizing funding from FY2018 SPLOST funds. Mayor Pro Tem Hufstetler seconded. There was no further discussion. The motion passed 5-0, with the following votes recorded: AYES: Mayor Hobbs, Mayor Pro Tem Hufstetler, and Councilmembers Flowers, Mobley and Warren.

**Bids and award for the purchase of two (2), One-Ton Service Body Trucks for Wastewater Department.**

Wastewater Superintendent, Antonio O'Neal, reported this amended request is for two one-ton service body trucks for the Wastewater department. Due to the bid amount received per unit, the request was modified to include the purchase a total of two units; one will be purchased utilizing FY2020 Sewer Capital funds and one will be purchased utilizing the FY2021 Sewer Capital funds. It was noted that during the Workshop discussion, purchasing two trucks was recommended to ensure cost savings. These trucks will replace two existing units; one that is thirteen years old and non-operational and one that is nearing its end of service life. A summary of bids received follows.

<b>BIDDER</b>	<b>BID AMOUNT</b>
Tallahassee Ford, Tallahassee, Florida	\$53,398.50
Stallings Automotive, Thomasville, Georgia	\$56,439.00

Councilmember Flowers motioned to approve the award of purchase of two one-ton service body trucks to Tallahassee Ford, Tallahassee, Florida, in the amount of \$53,398.50 each, utilizing FY2020 Sewer Capital funds for one unit and FY2021 Sewer Capital funds for the second unit, both with third party financing if necessary. Councilmember Warren seconded. There was no further discussion. The motion passed 5-0, with the following votes recorded: AYES: Mayor Hobbs, Mayor Pro Tem Hufstetler, and Councilmembers Flowers, Mobley and Warren.

**Bids and award for the purchase of four (4) pickup trucks to be used by Street, Electric, Sanitation and Service Departments.**

Manager of Fleet Services and Purchasing, Anthony Choice, requested Council to consider the purchase of four pickup trucks to be used by the following departments: Street, Electric, Sanitation and Service. If approved, these purchases will replace three units (#20609-Street Department, #10256-Electric Department and #10806- Service Department), which have exceeded their service life; and, one unit (#21311- Sanitation Department), which was involved in an accident and will be totaled by the insurance company. It was noted that requests for accessory equipment for these units will be made at a later date. Bids were received for a range of 4x2, 4x4, extended cab and crew cab pickup trucks. A summary of bids received follows.

<b>BIDDER</b>	<b>TRUCK TYPE</b>	<b>BID AMOUNT</b>
Allan Vigil, <i>Morrow, Georgia</i>	2021 Ford F-150, 4x2, Extended Cab	\$28,354.00 per truck
	2021 Ford F-150, 4x2, Crew Cab	\$30,580.00 per truck
	2021 Ford F-150, 4x4, Extended Cab	\$30,815.00 per truck
	2021 Ford F-150, 4x2, Crew Cab	\$33,113.00 per truck
Stallings Automotive <i>Thomasville, Georgia</i>	2021 Dodge Ram, 4x2 Extended Cab	\$25,371.00 per truck
	2021 Dodge Ram, 4x2, Crew Cab	\$26,310.00 per truck
	2021 Dodge Ram, 4x4, Extended Cab	\$28,451.00 per truck
	2021 Dodge Ram, 4x4, Crew Cab	\$29,683.00 per truck

Councilmember Warren motioned to approve the award of purchase to Stallings Automotive of Thomasville, Georgia, in a total amount of \$115,359.00, with third party financing if necessary, as follows:

1. Sanitation Department: One (1) 2021 Dodge Ram 1500, 4x4, Crew Cab Truck in the total amount of \$29,683.00, utilizing monies received from insurance for unit #21311 and any remainder necessary from the Sanitations transportation equipment capital budget; and,

2. Electric Department: One (1) 2021 Dodge Ram 1500, 4x4, Crew Cab Truck in the total amount of \$29,683.00, utilizing FY2020 budgeted capital funds; and,
3. Street Department: One (1) 2021 Dodge Ram 1500, 4x4, Crew Cab Truck in the total amount of \$29,683.00, utilizing FY2020 budgeted capital funds; and,
4. Service Department: One (1) 2021 Dodge Ram, 4x2, Crew Cab Truck in the total amount of \$26,310.00, utilizing FY2020 budgeted capital funds.

Councilmember Mobley seconded. There was no further discussion. The motion passed 5-0, with the following votes recorded: AYES: Mayor Hobbs, Mayor Pro Tem Hufstetler, and Councilmembers Flowers, Mobley and Warren.

#### **CONSENT AGENDA**

There were no items considered by Council on the Consent Agenda at this meeting.

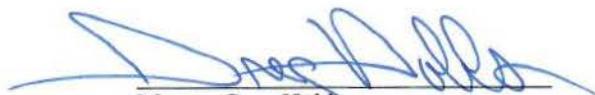
#### **REPORTS**

City Manager Carson reminded Councilmembers of the Council and Leadership Staff Retreat that would be held on September 29, 2020 at the Quail Branch Lodge in Lake Park, Georgia. The retreat is scheduled for 8:30 AM until 4:30 PM.

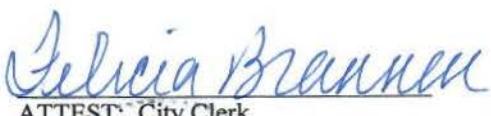
Councilmembers congratulated Tim Connell as being named as the new Thomasville Fire Rescue Chief for the City of Thomasville. Councilmember Flowers acknowledged the Thomas County Board of Commissioners with best wishes on the upcoming opening of the shooting range "The Ranges at Oak Field"; the community was encouraged to attend the opening ceremonies. Councilmember Flowers also encouraged the community participate in the Census Count. Councilmember Warren thanked the Georgia National Guard 1230<sup>th</sup> Transportation Company for their service and encouraged the community to attend the City of Thomasville's Deployment Ceremony, Saturday, October 1, 2020. Mayor Pro Tem Hufstetler acknowledged and commended City staff for their professionalism during Council Meetings and Workshops. Mayor Hobbs commended Councilmembers for their support and attending various functions he has been unable to attend.

#### **ADJOURNMENT**

Having no further business to discuss, the Thomasville City Council Meeting was adjourned at 6:28 PM.



Mayor, Greg Hobbs



Felicia Branner

ATTEST: City Clerk

