

City of Thomasville Council Meeting, September 27, 2021

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; and, other city staff. 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 the 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.

CALL TO ORDER

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

INVOCATION

Councilmember Flowers gave the invocation.

PLEDGE OF ALLEGIANCE

Mayor Pro Tem Hufstetler led the Pledge of Allegiance.

APPROVAL OF MINUTES

Councilmember Mobley motioned to approve the September 13, 2021 City Council Meeting minutes 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.

PRESENTATION

On behalf of the Georgia Association of Chiefs of Police (GACP), Georgia Certification Program Coordinator Chuck Groover, honored the Thomasville Police Department (TPD) for their recertification. He reported TPD is State Certified and Nationally Accredited. Groover further reported there are approximately 700 law enforcement agencies in the State of Georgia; of which, approximately 135 have obtained State Certification. The Thomasville Police Department chose to undertake the arduous, three-year process to obtain this certification as a means to be the best Police Department they can be. Groover presented the recertification for the next four years to Police Chief John Letteney. Groover also acknowledged, that while the recertification is a department-wide effort; there is one person who is tasked as the Certification Manager and coordinates all recertification efforts. GACP Vice President/Americus Police Chief, Mark Scott presented Lieutenant Kimberly Dyke with a Certificate of Appreciation in honor of her coordination efforts.

CITIZENS TO BE HEARD

Mayor Hobbs acknowledged the following citizens as listed on the Citizens to be Heard Sign in Sheet.

1. Kenny Maguire addressed Council in relation to the Mural Moratorium. Maguire noted he was not a resident of Thomasville; however, he was the artist of the murals located at Liam's and AJ Moonspin. He further noted he has painted murals nationwide and the majority of cities and/or towns require the artist to provide a layout of the mural to be submitted as part of the approval process. Maguire noted he would be available to answer any questions.
1. Nancy Tinker, Executive Director of Landmarks, noted that Landmarks has not taken a formal position on mural installation; they encouraged leaders to be deliberate and wise in taking the time needed to properly gather information regarding mural installations. She further noted that Thomasville's history of

progressive thinking in applicable situations would quite possibly provide the expertise and gathering of information necessary in a shorter amount of time than what the moratorium proposed.

2. Heather Abbott reported she had reached out to Councilmembers earlier in the day and thanked those who had responded. Abbot was not in favor of the proposed mural moratorium and voiced concerns regarding unnecessary control and first amendment issues. Abbott noted she was in favor of guidelines and the convening of committees to create an ordinance for mural installations.
3. Doris Clark voiced concerns regarding an apparent water leak located in the street in front of her home and that workers had removed the cover over the water cut off valve leading to her residence and left it uncovered. She requested these items be fixed in the correct manner so as to not have issues in the future. Mayor Hobbs requested Ms. Clark to contact the Water Department and provide them with details. Following further discussion, City Manager Carson requested Ms. Clark contact his office the next day.
4. Kathryn Rigsby voiced opposition to the moratorium on mural installations and encouraged Council to work with the community to allow mural installations as a means for the public to view art in Thomasville.
5. Lucinda Brown voiced concerns regarding mural installation which may have offensive content and encouraged Council to adopt an ordinance which would ensure content was not offensive.
6. Rhonda Foster addressed Council with concerns regarding the manner in which Council has presented the Mural Moratorium Ordinance. She requested Council to adopt an ordinance which would allow murals and also asked them to review the web link she emailed to Councilmembers earlier in the day regarding the Georgia Mural Trail and the benefits of art in public places.
7. Desiree McGuire addressed Council in opposition of the mural moratorium. She explained that a moratorium which does not allow murals sends a negative message to young artists regarding public art. She noted there are far more important issues which Council should be addressing.
8. Scott Chastain addressed Council and noted he was a property and business owner in Thomasville who has been involved in many downtown projects over the last 15 years. He further noted that the creation of reactive issues does not provide for proactive results. Chastain reported murals are addressed in the comprehensive plan for the City of Thomasville and he encouraged Councilmembers to engage the community for feedback regarding murals.

ADOPT AGENDA

Councilmember Warren motioned to amend the agenda by tabling Old Business Item A (the second reading of an Ordinance to Impose a Moratorium on Mural Installations within the City of Thomasville) for discussion at a later date and adopting the amended agenda. Councilmember Mobley seconded. Mayor Pro Tem Hufstetler conveyed his opposition of removing the item from the agenda and his opposition of imposing a moratorium on mural installations. Further discussion ensued regarding information available prior to the first reading of the proposed moratorium ordinance and information obtained since that reading. Citizens were thanked for providing additional comments and perspective in this matter. This motion remained unchanged. The motion passed 4-1, with the following votes recorded:

AYES: Mayor Hobbs, Councilmembers Flowers, Mobley and Warren.

NAY: Mayor Pro Tem Hufstetler.

Old Business Item A. (Second reading of an ordinance imposing a Moratorium on Mural Installations within the City of Thomasville) was removed from the agenda.

OLD BUSINESS

Second reading of an ordinance to rezone 1501 Magnolia Street from R-1 Single Family Residential to R-2 Multifamily Residential, Limited Use (Daycare).

City Planner, Kenny Thompson reported there were no changes to the ordinance since its passage on first reading on September 13, 2021. As a reminder, the property owner is seeking to rezone the property at 1501 Magnolia Street from R-1 Single Family Residential to a Limited Use R-2 Multifamily Residential. This rezoning will enable the property owner to use the existing house as a family child care facility or a home but does not allow for any other use of the property. The limited use designation will "limit" the allowable uses for the property and require the home to revert back to R-1 if the family child care is not in operation for an extended period of time.

Councilmember Flowers motioned to order the ordinance read for the second time, passed and adopted, as presented. 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.

The ordinance 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 "R-1, RESIDENTIAL", TO DESCRIBE SAID EXCLUDED TRACT AND TO DESIGNATE THE SAID SAME TRACT AS PARCEL 78 OF SECTION 22-81 CAPTIONED "R-2, LU, MULTI-FAMILY RESIDENTIAL LIMITED USE (NURSERY SCHOOL-FAMILY CHILD CARE), WITH STIPULATIONS". 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 "R-1, Residential" and to designate the said same tract as Parcel 77 of Section 22-81 captioned "R-2, LU Multi-family Residential Limited Use (Nursery School-Family Child Care)" with the following stipulation:

- The approval for the daycare facility is limited to a Family Child Care Learning Home, as defined by Ga. Regs. 290-2-3.03, as of the date of the passage of this Ordinance

and more particularly described as follows:

ALL THAT CERTAIN LAND OR PIECE OF GROUND lying and being in land lot 41 of the 13th land district, city of Thomasville, Thomas County, Georgia, as depicted and shown as tract 1 of a certain plat for Torrie Fedrick, said plat being filed on June 29th, 2021 and recorded in Superior Court records of Thomas County, Georgia, in plat book 10, page 62, as further more particularly described by metes and bound description set forth as follows:

All that tract of parcel of land lying and being in land lot 41 of the 13th land district, city of Thomasville, Thomas County, Georgia, as being more particularly described as follows:

Commence at the intersection formed by the southerly right-of-way of Pear Street, (60 foot right-of-way), and the easterly right of way of Magnolia Street, (60 foot right -of-way), said point being the TRUE POINT OF BEGINNING: THENCE north 82 degrees 16 minutes 55 seconds east along the southerly right-of-way of Pear Street a distance of 136.49 feet to an iron pin: THENCE south 07 degrees 40 minutes 11 seconds east a distance of 106.47 feet to an iron pin; THENCE south 82 degrees 36 minutes 28 seconds west a distance of 67 feet to an iron pine; THENCE South 82 degrees 22 minutes 21 seconds West a distance of 95.45 feet to an iron pine and the easterly right -of-way of Magnolia Street; THENCE north 06 degrees 05 minutes 54 seconds east along the easterly right-of-way of Magnolia Street a distance of 109.10 feet to a 3 inch by 3 inch concrete monument and the TRUE POINT OF BEGINNING: containing 0.364 acres of land more or less; or 15865 square feet.

Said tract of land has located thereon a structure known as 1501 Magnolia Street by the present numbering system of the City of Thomasville.

SECTION II

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

SECTION VI

This ordinance was introduced and read for the first time in a lawful meeting of the City Council held on September 13, 2021 and passed and adopted on the second reading of the ordinance at a lawful meeting of the City Council held on September 27, 2021.

NEW BUSINESS

Resolution to approve an amendment to the 2017 SPLOST Intergovernmental Agreement on behalf of the City of Barwick.

City Attorney, Tim Sanders, reported the City of Barwick has proposed an amendment to the 2017 SPLOST Intergovernmental Agreement to provide for the expenditure of these funds for the construction of government buildings or facilities as provided in the ballot question that was adopted by the majority of the voters in the County.

Councilmember Mobley motioned to approve the resolution 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.

The approved resolution follows.

RESOLUTION

A RESOLUTION OF THE MAYOR AND COUNCIL FOR THE CITY OF THOMASVILLE, GEORGIA AUTHORIZING EXECUTION OF AN AMENDMENT TO THE 2017 SPLOST INTERGOVERNMENTAL AGREEMENT; REPEALING ALL RESOLUTIONS IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES.

WHEREAS, the City of Barwick, Georgia, a party to the 2017 SPLOST Intergovernmental Agreement, has proposed an amendment to the Agreement authorizing the construction of government buildings and facilities funded by SPLOST; and

WHEREAS, the ballot language contained in Section 8 of the 2017 SPLOST Agreement did authorize the construction of government buildings and facilities; and

WHEREAS, the ballot question was approved by majority of voters of Thomas County on November 7, 2017; and

WHEREAS, the City of Barwick does petition Thomas County and the other Cities within Thomas County to amend the contract to authorize the expenditure of SPLOST funds for the construction of governmental facilities.

NOW THEREFORE, it is resolved by the Mayor and Council of the City of Thomasville, Georgia as follows:

Section 1. The proposed amendment to the 2017 SPLOST Intergovernmental Agreement, a copy of which is attached hereto as Exhibit "A" is approved.

Section 2. The Mayor and City Clerk are authorized and directed to execute a counterpart of the Amendment in the name of and on behalf of the City to affix the official seal of the City thereto and deliver the executed counterpart to the City of Barwick.

Section 3. All resolutions or parts of resolutions in conflict herewith are repealed.

SO RESOLVED this 27th day of September, 2021.

Motion to accept grant funds from Williams Family Foundation for the purpose of purchase and placement of historical plaques located in The Bottom.

Public Outreach Manager, Sherri Cain reported the Williams Family Foundation of Georgia, Inc. has approved a grant for the City of Thomasville in the amount of \$10,000 for the purchase and installation of historic sidewalk plaques for the 200 block of West Jackson Street. She noted that during the completion of the West Jackson Streetscape Project in 2019, funding was not available for the installation of historic sidewalk plaques in the 200 block of West Jackson Street. The Williams Family Foundation of Georgia, Inc. grant will allow for production and installation of the plaques in the 200 block of West Jackson Street. Councilmembers acknowledged the generosity and support received from the Williams Family Foundation in Thomasville community. City Manager Carson commended Mrs. Cain on her outstanding efforts in obtaining additional funding for the installation of the historic sidewalk plaques in The Bottom.

Mayor Pro Tem Hufstetler motioned to approve the acceptance of grant 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 Hufstetler and Councilmembers Flowers, Mobley and Warren.

Motion to approve Alcohol Licenses for El Jalisco Mexican Restaurant.

Business Licensing & Tax Administrator, Melissa Creel reported the applicant/owner Jose Jesus Carranza Quintero, has completed all necessary forms relating to applications for Alcohol License for Retail Consumption of Beer, Wine and Liquor Pouring Privilege for the establishment El Jalisco Mexican Restaurant, located at 15370 US Highway 19 South, Thomasville, Georgia. Administrator Creel further reported Thomasville Police Department has provided a memo stating the background check did not reveal any problems or concerns with the applicant's request. It was noted that the licenses issued by the City are conditioned upon the applicant obtaining a like permit from the Georgia Department of Revenue, Alcohol, and Tobacco Tax Unit.

Council member Mobley motioned to approve the Alcohol Licenses for Retail Consumption of Beer, Wine and Liquor Pouring Privilege for El Jalisco Mexican Restaurant 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.

Following the approval of the Alcohol Beverage Licenses for the establishment, Mayor Hobbs read the following statement to applicant/owner Jose Jesus Carranza Quintero, who was present:

"As part of your application processes, you each signed an affidavit stating that you understand the sale of alcoholic beverages to an underage person is an illegal act, punishable by law, in the State of Georgia; and, you understand the code requirements as they relate to the required training program and prohibition of sales of alcoholic beverages to an underage person; and, you all received a copy of the current Thomasville Municipal Code Chapter 3, titled "Alcoholic Beverages".

Bids and award for the purchase of 2021 SPLOST/LMIG Improvements Project.

City Engineer, Todd Powell reported proposals were opened May 20, 2021 for the project, which includes furnishing all labor and equipment to perform all work required to complete various street improvements that include milling, spreading tack coats, resurfacing, striping, shoulder building, grassing, and other necessary and appurtenant work on (12) twelve streets that include:

- Augusta Avenue (South Street to Orange Street): 610 LF
- Bartow Street (W. Jackson Street to Gordon Avenue): 3071 LF
- Fern Street (Fletcher Street to Magnolia Street): 1892 LF
- Hopkins Street (Fletcher Street to Lester Street): 538 LF
- Jones Street (Fletcher Street to Lester Street): 548 LF
- Kings Street (Remington Avenue to Royal Avenue): 1320 LF
- Montrose Drive (Myrtle Drive to Ridgecrest Drive): 967 LF
- Mulberry Street (Railroad Avenue to Fletcher Street): 854 LF
- North Hansell Street (E. Calhoun Street to E. Webster Street): 445 LF
- Railroad Avenue (W. Jackson Street to Wright Street): 919 LF
- S. Stevens Street (Lester Street to Wright Street): 554 LF
- Wright Street (Brighton Street to South Street): 1364 LF

City Engineer Powell noted the work would be funded by utilizing budgeted 2018 SPLOST funds. A summary of bids received follows.

<u>BIDDER</u>	<u>BID AMOUNT</u>
The Scruggs Company, Hahira, Georgia	\$816,105.53
Capital Asphalt, Tallahassee, Florida	\$1,189,504.00

Mayor Pro Tem Hufstetler motioned to award the bid to The Scruggs Company of Hahira, Georgia in the amount of \$816,105.53 as presented. Councilmember Flowers seconded. It was noted that the project was anticipated to begin in the first quarter of 2022. 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 purchase of Remington Avenue Drainage Improvements.

City Engineer, Todd Powell reported at the intersection of Dawson Street and Remington Avenue, storm drainage upgrades are required. There is a total of 11 acres with 6 acres being asphalt that sends runoff into an existing storm drainage system containing 15-inch clay pipes at Remington and Dawson. This overwhelms the drainage system during heavy downpours. An increase in pipe size to 24 inches is necessary in order to better serve the community. Proposals were opened September 13, 2021 for the above project, which includes furnishing all labor and equipment to perform all work required to complete drainage improvements at the intersection of Dawson Street and Remington Avenue. Work is to be completed within 30 consecutive calendar days of the Notice to Proceed. City Engineer Powell noted this work will be funded utilizing 2018 SPLOST Funds. A summary of bids received follows.

<u>BIDDER</u>	<u>BID AMOUNT</u>
H&H Paving of Quitman, Georgia	\$259,125.45
Green’s Backhoe, Thomasville, Georgia	\$355,548.55

Councilmember Flowers motioned to award the bid to H&H Paving of Quitman, Georgia, as presented. 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.

REPORTS

City Manager Carson presented each Councilmember with a three-year reporting of accomplishments for their review. The reporting included items such as, but not limited to, items Council has approved for purchase, grant funding and projects that have been completed.

City Attorney Sanders provide a brief update regarding the process of bid sale relating to the City-owned property known as Mitchell House Condominium Unit #401. It was reported that proper notice has been given in the legal organ of Thomas Count; sealed bids are due by 11:00 AM on October 4, 2021; the bid opening will take place at 4:00 PM on October 5, 2021. Council is required to approve the bid, authorize the purchase and sales agreement by an ordinance. It is recommended this be completed under emergency resolution to provide for the ordinance to be read on first and second readings at one meeting.

Mayor Hobbs reported a closed session was requested for Council to discuss personnel matters and pending litigation matters. Councilmember Flowers motioned to close the public meeting and enter into an Executive Session pursuant to O.C.G.A. § 50-14-3(b)(2) and O.C.G.A. § 50-14-2(1). 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.

Following the duly closed and opened Executive Session. The public meeting was reopened to the public.

Having no further business to discuss, the Thomasville City Council Meeting was adjourned at 7:34 PM.


Mayor, Greg Hobbs


ATTEST: City Clerk

