

City of Thomasville Called Council Meeting, March 14, 2022

The Council of the City of Thomasville met in a called session with Mayor Pro Tem Todd Mobley presiding and the following Councilmembers present: Wanda Warren, Terry Scott and Scott Chastain. Also present were the City Manager, J. Alan Carson; City Attorney, Tim Sanders; Assistant City Managers Sheryl Sealy and Chris White; other city staff; citizens 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, to ensure the health and safety of meeting participants and the citizens of Thomasville.

CALL TO ORDER

Mayor Pro Tem Mobley called the meeting to order at 8:30 AM. It shall be noted that Mayor Jay Flowers was not present during this meeting.

NEW BUSINESS

Consider an appeal to a Historic Preservation Commission ruling by appellant Ian B. Quinton, concerning 300 W. Jefferson Street (Case HPC-2021-35, Bracey Square, LLC & Taki Ovanessian, Owner and Applicant).

Council considered an appeal to the November 16, 2021 ruling of the Historic Preservation Commission in which the commission had voted unanimously to award a Certificate of Appropriateness in relation to Case: HPC-2021-35, Bracey Square, LLC & Taki Ovanessian, concerning 300 West Jefferson Street, Thomasville, Georgia. Mayor Pro Tem Mobley turned the floor over to City Attorney, Tim Sanders, who reported the hearing would be conducted so as to provide the appellant, and the plaintiff, each 30 minutes in which to provide information to the Councilmembers for their collective consideration in the matter presented. It was noted that appellant, Ian Quinton, would be heard first.

City Attorney Sanders noted he had previously provided Councilmembers with information regarding the appeal. He then reviewed Municipal Code of Ordinances, Chapter 9. "Historic Preservation", Sections 9-98 through 9-113 in the Code, and outlined the provisions for the appeals process. Attorney Sanders reported the burden is on the appellant to show the egregious action of the Commission and is entitled to due process with the chance to present the appeal to Council. Attorney Sanders reported at the conclusion of the hearing, Council has the right to make determination at this meeting or at a subsequent meeting. He further explained that Council must find egregious action outside of the purview and guidelines under which the Historic Preservation Commission should have been operating has taken place in order to be justified in providing action to modify or reject the findings of the Commission's November 16, 2021 ruling in relation to the Case: HPC-2021-35, Bracey Lumber Project. The project's plans provide for an end design inclusive of mixed use development consisting of retail/living/commercial space, utilizing multi-level architectural style buildings in an area of downtown Thomasville.

The appellant, Mr. Quinton reported as the owner of International Design and Display Group and co-owner of The Biscuit Company, both of which are in the vicinity of the proposed Bracey Lumber Project and made it known he was not in favor of the proposed project for that area. Mr. Quinton reviewed a timeline beginning in April 2020 and displayed email records he received through open records requests. He explained that Ms. Ovanessian had provided to planning staff conceptual site drawings for review and consideration. Following their preliminary review, staff provided comments that he felt suggested an assumed future zoning change that would be favorable for project. Further reviewing his timeline, Mr. Quinton noted the proposed project was to be presented to the ARZA (Architecture Review and Zoning Appeals Board) and P&Z (Planning & Zoning Commission); however, it had been withdrawn due to concerns of staff which included property size/use. During this time, Mr. Quinton noted staff had provided to Ms. Ovanessian additional information regarding concerns and included recommendations to amend the plans in an effort to make the project conforming in nature and again made reference to Ms. Ovanessian the city would change the zoning to accommodate the project's approval. He stated Architects, Lewis + Whitlock, presented a concept plan for the Bracey Lumber Project to the Historic Preservation Commission (HPC) on August 10, 2021, as an add on item. It was noted there was no action taken by the HPC at that meeting. Mr. Quinton noted that following the August 10, 2021 HPC Meeting, the City Planner coordinated training for HPC members and staff that used the Bracey Project as subject matter; which appeared as though the City Planner wanted to train HPC members and staff on how to get the project approved. Mr. Quinton, noted following training, staff communicated with the Project's architects regarding changes to the concept plan which made it more appealing for approval by HPC. Mr. Quinton reported the City

Planner had contacted him and made it known the Bracey Lumber Project proposal would be formally presented to HPC and indicated the project may not be viewed as conforming. Mr. Quinton further stated, later that same evening, he received an email from the City Planner that stated the City Planner “had reviewed the proposal and found it to be conforming”. Mr. Quinton noted he felt City Staff had lied to him, the HPC and the Thomasville Community regarding this project. Mr. Quinton reviewed the minutes of the November 16, 2021 HPC meeting and noted only half of the entire site plan was reviewed by HPC, as the full project would dramatically change the neighborhood. Mr. Quinton noted HPC board members were confused in their understanding of the codes in relation to the project and it appeared as if staff coerced HPC board members into a favorable ruling the project.

Attorney Bill Blackburn represented Ms. Taki Ovanessian, the developer/plaintiff. He noted the city staff provided a copy of the Commercial Design Guidelines to the developer. Attorney Blackburn reported the developer has made the recommended changes to the plans as was requested. He noted the staff analysis provided a history of the project. Attorney Blackburn noted having reviewed all of the material provided by the City, which included audio recordings of the Historic Preservation meetings at which Mr. Quinton attended and the project was presented. He further noted that Mr. Quinton’s concerns were related to the proposed structure heights of 50 feet. Following recommendation by staff regarding these concerns and the affect the proposed project would have on the overall character of the surrounding areas, the developer revised the proposed site plans as recommended and worked with staff to ensure the Project conformed to all guidelines and zoning laws. Attorney Blackburn noted the City’s planning staff ensures that future development is constructed in a manner that fits the overall plan for the City in the way of structures, neighborhoods, etc. Attorney Blackburn reported that a lot of time and effort was put forth in presentations to HPC regarding this project. The project was reviewed, presented, modified after complaints, and re-presented to HPC; who then voted unanimously to award the certificate of appropriateness. Mr. Lewis, Architects Whitlock + Lewis, was present provided a brief history of their involvement with the Bracey Lumber Project. Mr. Lewis reported the property slopes downward approximately 20 feet from front to back. Following several meetings with staff and Mr. Quinton, the plans were modified to three stories and in a manner to greatly minimize any adverse effects. He reported the current proposed plan conforms to the current zoning codes, building codes, and overlays which govern the height of buildings and construction. Mr. Drew Tuggle, an associate to Attorney Blackburn, addressed Council and noted it was Council’s responsibility to determine if the evidence presented indeed showed an abuse of discretion by the HPC board in the ruling in relation to the Bracey Lumber Project on November 16, 2021. In conclusion, Attorney Blackburn reported the Bracey Lumber Project would provide a positive economic impact on the community as it was presented.

Councilmember Warren inquired if the Project’s developer had provided the HPC board members with adequate information prior to the November 16, 2021 ruling. Attorney Blackburn reported HPC had received the same information that Council was provided for this hearing. It was noted the information included demolition plans, building elevations, floor plans, text summaries and more; which was also included in Section 6 of Council’s binders.

Mr. Quinton addressed Council in rebuttal, as permitted. He agreed the project would be a great addition; however, he was concerned that when the current building fell down, it would create more room, providing for the potential of more apartments to be constructed with potentially higher elevations. Mr. Quinton affirmed his opinion that staff had abused HPC board members and the developer; and coerced the HPC into awarding of the certificate of appropriateness for the project.

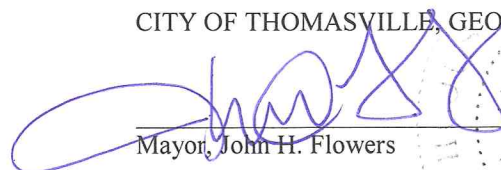
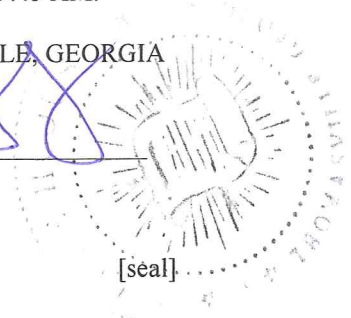
Councilmember Warren motioned to table Council’s decision on this appeal until a subsequent meeting. Councilmember Scott seconded. Councilmember Chastain indicated he was not in favor of further delay. There was no further discussion. The motion passed 3-1, with the following votes recorded:

- AYES: Mayor Pro Tem Mobley and Councilmembers Warren and Scott.
- NAY: Councilmember Chastain.

ADJOURNMENT

Having no further business for consideration, the Called City Council Meeting was adjourned at 9:45 AM.


ATTEST: City Clerk

CITY OF THOMASVILLE, GEORGIA

Mayor, John H. Flowers

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