

City of Thomasville Council Meeting, September 26, 2022

The Council of the City of Thomasville met in regular session with Mayor Jay Flowers presiding and the following Councilmembers present: Mayor Pro Tem Todd Mobley and Councilmembers Wanda Warren, Terry Scott and Scott Chastain. Also present were the City Manager, J. Alan Carson; Assistant City Managers, Sheryl Sealy and Chris White; City Attorney, Tim Sanders; 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. 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 Flowers called the meeting to order at 6:00 PM.

INVOCATION

Councilmember Scott gave the invocation.

PLEDGE OF ALLEGIANCE

Mayor Pro Tem Mobley led the Pledge of Allegiance.

APPROVAL OF MINUTES

Mayor Pro Tem Mobley motioned to approve the City Council Regular Meeting Minutes of September 12, 2022 as presented. Councilmember Warren seconded. There was no further discussion. The motion passed 5-0, with the following votes recorded:

AYES: Flowers, Mobley, Warren, Scott and Chastain.

CITIZENS TO BE HEARD

Mayor Flowers acknowledged the following citizens as listed on the Citizens to be Heard Sign-In Sheet:

1. Ian Quinton, addressed Councilmembers with concerns regarding the Certificate of Appropriateness (COA) granted to applicant Bracey Square, LLC & Takuhi Ovanessian (case # HPC-2021-35) and the subsequent appeal of the same. Quinton reported that as of September 23, 2022 and September 26, 2022 there was no construction work has commenced nor had an extension request been applied for by the applicant and submitted to the Historic Preservation Commission. Quinton further reported that pursuant to Section 9-125, captioned “Time limit on commencement of construction.”, he requested the Certificate of Appropriateness granted to Ms. Ovanessian be considered as void by the Historic Preservation Commission.

2. Pastor Ricky Monroe, 1217 North Short Broad Street, Mt. Sinai Apostolic Church, addressed Councilmembers requesting the City of Thomasville to consider allocation of funds to assist Mt. Sinai Apostolic Church in aiding its efforts after school and summer programs to feed and serve underprivileged and children in the Thomasville community.

ADOPT AGENDA

Council Member Scott motioned to adopt the agenda as presented. Councilmember Chastain seconded. There was no further discussion. The motion passed 5-0, with the following votes recorded:

AYES: Flowers, Mobley, Warren, Scott and Chastain.

OLD BUSINESS

Second reading of an ordinance to amend Chapter 3, “Alcoholic Beverages” of Thomasville’s Code to provide for breweries.

City Attorney, Tim Sanders, reported the changes since the first reading include The definition of Growler has been revised to allow cans, in addition to bottles, with a capacity of at least 32 oz. and not to exceed 72 oz. The caption of Division 3 and definitions of License and Restaurant have been revised to clarify that Division 3 only applies to licenses for the consumption of distilled spirits on the premises. Division 3, among other provisions, requires that licenses for consumption on the premises of distilled spirits may only be granted to restaurants and that they must have cooking facilities, seating, and place settings for at least 60 food customers. It was noted that these revisions were a result of public input requesting clarification.

Councilmember Chastain motioned to order the ordinance to amend Chapter 3 "Alcoholic Beverages" of Thomasville's Code as read for the second time passed and adopted, as presented. Councilmember Scott seconded. There was no further discussion. The motion passed 5-0, with the following votes recorded:

AYES: Flowers, Mobley, Warren, Scott and Chastain.

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

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF THOMASVILLE, GEORGIA, BY AMENDING **SECTION 3-1** TO ADD A NEW DEFINITIONS FOR "BREW PUB," "BREWERY," "GROWLER," AND "MICROBREWERY" AND TO REVISE OTHER RELEVANT EXISTING DEFINITIONS; **SECTION 3-29(a)** TO ADD A LICENSE CATEGORY TO PERMIT BREWERIES, BREW PUBS AND MICROBREWERIES; BY AMENDING **SECTION 3-30** TO AMEND PUBLICATION OF FEES FOR LICENSES FOR ALL ALCOHOLIC BEVERAGE LICENSES; BY AMENDING **SECTION 3-33**, TO PROVIDE THAT LICENSES FOR ALCOHOLIC BEVERAGES MAY ONLY BE GRANTED IN AREAS APPROPRIATELY ZONED IN ACCORDANCE WITH CHAPTER 22; BY AMENDING **SECTION 3-63** TO REQUIRE BREW PUBS TO PROVIDE SEATING FOR NOT LESS THAN TWENTY PERSONS; BY AMENDING **SECTION 3-71**, TO PROVIDE THAT "RETAIL DEALER" AND RELATED DEFINED TERMS SHALL INCLUDE BREWERIES, BREW PUBS, AND MICROBREWERIES; BY CREATING A NEW **SECTION 3-74** TO AUTHORIZE THE FILLING OF GROWLERS AND SERVING OF SAMPLES OF MALT BEVERAGES; BY AMENDING THE CAPTION OF **DIVISION 3 OF ARTICLE III** TO CLARIFY THAT DIVISION 3 APPLIES TO LICENSES FOR CONSUMPTION ON PREMISES OF ALL ALCOHOLIC BEVERAGES; BY AMENDING THE DEFINITIONS OF "LICENSE" AND "RESTAURANT" IN **SECTION 3-150** TO CLARIFY THAT DIVISION 3 APPLIES TO LICENSES FOR CONSUMPTION ON PREMISES OF ALL ALCOHOLIC BEVERAGES; BY CREATING A NEW DIVISION 5, **SECTION 3-188**, TO PROVIDE FOR SPECIAL PROVISIONS FOR BREWERIES, BREW PUBS, AND MICROBREWERIES; BY AMENDING **SECTIONS 3-233 THROUGH 238**, DIVISION 3, ARTICLE IV, TO PROVIDE FOR AN EXCISE TAX ON THE THE PRODUCTION OF MALT BEVERAGES BY BREWERIES, BREW PUBS, AND MICROBREWERIES; TO REPEAL ALL ORDINANCES IN CONFLICT HERewith; TO PROVIDE FOR THE EFFECTIVE DATE OF THE ORDINANCE; AND FOR OTHER PURPOSES.

SECTION I

BE IT ORDAINED by the Council of the City of Thomasville, Georgia and it is hereby ordained by the authority of the same, that Section 3-1, captioned "Definitions," Article I, Chapter 3 of the Code of Thomasville, Georgia is here by amended to add the following definition for "Brewery," "Brewpub," "Microbrewery," and amending the definition of "Malt beverage which shall read as follows:

"Brewery means a manufacturer or producer of malt beverages exceeding 15,000 barrels of beer in a calendar year for wholesale off premises consumption and consumption on premises, subject to the limitations provided in O.C.G.A. 3-5-24.1. As used in this definition, the term "barrel" shall be defined as set forth in O.C.G.A. 3-5-1."

"Brewpub means a restaurant in which beer or malt beverages are manufactured or brewed, subject to the barrel production limitation prescribed in O.C.G.A. § 3-5-36 for retail consumption on the premises and solely in draft form. Brewpubs shall be licensed as restaurants as set forth in this chapter."

“Growler means a bottle or can with a capacity of at least thirty-two (32) ounces and not to exceed a capacity of seventy-two (72) ounces that is capable of being sealed with a screw cap and with a plastic collar over the screw cap and is filled at the time of customer purchase by the licensee or employee of the licensed establishment with beer from a keg for off-premises consumption. A refilled growler that has been properly sealed shall be considered an "unbroken package" for purposes of this chapter.

“Malt beverage means any alcoholic beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops, or any other similar product, or any combination of such products in water, containing not more than six (6) percent alcohol by volume, and including ale, porter, brown, stout, lager beer, small beer and strong beer. The term "malt beverage" does not include sake, known as Japanese rice wine.

“Microbrewery means an establishment in which not more than 15,000 barrels of beer or malt beverages are manufactured or brewed on the licensed premises in a calendar year and in which manufactured or brewed beer or malt beverages may be sold for consumption on premises and consumption off premises, subject to the limitations provided in O.C.G.A. 3-5-24.1. As used in this definition, the term "barrel" shall be defined as set forth in O.C.G.A. 3-5-1.”

SECTION II

BE IT FURTHER ORDAINED by the Council of the City of Thomasville, Georgia, and it is hereby ordained by the authority of the same, that Section 3-29(a), captioned “Application forms; license not to issue under certain conditions,” Article II, Chapter 3 of the Code of Thomasville, Georgia is here by amended to read as follows:

“Sec.3-29 Application forms; license not to issue under certain conditions.

(a) Selling alcoholic beverages is a privilege, not a right. All applications for licenses shall be made on forms furnished the applicant by the city clerk and shall indicate, along with all reasonable information necessary to complete the form, which of the following is to be considered for licensing of the applicant to conduct:

- (1) Retail package beer;
- (2) Retail beer--consumption on the premises;
- (3) Retail package wine;
- (4) Retail wine--consumption on the premises;
- (5) Package liquor;
- (6) Liquor pouring; and
- (7) Distiller;
- (8) Brewery;
- (9) Brewpub; and
- (10) Microbrewery.”

SECTION III

BE IT FURTHER ORDAINED by the Council of the City of Thomasville, Georgia and it is hereby ordained by the authority of the same, that Section 3-30, captioned “Fees,” Article II, Chapter 3 of the Code of Thomasville, Georgia is here by amended to read as follows:

“Sec. 3-30 Fees.

(a) The annual fees for the following annual fees alcoholic beverage licenses shall be paid the city before any license to sell alcoholic beverages is issued set by the city council and kept on file and maintained in the office of the clerk of the city:

- (1) Retail package beer ~~(with no beer to be consumed outside the building on the licensed location except as provided in section 3-115)~~, or retail beer for consumption on the premises ~~only inside the building on the licensed location except as provided in section 3-49, Consumption on premises establishments~~

Either	\$400.00
Both consumption and package	500.00

- (2) Retail package wine ~~(with no wine to be consumed outside the building on the licensed location except as provided in section 3-115), or retail wine for consumption on the premises only inside the building on the licensed location except as provided in section 3-115.~~

Either	\$350.00
Both	450.00
(3) Retail package liquor;	4,000.00
(4) Liquor pouring;	2,000.00
(5) Beer wholesalers (licensed by the state);	100.00
(6) Distiller;	1,500.00
(7) Brewery;	
(8) Brewpub; and	
(9) Microbrewery.	

(When applicable, such wholesalers shall be prorated or refunded pro rata, on a monthly basis)

(b) Upon filing an original application or reapplication (except renewals) with the ~~city clerk of the city~~ city manager or the city manager's designee, the applicant shall deposit in cash or by a check a processing fee of ~~sixty dollars (\$60.00) for beer and/or wine only, or one hundred twenty-five dollars (\$125.00) total or fees, as set by the city council and kept on file and maintained in the office of the clerk of the city,~~ for all licenses applied for, to cover the expense of investigation and processing the application, which fee shall not be refundable and shall not apply against any license granted hereunder. Applicant shall also submit to the city clerk at the time such application is filed, in addition to the city processing fee, a separate cashier's check or money order made payable to the GBI-GCIC, to cover the cost of a GBI-GCIC background check, in an amount specified by the GBI. There will be no investigation fee charged wholesalers licensed by the state.

(c) On subsection (a)(1) through ~~(6)(9)~~, the fees shall be prorated on a monthly basis (all or any part of a month) for new licenses granted during the calendar year."

SECTION IV

BE IT FURTHER ORDAINED by the Council of the City of Thomasville, Georgia and it is hereby ordained by the authority of the same, that Section 3-33, captioned "Zoning Provisions," Article II, Chapter 3 of the Code of Thomasville, Georgia is here by amended to read as follows:

~~"Sec. 3-33 Zoning provisions~~ Allowed Locations.

~~No license described in section 3-29 shall be issued to an applicant except where such applicant's business location, for which the license is being sought, is located in an area appropriately zoned pursuant to and in conformity with chapter 22 and the uses of the location will be in compliance with section 22-121 of chapter 22. Existing private clubs which qualified and became licensed under the provisions of this chapter by January 1, 1977, are hereby exempt from this zoning requirement. (a) No license to engage in the sale of distilled spirits by the drink at retail shall be granted except in areas zoned C-1 or C-2 commercial or C-1A limited business districts. Existing private clubs which qualified and became licensed under the provisions of this chapter by January 1, 1977, are hereby exempt from this zoning requirement.~~

~~(b) No license shall be issued to a wholesaler of alcoholic beverages except where the wholesaler business is to be located in an area of the city which is zoned C-1 commercial, C-2 commercial or M manufacturing.~~

~~(c) No license to engage in the sale of packaged distilled spirits at retail shall be granted except in an area zoned C-1 commercial or C-2 commercial. This provision does not allow licensing of sale of packaged distilled spirits in a nonconforming use.~~

~~(d) Beer or wine may be licensed in any commercial establishment or private club not in violation of any zoning ordinance of the city.~~

~~(e) No distiller's license shall be granted except for a distiller located in an area zoned M manufacturing.~~

SECTION V

BE IT FURTHER ORDAINED by the Council of the City of Thomasville, Georgia and it is hereby ordained by the authority of the same, that Section 3-63, captioned “Beer and wine consumption on premises; seating capacity,” Division 1, Article III, Chapter 3 of the Code of Thomasville, Georgia is here by amended to read as follows:

~~“Sec. Section 3-63. Beer and wine consumption on premises; seating capacity. Beer and wine may not be sold for consumption on the premises except in eating or drinking establishments with a seating capacity of not less than twenty (20) persons, which shall also apply to Brewpubs.”~~

SECTION VI

BE IT FURTHER ORDAINED by the Council of the City of Thomasville, Georgia and it is hereby ordained by the authority of the same, that Section 3-71, captioned “Regulation of keg sales,” Division 1, Article III, Chapter 3 of the Code of Thomasville, Georgia is here by amended to read as follows:

~~“Sec. 3-71. Regulation of keg sales.
(a)(2) “Retail dealer,” “retail licensee,” or “licensee” means a person holding either a retail dealer license, and such terms shall also include for purposes of this code section 3-71 Breweries, Microbreweries, Brewpubs, or a permit issued by the commissioner authorizing the sale of alcoholic beverages for consumption on the premises for a period not to exceed one day.”~~

SECTION VII

BE IT FURTHER ORDAINED by the Council of the City of Thomasville, Georgia and it is hereby ordained by the authority of the same, that Section 3-74, captioned “Reserved,” Division 1, Article III, Chapter 3 of the Code of Thomasville, Georgia is here by deleted in its entirety and replaced with the following:

“Sec. 3-74 Growlers; Samples.

(a) The sale of growlers in compliance with this section is authorized for establishments with a retail beer – consumption on the premises license, and to the extent authorized by the Department of Revenue, a retail package beer license authorizing the sale of malt beverages. The sale of growlers in compliance with this section is also authorized for the filling of growlers by Breweries, Microbreweries, and Brewpubs with malt beverages manufactured on the licensed premises.

(b) Growlers may only be filled from kegs procured by the licensee from a duly licensed wholesaler, except for growlers filled by Breweries, Microbreweries, and Brewpubs in compliance with this section.

(c) Licensees may offer customers samples of malt beverages under the following conditions:

i. Samples may be provided only upon a customer's request and limited to product available for sale within the licensed establishment.

ii. Samples may not exceed two ounces and no customer may consume, in total, more than eight ounces of product.

iii. No open container containing a sample may be removed from the premises.

iv. No charge shall be imposed on the customer for the sample.

v. Samples shall only be served by the licensee or its employee.”

SECTION VIII

BE IT FURTHER ORDAINED by the Council of the City of Thomasville, Georgia and it is hereby ordained by the authority of the same, that the caption of Division 3, "Special Provisions for Liquor Pouring and Other Matters Relating to Alcoholic Beverages" is here by amended to read as follows:

"DIVISION 3. SPECIAL PROVISIONS FOR LIQUOR POURING AND OTHER MATTERS RELATED TO CONSUMPTION ON PREMISES OF ALCOHOLIC BEVERAGES DISTILLED SPIRITS."

SECTION IX

BE IT FURTHER ORDAINED by the Council of the City of Thomasville, Georgia and it is hereby ordained by the authority of the same, that the definitions of "License" and "Restaurant" in Section 3-150, captioned "Definitions," Division 3, Article III, Chapter 3 of the Code of Thomasville, Georgia are here by amended to read as follows:

"License means the authorization by the governing authority of the city to engage in the sale of distilled spirits, including mixed drinks, or alcoholic beverages by the drink for consumption on the premises, also sometimes referred to as liquor pouring."

"Restaurant means any public place kept, used, maintained, advertised and held out to the public as a place where meals are actually and regularly prepared and served at any time when distilled spirits, including mixed drinks, are sold or served; provided, however, that a restaurant shall not be required to serve food after 10:00 p.m., and mixed drinks shall not be sold or served at any time not allowed by this chapter. A restaurant as contemplated by this chapter shall be open for business at least five (5) days a week, with the except of holidays, vacations, and periods of redecorating, and shall also meet and maintain the requirements for restaurants with liquor pouring licenses as listed in section 3-155(2) and (3). Any establishment operated as a restaurant under the provisions of this chapter may cease to serve meals no more than thirty (30) days during any calendar year for purposes of undergoing redecorating or renovations and while continuing to serve alcoholic beverages under a liquor pouring license. Any exception from this requirement will be allowed only by the city council, in its discretion, upon request by the license holder."

SECTION X

BE IT FURTHER ORDAINED by the Council of the City of Thomasville, Georgia and it is hereby ordained by the authority of the same, that a new Division 5, captioned "Special Provisions for Breweries, Microbreweries and Brewpubs," Section 3-188, Article III, is hereby created, which shall read as follows:

"DIVISION 5. SPECIAL REGULATIONS FOR BREWERIES, BREWPUBS AND MICROBREWERIES.

Sec. 3-188 Special Regulations for Breweries Microbreweries, and Brewpubs

(a) Breweries, Brewpubs and Microbreweries must comply with all applicable city, state and federal laws and license and operational requirements.

(b) Breweries, Brewpubs and Microbreweries must pay all applicable state, city and county taxes.

(c) Breweries, Brewpubs and Microbreweries may sell malt beverages for consumption on premises and consumption off premises, subject to the limitations provided in O.C.G.A. §3-5-24.1 and the requirements and conditions of this chapter.

(d) Brewpubs may sell malt beverages and other alcoholic beverages for consumption on premises and consumption off premises, subject to the limitations provided in O.C.G.A. §3-5-36 and the requirements and conditions of this chapter.

SECTION XI

BE IT FURTHER ORDAINED by the Council of the City of Thomasville, Georgia and it is hereby ordained by the authority of the same, that Sections 3-233 through 3-238, Division 2, Article IV, Chapter 3 of the Code of Thomasville, Georgia are here by amended to read as follows:

~~Section 3-155D~~ DIVISION 2. MALT BEVERAGES

Sec. 3-233 Levied on wholesale dealers, Breweries, Brewpubs, and Microbreweries.

(a) Except as provided in subsection (b) of this section, there is hereby levied and imposed upon all wholesale dealers, which shall include Breweries, Brewpubs, and Microbreweries for purposes of this Article IV, Division 2, selling malt beverages within the city a specific excise tax ~~computed on the basis of five cents~~ per 12 ounces and a proportionate tax at the same rate on all fractional parts of 12 ounces sold by each wholesale dealer within the corporate limits of the city, as set by the city council and kept on file and maintained in the office of the city clerk of the city.

(b) All malt beverages sold in or from a barrel or bulk container and being commonly known as tapor draft beer shall not be subject to the excise tax provided for in subsection (a), but in lieu thereof there is hereby levied and imposed upon each wholesale dealer selling such malt beverages within the corporate limits of the city an excise tax as set by the city council and kept on file and maintained in the office of the clerk of the city of six dollars (\$6.00) for each barrel or bulk container having a capacity of fifteen and one-half (15 1/2) gallons or metric equivalent sold by such wholesale dealer within the city, and at a like rate for fractional parts thereof.

Sec. 3-234 Monthly reports; payments.

Each wholesale dealer selling malt beverages within the city shall file a report with the city clerk by the fifteenth day of each month showing for the preceding calendar month the exact quantities of malt beverages, by size and type of container, sold by him within the city. Each such wholesale dealer shall remit to the city, not later than the fifteenth day of the month next succeeding the calendar month in which such sales were made, the amount of excise tax due in accordance with section 3-233.

Sec. 3-235 Additional to other taxes or license fees.

The excise tax provided for in this division shall be in addition to any license fee, tax or charge which may now or in the future be imposed upon the business of selling malt beverages at wholesale within the corporate limits of the city.

Sec. 3-236 Penalty and accrued interest on late reports and delinquent payments; city clerk to issue execution.

The failure to make a timely report and remittance shall render a wholesale dealer liable for a penalty equal to ten (10) percent of the total amount due, plus interest accrued at the rate of twelve (12) percent per annum. The clerk of the city shall issue an execution against such wholesale dealer, firm, or corporation so delinquent on his or its property for the amount of the excise tax due and delinquent, plus penalty and interest accrued, and shall proceed to collect such amount in the same manner as is done in the case of executions issued for collection of city ad valorem property taxes.

Sec. 3-237 False reports or nonpayment declared grounds for revocation of licenses of wholesale dealers of malt beverages.

At any time it is found that false and fraudulent reports have been made by the wholesale dealer, his agents, officers, or employees, and upon which payment of malt beverages excise tax was reported or paid to the city, and at any time the monthly report and payment called for in section 3-234 is past due over thirty (30) days, the wholesale licensee shall be given not less than three (3) days' nor more than ten (10) days' notice of a hearing before the city council to show cause why his license to sell malt beverages in the city should not be suspended or revoked because of such false and fraudulent reports or nonpayment of taxes past due more than thirty (30) days.

Sec. 3-238 Sale of malt beverages upon which tax was not paid prohibited; penalties.

It shall be a violation of this Code for any person to sell at retail or otherwise within the city any malt beverage on which the tax as above set out has not been paid to the wholesaler for the city as above provided. In addition to the penalties provided for in section 1-6, the violation of this division shall be deemed a sufficient ground for the revocation of the license of any retail or wholesale dealer holding a license or permit to sell malt beverages within the city."

SECTION XII

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

SECTION XIII

This ordinance shall be effective on the date of its final reading and passage.

SECTION XIV

BE IT FURTHER ORDAINED all ordinances or parts of ordinances in conflict herewith are hereby expressly repealed.

SECTION XV

BE IT FURTHER ORDAINED and it is hereby declared to be the intention of the Mayor and Council of the City of Thomasville that all sections, paragraphs, sentences, clauses, and phrase of this Ordinance are and were, upon their enactment, believed by the Mayor and the Council to be fully valid, enforceable, and constitutional.

SECTION XVI

BE IT FURTHER ORDAINED and it is hereby declared by the Mayor and the Council of the City of Thomasville that (i) to the greatest extent allowed by law, each and every section paragraph sentence, clause or phrase of this Ordinance is severable from every other section paragraph sentence, clause or phrase of this Ordinance and (ii) that to the greatest extent allowed by law, no section paragraph, sentence, clause or phrase of his Ordinance is mutually dependent upon any other section paragraph, sentence, clause or phrase of his Ordinance.

SECTION XVII

BE IT FURTHER ORDAINED and it is hereby declared that in the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgement or decree of any court of competent jurisdiction, it is the express intent of the Mayor and the Council of the City of Thomasville that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or section of the Ordinance and that to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

SECTION XVIII

This ordinance was introduced and read at a lawful meeting of the City council for the City of Thomasville, Georgia, held on September 12, 2022, and read the second time, passed and adopted in like meeting held on September 26, 2022.

Second reading of an ordinance to amend Article XI, "Sign Regulation" of Chapter 22, "Zoning" of Thomasville's Code.

City Planner, Kenny Thompson briefly recapped that whenever a new sign ordinance is adopted, it is common practice to revisit the document after approximately 12 to 18 months. While the sign ordinance was crafted using the latest techniques and best practices, staff has now had time to apply the ordinance to real world projects. As expected, some minor issues or changes have been identified that will result in a better, clearer, and user-friendly document. These include updated definitions, simplified language, and targeted changes based on community feedback. City Planner Thompson reported there were no changes since the ordinance passage on first reading.

Mayor Pro Tem Mobley motioned to order the ordinance to amend Article XI, "Sign Regulation" of Chapter 22 "Zoning" 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: Flowers, Mobley, Warren, Scott and Chastain.

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

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF THOMASVILLE, GEORGIA, BY REPLACING THE DEFINITION OF "CHANGEABLE COPY, ELECTRONIC" OF SECTION 22-466, CAPTIONED "DEFINITIONS", OF ARTICLE XI, CAPTIONED "SIGN REGULATION", OF CHAPTER 22 CAPTIONED "ZONING", WITH A NEW DEFINITION OF "CHANGEABLE COPY, ELECTRONIC"; BY DELETING SUBPARAGRAPH (2)(b.) OF PARAGRAPH (i), CAPTIONED "CHANGEABLE COPY STANDARDS", OF SECTION 22-477, CAPTIONED "STANDARDS FOR FREESTANDING AND LANDSCAPE WALL SIGNS.", OF ARTICLE XI, CAPTIONED "SIGN REGULATION", OF CHAPTER 22, CAPTIONED "ZONING"; BY REPLACING SUBPARAGRAPH (2)(d.), OF PARAGRAPH (i), CAPTIONED "CHANGEABLE COPY STANDARDS", OF SECTION 22-477, CAPTIONED "STANDARDS FOR FREESTANDING AND LANDSCAPE WALL SIGNS.", OF ARTICLE XI, CAPTIONED "SIGN REGULATION", OF CHAPTER 22, CAPTIONED "ZONING", WITH A NEW SUBPARAGRAPH (i)(2)(d.); BY REPLACING PARAGRAPH (d), OF SECTION 22-481, CAPTIONED "NONCONFORMING SIGNS.", OF ARTICLE XI, CAPTIONED "SIGN REGULATION", OF CHAPTER 22, CAPTIONED "ZONING", WITH A NEW SUBPARAGRAPH (d); TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH; TO PROVIDE AN EFFECTIVE DATE FOR THIS ORDINANCE; AND FOR OTHER PURPOSES.

SECTION I

BE IT ORDAINED by the Council of the City of Thomasville, Georgia, and it is hereby ordained by the authority of the same, that the Code of the City of Thomasville, Georgia is hereby amended by replacing the definition of "Changeable copy, Electronic.", of Section 22-466, captioned "Definitions", of Article XI, captioned "Sign Regulation", of Chapter 22, captioned "Zoning", with a new definition so as to read as follows:

~~"Changeable copy, electronic. Means a portion of a permanent sign that is capable of changing the position or format of word messages or other displays on a portion of the sign face or of changing on a portion of the sign face the visible display of words, numbers, symbols and graphics by the use of a matrix of electric lamps, movable discs, movable panels, light apertures (in which the lighting source forms the message) or other methods, provided these changes are actuated on the face of the sign by an electronically controlled mechanism.~~

Changeable copy, electronic. Means a portion of a permanent sign that uses lights to form a sign message using alpha-numeric symbols wherein the sequence of messages and the rate of change is electronically programmed and modified by electronic process. New technology signs and Tri-vision signs are not allowed."

SECTION II

BE IT ORDAINED by the Council of the City of Thomasville, Georgia, and it is hereby ordained by the authority of the same, that the Code of the City of Thomasville, Georgia, is hereby amended by deleting subparagraph (2)(b.), of paragraph (i), captioned "Changeable copy standards.", of Section 22-477, captioned "Standards for Freestanding and Landscape Wall Signs.", of Article XI, captioned "Sign Regulation", of Chapter 22, captioned "Zoning".

~~"b. Limit of one contiguous digital display area per sign face."~~

SECTION III

BE IT FURTHER ORDAINED by the Council of the City of Thomasville, Georgia, and it is hereby ordained by the authority of the same, that the Code of the City of Thomasville, Georgia, is hereby amended by replacing subparagraph (2)(d.) of paragraph (i), captioned "Changeable copy standards.", of Section 22-477, captioned "Standards for freestanding and landscape wall signs.", of Article XI, captioned "Sign Regulation", of Chapter 22, captioned "Zoning", and replacing with a new subparagraph (i)(2)(d.) so as to read as follows:

~~"d. Character height is limited as follows:~~

- ~~1. Speed limit \leq 35 mph – 7" min., 12" max.~~
- ~~2. Speed limit $>$ 35 mph – 9" min., 15" max.~~

d. Character height is limited as follows:

1. Bypass/Highway Commercial Area – 24" maximum.
2. Elsewhere, except the Urban Center Area – 18" maximum."

SECTION IV

BE IT ORDAINED by the Council of the City of Thomasville, Georgia, and it is hereby ordained by the authority of the same, that the Code of the City of Thomasville, Georgia, is hereby amended by replacing paragraph (d), of Section 22-481, captioned "Nonconforming signs.", of Article XI, captioned "Sign Regulation", of Chapter 22, captioned "Zoning", with a new subparagraph (d) so as to read as follows:

~~"(d) Minor repairs and maintenance of nonconforming signs, such as electrical repairs or lettering repairs, panel changes or structural repairs (less than or equal to 25 percent of the value of the sign prior to repair) shall be allowed. However, no structural repairs (over 25 percent of the value of the sign prior to repair) changes in the size or shape of the sign shall be permitted except to make the sign comply with the requirements of this article; provided that signs damaged by fire, vehicle accident or act of God may be restored to their original condition.~~

(d) Minor repairs and maintenance of nonconforming signs (less than or equal to 25 percent of the value of the sign prior to repair) shall be permitted. Repairs include but are not limited to, electrical repairs, lettering repairs, panel changes, design changes and/or structural repairs. However, no repairs exceeding 25 percent of the value of the sign, or changes in the size, shape, or design of the sign shall be permitted except to make the sign comply with the requirements of this article; provided that signs damaged by fire, vehicle accident or act of God may be restored to their original condition."

SECTION V

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

SECTION VI

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

SECTION VII

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

SECTION VIII

This ordinance was read for the first time at a lawful meeting of the Council of the City of Thomasville on September 12, 2022, and read the second time, passed and adopted in a like meeting held on September 26, 2022.

NEW BUSINESS

First reading of an ordinance to amend Article VI regarding the regulation of peddlers, enact a new Article VI-A regarding panhandling and Amend Article XI regarding temporary vending of Chapter 18 of Thomasville's Code.

City Attorney, Tim Sanders reported Article VI is being amended and restated in its entirety to bring the regulation of peddlers up to date with changes in the law. The sections concerning the regulation of temporary vending for licensed businesses and display of merchandise on streets and sidewalks have been moved to Article XI, which is more closely related to the subject. The regulation of panhandling has been moved to its own article to better address the subject. The provisions regarding panhandling have been expanded increase regulation of aggressive panhandling, but also to address 1st Amendment issues concerning non-aggressive, passive panhandling.

Attorney Sanders further reported Article VI has been amended and restated in its entirety to separate the regulation of peddlers from the regulation of panhandling. Additionally, Article VI has been revised to exempt from regulation charitable organizations and students peddling for the benefit of a local school district. He noted that other substantive changes include: (i) updating and expanding the information required to obtain a license, (ii) including a background investigation of the applicant, and (iii) updating the process for declining an application.

The proposed ordinance continues to prohibit aggressive begging, panhandling and solicitation. However, the ordinance defines what behavior constitutes aggressive begging, panhandling and solicitation to further assist in enforcement. Passive panhandling is defined and authorized to address 1st Amendment issues. However, it is prohibited in Areas with Heightened Personal Safety Concerns, Areas with Heightened Privacy Concerns, and Areas with Heightened Public Safety Concerns. Door-to-door solicitation is prohibited in residential areas (i) before 9:00 a.m. and after 7:00 p.m. Monday through Friday, (ii) before 11:00 a.m. and after 7:00 p.m. Saturday and Sunday, and (iii) at any time after sunset or before sunrise.

Attorney Sanders noted the proposed ordinance moves current sections 18-181, display or sale of merchandise on streets or sidewalks prohibited; exceptions, and 18-182, temporary vending provisions for licensed businesses, into Article XI. Article XI is more closely related from a subject matter standpoint than Article VI.

Otherwise, the revisions to this ordinance are minimal and focus primarily on clarifying certain terms.

Mayor Pro Tem Mobley motioned to order the ordinance regarding panhandling and temporary vending as read for the first time, passed and carried over as presented. Councilmember Warren seconded. There was no further discussion. The motion passed 5-0, with the following votes recorded:

AYES: Flowers, Mobley, Warren, Scott and Chastain.

The title of the ordinance ordered read for the first time, passed and carried over follows.

AN ORDINANCE TO AMEND THE CODE OF THOMASVILLE, GEORGIA, BY (1) DELETING CHAPTER 18, ARTICLE VI, REGULATION OF PEDDLERS; REGULATION OF CANVASSERS, SOLICITORS OF FUNDS FOR CHARITABLE ORGANIZATIONS AND CAUSES AND RELATED ACTIVITIES; PROHIBITION AGAINST PANHANDLING; TEMPORARY VENDING PROVISIONS FOR LICENSED BUSINESSES, (2) REPLACING SAID ARTICLE VI WITH AN AMENDED ARTICLE ADDRESSING PEDDLING; (3) TRANSFERING TO A NEW ARTICLE AND AMENDING THE PROVISIONS RELATING TO PANHANDLING AND SOLICITING FOR CHARITABLE ORGANIZATIONS; (4) TRANSFERING TO ARTICLE XI THE TEMPORARY VENDING PROVISIONS FOR LICENSED BUSINESSES AND AMENDING SUCH ARTICLE; (5) REPEALING ALL

ORDINANCES IN CONFLICT HEREWITH; (6) PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE AND FOR OTHER PURPOSES.

First readings of two separate ordinances to amend text of the Thomasville Municipal Code to amend publication of fees.

City Planner, Kenny Thompson reported many sections of the Thomasville Code require the payment of fees, and the ordinance references the city fee schedule to determine the corresponding fee amount. By employing this general language, the code allows the fee amounts to reflect the most current fee schedule without requiring text amendments every time Council approves a change. However, there are other sections in the Thomasville Code requiring the payment of fees that are described in specific dollar amounts. In these cases, text amendments are necessary to resolve inconsistencies with the approved fee amount. The current planning and zoning fee schedule was approved by City Council on June 13, 2022. Staff identified sections within the zoning ordinance [Chapter 22] and the historic preservation ordinance [Chapter 9] describing applicable fees in specific dollar amounts that are NOT consistent with the current planning and zoning fee schedule. These sections of the code require text amendments to address the inconsistencies. Staff recommends text amendments that replace codified dollar amounts with references to the city's fee schedule as set by council and on file in the city clerk's office as applicable in the following sections:

- *Chapter 9 – Historic Preservation, Sec. 9-115. - Submission of plans.*
- *Chapter 22 – Zoning, Sec. 22-169. - Application for amendment.*
- *Chapter 22 – Zoning, Sec. 22-399. (c) - Improvements required for recreation vehicle park.*

This action will correct current inconsistencies with the recently approved planning and zoning fee schedule and eliminates the risk of future scrivener errors whenever changes to the fee schedule are approved. City Planner Thompson noted that there were two ordinances and each would have to be voted upon separately as they referenced two different chapters of the Thomasville Code.

Councilmember Chastain motioned to order the ordinance to amend text in Section 9-115 of Chapter 9 “Historic Preservation” as read for the first time, passed and carried over as presented. Councilmember Scott seconded. There was no further discussion. The motion passed 5-0, with the following votes recorded:

AYES: Flowers, Mobley, Warren, Scott and Chastain.

The title of the ordinance ordered read for the first time, passed and carried over follows.

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF THOMASVILLE, GEORGIA, TO AMEND PUBLICATION OF FEES BY AMENDING SECTION 9-116, CAPTIONED “SUBMISSION OF PLANS”, OF ARTICLE V, CAPTIONED “CERTIFICATE OF APPROPRIATENESS” OF CHAPTER 9, CAPTIONED “HISTORIC PRESERVATION”; TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH; TO PROVIDE AN EFFECTIVE DATE FOR THIS ORDINANCE; AND FOR OTHER PURPOSES.

Councilmember Warren motioned to order the ordinance to amend text in Sections 22-169 and 22-399 of Chapter 22 “Zoning” as read for the first time, passed and carried over as presented. Mayor Pro Tem Mobley seconded. There was no further discussion. The motion passed 5-0, with the following votes recorded:

AYES: Flowers, Mobley, Warren, Scott and Chastain.

The title of the ordinance ordered read for the first time, passed and carried over follows.

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF THOMASVILLE, GEORGIA, TO AMEND PUBLICATION OF FEES BY AMENDING SECTION 22-169, CAPTIONED “APPLICATION FOR AMENDMENT.”, OF ARTICLE VI, CAPTIONED “AMENDMENTS AND REZONING”; OF CHAPTER 22, CAPTIONED “ZONING”; BY AMENDING SUBPARAGRAPH (C) OF SECTION 22-399, CAPTIONED “IMPROVEMENTS REQUIRED FOR RECREATION VEHICLE PARK”, OF ARTICLE IX, CAPTIONED “MH MANUFACTURED HOUSING SUBDIVISIONS AND RECREATIONAL VEHICLE PARKS”, OF CHAPTER 22 CAPTIONED “ZONING”; TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH; TO PROVIDE AN EFFECTIVE DATE FOR THIS ORDINANCE; AND FOR OTHER PURPOSES.

Motion to authorize the submittal of grant application to the Local Government Risk Management Service (LGRMS).

Risk Manager, Amanda Sheffield reported the Local Government Risk Management Services (LGRMS) is a risk control agency. They provide guidance and recommendations on loss control programs. Much of this is conducted through data driven decisions based upon statistical data. Additionally, each year LGRMS offers a safety grant up to \$10,000. This grant is only offered to members of the Georgia Interlocal Risk Management Agency (GIRMA). This is a reimbursable grant that is utilized to purchase items directed at improving the overall safety of an organization. However, there are specific requirements in order to receive the safety grant. If awarded, the Safety and Liability Management Grant funds are to be provided to the following departments: Parks & Recreation, Police and Public Works.

Councilmember Scott motioned to approve the authorization to submit the LGRMS Grant application as presented. Councilmember Chastain seconded. There was no further discussion. The motion passed 5-0, with the following votes recorded:

AYES: Flowers, Mobley, Warren, Scott and Chastain.

Bids and award for the purchase of 2022 Patterson Still Gas Main Extension.

Natural Gas Superintendent, Chuck Whitaker reported the high pressure extension along Patterson Still would provide added redundancy, and a secondary source to the natural gas supply to all of Hall Road and US 19 North, which includes Southern Technical College. We currently only provide a one-way, high pressure feed from Jackson Street to this area. The contractor shall provide all labor, fuel and equipment to install 4" gas mains, valves, tie-ins and sod. This work includes installing a natural gas main along Patterson Still Road from North Pinetree Boulevard Northward to the existing regulator station on Patterson Still Road. This project was advertised for two weeks and the project was sent to multiple contractors. There were a total of five (5) plan holders; however, only three (3) proposals were received. The work is scheduled to be completed within 30 consecutive calendar days of the Notice to Proceed. RPI from Valdosta, GA with a total base bid of \$67,866.48 was determined to be qualified to perform the services, and also the lowest price proposal received. This project was budgeted and approved in the 2022 capital budget. A summary of bids received follows.

<u>BIDDER</u>	<u>BID AMOUNT</u>
RPI	\$ 67,866.48
EQUIX	\$ 92,956.00
D. LANCE SOUTHER, INC.	\$ 122,922.00

Mayor Pro Tem Mobley motioned to award the bid for the purchase of 2022 Patterson Still Gas Main Extension to RPI in the amount of \$67,866.48 as being qualified to perform the services and the lowest price proposal received, as presented. Councilmember Chastain seconded. There was no further discussion. The motion passed 5-0, with the following votes recorded:

AYES: Flowers, Mobley, Warren, Scott and Chastain.

REPORTS

City Manager Carson reported Thomasville was currently shown as being in the projected cone of Hurricane Ian and encouraged citizens to prepare in advance for the weather event. It was noted that if the path of Hurricane Ian remained unchanged there was an increased potential of power outages and disruption of services for the community. City Manager Carson reported that those citizens that were located within the City's municipal limits and were on city water, there should not be a disruption of water services to homes as the water lines are gravity fed from supply sources. City Manager Carson also encouraged the community to prepare and be safe during weather events such as this.

Councilmember Scott thanked Honorary Councilmember, Pastor Keith McIntyre, for participating and attending meetings. He noted that Council would recognize Pastor McIntyre for his time as an Honorary Councilmember during a subsequent meeting. Pastor McIntyre thanked Councilmember Scott for the opportunity to serve and learn more about city council.

Mayor Flowers acknowledged the work and ministry of Pastor Monroe and his church within the community, and noted his efforts to help the community members does not go unnoticed by leaders within the community.

EXECUTIVE SESSION

Councilmember Scott motioned to close the public meeting for the purpose of an Executive Session pursuant to O.C.G.A. § 50-14-3(b)(1)(D) and O.C.G.A. § 50-14-2(1). Councilmember Chastain seconded. There was no further discussion. The motion passed 5-0, with the following votes recorded:

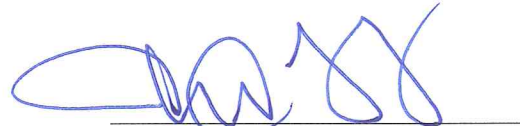
AYES: Flowers, Mobley, Warren, Scott and Chastain.

Following the duly convened and adjourned Executive Session, the meeting was reopened to the public.

ADJOURNMENT

Having no further business to discuss, the Thomasville City Council meeting was adjourned at 7:07 PM.

CITY OF THOMASVILLE, GEORGIA



Mayor, John H. Flowers



ATTEST: City Clerk

