

City of Thomasville Council Meeting, October 10, 2022

The Council of the City of Thomasville met in regular session with Mayor Jay Flowers presiding and the following Councilmembers present: Mayor Jay Flowers, Mayor Pro Tem Todd Mobley and Councilmembers Wanda Warren, and Terry Scott. 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. Councilmember Scott Chastain was absent from this meeting. 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

Councilmember Scott motioned to approve the City Council Regular Meeting Minutes of September 26, 2022 as presented. Mayor Pro Tem Mobley seconded. There was no further discussion. The motion passed 4-0, with the following votes recorded:

AYES: Flowers, Mobley, Warren, and Scott.

PROCLAMATIONS/RECOGNITIONS

1. Mayor Flowers presented a proclamation designating October 2-8, 2022 as Public Natural Gas Week to honor the contributions of the Natural Gas Department to the community to Natural Gas Superintendent, Chuck Whitaker on behalf of the City of Thomasville's Natural Gas Department.
2. Mayor Flowers presented a proclamation designating October 2-8, 2022 as Public Power Week to honor the Thomasville Electric Services for its contributions to the community to the Director of Electrical Engineering and Electric Operations, Jeremy Carter on behalf of the City of Thomasville's Electric Department.
3. Mayor Flowers presented a proclamation designating October 2-8, 2022 as Customer Service Week celebrating the men and women who provide exceptional customer service each day for the City of Thomasville to Managing Director of Customer Service, Mark Parrillo on behalf of the Customer Care Department. .
4. Councilmember Scott presented Pastor Keith B. McIntyre with a recognition plaque for his service during the month of September 2022 as Honorary Councilmember. Pastor McIntyre thanked Council and citizens for the opportunity to serve as Honorary Councilmember.

CITIZENS TO BE HEARD

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

1. Jennifer Dyson, 615 Raleigh Avenue, Thomasville, Georgia, addressed Councilmembers with concerns regarding event regulations and the proposed FLOCK Safety System. She presented Mayor Flowers with a copy of a petition with signatures from citizens opposing the usage of the FLOCK Safety System within the community. Ms. Dyson also presented Mayor Flowers with a copy of a petition with signatures from citizens in the area adjacent to Ms. Dyson's event venue space known as The Oak Bar (500 West Calhoun Street, Thomasville, Georgia). Ms. Dyson noted the City of Thomasville was not treating her, or the venue space, equally in relation to events and social gatherings. She noted other events held within the city are not required to do the same things that the City has required of the events she is holding at The Oak Bar event venue

space. Ms. Dyson voiced further concerns that her business, the attendees and the events held there were being discriminated against.

- a. Mayor Flowers inquired if Ms. Dyson had received the letter she had requested from the City of Thomasville following the Workshop, in regards to her business and event venue. Ms. Dyson acknowledged that the City Manager did provide it to her immediately prior to the start of the meeting.
2. Tony Bowdry, 412 McKinley Street, Thomasville, Georgia, reported Ms. Dyson was his daughter and he echoed her concerns regarding the FLOCK Safety System and events at The Oak Bar. He further reported the citizens of Dewey City, and the west side of community, were unhappy with how they are being treated and changes need to be made. Mr. Bowdry noted his daughter's event venue was not a business venue; it is a place for social gatherings for the citizens within their community. He conveyed that an agreement could be negotiated in relation to his daughter's business venture.
3. Lucinda Brown, 103 Halcyon Way, Thomasville, Georgia, voiced concerns of the proposed installation of the FLOCK Safety System. She reported the ACLU (American Civil Liberties Union) has documented concerns for this system and requested Councilmembers consider tabling the decision on the FLOCK system for additional research.
4. Antoine Mitchell, 129 North Young Street, Thomasville, Georgia, also voiced concerns regarding the FLOCK Safety System and community events. He noted that his community pays taxes also, and does not want their tax dollars spent on the FLOCK system. Mr. Mitchell echoed Ms. Dyson's concerns in relation to events and further noted City leaders should attend community event celebrations such as "Gale's Day" and "Vino's Day" to see the positive impacts made in the communities in which they are held.
5. Andrenika Smith, 133 Cannon Street, Thomasville, Georgia, addressed Councilmembers with concerns of high utility bills at her residence. She noted that she did have an energy audit performed, which found nothing, and her utility bill continues to rise. Ms. Smith also noted that the two extensions per year allowed to citizens is not enough for those who have such outrageous monthly bills.
 - a. Mayor Flowers confirmed her residence address and requested the City Manager to have staff contact Ms. Smith to address her concerns.
6. Myra Thomas, 612 Raleigh Avenue, Thomasville, Georgia, spoke to Councilmembers in relation to a burned and vacant home adjacent to her property. She requested Councilmembers have something done about the structure, as there is a problem with vermin at the structure. She also spoke in favor of events being held by Ms. Dyson and that the Police Department should not harass citizens.
 - a. Mayor Flowers confirmed her residence address and requested the City Manager to have staff address the concerns of the burned and vacant property.

ADOPT AGENDA

Councilmember Warren motioned to adopt the agenda 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, and Scott.

OLD BUSINESS

Second 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 there were no changes to the proposed ordinance since its passage on first reading on September 26, 2022. It was noted the ordinance amends and restates in its entirety Article VI of Chapter 18 of the Municipal Code to bring the regulation of peddlers up to date with changes in the state statute. 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 to increase regulation of aggressive panhandling, but also to address 1st Amendment issues concerning non-aggressive, passive panhandling.

Mayor Pro Tem Mobley motioned to order the ordinance regarding panhandling and temporary vending as read for the second time, passed and adopted as presented. Councilmember Warren seconded. There was no further discussion. The motion passed 4-0, with the following votes recorded:

AYES: Flowers, Mobley, Warren, and Scott.

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

SECTION I

BE IT ORDAINED by the Council for the City of Thomasville, Georgia, and it is hereby ordained by the authority of the same, that Article VI., captioned, "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," of Chapter 18, captioned "Taxation, Revenue and Miscellaneous Business Regulations" of the Code of Thomasville, Georgia, is amended by deleting said article in its entirety and enacting a new Article VI, captioned "Regulation of Peddlers" to provide as follows:

"ARTICLE VI. REGULATION OF PEDDLERS.

Sec. 18-170 Purpose.

The purpose of this Ordinance is to protect, maintain and enhance the public health, safety, and general welfare by regulating peddling, itinerant traders, traveling salesmen, and other door-to-door salesmen, generally known as peddlers. Such persons typically market magazines, appliances, house wares, and other goods and services by going door to door in neighborhoods and business districts. Peddling is sometimes carried out by questionable organizations or individuals, with illegitimate products, or with no intent to deliver, and unlicensed peddling by unregistered peddlers exposes the citizens of Thomasville to fraudulent peddlers and harms legitimate businesses. Therefore, this Ordinance requires peddlers seek licenses, authorizes background checks, and imposes certain restrictions. However, it is not the intent of this Ordinance to require sales representatives, visiting business or persons they previously have made appointments with, or already have a legitimate business relationship with, to obtain a peddler's license. Neither is it the intent of this Ordinance to unconstitutionally infringe upon the First Amendment rights of persons going door-to-door for political campaigns, religious proselytizing, or other free speech reasons.

Sec. 18-171 Definitions.

The following words as used in this Ordinance shall have the following meanings:

- (a) *Applicant* shall mean the person seeking a license.
- (b) *Goods* shall mean any sort of personal property, wares or merchandise that can be sold, including, but not limited to, brushes, vacuums, magazines, educational books and supplies, newspapers, luggage, house wares, electronics, computers, furniture, food, agricultural products, flowers, tools, clothing, decorative accessories, rugs, paintings, sculpture, dishes, and so forth.
- (c) *License* shall mean a permit to peddle.

- (d) *Official photo identification* shall mean a driver's license or identification card issued by Georgia, another U.S. State, or the U.S. Military; or a U.S. Passport.
- (e) *Peddling* or *to Peddle* shall mean traveling from place to place or door to door on foot or in a vehicle and exhibiting, offering to sell, or selling goods or services, to households, businesses or passers-by. It shall also mean traveling from place to place or door to door taking orders for the sale of goods or services for delivery at another time or place. The solicitation of orders combined with a separate transaction to make delivery to the purchaser as a part of a scheme or design to evade the provisions of this Ordinance shall be deemed peddling. Visits by sales representatives pursuant to previously arranged appointments with a specific business or person, or as a part of an on-going business relationship, shall not be deemed peddling.
- (f) *Peddler* means any person who engages in peddling.
- (g) *Person* shall mean any natural person, organization, corporate entity, or other business entity.
- (h) *Services* means the provision of any sort of professional or trade service to another, including for example, general maintenance, construction, painting, lawn service, house cleaning, mending, sharpening, motor repair, appliance repair, and so forth.

Sec. 18-172 License to Peddle Required; Exemptions.

- (a) It shall be unlawful for any person to engage in peddling in the City of Thomasville without first obtaining a license. Licenses shall be for a period of six months and may be renewed. Each employee of a business or corporation engaging in peddling shall have a separate license.
- (b) Exemptions from license requirement:
 - (1) Stationary road-side stands for the sale of agricultural products, and the persons operating such stands, shall not require a license under this Ordinance. Such stands must comply with the Thomasville Zoning Ordinance and other applicable regulations, and shall not be located on public rights-of-way.
 - (2) Bona fide charitable organization recognized as tax exempt under Section 501(C)(3) of the Internal Revenue Code or contributions to which are deductible under Section 170 of the Internal Revenue Code and students who are peddling for the benefit of a local school district shall not require a license under this Ordinance.

Sec. 18-173 License Requirements.

- (a) License Application. All requests for a license must be submitted to the City Manager or the City Manager's designee. The City Manager or the City Manager's designee shall issue a decision within seven business days of the application being submitted.
- (b) Individual Licenses Required. Each person seeking to peddle must obtain a license. If the applicant is working for another person (individual or corporation or other business entity), that information must be disclosed on the application and on the license issued, if granted.
- (c) Required Information. The application for a license to peddle must include at least the following information, and the application must be signed by the applicant:
 - (a) Applicant name, phone number, mailing address, residence address, and, if different from residence address, a local address where the applicant will be staying while peddling.
 - (b) If the applicant is working for an entity other than himself/herself, such as a corporation or another individual, the application must provide the name of applicant's employer, the headquarters address and address of the Thomasville office or closest branch office if there is no Thomasville office;
 - (c) Applicant's height, weight, age, sex, race, and social security number for background check purposes;
 - (d) Photocopy of driver's license or other official photo identification of the applicant;
 - (e) Proposed peddling activity, including identification of the type of business, and the goods or services to be sold;

- (f) Persons who will peddle door-to-door in residential areas shall provide the following information on each vehicle to be used:
 - (1) a description of the vehicle, including make, model, and color; and
 - (2) the license plate number
- (g) Desired duration of the license (maximum: six months);
- (h) Statement by the applicant consenting to a background check to be conducted by City of Thomasville; and
- (i) Statement that all information contained in the application is true and correct.
- (d) Fingerprints. The fingerprints of the applicant shall be taken by the police department, for identification and background check purposes.
- (e) License and Identification Carried. The signed license is to be kept on-site in the possession of a peddler at all times that peddling is underway. Licenses shall be displayed at the request of any citizen approached by the peddler for the purpose of peddling or at the request of law enforcement personnel. Official photo identification shall also be kept on the person of a peddler at all times he or she is peddling, and shall be presented upon request of any citizen approached by the peddler for the purpose of peddling or at the request of law enforcement personnel. It shall be a violation of this Ordinance to fail or refuse to display a license or official photo identification when requested as provided for in this section.
- (f) Duration. A peddler license shall be valid for the period specified thereon, up to a maximum of six months.
- (g) Fees. An application shall be accompanied by an application fee as established by the City Council and kept on file at the office of the Clerk of the City. If the license application is denied, the license fee shall be refunded. The fee may be raised from time to time by the City Council for the City of Thomasville.
- (h) Renewal. A peddler license may be renewed upon submission of an application for renewal, accompanied by a renewal fee as established by the City Council and kept on file at the office of the Clerk of the City. Upon application for renewal, the City Manager or the City Manager's designee shall check to insure no complaints or criminal charges have been made against the peddler, and shall apply the same criteria as applies to the grant of a license to renew the license.

Sec. 18-174 Investigation of Applicant and Issuance of License.

- (a) Investigation. The City Manager or the City Manager's designee shall review the application for completeness and compliance with the terms of this Ordinance. The City Manager or the City Manager's designee shall determine whether there are any records of complaints against the applicant in the records of the City Manager or the City Manager's designee's Department or the GCIC/NCIC crime database system. The City Manager or the City Manager's designee may, at his/her discretion, make any other inquiries he/she deems necessary for the investigation of the applicant.
- (b) Decision. The City Manager or the City Manager's designee may grant or deny a license. The City Manager or the City Manager's designee shall issue a license as provided in this Ordinance based on a consideration of the application and from such information as may otherwise be obtained, unless he/she finds that any or all of the following apply:
 - (1) The applicant or the employer of the applicant has any criminal complaints pending against them, or has a criminal record involving crimes of theft, fraud, or other moral turpitude;
 - (2) The proposed good or service is not legitimate or is not legal;
 - (3) The grant of the license is contrary to the public's health, safety or general welfare;
 - (4) The application is not complete, or the application or license requested are not fully in compliance with the requirements of this Ordinance.
 If a license is rejected, the City Manager or the City Manager's designee shall indicate on the application review form all reasons for rejecting the application.

Sec. 18-175 Peddling; Prohibited Locations and Times.

- (a) Prohibited Times. No peddling shall be allowed during the following times:
 - (1) Before 9:00 a.m. or after 7:00 p.m. Monday through Friday;
 - (2) Before 11:00 a.m. or after 7:00 p.m. on Saturday or Sunday; and
 - (3) At any time after sunset or before sunrise.
- (b) Prohibited Locations. No peddling shall be allowed at the following locations:
 - (1) On any street or highway right-of-way;
 - (2) On bridges and sidewalks;
 - (3) On any public property.

Sec. 18-176 "No-call" List to be Established by City Clerk.

The City Clerk shall maintain a "no-call" list which shall comprise the names and addresses of all residents of the City, to include the owners or occupiers of business premises, who do not wish to have their places of residence or business visited by peddlers. No peddler shall call on any resident or owner or occupier of a business premises whose name and address appears on the "no-call" list maintained by the City Clerk. Every peddler who obtains a license pursuant to this article is charged with the responsibility of obtaining from the City Clerk a copy of the "no-call" list established pursuant to this section before beginning any peddling effort. Any person engaged in any peddling effort who calls on a residence or place of business which appears on the "no-call" list established pursuant to this section shall be subject to penalty under the provisions of Section 1-7 of this Code.

Sec. 18-177 Other Peddling Regulations.

- (a) Peddlers must inform homeowner/resident/business owner/shop keeper immediately in understandable terms the purpose for the peddler's presence.
- (b) Peddlers may not represent the peddler is participating in any contest, game, or other competitive endeavor, or offering the occupant an opportunity to participate in any such contest, game or endeavor.
- (c) Peddlers may not use vulgar, insulting, or threatening language in the course of any solicitation.
- (d) Peddlers may not remain on any part of the property of a residence/business after the occupant has verbally indicated for the solicitor to leave or a refusal to make a purchase of the peddler's goods or services.
- (e) Peddlers must respect all "No Solicitation" signs and refrain from entering upon the premises of a property displaying a sign bearing such words or similar words prohibiting solicitation.

Sec. 18-178 Due Process.

- (a) Due Process. Any person, firm, corporation, association, or partnership who believes they have been denied due process of law under this Article shall be entitled to a hearing upon written appeal to the City Council, which appeal shall specifically allege the denial of due process. Unless such hearing is requested in writing delivered to City Manager or the City Manager's designee within five business days after the alleged denial of due process, such person shall be presumed to have accepted summary process.
- (b) Procedure. The aggrieved shall be notified of the date and time of a public hearing before the City Council, at which hearing the aggrieved shall have the opportunity to present his case and evidence regarding the denial of due process. After considering all evidence presented at the hearing, the City Council shall make a determination and issue a written decision on the matter.

Sec. 18-179 Violations, Enforcement.

- (a) Persons peddling without a license or in violation of the license shall be subject to penalty under the provisions of Section 1-7 of this Code.
- (b) Any violation of this Ordinance shall immediately revoke the license.

- (c) Any person found guilty of violating this Ordinance may not be issued a license for a two-year period from the date of the violation.
- (d) The City Attorney shall be authorized to seek injunctive relief and other relief in Superior Court if necessary to effectuate the intent of this Ordinance.

Sec. 18-180-18-202 Reserved.”

SECTION II

BE IT FURTHER ORDAINED by the Council for the City of Thomasville, Georgia, and it is hereby ordained by the authority of the same, that The Code of Thomasville, Georgia, is hereby amended by enacting a new Article VI-A captioned “BEGGING, PANHANDLING, & SOLICITING DONATIONS” of Chapter 18 captioned “TAXATION, REVENUE, AND MISCELLANEOUS BUSINESS REGULATIONS” to provide for regulation of begging, panhandling, and charitable and political fundraising initiatives within said city, as follows:

“ARTICLE VI-A. BEGGING, PANHANDLING, & SOLICITING DONATIONS

Sec. 18-180 Purpose.

It is the intent of the Council in enacting this Ordinance to recognize free speech rights for all citizens while at the same time protecting the coexistent rights for all citizens to enjoy safe and convenient travel in public spaces free from intimidating conduct, threats, and harassment that stem from certain types of abusive solicitation, or that may give rise to interference with other’s activities if they occur in particular settings and contexts; and

There are numerous forms of solicitation that are not in and of themselves inherently threatening or aggressive, including vocal requests for a donation or carrying or displaying a sign requesting donations; and

However, there has been an increase in aggressive solicitation in the City, which threatens the security, privacy, and freedom of movement of both residents and visitors; and

The presence of solicitors in certain specific areas (such as near to or adjacent to automatic teller machines, adjacent to café tables on City sidewalks, and in public parking lots at dusk and later) create reasonable concerns by citizens objectively worried about their privacy, freedom of movement, and personal security; and

Certain forms of solicitation impede the orderly flow of pedestrian and vehicular traffic and leads to concerns regarding traffic and public safety, particularly on congested sidewalks and roadways (as defined below to include highly traveled areas, lines to enter buildings or venues, or on small traffic medians of highspeed or high-volume streets and highways); and

This Ordinance is not intended impermissibly to limit an individual's right to exercise free speech associated with solicitation; rather it aims to impose specific time, place, and manner restrictions on solicitation and associated conduct in certain limited circumstances; namely, limiting aggressive panhandling, panhandling at locations or times deemed particularly threatening and dangerous, and panhandling in places where people are a “captive audience” and there is a wish to avoid or reduce a threat of inescapable confrontations. In promulgating this Ordinance, the Council seeks to impose regulations that are narrowly tailored to serve the aforementioned significant governmental interests.

Sec. 18-181 Definitions.

- (a) *Aggressive begging, panhandling, or solicitation of donation* means the following forms of conduct:

- (1) Confronting someone in a way that would cause a reasonable person to fear bodily harm;
 - (2) Accosting an individual by approaching or speaking to the individual or individuals in such a manner as would cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon his or her person, or upon property in his or her immediate possession;
 - (3) Touching or otherwise making physical contact with an individual or vehicle in the course of soliciting without that person's express consent the individual being solicited without his or her consent;;
 - (4) Using threatening, violent, obscene or abusive language or gestures toward someone while attempting to panhandle or solicit him or her;
 - (5) Forcing oneself upon the company of another by engaging in any of the following conduct:
 - i. Continuing to solicit in close proximity to the individual addressed after the person to whom the solicitation is directed has made a negative response, either verbally, by physical sign, by attempting to leave the presence of the person soliciting, or by other negative indication;
 - ii. Blocking the passage of the individual solicited or requiring the individual, or the driver of a vehicle, to take evasive action to avoid physical contact with the person making the solicitation; or
 - iii. Otherwise engaging in conduct that could reasonably be construed as intending to compel or force a person to accede to a solicitation.
 - (6) Engaging in begging, solicitation of a donation or peddling while under the influence of alcohol or a controlled substance, as defined by Georgia or federal law.
 - (7) Acting with the intent to intimidate someone into giving money, or
 - (8) Other conduct exhibited while soliciting a contribution or donation, which a reasonable person being solicited would regard as threatening or intimidating.
- (b) *Areas with heightened personal security concerns* means the following locations:
- (1) Areas within, or within 15 feet of, a public parking lot, during the time period between thirty (30) minutes before sunset and thirty (30) minutes after sunrise, when a reasonable individual would have a justified, reasonable concern for his or her safety, security, and welfare;
 - (2) Areas within 10 feet of access to building entrances, public events venues, and commercial businesses where a reasonable individual would have a reasonable, justified concern for his or her personal security due to congestion and close proximity to others; or
 - (3) Other areas in which congestion and close proximity to others would give a reasonable person a justifiable concern for his or her personal security.
- (c) *Areas with heightened personal privacy concerns* means the following:
- (1) Locations within 20 feet of an automated teller machine;
 - (2) Locations within 10 feet of an outdoor dining area or a sidewalk café table during operating hours of the business associated with the table, unless the solicitor's presence is authorized by the proprietor of the business;
 - (3) Other locations in which the congestion and close proximity to others would cause a reasonable person to have a reasonable and justified concern that his or her privacy interests would be compromised.
- (d) *Areas with heightened public safety concerns* means the following:
- (1) Streets, roads or highways that have been designated as high speed roadways, which shall include the entirety of the right of way of such high speed roadways;
 - (2) Traffic medians where such medians provide less than 8 square feet of flat space for standing;
 - (3) Traffic medians of whatever size within designated high-speed roadways,
- (e) *Begging, panhandling and solicitation of donation* means the following activities: actions that are conducted in the furtherance of the purpose of collecting contributions for the use of one's self or others. As used in this ordinance, the word, "solicit," and its forms, includes requests for funding arising from begging, panhandling, or charitable or political

fundraising initiatives that do not involve the sale of goods or services. "Begging, panhandling and solicitation of donation" includes both "aggressive" and "passive" forms of begging, panhandling, and solicitation of donation, but these forms are regulated separately under this ordinance.

- (f) *High speed roadways* means the following roads, streets, or highways within the City of Thomasville:
 - (1) Any street, road or highway consisting of four (4) or more lanes.
- (g) *Regulated traffic medians* include areas that meet the following definitions
 - (1) Areas with "medians" situated between traffic lanes running in opposite directions where such medians have less than 8 square feet of flat area between traffic lanes; or
 - (2) Areas with "medians" that are otherwise designated as unsafe for activities by pedestrians, due to associated high-volume or highspeed traffic.
- (h) *Passive panhandling, begging, solicitation of donation* means conduct that falls within the definition in part (5) above of this section, but only such conduct that involves
 - (1) requests for contributions presented in writing without speaking and not accompanied by activities that fall within the definition of "aggressive begging, panhandling or solicitation," or
 - (2) oral requests for contributions that do not constitute "aggressive panhandling, begging, solicitation of donation," or
 - (3) other actions conducted in the furtherance of the purpose of collecting contributions for the use of one's self or others that do not fall within the definition of "aggressive begging, panhandling, solicitation of donation."

Sec. 18-182 Passive Begging, Panhandling, Solicitation of Donation Permitted Except Where Expressly Prohibited.

The City Council finds that "passive panhandling, begging, charitable or political solicitation," as defined in this Article should be treated as speech protected under the First Amendment unless other well-grounded governmental concerns are implicated. Accordingly, passive panhandling, begging, charitable or political solicitation is permitted throughout the City of Thomasville, except as prohibited in this Article.

Sec. 18-183 Aggressive Panhandling, Begging, Solicitation of Donation Prohibited in City.

No person shall engage in "aggressive panhandling, begging, solicitation of donation" as defined in this Article at anytime, anywhere in the City of Thomasville.

Sec. 18-184 Passive Panhandling, Begging, Solicitation of Donation Prohibited in Areas with Heightened Personal Safety and Privacy Concerns.

No person shall engage in passive panhandling, begging, solicitation of donation as defined in this Article in locations defined in this Article as areas with heightened personal security concerns or areas with heightened personal privacy concerns.

Sec. 18-185 Passive Panhandling, Begging, Solicitation of Donation Prohibited in Areas with Heightened Public Safety Concerns; Regulated to Protect Public Access.

- (a) Findings. The City Council finds begging, panhandling, or solicitation of donations within streets and on street or highway rights of way, or on small traffic medians (under 8 square feet in size), or on traffic medians located on high speed and high-volume traffic corridors, give rise to an increased risk of injury to solicitors on medians, traffic congestion, and traffic accidents that may affect drivers, passengers, pedestrians, or solicitors.
- (b) Prohibitions.
 - 1. *Generally*. "Passive begging, panhandling, and solicitation of donation" as defined in this Article is prohibited in areas with heightened public safety concerns as defined in subsection 18-178 in this Article.

Sec. 18-186 Door-to-Door Solicitation of Donations Regulated

- (a) Findings. The City Council finds door-to-door solicitation of donations in residential areas poses an increased risk of criminal activity (including, but not limited to, burglary and fraud), unwelcome disturbance of citizens, and disruption of privacy.
- (b) Regulations. In addition to the regulations set forth above in Sec.18-180 through Sec. 18-185, the following regulations shall apply to door-to door solicitation of donation
 - (1) Prohibited Locations.
 - i. Those seeking donations door-to-door must respect all "No Solicitation" signs and refrain from entering upon the premises of a property displaying a sign bearing such words or similar words prohibiting solicitation.
 - ii. Those seeking donations door-to-door may not remain on any part of a property after the occupant has declined to make a donation or verbally indicated for the solicitor to leave.
 - (2) Prohibited Times. No door-to-door solicitation of donation in residential areas shall be allowed during the following times:
 - i. Before 9:00 a.m. or after 7:00 p.m. Monday through Friday;
 - ii. Before 11:00 a.m. or after 7:00 p.m. on Saturday or Sunday; and
 - iii. At any time after sunset or before sunrise.

Sec. 18-187 Violations, Enforcement.

- (a) Any violation of this Ordinance shall be subject to penalty under the provisions of Section 1-7 of this Code.
- (b) The City Attorney shall be authorized to seek injunctive relief and other relief in Superior Court if necessary to effectuate the intent of this Ordinance.

Sec. 18-188-202 Reserved.”

SECTION III

BE IT FURTHER ORDAINED by the Council for the City of Thomasville, Georgia, and it is hereby ordained by the authority of the same, that Article XI captioned, “Temporary Vending at Special Events,” of Chapter 18, captioned “Taxation, Revenue and Miscellaneous Business Regulations” of the Code of Thomasville, Georgia, is amended by deleting said article in its entirety and enacting a new Article XI, captioned “Temporary Vending” to provide as follows:

“ARTICLE XI. TEMPORARY VENDING

Sec. 18-394 Display of Merchandise on Streets or Sidewalks Prohibited; Exceptions.

No person shall be allowed to use any part of the streets or sidewalks of the city for the display or sale of merchandise, except as permitted in conjunction with a special event sanctioned by the city. Violations shall be subject to the penalties provided in section 1-7; provided, however, that this prohibition shall not apply to, and there shall be allowed casual and isolated sales by authentic, bona fide charitable organization recognized as tax exempt under Section 501(C)(3) of the Internal Revenue Code or contributions to which are deductible under Section 170 of the Internal Revenue Code, so long as their vending activities are limited to prepackaged food items or nonedible merchandise, and their vending activities are conducted not more than twice per calendar year and for a period not exceeding a cumulative total of 20 days.

Sec. 18-395 Temporary Vending Provisions for Licensed Businesses.

Parking lots or vacant areas located on a licensed business' property shall be deemed public areas and may be utilized as temporary, limited or seasonal promotional space for that licensed business' use only. Temporary, separate, or other businesses located upon the operational premises of a licensed business, including parking areas, loading & unloading zones, buffer, landscaped, or green space areas, shall be deemed in violation of the zoning code Sections 22-10, 22-12, and 22-18. This prohibition shall not apply to casual and isolated sales or requests for contributions by authentic, bona fide charitable organization recognized as tax exempt under Section 501(C)(3) of the Internal Revenue Code or contributions to which are deductible under Section 170 of the Internal Revenue Code, so long as same shall comply with the regulations contained in Article VI-A of this Code.

Sec. 18-396 Temporary Vending at Special Events.

- (a) Definitions. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
- (1) *Business License* means an occupational tax poster issued by the City according to the provisions set forth in Article III of this Chapter.
 - (2) *Special event* means a festival, parade or program of entertainment which is sponsored, sanctioned, or endorsed by the city and to which the entire community, both local and extended, is invited or included. "Special events" sanctioned by the city include, but are not limited to, Rose Show, Victorian Christmas, Fly-In Frolic, Christmas parade or their successor programs.
 - (3) *Structures* means mobile homes, trailers, tents, carts, vehicles, or stands, constructed or assembled with the intention of displaying, storing, or protecting goods or merchandise for sale.
 - (4) *Temporary* means lasting for a limited time only, mobile, impermanent, or portable (whether on wheels or with wheels removed), meant to be discarded, disassembled, moved, relocated, driven or transported from one (1) location to another following a specified period of time or specific event.
 - (5) *Temporary Business* means to sell or offer for sale, to hawk or to peddle any goods, merchandise, agricultural product, or service on the premises not owned, leased or rented by the intended temporary business proprietor and which is intended to last for a limited time only, and specifically those which are intended to be mobile, impermanent, portable or meant to be discarded, disassembled, moved, relocated, driven (whether on or with wheels removed) or transported from one location to another.
 - (6) *Vending* means to sell or offer for sale, to hawk or to peddle any goods, merchandise, or services.
- (b) Exemption from zoning regulation. Any temporary vending structure which is issued a permit in conjunction with a special event sanctioned by the city will not be considered in violation of section 22-18 (Portable structures) of this Code.
- (c) Application forms for temporary vending permit at special event sanctioned by the city.
- (1) Any application for a temporary vending permit during a special event sanctioned by the city shall be made on a form(s) furnished the applicant by the city, along with all reasonable information necessary to complete the form.
 - (2) Upon filing an original application or reapplication, the applicant shall then deposit with the city clerk or his designee, in cash or by check the registration fee which shall be reasonable as related to processing the application and permit, and shall not be refundable, the exact amount of such fee shall be as established by the City Council and kept on file at the office of the Clerk of the City.
 - (3) The City Manager or the City Manager's designee, in its sole discretion, has the right to limit the number of vendors of same or similar goods, merchandise, or services per event, with the permits being issued on a first-come, first-served basis.
 - (4) In the event of wide-area encompassing functions (e.g., Rose Show), where specific

vending locations are not designated by the City Manager or the City Manager's designee, the specific location of the vendor/vending activity must be provided on the application form. In addition, for vending on private property, written permission for vending on the premises signed by the property owner shall be presented at the time of application and maintained by the licensing committee as a permanent part of the application.

- (5) Upon approval of the application and payment of the required registration fee, the applicant shall be entitled to the issuance of an event permit; provided, however, the event committee or committee chair reserves the right to approve such issuance of the permit conditioned upon full and final compliance by the applicant with all applicable city ordinances. Reapplication and permits for subsequent event(s) or year(s) are subject to compliance with the above.
- (6) Upon issuance of the event permit, the permit must be continuously and conspicuously posted, displayed, and affixed to the temporary vending structure during the operating hours of that vendor for each event, day or hour thereof.
- (7) All vendors of any type of merchandise, goods or services, whether for-profit or a bona fide charitable organization recognized as tax exempt under Section 501(C)(3) of the Internal Revenue Code or contributions to which are deductible under Section 170 of the Internal Revenue Code shall be bound by the provisions of this article, without exception.

Sec. 18-397-18-420 Reserved.”

SECTION IV

If any paragraph, subparagraph, sentence, clause, phrase or any portion of this Ordinance be declared invalid or unconstitutional by a court of competent jurisdiction, or if any provision of any part of this Ordinance as applied to any particular situation or set of circumstances be declared invalid, or unconstitutional, such invalidity shall not be construed to affect the remaining portions of this Ordinance not so held to be invalid, or the application of this Ordinance or other circumstances not so held to be invalid. It is hereby declared to be the intent of the Council to provide for separable and devisable parts and he does hereby readopt any and all parts hereof as may not be held invalid for any reason.

SECTION V

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

SECTION VI

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

SECTION VII

This ordinance was introduced and read at a lawful meeting of the city council for the City of Thomasville, Georgia, held on Monday, September 26, 2022, and read the second time, passed and adopted in like meeting held on Monday, October 10, 2022.

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

City Planner, Kenny Thompson reported there were no changes to the proposed ordinances since their passage on first reading on September 26, 2022. It was noted that some of the fee schedules adopted by council this year required code amendments. These text amendments will 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.*

Councilmember Scott motioned to order the ordinance to amend text in Section 9-115 of Chapter 9 “Historic Preservation” as read for the second time, passed and adopted as presented. Mayor Pro Tem Mobley seconded. There was no further discussion. The motion passed 4-0, with the following votes recorded:

AYES: Flowers, Mobley, Warren, and Scott.

Mayor Pro Tem Mobley motioned to order the ordinance to amend text in Sections 22-169 and 22-399 of Chapter 22 “Zoning” 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 two ordinances ordered read for the second time, passed and adopted follows.

1. 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.

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 revising Section 9-116, captioned “Submission of plans.”, of Article V, captioned “Certificate of Appropriateness”, of Chapter 9, captioned “Historic Preservation”, to read as follows:

“Sec. 9-115. Submission of plans.

An application for a certificate of appropriateness shall be accompanied by such drawings, photographs, plans or other documentation as may be required by the commission. Applications involving demolition or relocation shall be accompanied by post-demolition or relocation plans for the site. An application for a certificate of appropriateness shall be accompanied by a nonrefundable fee ~~in the amount of \$25.00~~ fee set by city council and kept on file and maintained in the office of the clerk of the city.”

SECTION II

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

SECTION III

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 IV

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 V

This ordinance was read for the first time at a lawful meeting of the Council of the City of Thomasville, Georgia, on September 26, 2022, and read the second time, passed and adopted in a like meeting held on October 10, 2022.

2. 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.

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 revising Section 22-169, captioned "Application for amendment.", of Article VI, captioned "Amendments and Rezoning", of Chapter 22, captioned "Zoning", to read as follows:

"Sec. 22-169. Application for amendment.

Applications for amendment of this article may be in the form of proposals for amendment of the text of this article or proposals for amendment of the zoning map. Applications for amendment shall be submitted to the zoning administrator and shall include a ~~\$500.00~~ fee, set by city council and kept on file and maintained in the office of the clerk of the city, payable to the city, to defray expenses, except that there shall be ~~\$150.00~~ a fee, set by city council and kept on file and maintained in the office of the clerk of the city, for zoning amendments involving single-family residential with one to four units. Any application for a zoning amendment which is denied by the city council shall not be reconsidered for one year after the date of denial."

SECTION II

BE IT FURTHER 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 hereby by amended 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 read as follows:

"(c) *Permit and inspection for work.* The fee for issuing such permit and inspection by the city to see that the work is done in accordance with these regulations shall be ~~\$5.00~~ set by city council and kept on file and maintained in the office of the clerk of the city, for each such permit issued. No permit shall be required for city work done by city crews. City permits for work on state highway rights-of-way shall only be issued contingent upon approval of the work by the state department of transportation."

SECTION II

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

SECTION III

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 IV

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 V

This ordinance was read for the first time at a lawful meeting of the Council of the City of Thomasville, Georgia, on September 26, 2022, and read the second time, passed and adopted in a like meeting held on October 10, 2022.

NEW BUSINESS

First reading of an ordinance to amend text in Chapter 6 “Cemeteries” of the Thomasville Municipal Code to provide for publication of fees.

Public Works Superintendent, Stephen Stewart reported the current cemeteries fee schedule was approved by City Council on August 22, 2022. Staff identified sections within Chapter 6 – Cemeteries describing applicable fees in specific dollar amounts that are not consistent with the current cemeteries fee schedule. These sections of the code require text amendments to address the inconsistencies. Staff recommends text amendments that replacing codified dollar amounts with references to the city’s fee schedule as applicable in the following sections:

- *Chapter 6 - Cemeteries, Sec. 6-4. Burial administrative fees; notice required.*
- *Chapter 6 – Cemeteries, Sec. 6-5. Lots – Purchase prices specified.*
- *Chapter 6 – Cemeteries. Sec. 6-7. Perpetual care.*

This action will correct current inconsistencies with the recently approved cemeteries fee schedule and eliminates the risk of future scrivener errors whenever changes to the fee schedule are approved.

Mayor Pro Tem Mobley motioned to order the ordinance to amend text in Chapter 6 “Cemeteries” in the Municipal Code as read for the first time, passed, and carried over as presented. Councilmember Warren seconded. Mayor Flowers noted the ordinance also addresses the perpetual care fee that is no longer in place, as all city-owned and maintained cemeteries are considered as perpetual care. There was no further discussion. The motion passed 4-0, with the following votes recorded:

AYES: Flowers, Mobley, Warren, and Scott.

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

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF THOMASVILLE, GEORGIA, BY AMENDING SECTION 6-4, CAPTIONED “BURIAL ADMINISTRATIVE FEES; NOTICE REQUIRED.”; AND, SECTION 6-5, CAPTIONED “LOTS—PURCHASE PRICES SPECIFIED.”; AND; SECTION 6-7, CAPTIONED “PERPETUAL CARE.”, OF CHAPTER 6, CAPTIONED “CEMETERIES.”, SO AS TO PROVIDE FOR PUBLICATION OF FEES; TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH; TO PROVIDE FOR THE EFFECTIVE DATE OF THE ORDINANCE; AND FOR OTHER PURPOSES.

Resolution to approve submittal of application for Water First Designation.

Grants Administrator, Pam Schalk reported in 2020 staff began the process of developing a Stormwater Master Plan to address flooding issues that have plagued the City for many years. Through a grant from EPD, the Regional Water Plan Seed grant (RWPSG) has assisted the city in this process by providing \$75,000 in grant funds and technical assistance. The engineering department, along with the consulting team at GMC, gathered data on the existing

conditions of each watershed within the city limits to assess current conditions. Data gathering included identification of land use in the sub-watershed, water quality monitoring, mapping of documented flooding within the city limits, documentation of significant field observations and related problem areas and public input from each sub-watershed. A public education program has been established in partnership with KTCB and Golden Triangle RC&D. Data gathered is being used to develop a Stormwater Master Plan which will include a list of priority projects. As part of the RWPSG the city is required to apply for Water First designation. Becoming a WaterFirst Community demonstrates a local government's commitment to responsible water stewardship for environmental and economic benefits. Communities that earn the WaterFirst designation are eligible for financial and other benefits from the state of Georgia. WaterFirst benefits include:

- Statewide recognition for environmental stewardship
- 1 percent interest rate reduction on GEFA loans
- Annual eligibility for water-related project applications to the Community Development Block Grant Program through the Georgia Department of Community Affairs
- Priority status for the 319(h) Grant Program administered by the Georgia Environmental Protection Division.

A community must pass an onsite review to receive the WaterFirst designation. Readiness for the onsite review is determined through the WaterFirst application process and a water resources management audit. It was estimated the process will take 3-6 months.

Councilmember Warren motioned to approve submission of a Water First application and to authorize the Mayor to sign all necessary and related documents. Mayor Pro Tem Mobley seconded. There was no further discussion. The motion passed 4-0, with the following votes recorded:

AYES: Flowers, Mobley, Warren and Scott.

The approved resolution follows.

RESOLUTION

WHEREAS, the Council of the City of Thomasville, Georgia, desires to make a commitment to responsible water stewardship for environmental and economic benefits; and,

WHEREAS, the Council of the City of Thomasville, Georgia, desires that an application be submitted to Georgia Environmental Finance Authority (GEFA) for designation as a Water First Community; and,

WHEREAS, the Council of the City of Thomasville, Georgia, desires to authorize the Mayor to sign all necessary and related documents as shall be necessary in relation to the Water First application.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Thomasville, Georgia, hereby authorizes the submittal of the Water First application and the require supporting documentation; and

BE IT FURTHER RESOLVED that the Council of the City of Thomasville, Georgia, further authorizes the Mayor of the City of Thomasville, or his/her successor, as the signatory on all necessary and related documents as shall be necessary in relation to the Water First application.

PASSED, APPROVED AND ADOPTED by the Council of the City of Thomasville, Georgia, on this, the 10th day of October, 2022.

Motion to approve the Low-Income Household Water Assistance Program (LIHWAP) Agreement and to authorize the Mayor to sign all necessary and related documents.

Managing Director of Customer Service, Mark Parrillo reported the City of Thomasville is currently in an agreement with Department of Family and Children Services (DFCS) to provide funding through the Low-Income Household Water Assistance Program (LIHWAP) for residents of Thomasville. This program provides low-income families with monetary assistance to pay for water services provided by the City of Thomasville. The Neighborhood Service Center is the liaison that fields all applications, as well as the disbursement of funds from DFCS to the City of Thomasville.

In 2021 and 2022, residents of the City of Thomasville received \$70,000.00 processed through the LIHWAP program. Applicants will receive funds based on annual income level and household size. These fund levels will be \$200.00 and \$300.00.

Councilmember Scott motioned to approve the LIHWAP Agreement and to authorize the Mayor to sign all necessary documents related to the LIHWAP Agreement between the City of Thomasville and Georgia Department of Human Services, Division of Family and Children Services. Councilmember Warren seconded. There was no further discussion. The motion passed 4-0, with the following votes recorded:

AYES: Flowers, Mobley, Warren and Scott.

Motion to approve the Low-Income Home Energy Assistance Program (LIHEAP) Agreement and to authorize the Mayor to sign all necessary and related documents.

Managing Director of Customer Service, Mark Parrillo reported the City of Thomasville is currently in an agreement with Department of Family and Children Services (DFCS) to provide funding through the Low-Income Home Energy Assistance Program (LIHEAP) for residents of Thomasville. This program provides low-income families with monetary assistance to pay for electric services provided by the City of Thomasville. The Neighborhood Service Center is the liaison that fields all applications, as well as the disbursement of funds from DFCS to the City of Thomasville. In 2021 and 2022, residents of the City of Thomasville received \$430,000 processed through the LIHEAP program. Applicants will receive funds based on annual income level and household size. These fund levels will be \$350.00, \$450.00 and \$500.00.

Councilmember Warren motioned to approve the LIHEAP Agreement and to authorize the Mayor to sign all necessary documents related to the LIHEAP Agreement between the City of Thomasville and Georgia Department of Human Services, Division of Family and Children Services. Mayor Pro Tem Mobley seconded. There was no further discussion. The motion passed 4-0, with the following votes recorded:

AYES: Flowers, Mobley, Warren and Scott.

Motion to enter into a contract with Flock Safety Systems for a Camera/LPR/Shot Detection System.

Police Major, Shane Harris reported the Thomasville Police Department began researching viable technologies that would assist officers in detecting and solving violent crimes. Many times, officers are notified after the fact, which reduces or prolongs the solvability of crimes. Advancing technology in video surveillance and gunshot detection will assist officers in gathering valuable evidence while increasing crime solvability. Major Harris further reported research in surveillance and gunshot detection showed an increasing trend in law enforcement usage in these systems. Flock Safety systems incorporates video surveillance, license plate recognition (LPR) and gunshot detection in their systems. The incorporation of the three systems will give officers the ability to respond to violent crimes safer, faster, while automatically building evidence while responding to the scene. Flock Safety reports cities using their products have seen a significant decrease in crime. During a test and proving phase Flock Safety Systems will place a total of 15 cameras throughout the city in predetermined locations. Locations were evaluated due to increased crime and areas surrounding major thoroughfares. Major Harris noted that during the six-month testing phase the department will analyze the data from the systems to determine the extent of information gained in criminal activity and the reduction of crime while employing the system. It was requested that City Council approve a six-month testing of Flock Safety Systems in Thomasville. The testing and proving phase of the system will incorporate fifteen cameras in various locations. Some locations will incorporate all three technologies, while others will incorporate two or just the surveillance camera.

Mayor Pro Tem Mobley motioned to approve the City of Thomasville entering into a contact with Flock Safety Systems and to authorize the Mayor to sign all necessary and related documents. Councilmember Warren seconded. Discussion ensued.

Mayor Flowers inquired if there was any obligation of the city to continue the contract following the six-month testing phase. Major Harris reported there was no obligation to continue the program if the City opted to discontinue the system and data collection. Mayor Flowers further inquired if the cameras were placed in a hidden manner. Major Harris indicated camera placement is not hidden, as they are placed on stationary poles generally located six to eight feet from the ground.

Councilmember Scott inquired how citizens' privacy would be maintained. Attorney Sanders noted the adherence to the privacy act is the responsibility of Flock Safety Systems from a contractual standpoint. Councilmember Scott further inquired what happens if an image of a vehicle's tag is captured while traveling on a public street. Attorney Sanders further noted that a claim relating to a violation of the privacy act requires an expectation of privacy by the claimant; on a public street, there is not an expectation of public privacy.

Councilmember Warren noted the City of Thomasville's main purpose is to reduce crime and inquired if the system would provide adequate measurement of potential criminal activity. Major Harris described the triangulation action the system regarding such things as sounds, images and locations of alleged actions such as breaking glass, gunshots, screeching tires, etc. Major Harris also reported that historical call data relating to gunshots and other criminal activities within the entire city was provided to FLOCK and they determined the system's placement. Councilmember Warren acknowledged that citizens have claimed the potential placement of this system was profiling one or two specific areas; however, the end goal for the City of Thomasville is to reduce criminal activity throughout the entire city.

Mayor Pro Tem Mobley inquired of the possibility of private individuals having the system placed specifically in privately owned areas. Major Harris also reported the City of Thomasville cannot authorize placement of any such system on private property; however, private individuals and/or organizations have the opportunity to do so and would enter into a contract with FLOCK Systems on their own accord. Major Harris further reported that two separate apartment complexes had reached out to the Police Department to inquire if the FLOCK Safety System could be placed on their premises to enhance safety for their residents. It was explained to those complexes that the City was not authorized to place systems on private property; however, if they were interested they could contact FLOCK for options. Major Harris noted that there were options to have all FLOCK systems, whether they were private or public, to work in tandem for triangulation of data.

Following the lengthy discussion, Mayor Pro Tem Mobley's motion to approve the City of Thomasville entering into a contact with Flock Safety Systems and to authorize the Mayor to sign all necessary and related documents, and seconded by Councilmember Warren, remained as stated. There was no further discussion. The motion passed 3-1, with the following votes recorded:

AYES: Flowers, Mobley and Warren.

NAY: Scott.

Motion to approve recommended fee schedule for Customer Service Department.

Customer Service Manager, Melissa Creel reported that several fees are charged by the Customer Service Department to provide a multitude of services. Chapter 18 "Taxation, Revenue and Miscellaneous Business Regulations" is based on local ordinance in accordance with minimum and maximum fees within guidelines of state statute. These fees are set regarding occupation tax and other regulatory fees. The only fee that the City of Thomasville designates is an administrative processing fee. To accurately adjust fee assessed by the City of Thomasville to cover the cost of providing our services, staff has reviewed the existing fee as the various costs that are involved in the delivery of the service to the business owner. In addition, staff also conducted a survey of other municipalities as additional information to consider in the final recommended fee schedule. Customer Service Manager Creel reported staff does not recommend changing the current fee of \$45.00 per account.

Councilmember Warren motioned to approve the fee schedule as presented. Mayor Pro Tem Mobley seconded. There was no further discussion. The motion passed 4-0, with the following votes recorded:

AYES: Flowers, Mobley, Warren and Scott.

Bids and award for the purchase of one 55-foot Hydraulic Articulation Over-Center Aerial Device (Bucket Truck) for Electric Operations Department.

Director of Electrical Engineering and Electric Operations, Jeremy Carter, reported the Electric Department's fleet of large bucket trucks is vital to the City of Thomasville's commitment to the safety of its employees, fast and timely responses to outages and the continued maintenance and growth of the electric system. This purchase will replace unit 11101. Unit 11101 is a 2011-year model bucket truck and is at the end of its operating life. This unit replacement was included in the 2022 capital budget at \$300,000.00. However, due to rising costs the bids were returned higher than expected. The purchase will not be made until quarter three of 2024. A summary of bids follows.

BIDDER

ALTEC
Terex
ETI

BID AMOUNT

\$418,354.00
\$367,814.00
No bid returned due to back orders.

Councilmember Warren motioned to award the bid to Terex for the purchase of one (1) Terex HRX55 articulating over-center aerial device (bucket truck) in the amount of \$367,814.00 as presented. Councilmember Scott seconded. There was no further discussion. The motion passed 4-0, with the following votes recorded:

AYES: Flowers, Mobley, Warren and Scott.

REPORTS

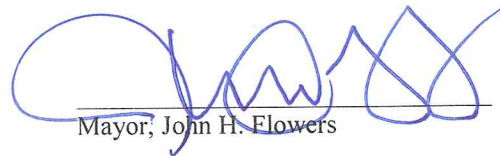
City Manager Carson noted the work will begin soon in relation to the Community Development Block (CDBG) Grant in the area of Dewey City. He further noted that the award presentation of the \$1,000,000.00 grant will take place in Albany, Georgia on October 19th at 9:00 AM. Any Councilmembers wishing to attend should contact Executive Assistant, Vicky Bryson, for attendance coordination.

Mayor Flowers and Councilmember Warren thanked citizens for input relating to Council approval of FLOCK Safety System. It was noted that it was important for citizens to contact councilmembers with questions and concerns; as well as for citizens to hear the discussions in relation to decisions made.

ADJOURNMENT

Having no further business to discuss, the Thomasville City Council meeting was adjourned at 6:58 PM.

CITY OF THOMASVILLE, GEORGIA



Mayor, John H. Flowers



ATTEST: City Clerk

[seal]

