

City of Thomasville Council Meeting, February 27, 2023

The Council of the City of Thomasville met in regular session on the above date. Mayor Jay Flowers presided and the following Councilmembers were present: Mayor Pro Tem Todd Mobley and Councilmembers Wanda Warren (via teleconference), Terry Scott, and Scott Chastain. Also present were the Assistant City Managers, Sheryl Sealy and Chris White; City Attorney, Tim Sanders; other city staff; citizens and members of the media. It shall be noted that City Manager, J. Alan Carson was not present at 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 livestream 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 Chastain motioned to approve the City Council Regular Meeting Minutes of February 13, 2023, as presented. Councilmember Scott seconded. There was no 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 Citizen to be Heard, as listed on the sign-in sheet:

1. Jerry Pionessa, JMJ Group, LLC, Hansell Street, Thomasville, Georgia, voiced concerns regarding responses from city staff members in relation to a project with issues on which he is working. Pionessa requested that the City Manager or Assistant City Manager provide mediation between the city's engineering department and Pionessa to resolve the issues as they relate to the municipal code.
 - a. Assistant City Manager White acknowledged that he had learned of the conflicts earlier on this date and would meet with Pionessa regarding the matter.
2. Audrey Linder, resident of Highland Street, Thomasville, Georgia, addressed Council with her concerns regarding the proposed redistricting plan. She reviewed the difficult process of reapportionment and noted that the repercussions of such decisions for citizens could be catastrophic if the process was not done correctly or by law.
3. Candee Henderson, resident of Egg & Butter Road, Thomas County, Georgia, commended the City of Thomasville for their recent efforts to make the city sustainable and requested Council consider a resolution that would transition Thomasville to 100% renewable energy by 2035.

ADOPT AGENDA

Mayor Pro Tem Mobley motioned to adopt the agenda as presented. Councilmember Scott seconded. There was no discussion. The motion passed 5-0, with the following votes recorded: AYES: Flowers, Mobley, Warren, Scott and Chastain.

OLD BUSINESS

There was no Old Business to be considered by Councilmembers at this meeting.

NEW BUSINESS

Resolution to adopt the reapportioned District lines and to request a local act of the Legislature to amend the Charter to revise the District lines.

City Attorney, Tim Sanders, reported the Georgia Constitution requires that the General Assembly redistrict, or reapportion, the seats of the legislature after each census. Neither the Georgia Constitution nor the Code of Georgia requires municipalities to redistrict after each census. Notwithstanding, cities do have a legal obligation to insure the Constitutional rights of their citizens. The population of the City, according to the 2020 Census is, 18,881. Additionally, according to the 2020 Census, the population of District 1 is 8,723 and the population of District 2 is 10,158. Attorney Sanders further reported the primary legal issue as to whether a city should redistrict is the principle of “one person, one vote”. Stated another way, each citizen’s vote should generally have the same weight as every other citizen’s vote. As a practical matter, this right translates into a need to have election or voting districts contain approximately the same number of people. This right is one of equal protection under the law and is found in the 14th Amendment to the United States Constitution. This right also highlights the importance of the Census and citizens’ participation in the Census. Attorney Sanders reviewed the process taken to obtain the proposed plan or redistricting. The State Legislative and Congressional Reapportionment Office was engaged for assistance in analyzing the census data relative to the current District lines to determine the deviation of population between District 1 and District 2. In short, “deviation” is a term that has been developed that describes the degree to which a city’s district lines and form of representation achieve even apportionment of population among the districts. The Reapportionment Office found that the deviation between the Districts is currently 15.2%. The line of Federal case law addressing these matters generally holds that for local governments “a deviation less than 10% has been held to be presumptively valid.” Because the deviation between the Districts exceeds 10%, it is recommended that the District lines be revised to bring the deviation in population between the Districts as close to zero as practicable. Because the population of District 2 is greater than the population of District 1 according to the 2020 Census, it is necessary to expand the boundaries of District 1 to increase the population of District 1. The challenges for the Reapportionment office were to bring the populations of District 1 and District 2 as close as possible, while considering and respecting political boundaries, communities of interest and incumbent protection. The proposed, revised District boundary lines will not remove any District 2 incumbent seats to District 1. The Reapportionment Office staff prepared a “blind map,” in that the office prepared the revised Districts using their best professional judgment. The Reapportionment Office also followed the principle of “ease of population,” which translates into following the least disruptive manner of getting the needed number of people into each District. The Reapportionment Office finally followed, to the extent possible, existing precinct lines in order to further minimize disruption. The revised lines are as reasonably close to zero as practicable and will result in a deviation of only 1.89%. Attorney Sanders reviewed the screen presentation of the Draft – Thomasville City Council Districts shown in the onscreen presentation. The summary of the effects of the proposed changes from a demographic standpoint follows.

Current D1:	17.40% White	76.77% African American
Current D2:	60.52% White	31.28% African American
Proposed D1:	18.93% White (+1.53%)	75.09% African American (-1.68%)
Proposed D2:	61.87% White (+1.35%)	29.93% African American (-1.35%)
Current D1:	1,518 (White)	6,697 (African American)
Current D2:	6,148 (White)	3,177 (African American)
Proposed D1:	1,770 (White) [+252]	7,022 (African American) [+325]
Proposed D2:	5,896 (White) [-252]	2,582 (African American) [-325]

City Attorney Sanders requested Council’s consideration of a Resolution approving the revised boundary lines for District 1 and District 2 and requesting a local act of the legislature be introduced to revise the boundary lines for District 1 and 2. If passed, the Resolution will be transmitted to Representative Darlene Taylor, who has agreed to sponsor the legislation. Additionally, a notice concerning the introduction of a local act of the Legislature will appear in the Thomasville Times-Enterprise on Wednesday, March 1. Upon passage of the local act of legislation, the revised Districts 1 and 2 would be in effect for the upcoming November Municipal elections.

Councilmember Chastain motioned to approve the resolution as presented. Councilmember Scott seconded. Discussion ensued and the proposed map and street names reviewed as presented. There were no changes requested by councilmembers. It was noted that the proposed map had been extracted by the State Reapportionment Office with no additional input of the current City Council. It was also noted that the current legislative session was a short session, ending in March, and therefore a short deadline to ensure one person-one vote and introducing the proposed plan to legislature. City Attorney Sanders reiterated the map was created by the State, while ensuring no incumbents were unseated. Mayor Flowers noted this action is dictated by law if it is more than a 10% deviation, and therefore must go before legislation. Following the discussion, the motion remained unchanged. There was no further discussion. The motion passed 5-0, with the following votes recorded: AYES: Flowers, Mobley, Warren, Scott and Chastain.

The approved resolution follows.

CITY OF THOMASVILLE, GEORGIA
RESOLUTION

WHEREAS, Section 5.22 of the Charter of the City of Thomasville sets forth and describes the boundaries of the two (2) Districts of the City of Thomasville for purposes of electing four (4) of the Councilmembers;

WHEREAS, according to the 2020 Census the population of the City of Thomasville was 18,881, and the populations of District 1 was 8,723, and the population of District 2 was 10,158;

WHEREAS, in light of the 2020 Census and in order to protect against any unsuitable deviations in the population between District 1 and District 2, it was necessary and appropriate to re-examine the City's existing district plan;

WHEREAS, the Legislative and Congressional Reapportionment Office of the Georgia General Assembly ("LCRO") was engaged, pursuant to O.C.G.A. §28-1-14.1, to conduct a careful review of the 2020 Census data as it related to the City, to determine whether the City's population, based on the 2020 population count, was properly apportioned or divided among District 1 and District 2 of the City to ensure continued compliance with the United States Constitution (including the Equal Protection Clause of the 14th Amendment), the Georgia Constitution, the Voting Rights Act of 1965, and the principle of "one person, one vote" and provided the City with a population summary from the 2020 Census ("2020 Population Summary") a copy of which is attached hereto and incorporated herein as Exhibit A;

WHEREAS, as part of such review, the LCRO considered appropriate redistricting principles, including compactness, contiguity, respecting political boundaries, communities of interest and incumbent protection.

WHEREAS, the analysis of the LCRO, as evidenced by the 2020 Population Summary, demonstrated that the percentage deviation in population between District 1 and District 2 as of the 2020 Census was 15.2%;

WHEREAS, as part of its analysis, the LCRO additionally provided the City with a map depicting the revised District 1 and District 2, along with an accompanying population summary for the revised Districts, attached hereto and incorporated herein as Exhibit B, and a legal description, utilizing the census block method, of the revised District 1 and District 2 attached hereto and incorporated herein as Exhibit C (the forgoing revised map of District 1 and 2, accompanying population summary, and legal description may be collectively referred to herein sometimes as the "Redistricting Plan");

WHEREAS, the Redistricting Plan will enable the City to ensure that future municipal elections within the City comply with the United States Constitution, including the Equal Protection Clause of the 14th Amendment, the Georgia Constitution, the Voting Rights Act of 1965, and the principle of "one person, one vote";

NOW THEREFORE BE IT RESOLVED, that the recitals set forth above are incorporated herein by reference as if set forth fully herein.

NOW THEREFORE BE IT FURTHER RESOLVED, that the City Council of the City of Thomasville approves the Redistricting Plan.

NOW THEREFORE BE IT FURTHER RESOLVED, that the Mayor is authorized, empowered and directed to communicate such approval to the LCRO and the sponsoring legislator, Rep. Darlene Taylor, and to take such further action and to do all things as are necessary and advisable for the local legislative delegation to introduce, and the Georgia General Assembly to approve, local legislation revising District 1 and District 2 of the City of Thomasville in a manner that is consistent with Exhibit B and Exhibit C (“Local Legislation”);

NOW THEREFORE BE IT FURTHER RESOLVED, that all acts and doings of the City Council, the Mayor, Mayor Pro Tempore, the City Attorney, the officers and employees of the City that are in conformity with the purposes and intents of this Resolution and in the furtherance of adoption of the Redistricting Plan and the introduction and passage of the Local Legislation shall be, and the same hereby are, in all respects approved, ratified and confirmed.

NOW THEREFORE BE IT FURTHER RESOLVED, if any section, subsection, sentence, clause, phrase, or portion of this Resolution is for any reason held to be invalid or unenforceable by a court of competent jurisdiction, the remaining portions of this Resolution shall nonetheless remain in full force and effect.

NOW THEREFORE BE IT FURTHER RESOLVED, all resolutions or parts thereof in conflict with the provisions herein contained are, to the extent of such conflict, hereby superseded and repealed.

NOW THEREFORE BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately upon its adoption;

SO RESOLVED, this 27th day of February, 2023.

Resolution to approve recommendations of Councilmember and Non-Public Member appointments to the Southwest Georgia Regional Commission Council for 2023.

Mayor Jay Flowers reported Southwest Georgia Regional Commission (SWGRC) requires annual appointments to the SWGRC Council to be submitted by letter of resolution to the SWGRC. Typically in January each year. Appointments are mutually agreed upon between Thomas County and its Municipalities as: a Councilmember from the largest Municipality, one non-public representative and one additional representative. Thomas County Clerk provides advertisement for the Non-Public members. Current, Non-Public Member, Al Bryan, requested not to be reappointed. Jason Giddens was the sole applicant. On February 14th, the Thomas County Board of Commissioners voted to recommend appointment of both Mr. Giddens and Ms. Mays as non-public representatives. It was recommended that Councilmember Chastain be reappointed.

Mayor Pro Tem Mobley motioned to adopt the resolution to approve the recommendations for appointments to the Southwest Georgia Regional Commission as presented. Councilmember Scott seconded. There was no discussion. The motion passed 5-0, with the following votes recorded: AYES: Flowers, Mobley, Warren, Scott and Chastain.

The approved resolution follows.

RESOLUTION

BE IT RESOLVED by the Council of the City of Thomasville, Georgia, and it is hereby resolved by the authority of the same, that the following Councilmember is unanimously recommended for appointment to the Southwest Georgia Regional Commission Council for the year 2023:

Councilmember Scott Chastain, City Elected Official

BE IT FURTHER RESOLVED by the Council of the City of Thomasville, Georgia, that the following individuals are unanimously recommended for appointment to the Southwest Georgia Regional Commission Council for the year 2023, contingent upon their appointment by the Thomas County Board of Commissioners:

Non-Public: Jason Giddens
Additional Member: Elaine Mays

So Done, this the 27th day of February, 2023.

Resolution to reallocate CARES Act Community Program Funds.

Assistant City Manager, Sheryl Sealy, reported in February 2021, the Thomasville City Council approved the allocation of \$244,900 of the Federal Coronavirus Aid and Relief Economic Security Act (CARES) funding to the Community Outreach Training Center (COTC). The purpose for allocating the funds was to provide the center with the resources to assist the residents of Thomasville with programs that would help with the prevention of homelessness and other detrimental situations as a result of the pandemic. The funding provided assistance for utility, rental and mortgage assistance to Thomasville residents in distress. This program ultimately provided \$157,450 to the COTC, with much of this going to assist more than 375 Thomasville residents. Disbursements of the original grant amount were made to COTC quarterly: Q1 - \$61,225; Q2 - \$61,225; and, Q3 - \$35,000. COTC did not have any applicants meeting the requirements in Q4, so the program was closed out at the end of 2021.

Assistant City Manager Sealy further reported that in June 2022, Sharon Edwards Executive Director of the COTC, requested the City of Thomasville allow the COTC to use the remaining CARES Act funding as matching grant funds in order to pursue new grants that were available with the Department of Community Affairs. The COTC applied for several grant opportunities, including two programs available with the Emergency Solutions Grant: Homeless Prevention (\$30,000); and, Hotel/Motel Vouchers (\$60,000). At the request of Ms. Edwards and the COTC, City Council approved reallocation of the funds to be used to support a revolving loan program to provide a long-term benefit to the COTC and the clients assisted through their programs. The COTC used these funds as matching funds in order to pursue Emergency Solutions Grant Programs in August 2022. In October 2022, we were notified that the COTC was not awarded these grants. The COTC indicated at this time that they would be pursuing other grant applications. As recently as December 2022, the City again reached out to Ms. Edwards to confirm the COTC intended to use the City's CARES funding as matching grant funds. In January 2023, City staff met with Ms. Edwards about the status of the revolving loan program and her use of the CARES Act funding. At this meeting, it was decided that the COTC board would meet to discuss the remaining funds that were being held as matching grants for future grant applications. On February 6, 2023 the City of Thomasville was notified that the COTC board voted to request the funds be released from the restricted status of matching grants and instead re-allocated for assistance to Thomasville residents and a formal written request was received on February 15th.

Councilmember Chastain motioned to approve the resolution to reallocate the remaining CARES Act funding as presented. Mayor Pro Tem Mobley seconded. It was noted that the remaining funds would be released on February 28th, providing the motion to do so passed. There was no further discussion and the motion remained unchanged. The motion passed 5-0, with the following votes recorded: AYES: Flowers, Mobley, Warren, Scott and Chastain.

The approved resolution follows.

RESOLUTION

WHEREAS, the Council of the City of Thomasville, Georgia, approved the allocation of \$244,900 of the Federal Coronavirus Air and Relief Economic Security Act ("CARES") funding to the Community Outreach Training Center ("COTC") in February 2021 to provide the COTC with the resources to assist the residents of the City of Thomasville with programs that would help with the prevention of homelessness and other detrimental situations as a result of the Pandemic; and,

WHEREAS, the City of Thomasville provided quarterly disbursements of CARES Act funding to the COTC to be disbursed for Thomasville residents in distress showing direct need as result of the Pandemic; and,

WHEREAS, the City of Thomasville's quarterly allocation of CARES Act funding ultimately provided the COTC with \$157,450, helping more than 375 Thomasville residents in distress with utility, rental and mortgage bills resulting from the Pandemic; and,

WHEREAS, when the COTC received no further applications for assistance from Thomasville residents in distress as a result of the Pandemic, there remained a balance of CARES Act funding in the amount of \$84,000; and,

WHEREAS, in June 2022, at the request of the COTC, the Council of the City of Thomasville, Georgia, approved reallocation of the remaining CARES Act funding with stipulation that the funds be used to support a revolving loan program as matching fund leverage for COTC to apply for federal grant programs; and,

WHEREAS, in February 2023, the COTC formally notified the City of Thomasville the federal grants applied for had not been awarded to the COTC and requested the remaining balance of the CARES Act funds be used to meet the needs of Thomasville residents through the existing COTC program by releasing the requirement that CARES Act funds be used as a revolving loan fund for a grant program and the requirement that a Thomasville resident must show need directly as a result of the Pandemic.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Thomasville, Georgia, whom hereby authorizes the reallocation of all remaining CARES Act funding previously awarded to the Community Outreach Training Center in the amount of \$84,000.00 to their community program funding so that these funds can be released to provide immediate assistance to Thomasville residents in need.

PASSED, APPROVED, AND ADOPTED by the Council of the City of Thomasville, Georgia, on this, the 27th day of February 2023.

Resolution to approve submittal of application for Governor's Office of Highway Safety (GOHS) for the Highway High Visibility Enforcement (HVE) Grant.

TPD Major, Shane Harris reported the Georgia Governor's Office of Highway Safety has been granted federal funds from the National Highway Traffic Safety Administration (NHTSA) under the Fixing America's Surface Transportation (FAST) Act to promote the development and implementation of innovative programs to address highway safety. High Visibility Enforcement (HVE) is a universal traffic safety approach to create deterrence and change unlawful traffic behaviors. HVE combines highly visible and proactive law enforcement targeting specific traffic safety issues. Law enforcement efforts are combined with visibility elements and a publicity strategy to educate the public and promote voluntary compliance with the law. The Thomasville Police Department has experienced increased calls from concerned citizens regarding various traffic violations; speeding, reckless driving, distracted driving, etc. There has also been a decrease in seatbelt usage. The application will include the necessary equipment and enforcement hours at 10 hours a week for one year. This is a reimbursement grant and the equipment proposed for purchasing would consist of two handheld Laser Speed Detection units, One Radar Trailer, and Two Pole Mounted Radar Display Units with Solar Charging.

Mayor Pro Tem Mobley motioned to approve the resolution to submit application to the GOHS for the HVE Grant as presented. Councilmember Chastain seconded. There was no discussion. The motion passed 5-0, with the following votes recorded: AYES: Flowers, Mobley, Warren, Scott and Chastain.

The approved resolution follows.

RESOLUTION

WHEREAS, the Council of the City of Thomasville, Georgia, desires to provide the necessary traffic enforcement for the protection of our citizens; and,

WHEREAS, the Council of the City of Thomasville, Georgia, desires to submit an application to the Governor's Office of Highway Safety (GOHS) Innovative Grants program for the purchase of speed detection equipment and for enforcement hours equaling to 10 hours per week for 52 weeks.

WHEREAS, the City of Thomasville Police Department has an opportunity to submit a GOHS Innovative application for a grant of up to forty thousand (\$40,000) in funding assistance so as to obtain funding assistance; and,

WHEREAS, the Council of the City of Thomasville, Georgia, desires to allocate funds from the FY 2024 Budget as a match to this project; 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 GOHS Grant application; and,

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Thomasville, Georgia, hereby authorizes the submission of a GOHS grant application in an amount up to \$40,000; and,

BE IT FURTHER RESOLVED, by the Council of the City of Thomasville, Georgia, hereby authorizes the allocation of FY 2024 Budget funds as a match for this project; and,

BE IT FURTHER RESOLVED, that the Council of the City of Thomasville, Georgia, further authorizes the expenditure of up to \$40,000 and 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 GOHS Grant application.

PASSED, APPROVED, AND ADOPTED by the Council of the City of Thomasville, Georgia, on this, the 27th day of February 2023.

Motion to approve the release of asset forfeiture funds for the purchase of PVS-14 Night Vision Optics with the associated mounting systems.

TPD Major, Shane Harris reported the Thomasville Police Department is requesting approval to use asset forfeiture money for a capital purchase of night vision optics and associated mounting equipment. Night vision optics are utilized by our Special Weapons and Tactics unit for nighttime operations. The use of night vision will allow our operators to proceed undetected when stealth is a necessary option. These operations include high-risk arrest and search warrants, surveillance, and rescue operations. The PVS-14 Night Vision Optics will be purchased at a cost of \$34,975.00 for 10 units, through Bulwark Distribution Alliance, a locally-owned equipment company. These are the same units purchased by the US Government and are approved items through the GSA system. These devices provide visual ability in near absolute darkness. This is essential to the operations of law enforcement tactical units, allowing them to move and operate with complete stealth. Being undetectable to violent criminals is imperative for the safety of our officers and suspects. These items are only available to law enforcement and military units, as they are made with the highest quality materials for tactical purposes.

Councilmember Scott motioned to approve the release of asset forfeiture funds for the purchase of the Night Vision Optics with the associated mounting system as presented. Councilmember Chastain seconded. There was no discussion. The motion passed 5-0, with the following votes recorded: AYES: Flowers, Mobley, Warren, Scott and Chastain.

Motion to approve Alcohol One Day Event Permit for Consumption of Beer and Wine for "Oakfest 2023" event held at The Ritz Amphitheater.

Customer Service Manager, Melissa Creel reported the Oak Foundation of Thomasville has submitted a completed City of Thomasville Application for a One-Day Permit for Sale of Alcoholic Beverage by Bona Fide Charitable & Non-Profit Civic Organization (Consumption Only for Beer and Wine) for the annual fundraising event "Oakfest 2023" to be held at The Ritz Amphitheater in downtown Thomasville on March 18, 2023. City Council approval of the One-Day Alcohol permit is required as the event will be held on property owned by the City. The Thomasville Police Department found no reason not to issue the One-Day Alcohol permit.

Councilmember Chastain motioned to approve the Alcohol One Day Event Permit 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.

Motion to approve Alcohol One Day Event Permit for Consumption of Beer and Wine for "Cheers for Volunteers" event held at The Ritz Amphitheater.

Customer Service Manager, Melissa Creel reported Hands on Thomas County has submitted a completed City of Thomasville Application for a One-Day Permit for Sale of Alcoholic Beverage by Bona Fide Charitable & Non-Profit Civic Organization (Consumption Only for Beer and Wine) for the annual fundraising event "Cheers for Volunteers" to be held at The Ritz Amphitheater in downtown Thomasville on April 25, 2023. City Council approval of the One-Day Alcohol permit is required as the event will be held on property owned by the City. The Thomasville Police Department found no reason not to issue the One-Day Alcohol permit.

Mayor Pro Tem Mobley motioned to approve the Alcohol One Day Event Permit 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

Councilmembers and Assistant City Managers commended City Attorney Sanders for his efforts and extensive time spent on the proposed redistricting plan to ensure that it was done in compliance with state law.

Councilmember Warren thanked Ashley Mervin for serving as Honorary Councilmember for the month of February. It was noted that Ms. Mervin received official recognition for her service during the previous City Council Workshop. Councilmember Warren also commend those African American citizens and entrepreneurs for their efforts in paving the way for future generations to succeed.

Honorary Councilmember Mervin thanked Councilmembers for the opportunity to serve in the capacity of an Honorary Councilmember. She noted having enjoyed observing the processes in which the City Staff and City Council work together for the good of the whole community.

ADJOURNMENT

Having no further business to discuss, the Thomasville City Council Meeting was adjourned at 6:38 PM.

CITY OF THOMASVILLE, GEORGIA



Mayor John H. Flowers



ATTEST: City Clerk

[seal]