

City of Thomasville Council Meeting, November 13, 2023

The Council of the City of Thomasville met in regular session on the above date. Mayor John H. "Jay" Flowers presided, and the following Councilmembers were present: Mayor Pro Tem Todd Mobley and Councilmembers Wanda Warren, Terry Scott, and Scott Chastain. Also present were the City Manager, J. Alan Carson; Assistant City Managers, Sheryl Sealy and Chris White; City Attorney, Timothy C. Sanders; other city staff; citizens and members of the media. The meeting was held in Council Chambers at City Hall, located at 144 East Jackson Street, Thomasville, Georgia. Simultaneous access to the meeting was provided to those members of the media and citizens not present via the City of Thomasville's online live stream feed located at www.thomasville.org.

CALL TO ORDER

Mayor Jay Flowers called the meeting to order at 6:00 PM.

INVOCATION

Councilmember Terry Scott gave the Invocation.

PLEDGE OF ALLEGIANCE

Mayor Pro Tem Todd Mobley led the Pledge of Allegiance.

APPROVAL OF MINUTES

Councilmember Scott motioned to approve the Regular Meeting Minutes of October 23, 2023, as presented. Mayor Pro Tem Mobley seconded. There was no discussion. The motion passed 5-0, with the following votes recorded: AYES: Flowers, Mobley, Warren Scott and Chastain.

PROCLAMATION/RECOGNITION

1. Mayor Flowers recognized members of the City of Thomasville's Customer Service Department and acknowledged that Customer Service Week was celebrated nation-wide during the week of October 2 through 6, 2023. He noted providing exceptional Customer Service is everyone's goal and the City of Thomasville is committed to providing quality essential services and top-notch service to its customers. Mayor Flowers recognized all City Staff in the field of Customer Service, thanked them for their service and presented a proclamation to those staff members present (Managing Director of Customer Service, Mark Parrillo; Carol Davis, Tiffany Shroats, Melissa Creel, Katrina Barrett, Elisabeth Ouzts, Angela Tucker).
2. Councilmember Chastain recognized Honorary Councilmember, Miss Perry Chastain. Councilmember Chastain reported his daughter, Miss Chastain, had expressed an interest in local government and was excited about serving as his Honorary Councilmember for the month of December. Councilmember Chastain presented Honorary Councilmember Miss Chastain with a commemorative plaque for her service to the community.

CITIZENS TO BE HEARD

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

1. Nate Tyler, resident of Cloverdale Drive, Thomasville, Georgia, asked Council to consider not suspending or revoking the Alcohol Beverage License of the American Legion Post 519 as they made decision relating to the Show Cause Hearing. He noted he was not convinced that the issues at hand are not a result of the Legion's actions. Tyler further noted the Legion is under new management and would like to partner with the Police Department to work towards a better environment for its members and the community.
2. Robert Wiggs, declined the opportunity to speak.
3. Carolyn Coachman, resident of McKinley Street, Thomasville, Georgia, presented Candidate-Elect, Lucinda Brown, with a floral gift of recognition in celebration of her many years of service to the community.
4. Kimberly C. Homer, Post Commander, American Legion 519, 312 Hopkins Street, Thomasville, Georgia, voiced concerns of comments made at the last City Council meeting. She noted that verbal attacks on

Councilmembers should not be permitted from Citizens to be Heard. She also voiced concerns of negative connotation of comments made regarding the Legion. Commander Homer noted the Legion is a place where veterans can commiserate with other veterans regarding current and past service to their Country. She noted that the comments and information presented during the Show Cause Hearing on October 23, 2023, were incorrect as they related to the Legion's alleged violations.

5. Keith Thomas, resident of Woods Gate Lane, Thomasville, Georgia, congratulated newly elected Councilmembers. He voiced concerns regarding the actions of the Drug Squad earlier on this day. Thomas reported having had prior discussions with the community and leaders regarding the dangers of high-speed chases in congested areas. He encouraged the elders of the community to make a concerted effort to mentor younger generations and do more within the community to ensure these type actions are addressed before they get out of hand.

ADOPT AGENDA

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

OLD BUSINESS

Consider continuation of Alcohol License Violation Show Cause Hearing for American Legion Post 519, Inc. City Attorney, Tim Sanders reported Councilmembers had conducted a Show Cause Hearing on matters relating to Alcohol Beverage code violations of the American Legion Post 519, Inc. He reviewed continuance procedures and reporting Council had three choices based upon their findings from the prior Show Cause Hearing: 1) Do nothing, which would continue the hearing at a later date; 2) Suspend the Legion's License; or 3) Revoke Legion's License. He stated that if the Council does choose to take sentencing action, it must be done in the form of a motion.

Mayor Flowers reconvened the Show Cause Hearing and requested a Representative of American Legion Post 519 to come forward. Post Commander Hayes came forward. Councilmember Warren moved to approve a Six-Month Suspension of the Alcohol Beverage Licenses of the American Legion Post 519, Inc., with specific conditions to be met by December 13, 2023, effective immediately. Councilmember Chastain seconded. Councilmember Scott reported he was a current member of the American Legion and would abstain from discussion and vote regarding this item due to a conflict of interest. Councilmember Warren read the following prepared statement, which included the conditions of the suspension sentence:

“Based on the evidence presented at the show cause hearing conducted on October 23, 2023, and pursuant to Section 3-31(b)(2) and Section 3-31(b)(5), Council finds that the American Legion, located at 312 Hopkins Street is a trouble spot and a public nuisance.

Licenses issued to the American Legion for the sale of beer, wine and liquor for consumption on the premises shall be suspended for 6 months effectively immediately, with specific conditions, as listed below. Any violations of stated conditions and if information as stated for each condition is not provided by the due date, will result in a show cause hearing concerning compliance with conditions and whether the suspension should be lifted, the suspension continued, or if the license should be revoked. Conditions will be monitored by the City Manager. If suspension time period and all conditions are met by stated due dates, Council will determine, by vote in a show cause hearing, if the suspension will be lifted, extended, or license revoked.

The following conditions shall apply to the suspension (all documents shall be provided all in electronic format and hard copy format to City Manager and Council and others, as listed):

1. *Provide a specific plan regarding how access to the club facilities will be (i) monitored for safety and security and controlled so as to prevent and mitigate the effects of disturbances, including large crowds, disorderly conduct, illegal parking, loitering, and fighting; and (ii) how guests and non-members will be prohibited from purchasing beer,*

wine or liquor. The plan shall be provided to Council and City Manager by December 13, 2023.

2. Provide a copy of Post Charter to Council and the City Manager by December 13, 2023.
3. Provide a written statement of commitment to security to the immediate neighborhood (residents adjacent to 312 Hopkins Street and on Hopkins Street located between Wright Street and Magnolia Street). Provide to Council, City Manager and all homes/homeowners on Hopkins Street by December 13, 2023.
4. Completion of Fire Inspection, as soon as possible for the Fire Rescue Department but no later than December 13, 2023.
5. Written agreement to Inspections, without notice, by Police Department, as soon as possible, for determination of any alcohol license violations/suspension violations during the suspension period.
6. Provide a copy of the post's 2023 business license.

In the show cause hearing held on October 23, 2023, the Legion referenced charitable work, including scholarships, that the Legion undertakes as evidence of the good works that would potentially be negatively affected by a suspension or revocation of the Legion's alcohol licenses.

If the Legion would like the Council to take into consideration the good works of the Legion, then the Legion may provide evidence and documentation to the Council and the City Manager such as the following:

1. Provide to Council and City Manager by December 13, 2023 evidence of any charitable activities carried on by the Legion during the 2021, 2022, and 2023 calendar years, including but not limited to scholarship funds raised, a list of scholarships granted, including the date of the scholarship grant, recipient and the amount. The evidence provided to the Council and City Manager shall be accompanied by an attestation under oath, on a form provided by the City, of an officer of the Legion that the information is true and correct in all respects.
2. Provide to Council and City Manager by December 13, 2023 copy of Sales tax reports and payments to the Georgia Department of Revenue for the calendar years 2021 to September 30, 2023.
3. Provide to Council and City Manager by December 13, 2023 a Copy of the Alcohol and Food sales reports that have been provided to the State of Georgia for calendar year 2021 to September 30, 2023."

Mayor Pro Tem Mobley asked if all conditions of the stated suspension sentence were met by December 13, 2023, could the suspension be rescinded. City Attorney Sanders responded, stating that if Council so chooses, Council can reconvene and modify the suspension. It was noted that the deadline for terms and conditions to be met is set at December 13, 2023. It was further noted that the terms and conditions of the suspension sentence would be provided in a formal letter to the License Holder, Earnestine Shannon, with copies provided to Post Commander, Tangela Hayes; District Commander, Steven Reynolds; City Councilmembers; City Manager; Chief of Police; and City Attorney. There was no further discussion. The motion to Suspend the Alcohol Beverage Licenses of the American Legion Post 519, Inc., with terms and conditions as stated, remained unchanged. The motion passed 4-0, with the following votes recorded:

AYES: Flowers, Mobley, Warren, Chastain.

NAYES: There were none.

ABSTAINED: Scott, due to conflict of interest.

Mayor Flowers closed the Show Cause Hearing, American Legion Post 519 Commander Hayes and representatives exited the meeting. Mayor Flowers moved on to the remainder of the Council Agenda.

Second reading of an ordinance to provide for amendments to Chapter 18, Article IX, Adult Entertainment Establishments and Chapter 3, Article III, Division 1, Sec. 3-70 Obscene, lewd or indecent entertainment prohibited on premises where alcoholic beverages are offered for sale.

City Attorney, Tim Sanders reported there were no changes to the ordinance since its passage on first reading.

Councilmember Scott moved to order the ordinance to amend Chapter 18 and Chapter 3 of the Code of the City of Thomasville as read for the second time passed and adopted, as presented. Councilmember Chastain seconded. There was no discussion. The motion passed 5-0, with the following votes recorded: AYES: Flowers, Mobley, Warren, Scott, Chastain.

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

AN ORDINANCE AMENDING THE CODE OF THE CITY OF THOMASVILLE, GEORGIA, BY AMENDING SECTION 18-329 CAPTIONED "FINDINGS; PUBLIC PURPOSE; DEFINITIONS" OF ARTICLE IX CAPTIONED "ADULT ENTERTAINMENT ESTABLISHMENTS" OF CHAPTER 18 CAPTIONED "TAXATION, REVENUE AND MISCELLANEOUS BUSINESS REGULATIONS"; BY AMENDING SECTION 18-330 CAPTIONED "PERMITTED LOCATIONS" OF ARTICLE IX CAPTIONED "ADULT ENTERTAINMENT ESTABLISHMENTS" OF CHAPTER 18 CAPTIONED "TAXATION, REVENUE AND MISCELLANEOUS BUSINESS REGULATIONS"; BY AMENDING SECTION 18-331 CAPTIONED "LICENSE REQUIRED" OF ARTICLE IX CAPTIONED "ADULT ENTERTAINMENT ESTABLISHMENTS" OF CHAPTER 18 CAPTIONED "TAXATION, REVENUE AND MISCELLANEOUS BUSINESS REGULATIONS"; BY AMENDING SECTION 18-346 CAPTIONED "PROHIBITED CONDUCT" OF ARTICLE IX CAPTIONED "ADULT ENTERTAINMENT ESTABLISHMENTS" OF CHAPTER 18 CAPTIONED "TAXATION, REVENUE AND MISCELLANEOUS BUSINESS REGULATIONS"; BY AMENDING SECTION 18-350 CAPTIONED "RESERVED;" BY AMENDING SECTION 3-70 CAPTIONED "OBSCENE, LEWD OR INDECENT ENTERTAINMENT PROHIBITED ON PREMISES WHERE ALCOHOLIC BEVERAGES ARE OFFERED FOR SALE"; AND BY REPEALING ALL INCONSISTENT ORDINANCES AND PROVISIONS, ESTABLISHING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

SECTION I

BE IT ORDAINED by the City Council of the City of Thomasville, Georgia, that Section 18-329 captioned "Findings; public purpose; definitions" of Article IX captioned "Adult Entertainment Establishments" of Chapter 18 captioned Taxation, Revenue and Miscellaneous Business Regulations, of the Code of Ordinances of the City of Thomasville be and is hereby amended to read as follows:

"Sec. 18-329. Findings; ~~public purpose; definitions.~~

(a) The city council desires to establish policies that provide the maximum protection of the general welfare, health, morals, and safety of the residents of the city.

(b) The governing authority of each municipal corporation is authorized to enact ordinances which have the effect of restricting the operation of adult bookstores and video stores to areas zoned for commercial or industrial purposes, provided in O.C.G.A. § 36-60-3.

(c) The state supreme court, in *Maxim Cabaret, Inc. v. City of Sandy Springs, Georgia*, 304 Ga. 187 (2018), held that some limitation on the time, place, or manner of expression by adult entertainment establishments, such as businesses that offer live nude entertainment, is constitutionally permissible under the First Amendment and the Georgia Constitution, and appropriately limited regulations targeting the negative secondary effects of adult entertainment establishments also are constitutionally permissible.

(d) The state supreme court, in *Chambers d/b/a Neon Cowboy v. Peach County, Georgia*, 266 Ga. 318 (1996), held that a governing authority seeking to regulate adult establishments must have evidence of a relationship between the proposed regulation and the undesirable secondary effects it seeks to control.

(e) The state supreme court further held in the same opinion that in passing its regulation, a local government may rely on the experience of other counties and municipalities to demonstrate such a relationship.

(f) The United States Supreme Court, in *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986), held that a local government may rely on the experience of other cities in enacting legislation to regulate adult entertainment business.

(g) In enacting this article, the city council has considered evidence of the negative secondary effects of adult entertainment establishments including strip clubs and other sexually oriented business in other cities across the country where such effects have been studied.

(h) Based on the experiences of other counties and municipalities, the city council takes note of the patent conditions and secondary effects attendant to the commercial exploitation of human sexuality, which do not vary greatly among the similar communities within our country.

(i) The city council notes the documented negative economic, physical, and social impact adult entertainment businesses have had on other communities, including, without limitation, Sandy Springs, Georgia, where the Sandy Springs city council received live testimony and other evidence of the undesirable secondary effects of adult entertainment businesses on the local community. Those deleterious secondary effects include alcohol abuse, fights, sex for hire, prostitution, diminished property values, and deterioration of neighborhoods.

(j) Among the undesirable community conditions identified in other communities with the commercial combination of live nudity and alcohol consumption or sale, are acceleration of community blight in the surrounding neighborhood, increased allocation of and expenditure for law enforcement personnel to preserve law and order, and increased burden on the judicial system as a consequence of the criminal behavior described in this article. The city council finds it is reasonable to believe that some or all of the undesirable community conditions will occur in the city in the absence of regulations contained in this article.

(k) The city council finds that public nudity (either partial or total) under certain circumstances, particularly the combination of live nude entertainment and the consumption of alcoholic beverages, whether such alcoholic beverages are sold on the premises or not, begets criminal behavior and tends to create undesirable community conditions. In the same manner, establishments offering cinematographic or videographic adult entertainment have the same deleterious effects on the community. Among the acts of criminal behavior found to be associated with the commercial combination of live nudity and alcohol consumption or sale, live commercial nudity in general, and cinematographic or videographic adult entertainment are disorderly conduct, prostitution, public solicitation, public indecency, fighting, battery, assaults, drug use and drug trafficking. *Daytona Grand, Inc. v. City of Daytona Beach*, 490 F.3d 860 (11th Cir. 2007); *5634 East Hillsborough Ave., Inc. v. Hillsborough County*, 2007 WL 2936211 (M.D. Fla. Oct. 4, 2007), aff'd, 2008 WL 4276370 (11th Cir. Sept. 18, 2008) (per curiam). See also *California v. LaRue*, 409 U.S. 109 (1972); *N.Y. State Liquor Authority v. Bellanca*, 452 U.S. 714 (1981); *Maxim Cabaret, Inc. v. City of Sandy Springs*, 304 Ga. 187 (2018).

(l) The council finds it has a substantial governmental interest in reducing crime and protecting surrounding properties from adverse impacts of adult entertainment businesses, which interest is unrelated to the suppression of speech.

(m) The purpose of this article is to combat the criminal activities and other undesirable secondary effects of the commercial combination of live nudity and alcohol.

(n) This article advances the substantial government interest in promoting and protecting public health, safety, and general welfare, maintaining law and order, and prohibiting public nudity.

(o) It is the intent of this article to regulate the time, place, and manner of the operation of businesses or facilities that offer adult entertainment, including the selling, serving, and consumption of alcoholic beverages at adult entertainment facilities, in a manner narrowly tailored to combat the undesirable secondary effects of adult entertainment businesses.

(p) This article is narrowly constructed to protect the First Amendment rights of citizens of the city while furthering the substantial governmental interest of combating the secondary effects of public nudity and adult entertainment from areas and uses of the community that are incompatible.

Areas and uses that are to be protected from adult entertainment include, but are not limited to, residential, schools, day care centers, public parks, and places of worship.

(q) The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Adult bookstore means any commercial establishment in which is offered for sale any book or publication, film, or other medium which depicts sexually explicit nudity or sexual conduct, which is the definition provided for by O.C.G.A §36-60-3(a)(1) and as the same may be amended from time to time.

Adult movie house means any movie theater which on a regular, continuing basis shows films rated "X" by the Motion Picture Coding Association of America or any movie theater which presents for public viewing on a regular, continuing basis so-called "adult films" depicting sexual conduct, which is the definition provided for by O.C.G.A §36-60-3(a)(2) and as the same may be amended from time to time.

Adult entertainer means any person employed by an adult entertainment establishment who appears on the premises totally nude or in such attire to expose the person's specified anatomical areas. For the purposes of this section, adult entertainers include employees as well as independent contractors.

Adult entertainment means live entertainment that is characterized by an emphasis on the depiction, display or the featuring of specified anatomical areas.

Adult entertainment establishment means any of the following:

(1) Any commercial establishment, including, but not limited to, any so-called modeling studio, adult bookstore, adult theater, adult movie house, explicit media outlet or adult video store, that employs or uses any person live, in any capacity in the sale or service of beverages or food while such person is unclothed or in such attire, costume or clothing, so as to expose any portion of such person's specified anatomical areas. An establishment meets this definition even if such activity is allowed on only one occasion.

(2) Any commercial establishment, including, but not limited to any so-called modeling studio, adult bookstore, adult theater, adult movie house, explicit media outlet or adult video store, which provides live entertainment where any person appears unclothed or in such attire, costume or clothing as to expose any portion of a person's specified anatomical areas as defined herein. An establishment meets this definition even if such activity is allowed on only one occasion.

(3) Any commercial establishment, including, but not limited to, any so-called modeling studio, adult bookstore, adult theater, adult movie house, explicit media outlet or adult video store, which holds, promotes, sponsors or allows any contest, promotion, special night, event or any other activity where live patrons of the establishment are encouraged or allowed to engage in any of the conduct described in subsections (1) and (2) of this definition. An establishment meets this definition even if such activity is allowed on only one occasion.

(4) However, traditional or live theater as defined herein shall not be included in this definition.

Alcoholic beverages means and includes all alcohol, distilled spirits, beer, malt beverage, wine or fortified wine as more specifically defined in section 3-1.

Business establishment means any business within the city which conducts any trade, occupation, vocation or calling of any kind for gain or profit, directly or indirectly, provided that this shall not include any business, trade and the like licensed by the state unless city licensing is also allowed by state law, nor shall it include any business operated solely under a franchise granted by the city.

Dressing room means an area within an adult entertainment facility which is used by employees for the purpose of changing clothes or using the restroom.

Explicit media outlet means any commercial establishment which has an inventory of goods that is composed of at least 50 percent of books, pamphlets, magazines, or other printed publications, films, or other media which depict sexually explicit nudity or sexual conduct, which is the definition provided for by O.C.G.A §36-60-3(a)(3) and as the same may be amended from time to time.

Live means any activity or entertainment which is carried on by an actual living person in the physical presence of patrons.

Minor means any person under 18 years of age.

Operator means the manager or other person principally in charge of an adult entertainment establishment.

Owner means, if a sole proprietorship, the proprietor; if a partnership, all partners (excluding limited partners); if a corporation, all officers and persons holding more than 50 percent of the outstanding share of stock.

Person means a human being.

Premises means the definite closed or partitioned establishment, whether room, shop or building wherein adult entertainment is performed.

Private performance means adult entertainment being offered or performed in a private room.

Private room means any area within an adult entertainment facility not open to the public and/or not fully visible from an area within the facility open to the public. For purposes of this definition, the term "fully visible" means that no less than 25 percent of the perimeter or circumference of the area can be viewed, without obstruction, from the common area of the facility which is open to the public.

Specified anatomical areas means any of the following:

(1) Less than completely and opaquely covered human genitals or pubic regions; cleft of the buttocks; or any portion of the female breast encompassed within an area falling below the horizontal line one would have to draw to intercept a point above the top of the areola, or any portion of the areola, or any simulation thereof. The term "specified anatomical areas" includes the entire lower portion of the human female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel, provided the areola is not so exposed;

(2) Human male genitalia in a discernibly turgid state, even if completely and opaquely covered.

Specific sexual activities means and includes any of the following:

(1) The fondling or other erotic touching of human genitals, pubic regions, buttocks, anus or female breasts;

(2) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy;

(3) Masturbation, actual or simulated;

(4) The displaying of the male or female pubic hair, anus, vulva or genitalia; or

(5) Excretory functions as part of or in connection with any of the activities set forth in subsections (1) through (4) of this definition.

Traditional or live theater (mainstream theater) means theater, concert hall, auditorium or similar establishment which regularly features live performances which are not distinguished or characterized by an emphasis on the depiction, description, or display or the featuring of specific anatomical areas or specified sexual activity in that the depiction, display, description or featuring is incidental to the primary purpose of any performance."

SECTION II

BE IT FURTHER ORDAINED by the City Council of the City of Thomasville, Georgia, that Section 18-330 captioned "Permitted locations" of Article IX captioned "Adult Entertainment Establishments" of Chapter 18 captioned Taxation, Revenue and Miscellaneous Business Regulations, of the Code of Ordinances of the City of Thomasville be and is hereby amended to read as follows:

"Sec. 18-330. Permitted locations; distance requirements.

(a) Adult entertainment establishments, adult bookstores, adult movie houses, and explicit media outlets facilities shall be permitted only in the following zones: C-2 (CU) and M (CU). ~~No license hereunder shall be granted to any proposed location which is within 50 feet of any private residence. The distance for the purpose of this section shall be measured in all directions from the nearest wall enclosing the proposed adult entertainment facility to the nearest point of any residential property line, except that the provisions of this section shall not apply on residences located in areas of the city zoned C-2(CU) or M(CU).~~

(b) It shall be unlawful to establish, operate, or cause to be operated an adult entertainment establishment, adult bookstore, adult movie house, and explicit media outlet in the city that is within 1,000 feet of the following:

1. any public or private school providing education in one or more grades in grades pre-k through 12,
 2. any other adult entertainment establishments,
 3. any establishment that is licensed to sell beer, wine or liquor, whether at retail for consumption on the premises or as package sales for consumption off the premises;
 4. any establishment that is licensed as a distillery, brewery, brewpub or microbrewery.
 5. any public place of worship,
 6. any day care facility,
 7. any park, or
 8. any area zoned primarily for residential purposes.
- (c) In determining the distance requirements provided for in this Code section, the measurement shall be made in a straight line, without regard to any intervening structures or object, from the closest property line on which the adult entertainment establishment is located to the closest property line on which any of the locations described in 1, a. through h., described immediately above, is located.
- (d) For purposes of this Section, *day care facility* means a use in which is provided shelter, care, and supervision for 5 or more persons on a regular basis away from their residence for less than 24 hours a day. A day care facility may provide basic educational instruction. The term shall include but not be limited to, nursery school, kindergarten, early learning center, play school, preschool, and group day care home.
- (e) For purposes of this Section, *park* means any lands or facility owned, operated, controlled or managed by any county, city or federal government or any governmental entity in and upon which recreational activities or places are provided for the recreation and enjoyment of the general public.
- (f) Notwithstanding any provision in this Code to the contrary, an adult entertainment establishment in a location that satisfies the standards in this section shall not be deemed noncompliant with this section by virtue of the subsequent establishment or expansion of a land use or zoning district identified in this section.”

SECTION III

BE IT FURTHER ORDAINED by the City Council of the City of Thomasville, Georgia, that Section 18-331 captioned “License required” of Article IX captioned “Adult Entertainment Establishments” of Chapter 18 captioned Taxation, Revenue and Miscellaneous Business Regulations, of the Code of Ordinances of the City of Thomasville be and is hereby amended to read as follows:

“Sec. 18-331. License required.

It shall be unlawful for any person, association, firm, partnership or corporation to engage in conduct or carry on, in or upon any premises within the city, an adult entertainment establishment without a valid adult entertainment establishment license to do so. The issuance of such license shall not be deemed to authorize, condone, or make legal any activity or conduct that is illegal or unlawful under any other section of this Code or the laws of the state or the United States. No license for an adult entertainment establishment shall be issued by the city if the premises to be used also holds a license to sell alcoholic beverages by the package or for consumption on the premises or by the package. Any premises licensed as an adult entertainment establishment shall not be eligible to apply at any time for a license to sell alcoholic beverages by the package or for consumption on the premises, and no adult entertainment establishment shall allow patrons, members, or guests to bring in, “brownbag,” BYOB, or otherwise consume alcoholic beverages on the premises, including parking areas. The annual license fee for an adult entertainment establishment shall be as provided in the city fee schedule.”

SECTION IV

BE IT FURTHER ORDAINED by the City Council of the City of Thomasville, Georgia, that Section 18-346 captioned “Prohibited conduct” of Article IX captioned “Adult Entertainment Establishments” of Chapter 18 captioned Taxation, Revenue and Miscellaneous Business

Regulations, of the Code of Ordinances of the City of Thomasville be and is hereby amended to read as follows:

“Sec. 18-346. Prohibited conduct.

- (a) No owner or operator shall permit any patron, customer, or guest to touch, caress or fondle any specified anatomical area of or any part of the body or clothing of any adult entertainer. No owner or operator shall permit any adult entertainer to bring into contact with any patron, customer or guest, any part of the body or clothing of the adult entertainer.
- (b) No operator shall permit any patron, customer or guest to touch, caress or fondle any specified anatomical area of any waiter, waitress or any other person who appears on the licensed premises while exposing their specified anatomical areas.
- (c) All adult entertainers who expose their specified anatomical areas shall conduct their performances in an open area and shall not be permitted to perform in any closed stalls or rooms.
- (d) All adult entertainers shall remain at least ten feet from any customer or patron at all times except for those who serve beverages or food to the patrons.
- (e) All adult entertainment which is licensed and permitted by this article shall be carried on inside a closed building with all windows and doors covered so that the activities carried on inside cannot be viewed from the immediate areas surrounding the outside of the building.
- (f) No adult entertainer, patron or any other person shall be allowed to engage in any specified sexual activity on the premises of the adult entertainment establishment as defined in this article.
- (g) No tips for performing shall be placed by a patron on the person of the employee.
- (h) All live performers of adult entertainment shall be restricted to fixed stages and no patrons shall be permitted on such stages for any purpose. The term "fixed stage" means a raised-floor area or stage at least four feet high and designed exclusively for, and used only by, performers. Tables used for seating and service to customers do not meet these standards and shall not be used for performing purposes.
- (i) No licensee shall offer adult entertainment between the hours of 2:00 a.m. and 12:00 noon.
- (j) In all areas where permitted adult entertainment occurs, lighting equivalent to 3.5 footcandles per square foot shall be maintained.
- (k) No private performances shall occur within an adult entertainment facility.
- (l) No adult entertainment shall occur in a private room or dressing room within an adult entertainment facility.
- (m) No patron shall be allowed in any dressing area or private room, nor shall any employee and patron jointly occupy any private room or dressing area.
- (n) No owner or operator, nor any employee nor contractor of an owner or operator, shall permit any alcoholic beverages to be sold by the package for consumption off premises or for consumption on premises, served, or otherwise consumed in any manner whatsoever on the premises.”

SECTION V

BE IT FURTHER ORDAINED by the City Council of the City of Thomasville, Georgia, that Section 18-350 captioned “Reserved” of Article IX captioned “Adult Entertainment Establishments” of Chapter 18 captioned Taxation, Revenue and Miscellaneous Business Regulations, of the Code of Ordinances of the City of Thomasville be and is hereby deleted in its entirety and recaptioned and replaced with the following:

“Sec. 18-350. Reserved Severability.

“This article and each section and provision of said article hereunder, are hereby declared to be independent divisions and subdivisions and, notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any provisions of said article, or the application thereof to any person or circumstance is held to be invalid, the remaining sections or provisions and the application of such sections and provisions to any person or circumstances other than those to which it is held invalid, shall not be affected thereby, and it is hereby declared that such sections and provisions would have been passed independently of such

section or provision so known to be invalid. Should any procedural aspect of this article be invalidated, such invalidation shall not affect the enforceability of the substantive aspects of this chapter.”

SECTION VI

BE IT FURTHER ORDAINED by the City Council of the City of Thomasville, Georgia, that Section 3-70 captioned “Obscene, lewd or indecent entertainment prohibited on premises where alcoholic beverages are offered for sale” of Article III captioned “Operating Regulations” of Division I captioned “Generally” of Chapter 3 captioned “Alcoholic Beverages” of the Code of Ordinances of the City of Thomasville be and is hereby amended to read as follows:

“Sec. 3-70. Obscene, lewd or indecent entertainment prohibited on premises where alcoholic beverages are offered for sale.

(a) *Findings; public purpose.* Based on the demonstrated experience of other local governments, including, but not limited to, Peach County, Georgia; Oklahoma City, Oklahoma; Garden Grove, California; and Houston, Texas, which experience the council has found to be relevant to certain problems that face the city and based on the evidence reviewed by the council prior to the consideration of the ordinance codified in this section, the council takes note of the notorious and self-evident conditions and secondary effects attendant to the commercial exploitation of human sexuality, particularly the problems of crime, blight, and deterioration which are brought about by alcohol and live nudity which do not vary greatly among the various communities within our country.

(1) Based on a review of the evidentiary materials from other communities referred to above, it is the finding of the council that public nudity (either partial or total) under circumstances related to the sale and consumption of alcoholic beverages in so-called "nude bars" or establishments offering so-called "nude entertainment" or "adult entertainment" in conjunction with the sale of alcoholic beverages begets criminal behavior and tends to create undesirable community conditions.

(2) Among the acts of criminal behavior reported to be associated with nudity and alcohol are disorderly conduct, prostitution, public indecency and drug trafficking. Among the undesirable community conditions identified with the concentration of adult entertainment establishments are depreciation of property values in neighborhoods surrounding nude bars or adult entertainment establishments where alcoholic beverages are sold, increased expenditures for and allocation of law enforcement personnel to preserve law and order, increased burdens on the judicial system as a consequence of the criminal behavior hereinabove described, and acceleration of community blight by the concentration of adult establishments in particular areas.

(3) Other negative effects learned about by the council are the apparent connection of these establishments to organized crime and illegal drug sales, the potential spread of communicable diseases to law enforcement personnel who answer calls at adult establishments and to patrons of such establishments, and the potential proliferation of adult entertainment establishments after the initial siting of an adult entertainment establishment in a particular neighborhood.

(4) The council therefore finds that it is in the best interest of the health, welfare, safety and morals and preservation of the city's businesses, neighborhoods, churches, schools, and parks to prevent the adverse impact of adult entertainment establishments. Therefore, the council finds that the prohibition of live nude conduct in establishments licensed to serve alcohol for consumption on the premises is in the public welfare by furthering legitimate government interests, such as reducing criminal activity, protection against property devaluation and deterioration, and eliminating undesirable community conditions normally associated with establishments which serve alcohol and allow and/or encourage nudity, and that such prohibition will not infringe upon the protected constitutional rights of freedom of speech. To that end, this section is hereby adopted.

(b) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Alcoholic beverages means and includes all alcohol, distilled spirits, beer, malt beverage, wine or fortified wine as more specifically defined in section 3-1.

Business establishment means a business within the city where alcoholic beverages are offered for sale for consumption on the premises pursuant to a license issued by the city.

License means a license for sale for consumption on the premises of alcoholic beverages issued by the city.

Licensee means any person to whom a license for sale for consumption on the premises of alcoholic beverages has been issued by the city, including the officers and agents of the licensee.

Live means any activity or entertainment which is carried on by an actual living person in the physical presence of the patrons.

Live entertainment means entertainment for the benefit of patrons which is carried on in the actual physical presence of such patrons, including, but not limited to, dancing.

Person means a human being.

Premises means the definite closed or partitioned establishment, whether room, shop or building wherein alcoholic beverages are sold or consumed, including the sidewalk serving area or outside, open air or patio-type serving area on the private property of an establishment, as defined in section 3-1.

Specified anatomical areas means any of the following:

(1) Less than completely and opaquely covered human genitals or pubic region; cleft of the buttocks; or any portion of the female breast encompassed within an area falling below the horizontal line one would have to draw to intercept a point above the top of the areola, or any portion of the areola, or any simulation thereof. The term "specified anatomical areas" includes the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel, provided the areola is not so exposed;

(2) Human male genitalia in a discernible turgid state, even if completely and opaquely covered.

Specified sexual activities means and includes any of the following:

(1) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts;

(2) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy;

(3) Masturbation, actual or simulated;

(4) The displaying of the male or female pubic hair, anus, vulva or genitals; or

(5) Excretory functions as part of or in connection with any of the activities set forth in subsections (1) through (4) of this definition.

(c) *Conduct prohibited.* The following types of entertainment, attire and conduct are prohibited upon any premises licensed to sell, serve or dispense alcoholic beverages for consumption on the premises or licensed to sell any alcoholic beverages at retail as package sales for consumption off the premises within the city limits:

(1) The employment or use of any person live, in any capacity, in the sale or service of alcoholic beverages or food while such person is unclothed or in such attire, costume or clothing, as to expose any portion of the person's specified anatomical areas;

(2) Live entertainment where any person appears unclothed or in such attire, costume or clothing as to expose any portion of the person's specified anatomical areas or where such person performs acts of specified sexual activities or acts which simulate specified sexual activity, as defined herein;

(3) The holding, promotion, sponsoring or allowance of any contest, promotion, special night, event or any other activity where live patrons of the licensed establishments are encouraged or allowed to engage in any of the conduct prescribed in subsections (c)(1) and (2) of this section.

(d) *Penalties.*

(1) It shall be unlawful for any person to perform any acts prohibited in subsection (c) of this section and any such conduct will be a violation of this Code and shall be punishable in the municipal court of the city as provided under section 4.13 of the city Charter.

(2) It shall be unlawful for a licensee to permit any conduct prohibited in subsection (c) of this section which the person knows or has reasonable cause to know is taking place on the premises. Any such conduct by a licensee shall be a violation of this Code and shall be punishable in the municipal court of the city as provided under section 4.13 of the Charter of the city. Also,

upon conviction, a licensee may have the licensee's license revoked or suspended as provided in section 3-31.”

SECTION VII

BE IT FURTHER ORDAINED this ordinance shall be effective on the date of its final reading and passage.

SECTION VIII

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

SECTION IX

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

SECTION X

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

SECTION XI

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

SECTION XII

This ordinance was introduced and read at a lawful meeting of the Council of the City of Thomasville, Georgia, held October 23, 2023, and read the second time, passed and adopted in like meeting held on November 13, 2023.

Second reading of an ordinance to amend the Hendon Park Planned Unit Development (PUD).

City Planner, Kenny Thompson, reported there were no changes to the ordinance since its passage on first reading.

Mayor Pro Tem Mobley moved to order the ordinance to amend the Hendon Park Planned Unit Development (PUD) as read for the second time, passed and adopted, as presented. Councilmember Scott seconded. There was no discussion. The motion passed 5-0, with the following votes recorded: AYES: Flowers, Mobley, Warren, Scott, Chastain.

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

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF THOMASVILLE, GEORGIA, OF 1971, AS AMENDED WHICH IS SET FORTH IN THE CODE OF THE CITY OF THOMASVILLE AS CHAPTER 22, CAPTIONED "ZONING", BY EXCLUDING A CERTAIN TRACT OF LAND FROM PARCEL 2 OF SECTION 22-81 CAPTIONED "PLANNED UNIT DEVELOPMENT (PUD) WITH CONDDITIONS", AND TO DESIGNATE THE SAID SAME TRACT AS PARCEL 2 OF SECTION 22-81 CAPTIONED "PLANNED UNIT DEVELOPMENT (PUD) WITH CONDDITIONS (AMENDMENT 1 OF 1)". TO ESTABLISH THE EFFECTIVE DATE OF THIS ORDINANCE; TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES.

SECTION I

BE IT ORDAINED by the Council of the City of Thomasville and it is hereby ordained by the authority of the same, that the Code of the City of Thomasville is amended by excluding a certain Parcel 2 from Section 22-81 captioned Planned Unit Development (PUD) With Conditions)" and to designate the said same tract as Parcel 2 of Section 22-81 captioned "Planned Unit Development (PUD) with Conditions (Amendment 1 of 1)"", such Amendment 1 of 1 attached hereto and made a part hereof as Exhibit A,

and more particularly described as follows:

All that tract or parcel of land located on Cassidy Road and Albany Road, City of Thomasville, Thomas County, Georgia, consisting of 29.184 acres and being identified as Parcel No. 1 on a plat of survey prepared for Byron W. Howell and Frances D. Howell by Frank E. Carlton, Georgia Registered Land Surveyor, dated August 30, 1996, and recorded in Plat Cabinet 3, Page 13-D, Thomas County, GA, Deed Records. Reference is made to said plat of said plat of survey for a more particular description by metes and bounds, courses and distances.

SECTION II

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

SECTION III

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

SECTION IV

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

SECTION V

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

SECTION VI

BE IT FURTHER ORDAINED and it is hereby declared that in the event that any phrase, clause, sentence, paragraph or section of this ordinance shall, for any reason whatsoever, be declared

invalid, unconstitutional or otherwise unenforceable by the valid judgement or decree of any court of competent jurisdiction, it is the express intent of the Mayor and the Council of the City of Thomasville that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or section of the Ordinance and that to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs or section of this ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

SECTION VII

This ordinance shall not be made a part of the official codified ordinances of the City of Thomasville but shall nevertheless be spread upon the public minutes and records of the City of Thomasville.

SECTION VIII

This ordinance was introduced and read at a lawful meeting of the City Council for the City of Thomasville, Georgia, held on October 23, 2023, and read the second time, passed and adopted in like meeting held on November 13, 2023.

Second Reading of an ordinance to amend portions of Chapters 18 and 22 of the Thomasville Municipal Code to provide for Mobile Food Service Activities.

City Planner, Kenny Thompson reported the following amendment to the ordinance since its passage on first reading: the Effective date of the ordinance was revised to reflect January 1, 2024. It was noted this allows staff additional time to develop applications and processes relating to the ordinance.

Councilmember Warren moved to order the ordinance to amend portions of Chapters 18 and 22 of the Code of the City of Thomasville, as amended, as read for the second time, passed and adopted, as presented. Mayor Pro Tem Mobley seconded. There was no discussion. The motion passed 5-0, with the following votes recorded: AYES: Flowers, Mobley, Warren, Scott, Chastain.

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

AN ORDINANCE AMENDING CHAPTER 18 OF THE CITY OF THOMASVILLE, GEORGIA ENACTING NEW PROVISIONS ESTABLISHING PERMITTING REQUIREMENTS AND REGULATIONS FOR MOBILE FOOD UNITS OPERATING WITHIN THE CITY LIMITS, REPEALING ALL INCONSISTENT ORDINANCES AND PROVISIONS, ESTABLISHING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

SECTION I

BE IT ORDAINED by the City Council of the City of Thomasville, Georgia, that Chapter 18, Taxation, Revenue and Miscellaneous Business Regulations, of the Code of Ordinances of the City of Thomasville be and is hereby amended by text revisions for clarification in Section 18-395, Temporary vending provisions for licensed businesses, as follows:

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 or a nonresidential lot containing a principal building or use, 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 , unless a temporary vending permit is issued. A temporary vending permit shall specifically include a Mobile Food Vending Location Permit as such term is described in Section 18-562, of Article XVI, of this Code. This prohibition

shall not apply to requests for contributions or 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.

SECTION II

BE IT FURTHER ORDAINED by the City Council of the City of Thomasville, Georgia, that Chapter 18, Taxation, Revenue and Miscellaneous Business Regulations, of the Code of Ordinances of the City of Thomasville be and is hereby amended by adding a new Article, to be numbered Article XVI, which shall include the following language:

ARTICLE XVI. – MOBILE FOOD SERVICE

Sec. 18-557. *Purpose.* It is the purpose of this article to protect the public health, safety and general welfare of individuals and the community at large; to establish uniform regulations for the operation of Mobile Food Service Units; and to enhance economic development opportunities for entrepreneurs and microenterprises within the City.

Sec. 18-558. *Scope.* The regulations and requirements in this article shall apply to the operation of all Mobile Food Service Units within the corporate limits of the City.

Sec. 18-559. *Definitions.* The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section.

- a. *Base of Operation* means a fixed location with a food service permit from the Georgia Department of Public Health from which a Mobile Food Service Unit operates.
- b. *Food Vending Location* means a fixed property location where a Mobile Food Service Unit parks to offer its food products to its consumer.
- c. *Health Authority* means the Georgia Department of Public Health, or a County Board of Health acting as its agent.
- d. *Mobile Food Service Establishment* means one or more Mobile Food Service Units operating from a single Base of Operation and under the managerial authority of one individual or entity.
- e. *Mobile Food Service Unit* means a trailer, motor driven or manually propelled pushcart, food truck, movable portable structure, vehicle vendor, or any other similar conveyance which is not connected to a permanent water supply or sewer disposal system and from which food is offered for sale.

Sec. 18-560. *Approvals and Permits Generally.*

- a. No person shall operate a Mobile Food Service Unit within the corporate limits of the City without obtaining and maintaining the applicable licenses and permits required by the health authority or any governmental agency of the United States, State of Georgia, Thomas County, or this City.
- b. All City permits issued under this article will be issued annually based on the calendar year. Every permit issued under the provisions of this article shall expire on December 31 of the year in which it is issued, except that any renewal permit which may be issued prior to January 1 of the renewal year will be valid through December 31 of the renewal year.
- c. Unless issued in error, no permit issued under this article may be prorated, transferred, or assigned to another person or entity.
- d. If the Health Authority revokes or suspends a permit or authorization it has issued for a Mobile Food Service Unit, then any permit issued by the City for that Mobile Food Service Unit is automatically and simultaneously suspended or revoked for the same period as the Health Authority-issued permit or authorization.

Sec. 18-561. *City Permits Required.*

- a. Any mobile food service establishment intending to operate a mobile food service unit within the corporate limits of the city shall obtain:
 - i. a Mobile Food Service Unit Operating Permit for each mobile food service unit prior to commencing operations; and
 - ii. a separate Mobile Food Vending Location Permit for each food vending location that is located on privately-owned property prior to operating at said location.

Sec. 18-562. *Application for City Permits.* The following provisions apply to applications for permits under this article.

- a. *Applications generally.*
 - i. Applications for permits under this article must be submitted on forms approved by the City Manager and provided by the City along with all reasonable information necessary to complete the form(s), as determined by the City Manager.
 - ii. All applications must be accompanied by a non-prorated, non-refundable application fee in an amount set by the City Council as shown on the fee schedule maintained in the office of the City Clerk.
 - iii. Applications for renewal of any permit issued under this article may be submitted up to 60 days prior to or upon expiration of such permit.
- b. *Grant or denial of application.*

Review and consideration of an application shall be conducted in accordance with principles of due process. Applications may be denied where an applicant fails to demonstrate that they meet the conditions and requirements of this article, or where an applicant fails to comply with applicable local, state, or federal law. Any false statements, material omissions or substantially misleading information provided in an application or furnished by an applicant in connection with an application constitute grounds for any one or combination of the following sanctions: denial; refusal to renew; revocation; or suspension.
- c. *Mobile Food Service Unit Operating Permit.*

A Mobile Food Service Unit Operating Permit must be obtained for each mobile food service unit and shall be issued to the owner of the mobile food service establishment or in the case of an owner that is a legal entity such as a partnership, corporation, limited liability company, the permit shall be issued in the name of such legal entity in care of the general or managing partner, president, or member or manager of such entity as the case may be. Applicants must provide:

 - i. Copy of permits issued by the health authority for the base of operation and the mobile food service unit that is the subject of the application;
 - ii. if Thomas County is not the location of the Base of Operation, a copy of the certificate of authorization to operate in Thomas County issued by the Health Authority;
 - iii. Copy of the occupation tax certificate from the jurisdiction where the Base of Operation is located;
 - iv. Valid vehicle and/or trailer registration for the Mobile Food Service Unit, if applicable;
 - v. Copy of the fire inspection certificate issued by Thomasville Fire Department for the Mobile Food Service Unit.
- d. *Mobile Food Vending Location Permit.*

A Mobile Food Vending Location Permit must be obtained for each food vending location that is proposed on private property. Applicants must provide:

 - i. Valid Mobile Food Unit Operating Permit issued by the city for the mobile food service unit that is the subject of the application;

- ii. Signed statement of the property owner, or an authorized agent acting on the owner's behalf, granting permission to the mobile food service unit to operate on the subject property in the designated food vending location.
- iii. A scaled drawing illustrating the boundaries of the property, access routes for ingress and egress, the designated food vending location and placement of the mobile food service unit, and the locations of all existing site improvements, including buildings, parking areas, infrastructure, and landscaped areas. The site plan must demonstrate compliance with the food vending location site standards of this article.

Sec. 18-563. *Food Vending Locations on Private Property.*

- a. Food vending locations shall not be permitted on any lot that is undeveloped or where the primary use is single- or two-family residential.
- b. A food vending location on private property shall only be permitted on a lot containing a principal building or primary use other than single- and two-family residential.
- c. The maximum number of mobile food service units allowed at a food vending location per lot is limited as follows:
 - i. Maximum of 2 mobile food service units on lots of one-half acre or less;
 - ii. Maximum of 3 mobile food service units on lots between one-half acre and 1 acre; and
 - iii. Maximum of 4 mobile food service units on lots greater than 1 acre.
- d. Mobile food service units may not conduct business in a location that blocks or impedes pedestrian or vehicular traffic flow or compromises safe access to the property or its primary structures. Mobile food service units shall not be located in any required buffer or sight distance triangle.
- e. Mobile food service units must be located at least five (5) feet from the edge of any driveway or public sidewalk, utility boxes and vaults, handicapped ramp, building entrance, exit, or emergency access/exit way, or emergency call box. Mobile food service units must be located a minimum distance of fifteen (15) feet in all directions of a fire hydrant.
- f. Mobile food service units must be located at least 100 feet from the main entrance to any restaurant, as measured from the location of a mobile food service unit on the approved site plan, unless the owner of a restaurant falling within the 100-foot minimum separation distance provides a signed statement consenting to a closer proximity. If a restaurant locates within the minimum separation distance after the food vending location has been permitted, mobile food service units may continue to operate from the food vending location until the expiration of the permit.

Sec. 18-564. *Operational Requirements for Mobile Food Service Units.*

- a. No mobile food service unit shall conduct business or operate on any street, sidewalk, or other public right-of-way or on any city-owned property, including, but not limited to, parks.
- b. When operating on privately-owned property, the location and orientation of the mobile food service unit shall conform to the site plan approved by the issuance of the Mobile Food Vending Location Permit.
- c. When conducting business, mobile food service units shall provide no less than ten (10) feet of unobstructed horizontal pedestrian clearance on private property, as measured from the main service window.
- d. A copy of all city-issued permits must be kept with the mobile food service unit and displayed in a location plainly visible to the general public.
- e. Mobile food service units shall not conduct business with any person while such person is situated in a motor vehicle.
- f. No mobile food service unit shall sell or offer for sale any alcoholic beverages.
- g. No mobile food service unit may, at any time, utilize amplified sound devices that are audible outside of the unit.

- h. The hours of operation for mobile food service units shall be limited to the hours between 7 AM and 9 PM if the approved food vending location is located within 150 feet of the property line of a single-unit or two-unit dwelling.
- i. Mobile food service units shall not be left unattended at food vending locations.
- j. A mobile food service unit that requires a valid driver's license for operation shall have a person present at all food vending locations with a valid driver's license and ability to relocate or remove the unit.
- k. A mobile food service unit must be removed from its food vending location daily and shall not be stored or parked on any public right of way.
- l. Each mobile food service unit shall provide a suitably-sized receptacle for litter, which shall be located within ten (10) feet of the service window of the Unit. It shall be maintained and regularly emptied.
- m. All waste generated by the mobile food service unit's operation, including that associated with its customers and staff, must be disposed of at the base of operation.
- n. No liquid waste or grease may be left at a food vending location or disposed of in public waste containers, landscaped areas, storm drains or onto the sidewalks, streets, or other public space. under no circumstances may grease be released or disposed of in the city's sanitary sewer system.
- o. Mobile food service unit operators shall at all times comply with the provisions of this article and all other applicable local, state, and federal laws, regulations, and rules.

Sec. 18-565. *Exemptions During Special Events.*

- a. A mobile food service units shall not be subject to the operational provisions set forth under Section 18-564 of this article if permitted to operate as part of a City-sponsored and organized event or as part of an otherwise permitted special event held on City property, including rights-of-way, and for which pre-approval from the City Manager or their designee has been given.
- b. The City Manager or their designee shall have the right to require reasonable event-specific conditions for operating a Mobile Food Service Unit during a permitted event as deemed appropriate taking into consideration the event in question and the circumstances under which the permitted event and Mobile Food Service Unit may be operating.

Sec. 18-566. *Noncompliance.*

- a. Violations of this article are subject to penalties under the provisions of Section 1-7 of this Code, which may be combined with any other legal remedy available to the City.
- b. Nothing in this section shall limit the City from enforcement of its Code, state, or federal law by any other legal remedy available to the City.
- c. Nothing in this section shall be construed to limit or supplant the power of any City inspector or other duly empowered officer under the City's ordinances, rules, and regulations or the authority granted under state law, as amended, to take necessary action, consistent with the law, to protect the public from operation of a mobile food service unit as a nuisance, including abatement thereof by lawful means.
- d. To ensure the continued application of the intent and purpose of this article, the City Manager, or the City Manager's designee, shall notify the Thomas County health department of citations issued for a mobile food service unit.

SECTION III

BE IT FURTHER ORDAINED by the City Council of the City of Thomasville, Georgia, that Chapter 22, Zoning, of the Code of Ordinances of the City of Thomasville be and is hereby amended by adding new definitions for "Base of Operation," "Mobile Food Service Establishment," and "Mobile Food Service Unit" under Section 22-6, Definitions, as follows:

Sec. 22-6. *Definitions.*

Base of Operation means a fixed location with a food service permit from the Georgia Department of Public Health from which a Mobile Food Service Unit operates.

Mobile Food Service Establishment means one or more Mobile Food Service Units operating from a single Base of Operation and under the managerial authority of one individual or entity.
Mobile Food Service Unit means a trailer, motor driven or manually propelled pushcart, food truck, movable portable structure, vehicle vendor, or any other similar conveyance which is not connected to a permanent water supply or sewer disposal system and from which food is offered for sale.

SECTION IV

BE IT FURTHER ORDAINED by the City Council of the City of Thomasville, Georgia, that Chapter 22, Zoning, of the Code of Ordinances of the City of Thomasville be and is hereby amended by adding new lines 144 to the Schedule of Permitted Uses under Section 22-121 as follows:

Sec. 22-121. *Schedule of permitted uses.*
 Schedule of Permitted Uses—"X": permitted by right; "CU": conditional use

	A	R-1A	R-1B	R-1	R-2A	R-2	C-1A	C-1	C-2	M	M-1	M-H	R-TH	R-CD	D-E	D-G	D-C
144. Base of operation for mobile food service establishments								X	X	X	X				X	X	X

SECTION V

BE IT FURTHER ORDAINED by the City Council of the City of Thomasville, Georgia, that Chapter 22, Zoning, of the Code of Ordinances of the City of Thomasville be and is hereby amended by adding parking requirements for base of operation under Section 22-437, Off-street parking standards, as follows:

8. Miscellaneous	
a. Combined uses	Parking spaces shall be the total of the spaces required for each separate use established by the schedule.
b. Indoor and outdoor	(a) 1 space for each 150 square feet of gross floor, building, ground area or combinations devoted to use; or (b) 1 space per each 4 seats of facilities available for patron use, whichever is greater.
c. Recreation vehicle parks	1 space for recreation vehicle stall plus 1 space for each 2 employees.
d. Base of Operation (mobile food service establishments)	1 space for mobile food service unit plus 1 space for each 2 employees.

SECTION VI

BE IT FURTHER ORDAINED this ordinance shall become effective on January 1, 2024.

SECTION VII

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

SECTION VIII

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

SECTION IX

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

SECTION X

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

SECTION VIII

This ordinance was introduced and read at a lawful meeting of the City council for the City of Thomasville, Georgia, held October 23, 2023, and read the second time, passed and adopted in like meeting held on November 13, 2023.

NEW BUSINESS

First reading of an ordinance to amend text in sections of Article IV. "Boards and Commissions".

City Attorney, Tim Sanders reported since the passage of the ordinance placing requirements on members of City boards earlier in the year, at least one issue has brought about the need for a review of the ordinance. The issue concerned whether members of the Thomas County Board of Commissioners ("BOC") should be subject to the attendance requirements of section 2-103(b).

Section 2-101(a): The boards and commissions enumerated in 2-101(a) are as follows:

- (1) Airport Advisory Board.
- (2) Board of Architectural Review and Zoning Appeals.
- (3) Building Contractors Examining Board.
- (4) Historic Preservation Commission.
- (5) Main Street Advisory Board.
- (6) Pension Board of Trustees.
- (7) Planning and Zoning Commission.
- (8) Thomasville-Thomas County Recreation Advisory Board.
- (9) Tree and Landscape Board.
- (10) Utilities Commission.

The Airport Advisory Board is required to have one member that is a member of the BOC, who is appointed by the Council. The Recreation Board has the following members in addition to those four appointed by the Council:

1. (3) members appointed by the BOC;
2. (2) members appointed by the mayors of the small cities;

3. (1) member appointed by the YMCA;
4. (3) members are non-voting ex-officio:
 - a. City staff;
 - b. YMCA staff; and
 - c. Recreation coordinator.

None of the other 2-101(a) boards have required BOC members, members appointed by the BOC or other entities, or have ex-officio members.

Section 2-103: This section provides general qualifications to serve on boards, including City residency and a general interest in, experience or education particular to the board on which the member serves. Absences from any three (3) consecutive meetings will result in an immediate vacancy in the member’s seat. Subsection (a) is revised to exclude from the requirement of being a City resident any members of the Thomas County Board of Commissioners, any members appointed by a body other than the City Council, and any members who serve as an ex-officio member. These same classes of board members are also excluded from the prohibition on holding any other public office.

City Attorney Sanders reviewed the amendments to respective code sections as they related to attendance, residency requirements, as presented.

Councilmember Scott moved to order the ordinance to amend text in sections of Article IV. “Boards and Commissions” as read for the first time, passed and carried over, as presented. Councilmember Chastain seconded. There was no discussion. The motion passed 5-0, with the following votes recorded: AYES: Flowers, Mobley, Warren, Scott, Chastain.

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

AN ORDINANCE TO AMEND THE CODE OF THOMASVILLE, GEORGIA, (1) BY AMENDING SECTION 2-103, CAPTIONED “GENERAL QUALIFICATIONS; ATTENDANCE RECORDS AND ATTENDANCE; AND VACANCIES”; (2) BY AMENDING SECTION 2-104, CAPTIONED “TERMS GENERALLY; REMOVAL”; (3) BY AMENDING SECTION 2-106, CAPTIONED “TRAINING AND EDUCATION”; (4) REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; (5) PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE AND FOR OTHER PURPOSES.

Consider four separate ordinances authorizing demolition of unfit structures located within the City limits of Thomasville, Georgia.

Executive Director of Engineering and Inspections, Mark Harmon provided an overview of each of the abandoned structures on the listed properties, which have been in a state of deteriorating state without utilities for extended periods of time. The required appraisals were completed to confirm each structure met the threshold for demolition. Notices of Unfit structure status along with scheduled hearing dates were sent to known interested parties and posted at the sites. The Unfit structure cases were brought before the City Manager in advertised hearings in 2023, where orders were lawfully issued to demolish the structures within specific time periods. The (Lis Pendens) orders were recorded mailed to all parties identified, posted on sites, and printed in the required intervals in the legal sections of the Times Enterprise per the requirement by COT ordinances and Georgia Law. It was noted that each of the separate ordinances must be voted on separately and required two readings. Councilmember Warren asked how many structures have been demolished under the ordinance that provides for demolition action. Director Harmon replied that as of this meeting approximately 24.

1. First reading of an ordinance to authorize demolition of an unfit structure located at 122 Reid Street, Thomasville, Georgia.

Councilmember Chastain moved to order the ordinance to authorize demolition of an unfit structure at 122 Reid Street, as presented. Councilmember Scott seconded. There was no discussion. The motion passed 5-0, with the following votes recorded: AYES: Flowers, Mobley, Warren, Scott, Chastain.

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

AN ORDINANCE TO PROVIDE FOR THE DEMOLITION OF THE STRUCTURE LOCATED AT 122 REID STREET, THOMASVILLE, GEORGIA; OWNED BY TT FRAZIER (EST), ALL HEIRS KNOWN & UNKNOWN; TO PROVIDE THE EFFECTIVE DATE OF THIS ORDINANCE; TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH, AND FOR OTHER PURPOSES.

2. First reading of an ordinance to authorize demolition of an unfit structure located at 123 Seward Street, Thomasville, Georgia.

Councilmember Warren moved to order the ordinance to authorize demolition of an unfit structure at 123 Seward Street, as presented. Mayor Pro Tem Mobley seconded. There was no discussion. The motion passed 5-0, with the following votes recorded: AYES: Flowers, Mobley, Warren, Scott, Chastain.

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

AN ORDINANCE TO PROVIDE FOR THE DEMOLITION OF THE STRUCTURE LOCATED AT 123 SEWARD STREET, THOMASVILLE, GEORGIA; OWNED BY JOHN AVE-LALEMAN, ALL HEIRS KNOWN & UNKNOWN; TO PROVIDE THE EFFECTIVE DATE OF THIS ORDINANCE; TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH, AND FOR OTHER PURPOSES.

3. First reading of an ordinance to authorize demolition of an unfit structure located at 809 Lester Street, Thomasville, Georgia.

Councilmember Scott moved to order the ordinance to authorize demolition of an unfit structure at 809 Lester Street, as presented. Mayor Pro Tem Mobley seconded. There was no discussion. The motion passed 5-0, with the following votes recorded: AYES: Flowers, Mobley, Warren, Scott, Chastain.

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

AN ORDINANCE TO PROVIDE FOR THE DEMOLITION OF THE STRUCTURE LOCATED AT 809 LESTER STREET, THOMASVILLE, GEORGIA; OWNED BY OWNED BY WILLIE JAMES GASKINS; TO PROVIDE THE EFFECTIVE DATE OF THIS ORDINANCE; TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH, AND FOR OTHER PURPOSES.

4. First reading of an ordinance to authorize demolition of an unfit structure located at 1717 North Martin Luther King, Jr. Drive, Thomasville, Georgia.

Councilmember Warren moved to order the ordinance to authorize demolition of an unfit structure at 1717 Martin Luther King, Jr. Drive, as presented. Mayor Pro Tem Mobley seconded. There was no discussion. The motion passed 5-0, with the following votes recorded: AYES: Flowers, Mobley, Warren, Scott, Chastain.

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

AN ORDINANCE TO PROVIDE FOR THE DEMOLITION OF THE STRUCTURE LOCATED AT 1717 NORTH MARTIN LUTHER KING, JR. DRIVE, THOMASVILLE, GEORGIA; OWNED BY OWNED BY EMMA H. HAYES, ALL HEIRS KNOWN & UNKNOWN; TO PROVIDE THE EFFECTIVE DATE OF THIS ORDINANCE; TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH, AND FOR OTHER PURPOSES.

First reading of an ordinance to authorize acquisition of permanent easement for construction and maintenance of utilities in connection with the Old Albany Road 12-Inch Water Main Project.

Project Manager, Eve Geyer reported the Water Department will be replacing a cast iron 6 inch main with a new 12-inch-high density polyethylene pipe (HDPE) on Old Albany Road between Plantation Oaks Drive and North Pinetree Boulevard. This replacement gets the 6-inch main out from a Georgia Department of Transportation road, which makes future maintenance easier, as well as supports future development of property between Old Albany Road and Cassidy Road by creating a loop to provide sufficient water supply, water pressure, and fire protection. An offer was accepted by the record owner, STORE Master Funding XXI, LLC, located at 1019 Old Albany Road for acquisition of permanent general utility easement for construction and maintenance of utilities. The easement is necessary in order to construct the 12-inch water main on Old Albany Road between Plantation Oaks Drive and North Pinetree Boulevard.

Councilmember Chastain moved to order the ordinance to authorize acquisition of the permanent easement for construction and maintenance of utilities at 1019 Old Albany Road in connection with the Old Albany Road 12-Inch Water Main Project, as read for the first time, passed and carried over as presented. Councilmember Scott seconded. There was no discussion. The motion passed 5-0, with the following votes recorded: AYES: Flowers, Mobley, Warren, Scott, Chastain.

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

AN ORDINANCE TO AUTHORIZE THE PURCHASE OF A PERMANENT GENERAL UTILITY EASEMENT OF APPROXIMATELY 0.09 ACRES LOCATED AT 1019 OLD ALBANY ROAD IN CONNECTION WITH THE OLD ALBANY ROAD 12 INCH WATER MAIN PROJECT; TO REPEAL ALL ORDINANCES IN CONFLICT HERewith; TO PROVIDE FOR THE EFFECTIVE DATE OF THIS ORDINANCE; AND FOR OTHER PURPOSES.

First reading of an ordinance to amend Chapter 12, “Public Safety” of Thomasville Code of Ordinances to provide for a new Article II, “Alarm Systems - Law Enforcement”.

Police Chief, John Letteney reported the Thomasville Police Department has historically experienced a high volume of false alarms in violation of the existing Ordinance. The Ordinance was last revised in 1987 and does not reflect leading practices as recommended by the Security Industry Alarm Coalition (SIAC) and the Georgia Association of Chiefs of Police (GACP). The recommended Revision is based upon the State of Georgia Model Alarm Policy, which has been enacted in many cities and counties across the state, with significant results in reducing false alarms. The goal of this revised ordinance is to modify alarm user behavior and reduce false alarms, allowing police officers to focus their efforts on more proactive ways to positively affect public safety. The current Ordinance, which has not been revised since 1987, allows for two false alarms each month, after which a fine of \$20 is assessed for each subsequent false alarm in the same month. Over the past five years, the Thomasville Police Department has responded to a high of 2248 false alarms in one year (2018) and a low of 1668 false alarms (2022), which took approximately 1112 hours of police officer time in which officers were not available to respond to true emergencies, conduct proactive patrols or engage the community (based on average response time of 20 minutes each for two officers). From January 1 through September 30, 2023, 1300 false alarms were received and 99.9% of them were determined to be false. The Security Industry Alarm Coalition reports that the majority of false alarms are due to either user error (lack of education), or failure to properly design and maintain the alarm system. SIAC estimates the cost of responding to a false alarm at between \$75 and \$95 per alarm. Based upon those estimates, the cost to the City of Thomasville in 2022 was between \$125,100 and \$158,460. Total amount billed to alarm users in 2022 was \$4420. The Draft Ordinance Revision requires an alarm permit, which is renewable each year and results in updated and current contact information for both the police department and Thomas County Emergency Communications Center, allows for two false alarms each permit year, and increases the civil penalty as follows:

Civil Penalty - Residential

Third, Fourth & Fifth False Alarm - \$25

Sixth & Seventh - \$50.00

Eighth & Ninth - \$100.00

Tenth and Over - \$250.00

Civil Penalty doubled for Non-Residential

For chronic violations, there is an optional “no response” provision for “Runaway Alarms”, Failure to Make Payment and/or Failure to Register. Violators can participate in an Alarm User Awareness Class and have one fine waived.

Councilmember Warren moved to order the ordinance to amend Chapter 12 of the Code of the City of Thomasville as read for the first time, passed and carried over, as presented. Mayor Pro Tem Mobley seconded. There was no discussion. The motion passed 5-0, with the following votes recorded: AYES: Flowers, Mobley, Warren, Scott, Chastain.

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

AN ORDINANCE TO AMEND THE CODE OF THOMASVILLE, GEORGIA, BY (1) DELETING IN ITS ENTIRETY ARTICLE II, ALARM SYSTEMS, OF CHAPTER 12, PUBLIC SAFETY, TO ENACT A NEW ARTICLE II TO BE CAPTIONED ALARM SYTEMS – LAW ENFORCEMENT; (2) REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND (3) PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE AND FOR OTHER PURPOSES.

Resolution to submit application to the 2024 Georgia Department of Transportation Local Maintenance Improvements Resurfacing Grant Program.

City Engineer, Todd Powell reported The City received a letter from the Georgia Department of Transportation (GDOT) with a grant formula amount of \$302,827.46 on June 28, 2023. This is to provide resurfacing assistance for several roads within the City limits. The grant application will need to be entered into the Local Maintenance Improvement Grant Application (LMIG) website. The local match required is 30%, and we plan to provide at least \$500,000 of local funds towards this grant. The roadways are selected based on a number of factors such as the Roadbotics ride score, the condition of underlying utilities, and coordination with upcoming grant projects. This project involves resurfacing several roadways and addressing any aging utilities that could possibly leak and damage the new roadway surface. The roads to be addressed with the project are as follows:

- Fairbanks Ave. (Metcalf -Dead End)
- W. Washington St. (Stevens - Madison)
- Woodcrest Dr. (Wimbledon -Tanglewood)
- Glen Arven Dr. (Wimbledon - Woodcrest)
- Devereaux Dr. (Marty - Old Monticello)
- Winslow Dr. (Broad - Imperial)
- E Calhoun St. (Madison - Crawford)
- Euclid Dr. (Clay -Jackson)
- Arden Dr. (Euclid - Circle Dr)
- Circle Dr (Belmont - Washington)
- Artzi Dr. (Glenwood -Dead End)
- Chatham Dr. (Woodland - Glenwood)
- N. Love St. (Remington -Washington)
- S. Madison St. (Smith Ave -Wright)
- Puzzle Lake Dr. (Covington - Lynn Marie)
- N. Broad St. (Washington –Clay)

Councilmember Warren moved to adopt the resolution to submit application to the 2024 GDOT LMIG Resurfacing Grant Program as presented. Mayor Pro Tem Mobley seconded. There was no discussion. The motion passed 5-0, with the following votes recorded: AYES: Flowers, Mobley, Warren, Scott, Chastain.

The adopted resolution follows.

RESOLUTION

WHEREAS, the Council of the City of Thomasville, Georgia, desire to provide resurfacing street improvement within the city limits for the betterment of the community’s transportation; and,

WHEREAS, the Council of the City of Thomasville, Georgia, desires to obtain grant funding from the Georgia Department of Transportation Local Maintenance Improvement Grant for assistance with street resurfacing improvements; and,

WHEREAS, the Council of the City of Thomasville, Georgia, has received a letter from the Georgia Department of Transportation (GDOT) with a grant formula amount of \$302,827.46 on June 28, 2023; and,

WHEREAS, the Council of the City of Thomasville, Georgia, desires to authorize the commitment of thirty percent in local matching funds toward the Local Maintenance Improvement Grant for street resurfacing improvements; and,

WHEREAS, the Council of the City of Thomasville, Georgia, desires to authorize the Mayor or Mayor Pro Tempore to sign all necessary and related documents as shall be necessary in relation to the Fiscal Year 2024 GDOT Local Maintenance Improvement Grant application.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Thomasville, Georgia, hereby authorizes the submittal of the Georgia Department of Transportation Local Maintenance Improvement Grant application and the required supporting documentation; and

BE IT FURTHER RESOLVED that the Council of the City of Thomasville, Georgia, further authorizes the provision of commitment of funds as required in the Georgia Department of Transportation Local Maintenance Improvement Grant; and

BE IT FURTHER RESOLVED that the Council of the City of Thomasville, Georgia, further authorizes the Mayor of the City of Thomasville, or Mayor Pro Tempore, as the signatory on all necessary and related documents as shall be necessary for relation to the Georgia Department of Transportation Local Maintenance Improvement Grant application.

PASSED, APPROVED, AND ADOPTED by the Council of the City of Thomasville, Georgia, on this, the 13th day of November 2023.

Motion to approve Change Order in relation to Wastewater Treatment Facility Miscellaneous Improvements and to authorize the Mayor or Mayor Pro Tem to sign all necessary and related documents.

Assistant Utilities Superintendent, Eric Gossett reported during the current construction project, it was discovered that a critical component of the wastewater treatment facility has several deteriorated and has a high probability of failure. The influent channel's concrete has been degraded to the rebar and has become a spongy material throughout the current channel. This channel moves raw sewage from one part of the plant to the next. Without this component, the wastewater treatment plant takes a high risk of being fined for dumping raw sewage and creating health risks. The current cost of the project is \$6,416,098.80. There is approximately \$505,283.20 available in current funding sources and \$51,744.81 in supplemental work allowances for the Wastewater Treatment Facility Miscellaneous Improvements project. The awarded contractor is Southern Champion Construction of Atlanta, Georgia and the increase Amount is \$154,121.08. It was noted this will extend the project by 60 days. It was noted that the funding sources will consist of capital funds, Economic Development Grant, and Georgia Environmental Financing Authority (GEFA).

Councilmember Chastain moved to approve Change Order in relation to Wastewater Treatment Facility Miscellaneous Improvements in the amount of \$154,121.08 and to authorize the Mayor or Mayor Pro Tem to sign all necessary and related documents, as presented. Councilmember Scott seconded. The motion passed 5-0, with the following votes recorded: AYES: Flowers, Mobley, Warren, Scott, Chastain.

Motion to approve Beer and Wine Package License for Family Dollar Stores of Georgia, LLC, #26132, Store Manager, Fatima Elliott.

Customer Service Manager, Melissa Creel reported family Dollar Stores of Georgia, LLC, #26132, Store Manager Fatima Elliott has applied for a Beer and Wine Package Alcohol Beverage License and has been through all the proper

procedures for approval of the alcohol license for the establishment. The license issued by the City is conditioned upon the application obtaining a like permit from the Georgia Department of Revenue, Alcohol, and Tobacco Tax Unit.

Councilmember Warren moved to approve the Beer and Wine Package License as presented. Mayor Pro Tem Mobley seconded. There was no discussion. The motion passed 5-0, with the following votes recorded: AYES: Flowers, Mobley, Warren, Scott, Chastain.

REPORTS

Councilmembers, City Manager and Assistant City Managers collectively wished everyone a Happy and Safe Thanksgiving Holiday.


Mayor Flowers thanked Mis Chastain for serving as Honorary Councilmember and congratulated Councilmember-Elects Lucinda Brown and Royal O. Baker on their recent election wins.

Mayor Pro Tem Mobley thanked Mayor Flowers and Councilmember Warren for their service as Councilmembers, and noted he would not be present at the December Council Meeting.

ADJOURNMENT

Having no further business for consideration, the Thomasville City Council Meeting was adjourned at 6:45 PM.

CITY OF THOMASVILLE, GEORGIA



Mayor, John H. Flowers



ATTEST: City Clerk

