

City of Thomasville Council Meeting, December 16, 2024

The Council of the City of Thomasville met in regular session on the above date. Mayor Todd Mobley presided, and the following Councilmembers were present: Mayor Pro Tem Terry Scott and Councilmembers Scott Chastain, Royal Baker (by Teleconference) and Lucinda Brown. Also present were the City Manager, Chris White; Assistant City Manager, Sheryl Sealy; City Attorney, Timothy C. Sanders; Chief Financial Officer, Ashley Cason; other city staff; citizens and members of the media. It shall be noted that while Councilmember Baker was not physically present at the meeting, he joined by teleconference. 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 unable to attend the meeting via the City of Thomasville's online live stream feed located at www.thomasville.org.

CALL TO ORDER

Mayor Todd Mobley called the meeting to order at 6:00 PM. It was noted that Councilmember Royal Baker was joining the meeting by teleconference.

INVOCATION

Mayor Pro Tem Terry Scott gave the Invocation.

PLEDGE OF ALLEGIANCE

Mayor Pro Tem Terry Scott led the Pledge of Allegiance.

APPROVAL OF MINUTES

Councilmember Chastain moved to approve the Regular Meeting Minutes of November 12, 2024, as presented. Mayor Pro Tem Scott seconded the motion. There was no discussion. The motion passed 5-0, with the following votes recorded: AYES: Mobley, Scott, Chastain, Baker and Brown.

PROCLAMATION

The Proclamation in honor of Reverend Clarence Hedrington was not given at this meeting.

RECOGNITION

Police Chief, Wade Glover, recognized Ms. Agasha Wade for her extraordinary act of bravery and compassion in a moment of crisis following a motor vehicle accident on September 28, 2024. Ms. Wade chose not to be a bystander and assisted officers in life saving measures for an unresponsive individual. Because of Ms. Wade's actions, the individual's life was saved. Chief Glover presented Ms. Wade with a commemorative Life Saving Award Certificate.

CITIZENS TO BE HEARD

Mayor Mobley acknowledged the following citizen as listed on the Citizens to be Heard Sign-In Form.

1. Candee Henderson, a resident of Thomas County, encouraged Councilmember to consider ways to ensure that Thomasville would be ready for 100% Renewable Energy by 2035 and wished everyone Happy Holidays.

ADOPT AGENDA

Mayor Mobley reported the agenda item relating to the Georgia Department of Transportation Old Albany Road Sidewalk construction project (Item "J") shall be stricken from the agenda, as it was not ready to be considered by Councilmembers at this meeting. Mayor Pro Tem Scott moved to approve the striking of agenda item "J" and to

adopt the agenda as amended. Councilmember Brown seconded the motion. There was no discussion. The motion passed 5-0, with the following votes recorded: AYES: Mobley, Scott, Chastain, Baker and Brown.

OLD BUSINESS

Second reading of an ordinance to rezone 610 North Stevens Street from R-1, Single-Family Residential, to DE Downtown Edge-Limited Use (Single-Family Residential).

City Planner, Kenny Thompson reported there had been no changes to this ordinance since its passage on first reading.

Councilmember Chastain moved to order the ordinance to rezone 610 North Stevens Street from R-1, Single-Family Residential, to DE Downtown Edge-Limited Use (Single-Family Residential) as read for the second time, passed and adopted. Councilmember Brown seconded the motion. There was no discussion. The motion passed 5-0, with the following votes recorded: AYES: Mobley, Scott, Chastain, Baker and Brown.

The adopted ordinance follows.

ORDINANCE NO.: ORD-24-12162024

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 4** OF SECTION 22-91 CAPTIONED "**R-1, SINGLE FAMILY RESIDENTIAL**", TO DESCRIBE SAID EXCLUDED TRACT AND TO DESIGNATE THE SAID SAME TRACT AS **PARCEL 2** OF SECTION 22-91 CAPTIONED "**DE-DOWNTOWN EDGE-LIMITED USE (SINGLE-FAMILY RESIDENTIAL)**". 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 4 from Section 22-91 captioned "R-1, Single Family Residential" and to designate the said same tract as Parcel 2 of Section 22-91 captioned "DE, Downtown Edge-Limited Use (Single-Family Residential)" for the protection or benefit of the neighboring properties and neighbors to ameliorate the effects, if any, of the change in zoning."

and more particularly described as follows:

All that tract or parcel of land situate, lying and being in the City of Thomasville, Land Lot 39 of the 13th Land District in Thomas County, Georgia and being more particularly described as follows:

To reach the point of beginning commence at the intersection of the northwesterly right of way margin of West Calhoun Street with the northeasterly right of way margin of Stevens Street and run thence north 38 degrees 43 minutes 15 seconds west a distance of 110.00 feet to a ½ inch diameter iron pin placed, and the point of beginning of the property herein described; run thence north 38 degrees 43 minutes 15 seconds west along the right of way margin of Stevens Street a distance of 196.00 feet to a ½ inch diameter iron pin placed; run thence north 51 degrees 31 minutes 29 seconds east a distance of 221.14 feet to a ½ inch diameter iron pin placed; run thence south 38 degrees 48 minutes 54 seconds east a distance

of 194.49 feet to a mark on a concrete slab; run thence south 51 degrees 08 minutes 01 second west a distance of 221.46 feet to the point of beginning.

Containing 43,207 square feet.

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 extend 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 November 12, 2024, and read the second time, passed and adopted in like meeting held on December 16, 2024.

Second reading of an ordinance to amend Chapter 3, Alcoholic Beverages Approval and Issuance of Licenses by City Manager.

City Attorney, Timothy C. Sanders reported there had been no changes to this ordinance since its passage on first reading. He noted that the City's current ordinance provides that the City Council will issue alcoholic beverage licenses. The proposed amendments to Article II, Licenses, of the Alcoholic Beverage ordinance, would vest in the City Manager the authority to issue licenses and approve of the transfer of existing licenses. Violations of the City's Alcoholic Beverages ordinance would continue come before the City Council to make any determination as to whether no action should be taken or whether the licenses should be suspended or revoked. It is requested that Council approve on second reading the amendments to Article II, Licenses, of Chapter 18, Alcoholic Beverages, of the Code of Ordinances to authorize the City Manager to issue new alcoholic beverage licenses and approve the transfer of existing alcoholic beverage licenses.

Mayor Pro Tem Scott moved to order the ordinance to amend Chapter 3, Alcoholic Beverages as read for the second time, passed and adopted. Councilmember Chastain seconded the motion. There was no further discussion. The motion passed 5-0, with the following votes recorded: AYES: Mobley, Scott, Chastain, Baker and Brown.

ORDINANCE NO.: ORD-25-12162024

AN ORDINANCE TO AMEND THE CODE OF THOMASVILLE, GEORGIA, BY (1) AMENDING CHAPTER 3, ARTICLE II, LICENSES, SECTION 3-27, CAPTIONED "REQUIRED; CONSIDERATION AND APPROVAL; SUBSEQUENT ISSUANCE; CONDITIONAL APPROVAL;" (2) AMENDING CHAPTER 3, ARTICLE II, LICENSES, SECTION 3-28, CAPTIONED "DISQUALIFICATION PROVISIONS;" (3) AMENDING CHAPTER 3, ARTICLE II, LICENSES, SECTION 3-29, CAPTIONED "APPLICATION FORMS; LICENSE NOT TO ISSUE UNDER CERTAIN CONDITIONS;" (4) AMENDING CHAPTER 3, ARTICLE II, LICENSES, SECTION 3-31, CAPTIONED "PENALTIES, SUSPENSION; REVOCATION; DENIAL OF RENEWAL OR TRANSFER;" (5) AMENDING CHAPTER 3, ARTICLE II, LICENSES, SECTION 3-32, CAPTIONED "TRANSFERS; CHANGES OF OWNERSHIP; LOCATIONS;" (6) REPEALING ALL ORDINANCES IN CONFLICT HERewith; AND (7) PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE AND FOR OTHER PURPOSES.

SECTION I

BE IT ORDAINED by the Council for the City of Thomasville, Georgia, and it is hereby ordained by the authority of the same, that Section 3-27, Required; consideration and approval; subsequent issuance; conditional approval, of Article II, Licenses, of Chapter 3, Alcoholic Beverages, is amended as follows:

"Sec. 3-27. Required; consideration and approval; subsequent issuance; conditional approval.

(a) No alcoholic beverages shall be manufactured or warehoused except under license ~~granted~~ issued by the ~~city council~~ city manager as provided in this article, but the properly licensed sale of such alcoholic beverages is hereby declared lawful.

(b) ~~Each application provided for in this article shall be considered and passed upon by the city council in regular or special session, legally assembled. No license shall be granted to any person unless it is made to appear to the city council~~ city manager that the applicant is a suitable and fit person to carry on such business, and that the business will be conducted in an orderly manner and in compliance with all laws, municipal, state and federal. Upon approval of the application and payment of the required license fee, the applicant shall be entitled to the issuance of the license; provided, however, the ~~city manager council~~ city manager reserves the right to approve such issuance of the license conditioned upon full and final compliance by the licensee with all applicable city ordinances."

SECTION II

BE IT FURTHER ORDAINED by the Council for the City of Thomasville, Georgia, and it is hereby ordained by the authority of the same, that Section 3-28, Disqualification provisions, of Article II, Licenses, of Chapter 3, Alcoholic Beverages, is amended as follows:

“Sec. 3-28. Disqualification provisions.

When contrary to the public interest and welfare, no original application shall be considered and no license to sell alcoholic beverages of any kind shall be issued by the city manager ~~city council~~ to or for:

- (1) Any person as determined by the city manager ~~city council~~ by reason of such person's business experience financial standing, moral character mental capacity, trade associations, personal associations, record of arrest, or reputation in any community in which the person has resided, who is not likely to maintain the operation for which the person is seeking a license in conformity with federal, state or local laws, rules and regulations.
- (2) Any person who shall have been convicted or who shall have entered a plea of nolo contendere, or forfeited a bond, to any felony within a period of ten years immediately prior to the filing of any such application, or to any misdemeanor within a period of five years immediately prior to the filing of any such application, for any felony or misdemeanor of any state, or of the United States, or any municipal ordinance except a traffic violation not involving a DUI, particularly, but not limited to, those involving force or violence, prostitution, alcoholic beverages, gambling or tax law violations, if such conviction, plea or forfeiture tends to indicate that the applicant will not maintain the operation for which the person is seeking a license in conformity with federal, state or local laws, rules and regulations. The term "conviction" includes an adjudication of guilt or plea of guilty, or a plea of nolo contendere or the forfeiture of a bond by a person charged with a crime. Notwithstanding this provision, the city manager ~~city council~~, in ~~their~~ his or her sole discretion, may direct the issuance of a license to persons who have in the past been convicted of, or plead guilty to, or entered a plea of nolo contendere, or forfeited a bond on any crime, and the city manager ~~city council~~, after a thorough investigation of all the facts, including parole or probation officer's reports, judge's recommendations, and any other evidence bearing on the character of the applicant, have determined that such action is in keeping with the public good and ends of justice, or the public interest and welfare.
- (3) A location not suitable in the judgment and discretion of the city manager ~~city council~~ because of traffic congestion, general character of the neighborhood, or by reason of the effect which such an establishment would have on the adjacent and surrounding properties, or on the neighborhood.
- (4) A location at which a previous alcoholic beverage license has been revoked or suspended, and where, in the judgment of the city manager ~~city council~~, the problems which have arisen from the operation of an alcoholic beverage license at such location indicate that it is not in the interest of public health, safety, welfare or morals that the sale of alcoholic beverages be permitted at such location.
- (5) Any person who is an elected official (or that person's spouse) of, or employee (or that person's spouse) of, the city.”

SECTION III

BE IT FURTHER ORDAINED by the Council for the City of Thomasville, Georgia, and it is hereby ordained by the authority of the same, that Section 3-29, Application forms; license not to issue under certain conditions, of Article II, Licenses, of Chapter 3, Alcoholic Beverages, is amended as follows:

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

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

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

(b) Upon approval by the ~~city manager city council~~ of an original or renewal application for license of one or more of the above types of sales of alcoholic beverages, such sales of alcoholic beverages may be made by the applicant after a license is issued for all or the remaining part of the calendar year in which the license is issued unless the license is revoked or suspended for due cause as provided in section 3-31. All applications for renewal of licenses to sell alcoholic beverages shall be filed with the city clerk no later than 5:00 p.m. on December 31 of the year preceding the year for which the application renewal is made. The annual fee for the license sought to be renewed shall be paid the city at the time the application for renewal is filed. Failure of any holder of a license to sell alcoholic beverages to file the application for renewal by the date and time specified shall render the license void, effective the last legal hour on December 31 of that year for such sales. In order to sell alcoholic beverages a license holder who has allowed the license to lapse shall file a new application for license as if a license had never been held and pursuant to the provisions of this article. Where an application for renewal is timely filed as provided in this article, the license holder shall be permitted to continue selling alcoholic beverages under the previous year's license until the ~~city manager city council~~ has acted upon the license holder's application for renewal. Wholesale sales of alcoholic beverages in the city by wholesalers licensed by the state are hereby declared legal, subject to the right of the city to charge a wholesaler for violation of state law or regulation, and to request a hearing thereon before the state revenue commissioner.

(c) No person, or the person's spouse, who has a direct financial interest in a license for the sale of alcoholic beverages at wholesale shall hold any license or have an interest in any other license issued under the terms of this chapter.

(d) The city clerk shall cause an inquiry to be made into the records of the city to determine if any applicant or other parties interested in an application have any outstanding taxes or special assessments that are delinquent or any other moneys owing to the city. No license shall be issued, nor shall a license be renewed until all such debts are paid in full.

(e) All applications required by this chapter shall be investigated by the city police department and the report of investigation presented to the ~~city manager city council~~ for consideration with the application.

(f) Each applicant for a license to sell alcoholic beverages in the city, who has not heretofore been licensed by the city to sell alcoholic beverages at retail, shall be required to submit to a

complete fingerprinting record and test, pursuant to the rules and regulations established by the city from time to time, such fingerprinting record to be used by the city to supplement the information contained on the application and to make available to the city any records of criminal offenses, either federal or state, from other jurisdictions.”

SECTION IV

BE IT FURTHER ORDAINED by the Council for the City of Thomasville, Georgia, and it is hereby ordained by the authority of the same, that Section 3-31, Penalties, suspension; revocation; denial of renewal or transfer, subsections (a)-(c), of Article II, Licenses, of Chapter 3, Alcoholic Beverages, is amended as follows:

“Sec. 3-31. Penalties, suspension; revocation; denial of renewal or transfer.

(a) ~~Notice, hearing.~~ Any license which has been applied for or which has been issued or which may hereafter be issued by the city manager ~~city~~ to a licensee may be (i) denied or transfer refused by the city manager, or (ii) suspended, or revoked or transfer refused, as applicable, by the city council pursuant to the provisions of this chapter. In the event the (i) city manager ~~city council~~ shall deny any application for a license or for the transfer of any license; or (ii) the city council shall revoke or suspend any existing license, the applicant or licensee shall be given notice in writing from the city clerk with the reasons for the actions stated and which notice shall be mailed or delivered to the applicant. Within 15 business days of the date of the notice of the action denying any application or suspending, revoking or refusing the transfer of any license, the party affected shall have the right to give notice in writing to the city council of a request for a hearing with respect to the action taken by the city manager or the city council as the case may be. Thereafter, and within 30 days of the notice of the application for hearing by the applicant or the licensee, the city council shall set a hearing for the party affected. The hearing provided for in this section need not be at a regular meeting of the city council but may be at such time and place as shall be fixed by the city council in the notice given to the applicant or licensee; provided that at any hearing as provided for in this section, the party afforded the hearing shall have the opportunity to present evidence, to cross examine opposing witnesses, to have an attorney present to represent the party's interest, and to have testimony recorded at that party's expense.

(b) *Due cause generally.*

(1) Due cause for the suspension, revocation or denial of the renewal or transfer of any license shall consist of an act or omission found to be by the city council, after a hearing as above provided, a violation of any law or ordinance regulating such business, or violation of regulations made pursuant to authority granted for the purpose of regulating such business, or for the violation of any state or federal law, or for the violation of any city ordinances, other than traffic violations or ordinances, or failure of the licensee or the licensee's employee to promptly report to the police department any violation of the law or ordinance, breach of peace, disturbance or altercation, resulting in violence occurring inside the premises.

(2) Due cause may also be found should the licensed establishment have become a trouble spot in the judgment of the city council by reason of disturbances or acts of disorderly conduct or violence having occurred in the establishment or on the premises thereof, provided that when the license of any establishment has been revoked or renewal of license denied because such establishment has become a trouble spot, no further license shall be issued under this chapter to any person, firm or corporation at such location for a period of at least 12 months from the date of revocation.

(3) Due cause shall also consist of the business or the operation or location thereof, or the owner or any person connected therewith, ceasing to meet any of the qualifications for the issuance of license as stated in this chapter.

(4) Due cause may also be found upon the revelation of any false statement or material misrepresentation in any application hereunder. Any material omission from or untrue or misleading

information which is contained in an original, renewal or transfer application for license hereunder shall be cause for the denial or refusal of a license, and if any license has previously been granted under such circumstances, the same shall constitute due cause for revocation of such license.

(5) Failure to control operation resulting in public nuisance. If the failure to control the operation either inside the building or outside on the property results in controlled substance abuse, prostitution, gambling, flagrant indecent conduct or obscenity, fighting, excessive noise, loitering or illegal parking, to the number of times and extent that the city council, after proper hearing, should find the establishment to have become a public nuisance, then such failure may be declared to be due cause for suspension or revocation of the alcoholic beverage license for such establishment, or the denial of renewal application for such license.

(c) *Emergency due cause; failure or refusal to cooperate with the city police acting in line of duty.* On evidence of failure or refusal of the licensee or any employee hereunder of the licensee to cooperate with any police officer on any reasonable request or action within such officer's duties, responsibilities or powers, including all police powers, rights and duties to investigate to determine any pertinent fact relating to the establishment, the licensee, any employees or corporate officers or partners, the chief of police shall immediately order all sales of any alcoholic beverages suspended until after a hearing as set out in the due cause hearing provided for in subsection (a) of this section, such hearing to be concerning such failure or refusal to cooperate."

SECTION V

BE IT FURTHER ORDAINED by the Council for the City of Thomasville, Georgia, and it is hereby ordained by the authority of the same, that Section 3-32, Transfers; changes of ownership; locations, of Article II, Licenses, of Chapter 3, Alcoholic Beverages, is amended as follows:

"Sec. 3-32. Transfers; changes of ownership; locations.

(a) Licenses hereunder shall not be transferable except as otherwise provided in this section.

(b) In the case of the death of any individual person owning-holding a license, or any interest therein, with the approval of the city manager city council and subject to the terms of this section, the license may be transferred to the administrator, executor or personal representative of the deceased person, ~~or to the heirs at law of the deceased person~~, if such administrator, executor, personal representative ~~or heirs~~ meet all of the other qualifications contained in this section. The license of such deceased person shall be held by the administrator, executor or personal representative of such deceased person only for the time necessary to complete execution of such deceased person's estate and disposition of the license or such deceased person's interest therein, but in no event to exceed six months.

(c) Nothing in this section, however, shall prohibit one or more of the partners in a partnership holding a license from withdrawing from the partnership and assigning the partner's interest in such partnership to one or more of the partners who were partners at the time of the issuance of the license. Such withdrawal shall not, however, serve to bring any new ownership into the partnership, unless all provisions of this section are fully complied with, and then only upon the approval of the city manager city council.

(d) Any change in the ownership interests ~~of any legal entity contained-described in~~ the application shall cause the immediate cessation of sales of any alcoholic beverages and no sales of alcoholic beverages shall be made until any such change in the ownership interests are approved by the ~~city council~~ city manager; provided, however, that this provision shall not apply in a situation where one or more individuals who have ownership interests in the licensed business cease to have such ownership interest, but the remaining ownership interest remains unchanged except as to the division of the remaining interests.

(e) Should a transfer of the location be desired, the location shall meet all requirements of a new license to be issued hereunder, except payment of the license fee. The investigation fee will

accompany the application and the unearned portion of the license fee may be transferred to the new location in the event the transfer of location is approved by the city manager~~city council~~.

(f) An application for a new license on an existing licensed location shall meet all requirements of a new license to be issued hereunder. Any unearned portion of the license fee for that licensing year may not be transferred to the new owner in the event the transfer of ownership is approved by the city manager~~city council~~ and will be forfeited by the original license holder.”

SECTION VI

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

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 be the intention of the Council for the City of Thomasville, Georgia 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 Council for the City of Thomasville, Georgia 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 This 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 Council for the City of Thomasville, Georgia 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 XI

This ordinance was introduced and read at a lawful meeting of the Council for the City of Thomasville, Georgia, held November 12, 2024, and read the second time, passed and adopted in like meeting held on December 16, 2024.

Second reading of an ordinance to amend Chapter 18, Article IV, Hotel/Motel Excise Tax Collection Expenditures.

City Attorney, Timothy C. Sanders reported there had been no changes to this ordinance since its passage on first reading. He reported the City collects an eight percent (8%) hotel motel tax that was authorized by a local act of the Georgia Legislature in 2016. There are three purposes for which hotel motel tax may be expended:

1. TCT: “Promoting tourism, conventions, and trade shows” means planning, conducting, or participating in programs of information and publicity designed to attract or advertise tourism, conventions, or trade shows.” (O.C.G.A. §48-13-50.2(4))
 - a. (Example: TCT funds could be used to promote a fireworks show, but the TCT funds could not be used to buy the fireworks.)
2. TPD: “Tourism product development” means the expenditure of funds for the creation or expansion of physical attractions which are available and open to the public and which improve destination appeal to visitors, support visitors’ experience, and are used by visitors. Such expenditures may include capital costs and operating expenses.” (O.C.G.A. §48-13-50.2(6))
 - a. Tourism product development may include, but is not limited to:
 - i. Meeting, convention, exhibit, and public assembly facilities;
 - ii. Sports stadiums, arenas, and complexes;
 - iii. Visitor information and welcome centers;
 - iv. Wayfinding signage;
 - v. Museums, planetariums, art galleries, botanical gardens, aquariums, or zoological gardens;
 - vi. Parks, trails, and other recreational facilities; and
 - vii. Performing arts facilities.
3. Any other legal purpose.

Of the eight percent (8%) collections of hotel motel tax, the TCT, TPD, and any other legal purpose represent the following portions of the collections:

- | | |
|-----------------------|------|
| 1. TCT: | 3.5% |
| 2. TPD: | 1.5% |
| 3. Any Legal Purpose: | 3% |

The TCT portions may not be expended by the City and must be expended by either the Destination Thomasville Tourism Authority or another entity specified under Georgia law.

The TPD portions and the any other legal purpose portions may be expended by the City.

Based on a review of Georgia law, it became apparent that certain changes should be made to bring the ordinance more closely in line with Georgia law and the uses of the various portions, as well as to address the reference to the old Roses department store property, which was previously a prospective site for an events center.

Currently, Sec. 18-105 provides that the collections are allocated as follows:

- | | | |
|-----------------------|------|--|
| 1. TCT: | 3.5% | DTTA |
| 2. TPD: | 1.5% | DTTA (for event center to be constructed at 207 S. Dawson) |
| 3. Any Legal Purpose: | | DTTA |

While the ordinance provides that the funds were to be expended by the DTTA, the past relationship between the DTTA and the City has been such that the Mainstreet/Tourism office of the City has overseen the actual expenditure of hotel motel tax collections through the City’s budget process. As the City and the DTTA move forward, the DTTA will be taking a more independent role in the management and expenditure of the tax funds allocated to the DTTA.

The changes to the ordinance provide for an allocation of the collections of the eight percent (8%) as follows:

- | | | |
|-----------------------|------|------|
| 1. TCT: | DTTA | 3.5% |
| 2. TPD: | City | 1.5% |
| 3. Any Legal Purpose: | City | 3% |

In connection with this ordinance amendment, the Council will also be asked to approve an agreement between the City and the DTTA concerning the expenditures of hotel motel tax collections. Additionally, at a later date there will be an amendment to the local act of the Legislature to bring the City’s ordinance and the local act of the Legislature in line.

Councilmember Chastain moved to order the ordinance to amend Chapter 18, Article IV, Hotel/Motel Excise Tax Collection Expenditures as presented. Councilmember Brown seconded the motion. There was no further discussion. The motion passed 5-0, with the following votes recorded: AYES: Mobley, Scott, Chastain, Baker and Brown.

The adopted ordinance follows.

ORDINANCE NO.: ORD-26-12162024

AN ORDINANCE TO AMEND THE CODE OF THOMASVILLE, GEORGIA, BY (1) AMENDING CHAPTER 18, ARTICLE IV, HOTEL/MOTEL EXCISE TAX, SECTION 18-105, CAPTIONED IMPOSITION AND RATE OF TAX; EXPENDITURE; (2) REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND (3) PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE AND FOR OTHER PURPOSES.

SECTION I

BE IT ORDAINED by the Council for the City of Thomasville, Georgia, and it is hereby ordained by the authority of the same, that Section 18-105, Imposition and rate of tax; expenditure, of Article IV, Hotel/Motel Excise Tax, of Chapter 18, Taxation, Revenue and miscellaneous Business Regulations is hereby deleted in its entirety and replaced with the following:

“Sec. 18-105. Imposition and rate of tax, expenditure

- (a) There shall be paid a tax of eight percent (8%) on the rent for every occupancy of a guest room in a hotel in the city.
- (b) The proceeds of the tax levied by this ordinance shall be allocated and expended as follows:
 - (1) The amount of the proceeds of the tax equal to the amount which would be collected at the rate of three percent (3%), the expenditure of which is not otherwise governed by the remaining portions of this section, shall be expended by the city for such authorized purposes as determined by the City Council.
 - (2) In accordance with O.C.G.A. §48-13-51(b)(6) and O.C.G.A. §48-13-51(e)(2), an amount equal to the amount by which the total taxes levied by this Article that would be collected at the rate of five percent (5%) exceed the taxes that would be collected at the rate of three percent (3%) for the purposes of promoting tourism, conventions and trade shows in accordance with O.C.G.A. §48-13-51(a)(3) shall be expended for promoting tourism, conventions, and trade shows either by the destination marketing organization designated by the city or through a contract or contracts with an entity that qualifies under O.C.G.A. §48-13-51(e)(2) other than a destination marketing organization for the promotion of tourism, conventions and trade shows (“(e)(2) Entity”).
 - (3) In accordance with O.C.G.A. §48-13-51(b)(5)(A) and O.C.G.A. §48-13-51(e)(2), an amount equal to not less than fifty percent (50%) of the total amount of taxes collected that exceed the amount of taxes that would be collected at the rate of five percent (5%) shall be expended for promoting tourism, conventions, and trade shows either by the destination marketing organization designated by the city or through a contract or contracts with an (e)(2) Entity.
 - (4) In accordance with O.C.G.A. §48-13-51(b)(5,) the remaining amount of taxes collected that exceed the amount of taxes that would be collected at the rate of five percent (5%) that are not otherwise expended under the preceding (3), a., shall be expended for tourism product development by the city for such authorized purposes as determined by the City Council.
 - (5) In each instance in which the city elects to contract with an (e)(2) Entity, prior to each fiscal year in which the tax is imposed, the city shall adopt a budget plan specifying how the proceeds of such tax are to be expended and shall obtain from such entity a budget plan for expenditures to be made by such entity for promoting tourism, conventions, and trade shows with the budget plan of such entity to be made a part of the city budget.

SECTION II

BE IT FURTHER ORDAINED that this ordinance shall be effective as of January 1, 2025.

SECTION III

BE IT FURTHER ORDAINED all ordinances or parts 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 Council for the City of Thomasville, Georgia 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 V

BE IT FURTHER ORDAINED and it is hereby declared by the Council for the City of Thomasville, Georgia 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 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 Council for the City of Thomasville, Georgia 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 VII

This ordinance was introduced and read at a lawful meeting of the Council for the City of Thomasville, Georgia, held November 12, 2024, and read the second time, passed and adopted in like meeting held on December 16, 2024.

NEW BUSINESS

Show Cause Hearings – Alcohol Beverage Violations. (City Attorney, Timothy C. Sanders)

City Attorney, Timothy C. Sanders, opened the meeting for Show Cause Hearings regarding Mystery Shopper Alcoholic Beverage Violations pursuant to the provisions set forth within Thomasville Municipal Code Chapter 3 “Alcoholic Beverages”. Attorney Sanders reported on June 1, 2024, the Thomasville Police Department conducted the annual Mystery Shopper detail in Thomasville, Georgia to assure all businesses licensed in the city limits are within Georgia law. As a result of this investigative detail, and its subsequent actions, a total of twelve (12) establishments had employees who have pled guilty or been adjudicated guilty. Following the adjudication of the establishment’s employee, the establishment’s license holder is subject to a fine levied by the City Council pursuant to Section 3-31 of the Municipal Code. The Alcoholic Beverage License Holder has the right to request a show cause hearing to be held before the Council of the City of Thomasville, Georgia, as to why their license to sell alcoholic beverages at the establishment should not be suspended or revoked by Council because of the sale of alcoholic beverage to an underage person. Attorney Sanders reported that each of the establishments provided proof that an Alcohol Beverage training program is in place and proof of the employee’s participation in the required alcohol beverage training program pursuant to Section 3-62 of the Municipal Code. Attorney Sanders reported four

establishments were disposed of by Council during the October 28, 2024, Council Meeting, and four establishments will be disposed of by Council during the November 12, 2024, Council Meeting. One establishment is no longer in business and the remaining three will be considered at this meeting. Attorney Sanders further reported the offenses are considered as first offenses as each establishment had no violations in the twelve months prior to this citation. Attorney Sanders reported representatives for the following four establishments were present, chose not to contest the citation and have elected to pay the levied fine.

ESTABLISHMENT

1. El Jalisco, 15370 US Highway 19 South
2. Granny's, 316 Smith Avenue
3. Rack's Pool Hall, 2613 East Pinetree Boulevard

LICENSE HOLDER

Jose Jesus Carranzo
Joe Patel
Melissa Smith

Councilmember Chastain moved to approve the levied fine of \$500.00 for each establishment, as a first offender for Alcohol Beverage Violation - License holder Sales to Underage persons pursuant to City of Thomasville Municipal Code § 3-31 as presented. Mayor Pro Tem Scott seconded the motion. There was no discussion. The motion passed 5-0, with the following votes recorded: AYES: Mobley, Scott, Chastain, Baker and Brown.

First reading of an ordinance to set Qualifying Fees for the 2025 Municipal General Election.

City Clerk, Felicia Brannen reported pursuant to O.C.G.A. § 21-2-131(a)(1)(A), the Municipal General Election Qualifying Fees are required to be fixed, and published, no later than February 1st of each election year. The qualifying fee shall be 3% of the total gross salary of the office paid in the preceding calendar year including all supplements authorized by law if a salaried office. If not a salaried office, a reasonable fee shall be set by the governing authority of such county or municipality, such fee not to exceed 3% of the income derived from such county office by the person holding the office for the preceding year; or, not more than \$35.00 for a municipal office. Councilmember Candidate Qualifying Fee shall be set at \$607.68. City School Board of Education member Candidate Qualifying Fee shall be set at \$35.00. The Municipal General Election will be held November 4, 2025 for three councilmember seats and three City Board of Education seats.

Councilmember Chastain motioned to order the ordinance to set the qualifying fees for the municipal general election as read for the first time, passed and carried over as presented. Councilmember Brown seconded the motion. There was no further discussion. The motion passed 5-0, with the following votes recorded: AYES: Mobley, Scott, Chastain, Baker and Brown.

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

AN ORDINANCE TO ESTABLISH THE CANDIDATE QUALIFYING FEES FOR THE 2025 MUNICIPAL ELECTION; TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES.

Resolution to approve Citizen Appointments to Boards, Committees, Commissions, Councils and Local Authorities.

Mayor Todd Mobley reported that citizens appointed to Boards, Committees, Commissions and Authorities are appointed for various term lengths and when those terms are vacated or expired, it is the responsibility of the City Council to appoint or re-appoint citizens. Mayor Mobley commended those citizens who have served in any capacity on the various Boards, Committees, Commissions and Authorities.

Councilmember Chastain motioned to approve the resolution appointing individuals for Boards, Committees, Commissions, and Authorities as presented. Councilmember Brown seconded the motion. There was no further discussion. The motion passed 5-0, with the following votes recorded: AYES: Mobley, Scott, Chastain, Brown and Baker.

The adopted resolution and its Exhibit "A" follows.

RESOLUTION

**OF THE
CITY COUNCIL OF THE CITY OF THOMASVILLE**

At a regular meeting duly publicized and open to the public, there being a quorum of the City Council of the City of Thomasville, Georgia (the "City Council") present, the City Council takes the following actions and adopts the following resolutions:

RECITALS:

WHEREAS, the City Council is vested with the authority to appoint persons to various boards, commissions, and authorities and the City Council desires to exercise such authority.

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. Incorporation of Recitals. The Recitals set forth above are incorporated herein by this reference as if set forth fully in this Section 1.

Section 2. Appointment. The City Council hereby appoints those persons listed on Exhibit A attached hereto and made a part hereof to the boards, commissions and authorities as set forth on Exhibit A. The appointments set forth on Exhibit A to such boards, commissions and authorities shall be for the terms as provided for in the ordinance, resolution, legislative act or such other applicable governing organizational document for each such board, commission and authority.

Section 3. Actions Approved and Confirmed. All acts and doings of the City Council, the Mayor, Mayor Pro Tempore, the officers and employees of the City that are in conformity with the purposes and intents of this Resolution and in the furtherance of appointments described and authorized herein shall be, and the same hereby are, in all respects approved and confirmed.

Section 4. Severability of Invalid Provisions. If any one or more of the provisions herein contained shall be held contrary to any express provision of law or contrary to the policy of express law, though not expressly prohibited, or against public policy, or shall for any reason whatsoever be held invalid, then such covenants, agreements or provisions shall be null and void and shall be deemed separable from the remaining agreements and provisions and shall in no way affect the validity of any of the other agreements and provisions hereof or of the actions authorized or ratified hereunder.

Section 5. Repealing Clause. All resolutions or parts thereof in conflict with the provisions herein contained are, to the extent of such conflict, hereby superseded and repealed.

Section 6. Effective Date. This resolution shall be effective immediately upon its adoption.

Adopted and approved this, the 16th day of December, 2024.

EXHIBIT "A"

**CITY OF THOMASVILLE 2025 CITIZEN BOARD APPOINTMENTS
FOR BOARDS, COMMISSIONS AND AUTHORITIES
(as approved by Thomasville City Council, December 16, 2024)**

AIRPORT ADVISORY BOARD

<u>APPOINTMENT</u>	<u>TERM EXPIRES</u>
Wilson Carraway (<i>Hanger Lease</i>)	12/31/2028
Marty Willis (<i>Commercial Airport User</i>)	12/31/2028

Hal Jackson (*Hanger Lease*)

12/31/2028

ARCHITECTURAL REVIEW & ZONING APPEALS BOARD

APPOINTMENT

Carol Biggs
Alison Knox

TERM EXPIRES

12/31/2027
12/31/2027

BUILDING CONTRACTORS EXAMINING BOARD

APPOINTMENT

Jeffery Christian (*General Contractor*)

TERM EXPIRES

12/31/2028

DESTINATION THOMASVILLE TOURISM AUTHORITY

APPOINTMENT

Heather Abbott (*Chamber of Commerce*)
Lauren Arwood (*Citizen*)
Anne McCudden (*Tourism Related*)

TERM EXPIRES

12/31/2025
12/31/2028
12/31/2028

HISTORIC PRESERVATION COMMISSION BOARD

APPOINTMENT

Doug Merchant (*Real Estate*)
Krista Pierce (*Citizen*)

TERM EXPIRES

12/31/2027
12/31/2027

HOUSING AUTHORITY

APPOINTMENT

Cara Hankinson

TERM EXPIRES

12/31/2029

MAIN STREET ADVISORY BOARD

APPOINTMENT

Adrian Burns, (*Chamber*)
Pam Hoveland, (*Citizen*)
Amy Hart, (*Downtown Merchant*)
Whitney White (*Tourism Related*)

TERM EXPIRES

12/31/2025
12/31/2025
12/31/2025
12/31/2026

PLANNING & ZONING COMMISSION

APPOINTMENT

Courtney Williams
Audrey Linder
Michelle Arwood

TERM EXPIRES

12/31/2028
12/31/2028
12/31/2028

TREE & LANDSCAPE BOARD

APPOINTMENT

Emily Bragg
Pam Wright
Wes Smith
Devona Thompson

TERM EXPIRES

12/31/2026
12/31/2026
12/31/2026
12/31/2026

~ END EXHIBIT A ~

Resolutions approving appointments to Authorities and Boards.

Mayor Todd Mobley presented the following appointments to be made by formal resolution.

1. Mayor Pro Tem Scott moved to approve a resolution appointing City Manager, Chris White, to the South Georgia Governmental Authority (SGGSA) Board. Councilmember Brown seconded the motion. There was no discussion. The motion passed 5-0, with the following votes recorded: AYES: Mobley, Scott, Chastain, Baker and Brown.

The approved resolution follows.

RESOLUTION

BE IT RESOLVED by the Council of the City of Thomasville, and it is hereby resolved by the authority of the same, that pursuant to the Bylaws of the South Georgia Governmental Services Authority, City of Thomasville City Manager, Chris White, is hereby appointed to serve as a City of Thomasville Member on the South Georgia Governmental Services Authority Board of Directors for a four-year term, expiring January 15, 2029.

SO DONE, this, the 16th day of December 2024.

2. Councilmember Chastain moved to approve a resolution appointing Councilmember Lucinda Brown to the Thomasville-Thomas County Recreation Advisory Board. Mayor Pro Tem Scott seconded the motion. There was no discussion. The motion passed 5-0, with the following votes recorded: AYES: Mobley, Scott, Chastain, Baker and Brown.

The approved resolution follows.

RESOLUTION

BE IT RESOLVED by the Council of the City of Thomasville, and it is hereby resolved by the authority of the same, that Councilmember Lucinda Brown is appointed to the Thomasville/Thomas County Recreation Advisory Board for a term expiring December 31, 2027.

So Done, this the 16th day of December, 2024.

Resolution ratifying approval of City of Thomasville joining amicus brief in support of the City of Milton.

City Attorney, Timothy C. Sanders reported Chang, et. al. v. City of Milton, State Court of Fulton County, Case No. 18EV004442, involves a claim for liability against the City of Milton for personal injuries sustained due to a vehicle driven by Joshua Chang that collided with a masonry planter located outside the lanes of travel on a City of Milton street. The planter had been in that location since 1992, before the incorporation of the City of Milton, and had never been the subject of a complaint or an accident.

In the State Court of Fulton County, the City of Milton was found to be partially at fault and a jury awarded money damages against the City of Milton of Thirty-Five Million Dollars (\$35,000,000).

The City of Milton appealed and the Georgia Court of Appeals ruled that “*planter...was a hazard for vehicles leaving the travel lanes*” and that its presence “*renders the use of these thoroughfares more hazardous*” affirming the State Court of Fulton County. The City of Milton has now appealed to the Georgia Supreme Court and has solicited cities to join in an amicus brief, also known as a “friend of the court” brief.

The ramifications of Chang, et. al. v. City of Milton, if sustained by the Supreme Court, are considerable. If the Chang case stands, municipalities will be forced to reckon with the potential liability associated with innumerable objects *outside the lane of travel*, in connection with which there have been *no previous complaints or accidents*.

By joining in the amicus brief, the City is not becoming a party to the litigation nor is it undertaking any obligations, financial or otherwise.

City Attorney Sanders reported that Councilmembers were advised of the request to join the amicus brief prior to the deadline due date of December 14, 2024, and this resolution, if adopted will ratify the inclusion of City as joining the amicus brief. City Attorney Sanders requested Council consider the approval and passage of the resolution authorizing and ratifying the City of Thomasville appearing as a participating party to the amicus brief filed in the Supreme Court of Georgia in connection with City of Milton v. Chang, et. al.

Mayor Pro Tem Scott moved to adopt the resolution as presented. Councilmember Chastain seconded the motion. Discussion ensued regarding the potential ramifications for municipal liability throughout the state of Georgia relating to existing planters, statues, signage, and like items that are adjacent to lanes of travel. It was noted that an anticipated timeline of final verdict was unknown. There was no further discussion. The motion passed 5-0, with the following votes recorded: AYES: Mobley, Scott, Chastain, Baker and Brown.

The adopted resolution follows.

**RESOLUTION OF THE CITY OF THOMASVILLE, GEORGIA (the “City”)
AUTHORIZING PARTICIPATION IN AN AMICUS BRIEF IN THE CHANG V. CITY
OF MILTON APPEAL**

WHEREAS, there is presently pending before the Court of Appeals and/or Supreme Court of Georgia an appeal of a civil lawsuit that, at the trial court level, was referred to as Chang, et. al. v. City of Milton, State Court of Fulton County, Case No. 18EV004442;

WHEREAS, the case involves a claim of liability against the City of Milton for personal injuries due to a 2016 vehicle collision with a fixed obstruction (a masonry planter) located on City-owned right of way where the obstruction was outside the motoring lanes of travel;

WHEREAS, the masonry planter had been at the same location since 1992 and had never been the subject of a complaint or prior accident;

WHEREAS, at the trial court, the City of Milton was found to be partially at fault and a jury awarded money damages against the City of Milton of \$35,000,000;

WHEREAS, the Court of Appeals affirmed the findings of the trial court, City of Milton v. Chang, et. al., 2024 WL 4195584 (Chang appellate ruling);

WHEREAS, the Court of Appeals ruled that the “*planter...was a hazard for vehicles leaving the travel lanes*” and that its presence “*renders the use of these thoroughfares more hazardous;*”

WHEREAS, the CITY is concerned by the Court of Appeals decision finding that a municipality may be liable for fixed obstructions located outside the motoring lanes of travel where the obstruction had never been the subject of a prior collision or complaint;

WHEREAS, the CITY believes the Court of Appeals decision is inconsistent with existing legal precedent and should be overturned;

WHEREAS, the amicus brief was due to be filed in the Georgia Supreme Court on December 14, 2024; and,

WHEREAS, the CITY believes the financial implications of the Court of Appeals decision could be devastating for Georgia municipalities.

NOW THEREFORE BE IT RESOLVED, that the City does hereby ratifies and authorizes (i) participation in an amicus brief before the Georgia Supreme Court asking that the Chang appellate ruling be taken by the Supreme Court and reversed (ii) the tendering of the amicus brief including the City's name as a participating party.

This 16th day of December 2024.

Ratify Resolution to Add Membership in a Fund of Georgia Interlocal Risk Management Agency (GIRMA). City Manager, Chris White, reported the Georgia General Assembly mandated the addition of Georgia First Responder PTSD Program membership to the current GIRMA Fund. As time was of the essence to provide membership as mandated, the resolution was signed by Mayor Mobley on November 14, 2024. City Manager White reported this coverage is related to PTSD for public safety (Police and Fire).

Councilmember Brown moved to ratify and adopt the resolution to add membership in the Fund of GIRMA as presented. Mayor Pro Tem Scott seconded the motion. There was no discussion. Thom motion passed 5-0, with the following votes recorded: AYES: Mobley, Scott, Chastain, Baker and Brown.

The ratified and adopted resolution follows.

**A RESOLUTION TO ADD MEMBERSHIP IN A FUND OF
GEORGIA INTERLOCAL RISK MANAGEMENT AGENCY (GIRMA)**

WHEREAS, the Public Entity of the City of Thomasville, located in Thomas County, Georgia ("Public Entity") is a current member of the Georgia Interlocal Risk Management Agency (hereafter GIRMA), an interlocal risk management agency formed pursuant to Chapter 85 of Title 36 of the Official Code of Georgia Annotated; and

WHEREAS, the governing authority of Public Entity is currently a member of a GIRMA Fund and desires to add membership in an additional GIRMA Fund; and

WHEREAS, the governing authority of Public Entity has reviewed the Fund Election Form attached as Appendix A and finds that it is in the best interest of its citizens for Public Entity to be a member of the Funds indicated on the Fund Election Form;

NOW THEREFORE BE IT RESOLVED by the governing authority of Public Entity:

1. Chris White, City Manager, of Public Entity is authorized to execute the GIRMA Fund Election Form attached as Appendix A on behalf of Public Entity and all documents necessary for membership in the GIRMA Funds elected on the Form.
2. The City Manager of Public Entity is designated as Public Entity's representative to GIRMA.
3. Public Entity may change its representative by making a written request to Georgia Municipal Association, Inc., the Program Administrator for GIRMA.

4. This resolution shall be effective on the date of adoption.

Adopted this Monday the 18th day of November 18, 2024

Resolution to approve change order for the 2024 Wastewater Improvements Project and to authorize the Mayor or Mayor Pro Tem to Sign all necessary documents.

Assistant Utilities Superintendent, Eric Gossett reported this project includes performing sanitary sewer rehabilitation with cured in place lining (CIPP) and rehabilitated sanitary sewer manholes with sprayed in lining and performing other necessary and appurtenant work on the following streets: Colonial Drive, Falcon Street, Friar Tuck, Marshall Street, Valwood Avenue and Vine Street. This is typically an annual effort based on the condition of the sanitary sewer infrastructure. This is a proposed change order to the current 2024 Wastewater Improvements Project. The 2024 Wastewater Improvements Project was originally awarded to SAK Construction, LLC. The proposed change order will be in the sum of \$235,929.50. This will bring the total project cost to \$727,288.50. It is requested that Councilmembers consider a resolution to authorize the Mayor or Mayor Pro Temp to sign change order for additional work by contractor on the 2024 Wastewater Improvements Project in the sum of \$235,929.50. Additionally, it is requested in the resolution for a budget amendment for FY2024 to allow for the expenditure related to the 2024 Wastewater Improvements Project.

Councilmember Chastain moved to adopt a resolution to approve the change order for the 2024 Wastewater Improvements Project as presented. Mayor Pro Tem Scott seconded the motion. There was no discussion. The motion passed 5-0, with the following votes recorded: AYES: Mobley, Scott, Chastain, Baker and Brown.

The adopted resolution follows.

**CITY OF THOMASVILLE, GEORGIA
RESOLUTION**

WHEREAS, the City of Thomasville has it is as their responsibility to provide, regulate, and maintain city utilities to its citizens in order to provide reliable services such as water, wastewater, and gas;

WHEREAS, the Civil Engineering and Water Departments for the City of Thomasville, Georgia maintains utility asset information for the wastewater infrastructure in the City of Thomasville, Georgia and the Civil Engineering Department developed construction and contract documents for the 2024 Wastewater Improvements Project;

WHEREAS, the City of Thomasville received American Rescue Plan funds in the amount of \$6,915,294 and desires to use these funds in accordance with required guidelines; and

WHEREAS, the City Council for the City of Thomasville, Georgia desires to award a contract to SAK in the amount of \$491,359.00 to perform the work necessary to complete the 2024 Wastewater Improvements Project.

WHEREAS, the City Council for the City of Thomasville, Georgia desires to make additional sewer improvements using the \$491,359.00 from the American Rescue Plan funds through a change order with the 2024 Wastewater Improvements Project for the SAK Construction, LLC in the amount of \$235,929.50 for a total adjusted amount of \$727,288.50.

WHEREAS, the City Council for the City of Thomasville, Georgia desires to commit funding in the FY2024 budget and to amend the budget for the approved amount of \$235,929.50.

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1. Incorporation of Recitals. The Recitals set forth above are incorporated herein by this reference as if set forth fully in this Section 1.

Section 2. Approval and Authorization of Award. The City Council for the City of Thomasville, Georgia approves the Award amount attached hereto and made a part hereof as Exhibit A (“Award”) and authorizes the Mayor, or Mayor Pro Tempore in the Mayor’s absence, to execute and deliver the Award to proceed.

Section 3. General Authority. From and after the approval of this Resolution, the Mayor, Mayor Pro Tempore, City Manager, officers, and employees of the City of Thomasville, Georgia are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to comply with the provisions of the Change Order as executed and are further authorized to take any and all further actions and execute and deliver any and all other documents and certificates, including but not limited to the Change Order, as may be necessary or desirable in connection with the execution and delivery of the Change Order and any related documents, all of the forgoing in consultation with the City Attorney.

Section 4. Actions Approved and Confirmed. All acts and doings of the City Council, Mayor, Mayor Pro Tempore, the City Manager, the officers, and employees of the City of Thomasville, Georgia that are in conformity with the purposes and intents of this Resolution and in the furtherance of the Change Order and the execution, delivery, and performance of the Change Order and related documents shall be, and the same hereby are, in all respects approved and confirmed.

Section 5. Severability of Invalid Provisions. If any one or more of the provisions herein contained shall be held contrary to any express provision of law or contrary to the policy of express law, though not expressly prohibited, or against public policy, or shall for any reason whatsoever be held invalid, then such provisions shall be null and void and shall be deemed separable from the remaining provisions and shall in no way affect the validity of any of the other provisions hereof or of the Change Order ratified hereunder.

Section 6. Repealing Clause. All resolutions or parts thereof in conflict with the provisions herein contained are, to the extent of such conflict, hereby superseded and repealed.

Section 7. Effective Date. This resolution shall be effective immediately upon its adoption.

Adopted and approved this 16th day of December, 2024.

Resolution to authorize the acceptance of a grant award from the FY2024 Homeland Security Program for Vehicle Mitigation During Special Events.

TPD Major, Shane Harris reported that annually the City of Thomasville closes major street corridors to hold special events such as the Rose Festival, Christmas Parade, and Victorian Christmas. Recent national events such as the Waukesha, Wisconsin Christmas parade, where six people were killed and many others injured by a deranged driver, have forced law enforcement to consider vehicle mitigation for street activities. The City of Thomasville has begun using concrete culverts and large vehicles to harden entry points to these festivities. The use of these items takes enormous preparation, reduces the festival aesthetics, and delays in street openings after the event. Many cities have begun using commercial vehicle mitigation devices to deny access to vehicles while not obstructing pedestrian travel to or from the events; such as various types of bollards. The Thomasville Police Department has researched many commercial vendors for the most viable option. While there are many different ideas and products available to mitigate vehicle traffic a holistic approach was taken in choosing a design. A crash rating of 20 mph was chosen as a base and the aesthetic design had to complement the surrounding theme. After reviewing each product design, crash rating, unit price, product deployment time, and overall aesthetics the police department went with a BOLLARD system. Three different companies submitted quotes and through the procurement process, it is recommended that the Council award the quote to 1-800-BOLLARDS, at the lowest cost of \$17,204.02. The expected outcome is hardening festival entry points, allowing pedestrian traffic to and from the event, allowing emergency vehicles into the restricted area if needed, reducing street barrier time, and aesthetically pleasing while a level of protection to participants. The grant award amount is \$20,000.00 and is a reimbursement grant. Additional costs will be incurred for the bollard installment

process. Those fees are not known at this time. A formal contract for the work will have to be completed. TPD Major Harris requested Council to consider the adoption of a resolution to authorize acceptance of the FY24 Homeland Security grant award; authorize a budget amendment for the commitment and appropriation of funds in FY2024's Budget in the grant amount twenty thousand dollars (\$20,000); and, authorize the Mayor, or Mayor Pro Tem, as the signatory on all necessary and related documents as shall be necessary in relation to the FY24 Homeland Security grant award agreement. Discussion ensued regarding logistics of bollard location, installation, and operation; and emergency vehicle travel when necessary while bollards were in operation. Major Harris reviewed a map of recommended locations on Jackson Street that would restrict vehicle traffic from Crawford Street to Madison Street and only in operation during events. It was noted that during events an officer is stationed at each intersection and safe entry points are ensured specifically for emergency access; the bollards would have no impact on that type of access.

Councilmember Chastain moved to adopt the resolution as presented and discussed. Mayor Pro Tem Scott seconded the motion. There was no further discussion. The motion passed 5-0, with the following votes recorded: AYES: Mobley, Scott, Chastain, Baker and Brown.

The adopted resolution follows.

RESOLUTION

WHEREAS, the Council of the City of Thomasville, Georgia, is committed to providing safety to citizens who visit or participate in city events where streets are closed to all vehicular traffic. The council desires to provide the necessary safety equipment to ensure this safety.

WHEREAS, the Council of the City of Thomasville, Georgia, desires to accept an award from the Georgia Emergency Management and Homeland Security Agency (GEMA/HS) FY24 State Homeland Security Grant Program to obtain funding for a vehicle mitigation system comprising of street bollards; and,

WHEREAS, the Council of the City of Thomasville, Georgia, desires to commit funding in the annual budget to provide for the provision of the matching funds as a requirement of the FY24 Homeland Security Grant Program; and,

WHEREAS, the Council of the City of Thomasville, Georgia, desires to authorize the Mayor and Mayor Pro Tem to sign all necessary and related documents as shall be necessary for relation to the FY24 Homeland Security Grant award; and,

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Thomasville, Georgia, hereby authorizes acceptance of the FY24 Homeland Security grant award in an amount of twenty thousand (\$20,000); and,

BE IT FURTHER RESOLVED that the Council of the City of Thomasville, Georgia, further authorizes a budget amendment for the commitment and appropriation of funds in the FY2024 Budget in the grant amount of twenty thousand dollars (\$20,000) as required to accept the FY24 Homeland Security grant award: 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 Tem, as the signatory on all necessary and related documents as shall be necessary for relation to the FY24 Homeland Security grant award agreement.

PASSED, APPROVED, AND ADOPTED by the Council of the City of Thomasville, Georgia, on this, the 16th day of December 2024.

Consider Resolutions in reference to the adoption of the City of Thomasville FY2025 Proposed Budget.

Chief Financial Officer, Ashley Cason, reported that Council was previously presented with the City of Thomasville Proposed Budget FY 2025, which included proposed fees and utilities rates for Fiscal Year 2025. There had been discussion relating to opposition to proposed increases in utility rates and certain fee schedules. With that direction from Councilmembers, changes were made to the proposed City-Wide Fee Schedule and Utility Rates and the following was considered.

1. Resolution to adopt the City of Thomasville FY 2025 Departmental Fee Schedules.

CFO Cason reported that every year when preparing the budget, each of the Utilities and Enterprise Funds are reviewed to determine whether rates and fees need to be adjusted to cover the cost of providing services. These costs include operating and capital costs along with any applicable debt and reserve obligations. CFO Cason noted that originally eight Funds (departments) had requested changes to their respective fee schedules; however, following discussion in opposition by Councilmembers regarding certain updated fees for Public Works, Wastewater and Fire, those updates have been removed. The following five Funds requested proposed changes to their current fee schedules, which have all been represented in the 2025 Proposed Budget.

- Airport
- Golf Course
- Solid Waste
- Landfill
- Police

Mayor Pro Tem moved to adopt the resolution for the City of Thomasville FY 2025 Departmental Fee Schedules as presented. Councilmember Chastain seconded the motion. There was no further discussion. The motion passed 5-0, with the following votes recorded: AYES: Mobley, Scott, Chastain, Baker and Brown.

The adopted resolution follows.

City of Thomasville City Wide Fees Resolution Fiscal Year 2025

WHEREAS, the City of Thomasville provides certain services which are deemed to be for the general welfare and in the best interest of its citizens; and

WHEREAS, the provisions of these services require the collection of revenue and the appropriation of expenditures; and

WHEREAS, the fiscal year of the City of Thomasville begins on the 1st day of January, and ends on the 31st day of December of each year; and

WHEREAS, a city-wide fee schedule has been prepared and itemized by both Governmental and Enterprise Funds for the projected revenues for the fiscal year 2025:

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Thomasville that the city-wide fees be adopted as presented by the Chief Financial Officer and attached.

SO DONE, in regular session of the Council of the City of Thomasville this the 16th day of December 2024.

2. Resolution to adopt the City of Thomasville FY 2025 Utility Rates.

CFO Cason reported that every year when preparing the budget, each of the Utilities and Enterprise Funds are reviewed to determine whether rates and fees need to be adjusted to cover the cost of providing services. These costs include operating and capital costs along with any applicable debt and reserve obligations. On November 18th, 2024, the Proposed Budget was presented to the Council at a scheduled budget review meeting. At this meeting, we provided the Council with the following proposed utility rate adjustments, which are all represented in the 2025 Proposed Budget.

- 3% Utility Rate Increase for Water
- 5% Utility Rate Increase for Wastewater
- \$2 Utility Rate Base Charge Increase for Inside Residential Solid Waste (\$3 for Outside Residential)
- \$2 Utility Rate Base Charge Increase for Electric plus various increases across each class of customers for generation (consumption) charges

Since the Council Workshop, which was held on December 11th, all utility rates (excluding the Solid Waste Rolloff rate and Outside Cities Additional Container Rate) were updated and will remain the same as the 2024 utility rates. No rate adjustments will take place as of 2025.

Councilmember Brown moved to adopt the resolution to adopt the City of Thomasville FY 2025 Utility Rates as presented. Mayor Pro Tem Scott seconded the motion. There was no further discussion. The motion passed 5-0, with the following votes recorded: AYES: Mobley, Scott, Chastain, Baker and Brown.

The adopted resolution follows.

City of Thomasville Utility Rates Resolution Fiscal Year 2025

WHEREAS, the City of Thomasville provides certain services which are deemed to be for general welfare and in the best interest of its citizens; and

WHEREAS, the provisions of these services require the collection of revenue and the appropriation of expenditures; and

WHEREAS, the fiscal year of the City of Thomasville begins on the 1st day of January, and ends on the 31st day of December of each year; and

WHEREAS, a utility rate schedule has been prepared and itemized by Utility Enterprise Funds for the projected revenues for the fiscal year 2025:

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Thomasville that the Water, Wastewater, Electric, and Solid Waste utility rates be adopted as presented by the Chief Financial Officer and attached.

SO DONE, in regular session of the Council of the City of Thomasville this the 16th day of December 2024.

3. Resolution to adopt the City of Thomasville FY 2025 Budget.

CFO Cason reported that the operating and capital budgets are one of the most important documents a government can produce. The budget works as a financial planning tool, a policy and legally binding document, a guide for operations and capital, and a communication device that expresses to the citizens the Council's vision for the City. Each year, the City is responsible for adopting the operating and capital budgets for the upcoming fiscal year. CFO Cason further reported that on November 18th, 2024, the Proposed Budget was presented to the Council at a scheduled budget review meeting. At this meeting, we compared the 2024 budget against the 2025 proposed budget. A high-level overview of some key takeaways in the Proposed Budget were also presented. This included the following:

1. No Property Tax Included in Proposed Budget
2. 3% Utility Rate Increase for Water
3. 5% Utility Rate Increase for Wastewater
4. \$2 Base Rate Utility Rate Increase for Residential Inside Solid Waste Customers (\$3 Base Rate Increase for Outside Residential Solid Waste Customers)
5. \$2 Base Rate Utility Rate Increase for Electric along with various generation increases across all classes
6. The following Budget Cuts were made to the 2025 Budget Requests:
 - a. 13% of Mainstreet Events

- b. Northside Park Street Paving Project
- c. 2024 LMIG/SPLOST Paving Projects
- d. 18 Vacant Positions were Unfunded.
- e. Delayed start for Hansell Street Sidewalk Project and Lift Station Three Project

In addition to the information above, we made note of the number of new positions (net 4 additional positions) added to the budget for 2025.

Since the Council workshop on December 11th, the following changes have been made.

1. Rolled Back the Proposed Utility Rate Increases for Water, Wastewater, Solid Waste & Electric.
2. The Following Capital was Cut from the 2025 Proposed Budget:
 - a. 1 Knuckle boom in Solid Waste
 - b. 1 Dump Truck in Water
 - c. 1 Van in Building Maintenance
3. Transferred Community Outreach operating expenses from Human Resources to Marketing

Overall, with the changes, the Proposed Budget for 2025 includes \$155,299,484 in revenues and \$136,281,891 in operating expenses. The budget includes transfers to the general fund of \$12,957,500 and no ad valorem taxes. A public hearing was also held on December 5th, 2024, for citizens' input. The same presentation and information from the November 18th meeting were scheduled to be provided again at this hearing to offer multiple in-person opportunities to attend a budget information session; however, no citizens were in attendance, so the meeting adjourned after roughly 20 minutes.

Mayor Pro Tem Scott moved to adopt the resolution to adopt the City of Thomasville FY2024 Budget as presented. Councilmember Chastain seconded. There was no further discussion. The motion passed 5-0, with the following votes recorded: AYES: Mobley, Scott, Chastain, Baker and Brown.

The adopted resolution follows.

**City of Thomasville Budget Resolution Fiscal Year 2025
Operating and Capital Budget**

WHEREAS, the City of Thomasville provides certain services which are deemed to be for the general welfare and in the best interest of its citizens; and

WHEREAS, the provisions of these services require the collection of revenue and the appropriation of expenditures; and

WHEREAS, the fiscal year of the City of Thomasville begins on the 1st day of January, and ends on the 31st day of December of each year; and

WHEREAS, a budget has been prepared which itemizes projected revenue and proposed expenditures for the fiscal year 2025:

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Thomasville that for the following budget be adopted for the various funds of the City of Thomasville and for the various Utilities funds as presented by the Chief Financial Officer and attached.

BE IT FURTHER RESOLVED, that certain appropriations as outlined in the capital budget document are contingent upon the receipt of federal and state grant funds and other revenues and those appropriations will be disbursed only as those funds become available.

BE IT FURTHER RESOLVED, that the revenue from the Utilities Department of the City of Thomasville be transferred on an as needed basis.

SO DONE, in regular session of the Council of the City of Thomasville
this the 16th day of December 2024.

Consider Resolutions in reference to the Georgia Department of Transportation (GDOT) PI #0015394 – Old Albany Road Sidewalk construction project.

1. Resolution to enter into an agreement with GDOT for construction funding for PI #0015394.
2. Resolution to award bid, and enter into contract, for GDOT PI #0015394.

Clerk's Note: This item was removed from the Council Meeting Agenda prior to the adoption of the agenda, and therefore was not discussed and no action was taken relating to this item.

Motion to approve an Addendum to the Art Gift Agreement with Thomasville Center for the Arts for two additional wildlife bronze sculptures.

Managing Director of Marketing & Communications, April Norton, reported that the City of Thomasville has been fortunate to have an ongoing partnership with Thomasville Center for the Arts for many years. One partnership is that of the Wildlife Bronze Sculptures that are installed downtown. There are seven bronze sculptures showcasing our "Wildlife in Public Places" initiative that began in 2005. This partnership developed in relation to the timing of the annual Wildlife Arts Festival, where a bronze sculpture was purchased by Thomasville Center for the Arts and then gifted to the city, with the city covering installation. Each sculpture is placed in honor or memory of someone, and the city has maintained each of these sculptures to ensure they remain protected. Earlier this year, the City Council approved a formal art agreement for the bronze sculptures. Two additional wildlife bronze sculptures are to be added downtown, therefore there is now an addendum to the Art Gift Agreement. The Art Gift Agreement contains agreement conditions, including protection of the gifted items, exhibition of borrowed items, return of gifted items and VARA indemnification, along with value of each bronze art piece, a map of the bronze placement downtown, description of each item and their plaque information. These projects have been rewarding to the City and TCA, along with our locals and visitors. It has been proven that art is a great way to connect people with your community and highlight collectively what makes our community so special. In November, with the kickoff of the Wildlife Arts Festival, Thomasville Center for the Arts unveiled two new bronze sculptures to be installed downtown. This installation to occur before year-end requires an addendum to the Art Agreement for your review and approval.

Councilmember Chastain moved to approve the Addendum to the Art Gift Agreement between the City of Thomasville and Thomasville Center for the Arts, and to authorize the Mayor or his designee to sign the agreement. Councilmember Brown seconded the motion. It was noted that the new sculptures will be installed in the 100 block of West Jackson Street and will help guide people towards the Creative District.

REPORTS

City Manager White reported that there is a lot of work by Team Thomasville behind the scenes to prepare items for Council's consideration. He commended staff members for their hard work and dedication to get all items ready for Council's consideration and commended Councilmembers on their unanimous votes on this meeting's items. City Manager White also reported that the recent Victorian Christmas Festival event was successful, with over 30,000 visitors over the two-night event. City Manager White noted this is the last meeting of 2024 and wished Councilmembers, staff, and the community a Merry Christmas and Happy New Year.

Assistant City Manager Sealy echoed City Manager White's sentiments and thanked Council for their support of Team Thomasville.

Councilmembers collectively recognized staff and citizens for their support in 2024 and noted they too were looking forward to the possibilities the new year held. Councilmembers recognized the efforts of Team Thomasville and commended them for everything they do to keep the City of Thomasville in operation. Councilmembers collectively wished everyone a Merry Christmas, Happy Holidays and a Happy New Year.

ADJOURNMENT

Having no further business for consideration, the Thomasville City Council Meeting was adjourned at 6:36 PM.

CITY OF THOMASVILLE, GEORGIA



Mayor, Todd Mobley



ATTEST: City Clerk

