

City of Thomasville Council Meeting, April 22, 2019

The Council of the City of Thomasville met in regular session with Mayor Pro Tempore Terry Scott presiding and the following Councilmembers present: Councilmembers David Hufstetler, Jay Flowers and Todd Mobley. Also present were the City Manager, J. Alan Carson; City Attorney, Tim Sanders; other staff, members of the press and citizens. The meeting was held in Council Chambers at 144 East Jackson Street in Thomasville, Georgia.

CALL TO ORDER

Mayor Pro Tem Scott called the meeting to order at 7:00 PM.

INVOCATION

Given by Councilmember Flowers.

PLEDGE OF ALLEGIANCE

Mayor Pro Tem Scott led the Pledge of Allegiance.

APPROVAL OF MINUTES

Councilmember Mobley moved to approve minutes of the regular City Council Meeting of April 8, 2019 as presented. Councilmember Flowers seconded. There was no further discussion. The motion passed 4-0, with the following votes recorded:

AYES: Mayor Pro Tem Scott and Councilmembers Hufstetler, Flowers and Mobley.

CITIZENS TO BE HEARD

Mayor Pro Tem Scott acknowledged the following citizens who signed in to address Council:

1. Mary C. Hopkins, 204 Broadnax Street, Thomasville, Georgia, spoke on behalf of the Arizona Neighborhood Watch and presented to Council a list of Community Concerns. The Neighborhood Watch requested the assistance of the City Council in removal of blight that deteriorates the community, and in some cases, poses a threat to the safety of our residents and visitors. City Manager Carson noted staff would review their list of concerns and address accordingly.
2. Keith Thomas, 711 Westover Avenue, Thomasville, Georgia, addressed Council regarding his concerns of services to the underserved areas of the Thomasville Community.

ADOPT AGENDA

Councilmember Mobley moved to adopt the printed agenda as presented. Councilmember Hufstetler seconded. There was no further discussion. The motion passed 4-0, with the following votes recorded:

AYES: Mayor Pro Tem Scott and Councilmembers Hufstetler, Flowers and Mobley.

PRESENTATIONS / RECOGNITIONS

There were none presented.

OLD BUSINESS

Second reading of an ordinance to amend Thomasville Municipal Code, Chapter 3 Alcoholic Beverages.

Asst. City Manager/Economic Development & Communications, Lynn Williams, presented. Williams noted following the first reading of the ordinance, staff requested the effective date of the ordinance to be amended to June 3, 2019. The amended effective date would provide staff with adequate time to notify existing license holders of the ordinance. Williams noted there were no other changes to the ordinance following the first reading.

Councilmember Hufstetler moved to order the ordinance read for the second time, passed and adopted, with the amended effective date of June 3, 2019. Councilmember Flowers seconded. There was no further discussion. The motion passed 4-0, with the following votes recorded:

AYES: Mayor Pro Tem Scott and Councilmembers Hufstetler, Flowers and Mobley.

The following ordinance was ordered read for the second time, passed and adopted:

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF THOMASVILLE, GEORGIA, BY ADDING TO CHAPTER 3, CAPTIONED "ALCOHOLIC BEVERAGES," A NEW ARTICLE V TO BE CAPTIONED "SALE OFF-PREMISES FOR CATERED FUNCTIONS"; TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH; TO PROVIDE FOR THE EFFECTIVE DATE OF THE ORDINANCE; AND FOR OTHER PURPOSES.

SECTION I

BE IT ORDAINED by the council for the City of Thomasville, Georgia, and it is hereby ordained by the authority of the same, that a new Article V shall be added to Chapter 3, to be captioned "Sale Off-Premises for Catered Functions", and the new Article V to Chapter 3 shall read as follows:

Section 3-211A. ARTICLE V. SALE OFF-PREMISES FOR CATERED FUNCTIONS.
Sec. 3-212 Definitions.

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Authorized Catered Function means a function held at a location within the City for which an event permit has been issued by the City in accordance with this Article.

Licensed Alcoholic Beverage Caterer means any retail dealer licensed by the State of Georgia, for on-premises consumption of alcoholic beverages, who additionally holds a valid license from the City to sell distilled spirits, malt beverages, or wine for consumption off premises at Authorized Catered Functions.

Licensee means the person to whom a license is issued, or in the case of a partnership, limited liability company or corporation, all partners, members, officers, and directors of such entity.

Person means any individual, company, corporation, association, partnership or other legal entity.

Section 3-213 Authority to sell; license required; separate application required for each place of business.

Alcoholic beverage caterers may operate in the City only under a license granted by the city council on the terms and conditions provided in this chapter. Wine, beer, malt beverages and distilled spirits shall

not be distributed, sold, or possessed for the purpose of sale without a license granted by the city council. A separate application must be made and a separate alcoholic beverage caterer license must be obtained for each place of business.

Section 3-214 Eligibility for license; application; fee.

(a) Any person holding a valid current alcohol license from the city council authorizing the licensee to sell beer, malt beverages, or wine by the drink for consumption on the premises, but not a license to sell beer, malt beverages, or wine by the package for consumption off the premises may apply for and be issued an off-premises license as an alcoholic beverage caterer to sell or distribute beer, malt beverages, or wine by the drink off-premises in connection with an Authorized Catered Function. Applications shall be supported by evidence of all required licenses in good standing and proof of payment of any applicable excise and/or occupation taxes. Any suspension or revocation of the underlying license to sell beer, malt beverages, or wine by the drink for consumption on the premises shall automatically suspend for the same period of time or revoke the license as an alcoholic beverage caterer granted pursuant to this Article.

(b) Any person holding a valid current alcohol license from the city council authorizing the licensee to sell distilled spirits by the drink for consumption on the premises may apply for and be issued an off-premises license as an alcoholic beverage caterer to sell or distribute distilled spirits by the drink off-premises in connection with an Authorized Catered Function. Applications shall be supported by evidence of all required licenses in good standing and proof of payment of any applicable excise and/or occupation taxes. Any suspension or revocation of the underlying license to sell distilled spirits by the drink for consumption on the premises shall automatically suspend for the same period of time or revoke the license as an alcoholic beverage caterer granted pursuant to this Article.

(c) Each application for a license as an alcoholic beverage caterer shall be made on form furnished to the applicant by the city clerk and shall be accompanied by a certified check for the full amount of the license fee set forth as follows:

(1) Alcoholic beverage caterers selling wine to be consumed on the premises of and at the location of the authorized catered function, \$100.00 per year.

(2) Alcoholic beverage caterers selling beer and malt beverages to be consumed on the premises of and at the location of the authorized catered function, \$100.00 per year.

(3) Alcoholic beverage caterers selling distilled spirits to be consumed on the premises of and at the location of the authorized catered function, \$500.00 per year.

The license fees set forth in this section shall remain in effect until modified or amended by subsequent resolution adopted by the city council.

Section 3-215 Event permits; alcoholic beverage license required.

(a) Any alcoholic beverage caterer who possesses a valid license from the City and possesses a valid license from the State of Georgia to sell beer, malt beverages, wine or distilled spirits by the drink for consumption on the premises may be issued an event permit by the city council authorizing such sales off-premises and in connection with an Authorized Catered Function.

(b) A Licensed Alcoholic Beverage Caterer may sell only that beverage which is authorized by the alcoholic beverage license in effect. For example, if the Licensed Alcoholic Beverage Caterer possesses a

valid license to sell malt beverages, only malt beverages can be sold by the Licensed Alcoholic Beverage Caterer at an Authorized Catered Function.

(c) An alcoholic beverage caterer shall submit an application for an off premises event permit to the city manager.

(d) It is unlawful for any person to engage in, carry on or conduct the sale or distribution of alcoholic beverages off-premises and in connection with an authorized catered function without first having obtained a license as provided herein.

Section 3-216 Event permit required; application and fee; expiration.

(a) In addition to the license required herein, any alcoholic beverage caterer wishing to sell or distribute beer, malt beverages, wine or distilled spirits at an Authorized Catered Function within the City must apply for an event permit. The application for the event permit shall include:

- 1) The name of the caterer and a copy of the alcoholic beverage caterer's license;
- 2) The date of the event;
- 3) The location of the event;
- 4) The time and hours of the event;
- 5) The name and telephone number of the host or sponsor of the event;
- 6) Whether the facility is private or public;
- 7) the number of persons expected to be in attendance at the event;
- 8) Security and parking enforcement plans and personnel; and
- 9) The quantity of alcoholic beverages to be transported from the licensee's primary location to the location of the authorized catered function.

The application shall be signed by the Licensed Alcoholic Beverage Caterer and the event host or sponsor. If the event host or sponsor is not the owner of the property at which the event will be held, then the owner of the property, or the owner's authorized agent, shall sign the application consenting to the distribution and sale of alcoholic beverages at that location.

(b) The event permit fee shall be \$25.00. Each application for an event permit by a Licensed Alcoholic Beverage Caterer shall be accompanied by a certified check for the full amount of the event permit fee.

(c) The original event permit shall be kept in the Licensed Alcoholic Beverage Caterer's vehicle at all times while transporting the alcoholic beverages to the Authorized Catered Function. The event permit also shall be conspicuously maintained at the site of the Authorized Catered Function and shall be available for inspection at Authorized Catered Function during the duration of such event or Authorized Catered Function.

(d) It is unlawful for a Licensed Alcoholic Beverage Caterer to distribute or sell alcoholic beverages off-premises, except as authorized by the event permit.

(e) The event permit will be valid for the length of the Authorized Catered Function. After expiration of the Authorized Catered Function, the event permit shall expire and the alcoholic beverage caterer shall apply for a new event permit in the same manner as the original event permit for any subsequent Authorized Catered Function.

(f) An event permit may be refused by the city manager for any of the following reasons:

- (1) Inadequate or incomplete application;
- (2) Failure to submit the permit fee with the application;
- (3) Inadequate parking or enforcement personnel at the facility designated;
- (4) Criminal record of host or caterer permit holder;
- (5) Previous complaints on location or of applicant;
- (6) Previous damage to persons or property by applicant or permit holder; or
- (7) Failure to furnish any requested data shall automatically serve to dismiss the application with prejudice;
- (8) The plan of the event as proposed is likely to restrict and/or congest traffic on any of the public roads, rights-of-way, or sidewalks in the immediate vicinity of the event, or is likely to present a danger to the health and safety of the guests at the event or members of the public;
- (9) The plan of the evening as proposed is likely to cause a disturbance of the peace at the time of the event, or is likely to intrude upon the privacy or property of citizens in the area of the event; and
- (10) The plan of the event is inconsistent with the uses of or is prohibited at the event location.

(g) No event permit will be issued for an event at any location with respect to which any alcohol license has been denied or revoked within the past twelve (12) months.

(h) Except as set forth above in this Article V, a Licensed Alcoholic Beverage Caterer must comply with all other provisions set forth in this Chapter, including but not limited to the provisions of Article III, Operating Regulations.

Section 3-217 Duration and renewal of license.

Any license issued hereunder shall automatically expire on December 31st of the year of issuance. Each licensee shall make an application for a new license for the succeeding calendar year as provided herein for new licenses; provided, however that advertisement of the application is waived in accordance with section 3-62, and provided, further, that nothing herein contained shall be deemed to prohibit a licensee from applying for a new license for the succeeding calendar year within a period of 60 days next prior to the date of expiration of his current license.

Section 3-218 Restrictions.

(a) No person under the age of 21 shall be employed by a licensed alcoholic beverage caterer, who, in the course of such employment, would dispense, serve, sell, or handle alcoholic beverages as prohibited by O.C.G.A. § 3-3-23 and § 3-3-23.1.

(b) No person under the age of 21 shall be dispensed, served or sold alcoholic beverages by any alcoholic beverage caterer.

(c) No alcoholic beverage caterer may distribute or sell alcoholic beverages during any hours prohibited by the State of Georgia or the City or on any days prohibited by the State of Georgia or the City.

SECTION II

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

SECTION III

BE IT FURTHER ORDAINED that this ordinance shall become effective on June 3, 2019.

SECTION IV

This ordinance was introduced and read at a lawful meeting of the City council for the City of Thomasville, Georgia, held on April 8, 2019, 2019, and read the second time, passed and adopted in like meeting held on April 22, 2019.

First reading of an ordinance to rezone 462 North Pinetree Boulevard.

City Planner, Kenny Thompson, presented. The applicant has requested to rezone their property at 462 North Pinetree Boulevard from C-1A (Limited Business District) L.U. (Limited Use – Lodge) to C-1 (Commercial) C.U. (Conditional Use – Manufacturing, processing and packaging-Light). This parcel is currently zoned as “Limited Use” (LU). The intent of the LU zoning was to provide conditional approval for a specific use that would expire once the particular use has ended. However, this zoning district was highlighted in the code audit as being potentially illegal and unconstitutional. Because of this, the City is moving away from using the LU zoning classification for rezoning. During the update of the development ordinances, this issue will be resolved for future developments. The underlying zoning for the parcel is C-1 L.U. In order to be considered for the proposed use, the parcel will need to be rezoned to C-1 (Commercial) C.U. (Conditional Use – Manufacturing, processing and packaging-Light).

The rezoning proposal will permit a use that is suitable in view of the use and development of the adjacent and nearby property. The underlying zoning for the property is C-1A. Rezoning the property to C-1 will not adversely affect the adjacent properties, and will permit uses that are suitable for the property and existing infrastructure. Additionally, the current zoning restricts the use of the property from having a reasonable economic use. The conditional use for light manufacturing will allow the property owner to use the existing building for a Cabinet Shop. Under this use, the following conditions must be met:

- The operation shall not emit or produce smoke, noise, odor, dust, vibration or fumes.
- Goods may be displayed or sold on site.
- All supplies, goods, etc. shall be maintained inside the facility only.

For a conditional use, additional restrictions or standards may be imposed as necessary to protect the health and safety of community members, and to protect the value and use of property in the general neighborhood, as set forth in Section 22-382 of the Thomasville Municipal Code. The Planning and Zoning Commission requests the following stipulations be placed on the property:

- Use shall only be for a Cabinet Shop
- Hours of operation shall be from 7:00am to 7:00pm Monday – Saturday
- Semi-truck deliveries shall be from 8:00 am to 6:00 p.m. Monday-Saturday
- Site improvements shall be reviewed with the Planning Department. Site improvements include but are not limited to the reconfiguring of the parking area, landscaping, vehicular travel routes and curb cut reduction.
- All loading and unloading must take place in the rear of the building.

City Staff and the Planning and Zoning Commission, request approval of rezoning this parcel from C-1A LU (Lodge) to C-1 CU (Manufacturing, processing and packaging-Light) with the recommended stipulations/conditions. Discussion ensued regarding the legal descriptions of stipulations and/or conditions. City Attorney Sanders agreed to work though this language change with the City Planner to ensure appropriate language is presented in the ordinance for the second reading.

Councilmember Flowers moved to order the ordinance read for the first time, passed and carried over as presented. Councilmember Mobley seconded. There was no further discussion. The motion passed 4-0, with the following votes recorded:

AYES: Mayor Pro Tem Scott and Councilmembers Hufstetler, Flowers and Mobley.

The following ordinance was ordered read for the first time, passed and carried over:

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 30 OF SECTION 22-81 CAPTIONED "C-1, LU COMMERCIAL-LIMITED USE (LODGE)", TO DESCRIBE SAID EXCLUDED TRACT AND TO DESIGNATE THE SAID SAME TRACT AS PARCEL 90 OF SECTION 22-81 CAPTIONED "C-1, CU COMMERCIAL-CONDITIONAL USE (MANUFACTURING, PROCESSING AND PACKAGING-LIGHT) WITH STIPULATIONS". TO ESTABLISH THE EFFECTIVE DATE OF THIS ORDINANCE; TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES.

Approval of Alcohol License for Consumption of Wine, applicant: Exhale Day Spa, 125 North Broad Street, Suite 206, Thomasville, Georgia.

Tax Coordinator, Melissa Creel, presented. Tonya H. Hill, owner/applicant, has applied for a License to Engage in the Business of Selling Wine for Consumption License for Exhale Day Spa at 125 North Broad Street, Suite 206, Thomasville, Georgia. Creel reported that the owner/applicant has met all requirements to receive the license. Creel noted Ms. Hill was unable to attend this meeting. Creel stated Hill has received a copy of the ordinance and was informed of the importance of strictly adhering to the City of Thomasville's Alcoholic Beverage Sales ordinances, the required employee training programs and the Thomasville Police Department's routinely conducted "Mystery Shopper Program" which monitors the enforcement of the prohibition of sales of alcohol to underage persons.

Councilmember Hufstetler moved to approve the License for Wine Consumption for Tonya H. Hill, Exhale Day Spa, as presented. Councilmember Flowers seconded. There was no further discussion. The motion passed 4-0, with the following votes recorded:

AYES: Mayor Pro Tem Scott and Councilmembers Hufstetler, Flowers and Mobley.

Bids and award for the purchase of a contract to abandon existing monitoring wells and new well installation at the Thomasville-Thomas County Landfill.

City Engineer, Wayne Newsome, presented. On November 28, 2018, Council approved a request by staff to move forward with construction of one-half of a new waste disposal cell (Cell 5) and construction of a new sediment pond (Pond 3) at the solid waste landfill. In advance of construction of the new cell, it is necessary to abandon several current monitor wells that occupy the footprint of the planned Cell 5 construction. Additionally, new monitoring wells are to be installed outside the footprint of Cell 5 (and any permitted future cells). Staff received price proposals from Bunnell Lammons Engineering (BLE), Advanced Environmental Technologies, LLC (AET), and Geotechnical & Environmental Consultants, Inc., to abandon existing wells, install new monitoring wells, and install 30 new methane monitoring probes. BLE has a lot of experience at the landfill; therefore, landfill staff and HHNT (landfill consultant) are familiar with their work. Neither HHNT, nor landfill staff, have prior work experience, or familiarity, with AET. The original proposal received from AET (\$128,852.77) was substantially lower than the proposal received from BLE. Further review of AET's proposal was conducted, and they were asked to revise the

scope language in their proposal to include additional detail in their price proposal. After revising the scope language in their proposal, AET's proposal was substantially higher than the original. The omissions in the original proposal were directly related to their unfamiliarity with the landfill or landfill work, in general. The revised costs reflect items that should have been included in the original proposal, such as the cost to operate an ATV mounted drill rig (many of the new wells are located in heavily wooded areas), and other items that should have been considered in the original proposal. In certain cases, particularly when it relates to environmental compliance, and other professional services, it may not always be in the City's best interest to go with the lowest bid received. Those concerns were addressed by staff during Council Workshop discussion. A firm with prior landfill experience, would not have underestimated their original proposal. That is an illustration to the City Engineer that they either did not understand what the work entailed, or did not undertake due diligence in preparation of their original proposal, or a combination of both. The following is a summary of the bids received:

<u>BIDDER</u>	<u>BID AMOUNT</u>
Bunnell Lammons Engineering (BLE)	\$ 193,625.00
Advanced Environmental Technologies, LLC (AET)	\$ 175,942.07
Geotechnical & Environmental Consultants, Inc. (GEC)	\$ 206,000.00

Staff has carefully considered all proposals submitted. Based on comparison of the proposals and the submitting companies' experience and qualifications, staff recommends award of the contract to abandon existing monitoring wells, install new wells, and new methane monitoring probes to Bunnell Lammons Engineering (BLE) in the amount of \$193,600.00 utilizing budgeted 2019 Landfill Capital Funds for Cell 5 construction.

Councilmember Hufstetler moved to award the purchase of the contract as presented to Bunnell Lammons Engineering (BLE) in the amount of \$193,600.00 utilizing budgeted 2019 Landfill Capital Funds for Cell 5 construction. Councilmember Mobley seconded. There was no further discussion. The motion passed 4-0, with the following votes recorded:

AYES: Mayor Pro Tem Scott and Councilmembers Hufstetler, Flowers and Mobley.

Bids and award for the purchase of professional services for the implementation of Phase 3 of Cityworks.

Information Technology Director, Clint Wilkerson, presented. Over the past two years, City of Thomasville has implemented Azteca's Cityworks AMS application. Cityworks AMS is an asset management solution that allows multiple departments within the organization to document, service, and maintain assets within our utility operations. Phase 3 of the Cityworks project includes configuring the Cityworks database to allow for asset condition scoring; adding vertical assets into our GIS database; configuring the Cityworks database for management of the vertical assets via workflows which include service requests, work orders, inspections, etc.; and building reports that can be used for regulatory filing. Staff crafted an RFP and received four responses. All vendors were evaluated on technical abilities before costs were considered. Based on the technical qualifications of the RFP, two responding vendors were considered for this project. This work is budgeted in the 2019 IT Capital budget. The following is a summary of bids received:

<u>BIDDER</u>	<u>BID AMOUNT</u>
Jones Edmunds	\$98,500.00
Power Engineers	\$176,612.00
KCI Technologies	Did not meet qualifications
Timmons Group	Did not meet qualifications

Staff recommends award of a contract for professional services to Jones Edmunds, Gainesville, Florida, in the amount of \$98,500.00 to perform the scope of services outlined in the proposal, being qualified to perform those services, and being the lower cost of the proposals received. It was noted that staff conducted extensive due diligence with Jones Edmunds to ensure their submitted proposal would indeed meet the City of Thomasville's needs as they pertained to this implantation of Phase 3 of Cityworks.

Councilmember Flowers moved to award the purchase of professional services to Jones Edmunds, Gainesville, Florida, in the amount of \$98,500.00 as presented. Councilmember Mobley seconded. There was no further discussion. The motion passed 4-0, with the following votes recorded:

AYES: Mayor Pro Tem Scott and Councilmembers Hufstetler, Flowers and Mobley.

CONSENT AGENDA

There were no items considered for the Consent Agenda.

REPORTS

Councilmembers commended staff for the preparations throughout the community for the upcoming 98th Annual Rose Show & Festival, held annually on the weekend of the fourth Friday in April, and for numerous other events which draw visitors from near and far to Thomasville. Councilmember Flowers reported The Georgia Trust for Historic Preservation hosted its Annual Spring Ramble in Thomasville on April 12-14, 2019, and noted there were over 640 visitors participating in the event. He also reported Thomasville was the host to over 400 bicycle enthusiasts, with 225 who participated in a 100-mile cycle ride. Councilmember Flowers reported the economic impact from events such as these are tremendous for the City of Thomasville and its community.

ADJOURNMENT

Having no further discussion, the Thomasville City Council Meeting was adjourned at 6:20 PM.

OFFICIAL RECORD OF APPROVAL:

The foregoing Thomasville City Council Meeting Minutes of April 22, 2019 were approved by Thomasville City Council at a duly convened Thomasville City Council Meeting on May 13, 2019 with the following action taken:

COUNCIL MEMBERS PRESENT: Mayor Pro Tempore Terry Scott, and Councilmembers David Hufstetler, Jay Flowers and Todd Mobley.

RESULT: APPROVED AS PRESENTED, with no exceptions (4-0 Vote).

MOVER: Councilmember Todd Mobley.

SECONDER: Councilmember Jay Flowers.

AYES: Mayor Pro Tempore Scott, Councilmembers Hufstetler, Flowers and Mobley.

Mayor Pro Tempore Terry Scott did affix his signature, attested by the City Clerk, to the original and official record of the Thomasville City Council Meeting Minutes of April 22, 2019. The original and official record of these minutes are retained permanently in the office of the City Clerk.